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INVITED COMMENTARY by Sue Green and Eileen Baldry

on 'After the apology: Why are so many First Nations children still in foster care?' by Cindy Blackstock

The striking thing about the description and analysis of the context and experiences of Canadian First Nations children, as Professor Blackstock notes, is the strong similarity with those of Australian Aboriginal and Torres Strait Islander (Indigenous) children. The percentage of children and young people amongst the Australian Indigenous population is double that of the non-Indigenous (Australian Bureau of Statistics [ABS] 2008), indicating how crucial it is to ensure these young people are cared for and supported.

Aboriginal and Torres Strait Islander children are similarly over-represented in out-of-home care (OOHC) and in care and protection orders as in Canada. Indigenous children comprise 3.6% of the total population of Australian children but 22% of the OOHC population and those on care and protection orders; that is, they are over 8 times as likely to be in OOHC and 7 times as likely to be on a protection order (AIHW 2008:61-62,74).

They are also ...

> ... more likely to be the subjects of a substantiation of a [protection] notification received during the year than other children. In 2006–07 in all jurisdictions, except Tasmania, the substantiation rate for Indigenous children was higher than the rate for other children. Across Australia, Indigenous children were more than 5 times as likely as other children to be the subject of substantiation (AIHW 2008:40).

But similarly to the Canadian findings, neglect is the most likely reason for a substantiation, with emotional abuse following closely – significantly higher than for other children (AIHW 2008:43). And, as in Canada, to date most research in this area in Australia has been descriptive and quantitative.

Methods of data gathering are of concern in the Australian context as verification of child sexual abuse notifications, for example, are often based on community reports, especially in rural and regional areas, and substantiation of any notification may be confused with welfare matters. A brief analysis of a current intervention by the Australian government highlights these issues.

The moral and media panic over Indigenous child sexual abuse and the inequity of access to and appropriateness of services are being challenged currently in Australia in the context of what has become known as the Northern Territory Intervention (NTI). In June 2007, the former Australian government, under the Prime Ministership of John Howard, announced the Northern Territory Emergency Response, which was positioned as a response to a report on child sexual abuse in the Northern Territory (NT) (Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007). The NTI was literally a military, police and welfare intervention into the lives of a large number of selected remote Indigenous communities in the NT and required the suspension of the Racial Discrimination Act to allow the federal government to apply discriminatory management of welfare payments and the seizure of some Aboriginal controlled lands. Not one of the recommendations of the original report, *Little Children are Sacred*, was implemented and the response did not once mention children. There was no consultation with these Indigenous communities. There was no question that all these communities were suffering lower levels and standards of all social and human services than other Australians enjoy. The NTI, though, framed the Indigenous peoples in the communities as the problems, conflated welfare needs

with risk of abuse, and responded the way colonial powers have always responded – with punishment and force (Altman 2007). In the first year of the NTI that was supposed to address the causes of child abuse, identified in the report as largely poverty and disadvantage related, not one new house had been built, not one new women's shelter and not one long-term social worker had been placed in any community. The NTI exemplifies the very institutionalised approach (paternal and colonial) that, in the past, created the circumstances that led to thousands of Indigenous children being stolen from their families over generations and the impoverished state of communities that have resulted in Indigenous children being vulnerable to abuse.

As noted by Professor Blackstock, and substantiated by a number of reports, Aboriginal communities and their children suffer risk through structural disadvantage (Daly & Smith 2005), in circumstances almost always beyond their control. However, Aboriginal peoples are seen as the problem and held accountable for these risks. Nowhere is this illustrated more clearly than child neglect, which is the reason why most Aboriginal children are in OOHC. However, Aboriginal communities have solutions and approaches that have been repairing and healing these injuries (Higgins & Butler 2007), but these were ignored by the previous Australian government. If the issues of Aboriginal child neglect and abuse and the removal of Aboriginal children into OOHC is to be addressed, then Aboriginal communities must not only be consulted but also placed into positions that allow them to fully implement their programs and approaches within their communities.

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***Sue Green**, a Wiradjuri woman who is Associate Professor of Indigenous Education at the University of New South Wales and the Director of Nura Gili (Indigenous Programs @ UNSW). She holds a Bachelor of Social Work and is currently completing a PhD examining Aboriginal Welfare in the Colony of New South Wales.*

***Dr Eileen Baldry** is Associate Professor in the School of Social Sciences and International Studies and Associate Dean (Education) of the Faculty of Arts and Social Sciences, University of New South Wales.*

IN TIMES OF FIRE AND FLOOD ...

As this Special Edition goes to print, there are fires still burning in Victoria and floods continuing to cause difficulties for people in Queensland. Given the tough economic conditions now affecting us all, the losses caused by these natural disasters have put an even greater burden on the families facing disruption and displacement from their communities. In Victoria, in particular, the losses of family members and friends, of homes and domestic animals, and of native flora and fauna, have been more extreme than ever experienced before. So many people have risked their lives to assist others, and the response from across Australia—and beyond—has been remarkable. Our thoughts are with those who have been directly affected over this time of challenge and recovery; and to those who have helped in myriad ways, we salute your generosity.

Jennifer Lehmann, Editor