

CHAPTER 12

THE SITUATION OF ABORIGINAL CHILDREN AND YOUNG PEOPLE

European intervention, policies of assimilation and the removal of thousands of children from their families has damaged traditional kinship systems and left many Aboriginal people not knowing who their families are.'

INCIDENCE AND NATURE OF HOMELESSNESS

12.1 It is clear from evidence presented to the Inquiry that homelessness affects many Aboriginal children and young people. In several urban centres the Inquiry was told that young Aboriginal people are disproportionately represented among the homeless. In Perth, for example, one-third of young people contacted by a youth streetwork service during 1987 were Aborigines.' (Aboriginal young people in Western Australia make up approximately 4% of the total youth population.) In Adelaide an outreach service reported that, at least on a weekend night, 70% of young people without accommodation in the city are Aborigines — most are aged 14 to 17 years.' (Fewer than 1% of South Australia's population are Aborigines.) In O'Connor's study of 100 homeless young people in Kings Cross, Brisbane, the Gold Coast and Canberra/Queanbeyan, four were Aborigines or Torres Strait Islanders,⁴ while these two groups constitute only 1.4% of the Australian population.

122 When assessing the causes and nature of Aboriginal homelessness, we recognise the need to do so within a distinct cultural context. That context includes the attributes of an ancient culture, the adaptations made by Aborigines to European occupation of their lands and intrusions into their families and communities and a recent history of dispossession and dispersal. Until 21 years ago, Aborigines were non-citizens in their own country and, until much more recently, have been subjected to discriminatory legislation and administration which denied many of their fundamental human rights.

123 Aborigines have repeatedly stressed that, for them, home is wherever a family member extends sustenance, whether emotional or physical.'

...although the social environment includes families, communities, homelands groups and so on, the 'domestic unit' — that is the household — actually encompasses a wide range of people, spread over a very large geographical area.⁶

Moreover, the extended family network and family obligations and expectations mean that a person even temporarily living with relatives is not 'homeless'.

It is quite common for Aboriginal children within Aboriginal communities to be fed and to sleep at the house or camp of a number of different people. It may be that for periods of time often extending over a number of years primary responsibility for a child's upbringing may rest with an aunt or grandmother.'

This system, which operates in traditionally oriented communities, in urban camps and to varying degrees in other Aboriginal modes of social organisation, is often not recognised as valid by non-Aboriginal welfare officers.⁸

12.4 On the other hand, the Inquiry was told that the extended family is often exploited.

I think it is fair to say that State and Federal governments have been hiding behind the, 'Oh, it's all right. The extended family will look after Aboriginal people; they'll look after themselves'. But it comes to a stage when...your house is crowded, you have still got to buy groceries, and you just cannot feed another six kids. I think the governments have been hiding behind this for too long...⁹

In Alice Springs, as the Central Australian Aboriginal Child Care Agency reported:

...there is a big incidence of informal 'fostering' and care for children who for many reasons cannot be at home for short to long periods of time. Because this system of caring for children is informal and not officially recognised, the care givers receive no financial assistance (fostering allowance) for keeping the child or, as is often the case, the numerous children. The financial strains can mean that children are not getting adequate food and nutrition.'

125 When an extended family member moves in, the family budget may be stretched just too thinly."

...the extended family is prevalent as the option for accommodation. Overcrowding, because of the extended family and general unwillingness to turn friends or family into the streets, is a problem. Other problems manifest — lack of food, poor hygiene, alcohol abuse, which leads to child neglect:²

Difficult children are a particular burden.

...there are behaviourally-affected children who cannot be looked after by the families because the families have anything up to ten kids each to look after, and it is usually the grandmother who is looking after...those ten children. Therefore, any behaviourally-disturbed child or who has that kind of tendency, who is maybe uncontrollable and being a stubborn type of child — there should be some sort of institution for those kinds of kids."

12.6 The Inquiry also heard evidence that, for many reasons, the Aboriginal extended family is not as effective as it has been in the past. Eighteen of the 40 young Aborigines interviewed in a study in Alice Springs in 1987 'said they often moved among relatives' homes to find a feed or a bed for the night, and had no fixed abode.' Thus, the Inquiry was told:

Often for these young people there is a home for them but the quality is questionable due to overcrowding, poverty, social pressures, racism and hopelessness which, in the majority of cases, is a direct result of alcohol abuse.'

12.7 In a number of urban centres the Inquiry heard evidence that the extended family system is breaking down and unable to offer the same physical and emotional sustenance to young people in need:

For many Aboriginal young people [in Perth] it seems extended family is there but dysfunctional, too much drinking and fighting."

In Albany, Western Australia, the Inquiry was told:

In our area there is a bit of a myth about the Aboriginal people looking after their own...The ones who live in the smaller towns around probably do get looked after."

In Adelaide a witness stated that:

...the extended family unit is breaking down, so there are very few Aboriginal families that will take in four to five youths a night..."

12.8 The Australian Law Reform Commission recognised something of these problems in a 1986 report and recommended that:

[Consideration should be given to amending the *Social Security Act* 1947 (Cwth) to ensure that] child endowment and other benefits on account of the care of children [are] paid, as nearly as possible, to the person or persons with overall responsibility for the child or children in question, without undue emphasis on the location of legal custody:⁹

The extended family, where it survives, deserves special recognition as a unique buffer for many Aboriginal children between the dispossession they experience in their own communities and the racism and disadvantage they experience in non-Aboriginal society. However, a number of witnesses expressed their concern that younger Aboriginal women will not be equipped to perform the role now performed by older aunts and grandmothers.

CAUSES OF ABORIGINAL YOUTH HOMELESSNESS

Housing Need

12.9 In 1987 the estimated outstanding need for housing for Aboriginal households in Australia was 16,179 houses." In 1986, over 6% of Aboriginal households (some 12,500 people) lived in improvised or temporary dwellings, compared with only 1.4% of all Australians." The result of this housing situation is severe overcrowding for some households (with up to 30 people living in some dwellings)." This, and the fact that many dwellings are substandard, can result in psychological stress and family conflict as well as physical illnesses.

12.10 In an Alice Springs study in 1987, eight of the 11 young Aboriginal people from the town camps who were interviewed stated that they lived in intensely overcrowded conditions.

Many...said they enjoyed the company and support of their relatives, but most expressed dissatisfaction with the overcrowded, generally unhealthy conditions, lack of facilities and problems that arose from excessive amounts of alcohol consumed on the camps."

12.11 A high proportion of households have very inadequate shelter or none at all. Home ownership among Aborigines is relatively low (26.4% of Aborigines; almost 70% of all Australians)," with important consequences for those who rent their dwellings in terms of a lack of security. It was put to the Inquiry that:

The housing needs of Aboriginal children and youth in Alice Springs are a reflection of the acute housing needs of the entire Aboriginal community and cannot be separated. The housing needs of the Aboriginal community are a product of the social, cultural and economic conditions within which the community survives."

Lack of Income

12.12 Many Aboriginal communities experience very low labour force participation rates" and chronic unemployment." Fewer than one-third (31.3%) of all Aborigines are employed compared with just over one-half (54.4%) for all Australians. While the unemployment rate for all Australians is around 5.5%, for Aborigines it is 17.1%.²⁸ A recent New South Wales study found that about 76% of Aboriginal males and 65% of females in rural areas are unemployed and that average full-time weekly earnings were only \$235 for men and \$225 for women." Per capita incomes are, therefore, extremely low. Due to very low education participation rates among Aboriginal children, the situation is unlikely to change in the near future." The situation in a number of rural areas is considerably worse than these national statistics indicate. In the town camps around Alice Springs, for example, only 13.6% of Aboriginal adults have jobs, 69% of which are full-time. Similarly, per capita incomes in these areas are considerably lower than in urban areas.'

12.13 A disproportionate number of Aborigines are dependent on social security benefits and pensions and a large number have no income at all." In Broome, Western Australia, the Inquiry was told that 60% of students at one local school — the majority being Aborigines — were from families on some form of government income maintenance." Thus, most families struggle to provide the necessities of life.

12.14 A disturbing number of apparently eligible Aboriginal people are not receiving pensions and benefits to which they are probably entitled. People (frequently grandmothers) caring for children often do not receive State and Federal allowances to which they are legally entitled. The Inquiry was told:

Grandmothers or other carers [in Alice Springs] often get no 'kid money' because if the arrangements are made 'official' then the parent may lose their supporting parents benefit and be forced to go on unemployment benefits which is much more complex in its bureaucratic rules and regulations and hence daunting to many Aboriginal people."

Whatever the motivation or the propriety of parents' behaviour, it is the children who are being denied their rights to adequate care and housing in these cases.

12.15 Young people, too, are often not in receipt of benefits.

Many young people are not on the dole and don't get youth homeless allowance — the system is very complex and often inappropriate to Aboriginal people, ie language barriers, lack of understanding of bureaucratic processes — this puts great strains on the finances of an already impoverished community and further limits the housing options of young people.

A witness from an Aboriginal Health Service in Davenport, South Australia, told the Inquiry that the young unemployed Aborigines in that area had until recently:

...no income of their own and were dependent upon gifts or hand-outs from their friends or relatives. They were.. .unaware of the existence of a Job Search Allowance or the Young Homeless Allowance...This lack of independent income has precluded them from being in the position of being able to even compete for housing for themselves on the open market. There are other factors which in many ways have contributed to this situation. Amongst these is their level of self-esteem or self-worth, which is generally poor."

12.16 Indeed, with the possible exception of aged pensioners, a number of Aborigines who are eligible may be unable to obtain benefits for various reasons:

It is widely believed [in Alice Springs] that because of language problems, movement between town and bush, and lack of information on the processes of application a considerable percentage of people who could receive benefits, especially unemployment benefits, do not do so."

This clearly has implications for the provision of adequate housing and care for Aboriginal children and young people.

'The Welfare'

12.17 Measures are needed to alleviate the stresses imposed on Aboriginal families by their socio-economic status. Yet Aboriginal families, at least in some areas, are least likely of all Australian families to approach mainstream services for assistance and support.

Because of past Government policies and practices of assimilation and the breakdown of Aboriginal family structures, as well as existing welfare practices, many Aboriginal people fear losing their children. This fear can stop families from seeking services from community agencies."

12.18 It should be remembered, too, that many young Aborigines who are now becoming parents (and indeed many of their own parents) have never experienced natural family life. Administering authorities and missionaries throughout Australia often removed Aboriginal children to dormitories on the missions or to training homes away from the reserves." The parenting skills of these people are unlikely to have been developed and nurtured. As the Inquiry was told in Broome, Western Australia:

You had the separation of children from families in mission settlements and so forth. Now this, I think, has quite naturally led to a diminution of proper parental responsibility and proper parental modelling and with your high degree of, say, illegitimacy and high degree of one-parent families, it is little wonder that there are behavioural problems with children who come from economically deprived circumstances...the parentage moulding was on a dormitory situation."

These people, together with those who were fostered or adopted by non-Aboriginal families, might also be expected to be experiencing confusion as to their own identity and a lack of self-esteem which may express itself in self-destructive behaviour such as alcohol abuse.

Institutions

12.19 Aboriginal children are still grossly over-represented in child welfare and juvenile justice institutions. In Western Australia in 1987, for example, Aborigines constituted 77% of the inmate population at the maximum security institution for girls, 53% of those held in the maximum security centre for boys, and 62% of those held at the maximum security remand and assessment centre for both sexes.⁴

12.20 Aboriginal children and young people make up a disproportionately large number of State wards in all States and Territories with the exception of the A.C.T. In Western Australia in 1987, Aborigines made up 40% of children on guardianship orders with 103 girls and 99 boys being Aboriginal of the total of 510. In South Australia, Aboriginal children represent some 24% of total wards. In the Northern Territory and Tasmania, Aboriginal children are 'over-represented' among those in care. In Queensland, there are 'substantial numbers' of Aborigines under guardianship, but exact numbers were not available. In New South Wales, 11% of wards are Aboriginal. In Victoria, Aboriginal children make up 3.8% of all wards but only 0.6% of all children."

12.21 In 1985 the Senate Standing Committee on Social Welfare reported the following figures by State:

TABLE 1: ABORIGINES IN CARE BY STATE		
<i>State</i>	<i>Aborigines as % of population</i>	<i>Aborigines as % of those in care</i>
NSW	<1%	15%
Vic	na	na
Qld	2%	30% approx.
SA	1%	17% approx
WA	2.4%	57% (residential care) 54% (foster care)
NT	24%	60% (residential care) 93% (foster care)

Source: Senate Standing Committee on Social Welfare, *Children in Institutional and Other Forms of Care* (PP 324/1985) para 1.10.

12.22 In 1983-84 in Alice Springs, 58 (68%) of the 85 children in the care of the Northern Territory Department of Health and Community Services were Aboriginal; 56 of them were in care because of alcohol-related neglect. (Aborigines constitute about 25% of the population of Alice Springs)" In 1987 in Alice Springs, 44 (67%) of the 66 youth resident in a correctional institution for young offenders were Aboriginal."

12.23 The significance of this degree of over-representation must be understood. Many Aboriginal children and young people become homeless upon release or discharge because of the lengthy period spent without any contact with their families:

...a significant number of street kids have been fostered or adopted into non-Aboriginal families who, when they become teenagers, question their identity, often with disastrous results which leads to the breakdown of that placement. These young children do not have any links with their family or communities, nor do they have the extended family to fall back on."

...a lot of our mothers too up here have not had much to do with their older children that may have been looked after by welfare interstate. All of a sudden, here they are with a teenage boy or a teenage girl and they have never been a mother. They cannot cope."

Aborigines, then, suffer disproportionately the negative effects of State 'care' which are discussed in Chapter 10, Children in the Care of the State.

Family Constitution

12.24 Aboriginal children are also more likely than non-Aborigines to live with only one natural parent, a factor identified in non-Aboriginal homelessness. 16% of Aboriginal families are headed by only one parent, compared with 5.3% of all Australian families." In addition, those parents are likely to be responsible for more children, since about one-half of the Aboriginal population is aged 19 or younger (compared with about one-third of all Australians)." On the other hand, Aboriginal parents are more likely to have extended family support and assistance in rearing and providing for their children. One-quarter of all Aborigines live in households constructed by the nuclear family plus one or more other adult family members.⁴⁹ Unfortunately, these households are likely to be overcrowded and very poor.

12.25 Disproportionate rates of imprisonment also mean that male family members are often absent for lengthy periods: Aborigines are 11 times more likely to be imprisoned than non-Aborigines. Male family members are also likely to be incapacitated and to die young: the life expectancy of Aboriginal men at birth is still 20 years less than that of non-Aboriginal males — around 48-49 years of age." As a result of these and other factors:

Aboriginal mothers, especially young ones, often live with their mothers, so they and the children place extra burdens on the family, adding to what may already be overcrowded living conditions."

Alcohol Abuse

12.26 The issue of alcohol abuse was raised in evidence by several women from Alice Springs and Tennant Creek. Some of these women were raising their grandchildren while their daughters (the mothers) were usually to be found drinking away from camp." A witness from Katherine told the Inquiry:

The reality is that the home situation is not like it used to be. The extended kinship is not there. This problem is mainly brought about by alcohol abuse...most problems that we have with our homeless children in the Katherine region is alcohol-related, whatever it may be, whether it is poor nutrition, poor housing, whatever. At the root of it all is usually alcohol abuse."

12.27 The Central Australian Aboriginal Child Care Agency reported:

Alcohol abuse by people who are very poor means that there is often inadequate food for children to eat. If parents neglect the hygiene and personal care of their children while on the grog, the 'shame' of not living up to European standards will prevent children from attending school, often choosing to roam the streets instead."

12.28 Family dysfunction, often related to alcohol abuse, is, the Inquiry was told, most prevalent in urban communities.

The majority of homeless urban Aboriginal youth come from backgrounds with the following social disorders: family unit breakdown, alcohol dependency and drug dependency, child abuse, conflict with the criminal justice system, neglect in all sorts of areas, exploitation as a means of survival, split marriages, domestic violence and so on."

Evidence presented to the Inquiry as to the occurrence of child physical and sexual abuse in Aboriginal families is mentioned in Chapter 8, Families Under Stress.

Migration to Urban Centres

12.29 Young people from the more far-flung and traditionally-oriented communities are also becoming homeless when they move into towns and cities to continue schooling or training or to search for work and, possibly, other diversion.

The difficulty is that when they come into an urban setting, those [extended family] networks are broken down and, apart from the occasional hostel which caters for families, there is really no structure, there is no facility here to offer the sort of care that most of these Aboriginal kids need. The result is that they invariably drop into the juvenile justice system through break, enter, steal, neglect and what have you, and, unfortunately, the first response of most of the bureaucratic field-workers is that this child is better off in their own community. So what they do is, they ship the kid home. But, of course, by the time the kid gets home, he or she often has exhibited or has learnt to expect a new style of life, some extra sophistication, which they find very difficult to achieve in their own communities, and so there becomes a process where they move backwards and forwards." In Melbourne the Inquiry was also told of Aboriginal youths coming from country areas to the city to continue their education or to look for work who 'more often than not. ...find themselves in the street'."

APPROACH TO THE PROVISION OF SERVICES FOR ABORIGINAL COMMUNITIES AND YOUNG PEOPLE

12.30 It is clear that there are differences in the experiences of Aborigines across Australia and that:

The problems and needs of the urban, town camp and bush youth are different and require different solutions because of language differences, different degrees of adoption of European values and practices."

The Inquiry, however, noted in particular that all Aboriginal communities and organisations which gave evidence or presented submissions to the Inquiry agreed that the Aboriginal community itself is the best source of support for Aboriginal children and young people.

12.31 This view led, in the 1970s, to the establishment throughout Australia of Aboriginal Child Care Agencies. These Agencies operate with four stated aims:

- the preservation of Aboriginal families and the prevention of institutionalisation;
- the collocation of siblings in institutions and the re-uniting of families;
- the development of self-help programs and the provision of resources which are supportive of Aboriginal families, within both Aboriginal and non-Aboriginal communities; and
- the development of culturally relevant policies for Aboriginal child and family welfare services.

12.32 The Agencies also lobby for the acceptance and implementation of the 'Aboriginal Child Placement Principle'. This Principle is that, where a child cannot be maintained within his or her family of birth, preference should be given, by welfare authorities, to placement with a member of the extended family. If this is not possible, a placement with another family in the child's community should be considered. Should these options prove impossible, the child should be placed with another Aboriginal family. Placement outside the Aboriginal community should only be considered as a last resort. This Principle has been accepted by all welfare Ministers although it is embodied in legislation only in New South Wales,⁵⁹ Victoria⁶⁰ and the Northern Territory.'

CONCLUSION

12.33 The Inquiry supports the Aboriginal Child Placement Principle and considers that it should be established in legislation in all Australian jurisdictions." In addition, there is an urgent need to provide the Aboriginal Child Care Agencies with the resources and administrative support which they require in order to implement fully and effectively the Placement Principle and to engage in related community work.

Notes

1. Central Australian Aboriginal Child Care Agency, *Homeless Aboriginal Children and Youth in Alice Springs* (1988) at 4.
2. P. Connors, Perth Inner City Youth Service, *Transcript* at 665.
3. L. Parkinson, Hindley Street Youth Project, *Transcript* at 1278.
4. I. O'Connor, 'Most of us have got a lot to say and we know what we are talking about'. *Children's and Young People's Experiences of Homelessness* (1988) at 21.
5. P. Elsegood, NT Department of Health and Community Services, *Transcript* at 1609; Anon., In Camera *Transcript* at 1681; Anon., In Camera *Transcript* at 1686.
6. J. Willis, 'When is a House Not a House?: Aspects of the social and physical environment' in *Report of Uwankara Palyanyku Kanyintjaku* (1987) 85, at 86.
7. Australian Law Reform Commission, *The Recognition of Aboriginal Customary Laws* (1986) para 230.
8. *Id.*, para 231.
9. Anon., In Camera *Transcript* at 1691.
10. *Homeless Aboriginal Children and Youth in Alice Springs*, *op cit.* at 8.
11. M. Onus, Aboriginal Child Care Agency (Victoria), *Transcript* at 963.
12. H. Shearer, Central Australian Aboriginal Child Care Agency Alice Springs (NT), *Transcript* at 1736.
13. B. Pearce, NT Women's Advisory Council, *Transcript* at 1768.
14. *Homeless Aboriginal Children and Youth in Alice Springs*, *op cit.*, at 11.
15. H. Shearer, Central Australian Aboriginal Child Care Agency Alice Springs (NT), *Transcript* at 1734.
16. G. Davies, Uniting Church Community Youth Services (WA), *Transcript* at 722.
17. S. Stam, Young House Albany (WA), *Transcript* at 753.
18. R. Moyle, Youth Initiatives Unit (SA), *Transcript* at 1292.
19. Australian Law Reform Commission, *op cit.*, para 390.
20. Aboriginal Development Commission and Department of Aboriginal Affairs, *1987 Housing Needs Survey*.
21. *1986 Population Census*.
22. Aboriginal Development Commission and Department of Aboriginal Affairs, *1987 Housing Needs Survey*, *Transcript* at 1680; B. Ivinson, North Australian Aboriginal Legal Aid Service (NT), *Transcript* at 1641; L. Parkinson, Hindley Street Youth Project (Adelaide), *Transcript* at 1278.
23. *Homeless Aboriginal Children and Youth in Alice Springs*, *op cit.*, at 11.
24. *1986 Population Census*.
25. *Homeless Aboriginal Children and Youth in Alice Springs*, *op cit.*, at 22.
26. Eg, in Alice Springs town - 63%; in the town camps -55%: *id.*, at 6.
27. Eg, in Alice Springs town only 50% of Aboriginal adults had jobs, 92% of which were full-time; in the town camps - only 13.6% of Aboriginal adults had jobs, 69% of which were full-time: *id.*, at 6, 9. Throughout Australia only 48.4% of Aborigines of working age are in the labour force, compared with 60% for all Australians: *1986 Population Census*.
28. *1986 Population Census*.
29. R. Ross, *The Labour Market Position of Aboriginal People in Non-Metropolitan New South Wales* (Social Welfare Research Centre, Discussion Paper, 1988) at 10, 11.
30. The Federal Government recently received a report on continuing low standards of education for Aboriginal children. It was found that one in six Aboriginal children between 10 and 15 do not have access to appropriate schooling and that the Year 12 retention rate is 19% for Aborigines compared with 57% for the rest of the population: 'Schooling for blacks appalling, Govt told', 21 Oct 1988 *Sydney Morning Herald* at 2. In NSW the Year 12 retention rate for Aborigines was only 7% in 1985: NSW Education Department, *Aboriginal Education Statistics Retention and Attrition Rates of Aboriginal Students* (nd) at 3.
31. Eg, Alice Springs town in 1981 - \$100+ per fortnight; in the town camps - \$60 per fortnight: *Homeless Aboriginal Children and Youth in Alice Springs*, *op cit.* at 9.
32. Eg, over one-third (36.6%) of Aboriginal families have an annual family income of \$15,000 or less compared with less than one-quarter (23.6%) of all Australian families: *1986 Population Census*.
33. M. McMahan, *Transcript* at 885.
34. *Homeless Aboriginal Children and Youth in Alice Springs*, *op cit.*, at 8.

35. *Id.*, at 7.
36. M. McKenzie, Pikawiya Health Service Davenport (SA), *Transcript* at 1417-1418.
37. *Homeless Aboriginal Children and Youth in Alice Springs*, *op cit.* Appendix 1, at 7.
38. *Id.*, at 7.
39. Senate Standing Committee on Social Welfare, *Children in Institutional and Other Forms of Care* (Parliamentary Paper No. 324/1985), para 2.19; P. Read, *The Stolen Generations: The Removal of Aboriginal Children in New South Wales 1883 to 1969* (NSW Ministry of Aboriginal Affairs, 1984).
40. M. McMahon, *Transcript* at 885.
41. M. Rayner, *Fending for Yourself* (1988) paras 6.5-6.11, 11.5-9.
42. J. Taylor and O. Burston, *Children and Young People Leaving Care* (Brotherhood of St Laurence, 1988) at 17.
43. *Homeless Aboriginal Children and Youth in Alice Springs*, *op cit.*, at 19.
44. *Id.*, at 20. See also Rayner, *op cit.*, paras 6.13, 11.5-9.
45. H. Shearer, Central Australian Aboriginal Child Care Agency Alice Springs (NT), *Transcript* at 1736.
46. Anon., In Camera *Transcript* at 1689.
47. *1986 Population Census*.
48. *Ibid.*
49. *Ibid.*
50. R. Sykes, *Issues Affecting Older Aboriginal People: A Discussion Paper* (Cwth Office for the Aged, June 1988) at 4.
51. Aboriginal Women's Task Force, *Women's Business* (1986) at 28.
52. T. Nelson, *Transcript* at 1763.
53. T. Bloomfield, Community Health Nurse Kawana (NT), *Transcript* at 1684.
54. *Homeless Aboriginal Children anti Youth in Alice Springs*, *op cit.* at 6.
55. B. Ivinson, North Australian Aboriginal Legal Aid Services (NT), *Transcript* at 1638.
56. P. Elsegood, NT Department of Health and Community Services, *Transcript* at 1610.
57. P. Rotumah, Aboriginal Child Care Agency (Vic), *Transcript* at 962.
58. *Homeless Aboriginal Children and Youth in Alice Springs*, *op cit.*, at 6.
59. Children (Care and Protection) Act 1987 (NSW), s.87.
60. *Adoption Act* 1984 (Vic), s.50. *The Children's Court Act* 1973 (Vic), s.4B, requires the court, as far as practicable, to 'respect the cultural identity and needs of the child, the child's parents and other members of the child's family'.
61. *Community Welfare Act* 1983 (NT), s.69. In SA, the Children's Protection and Young Offenders Act 1979, s.7, requires any person or body, including a court, dealing with a child to consider 'the child's ethnic or racial background and the need to guard against damage to the child's sense of cultural identity'. This is one factor to be considered and is not laid down as a binding rule. It is, therefore, not as rigorous as the NSW or NT rules.
62. This has also been recommended recently by the Australian Law Reform Commission, *op cit.* pases 366-367.

