

2015

## **Aboriginal perspectives about child sexual abuse: Informing the cultural dimension in sex offending theories for use with Aboriginal offenders**

Victoria Elizabeth Hovane  
*Edith Cowan University*

Follow this and additional works at: <https://ro.ecu.edu.au/theses>



Part of the [Community Psychology Commons](#), [Counseling Psychology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

### **Recommended Citation**

Hovane, V. E. (2015). *Aboriginal perspectives about child sexual abuse: Informing the cultural dimension in sex offending theories for use with Aboriginal offenders*. Edith Cowan University. Retrieved from <https://ro.ecu.edu.au/theses/1754>

This Thesis is posted at Research Online.  
<https://ro.ecu.edu.au/theses/1754>

# Edith Cowan

## University

### Copyright

### Warning

You may print or download ONE copy of this document for the purpose of your own research or study.

The University does not authorise you to copy, communicate or otherwise make available electronically to any other person any copyright material contained on this site.

You are reminded of the following:

- Copyright owners are entitled to take legal action against persons who infringe their copyright.
- A reproduction of material that is protected by copyright may be a copyright infringement.
- A court may impose penalties and award damages in relation to offences and infringements relating to copyright material. Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

Aboriginal perspectives about child sexual abuse:  
Informing the cultural dimension in sex offending theories  
for use with Aboriginal offenders.

Victoria E. Hovane

This thesis is submitted in fulfillment of the requirements for the  
award of Doctor of Philosophy

Faculty of Computing, Health and Science

Edith Cowan University

Western Australia

March 2015

**EDITH COWAN UNIVERSITY**

**USE OF THESIS**

This copy is the property of Edith Cowan University. However the literary rights of the author must also be respected. If any passage from this thesis is quoted or closely paraphrased in a paper or written work prepared by the user, the source of the passage must be acknowledged in the work. If the user decides to publish a paper or written work containing passages copied or closely paraphrased from this thesis, which passages would in total constitute an infringing copy for the purpose of the Copyright Act, he or she must first obtain the written permission of the author to do so.



## **ABSTRACT**

Child sexual abuse (CSA) and its consequences constitute a serious social issue in Aboriginal and other communities throughout the world. As a result, a number of influential psychological theories about sexual offending have been developed. These theories suggest that the early socialisation and developmental experiences of offenders are implicated in the onset, development and maintenance of sexual offending behaviour. While these theories suggest that culture is important for understanding such behaviour, their specific role has largely been ignored in the literature. Given the paucity of research in this area the aim of this study was to understand the perspectives of an Aboriginal community in Western Australia about the role of culture in CSA in their community, how this could inform the cultural dimension in existing psychological theories of sexual offending, and the implications of this for applying these theories with such sex offenders.

During the first stage the researcher undertook semi-structured, in-depth interviews to collect data from 11 Aboriginal adult female and four adult male members from the community. A thematic analysis of the transcribed interview data identified five primary themes: Misusing Power; Surviving the System; Evolving Culture; Fear of Repercussions; and Avoiding Exposure. During the second stage the researcher presented her results to six people at a local Aboriginal community forum for their feedback, insights and refinement of the results. The same, but refined, themes were then presented to a group of five non-Aboriginal people who work with Aboriginal people in child protection and family counselling, for their feedback and insights. On the basis of all the feedback a sixth theme, Holding Aboriginal Law, was added. Aboriginal Law

provides specific information, and sets out rules and expectations about Aboriginal people's lives, kinship structures, cultural traditions, spiritual beliefs, and restricted ceremonial practices, traditional medicine, education and specialised training.

Taken together the results of this study suggest the themes Misusing Power; Surviving the System and Holding Aboriginal Law are relevant to understanding the onset, development, maintenance and response to CSA, that Evolving Culture is relevant to understanding the development and maintenance of CSA, and Fear of Repercussions and Avoiding Exposure make an important contribution to understanding factors that maintain the commission of CSA in this community.

An important finding of this study is that, whilst the misinterpretation of Aboriginal Law plays a role in the onset, development and maintenance of CSA, a sound knowledge of Aboriginal Law can be used to prevent CSA and to respond to it. Policy developers should therefore have a sound knowledge of Aboriginal Law and take it into account when developing policies. They should also consider developing policies that will create opportunities for Aboriginal people to connect with and enhance their understanding of Aboriginal Law. Assessors and professionals working with Aboriginal CSA offenders should likewise have a solid understanding of Aboriginal Law, and consider developing treatment modalities which will challenge Aboriginal offenders' misconceptions about Aboriginal Law, and provide them with opportunities to develop a sound understanding of its values, principles and practices.

The declaration page  
is not included in this version of the thesis

## ACKNOWLEDGEMENTS

I would like to acknowledge a number of people without whose generous support and assistance this thesis would not have been possible.

I would like to begin by thanking my family Michael, Courtney, Tomas, Stefan and Anna, who have unreservedly supported my pursuit of knowledge through my studies. A special thank you to Michael for *holding the fort* during my academic absences. Your support as always is priceless.

A very special thank you to the people of Broome. I am particularly grateful to the men and women who gave of their time generously in order to participate in this much needed research. Your support and willingness to share your perspectives on what is a sensitive issue is greatly appreciated. Hearing your voices speaking out strongly about the inherent value of our children and culture was truly inspiring.

To Ricks Allan, my Associate Supervisor at the School of Psychology, thank you for your patience, helpful hints and guidance when writing and refining the thesis.

I would like to thank my Principal Supervisor Professor Alfred Allan for his patience and for giving me the space in which to undertake the research and write the thesis during what have at times been difficult personal circumstances. He has generously shared his knowledge and expertise with me, for which I am grateful. Thank you so much Alfred for all you have taught me and for allowing me the time to complete what is an important piece of work for supporting the safety and well-being of Aboriginal children and families.

I would like to thank the staff in the School of Psychology who have provided information and support whenever needed as I have progressed through my postgraduate course. A special thank you to Carole and Nicky for all your support over the years. It is greatly appreciated.

I would also like to thank Sarah and Chris Baker for their support in providing me with a quiet place in which to pull the first draft of the thesis together. Thank you both so much.

Finally, I would like to thank my mother, Agnes Martin, who despite receiving limited schooling at Beagle Bay Mission and at the St John of God Convent in Broome, possessed a great value for education which she passed on to us at a time when educating women, let alone Aboriginal women, was not a priority. You gave me the opportunity to attain a high school education that helped lay the foundations for my later tertiary studies. You continue to live life on your terms through continuing to work full-time in paid employment despite reaching the age of 81 years, and in so doing, continue to inspire me. Thank you Mum.

## TABLE OF CONTENTS

USE OF THESIS.....	II
ABSTRACT .....	III
DECLARATION.....	V
ACKNOWLEDGEMENTS .....	VI
LIST OF TABLES .....	X
CHAPTER 1: INTRODUCTION.....	1
RESEARCH AIMS.....	10
THESIS STRUCTURE .....	11
CHAPTER 2: THEORIES OF SEXUAL OFFENDING .....	13
PRECONDITION THEORY .....	14
INTEGRATED THEORY.....	14
QUADRIPARTITE MODEL .....	16
PATHWAYS MODEL .....	17
CHAPTER 3: CULTURE AND PSYCHOLOGY .....	21
OVERVIEW OF CULTURE AND PSYCHOLOGY IN AUSTRALIA .....	21
CONCEPTUAL INSIGHTS .....	23
MODES OF BEING MODEL.....	24
CHAPTER 4: ABORIGINAL CULTURE.....	29
ABORIGINAL LAW AND CULTURE.....	31
FAMILY, KINSHIP AND SKIN-SYSTEM .....	34
COMMUNITY.....	37
LANGUAGE GROUP.....	37
GROWING UP CHILDREN .....	38
ARRANGED MARRIAGES.....	39
CHILDREN AND SEXUAL BEHAVIOUR .....	41
DISCIPLINE, PUNISHMENT AND JUSTICE .....	44
ABORIGINAL AND NON-ABORIGINAL RELATIONS.....	46
ABORIGINAL CULTURE, PSYCHOLOGY AND SEX OFFENDING.....	53
CHAPTER 5: COMMUNITY ENGAGEMENT .....	56
CHAPTER 6: METHODOLOGY.....	59
DESIGN.....	63
PROCEDURE.....	66
<i>Liaising with the community.</i> .....	66
<i>Aboriginal reference group.</i> .....	66
<i>Recruitment of participants.</i> .....	67
ANALYSIS.....	71
CHAPTER 7 PART I: FINDINGS AND INTERPRETATIONS .....	73
PRIMARY THEME: MISUSING POWER.....	74

<i>Secondary theme: Imposition of White law and boundaries.</i>	76
<i>Secondary theme: Misusing position of power.</i>	77
<i>Secondary theme: Sense of powerlessness.</i>	80
PRIMARY THEME: SURVIVING THE SYSTEM	81
<i>Secondary theme: Surviving history.</i>	82
<i>Secondary theme: Surviving poverty.</i>	83
<i>Secondary theme: Surviving the modern world.</i>	84
PRIMARY THEME: EVOLVING CULTURE	86
<i>Secondary theme: Transmitting learnt behaviours.</i>	88
<i>Secondary theme: Normalisation of unhealthy behaviours.</i>	90
<i>Secondary theme: Providing an unsafe home life.</i>	93
PRIMARY THEME: FEAR OF REPERCUSSIONS	95
<i>Secondary theme: Fear of not being believed.</i>	96
<i>Secondary theme: Fear of threats and violence.</i>	97
<i>Secondary theme: Fear of system responses.</i>	98
<i>Secondary theme: Fear of community scrutiny.</i>	100
<i>Secondary theme: Fear of challenges to identity.</i>	101
PRIMARY THEME: AVOIDING EXPOSURE	103
<i>Secondary theme: Active denial.</i>	104
<i>Secondary theme: Promoting silence.</i>	105
<i>Secondary theme: Ultimate silencing.</i>	105
<i>Secondary theme: Shaming.</i>	107
CHAPTER 8 PARTS II & III: FORUMS AND RESULTS	110
PART II – ABORIGINAL COMMUNITY FORUM	110
<i>Methodology.</i>	110
<i>Results.</i>	111
<i>Additional comments and insights.</i>	118
PART III: NON-ABORIGINAL WORKERS FORUM	121
<i>Methodology.</i>	121
<i>Results.</i>	122
<i>Additional comments and insights.</i>	122
PRIMARY THEME 6: HOLDING ABORIGINAL LAW	124
CHAPTER 9: DISCUSSION AND CONCLUSIONS	126
ONSET	131
DEVELOPMENT	132
MAINTENANCE	137
RESPONSE	141
CULTURE AND PSYCHOLOGY	143
IMPLICATIONS FOR POLICY	147
IMPLICATIONS FOR PRACTICE	150
IMPLICATIONS FOR FUTURE RESEARCH	153
CONCLUSION	156
REFERENCES	158
APPENDICES	169
APPENDIX A: SEMI-STRUCTURED INTERVIEW SCHEDULE	169
APPENDIX B: INFORMATION LETTER - ORGANISATIONS	171
APPENDIX C: INFORMATION LETTER - SUPPORT SERVICES	173

ABORIGINAL CULTURE AND CHILD SEXUAL ABUSE ix

APPENDIX D: LETTER OF INVITATION - ABORIGINAL REFERENCE GROUP .....	175
APPENDIX E: ABORIGINAL REFERENCE GROUP TERMS OF REFERENCE.....	176
APPENDIX F: INFORMATION LETTER - PARTICIPANTS.....	177

## LIST OF TABLES

Table 1	Overview of modes of being model .....	4
Table 2	Overview of primary themes and secondary themes .....	73
Table 3	Summary of community members' feedback .....	112
Table 4	Summary of non-Aboriginal workers' feedback .....	123



## CHAPTER 1: INTRODUCTION

The sexual abuse of children has been a serious issue of concern in much of the Western world since the 1970s and 1980s (Haugaard, 2000), including Australia (Goddard & Hiller, 1993) and in Aboriginal<sup>1</sup> communities (Aboriginal Child Sexual Assault Taskforce [ACSAT], 2006; Coorey, 2001; Gordon, Hallahan, & Henry, 2002b). These concerns stem from the often hidden nature of child sexual abuse (CSA), as well as the adverse physical, psychological and emotional impacts it has on the wellbeing of victims and their families (Abdulrehman & De Luca, 2001; Davis & Petretic-Jackson, 2000; Fergusson, McLeod, & Horwood, 2013; Finkelhor & Browne, 1985; Mullen & Fleming, 1998).

As a result, a substantial body of research has developed which is aimed at addressing CSA at the source of the harmful behaviour, with sex offenders. This research has provided insights into the nature of sex offending and has resulted in the development of a number of psychological theories to explain this behaviour. These theories suggest several psychological and emotional factors are implicated. For example, single-factor theories suggest the presence of attachment problems amongst offenders (Baker & Beech, 2004; Ward, Hudson, & Marshall, 1996), self-esteem problems (Marshall, 1997), intimacy deficits (Bumby & Hansen, 1997), and cognitive distortions in offenders (Marshall, Hamilton, & Fernandez, 2001; Ward, 2000; Ward, Hudson, & Marshall, 1995). While this research has made an important contribution to advancing our understanding of the nature of sex offending, the usefulness of such single-factor theories

---

<sup>1</sup> The term Aboriginal is used instead of Indigenous to reflect Western Australian Aboriginal community preferences. However, the term Indigenous is used when citing information from reports in keeping with original terminology.

for capturing the complexity of human functioning in the diverse contexts that may be associated with sex offending, needs further development. Ward, Polaschek, and Beech (2006) provide a comprehensive review of a range of single-factor theories of sexual offending.

Others have been interested in developing more comprehensive descriptions of sexual offending. As a result, several influential multi-factorial psychological frameworks for explaining sexual offending have been developed. The most well-known of these include the precondition model (Araji & Finkelhor, 1986), the integrated theory (Marshall & Barbaree, 1990), the quadripartite model (Hall & Hirschman, 1992), and the pathways model (Ward & Siegert, 2002). These frameworks will be discussed in more detail in subsequent chapters. In developing these, researchers have suggested that a key task of a good etiological theory of sex offending is to "... account for the onset, development and maintenance of sexually offending behavior ..." (Purvis & Ward, 2006, p.299). In other words, Ward and Siegert (2002) contend theories should provide a comprehensive description of sex offending behaviours, and be able to account for variations among offenders, such as why individuals with similar adverse parenting and early socialisation experiences, do not all go on to become sex offenders.

Theories are also important for intervening at the source of the problem behaviour such as in the treatment of sex offenders. For example, theories have been described as being indispensable in clinical intervention with sex offenders because they "... provide frameworks for assessment by noting the difficulties offenders are likely to experience, outlining how such problems are interrelated, and specifying their psychological, social, biological and cultural causes" (Ward et al., 2006, p.15). This suggests that having

culturally informed sex offender theories is important for addressing CSA offending among Aboriginal sex offenders. In this regard, to date there is no empirical evidence as to the appropriateness of existing theories and models for explaining and guiding clinical intervention with this particular group of offenders. However, these theories and models do highlight the powerful influence of socio-cultural environments and early socialisation experiences in the development of sexual offending behaviour (Araji & Finkelhor, 1986; Hall & Hirschman, 1992; Marshall & Barbaree, 1992; Ward & Siegert, 2002).

Indeed, some have noted the importance of the cultural context of values and belief systems, for example, in relation to gender, which may be implicated in the development of sex offending behaviour (Ward & Siegert, 2002). Others have suggested that cultural issues beyond individual psychological factors are relevant to CSA for several reasons. In this case, culture provides information about familial cultural beliefs and attitudes which may be implicated in CSA, as well as information about how cultural organisation influences disclosure, and how culture influences help-seeking and acceptance of social services (Fontes, 1995; Gil, 1995). However, despite identifying the importance of the cultural context in understanding sex offending, this dimension remains relatively under-developed in the literature on sex offender theories, with some noting that the role of culture in sexual offending has largely been ignored (Purvis & Ward, 2006).

Furthermore, researchers in the areas of cross-cultural and cultural psychology suggest that understanding cultural contexts is critical for theory building in all areas of psychology (Kitayama, Duffy, & Uchida, 2007). They propose that culture is important because it is both inside the mind, present in psychological processes which are

influenced and shaped by cultural practices and meanings, and outside the mind in the prevailing social institutions, public practices and systems of meanings with which individuals interact, attuning their thoughts, feeling and behaviours to these systems of meaning. As a result, these systems of meaning become validated, reinforced and reconstituted over time (Kitayama et al., 2007).

The ways in which individuals attune their thoughts, feelings and behaviours to these systems of meaning are represented by Kitayama et al. (2007) in their modes of being model. They suggest there to be two key modes of being: independence and interdependence, which broadly correspond to the individualism and collectivism dyad. They contend that three key elements: cognition, self-representation and style of action, are important in understanding the cultural being. Specifically their model suggests that a person organises and regulates his or her behaviour by understanding the surrounding environment in which action takes place (cognition), forming a picture of both the self and other relevant people (self-other representation), and on the basis of these interpretations regulates his or her own behaviour (style of action). An overview is provided in Table 1 and will be elaborated on in more detail in Chapter 3.

Table 1

*Overview of the Modes of Being Model*

Mode of being	Cognition	Self-other representation	Style of action
Independent	Analytic	Self-centric	Influence
Interdependent	Holistic	Socio-centric	Adjustment

Acknowledging the cultural dimension in theories and models of sexual offending is important for Aboriginal people who continue to assert a connectedness to and practice of their own distinctive culture and traditions in WA (Blagg & Morgan, 2004; Kimberley Aboriginal Law & Culture Centre [KALACC], 2006; Law Reform Commission of Western Australia [LRCWA], 2006). This occurs within the socio-political context of Aboriginal experiences of colonisation and oppression by a dominant Anglo-Australian culture (Blagg, 2000; Dudgeon et al., 2014; LRCWA, 2006). Such colonial experiences are noted as having had negative impacts on the wellbeing of Aboriginal people (Parker & Milroy, 2014) and Indigenous peoples in other countries such as New Zealand (Hodgetts et al., 2010) and South America (Gil, 1995). Similarly, Aboriginal people consider problems such as CSA must be understood within the context of "... the violence of colonialism and its legacy ..." which "... continues to send shock waves through Indigenous communities" (Blagg, 2000, p. 2; Atkinson, 1990; Gordon et al., 2002b). From this perspective, violent offending associated with problems such as CSA are viewed as symptoms of perceived breakdowns in cultural practices within family, kinship, and community functioning as a result of colonisation and oppression (Atkinson, 1990; Gordon et al., 2002b). In other words, such violent offending may be regarded as reflecting the external and observable expressions of internal psychological processes which have been shaped by the intersection of traditional forms of Aboriginal culture and experiences of colonial violence and oppression.

In addition, there is an ongoing tension between Aboriginal aspirations about retaining their culture and what they perceive are attempts to force them to assimilate into

the dominant Anglo-Australian culture. This tension between the two cultures is summarised by an Aboriginal Elder as follows:

Our people are living on the cross roads and the walk is a rough, rugged, cloudy journey to reach what the Government wants us to do. It's not our system, I'll tell you that. Some of us are lucky to learn that. Where do we go after that? We are still a separate people. You are there. We are over here. You don't want to know our way and we are given no choice but to go your way (James Gaykamangu, Millingimbi, NT, The Elders Report on Youth Suicide, 2014, p. 52).

This perspective is not uncommon among Indigenous people who have experienced colonisation. It captures the ongoing cultural tensions between original minority Indigenous cultures and imposed dominant Western cultures which are viewed as contributing to adverse changes in Indigenous cultural practices (Hodgetts et al., 2010).

These cultural tensions may be understood in the context of insights from the field of cultural psychology. For example, it implies that psychological processes are essential components of a given cultural system and cannot be separated from it (Kitayama, Marksu, Matsumoto, & Norasakkunkit, 1997). To attempt to separate the person from his or her cultural background, such as through the oppression of Indigenous cultures and the imposition of a dominant Western culture on Indigenous people, is viewed as like trying to pry the roots from the dirt that surrounds them (Gil, 1995). The interaction of culture and psychology will be elaborated on in subsequent chapters.

Cultural psychology also draws attention to the role of culture in defining, maintaining and holding in place, broader societal meanings associated with social events and situations (Kitayama et al., 1997). Using Kitayama and colleagues (1997) approach

to describe the Australian context, since colonisation began the dominant Anglo-Australian culture may be viewed as having defined, established and maintained the nation's societal structures, events and situations. As a result, these are likely to be experienced as natural, familiar, and ordinary to Anglo-Australians as it reflects their habitual mode of thinking, feeling, and acting. However, Aboriginal people may perceived these circumstances as unnatural, strange, and oppressive. In these latter circumstances, Aboriginal people, may experience culture shock, or disorientation as a result of living in a society they experience as being inconsistent with their culture.

The importance of CSA in Aboriginal communities as a research focus, is associated with reducing its incidence and adverse impacts on the wellbeing of victims and their families, by reducing the harm caused by perpetrators. Indeed, the over-representation of Aboriginal children in substantiations of reports of CSA is well-documented (Australian Institute of Health & Welfare [AIHW], 2013). For example, although it is difficult to obtain an accurate picture of prevalence rates due to under-reporting and the use of inconsistent definitions (Stanley, Tomison, & Pocock, 2003), recent data suggest that Aboriginal children are over-represented in child protection notifications and substantiations (AIHWA, 2013). These data suggest that for child protection notifications and substantiations of child protection cases in 2011-2012, Indigenous children were eight times more likely to be the subject of substantiated child abuse and neglect than non-Indigenous children (AIHW, 2013). Nationally, 13% of substantiations related to notifications of CSA; however the rate of substantiations in Western Australia [WA] was higher at 21.7% (AIHW, 2013). In WA, substantiated cases of CSA involving 139 boys and 419 girls were reported for the period 2011-2012

(AIHW, 2013). Overall, just under a quarter of these cases ( $n=128$ ; 23%) involved Indigenous children, the second highest number amongst Indigenous children reported in Australia, and second only to New South Wales (NSW) (AIHW, 2013).

Given these data, the importance of culture in people's lives, that culture has largely been ignored in the literature, and that psychological theories and models are important for clinical intervention with sex offenders (Ward et al., 2006), it seems critical that understanding the cultural dimension in existing theories and models be enhanced in order to improve responses to Aboriginal sex offending. This perspective is further reinforced by the different way in which Aboriginal people describe culture<sup>2</sup> which will be elaborated in subsequent chapters. Clarifying Aboriginal people's conceptualisation of the term *culture* is important to avoid making assumptions about its use in Aboriginal communities and its application with Aboriginal sex offenders. Further, the current circumstances indicate that, despite the substantial body of literature on understanding sex offending, the paucity of research investigating the specific role of culture in the onset, development and maintenance of sexual offending, constitutes a significant gap in this literature. Not surprisingly, a key consequence is there is a significant gap in appropriate services for Aboriginal male perpetrators of violence, including sexual violence (LRCWA, 2006).

Key challenges for policy makers and practitioners working with Aboriginal child molesters include identifying cultural<sup>3</sup> and culturally appropriate<sup>4</sup> methods of assessing,

---

<sup>2</sup> Aboriginal people in the Kimberley region use two distinct but highly interrelated terms of law and culture when referring to culture.

<sup>3</sup> Cultural methods of assessing, treating and designing interventions are defined as those that are derived in Aboriginal Law and Culture.

<sup>4</sup> Culturally appropriate methods of assessing, treating and designing interventions are defined as those that are derived in Western approaches but have been *indigenised* in some way, in an effort to improve their applicability for use with Aboriginal offenders.



treating and providing services and interventions for this particular population of offenders. The critical role of sex offender theories and models in informing the assessment and treatment of sex offenders (Ward et al., 2006), and the current relatively under-developed cultural dimension in the theoretical literature, suggests investigating the role of culture in CSA and how this may inform application of these theories with Aboriginal sex offenders, is important. It is also of importance given Aboriginal people have retained strong connections to and observance of Aboriginal law and culture in WA (Blagg, 2000; Blagg & Morgan, 2004; LRCWA, 2006).

In addition, culture has reportedly been used to excuse CSA in some Aboriginal communities (Atkinson, 1990; Gordon et al., 2002b; LRCWA, 2006). The employment of culture in this way is commonly viewed as reflecting changes in cultural practises as a result of colonisation, oppression, and the imposition of a foreign culture on Aboriginal people (Atkinson, 1990; 1991; Gordon et al., 2002b; Wild & Anderson, 2007). The consequences of these processes on the functioning of Aboriginal people are many and complex, including intergenerational trauma (Atkinson, 1991; Blagg, 2000) and high levels of interpersonal violence perpetration (Memmott, Stacy, Chambers, & Keys, 2001; LRCWA, 2006).

Further, this current research may provide cultural insights which may help to reduce incidents of CSA and the harm caused to the wellbeing of victims and their families. This is important because, in its findings on government responses to Aboriginal reports of family violence and child abuse in Western Australia, the Gordon Inquiry suggested that "... the statistics paint a frightening picture of what could only be termed an 'epidemic' of family violence and child abuse in Aboriginal communities"

(Gordon et al., 2002a, p. xxiii). Improving our understanding of CSA and how it manifests in Aboriginal communities seems to be a critical factor for reducing its incidence and the harm caused by such behaviour.

### **Research Aims**

The aim of this research was to investigate Aboriginal perspectives about CSA so as to inform the cultural dimension in existing theories of sex offending and their application with Aboriginal sex offenders. The research question was:

*What role does culture play in sexual offending against children, amongst Aboriginal sex offenders?*

A phenomenological methodology was used in this three-phased research which explored Aboriginal perspectives on the following four broad areas of inquiry:

- i) What is involved in CSA?
- ii) What are the causes of the problem, including perpetrator characteristics and risk factors for victimisation?
- iii) What are the barriers to disclosure and help-seeking in the local community?
- iv) How does CSA affect individuals, families and communities?

This initial broad approach was considered appropriate given the sensitivity of the issue under investigation. It was also considered appropriate for accommodating a holistic perspective so ensuring important factors were not inadvertently excluded as a function of the research methodology. It also accommodated moving towards more specific lines of inquiry once a suitable level of rapport had been established with participants.

### **Thesis Structure**

This research was undertaken in response to the over-representation of Aboriginal children in: substantiated reports of CSA in WA; reports that culture has been used to excuse the sexual abuse of children in some Aboriginal communities (Atkinson, 1990; Gordon et al., 2002b; LRCWA, 2006); and the under-developed cultural dimension in existing psychological theories and models of sexual offending (Purvis & Ward, 2006), despite researchers suggesting culture to be important for understanding sex offending. In addition, it is vital that existing theories and models which inform the assessment and treatment of sex offenders, are ultimately therapeutically useful, in order to reduce the harm that their offending behaviour causes to victims and their families.

Background information to this research is provided in Chapters 2 to 4. For example, the features of key existing multifactorial psychological theories and models of sex offending are provided in Chapter 2. Chapter 3 outlines insights from cultural and cross-cultural psychology about the relationship between culture and psychology, including how these insights might inform the understanding of the cultural dimension in existing theories as they apply to Aboriginal sex offenders. In addition, a key dimension of a culture lies in its external observable features, such as its structures and practices. Given that Aboriginal people are reported to have retained strong connections to law and culture in WA (Blagg & Morgan, 2004; LRCWA, 2006), it was important to outline what has been documented about their culture. It was also important to outline key impacts on this culture which occurred when it came into contact with that of the English colonisers. This is discussed in Chapter 4.

Part I of the research is covered in Chapters 5 to 7. Importantly, Chapter 5 outlines the process of community engagement, which was viewed as essential, given the sensitivity of the issue being investigated, and which may be considered as a critical preparatory step in the methodology of this research. This research methodology including participant characteristics is outlined in Chapter 6. The findings from Part I are summarised in Chapter 7. Parts II and III of the research are covered in Chapter 8 and include: the methodology used, participant characteristics and the outcomes. A general discussion of these findings can be found in Chapter 9, which employs the broad theoretical categories of onset, development, maintenance and responses to sex offending. The implications for policy and practice, are also outlined in this chapter, together with concluding comments.

## **CHAPTER 2: THEORIES OF SEXUAL OFFENDING**

Concerns about the adverse effects of CSA have resulted in a substantial body of psychological research highlighting the diverse and complex nature of such offending behavior. As a result, a number of influential single-factor and multi-factorial psychological theories and models of sexual offending have been developed. For the purposes of this research this chapter focuses on the most well-known and influential of these, the multi-factorial theory and models. This is because they incorporate the theorising associated with single-factor theories, such as those based on cognitive distortions and intimacy deficits. They include the precondition model (Araji & Finkelhor, 1986), the integrated theory (Marshall & Barbaree, 1990), the quadripartite model (Hall & Hirschman, 1992), and the pathways model (Ward & Siegert, 2002). They have made a substantial contribution to, not only understanding the onset, development and maintenance of sexual offending behaviour, but also contributed to the development of clinical interventions with offenders (Purvis & Ward, 2006). In addition, they provide frameworks for assessment, for articulating the difficulties that offenders are likely to experience, and for articulating their psychological, social, biological and cultural causes (Ward et al., 2006).

Importantly for this research, they highlight the powerful influence of socio-cultural environments and early socialisation experiences on the development of sexual offending behaviour (Araji & Finkelhor, 1986; Marshall & Barbaree, 1992; Hall & Hirschman, 1992; Ward & Siegert, 2002). The following sections highlight key features of these influential theories.

**The Precondition Model**

Araji and Finkelhor (1986) developed the precondition theory based on a review and organisation of the literature on key theoretical themes. They noted the theorising at the time fell into two broad areas: those describing individual psychological factors and those emphasising the role of socio-cultural factors in sexual offending behaviour. This literature suggested it was possible to identify four preconditions that must be met before CSA occurs. These are there must be the motivation to sexually abuse; overcoming internal inhibitors or disinhibition; overcoming external inhibitors; and overcoming the resistance of the child.

The precondition model was important for two key reasons: it provided the first systematic framework for understanding the reason some individuals sexually abuse children; and it helped in the formulation of clear treatment goals and clinical interventions (Ward et al., 2006). However, in their review of this model Ward et al. (2006) identified some weaknesses including conceptual vagueness and incoherence, and lack of unifying power, which highlighted the need for further theoretical work in this area.

**Integrated Theory**

A second major theory is the integrated theory (Marshall & Barbaree, 1990), a central feature of which is the emphasis placed on the early developmental experiences of offenders resulting in the creation of a number of offense-related vulnerability factors important to the triggering of sexual crimes. This represents a shift from a primary focus on internal psychological processes such as cognitive distortions which are used to justify

or minimise offending behaviour, to emphasising the powerful influence of social environments and early socialisation experiences.

The proposition in the integrated theory is that early experiences provide the opportunity for individuals to develop the basic interpersonal skills necessary to make the transition from childhood to adult relationships (Marshall & Barbaree, 1990). However, problems may arise when individuals do not develop these interpersonal skills as a result of adverse early childhood experiences. These include insecure attachment styles involving emotional dysregulation, impaired problem solving, poor judgment and low self-efficacy, low self-esteem, a poor coping style and inadequate interpersonal skills. As a result, individuals enter puberty with a number of crucial skill deficits making it harder to master the tasks of adolescence, particularly the task of being able to discriminate between aggressive and sexual impulses, and learning to control these. Such individuals have a greater chance of being socially rejected, of experiencing feelings of inadequacy; and they may harbour anger and resentment towards those they consider responsible for their problems. Further, with the influx of male hormones during adolescence, they find it hard to discriminate between sexual and aggressive impulses, finding it hard to develop strategies to control aggressive tendencies during sexual experiences.

In their review of the integrated theory Ward et al. (2006) suggest a number of strengths and weaknesses exist, including a key strength of the integrated theory is that it incorporates a broad range of developmental and social factors in explaining the reasons for individuals committing sexual offences. They also infer that the theory provides a useful tool in the assessment of offenders and for treatment planning. However, they note some conceptual weaknesses including its over-emphasis on disinhibition as the

primary pathway to offending; and that, given the complex nature of sexual offending, the integrated theory does not adequately address the possibility of other offence pathways. Finally, they note there to be a lack of clarity about the relationship between aggression and sexual drives, a key feature of this theory.

### **Quadripartite Model**

A third major framework is Hall and Hirschman's (1992) quadripartite model. They hypothesised that a number of vulnerability factors contributed to the sexual abuse of children, including inappropriate physiological sexual arousal, distorted cognitions, affective dyscontrol and problematic personality factors. In reviewing this framework, Ward et al. (2006) suggest a key strength to be the provision of a comprehensive description of the significant clinical phenomena observed amongst sex offenders. In addition, they note importantly, the quadripartite model to indicate that CSA occurs through distinct pathways, each having its own unique cluster of problems. Further, it introduced the concept of an offence threshold that helps to explain why psychological vulnerabilities only result in a sexual offence under certain circumstances. In other words, not all those who are exposed to adverse early socialisation and developmental experiences usually associated with sex offending against children, will actually go on to become offenders themselves. Rather, the quadripartite model suggests that a combination of these factors influence how individuals cope with these experiences and the situations they find themselves in, which influences whether an offence will occur.



### **Pathways Model**

A feature of the preceding three theory and model is the proposition that understanding sexual offending against children is complex and occurs as a result of a number of interacting factors, such as biological, psychological, social, cultural and situational factors (Ward & Hudson, 1998; Ward & Siegert, 2002; Ward et al., 2006). These factors represent advances in the construction of comprehensive, multi-factorial theories and models of sexual offending and are useful tools in the assessment and treatment of sex offenders (Ward et al., 2006). However, in their review of these frameworks, Ward and colleagues (2006) contend that if considered individually, the theories face several criticisms such as the lack of explanatory depth, lack of internal coherence and the lack of unifying power.

In response to criticisms of the preceding multifactorial frameworks, Ward and Siegert (2002) developed the pathways model in an attempt to combine what they viewed to be the strengths of these influential theories into a comprehensive theory. Importantly, they suggested that amongst a number of key elements such as being able to explain the development of core clinical phenomena and distal and proximal causal factors, an adequate theory of CSA should be able to accommodate psychological, biological, cultural, and situational factors. The resultant pathways model indicates there to be five pathways into sexual offending: deviant sexual scripts; intimacy deficits; emotional dysregulation; cognitive distortions; and multiple dysfunctional mechanisms. They contend each of the five pathways is derived from three key elements: the quality of an individual's early socialisation experiences; the influence of these experiences on

the development of dysfunctional mechanisms; and the presence of situational factors that provide the opportunity to commit an offence.

Ward and Siegert (2002) hypothesised that each pathway has a distinctive primary causal mechanism through which a unique set of symptoms will occur, like deviant sexual scripts, intimacy deficits, emotional dysregulation, cognitive distortions or multiple dysfunctional mechanisms. Primary causal mechanisms are conceptualised as having more causal influence. They suggested that although each pathway is hypothesised to be associated with a unique set of primary mechanisms and cluster of symptoms or problems, the mechanisms always interact to cause a sexual crime. In other words, every sexual offence will involve the presence of all the symptom clusters and the activation of their underlying mechanisms. This means that all sexual crimes will have emotional, intimacy, cognitive, and arousal components.

Importantly for this research, the pathways model suggests that culture may influence the development of sexual offending behaviour in several important ways. For example, Ward and Siegert (2002) conclude that values and beliefs about sexual behaviour and relationships with children may influence the development of CSA. They add that where there is early exposure of children to sexualised behaviours, this may result in children becoming sensitised to and becoming prematurely interested in sexual matters. They also infer that these experiences, together with the portrayal of children in a sexual manner, make it more likely that distorted sexual scripts and associated CSA will develop within particular settings. Ongoing exposure to sexualised behaviours may further distort sexual scripts and reinforce sexual offending behaviour.

Where sexual offending is not found to be associated with distorted sexual scripts, Ward and Siegert (2002) suggest cultural messages that sexualise children and create dysfunctional beliefs about children's sexuality may be used by offenders to rationalise or justify their abusive behaviour. Similarly, cultural messages about the status and value of women and children may also influence the development of sexual offending behaviour. For example, Marshall and Barbaree (1990) suggested that higher levels of sexual and general violence against women are more likely to be observed in societies characterised by strong patriarchal attitudes. They add that such patriarchal attitudes influence the attitudes developed by males about relationships. Ward and Siegert add, "... the way relationships are culturally modelled and the social practices that are derived from these representations ..." influence attitudes towards women and children and may be implicated in sexual offending behaviour (2002, p. 342).

Thus, the pathways model provides compelling reasons for the importance of considering the role of culture in understanding CSA. Importantly for this research, it highlights the importance of understanding cultural values, beliefs about the value of children, attitudes towards the sexualisation of children, sexual scripts, and cultural models of relationships.

In summary, these comprehensive frameworks for explaining sexual offending suggest there to be a number of broad common factors that may be observed amongst sex offenders generally. For example, it is widely accepted that an individual's past experiences and social environments are important for understanding sex offending behaviour (Araji & Finkelhor, 1986; Hall & Hirschman, 1992; Marshall & Barbaree, 1990). In addition to these authors, Ward and Siegert (2002) identify a number of

psychological factors such as emotional regulation, interpersonal skills, competence, and cognition as being important elements of the sex offending picture. Of note in the context of this research is the specific reference to culture as having a role in influencing early socialisation experiences and contributing to the development of key vulnerability factors associated with sexually offending behaviour.

### **CHAPTER 3: CULTURE AND PSYCHOLOGY**

Multifactorial frameworks about sexual offending suggested the cultural context within which sex offenders are born and socialised is important for understanding the onset, development and maintenance of their offending behaviour (Ward & Siegert, 2002). Although largely ignored in the literature on sex offending (Purvis & Ward, 2006), the importance of culture is highlighted by other researchers. For example, cultural and cross-cultural researchers emphasise the importance of culture in psychology, suggesting that understanding cultural contexts is critical for theory building in all areas of psychology (Kitayama et al., 2007; Miller, 2002). However, psychologists often struggle with understanding how to treat the issue of culture, particularly Indigenous cultures, in their discipline. Gonzales (2000) suggested this occurs because psychology's structures, approaches and methodologies have been developed in Western cultures. This chapter draws on the work of researchers in cross-cultural and cultural psychology in an effort to shed light on this issue. It begins by providing a brief overview of culture and psychology in Australia, followed by subsequent conceptual developments in understanding culture.

#### **Overview of Culture and Psychology in Australia**

Gonzales (2000) noted that in Australia, the issue of culture in psychology has typically been treated superficially, as just another variable to be taken into account when working with culturally diverse communities whilst remaining within the frame of reference established by traditional Western psychology. He suggested this is insufficient because behaviour is not determined by a form of decontextualised, central processing

mechanism that functions exactly the same despite the influence of culture. Rather, human thinking is constructed through culture. He also indicated that traditional psychology has identified the norms of the dominant groups, Anglo-Europeans, Anglo-Americans and Anglo-Australians, as if these were the universal laws of human nature, the yardsticks against which all are to be measured. If these norms are unquestioningly accepted and applied to all people, then this can disadvantage individuals from minority cultures who may be viewed in terms of a deficiency.

Vicary (2000) added a similar perspective about traditional Western psychology in his description of models of mental health that are based on Western cultural meanings and philosophies. He describe these meanings and philosophies as including individualisation, wherein a person takes responsibility for his or her own problems (e.g., Caplan & Nelson, 1973); secularism, wherein concepts of the self and assertiveness are based on individualistic Western living and the Protestant work ethic (e.g., Walgrave, 1985); and materialism, where according to Walgrave the focus is on material goods as opposed to spiritual values. He also noted this contrasts markedly with Aboriginal and other Indigenous cultures, wherein spirituality pervades every aspect of life, and common approaches are ecological, consensual and communal (see also Karpfen, 1997). He contended that problems may arise when applying a Western approach which emphasises the individual as being responsible for his or her own problems, to addressing psychological problems or illnesses among Aboriginal people. This is because Aboriginal people may view these problems or illnesses as being caused by some external, spiritual force over which they have no control (see Eastwell, 1985).

### **Conceptual Insights**

The preceding sections highlight the tensions between traditional Western psychology and the psychology of those from Indigenous and other minority cultural groups. Other researchers provide further refinement of and insights into the complex interaction of culture and psychology. At a fundamental level, Baumeister (2005) suggested that "... nature has designed the human psyche for participation in cultural society..." and human beings live in a cultural world (p. 6). As such, "(c)ultural human beings are aware of themselves; they are aware that they are part of a network of similar beings; and they are aware that their social group holds an assortment of values and beliefs" (p. 6). While basic psychological processes are likely to be common to all human beings, the construction of meaning and the behavioural expressions of these psychological processes are mediated by and must be understood in the context of the culture in which a person develops (Gonzales, 2000; Triandis, 2007). Existing theories on sex offending have highlighted a similar perspective which suggests that the socio-cultural contexts in which offenders grow and develop are important for understanding their cognitive, emotional and behavioural functioning; the manner in which they make sense of various situations: and the reasons for their response by offending (Araji & Finkelhor, 1986; Hall & Hirschman, 1992; Marshall & Barbaree, 1990; Ward & Siegert, 2002).

In addition, insights from cultural psychology assert psychological processes are essential components of a given cultural system and cannot be separated from it (Gil, 1995; Gonzales, 2000; Kitayama et al., 1997). Broadly speaking, culture may be viewed as a dynamic system composed of many interconnected elements such as meanings,

practices, and associated mental processes and responses (D'Andrade, 2001; Kitayama, 2002). It influences all aspects of life, including: the manner in which individuals construct their sense of self; how members of a cultural group communicate with each other; the types and nature of permissible relationships within the group; the shape of families and how they function; and perspectives on discipline, punishment and justice. Culture is viewed as existing both inside the mind, present in psychological processes which are actively influenced and shaped by cultural practices and meanings, and outside the mind in the prevailing social institutions, public practices and meanings (Kitayama et al., 2007).

Cultural meanings are present in an individual's social and cultural environments (Baumeister, 2005; Kitayama, 2002). They develop over time and become externalised in a pattern of observable symbols and behaviours such as language and how it is spoken, and modern tools such as the internet (Kitayama, 2002). They also include values and behaviours associated with democracy, individualism and perspectives regarding discipline, punishment and justice. These cultural meanings shape and are embedded in social institutions and structures (Kitayama, 2002), including those found in systems of governance like parliament, and the legal and criminal justice systems. Together, they form culturally-influenced systems of meaning with which individuals actively interact, attuning their thoughts, feelings and behaviours to these systems. As a result, these systems become validated, reinforced and reconstituted over time.

### **Modes of Being Model**

The ways in which individuals attune their thoughts, feelings and behaviours to these systems of meaning are presented in the Kitayama et al. (2007) modes of being



model. It reflects the early cross-cultural perspectives in which culture was understood according to two broad conceptualisations: individualism and collectivism. According to this model, individuals develop psychological systems of self-regulation (Kitayama et al., 2007) or standard operating procedures (Triandis, 2007) within their social and cultural environments. Once developed, these standard operating procedures or modes of being enable a person to act, live, and function naturally and adaptively in their particular cultural contexts (Kitayama, 2002; Kitayama et al., 2007; Kitayama et al., 1997). Further, their mode of being is constantly supported, constrained and maintained by the prevailing cultural and societal norms, and the expectations of others.

Kitayama et al. (2007) propose two key modes of being: independence and interdependence (see Table 1). These broadly reflect the individualism and collectivism dyad. The model further suggests three elements to be important for understanding how individuals regulate themselves within their social and cultural environments: cognition, self-representation and style of action. In this perspective, a person organises and regulates his or her behaviour by understanding the surrounding environment in which he or she exists (cognition); forms a picture of both the self, other relevant people, and how he or she fits in relation to them (self-other representation); and on the basis of these interpretations, regulates his or her own behaviours (style of action). Although distinct and partially independent, these three elements of self-regulation are coordinated with one another.

They suggest that when a culture emphasises independent, goal oriented, instrumental practices and ideas in organising social relationships, individuals tend to use their own goals, desires, judgments and other internal attributes as their standard form of

action to cause changes in the environment. In this mode of being, social others are important but only to the extent that they can help the individual to achieve his or her own goals, needs and desires. As a result, independently-oriented individuals tend to be more self-centric, and their own goals, needs and desires are more valued than those of others. They examine relationships, situations and events, analysing and assessing these with a view to how these support their personal interests. The subsequent actions of such people then tend to be directed at influencing outcomes aimed at meeting their own goals needs and desires. The independent mode of being is typically linked to Anglo Western cultures, but there can be substantial variation in the degree to which people ascribe to the independent view of the self (Kitayama et al., 2007).

On the other hand, when cultures emphasise interdependent, other-oriented communal practices and ideas in organising social relations, persons tend to consider the expectations, desires and needs of others, and to adjust and align their own actions with these. They tend to use this interdependent mode of being, as their standard form of action (Kitayama et al., 2007). In this mode of being, individuals tend to be socio-centric. Others are centrally important, they are valued and the self is often defined and made meaningful in respect to them. Interdependent individuals also tend to adjust their own perceptions of themselves to fit in with their representations of others. They consequently tend to adjust their actions in response to how they interpret the needs of others, relationships, situations and events. In addition, because they attend to many potentially significant elements in their environments, they are likely to form a holistic perspective and holistic schemas. Thus instead of attending to each person individually in terms of their unique personality traits, interdependent individuals may come up with a

broad schema of the relationship or with the group as a whole that encompasses all of those involved.

These insights about culture and psychology suggests that it is likely that fundamental processes such as cognition, emotion, and motivation will be influenced, shaped and configured differently, across different social and cultural groups, and over time (Kitayama, 2002). This has implications for understanding the psychological functioning of Aboriginal people who have experienced colonisation and currently experience oppression as a minority culture. It is consistent with the views of Aboriginal people that problems such as family violence and CSA can be causally traced to breakdowns in culture as a result of colonisation and oppression (Atkinson, 1990; 1991; Gordon et al., 2002b). Yet it is unclear how these experiences of colonisation and oppression have specifically impacted on fundamental internal processes such as cognition, emotion and motivation among Aboriginal people over time. Intuitively, it seems likely that both the Aboriginal cultural context, and the context which involves its interaction with the dominant Anglo-Australian culture and society, will be important for understanding how these influence and shape such processes and resultant behaviours.

The preceding sections highlight several points for this research. The first relates to whether it is possible to include a cultural dimension in a multifactorial psychological theory of sexual offending which has been developed from a traditional Western psychological perspective. If so, then what are the implications for how this cultural dimension should be treated when applying the theory to those from minority cultural groups such as Aboriginal sex offenders? If not, then is the alternative to develop a

culture-specific theory for use with those from minority cultural groups such as  
Aboriginal sex offenders?

## CHAPTER 4: ABORIGINAL CULTURE

In WA, Aboriginal people continue to assert strong connections to and observance of traditional forms of Aboriginal Law (hereinafter law) and culture (Blagg & Morgan, 2004; LRCWA, 2006). Given this, in order to investigate the role of culture in sex offending against children among Aboriginal offenders, it is important firstly to understand Aboriginal people's use of the English terms law and culture when referring to what is often described as *culture*, and secondly, the meaning of these terms for describing culture.

From a cultural-psychological perspective, culture is viewed as existing both inside the mind, present in psychological processes which are actively influenced and shaped by cultural practices and meanings, and outside the mind in the prevailing social institutions, public practices and meanings (Kitayama et al., 2007). This chapter focuses on describing practices associated with observable features such as family, kinship, skin-systems, community and language groups which reinforce the values and beliefs of law and culture. Practices which seem to be important for understanding CSA and Aboriginal sex offenders are those associated with family and kinship, including: roles, responsibilities and obligations; *growing up children*<sup>5</sup> and arranged marriages; responses to the exposure of children to sexual behaviour; and discipline, punishment and justice.

A final issue is associated with the ongoing relationship between Aboriginal and non-Aboriginal people and a section on this has been included in this chapter. This category is associated with Aboriginal people's experiences of colonisation and oppression. It provides information about their interaction with non-Aboriginal people,

---

<sup>5</sup> This refers to Aboriginal use of English words to refer to child rearing practices.

the dominant Anglo-Australian culture and dominant societal systems. It is important to provide this contextual information because researchers make the distinction between culture and oppression as being implicated in CSA, noting little has been written about the manner in which these two factors may interact to produce environments in which CSA may occur (e.g., Fontes, 1995).

Given that Aboriginal people have a history of colonialism and oppression, the following sections on cultural structures and practices are described from what is known in the literature about pre-colonial Aboriginal cultures, societies and everyday life. This approach has been adopted for two key reasons. Firstly, Aboriginal people have referred to problems such as CSA, as reflecting adverse changes in culture and practices as a result of colonisation, oppression, and the imposition of a foreign culture on Aboriginal people (Atkinson, 1990; 1991; Gordon et al., 2002b). Secondly, in order to understand these adverse changes, it is important to understand as best possible, what came before colonisation; and the meaning ascribed to *proper* law and culture to which Aboriginal people refer (KALACC, 2006)?

Importantly, this chapter takes care to respect Aboriginal sacred laws, customs and restrictions on knowledge, and will therefore make reference to broad relevant features only (Gibbs, 1996). Specific information about Aboriginal law is held by Law Men and Law Women. It is not appropriate for this information to be disclosed in this thesis as this would represent a serious breach of cultural protocols. Consequently, throughout this chapter and where appropriate, direct quotes from Elders, Law People or their representatives, such as those from KALACC are included, so as to capture their words and ways of describing cultural concepts, practices and issues. These sections also

acknowledge the diversity of Aboriginal cultures and voices that speak to the significance of law and culture in WA (LRCWA, 2006). Given this diversity and the Kimberley regional focus of the research, this chapter draws on the literature on Kimberley laws, cultures and practices wherever possible.

### **Aboriginal Law and Culture**

When referring to culture, Aboriginal people in the Kimberley region of WA commonly use the terms law and culture, or at other times, the term culture to refer to two separate but inextricably linked concepts: law and culture. Of prime importance to them is law which is described as continuing to provide guidelines for everyday living (KALACC, 2006). While culture is perceived as continuing to evolve, law is described as:

... the unchanging legacy of creative ancestors who formed the world in the Dreamtime ... and established the all-encompassing moral and practical rules by which succeeding generations of Aboriginal people have lived for thousands of years (p.15).

According to KALACC, it provides specific information, and sets out rules and expectations about Aboriginal people's social, political and economic lives, kinship structures, cultural traditions, spiritual beliefs, and restricted ceremonial practices of its initiated members, traditional medicine, education and specialised training. Unlike Western systems of law which can be changed by governments, Aboriginal law is anchored in Creation and Dreaming stories (Australian Law Reform Commission [ALRC], 1987; Thomson, 1961), being inextricably linked to spirituality and the land. Thus individuals do not have the right to change it (KALACC, 2006). Its immutability is

best explained by Aboriginal Elders and Law People who suggest that, “The ground is our mother. It gives us Law” (Peggy Patrick, 1994 cited in KALACC, 2006, p. 37).

From this perspective:

Dreaming stories contain the moral and spiritual rules that govern human interaction and ensure harmony between all living things and the country that gives them life. The religious aspects of Law are therefore interwoven into every aspect of Aboriginal people’s existence (p. 38).

To change this law would involve attempting to change important cornerstones of law and culture: the Dreaming, spirituality, and the place of land in Aboriginal people’s lives. Thus law is conceptualised as being stable and enduring, setting out guidelines for living, the maintenance of life and its enhancement within a system comprised of interconnected and inter-related elements (Rose, 1998). The interconnectedness of law, Aboriginal people and the land is described as “... Law is inscribed into the landscape and often in the very bones of the Elders who are its living embodiment” (Blagg & Morgan, 2004, p. 17). This description reflects that law, knowledge and information are generally transmitted orally (LRCWA, 2006); it remains unwritten and is not codified in the Western sense of legislation, but rather is passed on through language, song and ceremony (Blagg & Morgan, 2004). The centrality of law in traditional societies more broadly meant that, for example, no matter what activity was being undertaken in a camp:

... the special rules applying throughout Aboriginal society were maintained. Not only was the camp itself carefully sited in relation to water and weather, but the position of each hut and the sleeping-place of each person were fixed according to



customary laws, so that married people and single individuals, children and visitors, all had their own places in the camp (Gibbs, 1996, p. 52).

Importantly, writes Gibbs (1996), law described expected patterns of behaviour that were established by the ancestors, inherent in which are a number of sacred obligations. These laws and obligations were strictly enforced in Aboriginal societies and neglecting them could result in punishment. In this belief system, if everyone adheres to the law, then an enhanced life is possible (Rose, 1998). Rose further explains that if the life of a group is threatened, then this signals that someone has not followed the law and the consequences are not restricted to individuals, but the "... wrong is inflicted on the cosmos as a whole ..." (1998, p. 246) such that it affects everyone.

Culture or the ways in which people apply law is conceptualised as being subject to change in response to Western influences (KALACC, 2006). Some of the best descriptions of the manner in which Kimberley Aboriginal people conceptualise culture are provided by local Elders as follows:

It's how you live, how you talk, how you just present yourself ... So, our young people these days don't realize culture not only means ceremonial time ... (Ngalu, Patsy Bedford, Bunuba, 2004, cited in KALACC, 2006, p. 49). And further,

... it's tied up with relationships, skin groups and kinship. It also keeps us together, and that's one of the intangible things, one of the things we can't see but we feel. It binds us together and makes us know who we are ... It helps us try to do the best things, to look at how life can be lived with the

proper dignity (Kimberley Land Council, Crocodile Hole Report, 1991 cited in KALACC, 2006, pp. 49-50).

These conceptualisations of law and culture reflect those provided by others. For example, Gil (1995) inferred cultures to be generally comprised of sets of values, beliefs, principles and practices, expressing rules and expectations with which members are required to comply. From this perspective, cultures are viewed as influencing attitudes to issues of violence, the sexual assault of vulnerable members, and the type of responses warranted by such behaviour. While some overlap occurs between how culture is viewed generally and Aboriginal concepts, a key difference occurs between conceptualisations of Aboriginal law and societal law. The difference is associated with the Aboriginal perspective that law is connected to Creation, spirituality and the land; it is immutable, while this is not the case for societal law more generally.

### **Family, Kinship and Skin-system**

Early anthropological descriptions of Aboriginal life described Aboriginal societies as consisting of diverse groups and systems of relationships and rules that operated to maintain the well-being and survival of each group. These descriptions also suggested there to be a number of structural layers to Aboriginal society. For example, the family is described as the basic and most important unit of social life and included a man, his wife or wives and their children (Gibbs, 1996; Malinowski, 1963; Thomson, 1961). These authors agree that families were free to live and hunt as a separate unit within a broader clan or local group. They state membership of a local group was fixed by birth and consisted of a number of closely-related families based on common descent from the same totemic ancestors and who considered that they were related.

Within families, everyone was required to work together for the common good according to law's life-enhancing principles (Gibbs, 1996). For example, law required food was to be shared to ensure that all were fed, including the old and young. Implicit in these descriptions are concepts of co-operation and co-ordination of activities and behaviours aimed at ensuring the well-being and survival of all members.

Kinship and skin-systems are also important. In the Kimberley region, a diversity of kinship structures and skin names are extant, and these remain crucial components of law and its practice (KALACC, 2006). Gibbs (1996) and Thomson (1961) provide detailed descriptions of kinship and examples of the guidelines involved. Kinship provides the primary means through which appropriate behaviour was defined and regulated between individuals and within a group. For example, the terms or names to be used between two people not only identifies the relationship between them, but also identifies how they are to interact and behave towards each other. In addition, kinship systems set out guidelines regarding who a person may marry. For example, a person was not permitted to marry within his or her own clan as this was considered to be incest and great care was taken to ensure it did not occur. Implicit in this conceptualisation are expectations and standards regarding behaviour, as well as an acceptance that members' behaviour may need to be regulated from time to time. Where transgressions occurred, the family and clan system provided the primary setting within which mechanisms to curb such behaviour operated in the first instance.

Kinship systems also set out a dual division which ran through the whole social system and divided a clan into two or more moieties or what is more commonly known as *skin groups* (Thomson, 1961). Skin groups provide an additional level of classification

and relatedness additional to biological relatedness. Therefore, in addition to those traditions required according to family relatedness, the skin system provided clearly defined roles and obligations according to skin relationships irrespective of biological relatedness (KALACC, 2006). These "... are reinforced by patterns of behaviour which range from playful familiarity and formal closeness, to restraint and respectful avoidance" (KALACC, 2006, p. 20). Reciprocal obligations related to "... ritual, emotional, educational and economic accountability are also determined on the basis of skin relationships" (p. 20). In this way, skin systems operate to ensure the social and economic welfare of the group as a whole, whilst allowing for "... a range of constructive associations to take place between people of different generations" (p. 20). Skin systems also set out strict protocols regarding suitable marriages, as well as outlining and reinforcing family ties between in-laws. Kimberley Elders describe the skin-system as "Everybody related here and we got to stick by it. Skin is very important because it was given to us in Dreamtime, *Pukarrikarra*" (Lenny Hopiga, 2004 cited in KALACC, 2006, p. 20).

It is clear from these descriptions of family, kinship and skin-systems that relationships, roles, obligations and responsibilities were viewed seriously. An important feature of these elements is that of reciprocity or mutual obligation, which Aboriginal people have consistently identified as important in supporting the well-being of families and communities (KALACC, 2006). Transgressions could be perceived as upsetting the balance within the group and the cosmos, thereby placing members at risk of harm by invoking the disapproval and anger of the ancestors. In this way, transgressions undermined the overall well-being and survival of the group.

### **Community**

The next layer of structures within traditional Aboriginal societies was described in anthropological terms as the *horde* (Thomson, 1961), but equates to the preferred contemporary term, *community*. In this description, the community consisted of a number of clans living in one location; this is the level of self-governance, law-making and decisions which determined matters such as whether to go to war with another group.

### **Language Group**

The final and broadest layer or structure within traditional Aboriginal societies has been described as the *tribe* which was characterised by a uniform culture, tribal traits, a common language, and to a lesser extent, occupation of a particular region (Gibbs, 1996; Thomson, 1961). In contemporary Aboriginal societies, the term *tribe*, which has its roots in Western anthropological descriptions of Aboriginal people and culture, is generally not used. The preferred term is *language group*, which highlights categorisation on the basis of a common language as noted in the anthropological literature.

Gibbs (1996) described the rules governing traditional Aboriginal life. In summary, each person had a clearly defined place as well as an obligation and responsibility to adhere to the rules and strict patterns of behaviour provided for through Aboriginal law. They were also required to fulfill their roles and obligations in relation to religious and other duties. These roles, obligations and responsibilities "... had to be respected, for the welfare of all", and individuals who breached these rules were held accountable for their actions (Gibbs, 1996, p. 65). In relation to disputes, these were

usually settled as soon as possible so that the peaceful pattern of group life could be restored.

### **Growing Up Children**

Childhood in pre-colonial Aboriginal societies is described as generally being characterised by affection, tolerance and indulgence, wherein young children were seldom physically punished (Forrest & Sherwood, 1995; Kaberry, 1939; Malinowski, 1963). Kaberry (1939) provided a detailed description about Aboriginal childhood in the Kimberley region, indicating children were nurtured and protected during this period as they played, imitated and began learning about the skills, cultural beliefs, practices and rules which would be necessary as they progressed through life.

Gibbs (1996) further provided the following detailed description of child-rearing practices in traditional communities more generally. Beginning with early childhood, children became familiar with living in extended family groups but retained a strong connection with their parents, their primary care-givers. Within their extended family group, a child also had a special relationship with another person, such as a mother's brother for a boy, whose role was to act as a guardian responsible for educating him about ceremonial matters. In some cases, the same person could also be involved in selecting a husband for a girl child, his niece.

According to Gibbs (1996), children enjoyed considerable freedom in their early childhood years and frequent interactions with their parents who played with them, teaching them dances and songs. They would often imitate the activities of adults in their play, including boys pretending to fight, using toys spears and balls of mud, and girls pretending to fight with sticks. Older children were required to undertake not only

everyday practical activities, but also to learn about ceremonial songs and dances, and their responsibilities in preparation for adult life. Importantly, they learnt there were strict rules governing personal behaviour, and that courtesy and proper behaviour in their interpersonal interactions was expected.

These descriptions suggest that parents were actively engaged with children, nurturing and teaching them about expectations regarding personal and interpersonal behaviour. Clearly, there were structured processes through which children learnt about their roles, obligations and responsibilities, and parents and close relatives had key roles in supporting children's learning about these. Observations of perceived *indulgence* may reflect Aboriginal people's understanding about child development and the importance of having realistic expectations about the capacity of young children to achieve certain tasks and activities. In addition, the descriptions suggest that Aboriginal parents provided supported opportunities in which children could imitate and practise activities in order to develop and refine their skills through the process of *doing*, which Aboriginal people today suggest continues to be a preferred method of learning.

### **Arranged Marriages**

An aspect of Aboriginal cultural practices raised in the context of CSA is the practice of arranged marriages. Kaberry (1939) in her seminal work on the status and place of Aboriginal women in some Kimberley communities provided the following observations of such practices. She noted it to be usual for a young girl to have been promised in marriage to an older man or a young boy from birth. Such an arrangement usually involved the man or boy's family providing gifts to the girl's parents such as food, boomerangs and/or spears to confirm the arrangement. The provision of such gifts

usually continued throughout the girl's childhood, during which time she would develop the skills and knowledge she would need to contribute to the survival of herself and her family. For example, she learnt about where to find honey, bush-fruits and firewood and how to harvest roots. It was also not unusual for older men to view the provision of gifts as helping to grow up the girl thereby implying what Kaberry interpreted as a *fatherly role*.

Upon reaching approximately nine to twelve years of age, the girl would be sent to her husband's camp. The practice in the Kimberley was that she would not be required to fulfill all the duties of a wife, but rather entered another period of preparation for her role as a wife and mother. For example, she would not be expected to be able to provide the same amount of food or firewood as her adult counterparts.

Kaberry (1939) noted that while the placement of a girl with her husband prior to puberty has often been viewed as an abrupt and dramatic change in the girl's life, her observations suggested that "... there is no sharp transition from one type of existence to another for the girl ..." (p. 96). She observed firstly that the girl has usually been aware of her betrothal from a young age and therefore developed certain expectations about her eventual marriage. Secondly, Aboriginal explanations provided to Kaberry were that sending the girl to her husband at an early age would help her become accustomed to him so that she would not be afraid when she had to leave her parents and go with him to his country. So, at this stage, she would continue to remain in the same camp as her parents, and they would continue to provide her with food and protection. Therefore she would not be expected to fulfill all her duties as a wife, gradually becoming accustomed to her promised husband. Kaberry suggested these insights contrast markedly with the negative



portrayal of such arranged marriages in the literature wherein girls and women are viewed as slaves or the property of the men. Rather, she noted the "... attitude of the man to the girl would seem to be one of protection and of affection, rather than a crude assertion of rights" (Kaberry, 1939, p. 96).

In summary, marriage for young girls did not begin until after puberty, and not before the girl had undergone an appropriate period of training and preparation for her role as a wife and mother (Forrest & Sherwood, 1995; Kaberry, 1939). Implicit in these descriptions is that some form of assessment as to physical and mental maturity was made, including an assessment of the knowledge and understanding of important roles, responsibilities and obligations held by the girls, together with an assessment of their skills and capacity to fulfill those.

### **Children and Sexual Behaviour**

In relation to the involvement of children in sexual activities, it is clear from the descriptions above, that strict rules governed interpersonal interactions, relationships and standards of behaviour. This included *when* a young person may become involved in sexual activity and with *whom*. This will be outlined further in the following sections below.

Despite these strict rules governing behaviour, an observation from the ethnographic literature suggests that amongst imitation of other tasks, skills and behaviours, Aboriginal children in the Kimberley imitated sexual acts wherein they were seen to "... indulge in crude sexual play" (Kaberry, 1939, p. 66). Similar behaviours were observed amongst Aboriginal children in western Arnhem Land, where *sexual play* between children was viewed by the community as that of natural growth and, as long as

the behaviour did not contravene local conventions, it did not require external intervention to curb these activities (Berndt & Berndt, 1981).

Such observations suggest a number of issues relevant to this research. From an Aboriginal perspective it appears that sex was viewed as a natural and important part of life (Kaberry, 1939). Not only was it a means through which to procreate but was also associated with certain developmental markers in the cycle of life such as marriage and adulthood (Kaberry, 1939).

Secondly, Aboriginal home life typically involved a communal, non-segregated style of living with limited privacy. In such circumstances, children may have observed their parents or older brothers or sisters engaging in sexual activities with their partners (Berndt & Berndt, 1981). As a result, they were likely to be more knowledgeable about sexual matters than their Western counterparts of a similar age, and possibly more likely to imitate such behaviours.

Thirdly, their potential exposure to sexual activities through communal living environments points to the possibility they may imitate these activities and such imitation was not viewed as problematic if it did not contravene local conventions. It is also likely that such imitation would not have been perceived as indicating a child had been sexually abused. Given that Aboriginal people today continue to live communally, often in overcrowded conditions, care should be exercised to check cultural assumptions and interpretations of such behaviours.

These circumstances do however raise questions about how cultures view expressions of sex and sexuality. A suggestion made by some is that most cultural groups possess a theory about sexuality, outlining the norms of sexual behaviour to which

members have been socialised (Davenport, 1992). Such theories may or may not contain similarities to the sexual theories of other groups, and what is considered appropriate behaviour in one group may not be considered favourably by another group.

Based on the preceding information it is likely that Aboriginal practices regarding sex and sexuality would have been governed by Aboriginal law and spirituality, involved rules about important relationships and expectations of roles, obligations, responsibilities and standards of behaviour. It is also likely to have involved developmental guidelines regarding what could be considered sexual play amongst children as a result of imitating observed adult behaviours. In addition, the guidelines may have included criteria for assessing the maturity of individuals before initiating sexual relations with another, and rules about who that could be. Further, based on available literature and anecdotal evidence from Aboriginal people, such a theory appears to support heterosexual notions of sex and sexuality.

More generally, promiscuity appeared to have been discouraged as such liaisons could cause tensions, disruptions and fights within groups and communities (Gibbs, 1996). Such conflicts and disruptions in turn could be perceived as upsetting the balance and as undermining the well-being of the group and community. Finally, whilst children may have imitated the sexual acts observed, they were also taught and became increasingly aware throughout their childhood, of the strict rules governing interpersonal interactions, their manner of behaviour at all times, and with whom they could interact. Moreover, they were also taught and were aware of the strict rules governing when they were allowed to engage in sexual activities and with whom.

Implicit in these descriptions are that an assessment of mental and physical maturity was important. Based on these descriptions, such assessments of maturity could have included consideration of maturity in terms of knowledge and understanding of roles, responsibilities and obligations, and possession of necessary skills and their capacity to fulfill those. What remains unclear at present is the extent to which contemporary communities have retained all or parts of such traditional cultural mores about sex and sexuality.

### **Discipline, Punishment and Justice**

Inherent in the preceding descriptions about cultural concepts and practices is the fundamental responsibility of all Aboriginal people to observe the life-enhancing principles of law in order that ensure the security of the cosmos and all living things within it. A traditional Aboriginal concept of the cosmos is reported as including such component parts as: the importance of reproducing human life; and observation of important relationships between people and among other forms of life, such as animals and plants (Rose, 1998). From this perspective, continuity of human life may be considered as constituting the *life* component of the cosmos. Undermining human life and human well-being is therefore viewed as representing threats to this life component which creates an imbalance that must be restored. Transgressions or actions threatening the greater good of the group and, by extension, the cosmos and law, continue to be viewed seriously with rules existing to curb them. For example, sexual contact was regulated wherein promiscuity was discouraged and sexual contact in the *wrong way*, such as that which is intra-familial or contrary to kinship system rules, which threatened the greater good, could attract serious punishment (Forrest & Sherwood, 1995).

The seriousness of such transgressions or threats to the cosmos and breaches of law was reflected in the potential consequences that could ensue, such as punishment by death (Forrest & Sherwood, 1995; Wild & Anderson, 2007). When viewed through this cultural lens, issues such as CSA may be viewed as causing both short-term and longer-term harm not only to individuals, but to the life component of the cosmos, which represents a serious threat to law. Therefore CSA may be viewed as representing a serious transgression which creates an imbalance to be restored through punishment and reparation.

In this regard, law provides guidelines for the type of responses required for different transgressions. While Western understandings of law have typically be associated with physical punishment, like spearings and beatings, it is clear from the preceding sections that law encompasses much more, including relationships, rules and standards of behaviour. These rules are associated fundamentally with Aboriginal survival and caring so as to ensure the well-being of all living things (KALACC, 2006). Aboriginal people in the Kimberley region note CSA is not part of Aboriginal culture (Gordon et al., 2002b). For example, in its submission to the Gordon Inquiry, the Kullari Aboriginal and Torres Strait Islander Commission Regional Council in the West Kimberley region reported that “Aboriginal Law and Culture do not sanction child abuse. It is an abuse of our custom to make claims that is otherwise” (cited in Gordon et al., 2002a, p. 29).

Aboriginal Elders and Law People from the Kimberley region indicate Aboriginal law holds important lessons about discipline, wrong-doing and justice. From a law perspective, physical punishment remains important as “... a strong deterrent to repeated

misbehaviour, whilst allowing offenders to be cleared emotionally and psychologically of their guilt (KALACC, 2006, p. 47). Moreover, KALACC observes the requirement for offenders to make amends for their wrong-doing has such strength under law, that following traditional punishments, offenders are generally welcomed back into communities without remaining stigmatised or suffering prejudice. The role of law in discipline, addressing wrong-doing and the administration of justice is summarised succinctly in the words of a Kimberley Elder "... well that's their way of finishing trouble in the community.... If he go clear his trouble he's finish, and he's a free man again..." (Harry Watson, Nyikina, 2004, cited in KALACC, 2006, pp. 47-48). In short, the only way those who offend can put an end to the trouble caused by their offending is to take responsibility and accept whatever punishment is deemed appropriate by Law People and Elders. The requirement to take responsibility for one's behaviour and the notion of consequences for that behaviour are embedded in law. Moreover, law requires reparation and restoration of the balance in the cosmos. This means the law has an important role in behaviour regulation, and in Aboriginal offender rehabilitation by allowing them to be cleansed both psychologically and emotionally of guilt for their offending, and preparing them for reintegration into their family and the community.

### **Aboriginal and non-Aboriginal Relations**

Aboriginal culture has come under intense pressure since colonisation, with Aboriginal people perceiving they face ongoing oppression within the dominant Anglo-Australian society. Their perception is that non-Aboriginal people are not interested in learning about what law and culture has to offer for responding effectively to offenses like CSA, while they continue to aspire to be self-determining by asserting their own

culture and identities. At the same time, they perceive there to be ongoing attempts to force them to assimilate into the dominant Anglo-Australian culture and society (KALACC, 2006). Thus it is important expressions of contemporary Aboriginal law and culture are understood in the context of Australia's history of colonialism. In addition, as noted by other Indigenous authors (Fontes, 1995; Gil, 1995), it is important also to differentiate between what is *cultural* and what are responses to oppression when attempting to understand the role of culture in CSA within an Indigenous population that has experienced colonisation and oppression.

Gibbs (1996) has noted the importance of understanding that European colonisation of Australia was overpowering and was not a peaceful process. Throughout, Aboriginal people were neither consulted nor given a choice about what happened. Others describe colonisation as a process as being aimed at the "... cultural, social, and economic domination and assimilation ..." (Hodgetts et al., 2010, p. 120) of Indigenous peoples. Enriquez (1995) provided further details of colonisation as a process which helps to articulate the various ways this has impacted Indigenous societies. He suggests that at least six steps are involved in colonisation, the first being that the coloniser denies the existence of a local culture and dismisses the legitimacy of Indigenous legal and education systems, while also promoting the settler culture and institutions. Local languages are suppressed and the language of the coloniser is imposed on Indigenous groups.

Secondly, Enriquez (1995) suggests that the coloniser destroys local cultural artefacts and desecrates sacred sites, further decimating the culture. Thirdly, the coloniser marginalises and denigrates local peoples. Fourthly, traditional cultural

practices are dismissed as being primitive; traditional cultural practices are tolerated in a limited manner in that some dance forms and songs are assimilated into settler society and in the process, are redefined.

The final two elements in the process of colonisation suggested by Enriquez (1995) is that the settler society draws selectively on elements of the Indigenous culture such as medicines and healing practices; and the settler society exploits aspects of the Indigenous culture for commercial gain. For Aboriginal people in Australia, their dispossession of land that was significant in the provision of spiritual, ceremonial and life enhancing resources in the first instance, signalled the beginning of the dismantling of traditional life (Gibbs, 1996). This included the dismantling of law, rules and important structures that guided everyday life in Aboriginal communities.

Within this context of the concerted dismantling of Aboriginal law and guidelines for everyday living, was the oppression and prevalent use of violence and sexual exploitation of Aboriginal people, particularly women and children (Atkinson, 1990; Harris, 1994; Gribble, 1987). Indeed, Atkinson (1991) suggested that contemporary manifestations of violence and sexual assault in Aboriginal communities must be understood within the context of Aboriginal and non-Aboriginal contact history. She noted there to have been barriers to Australia acknowledging its history of founding violence:

... Australians have never been able to acknowledge sexual violence in their history. It is now alright to write of the guns and the poisoned flour, the killing of black women and children. It is still taboo to acknowledge the horrific levels of sexual violence towards Aboriginal women and children by white males (p. 6).



The presence of such sexual and other forms of violence is well documented in the diaries of missionaries such as John Gribble (1987) and others as reported in the Harris (1994) description of Aboriginal contact with Christianity. The observations of such missionaries, who had no apparent vested interest in sanitising their accounts of the treatment of Aboriginal people, provide a powerful written record of the exploitation of Aboriginal women and children (Watson cited in Harris, 1994; Gribble, 1987).

These observations of colonial life suggest some attitudes to include "... that God meant Aboriginal women to be used by white men ..." and that because they were presumed to be devoid of morality, Aboriginal women and girls, could not be considered to have been raped as a result of sexual assaults (Harris, 1994, p. 237). The missionary William Watson reported the sexual exploitation of children, both boys and girls, noting with horror incidents of young girls between the ages of eight and eleven years, becoming pregnant to white men, or contracting venereal diseases which could render them sterile:

A short time ago we had a little girl about eight or nine years of age ... I am told a stockman whom I know well is living with her as his wife and that this monster of iniquity has sometimes three or four such children living with him at the same time in this manner ... (p. 238).

In relation to his experiences in the north-west of WA, the Reverend John Gribble (1987) recounts that the Clerk of the Court at Carnarvon disclosed knowledge of little *native* girls aged seven or eight years, who were the victims of white men. Harris wrote "The sinister and deadly consequence of this widespread, continual and unrelenting sexual

exploitation of Aboriginal women and girls was that venereal diseases reached epidemic proportions” (p. 241).

The sexual exploitation of Aboriginal women and girls became so common that a colonial vocabulary developed to describe it. Some of the terms used were described as follows:

... women were “black velvet”; orgies were “gin sprees”; men particularly obsessed with Aboriginal women were “gin jockeys”; men who took the women by force were “gin busters”; the more discreet were “gin burglars”; ... managers who tried to protect Aboriginal women and girls from sexual abuse were “gin shepherds” and were despised (Harris, 1994, p. 239).

Gribble (1987) also outlined some other forms of physical brutality meted out to Aboriginal children in his account of the flogging of two Aboriginal boys aged approximately thirteen years, describing one of the boys pleading with his assailant to end his torture, screaming in agony “Oh master! If you want to kill me, cut my throat, but don’t cut me to pieces” (p. 45). Others describe similar Aboriginal experiences of brutality in various parts of Australia:

Those simply shot were fortunate. Many were cruelly tortured, maimed, blinded, burnt and castrated ... They were shot for dog meat. Women were chained to the huts of white settlers, used by the men, then tortured to death, some being forced to wear the heads of their murdered husbands.... Worst of all for the Aborigines was the perpetual theft of their children for sexual purposes; or if they were lucky, to be domestic servants (Harris, 1994, p. 89).

In other parts of Australia such as Victoria, there are reports of Aboriginal people being crucified (Harris, 1994). Another case reported:

... the belly of a black man is ripped open, and an intestine is severed, one end of which is nailed to a tree, and the wretched being driven round and round until his bowels are wound round the tree – and death releases him from unutterable agonies (p. 118).

These experiences of violent dispossession, brutality and massacres are reported as having had a profound and adverse impact on traditional Aboriginal life. These were described in the following terms:

The loss of land ... (t)he all-embracing net of life and spirit which had held land, and people, and all things together was in tatters ... deaths were now so frequent that proper burial became impossible and injustice had to be done to the rights of the dead ... (pp. 150-151).

In addition to the loss of land, the sudden and violent deaths of important members of families and communities impacted on the survival of authority structures within communities (Harris, 1994). Gibbs (1996) described the resultant circumstances and noted that the rapid decline in numbers to undermine the observance of beliefs, social customs, rituals and ceremonies. Practices and rules regarding traditional social supports, and family and kinship responsibilities also came under intense pressure. Overall, Gibbs suggested the dispossession of land in essence, undermined the spiritual basis of Aboriginal life which is inextricably linked to law (LRCWA, 2006).

Missionaries such as John Bulmer of the Lake Tyers Mission, who despite viewing Aboriginal people as being inferior, identified *cultural trauma* as a key

consequence of White influence on Aboriginal culture (Harris, 1994). Moreover, woven throughout the story of colonisation, dispossession and the destruction of traditional life, was the exploitation of Aboriginal women and children who up until this time had enjoyed the protections afforded by “... an exceptionally strict code of sexual behaviour and stern punishments for those who broke the code” (p. 236).

The profound adverse impacts that colonial violence, dispossession of land and subsequent policies of the forced removal of Aboriginal children have had on Aboriginal family and community functioning are well documented (Atkinson, 1990; Human Rights & Equal Opportunity Commission [HREOC], 1997; Robinson, 2008). These have contributed to changes in culture or the manner in which Aboriginal people apply law within families and communities, and for regulating behaviour and maintaining social control (Atkinson, 1990; 1991; Robinson, 2008). In this respect, *breakdowns* in culture, such as changes in Aboriginal community and family structures for regulating behaviour and attitudes towards the authority of Law People, are viewed as being implicated in a number of problems. In addition, CSA is seen to stem from underlying psychological and emotional processes, like those associated with intergenerational trauma as a result of colonial violence (Atkinson, 1990; 1991). The Kitayama et al. (2007) model for modes of being is instructive in explaining these interpersonal consequences. For example, culturally-influenced systems of meaning used by Aboriginal people over thousands of years have been impacted in the wake of colonisation and oppression. As a result, Aboriginal people, who come from largely interdependent cultures, are faced with surviving in a generally independent-oriented, Anglo-Australian culture. This culture

involves complex tasks for Aboriginal people generally, who are faced with coordinating and attuning their thoughts, feelings and behaviours in dual cultural contexts.

### **Aboriginal Culture, Psychology and Sex Offending**

By employing the Kitayama et al. (2007) modes of being model, it is possible to understand the Aboriginal cultural descriptions outlined above from a psychological perspective. Firstly, Aboriginal people often refer to themselves as coming from a collectivist culture. The concept of collectivism broadly corresponds to the interdependent mode of being in the model outlined by Kitayama and colleagues (2007). As illustrated in the preceding sections in this chapter, it is clear that Aboriginal people organise, attune and regulate their behaviour according to the requirements of Aboriginal law and culture which is comprised of family, kinship, skin systems, rules, values, beliefs, roles, obligations and expectations. They also develop their sense of self and their place in the scheme of things according to their relationships with significant others which may include family, kin, skin system mores, and on the basis of their membership to a community and language group from a particular *country*.<sup>6</sup> Based on their interpretations of these relationships, and the obligations and expectations associated with these, Aboriginal people regulate their behaviour so that they do not feel out of place in their families, kinship and skin systems, and in their communities and language groups.

Similarly, the interdependent modes of being concepts in the Kitayama et al. (2007) model may be applied to an understanding of Aboriginal sex offenders. For example, broadly speaking these offenders may be viewed as organising, attuning and regulating their behaviour according to the requirements of Aboriginal law and culture

---

<sup>6</sup> The word *country* is commonly used term among Aboriginal people to refer to the land on which a person was born, the place or source of cultural connectedness and identity.

comprising the various cultural imperatives already noted. Aboriginal sex offenders also develop their sense of self and where they belong, according to their relationships with significant others in accordance with their cultural beliefs. Based on their interpretations of these relationships, and the obligations and expectations associated with them, Aboriginal sex offenders regulate their behaviour so they do not feel out of place in their families, kinship and skin systems, and in their communities and language groups.

When applied with Aboriginal sex offenders, the modes of being model (Kitayama et al., 2007) suggested that Aboriginal offenders attend to several elements in their environments simultaneously and may form holistic schemas rather than attend to the individual characteristics of each person. Elements to which they may attend include Aboriginal law and culture values, principles and practices, societal norms, and situational factors. That sexual offending against children is not endorsed by either Aboriginal law and culture, or the broader society raises questions about the types and nature of the schemas they develop within an Aboriginal cultural context. It also raises questions about the specific factors involved in their disinhibited behaviour which lead to the commission of sexual offences against children.

Further, Aboriginal sex offenders construct and adjust their sense of self in relation to important others such as those found in family, kinship and skin systems, and within communities and language groups. Aboriginal law and culture values collective and reciprocal caring and sharing, raising questions about how important others in the lives of Aboriginal sex offenders, model their behaviour and represent themselves in this cultural context. Questions are also raised about the manner in which Aboriginal sex offenders interpret their environments, how significant others represent themselves, and

how they determine what this means for them and their own identity within a cultural context.

Finally, on the basis of these interpretations, Aboriginal sex offenders adjust and regulate their behaviour in response to the manner in which they interpret the needs of others, relationships, situations and events. Given that Aboriginal law and culture is clear in its perspective of not endorsing CSA, this raises questions about their manner of reconciling the needs of others including Law People, victims, their families, and the community, with their own behaviour.

Much of the sex offender theorising may be viewed as reflecting dominant Western cultural values, structures and systems of cultural meaning as outlined in the preceding chapter, but specific Aboriginal perspectives remain unclear, creating significant gaps in the literature. Therefore it is not possible to identify commonalities which may either reinforce or dispute the applicability of existing theories of sexual offending by Aboriginal sex offenders. Consequently, this research sought to begin the process of articulating a broad Aboriginal perspective about the role of Aboriginal culture in the sexual abuse of children in Aboriginal communities. This broad approach was adopted given the sensitivity of the issue (CSA) under investigation. It also sought to employ this means to consider what this may mean for understanding and applying the cultural dimension in existing theories of sexual offending by Aboriginal sex offenders.

## CHAPTER 5: COMMUNITY ENGAGEMENT

This chapter describes a key process in the methods adopted in this research, that of engaging with an Aboriginal community. The researcher is an Aboriginal woman from the community involved in this research but who has lived, worked and studied away from the community for several years prior to undertaking this research. In this context and given the sensitive nature of the topic of this research, there were a number of key considerations to be addressed.

Firstly, against the background of Aboriginal people's historical experiences with research and the significant impacts that "... substantial errors of judgment ..." (National Medical Health and Research Council [NHMRC], 2003, p. 2) about the value of Aboriginal and Torres Strait cultures have had on those communities, there was a need to ensure the research was conducted ethically and respectfully.

Secondly, in keeping with the preferred holistic Aboriginal world-view perspective outlined in the national Social and Emotional Wellbeing (SEWB) Framework 2004-2009 (Social Health Reference Group [SHRG], 2004), Aboriginal and Torres Strait Islander people's mental health and local Aboriginal perspectives about their lived experiences with the issue of CSA, was viewed as being fundamental for informing the cultural dimension in existing theories of sexual offending with respect to the behavior of Aboriginal men. Adopting this approach provided a way of capturing the complete story about local people's experiences with CSA.

Thirdly, given the researcher had lived away from the community for several years, a need to re-engage with the community was appropriate prior to any attempt to implement the data collection phase of the research. Undertaking a period of re-



engagement was viewed as providing a critical period during which community members could renew their acquaintance with the researcher, thereby opening a means through which to build trust with that community. This meant allowing sufficient time for this process to occur within the community; this was viewed as a critical element of the engagement process given Aboriginal people's experiences of service delivery. As noted by an Aboriginal community during the Gordon Inquiry, "They're like seagulls – 'fly in – fly out'..." (Gordon et al., 2002b, p. 421). Consequently, the researcher committed to living and working in the community for approximately five months in the lead-up to implementing the data collection phase of the research.

During this process of community re-engagement, the local Aboriginal women's group invited the researcher to provide an information session on the research for them at their premises. The information session was held on 16 June, 2009 with approximately thirty adult women in attendance. Although not intended to be a data gathering session, during the course of the information session, women began to speak about their perspectives and concerns regarding CSA in the community. As these were raised by the women, their perspectives and concerns were clarified and noted on a whiteboard. The researcher did not obtain written informed consent from each of the members present and consequently the information provided during this forum was not included as part of the data and in the analysis. This information was however used to inform and refine the interview questions and areas for exploration with participants. In addition, because the women addressed a range of issues regarding CSA within the community, this information was used to inform the assessment of saturation during the data gathering process.

Finally, the researcher has an ongoing relationship with the community and it was important that she engage in an ethical and respectful process so as to preserve the wellbeing of participants, as well her own cultural and physical safety.

## CHAPTER 6: METHODOLOGY

This research sought to investigate Aboriginal perspectives about CSA in order to inform the cultural dimension in existing psychological theories of sexual offending and the implications of this for applying these theories to Aboriginal offenders. In order to do this in a sensitive way, it was important this research employed an approach that recognised the legitimacy of Aboriginal cultures and perspectives in and of themselves (see Dudgeon & Pickett, 2000; NHMRC, 2003). With this in mind, a phenomenological methodology (Giorgi & Giorgi, 2003; Hayes, 2000), was deemed to be appropriate for it enables research into the subjective, lived experiences of people. This research method generally acknowledges that each person is born into and resides within a cultural context; and this cultural environment can be both liberating and constraining (Crotty, 1998). This is true of the Aboriginal law and culture context, which can be both liberating because it contains information about cultural values, beliefs, rules and expectations, and constraining in that law, which is inextricably linked to Creation, spirituality and land, can impose unchangeable boundaries such that consideration of alternative interpretations and meanings about contemporary cultural settings may be excluded.

It was also important to use this approach because historically, misconceptions have arisen from research that has compared Aboriginal cultures to that of Australia's European colonisers, resulting in Aboriginal mistrust of Western academic research (Dudgeon & Pickett, 2000; NHMRC, 2003). In addition, law and culture, connectedness to the land, family and kinship systems, and community, continue to be relevant in contemporary Aboriginal communities (Dudgeon et al., 2010). Further, Aboriginal

perspectives about the profound impacts colonisation has had on Aboriginal people and contemporary Aboriginal communities, such as coping with the “... the stresses of living in a racist world that systematically devalues Indigenous culture and people” continues to resonate within communities (Dudgeon et al., 2010, p. 38). Finally, while basic psychological processes are likely to be common to all human beings, behavioural expressions of these psychological processes are mediated by, and must be understood in the context of, the culture in which a person develops (Triandis, 2007). Moreover, psychological processes are essential components of a given cultural system and cannot be separated from it (Gil, 1995; Kitayama et al., 1997).

Two key characteristics of phenomenology were considered to be important in this research. The first is that phenomenology accommodates Aboriginal descriptions of experiences of CSA in the community and the context within which these experiences take place. Secondly, phenomenology accommodates consideration of the underlying psychological factors involved in the meanings participants construct for these experiences (Giorgi & Giorgi, 2003; Hayes, 2000). In this way, a phenomenological approach “... permits looking beyond the subjective world of participants and their descriptions of the world as it stands, to seeing what emerges ... as new meaning, or fuller meaning, or renewed meaning” (Crotty, 1998, p. 82) for psychology and Aboriginal sex offender rehabilitation.

Finally, no researcher enters a research project with an empty mind (Hayes, 2000). Rather, researchers bring with them their own values, beliefs, ideas, preconceptions and assumptions about certain phenomena (Giorgi & Giorgi, 2003; Hayes, 2000). Phenomenology is interested in understanding the subjective lived

experiences of individuals, thus the researcher implemented the process of *bracketing* as a means of quarantining as much as possible, the researcher's own assumptions and preconceptions about CSA in Aboriginal families and communities (Hayes, 2000; Lemon & Taylor, 1997). Bracketing involved the researcher engaging in a process of self-reflection in order to acknowledge and understand the presence of pre-existing assumptions and preconceptions about CSA in Aboriginal communities. Therefore these could consciously be set aside, so avoiding their interfering with the research process.

With these considerations in mind, together with the findings of a number of existing reports of inquiries into violence in Aboriginal communities (ACSAT, 2006; ATSI Women's Taskforce, 2000; Gordon et al., 2002b; Wild & Anderson, 2007), four broad areas for inquiry were identified. These four areas relate to identifying the substance of the problem (defining), and the causes of CSA such as cultural issues, the barriers to disclosure, and the impacts of the problem.

The research employed audio-recorded, semi-structured interviews to explore participants' perspectives and experiences of CSA within their community. This method was viewed as being appropriate, given the research was interested in, firstly identifying participants' lived experiences of this issue within their community, and secondly, being able to look beyond these descriptions of their lived experiences to the underlying psychological factors involved in the construction of meaning.

Individual interviews were considered to provide an appropriate level of privacy and an environment conducive to facilitating exploration of participants' experiences and perspectives on this sensitive issue. Given the multiple social disadvantage issues present in Aboriginal communities (Steering Committee for the Review of Government

Service Provision [SCRGSP], 2011), providing some degree of structure to the interviews was viewed as a means of helping to focus participants' descriptions and perspectives on the subject of this research. To address this, a semi-structured interview schedule was developed (refer Appendix A). It was informed by findings from previous inquiries and reports highlighting four broad areas of concern within Aboriginal communities in relation to CSA. Notably, these were also reflected in the information provided by Aboriginal women during the information session on the research provided by the researcher to a local Aboriginal women's group as described above. These four key concerns were associated with:

- i) What is involved in CSA?
- ii) What are the causes of the problem, including perpetrator characteristics, cultural issues and risk factors for victimisation?
- iii) What are the barriers to disclosure and help-seeking in the local community?
- iv) How does CSA affect individuals, families and communities?

These four broad areas were helpful in facilitating the conversation during the interview process. The semi-structured interview schedule also contained possible prompt questions within each of these four areas, to support the flow of the interview and to elicit as full descriptions as possible.

Audio-recording of the interviews was used to ensure the research accurately captured participants' descriptions of their experiences and perspectives. It also meant that the recorded interviews could be transcribed and provided to participants for their comment and verification of the contents. In other words, this approach helped to

support the transparency and accuracy of the data gathered, and ultimately, contributed to the rigor of the research.

In addition, audio-recording participants' perspectives meant that the dialogue could take place in an uninterrupted and comfortable manner. Increasing the comfort of participants was viewed as fundamental to eliciting the most comprehensive perspectives possible. Finally, the Sony recording device used was chosen for its small size, so as to be as unobtrusive as possible during the interviews, thereby supporting the comfort of participants when talking about this sensitive issue.

### **Design**

The original design of the research involved three parts. Part I involved engaging with four groups of participants namely: Elders, adult victims, convicted perpetrators, and adult members of the community. While it has been suggested the minimum number of interviewees required when undertaking phenomenological research should be at least six (Morse, 1994) or five to 25 (Creswell, 1998), this design sought a minimum of eight male and eight female participants for each community group, and eight male participants for the perpetrator group because the majority of convicted perpetrators are male. Semi-structured, audio-taped interviews were intended to be undertaken with participants to explore their perspectives regarding the four key areas outlined above. The recorded interviews were then to be transcribed, and the transcripts returned to the participants for comment, verification and amendment if required. Thematic content analysis was anticipated to be conducted on the transcripts to elicit key themes and meanings from the data.

Part II involved presenting the initial results to a local community forum for participants and interested Aboriginal community members. Feedback and input was to be sought from those present regarding these initial interpretations and results. During Part III the results were to be presented to a second local forum for non-Aboriginal workers in the child protection and Aboriginal offender rehabilitation fields, so they could appraise the results and provide feedback about how these fit with their experiences and understanding of CSA in the local community. These two parts of the research were designed to contribute to the transparency and rigor of the research. The feedback and outcomes of these forums were to be included in Parts II and III of the Findings and Interpretations.

It is noted that while proceeding through the ethics approval process, it became apparent that it would be impossible to speak with the four groups sought, due to a number of factors including the limited number of Elders surviving in the community and their reluctance to speak about this sensitive issue. It was also not possible to speak with convicted perpetrators because permission was not granted by the Department of Corrective Services in their response dated 11 March, 2008 which noted the conclusion of their Research Application and Review Committee [RARC] that it:

... perceives the value of your research proposal, however your application is not approved due to the lack of material and counselling resources available. RARC would like to encourage you to proceed in researching this important topic.

In relation to adult victims, it also became apparent that highlighting a person's victim status may be stigmatising for some members of the community. This was particularly so in the context of the relatively small regional community setting in which issues of



maintaining privacy and confidentiality were of particular concern. It was decided the most appropriate approach was to seek the participation of adult community members generally, for Part I of this research. It transpired that some of those who agreed to participate in the research were either primary or secondary victims of CSA, resulting in the original design of the three parts of the research being retained but with a reduced range of groups of participants in Part I.

The research proposal was submitted to four separate ethics committees for their feedback and approval as follows:

- Edith Cowan University Human Research and Ethics Committee approval was received on 28 November 2007;
- WA Aboriginal Health Information and Ethics Committee approval was received in 2008;
- the Department of Corrective Services, RARC response dated 11 March, 2008 declined permission for the researcher to speak with convicted perpetrators as noted above; and
- the Kimberley Aboriginal Health Planning Forum Research Sub-committee provided approval in 2009.

A key strategy for maintaining the confidentiality of the information provided by participants was to develop a system of codes or unique identifiers, wherein each participant was allocated a code, for example: CMM01 = male participant 1, CMM02 = male participant 2 and CMF01 = female participant 1, CMF02 = female participant 2, and so forth. This was the only identifier recorded on the audio-tape and transcripts to identify each participant. In addition, a master list of participants' names was

recorded on a separate piece of paper, including the unique identifying code, together with the person's name and contact details. This list of contact details was deemed necessary in order to facilitate verification of the interview transcripts and to facilitate invitations to participate in subsequent parts of the research. This master list was stored separately and securely to the audio-tapes and transcripts.

## **Procedure**

### **Liaising with the community.**

In preparation for the research, an information letter introducing the researcher and outlining the research was sent to key local organisations (refer Appendix B). At the same time, an information letter was also provided to local support services, together with an inquiry as to their availability to provide support to participants should it be required (refer Appendix C). Further, a community information forum was held in August 2008 to explain the proposed research and to receive feedback from local community members on any aspect of the research concerning them. The forum was attended by 18 people.

### **Aboriginal reference group.**

Upon completion of the initial process of re-engagement with the community, an Aboriginal Reference Group (ARG) was established and the recruitment process commenced. Aboriginal male and female workers from the Jarndu Yawuru Aboriginal Women's Group, the Kimberley Aboriginal Medical Service Corporation, the Broome Aboriginal Medical Service, the Department of Child Protection, the Department of Corrective Services, and a senior local male community member were invited to

participate on the ARG. The following were provided: a letter of invitation (refer Appendix D), together with a draft Terms of Reference (refer Appendix E); an information letter about the research and a consent form (refer Appendix F); and a copy of the proposed Interview Schedule, together with an invitation to provide feedback on these documents either by email or at a meeting of the members held in April, 2009. Of the total of six ARG members, four of the invited members attended the meeting and provided suggestions on community members they considered would be appropriate to approach and invite to participate in the research. No amendments were suggested to the Terms of Reference, the design of the research and the proposed Interview Schedule. ARG members reiterated that CSA was a serious social problem needing to be addressed. In recognition of the busy schedules of the members who were not able to attend, the researcher also met separately with two additional female ARG members to obtain their feedback on the proposed research and Terms of Reference document and methodology; they did not provide amendments to any of the documents, but reflected on the seriousness of CSA within the local community, providing suggestions as to potential participants.

### **Recruitment of participants.**

Subsequent to completing the initial information session with the community in November 2007, receipt of ethics approvals, undertaking the period of community re-engagement, and establishing the ARG, the recruitment of participants commenced. This involved circulating a copy of the information letter and consent form through local networks and through local Aboriginal agencies to inform potential participants about the research and to invite their participation. The researcher's contact details were provided

so that individuals could make contact to find out more information, raise any issues or worries, or indicate their interest in participating. The researcher conducted follow-up visits with individuals who had received information letters to put a face to the researcher's name, to confirm they understood the information letter and consent form, and to gauge their interest in participating. The researcher adopted a friendly manner so as not to place pressure on individuals to participate. The initial participants were engaged using this process.

In addition, a snowballing strategy was used to recruit other participants. This process involved inviting participants to provide the names and contact details of other community members who they considered may be interested in participating in the research. The researcher followed up these suggestions by telephoning to make the initial contact, emailing the information letter and consent form, and undertaking a visit with the person to provide face-to-face contact. Where individuals agreed to participate, the researcher made further contact to arrange dates, times and a venue for the interview. In relation to interview venues, the researcher was guided by participants as to where they felt most comfortable talking about this sensitive issue. The venues ranged from sitting outside under the shade of a tree in one instance, conducting the interview at the researcher's residence in two instances, and to the most common venues suggested, in a private office at the participants' workplaces.

In the final analysis, eleven Aboriginal adult females and four Aboriginal adult males agreed to participate in the research. As noted previously, this research utilised audio-recorded, semi-structured interviews as a means of gathering data. At interview, each participant was provided with the information letter and consent form (refer

Appendix D). The researcher was aware that most individuals likely to participate in the research were also likely to have a sound level of literacy. However, to avoid assumptions regarding literacy, the researcher read through the information sheet providing an overview of the research and formally invited the individual to participate in the research by signing the consent form.

Each interview was audio-recorded except in one case where the participant declined to be audio-recorded. In this instance, the researcher confirmed the appropriateness of hand-writing key points raised by the participant. Upon completion of this interview, the researcher undertook a period of immediate reflection on the interview at her residence, and made additional notes based on her recollections of what had transpired. These hand-written notes were allocated a code, for example, CMF01, 2, 3, etc., for female participants, typed by the researcher then returned to the participant. The participant verified the record of the interview; no amendments were suggested.

Where participants agreed to an audio-recorded interview, they were allocated a code. The master sheet of allocated codes, and names and contact details were stored separately in a locked filing cabinet, while the audio-recordings of the interviews were stored electronically on the researcher's password protected computer to which only the researcher had access.

Upon completion of each interview, the recorded information was transcribed verbatim as soon as possible to ensure accuracy of transcription and to aid in the management of the data. The researcher transcribed four of the audio-recordings, the remaining eleven audio-recordings being transcribed by the Dictatum Transcription Service located in Malaga, Western Australia. This secure, password protected

transcription service is utilised by other researchers at Edith Cowan University. In addition, in order to ensure the privacy and confidentiality of participant data and prior to sharing any of the participants' information, the researcher ensured that Dictatum Transcription Service signed a Privacy and Confidentiality Agreement. Further, each audio-recording submitted for transmission had allocated codes as noted above and they did not contain any names or identifying information of the participants.

Data collection with female participants ceased for two key reasons. The first was that saturation was deemed to have been reached because most of the perspectives of women in this community, which reflected those provided by the 30 participants in the women's information session, had been identified in the interviews. In the first instance it was deemed unlikely that further interviews would shed new light on the issue of CSA. Secondly, according to guidelines regarding sample sizes in phenomenological research (Creswell, 1998; Morse, 1994), a sufficient sample size had been achieved.

Data collection with male participants ceased for the following reasons. Despite the best efforts of the researcher, men were reluctant to be involved in the research and it was difficult to secure their participation. In addition, while the sample size of four was less than the guidelines for phenomenological research of a minimum number of participants of five to 25 (Creswell, 1998) and six (Morse, 1994), the perspectives in these four in-depth interviews were consistent with each other, and showed broad consistency with those of the female participants. Nevertheless, the small sample size of male participants constitutes a limitation of this study. Finally, due to time constraints, it was not possible to remain in the community to continue to attempt to secure further male participants.

Upon conclusion of the data gathering and audio-recording transcription, the researcher forwarded their transcribed interview to each participant for verification, feedback and amendment. Three transcripts were not able to be verified via this process as the participants had moved address and were not contactable. The remaining participants verified the records of interview and did not suggest any amendments.

### **Analysis**

The analysis of each transcript drew on Hayes' (2000) step-by-step approach to analysing transcribed data. The five steps involved:

1. Reading and rereading the transcripts until familiarity enabled the researcher to develop a sense of understanding of each person's perspective;
2. For each of the four key areas of interest in this research (defining, causes, barriers to disclosure, and effects of CSA), identifying and putting significant phrases or statements into a separate Word document on the computer occurred. The transcript code and page number for each were noted;
3. Reading and rereading the phrases or statements was undertaken, analysing each for their subjective meanings, and noting the meanings of each phrase or statement;
4. Grouping the statements into themes based on the frequency of the occurrence of each theme across each of the four key areas of interest, whilst also keeping an open mind as to the possible presence of additional themes; and
5. Examining and elaborating the themes in order to provide as full a description of CSA as possible.

Common features of CSA were identified using this process of analysis, addressing issues such as: what is considered to be sexually abusive behavior. This included identifying who may be considered a child or an adult, and the role of culture in determining adult status; the barriers to disclosure; the causes of CSA in the local community, including any cultural factors; and the effects of CSA. In addition, five key themes and their sub-themes were identified. These findings and interpretations are provided in the following chapter.



## CHAPTER 7

### PART I: FINDINGS AND INTERPRETATIONS

This research investigated Aboriginal perspectives about CSA in order to inform the cultural dimension in existing psychological theories of sexual offending regarding Aboriginal perpetrators. Thematic analysis of the transcribed interview data identified five primary themes, each containing secondary themes (see Table 2).

Table 2

*Overview of Primary Themes and Secondary Themes*

Primary themes	Secondary themes
Misusing Power	Imposition of White law and boundaries Misusing position of power Sense of powerlessness
Surviving the System	Surviving history Surviving poverty Surviving the modern world
Evolving Culture	Transmitting learnt behaviours Normalisation of unhealthy behaviour Providing unsafe home life
Fear of Repercussions	Fear of not being believed Fear of system responses Fear of threats and violence Fear of community scrutiny Fear of challenges to identity
Avoiding Exposure	Active denial Promoting silence Ultimate silencing Shaming

While this research sought to obtain the perspectives of Aboriginal sex offenders and Elders, this was not possible. As a result, the following findings represent Aboriginal community members' culturally influenced perspectives about the role Aboriginal culture plays in CSA.

### **Primary Theme: Misusing Power**

The Misusing Power theme reflects both the inter-cultural, non-Aboriginal systemic methods used to oppress, exclude and marginalise Aboriginal people, and the intra-cultural mechanisms in Aboriginal communities that marginalise and silence those experiencing CSA. As a result, current responses to violent and abusive behaviour were perceived as inappropriate and ineffective; behavioural standards within families and communities remain compromised to the extent there is little effective control over such behaviour.

Misusing Power occurs in three key ways: Imposition of White law and boundaries; Misusing position of power; and Sense of powerlessness. Misusing Power began with colonisation, occurring when the dominant Western society, intentionally or unintentionally, misuses its power to impose on Aboriginal people and communities, its values, beliefs and practices. In this context, Misusing Power occurs at a number of levels: societal, service delivery and community. At a societal level, Misusing Power occurs when the dominant non-Aboriginal culture uses its legal, financial, economic, and social systems to exclude Aboriginal perspectives and approaches to responding to CSA. Misusing Power occurs at service-delivery level, whereby Western models, based on non-Aboriginal ideology and doctrine, are imposed on Aboriginal people:

Well, that's been the typical government position that the services are there and Aboriginal people won't use it. But they forget, you know, first of all, they usually got gadiyas who got no idea, the information is usually in language that our mob don't understand. There's little support for the family as a unit and the information and the services are not appropriate. They don't deal with victims holistically, primary and secondary victims holistically, being told that there's a counselling services between nine to five, Monday to Friday, people don't have crisis necessarily Monday to Friday, nine to five (CMF12, p. 10).

At a community level, Misusing Power occurs when senior individuals, adults and families use their power and position to commit offenses against vulnerable children. They also use their position and power to silence, deny and minimise their abusive behaviour by, for example, manipulating child victims' understanding of the abuse and their role in it:

... there are known Elders who are perpetrators, who allowed for that behaviour and abuse to happen. So you've got some strong Elders, but you've got others who abuse their power as an Elder (CMF03, p. 7).

I really think we need to inform our young boys that child sexual abuse isn't about them having sex. It's about someone else manipulating, controlling, having power over them and abusing them, and it's not about their sexuality or it's not even about them having sex, because particularly if they're young kids, they don't really understand, I don't believe they understand what sex is (CMF12, p. 17).

**Secondary theme: Imposition of White law and boundaries.**

Imposition of White law and boundaries began with colonisation, occurring when the dominant Western culture, its values, beliefs, laws and standards of behaviour, is imposed on Aboriginal people:

So I think with the clash, the impact of White culture and laws and restrictions and boundaries being imposed on Aboriginal people. Not to mention that if they were seen out and about there's a good chance that if they're in town, women could be raped and nothing done about it, you know, no support, no welfare, not being recognized as real people in this country in the early days. So, the damage was done by just generations of the impact of White people teaching them as far as behaviours and the people who were in those areas in the early days, they were prisoners and they were people who were basically the dregs of European or the British society who came out here. So it wasn't people who were – people who were ethical and (they) were often left to their own devices and poor communication, and able to impact White people's culture on Aboriginal people and the breakdown of practices and families, family groups, family structures (CMF01, pp. 3-4).

Imposition of White law and boundaries means that Aboriginal law, culture, and family and community structures, which formerly provided the guidelines for living in Aboriginal communities, have been undermined. It also means that Western mechanisms for regulating behaviour may not accord with Aboriginal perspectives and standards regarding crimes, such as CSA and their punishment:

I think it needs to be a different process because it's too Western, too formal, and intimidating for a lot of families, and there's all these protocols that, you know, have to happen when you're in a court. It just seems like it's too formal, too intimidating (CMF12, p. 15).

Justice for victims, we've been talking about it for a long time. Victims should be able to face the perpetrators when he's charged so he can see what he's done. It would be healing for them both. If the victim is from another community, then we should send the perpetrator back to her community to face them (CMF05, pp. 7-8).

**Secondary theme: Misusing position of power.**

Misusing position of power is associated with perpetrators grooming vulnerable children in order to obtain sexual favours from them. In these circumstances, the grooming may take the form of providing food, money, lollies, entertainment through DVDs and music, alcohol and other drugs, and cigarettes:

I think all children desire love and caring and someone who's going to listen to them, and it seems that perpetrators have become, or predators have become, expert at knowing what young children desire. So they will offer all those things, like food, like maybe clothes, maybe, you know, a DVD player, those kinds of things that will develop that relationship of trust. And from that, it becomes difficult; it will become more difficult for the child to say no when inappropriate sexual conduct happens (CMF12, p. 8).

Misusing a position of power occurs when individuals use their occupation or position in the family or community to gain access to and sexually abuse children, or to excuse their abusive behaviour:

They groom parents, you know. To get to the kids. "I'm a good bloke." They love him. He was having goes at their kids. Their boys. Not only young boys. Boys end up suiciding and some get separated. Get in the community. I mean, they gave him a job. They gave him access to more kids. So they groom the family, they groom the community and groom the child (CMM01, p. 10).

Misusing position of power is associated with individuals, families and communities using their positions to intimidate victims and their parents into not disclosing incidents of CSA:

This young girl was sexually assaulted by her cousin's husband. Her cousin turned against her and her family. The perpetrator's family is so large. And usually the bigger family, the larger family, and the family that's more intimidating. They fight with them. And this little girl she goes to court with her Mum and Dad. The perpetrator's family go, there's 20 or 30 of them, and so they bring the whole family to the courthouse. And that's shame thing, or fear, you know (CMF03, p. 15).

Misusing a position of power also occurs when non-Aboriginal workers use their positions within agencies to exclude local Aboriginal perspectives and approaches to responding effectively to CSA:

But we have to have programs that are developed for us, you know, like, it's too easy for agencies and government departments to say, oh, over in New South

Wales they ran this program, so let's grab it and run it in the Kimberley, you know, it just seems too easy for governments and agencies to just grab something from another state or another country and let's chuck it on the Aboriginal people (CMF12, p. 11).

Misusing a position of power can be associated with perceptions of workers not fulfilling the statutory obligations of their roles in agencies, and this may occur as a result of complacency on the part of those workers. This occurs because of a lack of knowledge about how youths may disclose CSA, or within the context of gendered attitudes, male youths cannot be sexually abused:

The other night at (NAME), I went to pick up my kids and one little boy there, 12, was 3 times over the legal limit or whatever – he was out of it, and he was saying – and the coppers thought it was a joke – (NAME) was there and he was laughing at him, thinking it was a big joke and the young boy was going “she tried to munyge<sup>7</sup> me, she trying to touch my prick” and talking like that and I thought sheez. Because this little boy was off his head and saying “that woman there trying to thing” and “you want to charge her, she trying to – she wanted to suck on my thing and wanted me to”. That was only a couple of weeks ago and the police just laughed about it (CMF03, p. 30).

Misusing a position of power shows youths may believe there is no help available to stop abusive behaviour, and that even if they do disclose CSA, they won't be believed.

Misusing a position of power in this context leads, unless checked, to ongoing inappropriate responses to youth disclosures of CSA, and the youths will continue to be

---

<sup>7</sup> Local Aboriginal word for sexual intercourse.

exposed to risk through experiences of isolation. Other members of the community will observe these responses and incorporate them into their discourse about systemic attitudes towards CSA. Thus the mistrust of the authorities will be reinforced, and CSA will continue:

I've also heard stories about the police picking up young girls and in exchange for not charging them they expect sexual favours. Now, what do we do about that?

The Police have power (CMF12, p. 7).

Misusing a position of power also means children may believe that, using sex as a commodity for securing the resources they need in order to survive, is normal. In these circumstances, parents and carers may be absent and not available to child victims should they need support in order to make sense of or to extricate themselves from these types of situations:

A girl that one of my sons went to school with became addicted to drugs at about the age of 12. She was allowed to accumulate a debt. The dealers then, in order to pay-off that debt forced her into prostitution, were making their own blue movies with her. God knows what other kinds of abuse, sexual abuse, she experienced, and this is information that she talked about at school, like, you know, that kids talked about at school (CMF12, p. 7).

**Secondary theme: Sense of powerlessness.**

Sense of powerlessness occurs when individuals, families and communities are unable to see a way of addressing a social problem such as CSA. They may perceive that the barriers to doing so are insurmountable. They may also believe they do not have the authority, resources and power, to achieve the outcome they want:



Some believe that that's what the people learnt as children, so as parents they carried out this behaviour because they had power-relationships in their families. Because it's been a taboo, it's just not talked about, it's been allowed to continue. It's gone from one generation to the next to the next and so, now in the 21<sup>st</sup> century we've got young Aboriginal kids still being abused. What's a real concern is where you have young men who are making comments like, "Well, it happens to everybody in every family, so you just have to get used to it," and to me that's not acceptable (CMF12, p. 3).

A sense of powerlessness ensures the consequences of CSA continue to be passed down from generation to generation and contribute to the normalisation of such behaviour. The serious experiences of victims, upon disclosure, are minimised, often by family members, in a way that silences further disclosures:

And yet there's other people who just simply tell the story but they don't seem to be doing anything about it. They just say "oh yeah well, I know my cousin was abused and there's other children being abused, but" – and they just continue on like – I don't know, I don't know what it is – maybe numbness or a sense of powerlessness. And these are educated people. These aren't people who haven't been to school or anything. These are qualified people (CMF01, p. 17).

### **Primary Theme: Surviving the System**

The Surviving the System theme recognises Aboriginal people to be capable of agency in their everyday lives, and reflects what may be considered as adaptive and maladaptive ways of surviving in contemporary society, while continuing to retain a strong connection to culture and Aboriginal identity.

Surviving the System occurs when Aboriginal people find diverse ways to resist the imposition of the dominant Western culture since colonisation. It also occurs through Aboriginal efforts to survive and retain a strong sense of cultural identity and cultural pride. Surviving the System occurs in three key ways: surviving history; surviving poverty; and surviving the modern world.

**Secondary theme: Surviving history.**

Surviving history occurs when Aboriginal people find ways of surviving colonisation, oppression and assimilation:

... because being an Aboriginal person, yeah, you don't have any power. It's very difficult to have enough power and survive within the structure that's been imposed (CMF01, p.5).

They do this by continuing to retain knowledge and understanding about law and culture:

And I think a lot about this, the way it is now is because a lot of our elders, either they're not equipped, or you've got a lot of elders who have passed on before they're able to pass on that knowledge and the respect of the community... They managed the society because they're a lot more wiser than people today, a lot more slower to make judgment, a lot more slower to point the finger at someone, and they're always conscious of the bigger picture, I think, and what we call the law, Aboriginal law, and how we treat each other (CMM03, p. 14).

They also retain a strong connection to their cultural identities despite Australia's colonial history.

Finally, surviving history also occurs when Aboriginal people find ways of surviving personal histories of adversity:

I grew up under a shady, tin humpy that we built with a tin. Doesn't mean I've got to stay there and do the same thing. Doesn't matter what happened to me, my priorities are always making sure that my child is reared properly and I'm doing the right thing by him. And I'll protect him from anybody. Even from myself. That's how much important a child is to me (CMM02, pp. 6-7).

**Secondary theme: Surviving poverty.**

Surviving poverty occurs when children experience poverty in relation to their needs for food, shelter, warmth, love and caring. In these circumstances, they use the resources available to them to meet these needs in order to survive, including sexual favours:

There's six of them that the leader takes to a certain place and say, you know, he'll give you money if you do something for him. And that's probably at Grade 6 level. They go up and talk to anyone and say, you know, we'll give you this if you give us some money to buy food, so it's a negotiating tool, it's used as a negotiating tool, to survive I guess, too (CMF04, p. 33).

Surviving poverty in this context has become common to the extent that children have already begun to develop their own language to describe their activities:

I guess that's what they gotta do to survive in some instances, you know, where they've got a lot of family who drinks every day, who you know, and have opened up those areas for them. I mean you get them saying "smoke for a poke", "brew for a screw" or something like that (CMF04, p. 33).

Surviving poverty means that children may engage in unsafe behaviours that put them at risk of further exploitation.

**Secondary theme: Surviving the modern world.**

Surviving the modern world occurs when Aboriginal people are faced with a contemporary dominant Western society and all its norms. These include the normalisation of violence and violent imagery, substance use, and sexualised images and language:

Now, in the same way that our young people are seeing all these American-type, unrealistic, idealistic versions of what life is actually like, I believe that a lot of men are watching pornography and thinking, "Well, that's what everybody does," and so they're expecting to engage in those kinds of relationships. They're led to believe that this is normal behaviours. You can hire pornography from the video shop as well (CMF12, p. 6).

In this context, Aboriginal people make decisions about how much of these ways of living they will incorporate into their daily lives.

Surviving the modern world also occurs when Aboriginal law has been adversely impacted, and Aboriginal people are faced with surviving contemporary expressions of culture:

Her son, when he went through Law he was raped. It's not (part of initiation), it's just changed over the years and that's all around the Kimberley. They also taking – because in the old days you didn't take alcohol and drugs, whereas nowadays they taking alcohol and drugs when they go to Law or whatever, so it's just like a big party (CMF03, p. 6).

Surviving the modern world associated with surviving contemporary expressions of culture means Aboriginal people, especially Law People, have been actively involved in taking steps to stop the misuse of inappropriate sexual activities during ceremonies:

There hasn't been a lot of Law going on because of inappropriate practices, you know, the sexual abuse that was happening. I even had one bloke tell me that even in (NAME) that when a woman goes through Law it meant that she was to be raped by the Law-men. And he said that was never practised, you know, like when he was growing up, when he was taught by his grandfather's father. And therefore he wouldn't let any sons go, because he just said "nuh, they making a mockery of it (CMF03, p. 6).

Surviving the modern world ensures Aboriginal people are engaged in appraising and analysing the new information to which they are exposed in contemporary society; and they make new survival decisions:

I think there's a whole range of things that sort of impact on adults being in a position to protect kids, and they have their own issues, so – I think people do what they can, but they also know that they will be ostracised to a certain degree. And they just need to make a decision about "okay, so where do I stand and what can I do about it" rather than just simply be quiet because we don't want other people to know our business (CMF01, p. 10).

Surviving the modern world also means that Aboriginal people are capable of becoming actively engaged in challenging and resisting the prevalent status quo of CSA:

You know, I went back home and they were talking and they told me how bad it was, I felt more sick. So, I turned round and I said to them, "Well, I'm going to

use my bloody education and I'm going to come back and sort this shit out," and I tell you, I keep my word (CMF06, p. 11).

I'm not going to use that as an excuse that someone's abused me when I was a boy that I'm going to abuse somebody else. That's not an excuse. I'm quite capable to do other things, better things and then if you don't start righting things, it'll never get right. Them wrongs will just continue to stay. You have to start righting things (CMM02, pp. 6-7).

Being actively engaged in resisting the normalisation of problematic behaviours such as CSA, and making pro-social, empowering choices offers the community hope for responding to problems such as CSA.

### **Primary Theme: Evolving Culture**

Evolving Culture reflects adverse changes in Aboriginal cultural norms and expectations of family, kinship and community functioning, parenting, and mechanisms for regulating behaviour. It also reflects that, while people have retained knowledge of law and culture, there is an absence of cultural authority within the community to reinforce these cultural norms and expectations.

Evolving Culture occurs in response to the imposition of non-Aboriginal culture on Aboriginal people, the ongoing oppression of Aboriginal people, and the ongoing and dynamic interaction between Aboriginal and non-Aboriginal cultures. It also occurs as a result of the transmission of learnt behaviours, normalisation of unhealthy behaviours, and the presence of unsafe home environments that place children at risk of being sexually abused:

Their whole life they walk around the young people, nighttime, having sex with one another. They're only 14, 13, 12, 14. Those young kids are having sex with one another in community, the young people. But because the parents are in there drunk and having sex and the kids are sitting down watching them. Kids are still awake and they're touch stuff and all that in front of kids when they're drunk. And the swearing, and then when the kids get to 12, 13 and they say you've got no respect for me. How do you expect someone to have respect for you when that's how you raised them and you're swearing at them like that (CMM02, pp. 21-22).

Evolving Culture means that family, kinship and community structures involved in parenting, caring and nurturing, and regulating behaviour, for example, have been undermined since colonisation. Specifically, the authority for regulating behaviour in families and communities have been undermined and practices in relation to reciprocal family and kinship obligations and responsibilities have changed. Where family and kinship structures once operated openly to regulate the behaviour of its members, and to offer protection generally, now the emphasis is on hiding the shortcomings of the family, even if it means protecting perpetrators and not supporting vulnerable victims:

I think abuse and everything like that - whether it be sex or drugs or whatever. They're really symptoms of something bigger than that, a breakdown of society and how people deal with it. And quite often people don't cope very well. There are good families, though it's really hard when you're up against something (that) you can't control and I think a lot of the stuff that's happening today is very strongly breaking down of families, parents (CMM03, p. 4).

Therefore, whilst Aboriginal people have retained knowledge of law and culture, their capacity to apply that knowledge in everyday life appears to have been compromised by the impact of their adverse historical experiences.

**Secondary theme: Transmitting learnt behaviours.**

Transmitting learnt behaviours occurs where Aboriginal people have been exposed to, experienced, and displayed particular attitudes, beliefs and behaviours they have learnt which may have positive or negative consequences. Learnt behaviours and associated attitudes and beliefs in relation to CSA were spoken about in negative terms. These include those associated with early experiences of violence and CSA such as the Stolen Generations era, through which messages about the value of Aboriginal people were transmitted. They also include perceived changes in observance of cultural values, principles, practices and traditions, and the normalisation of substance use as a social activity. The changed role and authority of Elders and Law People in families and communities was perceived as particularly problematic as were changes in the authority of families and kinship systems to regulate the behaviour of its members. Finally, the role of the welfare system in the lives of Aboriginal families was perceived as having had an ongoing profound adverse effect on the functioning within Aboriginal family and kinship systems:

It's a cycle, I think. Like one family I know of, the father he was in the mission and he did that to the daughters and the daughters have allowed it to happen to their children. Like the daughters say well it happened to me. Or like the fact that these girls have turned like to alcohol and drugs, all their relationships are like domestic violence, you know (CMF03, p. 14).



Transmitting learnt behaviours occurs through the behaviour of perpetrators and the responses of victims' parents and families. For perpetrators, this occurs when, based on their early socialisation experiences, they sexually abuse children:

It's (abusive behaviour) what they've learned and no-one's told them that that's not what you should do and it's never been addressed and there's never been anyone to tell them that this is – “okay, this happened to you but it's not what you do to other children”. No-one's ever told them it's wrong and they think this is just normal (CMF01, p. 5).

They may believe their abusive behaviour to be normal and may not acknowledge or understand that there is anything wrong with it. They may also not have access to and may not actively seek to learn and adopt alternative pro-social ways of behaving and living.

Transmitting learnt behaviours also occurs through the responses of victims' parents and families when a child discloses CSA. The phenomenon occurs overall when Aboriginal cultural values, principles and parenting practices have been undermined by the imposition since colonisation of the dominant Western culture:

Our society's been broken down since colonisation. All our philosophies about how we live together; how we resolve conflict. All of a sudden we're in a pretty confused state (CMM03, pp. 10-11).

In these circumstances, Aboriginal people may not possess the cultural and personal knowledge and skills required to change the quality of their lives and those of their children. This includes knowledge about family roles and reciprocal responsibilities, and

the necessary skills associated with translating this into improving parenting practices and implementing healthy boundaries within the home:

There's been a change in culture. There's no respect for themselves, let alone anyone else. Parents don't teach them. The old ways are better ways than today's ways (CMF05, p. 2).

**Secondary theme: Normalisation of unhealthy behaviours.**

Normalisation of unhealthy behaviours occurs when observance of Aboriginal culture causes behaviours such as substance use, violence and the sexualisation of language and like behaviour. Normalisation of unhealthy behaviours also occurs in the context of the presence and ready availability of introduced violent images, pornography, and sexualised images and language. These occur as a normal part of the dominant Western culture and are available via the television, internet, and mobile phone footage posted on the internet, in movies, and on the news:

From what I've seen, a lot of the images that we see and access to pornographic material, you know, you only have to click a couple of buttons to get on the Internet to get access to that. Today, I think, if you look at video clips of music video, MTV, all that stuff, you've just got to look at that. Who's monitoring all that? There's so much different media anybody can go around and surf the Internet. Obviously there are rules you can get against all of that, but it's the fact that you can have access to that and it's a lot easier done (CMM03, p. 3).

The ready availability of such images may result in the undermining of cultural values, principles, practices and standards of behaviour. When this occurs, there is an increased desensitisation to extreme levels of violent and sexualised behaviours like sexual assaults,

family violence, family feuding, violent assaults, and deaths as a result of homicides and murders.

However, participants did acknowledge that violence was practised in traditional communities, pointing out this occurred in a structured, controlled context:

The old ways, and you'll see the pattern was very strict in those days, and you would get punished if you did something wrong in the community. The whole tribe would hit you and then it would never be brought up again. And other such things, that if you did wrong, they'd kill you straight out. So, they had harsh laws in place, traditional laws (CMF06, p. 4).

The impact of colonisation on these mechanisms for regulating behaviour in Aboriginal law was viewed as undermining the active role of Aboriginal people in controlling behaviour in families and communities. It was perceived as undermining important values and attitudes about taking responsibility for one's actions. Colonisation was also perceived as having undermined important mechanisms, such as the authority of Elders and Law People, to regulate behaviour in a structured manner:

Yeah, well with the breakdown of Law and not being able to practise your Law and then the government turns around and says we can start practising our Law again, and then there's no Elders left, see. They've all died or gone renal – kidney failure or something. So it's up to people – the next generation to try and step up and do something to continue on the Law and the tradition. And then you've got other people saying "oh leave it, don't worry about it, you know, don't go back to your customs". Which is hard because back in the old days you'd get speared or sentenced really bad, you know, for doing these things (CMF02, p. 10).

As a result, extreme and unfettered violence in some communities occur as a means of resolving conflicts amongst individuals and families, such as family feuds.

Normalisation of unhealthy behaviours means Aboriginal cultural values and practices, including practices associated with fulfilling reciprocal obligations and demonstrating appropriate parenting practices, have been undermined. As a result of these circumstances, children may be exposed to unsafe environments and parenting practices putting them at risk of being groomed and sexually abused:

Well, if you've got a kid who's, you know, if everyone at home is fighting, if there's never any food in the house, then if a predator comes along as Mr Nice Guy and offers the kid food and talks to them in a nice way, laughs and jokes and everything like that, then that child's more likely to jump in a car with them next time. Perhaps coming over to somebody's house and, you know, there's all these things, there's TV that they can watch without interruptions, maybe the latest movies that kids at that age like, they can sit and watch, because they may not have the money to go to the pictures themselves; all those kinds of things (CMF12, p. 8).

Normalisation of unhealthy behaviours means observance of respectful behaviours as required by Aboriginal law has been undermined. It also reflects an undermining of the observance of healthy boundaries and standards of appropriate behaviour:

And the first thing, you know, you listen to two people arguing, drunken one. "I'll cut your prick off, you do that!" It goes back to a sexual thing. "You wanna fuck that woman there, you wanna fuck that" That's all, that's the only thing they

argue about. I've heard women arguing with their blokes, instead of saying "Well I'm gonna go home now and smash your TV", "I'll go, I'll fuck somebody else" you know (CMM01, p. 21).

This normalisation of unhealthy behaviours highlights the difficulties in protecting individuals, families and communities against exposure to the pornography and sexualised imagery readily available through television, the internet, mobile telephones, print media and music.

**Secondary theme: Providing an unsafe home life.**

Providing an unsafe home life occurs when parenting practices, family functioning and kinship caring are undermined:

I have a lot of boys stay at home and they won't go back to their place before it's – because of the drinking back there. And I had one boy who kept coming home all the time and his older brother was molested and his parents allowed the perpetrator back in the house. And he had his own room, but there were holes in the walls. But he said he didn't like it because he said he had – he seen men looking in all the time, peeping, you know. He didn't feel safe –he never had a lock on the door and because of other drunks, and yeah (CMF03, p. 15).

Providing an unsafe home life ensures family and kinship environments do not constitute safe environments as originally intended:

Kinship trust can also be a problem because the family don't want to think a relative will do that (sexually abuse their child). Others won't let their kids do anything about it. They keep quiet and as long as their kid fine they don't say

things publicly to the family. It's a way of managing kinship relationships (CMF05, p. 6).

It also means that unhealthy boundaries are common. These circumstances make it difficult to regulate the behaviour of family and kin, and consequently, unhealthy behaviour becomes normalised and reinforced:

Her Nanna had allowed the very person who had molested her back into her family, back into the house where she was staying with her Nanna. And she couldn't tell her Nanna and she didn't tell her Nanna that she didn't like this because Nanna just kept getting wild and saying that that was her Uncle and regardless he's done that before, she's got to talk to him. She was just too frightened to go to the toilet she was saying, she was too frightened to walk out of her room. She put all the things behind her door in the bedroom, to block the door (CMF04, p. 21).

As a result, children may seek safety, nurturing and affection from other unsafe sources thereby placing them at risk of being abused:

Children, I mean, in my opinion, kids are roaming the street for a reason. Now, it could be because they don't feel safe at home, a whole number of reasons, but certainly if they're hungry, if they don't have an adult that they can talk to or who they feel cares about them, then, yes they are vulnerable. Certainly vulnerable to a predator coming along and grooming them and then they end up victims of sexual abuse (CMF12, p. 8).

**Primary Theme: Fear of Repercussions**

Fear of Repercussions reflects the barriers to disclosure faced by those experiencing CSA, the manner by which they maintain their safety, and the consequences which may ensue should they disclose CSA. As a result, CSA may not be disclosed and “The hurt cycle” (CMF11, p. 6) continues.

Fear of Repercussions occurs in the following important ways: fear of not being believed; fear of system responses; fear of threats and violence; fear of community scrutiny; and fear of challenges to identity. At a systemic level, fear of repercussions occurs in the context of the historical and perceived ongoing oppression of Aboriginal people. This oppression is considered as occurring both directly and indirectly by non-Aboriginal people, governments, their agents and services. Current system responses are perceived as inadequate, culturally inappropriate and not capable of responding to the needs of Aboriginal people associated with safety. Safety in this regard, refers to physical, psychological, emotional and cultural safety.

In addition, the undermining of Aboriginal community and family mechanisms for establishing and regulating standards of behaviour has resulted in the unregulated practice of more powerful Aboriginal people and families asserting themselves over others. They assert their power either physically through threats and actual use of violence, or by exerting their influence as a result of their reputation or position over others, or a combination of both:

There is still a huge blanket of silence over this issue. I’ve actually heard a senior public servant working in the field say that there were cultural reasons why Person X wasn’t being exposed as or named as the father of all these children,

because he was having sex with 12 and 13yos, and producing children, but they weren't allowed to name him as the father because there would be repercussions in the community. That blanket of silence works really well because people are afraid (CMF01, pp. 17-18).

Fear of Repercussions means that the consequences for victims and families as a result of disclosure may lead to serious physical injury, being ostracised from family and community, isolation, stress and anxiety. Victims and their families may also experience re-traumatisation, either through personal attacks or by the Western *system* rolling over vulnerable individuals through, for example, intervention by the authorities in families, a lack of parental say or control over what occurs in response, and children being removed from families. As a result, incidents of CSA may not be disclosed because of the fear associated with potential repercussions "... and people are worried about the repercussions of reporting it ..." (CMF05, p.5).

**Secondary theme: Fear of not being believed.**

Fear of not being believed occurs when children are afraid of disclosing CSA because they are worried about their parents or the authorities not believing them or not being supportive and protective:

A lot of them don't report it because they're not believed. Even with domestic violence cases too, like the police's negative attitude and that, but with child sexual abuse, I notice with the police too, like when I worked with (NAME), they'd say "oh, she's too young" or "there's lack of evidence" (CMF03, pp. 18-19).



Fear of not being believed means that the abuse remains hidden and victims do not receive the support they need in a healthy manner so as to process and deal with the consequences of their experiences of abuse.

**Secondary theme: Fear of threats and violence.**

Fear of threats and violence constitutes a barrier to help-seeking by victims, their parents and concerned community members. It is primarily associated with concerns about the responses of the family and supporters of alleged perpetrators after a disclosure of CSA is made. It means that victims of CSA, their parents and concerned community members will likely face threats, intimidation and violent assaults, if they disclose CSA in order to secure support for victims, and so as to stop cycles of abuse from continuing. The types of violence used include physical, non-physical abusive behaviour, such as threats and intimidation, attacks on the victims' family members or supporters, and family feuding:

Retribution too; family will, all of his family will say, well, he didn't do it, they're just lying, you believing them, we'll come and get you (CMM01, p. 10-11).

Fear of threats and violence also leads to sexual abuse of children not being acknowledged or remaining hidden and not addressed. Child victims and their families do not receive the support needed and perpetrators are not held accountable as required under Aboriginal law. The intimidatory and violent behaviour of the more powerful individuals and families continues unchecked, and systems and responses continue not to meet the needs of victims and their families. As a result, the consequences of child sexual abuse continue to be passed down from generation to generation.

**Secondary theme: Fear of system responses.**

Fear of system responses constitutes a barrier to help-seeking by victims, their parents and family. These responses occur in two key ways. Firstly, there is a fear largely based on experiences and knowledge of Aboriginal people's historical relationship with the dominant Western society, including being judged as to their worth and the stereotyping of Aboriginal people based on those judgments. They also include experiences of the adverse consequences of those judgments, such as the forced removal of Aboriginal children from their families and communities (HREOC, 1997). This fear is further reinforced by contemporary negative experiences from interacting with agents of the system:

Because if they talk about it, you know, and they ring DCP, well their kids get taken off them, you know (CMF04, p. 30).

Fear of system responses is also associated with the public location and unfriendly physical environs of government offices and services which may then operate as barriers to help-seeking. For example, a perception exists of victims being asked to return several times to provide information or clarification of the abuse, or of being referred from one agency to another to access support services:

And the environment too, where they interview them at the police station. Kids don't want to go there – like when someone's car is parked out the front of the police station and it's right in town, everybody say "hey, how come their car there?", you know. So no-one wants to go there because of that and you go into a room where it's real sterile, white walls and you know. And then you got two big officers standing in their blue uniforms. (Kids) were scared, like they didn't want

to talk and, a couple of kids had to go back 3, 4, 5 times to get a statement because they just felt scary. There'd be like 5, 7 detectives walking around with their badges on and they had cuffs and guns and that scares the kid you know (CMF03, p. 20).

Fear of system responses also occurs when victims and their families seek to access the services provided by governments and their agents. For example, when Aboriginal people attempt to use the criminal justice system, they may not understand the processes involved, and it is not explained well to them. Official responses are perceived as being inadequate, and those seeking access may experience confusion about the processes. Thus they do not see it as a worthwhile process with which to engage if there is a risk the perpetrator will not be convicted:

So, the whole legal process, I don't think it's explained clearly enough to Aboriginal people in the region and just on the legal side of it, sometimes our mob don't understand the difference between someone being found not guilty and someone going to court and being let off because there's not enough evidence. I mean, just because there's not enough evidence doesn't mean, you know, the court is saying that this person is innocent. So there's confusion and that can lead to a lot of community violence and stuff like that (CMF12, p. 14).

Fear of system responses leads to the enduring perception of governments and their agents, such as the Police, child protection services, and other welfare agencies, as being unsafe, and engaging with them constitutes too high a risk. Therefore, the personal costs to victims and their families are perceived as being too high for what is thought to be little gain in securing safety:

It's hard for Westerners to get involved in cultural practices – its way out of their league. For Aboriginal people, its (cultural practices) the norm, it's their culture (CMF05, p. 5).

**Secondary theme: Fear of community scrutiny.**

Fear of community scrutiny is associated with concerns about drawing attention to oneself, inviting scrutiny, and the risk of being judged. This type of fear occurs at two levels when victims, their parents and their supporters face making a decision about whether to disclose an incident of CSA. At the first and most proximal level, fear of community scrutiny is associated with drawing attention to the family, and exposing the family functioning to external scrutiny and judgment. In these circumstances, victims, their parents and their supporters weigh the repercussions of disclosure, including the costs and benefits of doing so, "I think it's probably victimisation by the rest of the community in one way; they'll completely ostracise some people" (CMF11, p. 14).

At the second level, fear of community scrutiny is associated with a socio-political environment in which the negative stereotyping of Aboriginal people is highlighted. In this context, there is a concern amongst Aboriginal people about adding to their stereotyping by drawing attention to the presence of negative behaviours such as CSA in the community:

Who knows what people are thinking out there? You get significant pressure on yourself. You walk into a room and see a sex offender and you know, because I've had comments here about putting kids with, even though the person had a crim record clearance and some of the comments around here was, how do we

know they haven't, maybe they haven't been charged yet or caught yet. Well, not every Blackfella's a sex offender, for fuck's sake (CMM01, p. 31).

The emphasis on the avoidance of contributing to negative stereotyping masks the potential that disclosure can provide for positive cultural and broader systemic change. Fundamentally, such positive change involves upholding and reinforcing law and culture, its values and principles. Ultimately, the opportunity for reducing the harm caused by CSA and creating safety remains unrealised.

The fear of community scrutiny represents a significant risk to victims, their parents and their families because it is perceived their standing within the community may be undermined as a result of being negatively judged by others within the community for not being protective. This fear of community scrutiny puts pressure on all to not disclose incidents of CSA in order to avoid the risks associated with external scrutiny and being judged. Thus CSA remains hidden and promotes the power of fear, reinforcing abusive behaviour and disrespectful relationships. It also undermines observance of reciprocal obligations and responsibilities, accountability, and the value of the life-enhancing principles of law and culture.

**Secondary theme: Fear of challenges to identity.**

Fear of challenges to identity encompasses three broad levels when victims, their parents and their families discuss whether to disclose incidents of CSA. Firstly, fear of challenges to identity occurs for all when they weigh the implications of disclosure. They may be concerned that victims may be perceived as having contributed to the abuse in some way or that they are now *damaged goods*. They fear some parents and families may be judged negatively as being dysfunctional for not being protective and not

regulating the behaviour of those who they have allowed to have contact with their children:

Well with welfare you go there, but you also get looked at as if you're a bad parent for letting it happen to your kids. Like you want to take your kids there but then (CMF02, p. 18).

And it'd be a case that they're judged because they've brought someone into their family or their friends have brought someone into the family (CMF04, p. 30).

These perceptions may present challenges to their existing identity as caring, functional parents, possibly resulting in victims questioning their role in the abuse, and the possible conclusions about them and their self-worth.

The second manner in which fear of challenges to identity occurs relates to perpetrators and their families, and their concerns about how they will be perceived if the abuse is disclosed. Negative perceptions such as the family being dysfunctional for raising a perpetrator may occur. Others may question the family's values and what they stand for. The partners of perpetrators are often perceived negatively as being weak because they should have known what their perpetrator partners were doing, and should have acted to stop the abusive behaviour. Finally, perpetrators are perceived negatively in a way that challenges their existing identities as a husband, father, grandfather, uncle, brother, nephew, cousin, grandson, and so forth:

So there's this image of who they are and by exposing the child abuse then that image is shattered and then they have to re-conjure up another image of who they are and how they exist and what their values are. People are just afraid of being exposed and the flak sort of rubs off on to them, so if say a man is a perpetrator,

people will say (to his wife) well why didn't you say something about it, why didn't you do something (CMF01, p. 10).

The third way that the fear of challenges to identity occurs is in relation to the broader implications of disclosing the presence of CSA for the community and the accompanying negative perceptions which may reinforce existing stereotypes of them as being dysfunctional because of substance abuse, violence and crime:

It worried me a little bit, a lot a bit being Aboriginal. Like I was "Oh you Blackfella, you rape a kid", you know. But yeah, I just felt I was tainted with that brush (CMM01, p. 31).

In this context, community members are concerned about adding to the extant negative stereotypes and about protecting the community image. Fear of challenges to identity in this context implies disclosure is not to be encouraged more broadly; CSA remains hidden and victims, their parents and families do not receive the support they may need.

### **Primary Theme: Avoiding Exposure**

Avoiding Exposure reflects the active curbing of disclosure of CSA by perpetrators and their supporters in order to avoid external scrutiny, maintaining the status quo by whatever means available. As a result, no alternative modelling of appropriate behaviour is provided and reinforced in the community.

Avoiding Exposure occurs in four key ways: active denial; promoting silence; ultimate silencing; and shaming. The potential for others to learn about the past indiscretions of individuals and families, keeps people already dealing with negative stereotypes actively engaged in denying the presence of CSA. They do so by actively curbing disclosure of incidents of CSA in order to deflect attention away from

themselves. In addition, they actively engage in promoting silence among others by whatever means possible, like shaming. As a result consequence, their identities and status in the community remains intact, the status quo is maintained, and CSA continues:

Another thing that people have said is that in families people often don't want to say anything, say, against another family or a member of another family because they're frightened that if they say anything, all their secrets will come out. They say, the perpetrator will dob them in for whatever, unless they've done something they're frightened to speak out of, that's probably the other thing that would keep them from saying something (CMM04, pp. 14-15).

**Secondary theme: Active denial.**

Active denial is the result of individuals and families themselves actively denying the presence of CSA out of fear of the repercussions such as, violence, intimidation, and being judged. In this regard, active denial is associated with preserving the physical, psychological and emotional wellbeing of the victim and family, as well as preserving the standing of the family within the community:

One thing with Aboriginal mob, the most important thing is family, and I've seen families in my life, my growing up in Aboriginal communities, I've seen families support families for terrible things, and regardless of what you said to them or what evidence was given to them, they still support their family. And they even deny for their family. If you say something against the dad or the grand pop or the uncle in front of the family member and say, grand pop done that, they'd probably all get stuck into you. What you talking like that for? You're silly saying that about granddad and all that (CMM02, p. 9).



**Secondary theme: Promoting silence.**

Promoting silence occurs when others exert pressure on victims, their parents and their families to maintain silence about existing problems, such as the sexual abuse of vulnerable children. It happens in the context of the various negative stereotypes experienced by Aboriginal people. It is the result of a strong sense of fear associated with being viewed negatively by others in the family and community:

But also too, from within the communities, most people just like to keep everything within the family and not go spreading it around (CMF01, p. 9).

It exists in the context where people are actively engaged in preserving their families:

Well, one particular case that I was involved with, the young girl was actually told that if she told anyone, her mother would be angry with her because it would cause division in the family. So, this young girl felt like there was no-one she could go to (CMF12, p. 11).

It also occurs in a context where people are actively engaged in avoiding scrutiny by the authorities so as to avoid being blamed for not protecting child victims. Ultimately, people are concerned about not exposing their families to having a child victim being removed from their care.

**Secondary theme: Ultimate silencing.**

Ultimate silencing occurs when victims of CSA perceive there is no support for them, either through family, kinship and community, or through services and the authorities. Ultimate silencing means victims of CSA experience difficulties in coping with their experiences of abuse. As a result, they commit suicide as the ultimate way of silencing their internal distress due to the abuse:

I've heard a lot of people in (NAME) say that to me and a few young people that have hung themselves and they say this person know, but nobody say nothing. And that person hung himself because that person been to the Police and the Police never charged the family member, and now they grow up, they couldn't handle it, they committed suicide. And that's not one, there's a few kids like that in (NAME) and a lot of people tell me that this person been interfered with them and they can't cope with it when they get older. Because it's always in the individual, they're always stressed out and they kill themselves. I hear people tell me that all the time (CMM02, p. 19).

Ultimate silencing also occurs when as a result of CSA, youths experience sexual identity confusion; they do not receive support to work through these issues; and they experience isolation and psychological and emotional difficulties which they seek to end by taking their lives:

Then when speaking with him he just like, shame and then questioning him – like questioning his identity too, like sexual and yeah. He just said like thinking about going with a woman, it had like taken away his self-esteem, like his manlihood kind of thing – it was taken from him. Like what had happened to him. I know of two of the young boys and one of them he's – he's not feminine at all, but the other one is and they're saying "that's because such and such had you up to this and you liked it and that's why you like that" but it's not (CMF03, p. 4).

Additionally, ultimate silencing occurs when youth, having experienced CSA, are subsequently identified as being gay; and they experience isolation, perceiving they are

not accepted within their families and communities as a result of their sexuality. The end result is they may experience high levels of distress and seek release by taking their lives:

So, child sexual abuse is not about the boy's, sexuality. Like, we need to give the boys permission to actually make their own decisions about their sexuality, rather than have this, kind of, community perhaps suspicion that if someone has had sex with them as boys, then they must be gay. You know, I think we need to talk more about what constitutes male sexuality more rather than leaving our poor young boys flounder (CMF12 p. 17).

Ultimate silencing means that some were not able to find a way of surviving without family and community support. It also draws attention to the profound impact CSA can have on victims and their families not only in the short-term, but in relation to the longer-term consequences for those victims, and their families and communities, who experience loss and grief in suicide's aftermath.

**Secondary theme: Shaming.**

Shaming occurs when an incident contrary to law, such as CSA, happens. It is also the result when such an incident involves culturally inappropriate gendered behaviours, such as male-on-male sexual contact:

Because it's like for them, when I've spoken to some of them, they've just said it's Big Shame, like especially when they've grown up in mission, out at NAME, they say it's man and woman, and then for that to happen (i.e., male-on-male sexual abuse). Another young boy that it happened to, he just got teased the whole time even though they knew he didn't ask for it or want it he continued to

get teased and then family members who sided with the perpetrator blamed him and his mother, you know (CMF03, p. 3).

Shaming as a process is also a mechanism used in law to promote conformity and adherence to appropriate standards of behaviour, and to discourage transgressions against these standards:

Shaming is good for perpetrators. Traditionally, shaming was used when someone did something wrong. We need to bring them back to their community to face their community (CMF05, pp. 7-8).

Shaming may also be used to keep CSA hidden by attacking victims, their parents and families:

Others don't acknowledge it (CSA) because of that shame thing. And that's another thing why some people might not report it or don't acknowledge it, because it brings shame on not just that person but the families too, you know (CMF03, p. 5).

In this context, shaming may be interpreted as the inappropriate use of this mechanism because disclosure of incidents of CSA may be viewed as identifying a transgression in order to address it and restore the health and well-being of the victim, family and community. In short, shaming is most appropriately employed to address the behaviour of the perpetrator and his or her supporters:

I certainly think that maybe they need to be shamed in order to actually consider their behaviour as being inappropriate. Because, the chances are they're going to come out of jail and go and molest other kids. Whereas, if the point is made that

it's wrong and shameful to them, that this is what they're doing, then maybe that might just regulate their behaviour to some degree (CMF12, p. 13).

Avoiding exposure through active denial, promoting silence, ultimate silencing and shaming, indicates problems and issues are not acknowledged and consequently not addressed. In this context, the prevailing public *image* and identity of the individual, family and community must be preserved even if victims and perpetrators are not able to access and receive the support they may need. The consequences of CSA remain and continue to be passed down from generation to generation.

In summary, this chapter outlined the results of this investigation of Aboriginal people's perspectives about CSA including its causes and perpetrator factors. It represents an attempt to begin to address the relatively neglected cultural dimension in existing psychological theories of sex offending. In this regard, it describes and provides supporting quotations for five primary themes which resulted from thematic analysis of the raw transcribed recorded interview data. Community responses to these themes are outlined in the following chapter.

## **CHAPTER 8**

### **PARTS II & III: FORUMS AND RESULTS**

Parts II and Parts III of this research are presented in this chapter. The former involved presenting the results of Part I to an Aboriginal community forum to obtain their feedback and elicit further insights into the themes with a view to refining these results. The latter involved presenting the results of Part I to a non-Aboriginal workers forum to obtain their feedback similarly and elicit further insights into the themes elicited in the preceding chapter.

#### **Part II – Aboriginal Community Forum**

##### **Methodology.**

The process of recruiting participation in the community forum involved providing details, such as date, time, venue and purpose of the forum via email communication to Aboriginal individuals, including participants in Part I. This process was also repeated with key Aboriginal agencies, inviting their participation and encouraging them to circulate information about the forum widely to other Aboriginal people in the community.

Six adult female Aboriginal participants including one who had participated in Part I of the research, attended the community forum. The remaining five participants had not participated in individual interviews, and notably there were no male participants.

The findings and interpretations were outlined in a power-point presentation. The researcher recorded participant feedback and comments in a note-book during the

presentation, confirming key points and interpretations of comments with participants for accuracy as they were raised.

### **Results.**

The results are summarised in Table 3 where the term *Endorsed* is recorded to denote feedback where all or majority support (>50%) for a theme was obtained. The table shows participants endorsed the findings and interpretations of Part I of the research, and revealed a general consensus amongst participants for each of the primary and secondary themes.

#### ***Primary Theme: Misusing Power.***

All participants agreed with the theme Misusing Power. They were particularly concerned about the manner in which cultural power is being misused in relation to CSA. They referred to the example of the sexual abuse of boys when they participate in men's ceremonies. Participants highlighted contemporary practice of this tradition in some instances, as presenting a high risk for the abuse of boys. They noted that law has changed to the extent boys are being sexually molested whilst participating. They also suggested this to be a common complaint amongst young men who may experience shame and sexual identity confusion as a result of the male-on-male sexual abuse. Because of the secrecy around men's ceremonies and perpetrators' misuse of the power afforded by their senior role in ceremony, victims do not believe they can disclose such abuse; they do not receive support to help them make sense of their experiences, and consequently, they may believe such behaviour to be normal.

Table 3.

*Summary of Community Feedback*

Primary and secondary themes (Part I)	Community (Part II)
<b>Misusing Power</b> - Imposition of White law and boundaries - Misusing position of power - Sense of powerlessness	Endorsed Endorsed; Mandatory reporting Endorsed; Secrecy of men's ceremonies Endorsed
<b>Surviving the System</b> - Surviving history - Surviving the modern world - Surviving poverty	Endorsed Endorsed Endorsed; Secrecy of men's ceremonies Endorsed; Sex exchange; Disability as a source of goods
<b>Evolving Culture</b> - Transmitting learnt behaviours - Providing unsafe home life - Normalisation of unhealthy behaviour	Endorsed Endorsed; Secrecy of men's ceremonies Endorsed Endorsed; Parents and underage sexual contact; Disability as a grooming tool
<b>Fear of Repercussions</b> - Fear of not being believed - Fear of system responses - Fear of threats and violence - Fear of community scrutiny - Fear of challenges to identity	Endorsed; Use of knowledge as a weapon Endorsed Endorsed Endorsed Endorsed Endorsed
<b>Avoiding Exposure</b> - Active denial - Promoting silence - Ultimate silencing - Shaming	Endorsed Endorsed Endorsed Endorsed; Sexuality Endorsed

Participants also raised the introduction of mandatory reporting laws as being problematic in the community. One participant illustrated an example in which an adolescent girl disclosed being a victim of CSA, seeking counselling to help her to deal



with her experiences. However, when faced with the prospect of engaging with the systemic responses required by mandatory reporting laws, she expressed her frustration and declined to pursue counselling in this context. This exemplified the theme of Misusing Power by the dominant society, albeit with good intentions, imposing on this girl a response which did not accord with her needs. As a result, she disengaged with the workers, did not receive the counselling she had sought, and her needs remained unmet.

***Primary Theme: Surviving the System.***

Participants agreed with the Surviving the System theme and its secondary themes. They spoke at length about poverty as a risk factor for victimisation, reiterating similar comments to those provided by the research cohort in Part I regarding children and youths' use of sexual favours in exchange for goods such as food, shelter and affection. They provided a term for these behaviours, calling it a *sex exchange*, suggesting this occurs where children and youths use their observations about the dynamics of adult intimate relationships and general knowledge that sexual favours may be used to get what a person wants. As a result, they have learnt to exchange such sexual favours as oral sex, for goods such as food, cigarettes, drugs, money, DVDs, a lift<sup>8</sup>, and so on. In other words, sex is used as a commodity to be used for bartering to obtain material goods.

Forum attendees also identified some children and youths who have identified individuals with a disability as a ready option for sex exchanges in order to obtain goods. They informed that some children and youths were aware individuals with a physical disability may be constrained in their activities and not able to socialise readily in order

---

<sup>8</sup> Refers to securing transportation to a particular destination.

to meet potential partners. They indicated some children and youths have identified and actively seek out particular individuals with a disability to offer sex in exchange for goods. In these circumstances, it was considered such children and youths may see the particular individuals as a reliable source for sex exchanges.

These views reflect findings from Part I that indicate children and youths may not necessarily be passive recipients of CSA, but may have a more active role in such incidents in this community. Whilst highlighting the role of such children and youths in these incidents of CSA, all participants acknowledged living in impoverished conditions places these young people at high risk of being exploited in a number of ways, sexual exploitation being one of these.

***Primary Theme: Evolving Culture.***

Participants endorsed the theme of Evolving Culture and its secondary themes. When reflecting on changes in culture that have occurred over time, and the manner in which this has impacted on parenting practices, all attendees agreed that some parents may not have the knowledge and skills to be able to teach their children about sexual matters and CSA. They pointed out a lack of knowledge and information about what constitutes CSA placed children at risk when they and their parents do not recognise abusive behaviour when it occurs. Moreover, they were of the opinion that even if some parents recognise CSA, they may not know how to approach cases and what the options are regarding their response to this problem.

All participants highlighted some children and youths as experiencing a lack of love and caring at home, suggesting that these circumstances do not only occur in families who live in impoverished conditions, but may also occur in families appearing to

have everything they desire. Incidents were described of children and youths, who experience a lack of love and caring at home, as seeking to have their needs met through other means, thereby exposing them to high levels of risk by making them prime targets for perpetrators of sexual violence. The forum noted such young people as often achieving a sense of belonging with the perpetrator, thus helping to hide and maintain the abuse. Forum members were unanimous in thinking children and youths involved in such interactions with perpetrators may not wish to disclose the abuse so as not to get the perpetrator in trouble.

Half of the participants highlighted parental attitudes to underage sexual contact as being problematic. The example provided was of parents who view sexual relations between an adolescent boy under the age of sixteen years and an older woman as being problematic, not because it is illegal, but rather because the relationship is opposed on the grounds of the woman already having children; thus such a relationship is considered undesirable. All participants agreed that this perspective was problematic, suggesting it may reflect broader attitudes within the community about gender and whether adolescent boys can be sexually abused, particularly by female perpetrators.

The forum suggested there is a normalisation of the sexualisation of youths in the community. When the sexualisation of youth was coupled with the issue of poverty, which all present agreed constituted a high risk factor for CSA, these circumstances were looked upon as providing an environment conducive to the development of what they called a sex exchange. A specific example given referred to a group of local children and youths who live in impoverished conditions and who engage in underage sexual activities with adults in exchange for goods. All participants agreed this to be a serious problem.

Forum attendees also linked the normalisation of unhealthy behaviours to the effects of CSA. They suggested victims experienced a loss of trust in others and could exhibit what they referred to as over-sexualised behaviour, such as, engaging in regular sexual activity with random partners and through flirtatious, sexually suggestive behaviour. They thought some young people may believe this to be a normal way of relating to others, that is, in a sexualised manner. The forum made a common observation that some young girls continue to hang around older men with whom they participate in a sex exchange, and that they did not see this as a problem.

In addition, half of the participants in the forum identified disability as a high risk factor. Surprisingly, this was in reference to the use of a physical disability by perpetrators to initially engage and then groom vulnerable children. Participants described these circumstances as occurring when a perpetrator's physical disability was used to garner sympathy from the community to the extent that child victims are not believed when they attempt to disclose CSA at the hands of such a perpetrator. In these circumstances, participants suggested the community might find it difficult to believe a person with a disability could engage in sexually abusive behaviours. They also suggested that victims may not want to get a perpetrator with a physical disability into trouble by disclosing sexual abuse.

***Primary Theme: Fear of Repercussions.***

All participants agreed with the theme Fear of Repercussions. They were also in agreement that it operates in a number of ways, particularly in relation to the multiple negative repercussions possible as a result of disclosing CSA as outlined above.

One of the repercussions highlighted by the forum was the fear that if CSA were disclosed, the perpetrator and his or her family and supporters would attempt to publicly humiliate the victim and his or her family. This perspective reflects those recorded in Part I of this thesis. Participants described this in terms of a fear to report incidents of CSA amongst some, for fear their past indiscretions or wrong-doings may be revealed publicly, resulting in their public humiliation and at times ostracism.

Participants identified another way a fear of the repercussions of disclosure operated. This was in relation to a person using knowledge of his or her partner's previous experience of CSA to inflict hurt on that person. An example provided involved a young man who had, for the first time, disclosed his experiences of CSA to his then partner. During a subsequent argument, this information was used as a weapon to attack, humiliate and hurt him publicly. All at the forum agreed this to be another example of individuals being humiliated publicly after disclosing CSA. They also identified the key motivating factors in this type of behaviour, as anger and a desire to hurt and publicly humiliate the person. They stated the aim of such behaviour was to inflict maximum hurt on the victim. It also meant the recipient of this behaviour and other victims of CSA who become aware of such incidents, are less likely to disclose CSA in future, thus such occurrences are likely to remain hidden and unresolved. This example is consistent with the themes associated with a Fear of Repercussions and Avoiding Exposure (see next).

***Primary Theme: Avoiding Exposure.***

Participants agreed with the primary theme Avoiding Exposure and its secondary themes. They spoke at length about their observations of previous experiences within the community wherein perpetrators, their families and supporters actively engage in

strategies aimed at keeping the CSA hidden to avoid external scrutiny of their families. They reflected on local community dynamics, noting public humiliation to be a key strategy used by some community members as an intimidatory tactic to silence those who disagree with them, or those who expose their inappropriate behaviour. Attendees noted that similar tactics are used in relation to CSA, including publicly revealing past wrongdoings of the person who discloses the CSA. It was described thus: “(they)...pull out all the rubbish on you...” This reflects a barrier to disclosure raised in Part I of this research. Participants revealed that, in such circumstances, individuals are afraid of experiencing shame, being judged by the community, and exposing their families to such shame and judgment. As a result, perpetrators, their families and supporters succeed in keeping the abuse hidden, while victims and their families inadvertently protect their standing and that of their families within the community by remaining silent.

#### **Additional comments and insights.**

##### ***Perpetrators.***

All forum participants agreed that, while most known perpetrators were male, females could also be perpetrators. Reference was made to one local case involving a female perpetrator. The issue of adolescent perpetrators preying on younger children was also prominent in discussions with participants noting this had become a serious concern in the town. Adolescent perpetrators were identified as usually male. All participants concurred the past histories and personal experiences of perpetrators had influenced their behaviour. They noted prior experiences of abuse on the missions or within their families and communities, particularly in the absence of support to address those abuses, contributed to perpetrators’ subsequent offending behaviour.

***Risk factors for victimisation.***

Regarding victim-related factors, the forum identified children as being placed at risk of abuse as a result of: poor parenting; living in overcrowded houses; living in neglectful or abusive family environments of alcohol and drug use, and domestic violence; and family circumstances which lack supervision due to such issues as gambling and substance abuse.

***Culture.***

This forum agreed there to be no place in Aboriginal culture for CSA. The members noted the practice of promising young girls to older men was uncommon in the community, but it should not be used as an excuse to condone CSA. However they observed that some boys were being sexually abused when going through men's ceremonies. The secrecy surrounding these ceremonies led to the boys being reluctant to tell anyone about any abusive behaviour which might require explanation. There was concern amongst participants that some youths may believe these abusive behaviours to be normal thereby going on to become perpetrators themselves.

***Effects of CSA.***

All participants concurred that CSA has serious negative effects on victims and their families; this included feelings of fear, shame and suicide ideation. For example, half of the participants identified female victims of CSA fearing the development of psychological problems and of becoming a perpetrator of CSA themselves. In a context where female victims have generally not accessed support services to address their abuse as children, participants suggested this can result in depression and suicide ideation amongst these victims. They highlighted their awareness of female victims talking about

their fear of becoming perpetrators themselves, seeing ending their lives as a way of preventing the cycle of abuse continuing.

### ***Sexuality.***

The forum identified sexuality or its perception as presenting a barrier to disclosure. If a boy or young man is perceived as being gay, this is viewed as reflecting negatively on the father. The reason for this belief is that being gay equates to weakness while *real* men are perceived to be strong.

Participants also identified there to be a belief within some sections of the community that a person chooses to be gay. Consequently, gay young men are perceived as being disrespectful to their fathers by so choosing their sexuality. In these circumstances, gay young men are perceived as bringing shame on their parents and families.

In this context, participants highlighted male-on-male CSA affecting boys as they grow into adulthood. For example, they identified youthful male victims as often being confused about their sexuality because they are unable to distinguish between the abuse and normal bodily responses to physical stimulation that often occurs during such incidents. They also reported boys often being teased about enjoying their abuse, with suggestions that they must have enjoyed these experiences particularly if they did not disclose it to the authorities. As a result, they identified some victims as believing they must be gay because they experienced some level of enjoyment during the abuse, even though they were subsequently attracted to females. Participants predicted these circumstances to create confusion in youths, not only about their sexuality, but also about their role in their abuse.



Participants also intimidated some victims of male-on-male sexual assault who have been attracted to females as young men, to believe that the assault has taken away their manhood. Male-on-male sexual contact is perceived as being inappropriate to the extent it has compromised the masculinity of male victims, and such men are not real men, nor can they ever be! Participants spoke at length about their concerns relating to this issue, suggesting suicide ideation is common among male victims of CSA and sexual assault. These circumstances associated with sexuality and sexual identity confusion as a result of CSA reflects the primary theme of Avoiding Exposure and its secondary themes of shaming and ultimate silencing.

### **Part III: Non-Aboriginal Workers Forum**

#### **Methodology.**

The process of recruiting participation in the non-Aboriginal workers' forum involved providing details, such as date, time, venue and purpose of the forum via email communication to individuals and key local government and non-government agencies inviting their participation and encouraging them to circulate information about the forum widely to others in the local sector. Two adult non-Aboriginal males and three adult non-Aboriginal females participated in the workers' forum.

The findings and interpretations of Part I and Part II were presented in a power-point presentation. The researcher recorded participant feedback and comments in a note-book during the presentation, confirming key points and interpretations of comments with participants for accuracy. The term Endorsed was used to reflect support by most participants (>50%) and the term Moderate was used to reflect support by half or less of the participants (50%).

**Results.**

Overall, feedback from the presentation was that the findings and interpretations provided an accurate description of workers' knowledge and understanding of CSA as an issue in the local community. Table 4 includes a summary of the workers' feedback compared with the results from Parts I and Parts II of the research.

**Additional comments and insights.**

Similarly to feedback from the community presentation, the workers highlighted the circumstances of the sexual abuse of males. All agreed this to be an area needing more attention because of the detrimental consequences for victims who are not able to access support for addressing their victimisation. For example, workers emphasised the isolation experienced by male victims and the incidence of self-harming amongst this group as being of particular concern.

The non-Aboriginal workers generally reflected on their experiences of working with the issue of CSA during the presentation, noting the challenges and complexities within the local Aboriginal community. An air of despair pervaded the workers who wondered how they might bring about broader community change in response to CSA; however, they emphasised the importance of including culturally relevant, strengths-based approaches when responding to CSA.

Table 4

*Summary of Non-Aboriginal Workers' Feedback*

Primary and secondary themes (Part I)	Community (Part II)	Non-Aboriginal workers (Part III)
<b>Misusing Power</b>	Endorsed	Endorsed
- Imposition of White law and boundaries	Endorsed	Endorsed
- Misusing position of power	Mandatory reporting	Endorsed
	Endorsed; Secrecy of men's ceremonies	Endorsed
- Sense of powerlessness	Endorsed	Endorsed
<b>Surviving the System</b>	Endorsed	Moderate
- Surviving history	Endorsed	Endorsed
- Surviving the modern world	Endorsed; Secrecy of men's ceremonies	Endorsed
	Endorsed	Endorsed
- Surviving poverty	Sex exchange	Endorsed
	Disability as a source of goods	Endorsed
<b>Evolving Culture</b>	Endorsed	Endorsed
- Transmitting learnt behaviours	Endorsed; Secrecy of men's ceremonies	Endorsed
- Providing unsafe home life	Endorsed	Endorsed
- Normalisation of unhealthy behaviour	Endorsed; Parents and underage sexual contact; Disability as a grooming tool	Endorsed
		Endorsed
<b>Fear of Repercussions</b>	Endorsed; Use of knowledge as a weapon	Endorsed
- Fear of not being believed	Endorsed	Endorsed
- Fear of system responses	Endorsed	Endorsed
- Fear of threats and violence	Endorsed	Endorsed
- Fear of community scrutiny	Endorsed	Endorsed
- Fear of challenges to identity	Endorsed	Endorsed
<b>Avoiding Exposure</b>	Endorsed	Endorsed
- Active denial	Endorsed	Endorsed
- Promoting silence	Endorsed	Endorsed
- Ultimate silencing	Endorsed	Endorsed
	Sexuality	Endorsed
- Shaming	Endorsed	Endorsed

**Primary Theme 6: Holding Aboriginal Law**

When reflecting on the results of Parts II and III of the research, and refining the themes, the researcher identified an additional theme Holding Aboriginal Law which intersects with each of the original themes. This new theme was considered as having both positive and negative dimensions. The positive dimension reflects participants' references to their enduring knowledge of Aboriginal law and its continued relevance in their lives. Holding Aboriginal Law positively occurs when Aboriginal people draw on their knowledge of their law when assessing current circumstances in family and kinship, and community settings:

Aboriginal culture is not about raping our children, and if it is then the people who are doing it, they are the ones that are wrong, they're criminals. They're the ones who are taking advantage of children and then trying to use Aboriginal culture with, some rules within Aboriginal culture as an excuse for what they're doing, you know (CMM02, pp. 4-5).

Holding Aboriginal Law also happens when Aboriginal people apply that knowledge in their search for solutions to such contemporary problems as CSA.

The negative dimension of Holding Aboriginal Law reflects participants' perceptions of the manner in which observance of Aboriginal law has been negatively impacted since colonisation, resulting in change:

Cultural factors are implicated by the fact that some men have been charged with sexual abuse of young men going through Law, doing things with them, saying it's part of culture, you have to do this and it's not you know. So, yeah, culture is being implicated. People are using it to hide behind (CMM01, p. 7).

In summary, the two forums with Aboriginal community members and non-Aboriginal workers endorsed the findings and interpretations of Part I of the research. Importantly, Aboriginal community members provided additional information that helped to refine and clarify the complex ways the circumstances captured in each of the primary and secondary themes operate in this community with regard to CSA. The implications of having this in-depth information to inform both policy and practice when working with Aboriginal CSA offenders will be discussed in the following chapter.

## CHAPTER 9: DISCUSSION AND CONCLUSIONS

Existing theories of sex offending contend several key causal factors are implicated in the onset, development and maintenance of CSA (Araji & Finkelhor, 1986; Hall & Hirschman, 1992; Marshall & Barbaree, 1990; Ward & Siegert, 2002). These factors include developmental adversity, cultural values and belief systems, family context, biological factors, psychological deficits and situational factors (Ward & Siegert, 2002). Several studies have investigated a number of these factors (Baker & Beech, 2004; Bumby & Hansen, 1997; Marshall, 1997; Ward et al., 1995); however, few studies (Purvis & Ward, 2006) have examined the specific role culture plays CSA. Notably, no studies have investigated the role culture plays in sex offending by Aboriginal people. This research investigated Aboriginal community perspectives about CSA in order to enhance understandings of the cultural dimension in existing psychological theories of sexual offending, particularly with respect to Aboriginal sex offending.

Several practical problems made it difficult for the researcher to determine the perspectives of two key groups of people, convicted Aboriginal sex offenders and local Aboriginal Elders. This limited the extent to which the researcher was able to answer the research question, namely: What role does culture play in sexual offending against children, amongst Aboriginal sex offenders? For example, the Department of Corrective Services would not allow the researcher access to convicted Aboriginal sex offenders: and the small number of surviving local Aboriginal Elders in the community, including those approached who declined to be interviewed about this sensitive matter. However, the results provide insights into the perceptions of community members and non-Aboriginal workers in the child protection and Aboriginal offender rehabilitation fields,

about the role culture plays in the onset, development and maintenance of CSA offending in the community. These groups provide insights into potential responses to CSA which reflect the external, observable features of culture, such as family, kinship, community and practices, which cultural psychology (D'Andrade, 2001; Kitayama, 2002), and the modes of being model (Kitayama et al., 2007), infer are shaped by internal psychological processes. An analysis of the data collected from individual participants allowed the researcher to identify five initial primary themes which were refined and confirmed by an Aboriginal community forum, and confirmed by a forum for non-Aboriginal workers. Upon reflection of the results and feedback following these two forums, a sixth primary theme was identified by the researcher namely, Holding Aboriginal Law.

To recapitulate, the primary theme of Misusing Power reflects the research participants' perception that, since colonisation, non-Aboriginal people have employed their power to oppress, exclude and marginalise Aboriginal people. This theme also reflects the perception that some members of Aboriginal communities also use their power to marginalise and silence those experiencing CSA. The primary theme, Surviving the System reflects participants' perception that, despite experiencing oppression, Aboriginal people in this community are actively engaged in their everyday lives, and not merely passive recipients of the dominant culture. This theme has both positive and negative dimensions, wherein for example, the methods used by Aboriginal people in this community to survive in contemporary society may occur in adaptive and maladaptive ways, while they continue to retain a strong connection to their culture and Aboriginal identity. The primary theme, Evolving Culture reflects adverse changes in Aboriginal cultural norms and expectations in family, kinship and community functioning, parenting,

and mechanisms for regulating behaviour. It also reflects participants' perceptions that while people have retained knowledge of Aboriginal law and culture, there is an absence of cultural authority within the community to reinforce proper cultural norms and expectations. The primary theme, Fear of Repercussions is indicative of participants' perceptions about the barriers to disclosure faced by those experiencing CSA, how they maintain their safety, and the consequences that may ensue should they disclose abuse. The primary theme Avoiding Exposure reflects participants' perspective of Aboriginal perpetrators and their supporters actively engaging in curbing victims' disclosure of CSA in order to avoid external scrutiny, and to maintain the status quo by whatever means available. Participants concurred this can occur in both intra-familial and inter-familial contexts. Finally, the theme Holding Aboriginal Law is evidence of participants' perspectives that Aboriginal law is still important in this community, and has both positive and negative dimensions. The positive dimension reflects references to their enduring knowledge of Aboriginal law, and that it continues to have relevance in their lives. The negative dimension reflects participants' perceptions of colonisation and oppression as having had a negative impact on Aboriginal people's knowledge of proper law and culture. These impacts have been revealed as changing the ways in which Aboriginal people in this community observe and express law and culture in contemporary settings.

A useful way of conceptualising and applying these culturally-based themes in the existing theoretical space is to do so under the basic onset, development and maintenance framework found in the theories of Araji and Finkelhor (1986), Hall and Hirschman (1992), Marshall and Barbaree (1990), and Ward and Siegert (2002).



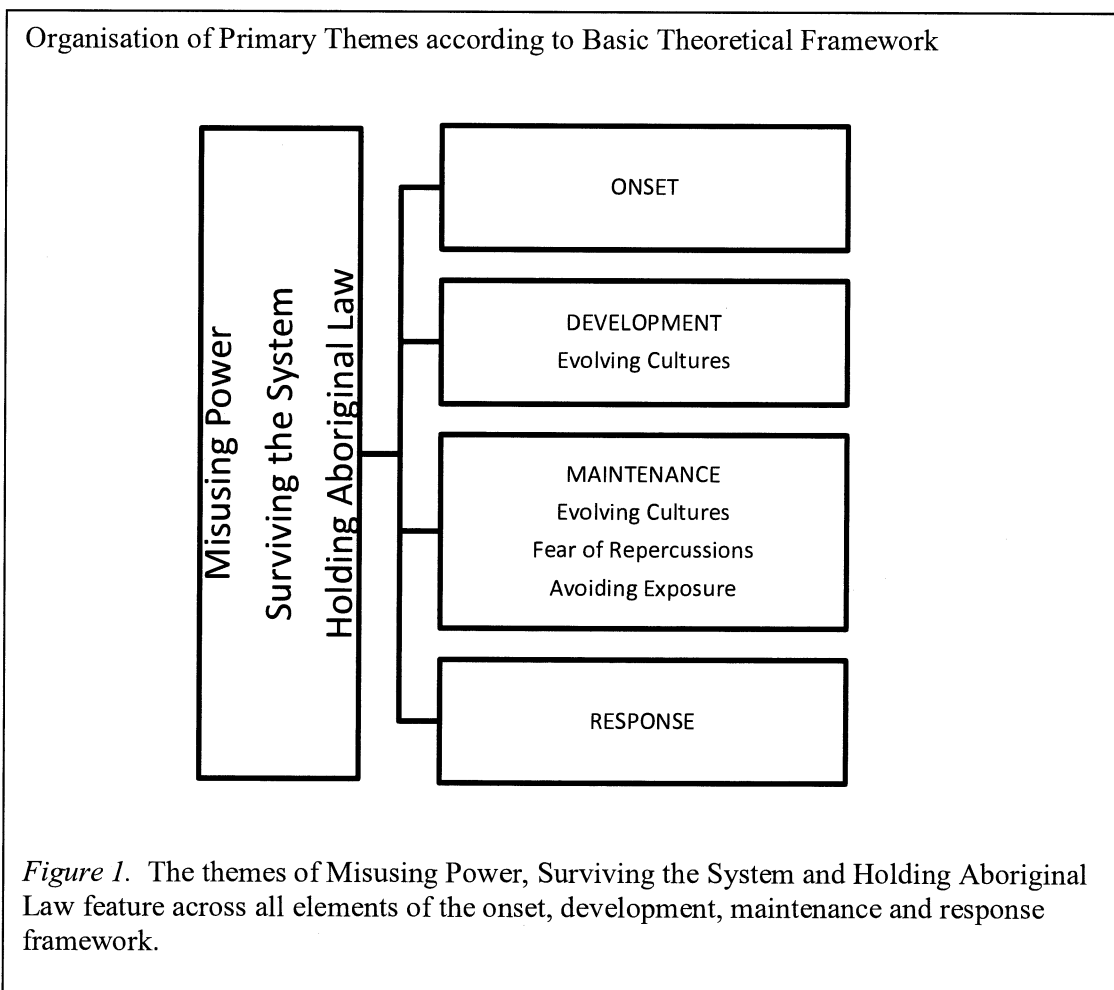
Applying this framework in this research suggests that there are at least two levels of conceptualising its elements. For example, the concept of the onset of CSA refers to the beginning of an individual's exposure to adverse early developmental and socialisation experiences which may be implicated in the subsequent development of offending behaviour. At another broader socio-cultural level, the term onset is also used to refer to the point in time that Aboriginal people in this community identify as when perceived breakdowns in culture began, and when exposure to sexually abusive behaviour towards Aboriginal children began.

Similarly, the term development refers to the specific individual factors and socialisation experiences and processes which give rise to offending behaviour. At a socio-cultural level, the term development refers to the processes through which family, community and cultural structures have become undermined to the extent that they no longer provide the protection and nurturance as originally intended. As a result, abusive behaviour may become normalised within families and communities which can be particularly problematic in interdependent cultures such as Aboriginal culture. This is because individuals not only develop a sense of identity in relation to significant others, but they are also influenced by them, attuning and adjusting their behaviour in response to influential others in their environments.

The concept of maintenance in this framework refers to individual and systemic (e.g., family, community, agency) factors which do not discourage offending behaviour. At a socio-cultural level, the maintenance of CSA refers to the systems which operate to reinforce the undermining of Aboriginal Law and culture which contains strict rules about sexual behaviour and reciprocal obligations within families and communities.

An additional component, response, has been added to this framework to accommodate the fullness of participants' perspectives. The concept of response refers to methods of addressing both individual offenders' behaviour and socio-cultural factors such as undermined family and community environments associated with CSA.

Some themes fall into one or more component, but not in all (see Figure 1). Others such as the themes of Misusing Power, Surviving the System, and Holding Aboriginal Law, having both positive and negative dimensions, feature in all components. This overlap is not surprising given the factors associated with CSA are typically not discrete, are often inter-related, and reflect multi-directional causes and effects (Stanley et al., 2003).



**Onset**

Participants suggested CSA did not exist as a social problem prior to colonisation. They believed there to be strict mechanisms in place in Aboriginal societies that collectively operated to curb such behaviour. Thus colonisation was considered to be important for understanding the onset of CSA in their community. It seemed to provide a point in time at which they are able to trace the beginning of the undermining of Aboriginal societies, social structures and the strict mechanisms in Aboriginal law and culture which controlled sexual mores and behaviours associated with sex and sexuality. Colonisation also signalled the beginning of the violent oppression, exclusion and marginalisation of Aboriginal people, which participants identified as contributing to the creation of conditions during which the open and unregulated sexual exploitation of Aboriginal children by colonists began. These views are reflected in the theme *Misusing Power*.

However, interviewees also noted that, despite these experiences, Aboriginal people have survived as evidenced by their current presence as a people of this community. This reflects the positive dimension of the theme *Surviving the System*. The cohort also emphasised they have continued to retain connectedness to Aboriginal culture and identity, despite some members of the community demonstrating negative expressions of culture. Their connectedness is associated with the positive dimension of *Holding Aboriginal Law*. They also demonstrated another positive dimension through their assessments of the cultural veracity of various expressions of culture within the community. They referred to examples where more powerful Aboriginal people misuse their cultural authority and position in the community to not only perpetrate CSA, but to

hide the abuse through the misuse of cultural taboos such as reports of CSA taking place during men's ceremonies. Participants used these examples to highlight negative expressions of culture which reflects the negative dimensions of the themes Surviving the System and Holding Aboriginal Law.

Participants also thought that at one level, the negative dimension of the theme Holding Aboriginal Law undermines the authority and responsibility of Law People and Elders to regulate behaviour in their community. At another level they suggested Aboriginal people's understanding of Aboriginal law has been undermined, leading to the occurrence of misinterpretations. This has, in turn, undermined the regulatory effect that Aboriginal law has on Aboriginal people's behaviour, such as undermining observance of reciprocal obligations and responsibilities for family and community wellbeing. Vulnerable children have been exposed to predators who use cultural constructs such as kinship care, to gain access to them. Perpetrators also exploit obligations and responsibilities associated with kinship care to hide their abusive behaviour. Overall, participants did not consider Anglo-Australian law filled, or could fill, the gap left by the undermining of Aboriginal law, because it is viewed as inappropriate and unable to meet cultural needs.

### **Development**

Those interviewed suggested the development of CSA is strongly linked to the misuse of power by non-Aboriginal people. For example, it was suggested the non-Aboriginal people have misused their power by violently disrupting Aboriginal law and culture, resulting in what they consider to be negatively transformed Aboriginal societal and community structures. They viewed these changes as negatively impacting on

individual, family and kinship functioning, and on the observance of roles and responsibilities within families. Participants suggested this occurs when knowledge of Aboriginal law and culture has been undermined, and where no authority figures are available to regulate behaviour. For example, they thought the undermining of the authority of parents and senior family members diminished their ability to discipline and address maladaptive and abusive behaviour, thus creating an environment in which CSA may flourish. In these circumstances, participants believed such breakdowns in cultural structures could lead to unsafe parenting practices like a lack of supervision of young children, and not modelling and teaching children about healthy boundaries that could protect them from risk of becoming victims of CSA. They also thought that parenting practices that models disrespectful behaviour and sets unhealthy boundaries could be implicated in the development of perpetrating behaviour.

In addition, those interviewed proposed non-Aboriginal people misuse their power over Aboriginal people by excluding Aboriginal perspectives on how to respond to CSA in the community. The result has been the imposition of inappropriate responses on them. They further considered such inappropriate responses to include criminal justice responses, child protection responses and legislative responses, such as mandatory reporting legislation. These circumstances are reflected in the theme *Misusing Power*.

Participants thought that, at the indirect level, some Aboriginal people have modelled their own behaviour on that of non-Aboriginal people because they have observed and learnt how effective such modelling can be in achieving outcomes. For example, participants thought that some Aboriginal people have taken on the role of the non-Aboriginal oppressors in misusing their social power to achieve their goals, even if it

means causing harm to children. They believed some Aboriginal perpetrators might feel entitled to take what they want from others who have less social power than them, to gratify their sexual needs. Participants were particularly concerned about people with power derived from their positions in communities, using this power to abuse vulnerable members. This was viewed as creating an atmosphere within which child abuse and other maltreatment of vulnerable people can flourish. These circumstances are reflected in the theme *Misusing Power*. They also shine a light on the negative dimension of the theme *Surviving the System* whereby some Aboriginal people have actively incorporated negative aspects of non-Aboriginal practices such as misusing power, to exploit vulnerable community members.

Participants also identified social problems such as poverty, overcrowding and substance abuse as being linked to CSA. For example, participants observed that living in poverty can expose children to risk of sexual exploitation in two key ways. Firstly, children may be vulnerable to being groomed for sexual favours in exchange for affection, food and shelter for the night. Secondly, some children actively engage in and use a sex exchange which involves offering and providing sexual favours in exchange for material possessions such as CDs, mobile phones and clothing.

Further, associated with living in impoverished conditions in this community are the problems of substance abuse and overcrowding. Participants revealed the presence of substance abuse in some circumstances can lead to disinhibited behaviour, and this was a serious risk factor for CSA. They also considered living in overcrowded conditions, which is not uncommon in this community, can contribute to promoting unhealthy boundaries, and to exposing children to sexualisation at a young age thereby placing them

at risk of abuse. Such overcrowded conditions may be associated with attempting to survive and to keep families intact. This is reflected in the theme *Surviving the System*.

Whilst efforts to keep families intact may be viewed as a proactive response to oppression, a negative consequence of such overcrowding is that it creates stressful conditions in which it is difficult to implement and maintain healthy boundaries regarding behaviour and personal space. In these circumstances, there is often a lack of safe sleeping places for children who can become exposed to the disinhibited and inappropriate behaviour of adults. As a result of these negative dimensions of the theme *Surviving the System*, children may become inappropriately sensitised to sexual behaviour, desensitised to age-inappropriate sexual contact, and may be exposed to the risk of CSA due to their accessibility to the disinhibited behaviour of perpetrators.

A further complicating factor identified by participants, was associated with the mode of kinship care formerly designed to be a caring and supportive system (KALACC, 2006), and which now constitutes risk in some families in this community. For example, key features of Aboriginal family and kinships systems are for all members to be bound by a reciprocal obligation of being respectful to all of its members, including being respectful of their physical, psychological and emotional integrity; taking responsibility for their roles and behaviours; and acting in ways that ensures the wellbeing of all members. This means that older family members like adults and adolescents, have an obligation not to sexually abuse any member of the family including children. If they do commit such abusive behaviour, they are required to take responsibility for that behaviour which is considered to be bringing shame on the family and exposing it to external scrutiny from the authorities. However, participants suggested there has been a

breakdown in cultural practices which has resulted in more powerful perpetrators and their supporters shifting their responsibility for their abusive behaviour, for bringing shame on the family, and for exposing the family to external scrutiny, to child victims. Perpetrators do not fulfill their obligation to care for and preserve the wellbeing of child victims. They do not take responsibility for their abusive behaviour and the harm it causes to the physical, psychological and emotional wellbeing of child victims. At the same time, they expect child victims to be responsible for the ramifications of seeking help in response to being abused. This includes the ramifications of exposing their abusive behaviour and the impact this may have on their wellbeing which may suffer if they are punished by Aboriginal law or imprisoned through the criminal justice system.

In addition, participants suggested that because of the strength of family and kinship obligations, some may find it hard to believe their family members are capable of perpetrating such abuses on children. They also agreed that, even if families acknowledge the abusive behaviour of a member, a strong sense of kinship obligation may force them to continue to have contact with and have unsafe members in their lives. Such culturally compromised practices are reflected in the theme *Evolving Culture*. According to this theme the misuse of power by non-Aboriginal people in suppressing proper forms of Aboriginal law and culture has helped to create conditions favourable for CSA. This has been achieved by influencing the negative evolution of Aboriginal cultural practices such that some Aboriginal people's cultural knowledge and behaviour has been undermined. For example, participants suggested that some Aboriginal people who have grown up experiencing and witnessing CSA may think it to be normal. Where there is no-one available to inform them differently, they may go on to commit similar



behaviours, turn a blind eye to CSA when it occurs, or be unaware of how to create safe home environments for their children. Thus, some Aboriginal people may be ill-equipped to stop the cycle of CSA, and they may be ill-equipped to deal with new Western influences such as the internet and pornography. These circumstances are indicative of participants' ongoing connectedness to culture and that they continue to assess the cultural veracity of negative expressions of law and culture. It shows both the positive dimension such as participants holding knowledge of proper Aboriginal law, and the negative dimension such as kinship care as risk, intrinsic to the theme Holding Aboriginal Law.

### **Maintenance**

Participants suggested CSA is maintained in the community as a result of the ongoing oppression of Aboriginal people by non-Aboriginal people's misuse of their social power. They do this through the ongoing imposition of Anglo-Australian law and boundaries, through perspectives such as those on discipline, punishment and justice. They also do this through imposing inappropriate responses to Aboriginal perspectives, victims' disclosures, and Aboriginal offending. These circumstances are reflected in the theme Misusing Power.

The interviewees also considered CSA to be maintained through changes in Aboriginal people's observance of Aboriginal law and culture. These circumstances reflect participants' ongoing connectedness to culture and that they continue to assess the cultural veracity of expressions of law and culture. It highlights both the positive dimension, such as participants holding knowledge of proper Aboriginal law, and negative aspects like adverse changes in expressions of Aboriginal law, reflected in the

negative aspects of the theme Holding Aboriginal Law. In this perspective, participants agreed CSA to result from the transmission of learnt behaviours wherein Aboriginal people have observed and adopted behaviours associated with the manner in which non-Aboriginal people advantage themselves no matter the cost to others. This is also achieved through the normalisation of unhealthy behaviour, in which more powerful perpetrators and their supporters misuse their positions within families and the community to gain access to child victims and then hide their abusive behaviour.

Participants concluded, even though people may recognise and acknowledge CSA is occurring, they may find it difficult to curb such behaviour. The cause of this is a perceived lack of cultural authority within families and the community. As illustrated by the Fear of Repercussions theme, people fear suffering negative repercussions because perpetrators and their supporters sometimes claim the support of Aboriginal law such as in reports of CSA during men's ceremonies, or they use spiritual beliefs, threats and actual violence in both inter-familial and intra-familial contexts. Their intention is to silence victims, thus hiding their abusive behaviour. According to participants, given the sanctions under Aboriginal law include spearing or death, repercussions for perpetrators are very serious; the perpetrators therefore have a vested interest in reducing the repercussions for themselves.

Further, as illustrated by the Avoiding Exposure theme, participants thought that Aboriginal people did not want to act in a way that exposed their community to external scrutiny, intervention and even more losses. For example, they suggested some Aboriginal people are reluctant to disclose CSA for fear they will lose control over the process once systemic responses commence. They also suggested some Aboriginal

people might be afraid of disclosing CSA for fear of being penalised by the system for not being protective enough. They reported one of the greatest fears among Aboriginal families as being the breaking up of the family as a result of the removal of their children. This was often the result of systemic responses to their disclosure of CSA. Not surprisingly, the discussion revealed some Aboriginal people to perceive they must take whatever steps necessary to survive and keep their families intact in the face of these threats. This stance was taken, even if it meant issues such as inter-familial and intra-familial CSA were to remain hidden in some families. These circumstances are reflected in the themes Fear of Repercussions and Surviving the System. They reported an environment of profound fear was created among victims and their supporters, which may in turn, contribute to creating circumstances which may be exploited by perpetrators and their supporters, as victims and their families find ways of surviving, despite the abuse.

Participants in the forum suggested that, even where Aboriginal people recognise and acknowledge a person has offended, it is difficult for family members of perpetrators to take action to curb such behaviour due to the compromised family and kinship systems. They considered the situation in their community is such that preserving the standing of the family within the community now seemed to out-weigh concerns about the harm caused by CSA. As a result, such problematic behaviours remain hidden, thereby allowing more powerful Aboriginal individuals and families to keep their offending behaviour hidden.

Additionally, participants suggested victims and their supporters perceive broader ever-present systemic threats associated with mandatory reporting legislation. For

example, they suggested adolescent victims may disclose CSA with the intention of gaining access to counselling. However, mandatory reporting laws require an investigation into the disclosure which may result in subsequent legal proceedings. Participants pointed out that victims have expressed they do not wish to participate in these processes, wanting only access to counselling to assist them overcome the abuse. Moreover, victims may fear ensuing external scrutiny and judgments about their families as part of the investigation into their CSA disclosures. As a result, victims do not disclose CSA, and the unsafe conditions within families and the community remains unchanged. These represent further evidence of the theme Evolving Culture.

The Holding Aboriginal Law theme was also associated with participants' perspectives about the maintenance of CSA in this community. In this context, this theme reflected participants' views that the diminished influence of Law People and Elders, together with some people's compromised cultural knowledge and understanding of Aboriginal law, and the intergenerational transmission of unhealthy learnt behaviours, creates an environment which allows offenders to continue their abusive behaviour and to avoid being accountable for their behaviour. For example, participants identified that for some, this abusive behaviour has become so entrenched in culturally compromised family and kinship systems that a perception exists amongst some young men that CSA is common, it has happened to everybody in their family, and therefore it is normal behaviour. These circumstances reflect a negative dimension of the theme Holding Aboriginal Law. However, that participants continued to assess these circumstances for their cultural veracity is suggestive of a positive dimension to this theme.

Overall, these results are consistent with the findings of others in relation to the causes of CSA (ATSI Women's Taskforce, 2000; Coorey, 2001; Wild & Anderson, 2007); risks to victims (Coorey, 2001; Stanley et al., 2003; Wild & Anderson, 2007); the barriers to disclosure (ATSI Women's Taskforce, 2000; Willis, 2011), and the effects of CSA (Gordon et al., 2002b). Researchers have highlighted breakdowns in culture and having compromised connections to culture as being implicated in family violence and CSA (ATSI Women's Taskforce, 2000; Blagg, 2002; Gordon et al., 2002b; Wild & Anderson, 2007). They also note that poverty, overcrowding and substance abuse are often implicated in family violence and CSA (ATSI Women's Taskforce, 2000; Gordon et al., 2002b; Stanley et al., 2003). Finally, researchers have highlighted that barriers to disclosure of CSA such as a sense of obligation within families and a fear of the repercussions of disclosure, have a profound impact within communities and help to keep such violence hidden (ATSI Women's Taskforce, 2000; Coorey, 2001; Gordon et al., 2002b; Willis, 2011)

### **Response**

The negative dimension of the theme Misusing Power associated with perceptions regarding non-Aboriginal people's misuse of their power to impose inappropriate solutions and responses on Aboriginal people, is implicated in responding effectively to CSA. Participants thought this misuse of power must be addressed in order to create space for Aboriginal cultural perspectives. They thought that once this is addressed, their community would respond to the current crises regarding CSA in two ways. Firstly, as observed in the theme Surviving the System, Aboriginal people in this community are actively engaged in their everyday lives and not merely passive recipients of the

dominant culture. They use adaptive ways of surviving in contemporary society by retaining a strong connection to proper law and culture.

Secondly, the participants thought that, if people in their community continue to retain knowledge of Aboriginal law, and to reinforce its inherent values and beliefs, they would be able to respond to the CSA problem constructively. For example, they pointed out how Aboriginal law's approach in respect to discipline, wrong-doing and justice provides a more effective way of holding perpetrators accountable for their abusive behaviour, than that currently available under Anglo-Australian law and justice systems.

In addition, participants referred to the traditional use of physical punishment as the preferred response to imprisonment, which was not considered to offer a sufficiently strong deterrent. Aboriginal Law People's perspectives about the use of such physical punishments are instructive. For example, they suggest that it is viewed as representing a strong deterrent to repeated misbehaviour which also allows offenders to become cleared emotionally and psychologically of their guilt (KALACC, 2006). Therefore, offending was viewed as reflecting aberrant functioning representing transgressions against the broader collective family and/or community, in contravention of Aboriginal Law and culture, and thereby causing disruption to the balance within those settings. In Aboriginal Law and culture, the balance may be restored through individuals taking responsibility for their transgressions against the collective, with culturally prosocial functioning being restored through the use of physical punishment. While it may be at odds with the broader social context, within this community, physical punishment for transgressions such as CSA which was used in a structured way and for a specific purpose according to Aboriginal Law, was viewed as appropriate and even desirable to

some. Participants pointed out the strong requirement for offenders to make amends for their wrong-doing, mentioning this refers to cultural accountability. Ultimately this accountability could be achieved by upholding the values of Aboriginal law and through perpetrators being held accountable to the communities of victims. They suggested that reintroduction of this approach which was common in traditional communities, would provide a way of exposing abusive behaviour which has become hidden, and reinforcing community confidence that perpetrators would be appropriately held accountable for their abusive behaviour. As noted by Aboriginal Law People elsewhere, this requirement to make amends for wrong-doing is important for and closely associated with reintegration into the community without stigma or prejudice (KALACC, 2006).

### **Culture and Psychology**

The discussion so far has highlighted Aboriginal community members' perspectives about key external and observable features of the local culture such as practices within cultural structures such as family, kinship and the community which were viewed as being implicated in CSA and sexual offending against children. While it was not possible to speak with offenders to obtain insights into their internal processes like cognitions, emotions and motivations which influence and shape their offending behaviour, some very tentative suggestions about these are advanced from the perspective of cultural psychology (D'Andrade, 2001; Kitayama, 2002) and the interdependent modes of being model proposed by Kitayama et al, (2007).

To recapitulate, in cultural psychology, culture is viewed as a dynamic system composed of many connected elements such as meanings, practices, and associated mental processes and responses (D'Andrade, 2001; Kitayama, 2002). These exist both

inside the mind, in the psychological processes which are actively influenced and shaped by cultural practices and meanings; and outside the mind in the prevailing social institutions, public practices and meanings (Kitayama et al., 2007). Thus, the culturally shaped internal psychological processes of individuals within a particular group inform the development of their social institutions, public practices and meanings. These culturally shaped social institutions, public practices and meanings in turn, act to reinforce the cultural norms and systems of meaning of the group. Further, these cultural norms and systems of meaning become reinforced and reconstituted as individuals actively engage in coordinating and attuning their thoughts, feeling and behaviours with the characteristics of their social and cultural environments (Baumeister, 2005; Kitayama, 2002).

From this perspective, the results of this research reflect community members' perceptions about CSA and the role culture plays in understanding this problem in their community. They have provided a comprehensive description about the prevailing external structures, practices and meanings associated with CSA in this community. From this description of these meanings, it is possible to outline some possible insights into the internal processes of Aboriginal sex offenders. For example, a broad tentative suggestion is that Aboriginal sex offenders organise, attune and regulate their behaviour by understanding the Aboriginal and Anglo-Australian socio-cultural environments in which they exist which both have values, beliefs and expectations. They organise, attune and regulate their behaviour in response to what participants suggested are culturally compromised environments as captured in the themes *Surviving the System* and *Evolving*



Culture. These environments are viewed as the result of the negative impacts of colonisation and oppression as captured in the theme Misusing Power.

Additionally, Aboriginal sex offenders may see and express their sense of self in relation to other relevant people, including significant others within family, kinship and community environments, who may model inappropriate behaviours such as substance abuse, violence, unhealthy boundaries, sexualised and abusive behaviour which have become normalised. These are reflected in the themes Evolving Culture, Avoiding Exposure, and Misusing Power, and the negative dimension of Holding Aboriginal Law. On the basis of the manner in which they interpret their relationships and events occurring in their social environments, they regulate their own behaviours so that they do not feel out of place. This may mirror the normalised inappropriate and abusive behaviour of significant others as reflected in the themes Misusing Power, Avoiding Exposure, and Fear of Repercussions, and the negative dimension of Holding Aboriginal Law.

When viewed through the lens of the interdependent modes of being model proposed by Kitayama et al, (2007), the following tentative suggestions are offered. Recapitulating, these authors indicate the interdependent mode of being is associated with action as adjustment to the goals, expectations, needs and desires of others, socio-centricity in self-other representations, and holistic modes of thought. From this perspective, the actions and behaviours of Aboriginal sex offenders may be associated with their adjustment to the goals, expectations, needs and desires of important others as described in the theme Surviving the System. They may be surrounded by significant and influential others who exhibit inappropriate, unhealthy and abusive behaviour which

has becoming normalised as reflected in the negative dimension of the theme Holding Aboriginal Law, and in the themes Misusing Power, Evolving Culture, Fear of Repercussions and Avoiding Exposure. Therefore they are likely to be influenced by these, even if they possess knowledge of proper Aboriginal law and culture as reflected in the positive dimension Holding Aboriginal Law.

In addition, where individuals live in oppressed conditions as reflected in the theme Misusing Power and social disadvantage as reflected in the theme Evolving Culture, following the example of these influential others may be the path of least resistance especially for those who are born into and socialised in unhealthy environments. Resultant patterns of relatedness, and unhealthy influence and behaviour may become normalised and reinforced through Aboriginal people's tendency to construct their sense of self and identity in relation to these important and influential others within their family, kinship and community environments. This may help to explain the reason for the positive cultural structures of family and kinship care as reflected in the positive dimension of Holding Aboriginal Law, now constituting risk in terms of CSA as identified in the themes of Evolving Culture and the negative dimension aspect of Holding Aboriginal Law.

Further, the interdependent mode of being suggests people attend to many potentially significant elements in their environments, thereby fostering holistic attention and the formation of holistic schemas (Kitayama et al., 2007). In this perspective, people may then use holistic schemas of a relationship or a group as a whole which encompasses all the individuals involved, instead of focusing on the unique personality traits of individuals involved. This perspective may help explain the circumstances captured by

the Avoiding Exposure and Fear of Repercussions themes. For example, Aboriginal sex offenders and their supporters may have developed and fostered a broad positive schema about themselves which encompasses all the individuals involved, and which they present to and reinforce within the community. As a result, the community holds this positive schema about this family and kinship group. If a member engages in CSA, the community may reject the negative behaviour of the individual member as not being representative of the group. Alternatively, because CSA is such a serious issue in Aboriginal law, this may be sufficient to negatively influence the community's schema about this particular group as a whole. To avoid the risk of this occurring and to avoid all members being "tarred with the same brush", the aberrant behaviour and associated personality traits and individual characteristics must be hidden, as reflected in the theme Avoiding Exposure. Because members are attuned to the goals, expectations, needs and desires of significant others within this schema who may wish to keep the abuse hidden so as to ensure the prevailing positive schema survives, they place significant pressure on victims and their families to comply and keep the abuse hidden, as captured in the theme Fear of Repercussions. The findings of this research contain broad implications for policy and practice, and suggestions for future research.

### **Implications for Policy**

The findings of this research emphasise some important implications for policy in relation to CSA and Aboriginal sex offending. Importantly, these indicate culture to be important for understanding and responding effectively to CSA in Aboriginal communities, and for responding to sexual offending among Aboriginal sex offenders. Its importance is not only associated with the diversity of cultural and language groups in

WA into which Aboriginal sex offenders are born and socialised, but also because Aboriginal family structures, roles, responsibilities and obligations are markedly different to those of Anglo-Australians. These are complex structures and relationships, as evident from these and other results (e.g., Allan & Dawson, 2002). They generally have positive and negative dimensions with corresponding consequences for members. For example, the presence of kinship care as a risk factor for CSA reflects the negative dimension of what was originally intended to be a positive cultural structure and extended system of nurturing and care for all members, especially children. The policy implication is that there is a need to avoid assumptions about the positive nature of kinship care without first assessing the quality of its functioning. Similar findings have been made by others such as Allan and Dawson (2002) who observed the nature or quality of intimate and familial relationships in Aboriginal communities, rather than its mere presence or absence, was critical for assessing risk of recidivism among Aboriginal sex offenders.

In addition, Aboriginal people have a holistic world-view; they have had unique socio-cultural, historical and political experiences of living in WA, retaining strong connections with Aboriginal law and culture. This suggests it to be important for policy to take these into account, otherwise critical cultural factors like a holistic world-view, the nature and quality of extended family and kinship systems, and such cultural resources as Aboriginal law for addressing CSA effectively may be missed and omitted from it. It may also mean inappropriate Western constructs and approaches will be imposed in response to CSA in Aboriginal communities, and that these Western methods are ineffective and harmful. A useful example, highlighted by some researchers is that cultural and contextual differences exist in the manner in which: Aboriginal violent

offenders conceptualise and express anger (Day et al., 2008); Aboriginal people conceptualise family violence (Blagg, 2000); and Aboriginal women perceive justice for family violence (Nancarrow, 2006). If cultural differences such as these are not addressed in policy development, then it is likely that the policies will have limited value for addressing problems such as CSA in Aboriginal communities.

Three central issues arose suggesting the findings are important for policy aimed at addressing CSA in this community. In the first instance, the nature and quality of government's and policy-makers' relationship with Aboriginal people are important. Improvements in this area would go some way to addressing the circumstances captured in the theme *Misusing Power*; herein participants affirmed Aboriginal perspectives are often excluded and non-Aboriginal solutions imposed. Secondly, the results highlight that, despite their experiences with colonisation and oppression, Aboriginal people in this community are actively engaged in their everyday lives and not merely passive recipients of the dominant culture. They make assessments about family, kinship and community functioning in relation to CSA, and are actively involved in responding to this problem in order to support the survival of proper knowledge of Aboriginal law and culture. The various ways Aboriginal people have survived are reflected in the theme *Surviving the System*. Finally, the results emphasise that, not only can CSA be understood in terms of perceived breakdowns in Aboriginal law and culture, but that Aboriginal law is viewed as a cultural resource, offering solutions to this community problem as reflected in the positive dimension of the theme *Holding Aboriginal Law*. The findings also highlight the importance of reinforcing knowledge of proper Aboriginal law and culture. Notably, the holders of this cultural resource are Aboriginal Law People and Elders; thus, they should

have a critical role in informing policy, so ensuring proper Aboriginal law principles are included. Ultimately it is imperative there be a strengthening of policy regarding consultation with communities, to ensuring engagement with Aboriginal Law People and Elders or their nominated representatives becomes standard practice in this area.

### **Implications for Practice**

Theories are considered as being indispensable in assessment and clinical intervention with offenders (Ward et al., 2006). This research confirms culture is important for understanding CSA therefore, understanding the cultural dimension in existing psychological theories of sexual offending is critical for practice and intervention with Aboriginal sex offenders. As noted above, three central issues have been identified as being important for understanding CSA in Aboriginal communities. These include the nature and quality of the relationship between Aboriginal and non-Aboriginal people, or in the case of practice, the quality of Aboriginal people's experiences with non-Aboriginal practitioners and interventions; Aboriginal people are actively engaged in their everyday lives and not merely passive recipients of the dominant culture; and Aboriginal law is important as a cultural resource for addressing CSA, it being a cultural resource for addressing sexual offending behaviour among Aboriginal sex offenders.

In the first instance, the findings associated with the theme Misusing Power, indicates engaging with and establishing rapport with Aboriginal sex offenders is a critical part of intervention. Similarly to the findings of other researchers such as Allan and Dawson (2002) these results also suggest that practitioners cannot assume that Western instruments and frameworks are valid when assessing Aboriginal sex offenders. Indeed, recent research investigating the predictive validity of the Static-99 (Hanson &

Thornton, 2000) and Static-99-R (Helmus, Thornton, Hanson, & Babchishin, 2011) for determining sex offenders' risk of re-offending in WA, found neither of these instruments to predict significantly sexual recidivism among Aboriginal sex offenders (Spiranovic, 2012). The researcher concluded that the Static-99 and Static-99-R should not be used to predict risk of sexual recidivism with Aboriginal sex offenders in WA (Spiranovic, 2012). These results suggest the static (fixed) risk factors in this instrument may not be valid for use with Aboriginal sex offenders in WA. Results such as these and those in the present research, point to the need for practitioners to exercise caution in their methods of assessing risk among Aboriginal sex offenders.

Secondly, the findings of this research also suggest practitioners must be aware that Aboriginal sex offenders can and do actively engage in their everyday lives: they are not passive recipients of their social environments, and practitioners may be able to use this constructively when working with this population. In order to do this effectively, practitioners must have a sound understanding of the dynamics of an Aboriginal sex offender's agency (Kitayama et al., 2007), and how this functions in the context of Aboriginal law and culture. For example, understanding what is culturally important among Aboriginal sex offenders may provide insights into their motivations and the role this plays in their decision-making in the various situations they face each day. Further, it is suggested that practitioners should consult the cultural psychology literature which may provide insights into how culture influences psychological functioning. For example, while this research demonstrates insights into the external observable cultural structures in this particular Aboriginal community, the interdependent modes of being model of Kitayama et al. (2007) may be useful for informing practitioners about the

internal processes of Aboriginal sex offenders, and provide possible insights into the psychology of those who generally conceive of themselves in relation to important others in their families and communities. It may also provide insights into what may be a tendency in this population to adjust their behaviour to the goals, expectations, needs, desires and feelings of important others. These may be important for treatment planning. For example, cognitive skills training based on individualistically-oriented cultural perspectives may represent a miss-match with interdependently-oriented Aboriginal sex offenders, and consequently be ineffective.

Further, the concept of an interdependent mode of being (see Kitayama et al., 2007) may provide insights into Aboriginal sex offenders' use of broad schemas of relationships or groups. This may help explain the effort used by perpetrators and their supporters to keep abusive behaviour hidden as suggested in the theme *Avoiding Exposure*, and the manner in which they create fear among victims and their families, as outlined in the theme *Fear of Repercussions*. It may also explain the internal processes and relationship dynamics associated with these behaviours. Such insights may then inform our understanding of the internal processes involved in CSA among Aboriginal sex offenders, inform theories, and inform assessment and clinical intervention with this group of offenders.

A final implication is associated with Aboriginal law as an important cultural resource for addressing sexual offending behaviour among Aboriginal offenders. However, because culture has largely been ignored in the literature (Purvis & Ward, 2006), and no research specifically investigated the role of Aboriginal law and culture in



theorising about sexual offending among Aboriginal offenders, considerable research has yet to be accomplished in this regard.

### **Implications for Future Research**

A key implication of these results for future research includes investigating and developing an appropriate model of collaboration that addresses Aboriginal concerns about the misuse of power by non-Aboriginal governments and their agents through the imposition of Western responses to CSA on Aboriginal people and communities. Such research could also inform the development of minimum standards for collaboration and policy and service development.

Existing theories of sexual offending suggest culture is important; this research supports this proposal. The results also supports the proposition that it is important to understand cultural values, beliefs about the value of children, attitudes towards the sexualisation of children and cultural models of relationships when responding to CSA. Importantly, this research provides Aboriginal culture-specific information to inform the cultural dimension in existing theories of sexual offending against children. This information contributes to providing more nuanced insights than currently exists in the literature, into the role that culture plays in understanding CSA and the potential offered by Aboriginal law for responding effectively to this problem with Aboriginal sex offenders.

Future research should include investigating the nature of the relationship between Aboriginal sex offenders' understanding of Aboriginal law and culture, and their offending behaviour, and to identify whether particular components of Aboriginal law are more important than others in this regard. It should also investigate whether a

compromised understanding and practise of Aboriginal law and culture can be considered a risk factor for CSA and, if so, the best method of measuring this. Indeed, other researchers have highlighted that risk associated with offending in Aboriginal communities in WA is not well understood. For example, Allan and Dawson (2002; 2004) have noted the complex nature of Aboriginal offending, highlighting dynamic risk factors like unrealistic long-term goals, unfeasible release plans, and poor coping skills prior to release, were the best predictors of sexual recidivism among such offenders. They further found that due to differences between sub-groups among Aboriginal violent offenders, such as in matters of family violence and generalised violence, and among Aboriginal sexual offenders, both violent and non-violent, there was a need to develop four specialised Aboriginal offender risk assessment instruments. Others have found the mainstream approaches to assessing risk of recidivism among sex offenders in WA, as measured by the Static-99 and Static-99-R instruments, are inappropriate and should not be used with Aboriginal sex offenders (Spiranovic, 2012).

If found to be a risk factor, as suggested by this research, the methods of addressing compromised understandings and practices of Aboriginal law and culture is important. While this research indicates the presence of Law People and Elders as holders of this cultural resource is required, further research with them is necessary to clarifying appropriate teachers and an appropriate *cultural curriculum* to ensure that proper Aboriginal law knowledge and principles are taught. This would also address other matters like what should be taught and by whom.

Another key implication is associated with the finding that Aboriginal people are capable of agency, that is, they are actively engaged in their everyday lives and not

merely passive recipients of their social environments. For example, practitioners need to have a sound understanding of the dynamics of agency (Kitayama et al., 2007), particularly as it relates to Aboriginal sex offenders. The cultural psychology literature provides useful insights into the manner in which culture influences the internal processes of individuals, particularly regarding its interaction with the external observable cultural structures with which some policy-makers and practitioners will be familiar in the Aboriginal context, such as family, kinship, and community and cultural practices. In this regard, the modes of being model proposed by Kitayama et al. (2007) may be useful, but remains untested with Aboriginal sex offenders. Therefore future research could investigate whether the interdependent mode of being posited in the modes of being model is a useful framework for employment with Aboriginal people generally, and for understanding sex offending among Aboriginal sex offenders. This could involve identifying the quality of such external and observable cultural structures as family, kinship and community practices, and the internal psychological processes which may be implicated in their offending. It should also investigate the external and internal elements of Aboriginal culture that protect against sexual offending.

Further, future research should include clarifying the role that Aboriginal Law People, the holders of Aboriginal law, could have in responding to CSA. Parallel with this would be investigating Aboriginal notions of discipline, punishment and justice with Law People, and obtaining their perspectives about suitable contemporary alternatives to the use of physical punishments, which are perceived as important for restoring the psychological and emotional well-being of offenders (KALACC, 2006). Research could also investigate the incorporation of cultural responses into Aboriginal CSA offender

rehabilitation programs, and the manner in which this would support the restoration of the psychological and emotional well-being of offenders. Such research could investigate the nature of cultural responses with offenders, which would support victims' sense of justice having been served. The findings of this research suggests this approach would support the reintegration of Aboriginal CSA offenders back into communities.

Finally, research activities such as those suggested above are fertile ground for informing the literature on the role of culture when theorising about CSA among Aboriginal sex offenders. Not surprisingly, the results of this research and the implications outlined above, highlight the significant amount of research and development needed for effective responses to CSA in Aboriginal communities.

## **Conclusion**

This research investigated Aboriginal perspectives about CSA in a regional Aboriginal community in order to inform the cultural dimension in existing psychological theories of sexual offending among Aboriginal people, and the implications of applying these theories with Aboriginal sex offenders. The results suggest that three key issues, which have both positive and negative dimensions, are central to understanding and responding to CSA in this community. These include the nature and quality of Aboriginal people's relationship with non-Aboriginal governments and their agents; despite their experiences with colonisation and oppression, Aboriginal people are actively engaged in their everyday lives and not merely passive recipients of their social environments; and the importance of Aboriginal law and culture. For example, a negative implication associated with the quality of Aboriginal people's relationship with non-Aboriginal governments and their agents, is the perceived ongoing misuse of power

by the dominant society and the oppression of Aboriginal people. A positive implication is the resolution of issues of oppression may contribute to more effective responses to problems such as CSA.

Similarly, a negative implication is that some may behave in such maladaptive ways as the use of a sex exchange by children, as a way of surviving in adverse circumstances. However, a positive implication of Aboriginal people being actively engaged in their everyday lives and not merely passive recipients of the social environments is that a range of opportunities for change is available.

Finally, a negative implication of Aboriginal law and culture is that changes in people's knowledge about Aboriginal law seems to have negatively impacted on their understanding and expressions of culture, which contribute to the onset, development and maintenance of CSA. A positive implication is that a better understanding of Aboriginal law can be employed to identify cultural solutions to the problem of CSA in this community.

## REFERENCES

- Abdulrehman, R. Y., & De Luca, R. V. (2001). The implications of childhood sexual abuse on adult social behaviour. *Journal of Family Violence*, 16(2), 193-203.
- Aboriginal Child Sexual Assault Taskforce (ACSAT), (2006). *Breaking the silence: Creating the future. Addressing child sexual assault in Aboriginal communities in NSW*. Sydney: NSW Attorney General's Department.
- Aboriginal and Torres Strait Islander Women's Task Force. (2000). *The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report*. Brisbane: The Department of Aboriginal and Torres Strait Island Policy and Development.
- Allan, A. & Dawson, D. (2002). *Developing a unique risk of violence tool for Australian Indigenous offenders*, <http://crg.aic.gov.au/reports/200001-06.pdf> Retrieved 10 October 2012.
- Allan, A. & Dawson, D. (2004). *Assessment of the risk of reoffending by Indigenous male violent and sexual offenders*, *Trends & Issues in Crime and Criminal Justice* No. 280. Canberra: Australian Institute of Criminology, [http://www.aic.gov.au/media\\_library/publications/tandi2/tandi280.pdf](http://www.aic.gov.au/media_library/publications/tandi2/tandi280.pdf) Retrieved 10 October 2012.
- Araji, S., & Finkelhor, D. (1986). Abusers: A review of the research. In D. Finkelhor (Ed.), *A sourcebook on child sexual abuse*. (pp. 89-118). Newbury Park: Sage.
- Aronson Fontes, L. (1995). Introduction. In L. Aronson Fontes (Ed). *Sexual abuse in nine North American cultures*. Thousand Oaks, CA: Sage Publications.
- Atkinson, J. (1990). Violence against Aboriginal women: Reconstitution of community Law – The way forward. *Aboriginal Law Bulletin* 2(46)

- Atkinson, J. (1991). Stinkin Thinkin – Alcohol, violence and government responses. *Aboriginal Law Bulletin*, 2(51), 5-6.
- Australian Institute of Health & Welfare, (AIHW), (2013). *Child protection Australia: 2011-12. Child Welfare Series No. 55. Cat. No. CWS 43*. Canberra: AIHW.
- Australian Law Reform Commission (ALRC), (1987). Traditional Aboriginal society and its law. In Edwards, B. (Ed), *Traditional Aboriginal Society*, (pp. 189-202). South Melbourne: MacMillan.
- Baker, E., & Beech, A.R. (2004). Dissociation and variability of adult attachment dimensions and early maladaptive schemas in sexual and violent offenders. *Journal of Interpersonal Violence*, 19, 1119-1136.
- Baumeister, R.F. (2005). *Cultural Animal*. Cary, NC: Oxford University Press, Incorporated.  
<http://site.ebrary.com.ezproxy.ecu.edu.au/lib/ecu/docDetail.action?docID=101036>  
56 Retrieved 27 December 2014.
- Berndt, R.M. & Berndt, C.H. (1981). *The World of the First Australians*. Sydney: Landsdowne Press.
- Blagg, H. (2000). *Crisis Intervention in Aboriginal Family Violence, Summary Report*. Canberra: Commonwealth of Australia.
- Blagg, H. & Morgan, N. (2004). Aboriginal Law in Western Australia. *Indigenous Law Bulletin*, 74, 6(7), 16-18.
- Bumby, K.M. & Hansen, D.J. (1997). Intimacy deficits, fear of intimacy and loneliness among sexual offenders. *Criminal Justice Behaviour*, 24(3), 315-331.

- Caplan, N. & Nelson, S.D. (1973). On being useful. The nature and consequences of psychology research on social problems. *American Psychologist*, 28(3), 199-211.
- Coorey, L. (2001) *Child sexual abuse in rural and remote Australian Indigenous communities—a preliminary investigation*. Canberra: Senate Inquiry into Indigenous Affairs.
- Creswell, J. (1998). *Qualitative inquiry and research design: Choosing among five traditions*. Thousand Oaks, CA: Sage.
- Crotty, M. (1998). *The foundations of social research*. Crows Nest, NSW: Allen & Unwin.
- D'Andrade, R. (2001). A cognitivist's view of units debate in cultural anthropology. *Cross-Cultural Research*, 35(2), 242-257.
- Davis, J. L. & Petretic-Jackson, P. A. (2000). The impact of child sexual abuse on adult interpersonal functioning: A review and synthesis of the empirical literature. *Aggression & Violent Behaviour* 5(3), 291-328.
- Davenport, W. H. (1992). Adult-child sexual relations in cross-cultural perspective. In W. O'Donohue & J. H. Geer, Eds. *The sexual abuse of children: Theory & research, Volume 1*. (pp. 73-80). Hillsdale, NJ: Lawrence Erlbaum Associates.
- Day, A., Davey, L., Waganeen, R., Howells, K., De Santolo, J. & Nakata, M. (2008). The significance of context: Stories from South Australia. In A. Day, M. Nakata & K. Howells, Eds. *Indigenous Men and Anger*. Leichhardt, NSW: The Federation Press.
- Dudgeon, P & Pickett, H (2000). Psychology and reconciliation: Australian perspectives. *Australian Psychologist*, 35, 82-87.



- Dudgeon, P., Wright, M., Paradies, Y., Garvey, D. & Walker, I. (2010). The social, cultural and historical context of Aboriginal and Torres Strait Islander Australians. In N. Purdie, P. Dudgeon & R. Walker, Eds, *Working Together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice*. Canberra, ACT: Commonwealth of Australia.
- Eastwell, H.D. (1985). Urban Aboriginal lifestyle and psychiatric disorders. *Patient Management (January)*, 63-68.
- Enriquez, V. (1995). *From colonial to liberation psychology*. Manila: De La Salle University Press.
- Fergusson, D.M., McLeod, G.F. & Horwood, L.J. (2013). Childhood sexual abuse and adult developmental outcomes: findings from a 30-year longitudinal study in New Zealand. *Child Abuse & Neglect*, 37(9), 664-674.
- Finkelhor, D. & Browne, A. (1985). The traumatic impact of child sexual abuse: A conceptualization. *Journal of Orthopsychiatry*, 55, 530-541.
- Forrest, S. & Sherwood, J. (1995). *Working with Aborigines in remote areas*. Perth: Edith Cowan University.
- Gibbs, R.M. (1996). *The Aborigines (4<sup>th</sup> Ed)*. Melbourne: Addison Wesley Longman Australia Pty Ltd.
- Gil, E. (1995). Foreword. In L. Aronson Fontes (Ed). *Sexual abuse in nine North American cultures*. Thousand Oaks, CA: Sage Publications.
- Giorgi, A., & Giorgi, B. (2003). The descriptive phenomenological psychological method. In P. M. Camic, J. E. Rhodes, & L. Yardley (Eds.), *Qualitative research*

*in psychology: Expanding perspectives in methodology and design*, 243-273.

Washington, DC: American Psychological Association.

Goddard, C., & Hiller, P.C. (1993). Child sexual abuse: Assault in a violent context.

*Australian Journal of Social Issues*, 28(1), 20- 33.

Gonzales, H. (2000). The mirage of cross-cultural psychology in Australia. In P.

Dudgeon, D. Garvey & H. Picket (Eds.), *Working with Indigenous Australians: A Handbook for Psychologists*. Perth, WA: Gunada Press.

Gordon, S., Hallahan, K., & Henry, D. (2002a). *Interim report of the Inquiry into response by government agencies to complaints of family violence and child abuse in Aboriginal communities*. Perth, WA: Department of Premier and Cabinet.

Gordon, S., Hallahan, K., & Henry, D. (2002b). *Putting the picture together: Inquiry into response by government agencies to complaints of family violence and child abuse in Aboriginal communities*. Perth, WA: Department of Premier and Cabinet.

Gribble, J. B. (1987). *Dark deeds in a sunny land*. Perth: UWA Press

Hall, G. C. N. & Hirschman, R. (1992). Towards a theory of sexual aggression: A quadripartite model. *Journal of Consulting & Clinical Psychology*, 59, 662-669.

Hanson, R. K., & Thornton, D. (2000). Improving risk assessments for sex offenders: A comparison of three actuarial scales. *Law and Human Behavior*, 24(1), 119-136.

Harris, J. (1990). *One Blood: 200 years of Aboriginal encounter with Christianity: A story of hope*. Sutherland, NSW: Albatross Books Pty Ltd.

- Haugaard, J.J. (2000). The challenge of defining child sexual abuse. *American Psychologist*, 55(9), 1036-1039.
- Hayes, N. (2000). *Doing qualitative research: Gathering and analysing data*. Philadelphia: Open University Press
- <http://www.questia.com/read/119539949/doing-psychological-research-gathering-and-analysing> Retrieved 13 September 2009
- Helmus, L., Thornton, D., Hanson, K.R., & Babchishin, K.M. (2011). Assessing the Risk of Older Sex Offenders: Developing the Static-99R and Static-2002R (Corrections Research: User Report 2011:01).
- <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2011-01-rsd/2011-01-rsd-eng.pdf> Retrieved 15 February 2015.
- Hodgetts, D., Drew, N., Sonn, C., Stolte, O., Nikora, W. & Curtis, C. (2010). *Social psychology and everyday life*. Hampshire, UK: Palgrave MacMillan.
- Human Rights & Equal Opportunity Commission (HREOC), (1997). *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. Canberra, ACT: Australian Government.
- Kaberry, P. (1939). *Aboriginal women, sacred and profane*. New York: Routledge.
- Karpfen, C. (1997). The Family Centre. *Child and Adolescent Family Health Service, Forum* 1(5). 24-27.
- Kimberley Aboriginal Law & Culture Centre (KALACC). (2006). *New Legend: A story of Law and culture and the fight for self-determination in the Kimberley*. Fitzroy Crossing, WA: KALACC.

- Kitayama, S. (2002). Culture and basic psychological processes – Towards a system view of culture: Comment on Oyserman et al. (2002). *Psychological Bulletin*, 128(1), 89-96.
- Kitayama, S., Duffy, S. & Uchida, Y. (2007). Self as cultural mode of being. In S. Kitayama and D. Cohen, (Eds), *Handbook of Cultural Psychology*. New York: The Guildford Press.
- Kitayama, S., Markus, H.R., Matsumoto, H. & Norasakkunkit, V. (1997). Individual and collective processes in the construction of the self: Self-enhancement in the United States and self-criticism in Japan. *Journal of Personality & Social Psychology*, 72(6), 1245-1267.
- Law Reform Commission of WA (LRCWA), (2006). *Aboriginal Customary Laws. The interaction with Western Australian Laws and Aboriginal Law and Culture: Final Report*. [http://www.lrc.justice.wa.gov.au/files/P94\\_FR.pdf](http://www.lrc.justice.wa.gov.au/files/P94_FR.pdf) Retrieved 15 November 2013.
- Lemon, N. and Taylor, H. (1997). Caring in casualty: the phenomenology of nursing care, in N. Hayes (ed.) *Doing Qualitative Analysis in Psychology*. Hove: Psychology Press.
- Malinowski, B. (1963). *The family among the Australian Aborigines*. New York: Schocken Books.
- Marshall, W. L. (1997). The relationship between self-esteem and deviant sexual arousal in nonfamilial child molesters. *Behavior Modification*, 21, 86–96.
- Marshall, W.L. & Barbaree, H.E. (1990). An integrated theory of the etiology of sexual offending. In W.L. Marshall, D.R. Laws & H.E. Barbaree (Eds.), *Handbook of*

- sexual assault: Issues, theories, and treatment of the offender* (257-275). New York: Plenum.
- Marshall, W.L., Hamilton, K. & Fernandez, Y. (2001). Empathy deficits and cognitive distortions in child molesters. *Sexual Assault: A Journal of Research and Treatment*, 13(2), 123-130.
- Miller, J.G. (2002). Bringing culture to basic psychological theory – beyond individualism and collectivism: Comment on Oyserman, et al. (2002). *Psychological Bulletin*, 128(1), 97-109.
- Memmott, P., Stacy, R., Chambers, C. & Keys, C. 2001 *Violence in Indigenous communities*. Canberra: National Crime Prevention, Attorney-General's Department.
- Morse, J.M. (1994). Designing funded qualitative research. In N.K. Denzin & Y.S. Lincoln (Eds.), *Handbook of qualitative research*, 2<sup>nd</sup> Ed. Thousand Oaks, CA: Sage.
- Mullen, P.E. & Fleming, J. (1998). *Long-term effects of child sexual abuse*, NCPC Issues No. 9. Melbourne: Australian Institute of Family Studies.
- Nancarrow, H. (2006). In search of justice for domestic and family violence. Indigenous and non-Indigenous Australian women's perspectives. *Theoretical Criminology*, 10(1), 87-106.
- National Health and Medical Research Council (NHMRC), (2003). *Values and ethics: Guidelines for ethical conduct in Aboriginal & Torres Strait Islander research*. [https://www.nhmrc.gov.au/\\_files\\_nhmrc/publications/attachments/e52.pdf](https://www.nhmrc.gov.au/_files_nhmrc/publications/attachments/e52.pdf)  
Retrieved 4 November 2013.

- Parker, R. & Milroy, H. (2014). Aboriginal and Torres Strait Islander mental health: An overview. In P. Dudgeon, H. Milroy and R. Walker, (Eds), *Working Together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practices*. Canberra: Commonwealth of Australia.
- Purvis, M. & Ward, T. (2006). The role of culture in understanding child sexual offending: Examining feminist perspectives. *Aggression and Violent Behavior*, 11, 298–312.
- Rose, D. B., (1987). Consciousness and responsibility in an Australian Aboriginal religion. In B. Edwards (Ed), *Traditional Aboriginal Society*, (pp.257-289). South Melbourne: MacMillan.
- Social Health Reference Group (SHRG), (2004). *Social and emotional wellbeing framework 2004-2009*, [http://www.naccho.org.au/download/aboriginal-health/social\\_and\\_emotional\\_well\\_being\\_framework\\_20042009.pdf](http://www.naccho.org.au/download/aboriginal-health/social_and_emotional_well_being_framework_20042009.pdf) Retrieved 8 August 2013.
- Spiranovic, C. (2012). *The Static-99 and Static-99-R Norms Project: Developing norms based on Western Australian sex offenders*. Perth, WA: Crime Research Centre, UWA.
- Stanley, J., Tomison, A.M., & Pocock, J. (2003). *Child abuse and neglect in Indigenous Australian communities*, NCPC Issues No. 19. Melbourne, Victoria: Australian Institute of Family Studies.
- Steering Committee for the Review of Government Service Provision (SCRGSP), (2011). *Overcoming Indigenous disadvantage: Key indicators report*. Canberra: Commonwealth of Australia

[http://www.pc.gov.au/\\_data/assets/pdf\\_file/0018/111609/key-indicators-2011-report.pdf](http://www.pc.gov.au/_data/assets/pdf_file/0018/111609/key-indicators-2011-report.pdf) Retrieved 8 November 2013.

The Elders report into preventing Indigenous self-harming and youth suicide.

<https://www2.aifs.gov.au/cfca/knowledgecircle/discussions/community/elders-report-preventing-indigenous-self-harm-and-youth> Retrieved 20 November, 2014.

Tomson, D.F. (1961). The Aborigines of Australia. In C. Barrett (Ed), *The Australian Junior Encyclopaedia, Volume 1*. Melbourne: AJE Publications (VIC) Pty Ltd.

Triandis, H.C. (2007). Culture and psychology: A history of the study of their relationship. In S. Kitayama and D. Cohen, (Eds), *Handbook of Cultural Psychology*. New York: The Guildford Press.

Vicary, D. (2000). Contemporary psychology and Indigenous people. In P. Dudgeon, D. Garvey & H. Picket (Eds.), *Working with Indigenous Australians: A Handbook for Psychologists*. Perth, WA: Gunada Press

Walgrave, C. (1985). Mono-cultural, mono-class and so called non-political family therapy. *Australian and New Zealand Journal of Family Therapy*, 6(4), 197-200.

Ward, T. (2000). Sexual offenders' cognitive distortions as implicit theories. *Aggression & Violent Behavior*, 5. 491-507.

Ward, T. & Hudson, S. (1998). The construction and development of theory in the sexual offending area: A meta-theoretical framework. *Sexual Abuse: A Journal of Research and Treatment*, 10(1), 47-63.

- Ward, T., Hudson, S.M. & Marshall, W.L. (1995). Cognitive distortions and affective deficits in sex offenders: A cognitive deconstructionist interpretation. *Sexual Abuse: A Journal of Research & Treatment*, 7, 67-83.
- Ward, T. & Keenan, T. (1999). Child molesters' implicit theories. *Journal of Interpersonal Violence*, 14, 821-838.
- Ward, T., Polaschek, D.L.L. & Beech, A.R. (2006). *Theories of sexual offending*. Chichester: John Wiley & Sons Ltd.
- Ward, T. & Siegert, R. J. (2002). Towards a comprehensive theory of child sexual abuse: A theory knitting perspective. *Psychology, Crime & Law*, 9, 319-351.
- Wild, R. & Anderson, P. (2007). *Ampe Akelyernemane Meke Mekarle Little Children are Sacred: Report of the Northern Territory Board of Inquiry into the protection of Aboriginal children from sexual abuse*. Darwin: NT Government.
- Willis, M. (2011). *Non-disclosure of violence in Australian Indigenous communities. Trends & Issues in Crime and Criminal Justice No. 405*. Canberra: Australian Institute of Criminology,  
[http://www.aic.gov.au/media\\_library/publications/tandi\\_pdf/tandi405.pdf](http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi405.pdf)  
 Retrieved 14 November 2013.



## APPENDICES

### Appendix A: Semi-structured Interview Schedule

- (i) What do you understand child abuse<sup>9</sup> is?  
(*Who is an adult / child? What sorts of behaviours are involved*);
- (ii) What do you think are the main causes of child abuse in our community? How do you think they are linked to the problem?  
(*Historical factors—stolen generations, dispossession, etc;*  
*Cultural – loss of land, breakdown in lines of authority, cultural knowledge, cultural practices, kinship responsibilities, etc;*  
*Social factors – poverty, housing, unemployment, parenting practices, parental responsibilities, etc?*);
- (iii) What do you understand about perpetrators and why they do those kinds of things?  
(*What are the problems that perpetrators might have/experience that lead to their offending behaviour, eg, abused as a child, family of origin issues, they think it's normal, they think this is how you express love, they think wrong-way; they don't care about how the kid feels, substance abuse, low self-esteem, loss of identity, loss of culture, etc*);
- (iv) What do you understand about victims of child abuse and the things that make them the target for the perpetrators?  
(*Factors that put children at risk of being victims, eg, supervision or lack of, lack of knowledge about what it is; don't know how to respond if it happens, lack of supports, individual vulnerability; parental vulnerability, fear, shame, low self-esteem, etc*); and
- (v) Why do you think this problem of child abuse is happening in our community?  
(*Barriers to victims going to families and agencies for help? How local people perceive authorities/services – helpful/unhelpful, source of support/not supportive? Probe for community-level barriers and what's happening at a broader community level – is it tolerated and if so, why?*).
- (vi) What would help make it easier for families and the community to do something about this issue? (For victims, perpetrators, families, and the community?)
- (vii) How has this problem affected you?
- (viii) How does this problem affect the community?

---

<sup>9</sup> The term “child abuse” is used instead of “child sexual abuse”, as it is generally accepted to mean the same thing, and is a less threatening term. The participants will also have been informed that this research is about child sexual abuse when explaining the information sheet prior to commencement of interviews.

That's the end of the questions. Is there anything you'd like to ask me about?

Provide referral contact details (should it be required now or at a later time).

Thank you again for agreeing to talk to me.

**Appendix B: Information Letter - Organisations**

ECU Letterhead

**Aboriginal perspectives about child sexual abuse: Towards a theory of child sexual abuse in an Aboriginal community.**

Dear \_\_\_\_\_

My name is Vickie (Martin) Hovane and I am an Aboriginal woman from Broome. I am writing to let you know about a research project that I am undertaking, that aims to find out about the historical, cultural and social factors, if any, that have contributed to the problem of child sexual abuse in our community. This research project is being conducted as part of the requirements of a PhD at Edith Cowan University and will end up being written up in a thesis for the University. The research will give us a community-based framework that can be used by the community, and government and other agencies to address the problem of child sexual abuse in our community.

My research will involve individual interviews which will take about one hour. The interviews aim to find out about:

- (i) more traditional perspectives about this problem, to start to see how things have changed or are changing in the way that the community sees and responds to this problem;
- (ii) victims understandings about the causes and the factors that contributed to them being victims of such abusive behaviour; and
- (iii) community understandings about the causes of this problem and the underlying dynamics that affects how the community responds to this problem.

This research will abide by the strict ethical requirements of Edith Cowan University. The involvement and information provided by participants will be treated with the utmost confidentiality and I will use codes instead of names to make sure that they will not be able to be identified. Any reports or papers coming out of this research project will make sure that this anonymity remains. The information collected will be kept for a period of 5 years in a lockable filing cabinet.

If you have any questions or require any further information about the research project, please contact either my supervisor or myself at the following addresses.

Yours sincerely

**Supervisor:**

Vickie Hovane (Researcher)

Science

71 Forrest Street

MT LAWLEY 6050

Tel: 9328 7997

Mob: 0417 928 217

Email: [ipas.vhovane@yahoo.com.au](mailto:ipas.vhovane@yahoo.com.au)

Professor Alfred Allan

School of Psychology

Faculty of Computing, Health &

Edith Cowan University

100 Joondalup Drive

JOONDALUP WA 6027

Tel: (08) 6304 5536

Email: [a.allan@ecu.edu.au](mailto:a.allan@ecu.edu.au)

Key Agencies:

Kimberley Aboriginal Medical Services Council (Inc)

Broome Aboriginal Medical Service

Kimberley Aboriginal Law & Culture Centre

Marnja Jarndu Women's Refuge Inc

Mens Outreach

Victim Support & Child Witness Services

Burdekin Youth In Action Inc

Broome Drop-in Centre

Pinakarra Counselling Service

Centrecare

Kinway

Dept of Corrective Services

Dept of Community Development

**Appendix C: Information Letter - Support Services**

ECU Letterhead

**Aboriginal perspectives about child sexual abuse: Towards a theory of child sexual abuse in an Aboriginal community.**

Dear \_\_\_\_\_

My name is Vickie (Martin) Hovane and I am an Aboriginal woman from Broome. I would like to invite you to be involved in a research project that aims to find out about the historical, cultural and social factors, if any, that have contributed to the problem of child sexual abuse in our community. This research project is being conducted as part of the requirements of a PhD at Edith Cowan University and will end up being written up in a thesis for the University. The research will give us a community-based framework that can be used by government and other agencies, and the community, to tackle the problem of child sexual abuse in our community.

Because child sexual abuse is a sensitive subject, I am writing to ask whether your organization would make itself available for referral in the event that a participant requires counselling assistance. If so, could you please provide the name and details of a contact person from your organization that we can give to participants.

This research will abide by the strict ethical requirements of Edith Cowan University. The involvement and information provided by participants will be treated with the utmost confidentiality and I will use codes instead of names to make sure that they will not be able to be identified. Any reports or papers coming out of this research project will make sure that this anonymity remains. The information collected will be kept for a period of 5 years in a lockable filing cabinet.

If you have any questions or require any further information about the research project, please contact either my supervisor or myself at the following addresses.

Yours sincerely

Vickie Hovane (Researcher)

71 Forrest Street  
MT LAWLEY 6050  
Science

**Supervisor:**

Professor Alfred Allan  
School of Psychology  
Faculty of Computing, Health &

Edith Cowan University

Tel: 9328 7997  
Mob: 0417 928 217

Email: [ipas.vhovane@yahoo.com.au](mailto:ipas.vhovane@yahoo.com.au)

100 Joondalup Drive  
JOONDALUP WA 6027  
Tel: (08) 6304 5536  
Email: [a.allan@ecu.edu.au](mailto:a.allan@ecu.edu.au)

Counselling Services:

Northwest Mental Health Service  
Mens Outreach  
Centacare  
Kinway  
Pinakarra Counselling Service  
Victim Support & Child Witness Services

**Appendix D: Letter of Invitation - Aboriginal Reference Group**

ECU Letterhead

**Aboriginal perspectives about child sexual abuse: Towards a theory of child sexual abuse in an Aboriginal community.**

Dear \_\_\_\_\_

My name is Vickie (Martin) Hovane and I am an Aboriginal woman from Broome. I am writing to let you know about a research project that I am undertaking and to invite you to be on an Aboriginal Reference Group to guide this project. This is a qualitative research project that aims to find out about the historical, cultural and social factors, if any, that have contributed to the problem of child sexual abuse in our community. This research is being conducted as part of the requirements of a PhD at Edith Cowan University and will end up being written up in a thesis for the University. The research will give us a community-based framework that can be used by the community, and government and non-government agencies to address the problem of child sexual abuse in our community.

This research will abide by the strict ethical requirements of Edith Cowan University. The involvement and information provided by participants will be treated with the utmost confidentiality and I will use codes instead of names to make sure that they will not be able to be identified. Any reports or papers coming out of this research project will make sure that this anonymity remains. The information collected will be kept for a period of 5 years in a lockable filing cabinet.

If you have any questions or require any further information about the research project, please contact either my supervisor or myself at the following addresses.

Yours sincerely

Vickie Hovane (Researcher)  
71 Forrest Street  
Science  
MT LAWLEY 6050  
  
Tel: 9328 7997  
Mob: 0417 928 217  
Email: [ipas.vhovane@yahoo.com.au](mailto:ipas.vhovane@yahoo.com.au)

**Supervisor:**  
Professor Alfred Allan  
School of Psychology  
Faculty of Computing, Health &  
  
Edith Cowan University  
100 Joondalup Drive  
JOONDALUP WA 6027  
Tel: (08) 6304 5536  
Email: [a.allan@ecu.edu.au](mailto:a.allan@ecu.edu.au)

**Appendix E: Aboriginal Reference Group Terms of Reference**

**Terms of Reference**

**Aboriginal Advisory Group**

**Project: Aboriginal perspectives about child sexual abuse: Towards a theory of child sexual abuse in an Aboriginal community.**

Child sexual abuse is a sensitive subject and needs to be approached in the most sensitive manner possible. The Aboriginal Advisory Group (AAG) for this Project has been established and its Terms of Reference are to:

- (i) provide advice on the methodology being used;
- (ii) provide advice on how suitable the proposed questions are and any changes to the questions that may come out of earlier interviews; and
- (iii) provide advice generally on the conduct of the research project.

The researcher will endeavour to make all changes suggested by the AAG to ensure the project is conducted in a sensitive and culturally appropriate manner, but retains the ultimate responsibility for the conduct of the project and its write-up.

Vickie Hovane (Researcher)  
School of Psychology  
Faculty of Computing, Health &  
Science  
Edith Cowan University  
100 Joondalup Drive  
JOONDALUP WA 6027  
Email: [ipas.vhovane@yahoo.com.au](mailto:ipas.vhovane@yahoo.com.au)

**Supervisor:**  
Professor Alfred Allan  
School of Psychology  
Faculty of Computing, Health &  
Science  
Edith Cowan University  
100 Joondalup Drive  
JOONDALUP WA 6027  
Email: [a.allan@ecu.edu.au](mailto:a.allan@ecu.edu.au)



**Appendix F: Information Letter - Participants**

ECU Letterhead

**Aboriginal perspectives about child sexual abuse: Towards a theory of child sexual abuse in an Aboriginal community.**

My name is Vickie (Martin) Hovane and I am an Aboriginal woman from Broome. I would like to invite you to be involved a research project that is trying to find out about the old ways and what is happening in the families and community about the problem of child sexual abuse. This research project is part of my PhD studies at Edith Cowan University and will end up being written up in a book for the University. The research will give us a community-based framework that can be used by government and other agencies, and the community, to tackle the problem of child sexual abuse in our community.

I will be talking to a lot of people to find out about how the community thinks about the causes of this problem and how this affects what the community does when this problem happens.

I would like to talk with you about what you think about the causes of the problem and the things affect how the community responds when child abuse happens. If you agree, I will tape-record what we talk about to make sure that I get what you are saying right. The interview will take about one hour.

If you are prepared to talk with me, can you please fill in and sign the attached form to show that you understand what will happen. I won't tell anyone your name and you can pull out at any time, taking any information you have already given me. The results of this research may be published at a later date, but you will not be identified in any way.

This research will abide by the strict ethical rules of Edith Cowan University. Your involvement and any information you provide will be treated with the utmost confidentiality and I will use codes instead of names to make sure that you will not be able to be identified.

But, please do not tell me any details (date, time, place, victims) about anything that you've done wrong (crime) that the Police don't already know about as if you do, I may have to tell the Police about it.

The information collected will be kept for 5 years in a locked filing cabinet.

If you are worried about anything or want any further information about the research project, you can contact either my supervisor or me at the following address.

Yours sincerely

**Supervisor:**

Vickie Hovane (Researcher)

Science

71 Forrest Street

MT LAWLEY 6050

Tel: 9328 7997

Mob: 0417 928 217

Email: ipas.vhovane@yahoo.com.au

Professor Alfred Allan

School of Psychology

Faculty of Computing, Health &

Edith Cowan University

100 Joondalup Drive

JOONDALUP WA 6027

Tel: (08) 6304 5536

Email: a.allan@ecu.edu.au

### Consent Form

#### **Aboriginal perspectives about child sexual abuse: Towards a theory of child sexual abuse in an Aboriginal community.**

Researcher:

Vickie Hovane

71 Forrest Street, Mt Lawley, 6050

The purpose of the research has been explained to me and I have read and understand what the information sheet says. I have had the chance to ask questions about the research project.

I understand that I am free to withdraw my participation in the research at any time.

I do/do not permit the researcher to tape record my interview as part of this project  
(\*Note: All tapes will be destroyed after 5 years).

I understand that any information or personal details gathered in this research about me are confidential and that neither my name nor any other identifying information will be used or published without my written permission.

I also understand that if I talk about the details (date, time, place, victims) of a crime that I have committed and that the Police don't already know about, the researcher may have to tell the Police about it.

Edith Cowan University Ethics Human Research Committee has approved this study.  
I understand that if I have any complaints or concerns about this research I can contact:

Research Ethics Officer  
Edith Cowan University  
100 Joondalup Drive

JOONDALUP WA 6027

Phone (08) 6304 2170

Email: [research.ethics@ecu.edu.au](mailto:research.ethics@ecu.edu.au)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_