



FAMILY MATTERS

Kids safe in culture, not in care

WESTERN AUSTRALIA ISSUES PAPER



National Coordinating Group

Aboriginal Child, Family and
Community Care State Secretariat
(AbSec)

Aboriginal and Torres Strait
Islander Healing Foundation

Queensland Aboriginal and
Torres Strait Islander Child
Protection Peak (QATSICPP)

Australian Council of Social Service
(ACOSS)

Families Australia

Secretariat of National Aboriginal
& Islander Child Care



ACKNOWLEDGEMENTS

SNAICC recognises the enormous work and contribution by people across Australia to improving the well-being and safety of Aboriginal and Torres Strait Islander children, reunifying Aboriginal and Torres Strait Islander families and reducing the number of Aboriginal and Torres Strait Islander children in out-of-home care.

This project focuses only on a sector of the Aboriginal and Torres Strait Islander population and acknowledges the thousands of Aboriginal and Torres Strait Islander children growing up strong, and proud with their culture, their families and their communities.

SNAICC expresses its deep appreciation to researchers Elizabeth Colliver and Sabina Fainveits for their excellent work in preparing this paper.

ALTERNATIVE FORMATS

This document is available on request in alternative formats for example, large type, Braille or audio file.

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Introduction

Family Matters - Kids safe in culture, not in care aims to address the dramatic over-representation of Aboriginal and Torres Strait Islander children in out-of-home care. The initiative is being led by SNAICC and driven by a National Coordinating Group comprising chief executive officers or chairs from Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP), Australian Council of Social Service (ACOSS), Aboriginal and Torres Strait Islander Healing Foundation, NSW Aboriginal Child, Family and Community Care State Secretariat (AbSec) and Families Australia.

Over 1 100 people across Australia have contributed to setting six key objectives for the *Family Matters* initiative. These key objectives form the basis of this issues paper and the structure for discussions at the forum. State and territory public forums will play an integral role in the development and implementation of this initiative.

Resulting from this forum will be the development of a report detailing discussions and strategic recommendations for government, the non-government sector and communities. SNAICC will continue to work with the people of Western Australia to reduce the number of Aboriginal and Torres Strait Islander children in out-of-home care.





A snapshot OF THE NATIONAL PICTURE

The Secretariat of National Aboriginal Child Care (SNAICC) was a major advocate for the national inquiry into the forced removal of Aboriginal and Torres Strait Islander children from their families. The inquiry's 1997 report, *Bringing Them Home*, contained 54 recommendations, of which it is estimated that just four have been implemented. The inquiry also led, between 1997 and 2001, to every state and territory government formally apologising to victims of child removal policies and, in 2008, then Prime Minister Kevin Rudd delivered a historic national apology in Federal Parliament.

Despite this inquiry, public outcry and apologies, Aboriginal and Torres Strait Islander children continue to be removed from their families at an alarming rate. Nationally Aboriginal and Torres Strait Islander children comprise only 4.6 per cent of the national child population¹ but comprise 34 per cent of all children placed in out-of-home care.²

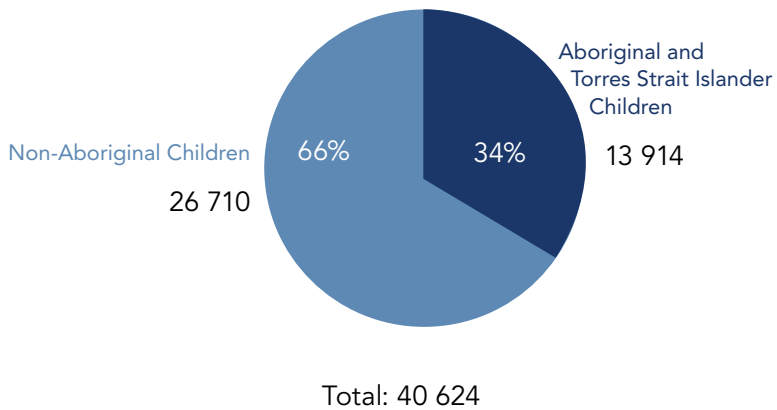
The causes of this over-representation are complex. Contributing factors include the following:

- legacy of past policies including the forced removal of children
- inter-generational affects of separation from family and culture
- poor socio-economic status and
- misperceptions arising from cultural differences in child-rearing practices.³

While rates of placement of children in out-of-home care have continued to rise, they have increased significantly more for Aboriginal and Torres Strait Islander children. Since 2003, the Aboriginal and Torres Strait Islander placement rate has more than doubled from 5 059 children in 2003 to 13 914 in 2013. While the growth in Non-Aboriginal placement is far less significant from 16 736 in 2003 to 26 710 in 2013.⁴

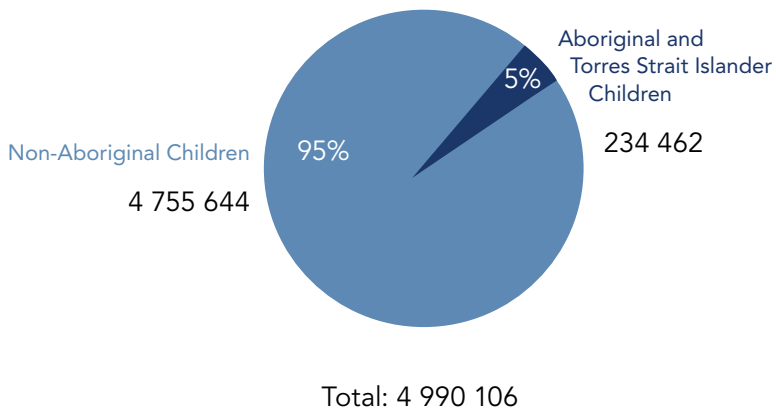


Proportion of Children in Out-of-Home Care in Australia 2013



Source: Productivity Commission, Review of Government Services 2014

Population of Australian Children Aged 0 – 17 years



Source: ABS Census of Population and Housing 2011



A snapshot OF WESTERN AUSTRALIA

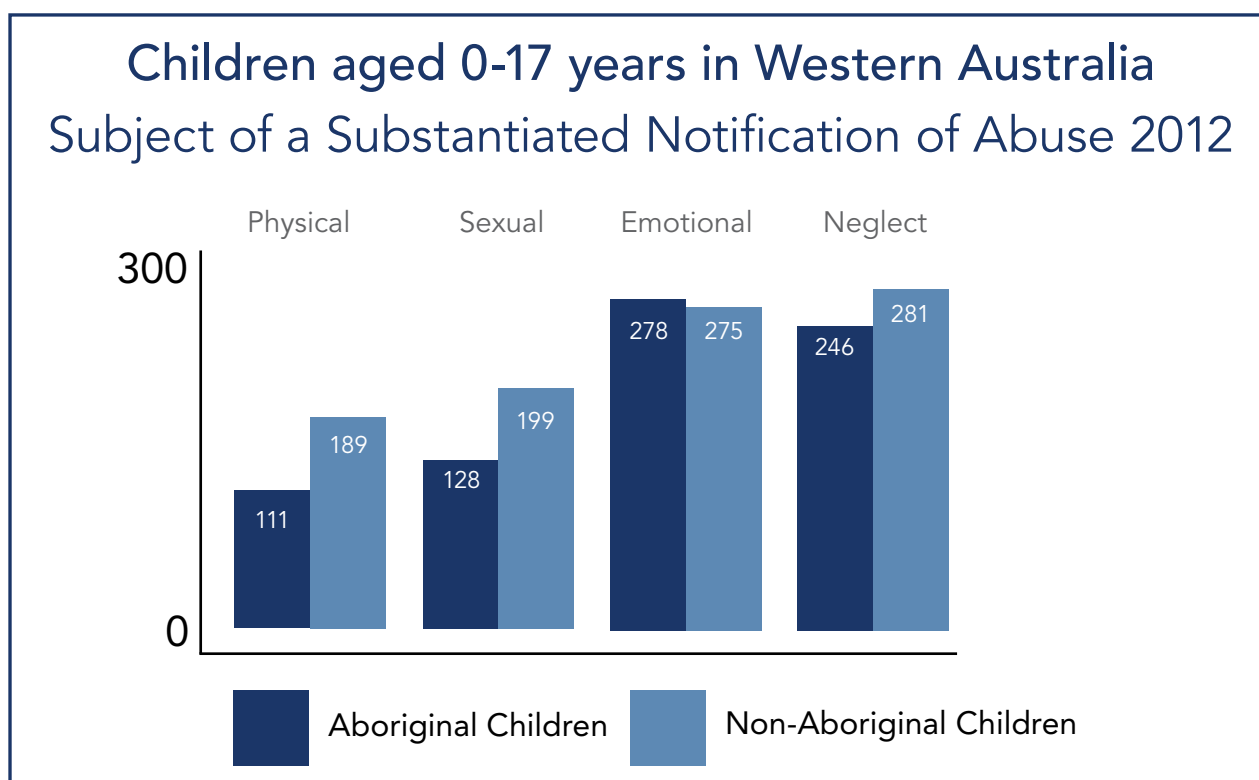
In Western Australia, Aboriginal and Torres Strait Islander children make up just 5 per cent of the child population (aged 0-17 years) yet comprise 49.5 per cent of all children in out-of-home care.⁵ This is the second highest rate in Australia after the Northern Territory and higher than the national average.

In Western Australia, Aboriginal and Torres Strait Islander child removal has more than tripled in the past 10 years from 587 children in 2003 to 1 800 in 2013.⁶

In Western Australia, non-Aboriginal children are more likely to be removed from their families and placed in out-of-home care because of sexual and physical abuse. Aboriginal and Torres Strait Islander children however are mainly removed because of emotional abuse and neglect.⁷ The Department for Child Protection and Family Support in WA describes children who have experienced emotional abuse as presenting as very shy, fearful or afraid of doing

something wrong. They often display extremes in behaviour, are often anxious or distressed, feel worthless about life and themselves and have delayed emotional development.⁸ These are also signs of trauma which can commence in-vitro and are not always attributable to the child's current home environment.

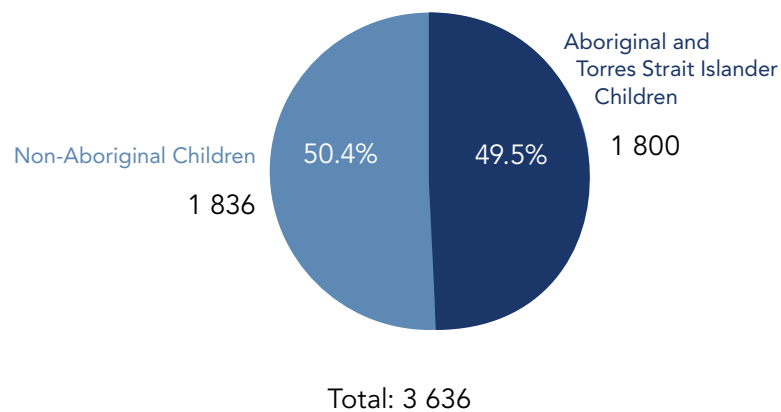
The second most common reason for Aboriginal and Torres Strait Islander child removal is neglect. While neglect is not a well-defined term, it is strongly associated with disadvantage and poverty. Aboriginal and Torres Strait Islander children, families and communities commonly experience significant social and economic disadvantage resulting in poorer outcomes in relation to safety, health, education, housing and employment. These are all significant contributing factors to the high rate of substantiated reports of neglect among Aboriginal and Torres Strait Islander children.



Source: Australian Institute of Health and Welfare, Child Protection 2011-2012

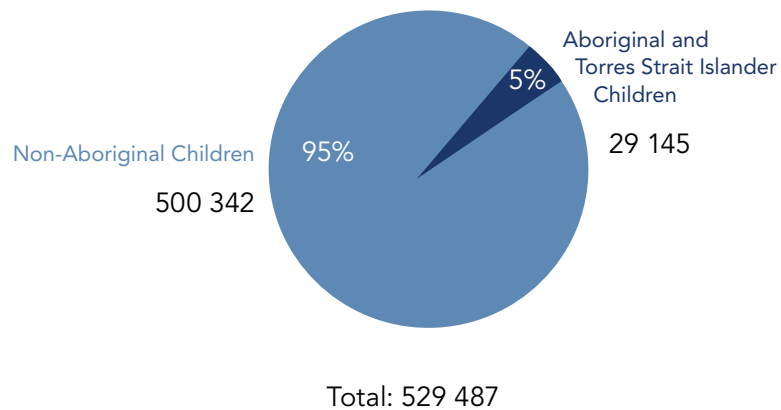


Proportion of Children in Out-of-Home Care in Western Australia 2013



Source: Productivity Commission, Review of Government Services 2014

Population of Western Australian Children Aged 0 – 17 years



Source: ABS 2011 Census of Population and Housing



Kids safe in culture, not in care

Aboriginal and Torres Strait Islander families have been caring for and nurturing their children for over 60 000 years. Extended kinship relationships, understanding of Aboriginal values and belief systems as well as a cultural emphasis on self-reliance found within Aboriginal and Torres Strait Islander communities are vital to the development of children.⁹

The *Bringing Them Home* report further acknowledged the importance of culture, stating that the right to a distinct status and culture:

“...helps maintain and strengthen the identity and spiritual and cultural practices of Aboriginal and Torres Strait Islander peoples and communities.”¹⁰

Connection to culture is related to improved mental and emotional well-being and socio-economic outcomes.¹¹ It is well researched that a strong cultural identity is a protective factor, contributing to a child’s resilience.¹² The *Bringing Them Home* report also found that the forced removal of children from their families was both destructive and compounding in its effect.

“Psychological and emotional damage renders many people less able to learn social skills and survival skills. Their ability to operate successfully in the world is impaired causing low educational achievement, unemployment and consequent poverty. These in turn cause their own emotional distress leading some to perpetuate violence, self-harm, substance abuse or anti-social behaviour.”

The damage caused by forced removal has created a cycle, which contributes to higher and higher rates of child removal.¹³ The past forced removal of Aboriginal and Torres Strait Islander children from their families and placement into institutional care meant that many members of the Stolen Generations grew up with a lack of parenting role models. This has resulted at times in poor parenting skills, which were then passed onto their children. So the cycle continues to perpetuate itself, increasing the risk of Aboriginal and Torres Strait Islander families coming into contact with the child protection system and contributing to higher and higher rates of child removal. In addition, many members of the Stolen Generations also experience unresolved grief, trauma, depression and mental illness, which makes parents more susceptible to substance abuse and further increases the risk of intervention by the child welfare system.

The early years of a child’s life are a critical predictor to outcomes in later life. Understanding and addressing the underlying causes of the issues that lead to children being at risk of out-of-home care is essential if sustainable, positive change is to occur to the child protection systems in Australia. Investment in early intervention strategies such as early family support services, can also serve as an effective preventative tool in reducing the number of Aboriginal and Torres Strait Islander children being placed in out-of-home care. This in turn will help in breaking the cycle of disadvantage in Indigenous families and communities.



Understanding and respect FOR ABORIGINAL AND TORRES STRAIT ISLANDER CULTURES, INCLUDING CHILD REARING PRACTICES

Family is the cornerstone of Aboriginal and Torres Strait Islander culture, spirituality and identity.¹⁴ Much emphasis is placed on the values of:

“...interdependence, group cohesion, spiritual connectedness, traditional links to the land, community loyalty and inter-assistance.”¹⁵

Extended family relationships are the core of Aboriginal and Torres Strait Islander kinship systems and are central to the way culture is passed on and society is organised.¹⁶ Research indicates that Aboriginal and Torres Strait Islander cultures have protective mechanisms, such as multiple carers and mutual responsibility within kinship networks, to address the welfare and care of their children.¹⁷

There are various roles given to different family members in relation to child rearing and these vary depending on whether the family lives in an urban or rural setting. Women’s major responsibilities in child rearing have been traditionally to teach young girls important cultural information, such as developing their spiritual and social well-being, caring for the land, and raising children.¹⁸ Girls are taught from older women such as their mothers, aunties and grandmothers how to track, hunt and cook. Uncles have a unique role in raising male children, and pass down knowledge between uncles and fathers to young boys.

Grandparents are extremely important within Aboriginal society. Children spend a large amount of time with their grandparents, being cared for and gaining cultural knowledge.¹⁹

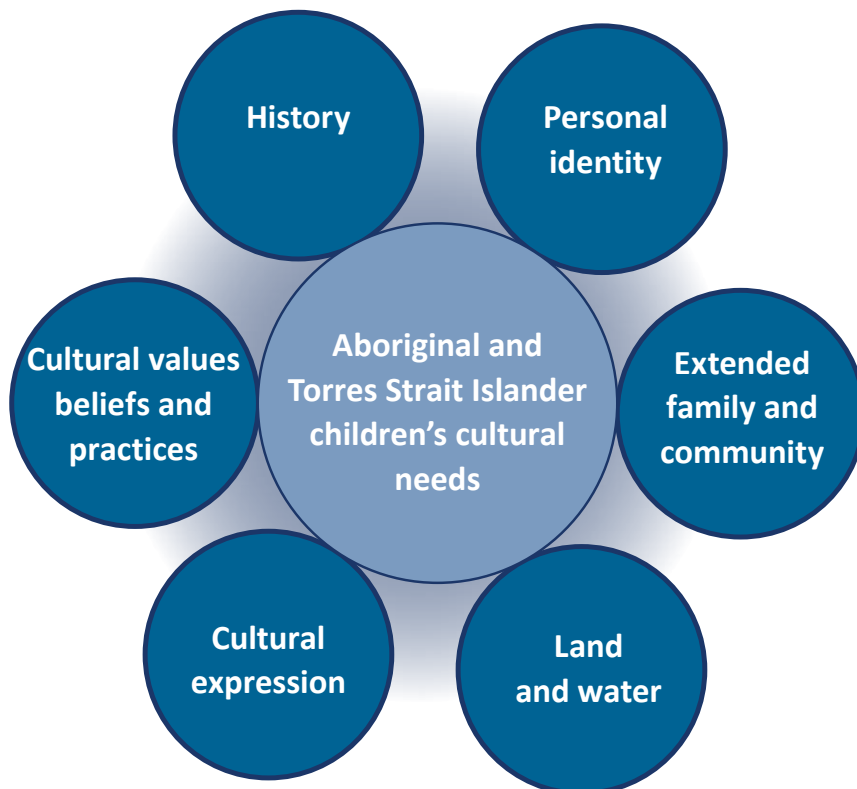
Whilst the depth and wealth of Aboriginal and Torres Strait Islander knowledge and tradition is vast, it continues to be undermined by statutory intervention. Policy failure is often driven by disrespect – a distrust of Aboriginal and Torres Strait Islander peoples’ culture and child rearing practices.

This contributes to high rates of notification and lays the foundation for their systemic exclusion from the development and implementation of policies and programs that affect their own families and children.

The cultural lens through which child protection services respond to notifications directly affects outcomes for Indigenous children. Cultural differences in child rearing practices are poorly understood by many child protection workers and may wrongly lead to conclusions that Aboriginal and Torres Strait Islander children have been neglected or abused.²⁰ The ‘best interests’ of an Aboriginal or Torres Strait Islander child needs to be interpreted through an Aboriginal and Torres Strait Islander cultural lens.²¹



Aboriginal and Torres Strait Islander Children's Cultural Needs



Source: Aboriginal and Torres Strait Islander Children's Cultural Needs, SNAICC 2012



Aboriginal and Torres Strait Islander PARTICIPATION IN CHILD PROTECTION DECISION-MAKING

Enabling participation of Aboriginal and Torres Strait Islander peoples in decision-making is fundamental to realising their human rights.²² All Australian governments have international legal obligations to ensure the realisation of these rights. The right to participate in decisions comes primarily from the right to self-determination, which requires the empowerment of Indigenous peoples to have control over the decisions that affect their own lives.²³

The Stolen Generations are the devastating result of child protection policy and practice in Australia.²⁴ Australia's Aboriginal and Torres Strait Islander peoples are particularly affected by child protection decision-making owing to the long-term impacts of past policies of forced child removal as well as their continuing over-representation in the child protection system.²⁵

The participation of Aboriginal and Torres Strait Islander peoples is essential to quality and effective child protection decision-making. International and Australian evidence has strongly supported the link between Aboriginal and Torres Strait Islander participation and positive outcomes in service delivery. Numerous reports and inquiries in Australia consistently confirm that two major contributing factors to the failure of government policy are:

- a lack of robust community governance; and
- an absence of meaningful Aboriginal community participation.

This highlights the need to build the capacity for Aboriginal and Torres Strait Islander controlled organisations to deliver child and family services.²⁶

The *Bringing Them Home* report reaffirms the need for community development approaches to child protection rather than continuing to use traditional models of child welfare.²⁷

The right of Aboriginal and Torres Strait Islander peoples to participate in child protection decision-making has been recognised in Australian law and policy, particularly through the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP).

This principle highlights the importance of maintaining connections to family, culture and community in order to advance the best interests of Aboriginal and Torres Strait Islander children.

Implementation of the ATSICPP requires that relevant Aboriginal or Torres Strait Islander organisations are consulted about the child's placement and that children are assisted to keep in contact with their family, language and culture. However the application of the principle varies throughout Australia.

In Western Australia, the principle of Aboriginal and Torres Strait Islander participation in decision-making is contained in the *Children and Community Services Act (2004)*. However, in practice this does not occur. Aboriginal and Torres Strait Islander agency involvement is not required in significant decisions such as placement decisions or judicial decision-making.²⁸

This severely limits the capacity for Aboriginal and Torres Strait Islander involvement in child protection cases, at the beginning of the child's entry into the child protection system, ongoing support throughout the placement and assistance with family reunification.



Aboriginal and Torres Strait Islander

CHILD PLACEMENT PRINCIPLE

In 1976 at the Australian Conference on Adoption, Aboriginal and Torres Strait Islander peoples expressed concern about the large numbers of their children who were in the care of non-Aboriginal families.²⁹

It was not until 1986 however that the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) became accepted and approximately another decade passed before the principle become incorporated within the child protection legislation of various states and territories. The goal of the Aboriginal Torres Strait Islander Child Placement Principle (ATSICPP) is:

“. . .to enhance and preserve the child’s connection to family and community, and sense of identity and culture.”³⁰

The principle states that the preferred order of placement for an Aboriginal and Torres Strait Islander child who has been removed from their birth family is with the child’s:

1. extended Indigenous family
2. Indigenous community or
3. other Indigenous people.

Once all of these options have been fully explored, the fourth and least preferred option is placement with a non-Aboriginal or Torres Strait Islander family.

The principle is not merely about preferred placement but recognises the following key issues:

- Prevention and early intervention strengthens Aboriginal and Torres Strait Islander families and communities by keeping them together.

- Independent representative participation of Aboriginal and Torres Strait Islander communities in the decisions made for the care and protection of their children.
- Placement in accordance with the agreed hierarchy of out-of-home care placement options, informed by community and family participation.
- Child and family participation in care and protection decision-making that affects them.
- Cultural care and connection supported for Aboriginal and Torres Strait Islander children in out-of-home care.³¹

In Western Australia ATSICPP is contained in the *Children’s and Community Services Act (2004)*.³²

Western Australia has the fourth highest compliance rate in Australia with 57 per cent of placement of Aboriginal and Torres Islander children with their Indigenous relatives/kin or another Indigenous carer.

This is rate is consistent with the national average. The highest compliance rate was New South Wales with 66 per cent. This may be attributable to the larger population of Aboriginal and Torres Strait Islanders in NSW and the greater availability of kinship care. The lowest level of compliance was experienced in Tasmania with 23 per cent.³³

Ensuring a high rate of compliance with the Child Placement Principle (if placement occurs within the Aboriginal and Torres Strait Islander extended family) is essential for keeping children connected to their Indigenous culture.

Trauma, social and economic disadvantage links

TO CHILD ABUSE AND NEGLECT



Removing Aboriginal and Torres Strait Islander children from their families is a deeply traumatic experience, for the child, the family and their extended community. Childhood trauma has the potential to interrupt the normal physical and mental development of a child and can impair the child's ability to regulate their behaviour.³⁴ As a result, many children go on to develop self-destructive behaviours including aggression, violence and substance misuse in later life.

The trauma due to colonisation and the Stolen Generations also continues to affect the lives of Aboriginal and Torres Strait Islander children today. It forms what is called intergenerational trauma, which is a historical trauma that is transmitted across generations, from the first generation of survivors who witnessed the trauma to later generations.

The effects of intergenerational trauma are real and significant with members of the Stolen Generations often experiencing high rates of mental illness and substance abuse issues that in turn lead to increased rates of family violence, child abuse and family breakdown. This in turn impacts on the socio-economic status of Aboriginal and Torres Strait Islander families and communities.³⁵

For many people, colonisation and the forced removal of Aboriginal and Torres Strait Islander children from their families has caused disconnection from family, community, language, culture and land.

The impact of forced removal is cumulative. Children who were forcibly removed did not experience being parented and cared for by their kin which influences their own experience as parents.

Children who have been removed from their families may have experienced different types of trauma, such as:

- Individual trauma – child abuse and neglect affecting development, attachment to others and culture³⁶
- Cultural trauma – colonisation, forced assimilation, stolen generations, racism
- Community trauma – loss of land and language, substance abuse, violence, multiple deaths
- Family trauma – intergenerational trauma, domestic violence, incarceration of parents or loved ones
- Economic trauma – high levels of unemployment, welfare dependency, poverty, overcrowded housing and homelessness

In addressing the issue, it is fundamental to understand and address the underlying causes of the factors that lead to children being at risk. While the child protection system on its own cannot solve all of these issues, a coordinated and collaborative approach across the government and non-government sectors could significantly address the underlying factors leading to child removal.

Investment

IN PREVENTION AND EARLY INTERVENTION SERVICES

The cost effectiveness of prevention and early intervention services is well established.³⁷ *Protecting Children is Everyone's Business, the National Framework for Protecting Australia's Children (2009-2020)* explicitly recognises the significance of prevention and early intervention in child protection. The protection of children is not merely a response to abuse and neglect; it is the promotion of safety and well being of children.³⁸

Leading international and Australian research suggests that applying a public health model to care, results in better outcomes for both children and their families. This public health model offers an approach that emphasises assisting families early enough to prevent abuse and neglect from occurring.³⁹ Integrated prevention and early intervention services are critical to:

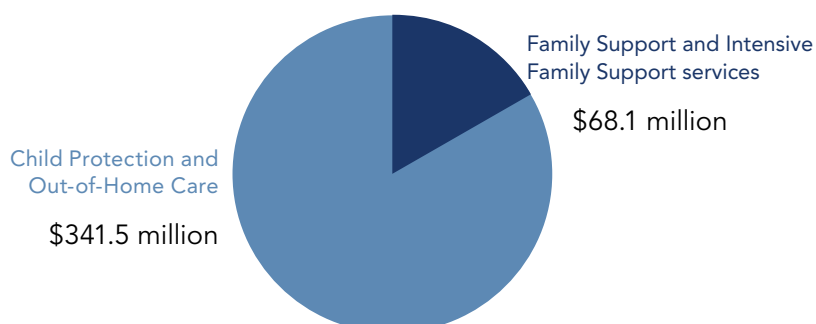
- reducing the over-representation of Aboriginal and Torres Strait Islander children in the child protection system; and
- interrupting the inter-generational transmission of trauma in Aboriginal and Torres Strait Islander communities.

Research is supportive of this approach, suggesting that culturally appropriate and intensive family support services have a high impact, reducing the need for child protection intervention later in life and improving the well-being of Aboriginal and Torres Strait Islander children and families.⁴⁰

Despite the potential for long-term cost savings in other areas such as education, health and the judicial system, governments continue to spend a disproportionate amount on child protection and the removal of children from their families. Adopting a preventative rather than a punitive approach would provide great benefits in making headway in tackling this issue as well as providing a cost saving to government.

To illustrate, in Western Australia in 2013 \$341.5 million was spent on child protection and out-of-home care services compared to just \$68.1 million expenditure on family support and intensive family support services.⁴¹ Clearly a greater investment in prevention will significantly reduce the number of Aboriginal and Torres Strait Islander children being placed in out-of-home care and will also create significant long-term cost savings for government.

Western Australian Government Expenditure on Child Protection and Out-of-Home Care



Source: Productivity Commission, Review of Government Services 2014



Level of expenditure

IN ACCORDANCE WITH OVER-REPRESENTATION IN THE CHILD PROTECTION SYSTEM

Aboriginal and Torres Strait Islander children make up almost half of all children in out-of-home care in Western Australia.⁴² Allocation of expenditure on services that have real, positive outcomes for Aboriginal and Torres Strait Islander children and families should reflect this high level of representation.

A recent report of the Australian National Audit Office further highlights that building the role and capacity of Aboriginal and Torres Strait Islander organisations is not only important for effective service delivery, but an important fundamental policy objective in its own right.

Building capacity promotes local governance, leadership and economic participation, and strengthens social capital for Aboriginal and Torres Strait Islander peoples.⁴³

Aboriginal and Torres Strait Islander community-controlled organisations are more effective because of their strengths in cultural competence, community engagement and accessible service delivery. They also carry a broader importance in the development and empowerment of communities.

However the effectiveness of investment is undermined with a lack of support for Aboriginal-specific targeted programs, with 79% of investment in community support programs for Indigenous Australians channelled through mainstream services and only 21% of expenditure directed through Aboriginal controlled services.⁴⁴

Despite the strengths of community-controlled services, there is significant under investment in them. For example, across NSW, Queensland, and Victoria, approximately only 17% of Aboriginal and Torres Strait Islander children in out-of-home care are in placements supported by Aboriginal agencies.⁴⁵

While 17% is a very small number it compares well to Western Australia, South Australia and the Northern Territory, where child protection and out-of-home care is almost exclusively managed by the state government.⁴⁶

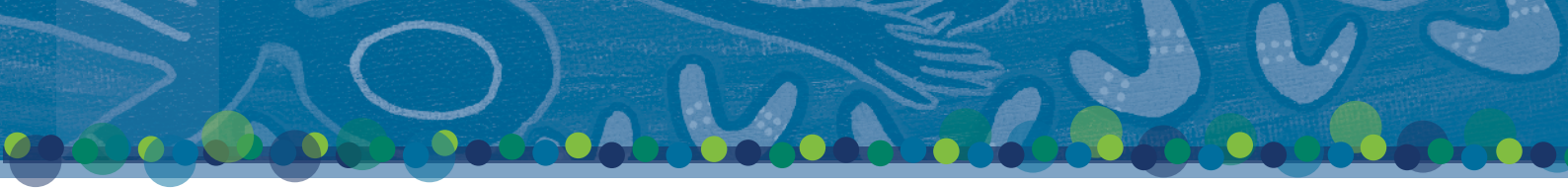
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