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OUR CHILDREN, OUR DREAMING:

A CALL FOR A MORE JUST APPROACH FOR ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN AND FAMILIES

SNAICC

CPP

Queensland Aboriginal and Torres Strait Islander
Child Protection Peak Ltd

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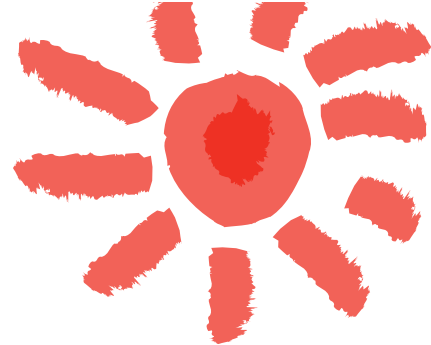
INTRODUCTION

All children have a right to be safe from harm. However, there is continuing concern about the failure of child protection service systems across Australian states and territories to provide for the safety and well being of vulnerable children and appropriate support for their families. Nowhere is this more clear than in relation to Aboriginal and Torres Strait Islander children and their families, who are increasingly coming into contact with statutory child protection services, leading to children being removed from their families, communities and cultures.

Despite acknowledgement of the over-representation of Aboriginal and Torres Strait Islander children and families in statutory child protection services across Australia, and understanding of the impact of broader social and economic disadvantage they experience, it is clear current approaches to ensuring the safety and well being of Aboriginal and Torres Strait Islander children and their families are not working.

This paper examines the scope and nature of Aboriginal and Torres Strait Islander over-representation and details strategies for how this can be more effectively addressed in Australia.

SCOPE OF THE PROBLEM

In 2011-1212, there were 32,979 Aboriginal and Torres Strait Islander children aged 0-17 subject to notifications of abuse and neglect, whilst 10,058 were subject to substantiated notifications, 13,268 were subject to care and protection orders and 13,299 were living away from home.

Aboriginal and Torres Strait Islander children and their families are over-represented at all stages of the child protection process and, the level of over-representation increases the further children proceed within the intervention process.

Aboriginal and Torres Strait Islander children make up 4.7% of Australian children aged 0-17 years, yet in 2011-12, they comprised:

- **19.0% of children who were subject to a notification**
- **26.7% of children who were subject to substantiated notifications**
- **32.4% of children who were subject to care and protection orders**
- **33.6% of children living away from home.**

In 2011-12, Aboriginal and Torres Strait Islander children were:

- **5.5 times more likely than non-Indigenous children to be subject to a notification**
- **7.8 times more likely than non-Indigenous children to be the subject of a substantiated investigation of abuse or neglect**
- **9.7 times more likely than non-Indigenous children to be subject to a care and protection order**
- **10.3 times more likely than non-Indigenous children to be living away from home.**

Further, once removed from their family's care, many Aboriginal and Torres Strait Islander children are not sufficiently supported to maintain their connections with family, community and culture. As of 30 June 2012, 4122 (31.2%) of Aboriginal and Torres Strait Islander children were not placed with kin, other Indigenous carers or in Indigenous residential care.

As noted in Table 1, since 2006-07, the level of over-representation at each stage of the child protection process has continued to increase.

....
1   All child protection figures were taken from AIHW Child Protection Collection 2012 except those for notifications of abuse and neglect which were taken from ROGS 2013

	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
Notifications	3.5	3.9	4.0	5.2	5.1	5.5
Substantiations	5.4	6.4	7.5	7.7	7.6	7.8
Child Protection Orders	7.1	7.7	8.4	9.0	9.5	9.7
Living Away From Home	8.3	8.9	9.2	9.7	10.1	10.3

Table 1: Rate Ratio of Indigenous to non-Indigenous children in notifications, substantiations, child protection orders and living away from home.

The increasing numbers and over-representation of Aboriginal and Torres Strait Islander children having contact with the child protection service system clearly indicate the current approach to child protection is not working and is not sustainable.

Recently released figures in Queensland (Swan, B. 2012) indicate that by 2012-13, 62.0% Aboriginal and Torres Strait Islander children aged 0-17 years will have had some contact with the child protection system. The figures are as shocking as they are damning of the services and systems set up to address the issues impacting the safety and well being of children and support of their families.

NATURE OF THE PROBLEM

The number and proportion of Aboriginal and Torres Strait Islander children coming into contact with the statutory child protection system indicate that a complex range of factors contribute to their over-representation. These factors can be considered in terms of the child protection system, the broader context of disadvantage, and the historical removal of Aboriginal and Torres Strait Islander children.

Child protection

Current approaches to ensuring the safety and well being of children rely heavily upon statutory child protection services. However, current statutory child protection services are very narrow in scope, restricted mainly to investigation and out of home care, and designed to identify and respond to harm rather than prevent harm from occurring in the first place. Failure to invest in prevention and early intervention services for vulnerable children and families, results in more and more children and families unnecessarily entering further and further into the child protection system.

There has been increasing acknowledgement of the need to enhance systems for protecting children and shift the emphasis to prevention and early intervention (Allen Consulting Group, 2008; Humphreys, C., Harries, M., Healy, K., Lonne, B. Mendes, P, McHugh, M. and Sheehan, R. 2009).

In response, the Council of Australian Governments (2009) produced a National Framework for Protecting Australia's children, 'Protecting Children is Everyone's Business 2009-2020'. The plan 'seeks a substantial and sustained reduction in child abuse and neglect in Australia over time' through a public health approach with an emphasis in supporting families early to prevent child abuse and neglect .

Despite this acknowledgement and response, expenditure on reactive and remedial statutory child protection services of investigation and out of home care continues to increase relative to expenditure on family support and other preventative measures. This indicates that more needs to be done if this shift is to be realised.

Expenditure on statutory child protection services across states and territories continues to increase in line with increasing demand for, and costs of, services. Recurrent expenditure on statutory child protection services (including intensive family support, investigations and out of home care) was approximately $3.36 billion across Australia in 2011-12 (SCRGSP, 2013).

This expenditure has increased in real terms each year from $2.1 billion in 2006-07, an increase of 60% over the five year period. There is no data on what proportion of this expenditure is spent on Aboriginal and Torres Strait Islander children. Based on their representation in the child protection system, it is reasonable to estimate that a third of the expenditure, in excess of $1 billion, should be allocated to them.

However, it is unlikely this is happening as Aboriginal and Torres Strait Islander child protection services are relatively small in number and remain a relatively minor part of the overall service system. Data is currently not available on government spending across Australia on prevention and early intervention as a proportion of total expenditure on child protection. However, it would assist greatly in determining relative expenditure and the capacity to reinvest in prevention and early intervention.

In 1997, the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families found that state and territory child protection legislation has 'been developed upon an assumption that consultation and participation in service delivery are adequate responses to Indigenous needs.' The Inquiry called for a new framework based on self determination and proposed the 'eventual transfer of responsibility for children's well being to Indigenous peoples.'

Since that time, all states and territories have amended their child protection legislation and included the Aboriginal and Torres Strait Islander Child Placement Principle, specific principles or considerations to support decision making in relation to Aboriginal and Torres Strait Islander children, family decision making processes and, in most cases, requirements to consult with relevant people or organsiations.

Only Victoria has a provision to delegate functions under their *Children and Young Persons Act* (1989) to an Aboriginal organisation.   It is understood that, as yet, no Aboriginal organisation has had these functions delegated to it. However, as already detailed, these developments have not led to a reduction in the over representation of Aboriginal and Torres Strait Islander children in the child protection system. This indicates there is a significant gap between the intent of these legislative developments and their implementation in practice.

These measures fail to sufficiently reflect an understanding of the place of a child within Aboriginal and Torres Strait Islander cultures and its relationship to kinship structures. Nor do they sufficiently engage and empower families and communities in culturally appropriate decision making processes, which identify solutions for ensuring the safety and well being of their children.

The continuing placement of Aboriginal and Torre Strait Islander children with non-Indigenous carers and organsiations places them at significant risk of dislocation from family, community and culture (Libesman, 2011; Testro, 2010).

Further, these developments fall well short of the hopes and aspirations of Aboriginal and Torres Strait Islander peoples for self determination and the transfer of responsibilities for children's safety and well being , as expressed in the report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families.

Disadvantage

Aboriginal and Torres Strait Islander children, families and communities experience significant social and economic disadvantage resulting in poorer outcomes in relation to safety, health, education, housing and employment.

Patterns of abuse and neglect substantiated by statutory authorities vary between Aboriginal and Torres Strait Islander children and non-Indigenous children. The most common type of substantiated outcome for Aboriginal and Torres Strait Islander children was neglect, which comprised 38% of substantiated outcomes compared with 23% for non-Indigenous children. The proportion of children substantiated for physical, emotional and sexual abuse was higher for non-Indigenous children (AIHW, 2012).

However, neglect is not well defined. Neglect is strongly associated with disadvantage and poverty (DoCs, 2005, Calma, 2008). Further, cultural differences in child rearing practices are poorly understood and may wrongly lead to conclusions that Aboriginal and Torres Strait Islander children have been neglected (HREOC,1997; Libesman, 2004). Whilst the impact of these factors on the reporting of the neglect is increasingly acknowledged, this understanding is not sufficiently reflected in how neglect is defined or responded to by statutory child protection services.

The safety and wellbeing of Aboriginal children cannot be achieved without addressing the broader issues of disadvantage. Whilst statutory child protection services can ameliorate the impact of disadvantage, they cannot address its causes.

As noted in the report of Victoria's *Vulnerable Children's Inquiry* (2012), 'It is considered that without a substantial change in the individual, caregiver and community risk factors, the goal of reducing over-representation of vulnerable Aboriginal children in statutory child protection services will not be achieved.'

In 2008, the Council of Australian Governments adopted the *Closing the Gap* Strategy in recognition of the significant social and economic disadvantage experienced by Aboriginal and Torres Strait Islander peoples.

The Productivity Commission's report, *Overcoming Indigenous Disadvantage* (2011) indicates outcomes have improved in several areas including mortality rates in infants and young children, home ownership, post-secondary education, employment and income. However, the report notes that outcomes in these areas have also improved for non-Indigenous people leading to little or no closing of the gaps. There was little change found in literacy and numeracy levels, most health indicators and housing overcrowding.

A strategic review of Indigenous expenditure (Department of Finance, 2009) found that 'Despite the concerted efforts of successive Commonwealth, State and Territory governments to address Indigenous disadvantage, progress has been mixed at best; modest improvements in some areas have been offset by static or worsening outcomes elsewhere. Even in the few areas where clear improvements have been made, the outcomes for Indigenous Australians remain far short of those for non-Indigenous Australians. Past approaches to remedying Indigenous disadvantage have clearly failed, and new approaches are needed for the future.'

More recently, the report of the NSW Ombudsman into Aboriginal disadvantage (2011) identified the need for 'a different approach to the way government's plan, fund, and deliver services.' It highlighted both the siloed approach to Aboriginal policy and program development across agencies and the rhetoric about partnership as major impediments to the effective use of resources in addressing disadvantage.

There is a continuing lack of effective engagement of Aboriginal and Torres Strait Islander peoples in identifying and developing solutions to disadvantage (NSW Ombudsman's Report, 2011; Tsey, McCalman, Bainbridge, and Brown, 2012; Al-Yaman and Higgins, 2011).

The continuing tendency to identify issues and solutions from a non-Indigenous perspective remains a major impediment to progress. Approaches that not only hold individuals and communities accountable for factors beyond their control but also fail to ensure community control, empowerment and responsibility, also corrode the foundations for effective change and improving outcomes.

Removal

Both colonisation and the forcible removal of Aboriginal and Torres Strait Islander children from their families have caused profound trauma in many individuals, families and communities, often resulting in disconnection from family, community, language, culture and land. This disconnection continues to effect the social and emotional well being of Aboriginal and Torres Strait Islander peoples today (Atkinson, Nelson and Atkinson in Purdie, Dudgeon and Walker, 2010).

The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (Wilson, 1997) documented the continuing devastating impact of the forced removal of Aboriginal and Torres Strait Islander children from their families. People removed from their families under these circumstances are now commonly referred to as the 'The Stolen Generation'. More recently, the results of the 2008 National Aboriginal and Torres Strait Islander Social Survey (NATSISS) found:

- **8% (26,900 people) of Aboriginal and Torres Strait Islander people aged 15 years and over had been removed from their family**

- **a further 38% of people had relatives who had been removed from their family**

- **of those who had experienced removal from their family, 35% assessed their own health as poor and 39% experienced high or very high levels of psychological distress, compared with 21% and 30% of those not removed.**
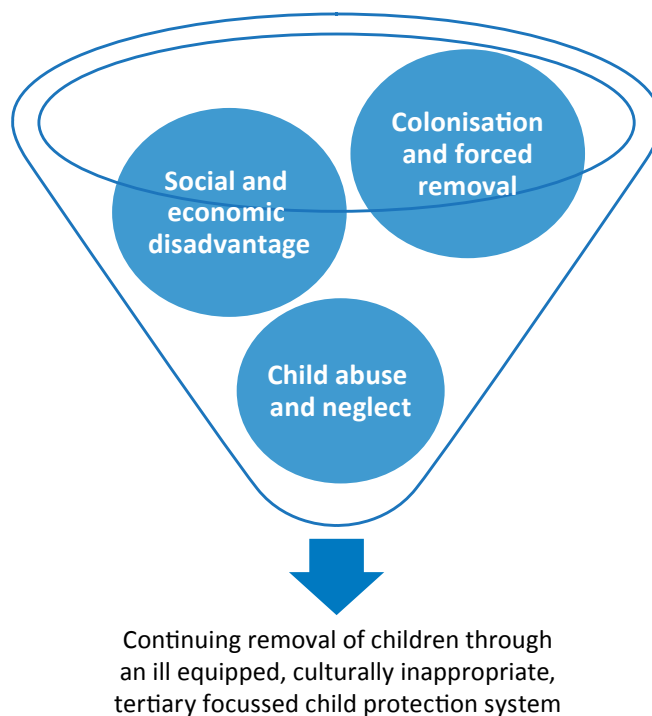
The Western Australian Aboriginal Health Survey (2005) found a link between adverse life outcomes and the forced separation of Aboriginal people from their families and intergenerational effects caused by policies of forced separation and removal. In terms of adverse outcomes, the survey found that in comparison to primary [2] carers who, as children, had not been forcibly separated from their families, primary carers who had been forcibly separated from their families were:

- **about twice as likely to have been arrested or charged with an offence**

- **about one and a half times more likely to report that the overuse of alcohol caused problems in the household**

- **a little over twice as likely to report that betting or gambling caused problems in the household**

- **about half as likely to have someone they could talk to about their problems**

- **one and a half times more likely to have had contact with mental health services.**

In terms of the intergenerational effects of forced separations and removals, the survey found that children cared for by a primary carer who was forcibly separated from their family were more than twice as likely to be at high risk of clinically significant emotional or behavioural difficulties when compared to children living with Aboriginal primary carers who were not forcibly separated. More generally, the survey found that children whose primary carers were forcibly separated experience many negative life outcomes when compared with children whose carers were not forcibly separated.

The forcible removal of children from their families continues to have a devastating impact on many of those people who were forcibly removed and their children. The impact of forcible removal is cumulative. Most forcibly removed children were denied the experience of being parented and cared for by kin. They therefore often lacked the experiences necessary to become 'successful' parents themselves (Wilson, 1997). This is a significant, but not well understood, factor in why Aboriginal and Torres Strait Islander children continue to be removed from the care of their families today.

2 Primary carer: the person spending most time with the child and considered to know most about the child. The child's primary carer was usually its mother.

In considering the range of factors impacting the safety and well being of children, it is clear that the abuse and neglect of children is a symptom. Services and systems fail to understand and address the underlying causes of the problems that lead to the abuse and neglect of children, that is, the links between trauma caused by colonisation and the forcible removal of children from their families, underlying social and economic disadvantage, and child abuse and neglect. The relationship between these factors is depicted in the following diagram.

Continuing removal of children through an ill equipped, culturally inappropriate, tertiary focussed child protection system

ADDRESSING OVER-REPRESENTATION

The aims of improving safety and well being of Aboriginal and Torres Strait Islander children and addressing social and economic disadvantage have not been achieved. In fact, outcomes for children and families are declining.

That Aboriginal and Torres Strait Islander children are more likely to be removed from their families, communities and cultures than non-Indigenous children is unfair. That Aboriginal and Torres Strait Islander families and communities are not supported and empowered to provide for the safety and well being of their children is unjust. That service systems designed to ensure the safety and well being of children and their families and improve social and economic outcomes continue to fail children and families is unacceptable. The gap between what we know and what we do appears to be increasing.

It is time for a new approach to achieving the safety and well being of Aboriginal and Torres Strait Islander children and address their over representation in statutory child protection services. This approach must:

- **acknowledge and honour the living history of over 40,000 years of Aboriginal and Torres Strait Islander practice and knowledge in raising children (SNAICC, 2008)**

- **build on the efforts of Aboriginal and Torres Strait Islander individuals and organisations over many years to identify and address the issues impacting children and their families.**

The time has come to close the gap between what we know and what we do.

What do we know? For the purposes of this paper, strategies for more effectively addressing the removal of Aboriginal and Torres Strait Islander children from their families and communities have been identified through a review of the literature and organised under the following six themes:

- **Rights, Culture and Self Determination**

- **Trauma, Disadvantage and Child Abuse and Neglect**

- **Holistic Response**

- **Community Responsibility and Control**

- **Partnership**

- **Sustainability.**

Each of these themes and the strategies identified are interconnected. Together, they provide a comprehensive, integrated approach to addressing the issues previously identified as leading to the continuing removal of Aboriginal and Torres Strait Islander children from their families and communities.

Rights, Culture and Self Determination

Essential to ensuring the safety and well being of children and addressing over representation is a commitment to human rights, culture and self determination. This foundation was set out in the report of the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* (Wilson, 1997) and more recently by Bamblett and Lewis (2007) and includes:

- **the right to a distinct status and culture, which helps maintain and strengthen the identity and spiritual and cultural practices of Aboriginal and Torres Strait Islander peoples and communities**

- **the right to self determination, which is a process for exercising control over matters directly affecting Aboriginal and Torres Strait Islander children, families and communities.**

The protection and promotion of Aboriginal and Torres Strait Islander children's rights is supported through implementation of the *United Nations Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples.* The Convention sets out how human rights can be ensured for children and young people, whilst the Declaration establishes a framework of standards for the survival, dignity, well-being and rights of Indigenous peoples across the world.

A strong cultural identity is a protective factor and contributes to a child's resilience (Bamblett, 2007,) whilst cultural attachment is associated with improved well being and socio-economic outcomes (Dockery, 2011). Therefore, a strong sense of culture in Aboriginal and Torres Strait Islander children can be viewed as a strength that promotes their safety and well being. Further, Dockery (2011) notes 'In the current pursuit of equity between Indigenous and non-Indigenous Australians, increasing non-Indigenous knowledge, understanding and respect of Indigenous cultures may well be the most important gap to close.'

The importance of self determination was highlighted in the two most recent child protection inquiries held in Australia. Firstly, the report of the Board of Inquiry into the child protection system in the Northern Territory (2010) found that '... in order to bring about real and sustainable change for the Northern Territory's most vulnerable, then Aboriginal people must move from being passive recipients, that is, from being consulted in a marginal, and frankly disempowering way, to a position of influence in taking on the responsibility for
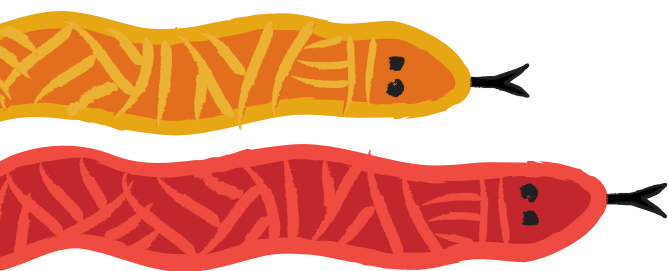
the safety and wellbeing of their children and young people.' (NT, p100). Secondly, the report of *Protecting Victoria's Vulnerable Children Inquiry* (2012) found that 'The outcomes for vulnerable Aboriginal children and families will only improve once practical gains in Aboriginal self-determination about children and families are achieved.'(Vic p273).

Trauma, Disadvantage and Child Abuse and Neglect

The links between trauma, underlying social and economic disadvantage, and child abuse and neglect need to be understood and addressed in order to effectively ensure the safety and well being of children.

There is increasing recognition of 'healing and its place in assisting Aboriginal (and Torres Strait Islander) communities and organisations to reclaim and strengthen their role in service their community and addressing their many needs.' (Aboriginal and Torres Strait Islander Healing Foundation, 2012). Weston (2012) suggests that 'As a result of the underlying trauma affecting Indigenous communities, it is essential that healing be at the core for all programs for children, families and communities.'

An integrated and systematic approach is required to:

- **address trauma through recognising the causes and impact of trauma, and promoting healing and recovery amongst individuals, families and communities**

- **address social and economic disadvantage through recognising and enabling the cultural, social and economic rights, needs and aspirations of individuals, families and communities**

- **address the abuse and neglect of children through recognising and strengthening cultural identity, maintaining connections between family, community and culture, and building family and community capacity to provide for the safety and well being of children.**

Legislation, policies and programs must acknowledge the links between trauma, disadvantage and child abuse and neglect, and support a more integrated and systematic approach to service delivery.

Holistic Response

A holistic response that incorporates family, community and culture is required to promote the safety and well being of Aboriginal and Torres Strait Islander children.

A range of prevention and early intervention, targeted family support, and statutory child protection services are required to meet the needs of children and their families and ensure they receive the right service at the right time by the right provider. These services must be reflective of Aboriginal and Torres Strait Islander perspectives and responsive to the context and needs of children and families.

A greater emphasis is required on prevention and early intervention services, and targeted family support services. The cost effectiveness of prevention and early intervention services is well established (Valentine and Katz, 2007). These services are essential to preventing children and families unnecessarily entering, or further entering, into the child protection system. This requires:

- **a significant investment in prevention and early intervention services, and targeted family support services in absolute terms and as a proportion of total expenditure on child protection**

- **equitable expenditure on Aboriginal and Torres Strait Islander children and families in accordance with their need and over representation in the child protection system.**

- **Service responses must reflect an understanding of the impact of social and economic disadvantage and trauma.**

In terms of statutory services, the implementation of state and territory policy and legislation relating to Aboriginal and Torres Strait Islander children should be monitored and reported on to encourage compliance. Differences in service quality and outcomes for Aboriginal and Torres Strait Islander children and non-Indigenous children should also be monitored.

All states and territories should ensure that there are clear legislative provisions for the participation of recognised Aboriginal and Torres Strait Islander organisations in all decisions relating to the protection and care of Aboriginal and Torres Strait Islander children.

Aboriginal and Torres Strait Islander approaches to family decision making and kinship care must be reflected in programs and practice. Immediate steps are required to ensure that all children who need to be removed from their families are placed in accordance with the Aboriginal and Torres Strait Islander Child Placement Principle.

Tilbury (2010) sets out a range of strategies to improve Aboriginal and Torres Strait Islander children's experience of the child protection system including:

- **working in partnership with Indigenous child protection agencies and Aboriginal and Torres Strait Islander community controlled organisations**

- **reviewing effectiveness of processes for seeking Aboriginal and Torres Strait Islander input to key decisions**

- **closely monitoring service delivery to Aboriginal and Torres Strait Islander families at the local level (responsibility at a regional level to monitor and report on entry to care, placements with siblings, and decisions about orders and long-term care)**

- **increasing the use of voluntary intervention for Aboriginal and Torres Strait Islander families**

- **ensuring timely case decision-making to prevent drift in care.**

Community Responsibility and Control

The safety and well being of Aboriginal and Torres Strait Islander children can only be achieved through empowering families and communities to identify their own needs, determine and design services, and deliver services within their communities.

As noted by Harris-Short (2012), 'Essentially, the solutions to the problems surrounding Aboriginal child welfare will have to come from within the communities themselves and that can only be achieved by truly empowering those communities and recognising that they have the ultimate responsibility for their own children.' Evidence that strong Indigenous communities lead to better social and economic outcomes is increasing (Chandler and Lalonde, 2008; Harvard Project on American Indian Development).

The diversity of cultures within and across Aboriginal and Torres Strait Islander communities must be acknowledged. Placed based strategies have the potential to better respond to community needs and priorities, draw upon community strengths and abilities and more effectively use available funds (Gilbert, 2012).

Aboriginal and Torres Strait Islander community controlled organisations are best placed to work with and support families when children are at risk as they have the skills, knowledge, and expertise to work both with and within family and kinship systems to gain cooperation and engagement (SNAICC, 2008). They should be supported to provide a range of prevention and early intervention, and family support services to enhance the integration of service delivery.

Steps must be taken to expand the spread and capacity of community based organisations across Australia. Services must also be appropriately funded to meet the level of need and achieve the agreed outcomes over time. As identified in the recent report of the Australian National Audit Office (2012), there is a need to invest in building the capacity of Aboriginal and Torres Strait Islander organisations including ensuring that administrative arrangements do not have an undue impact on both the utilisation of existing capacity for service delivery and working actively with individual organisations to develop internal capacity.

Interestingly, in Australia there is a much stronger history of promoting community controlled services in the health field than in child and family service sector. Learnings from the health field may assist in promoting community control in the child and family field (Northern Territory Aboriginal Health Forum, 2009; Queensland Government, 2011)

The self determination of Aboriginal and Torres Strait Islander communities over the safety and well being of their children can take many forms and must be negotiated within those communities (Wilson, 1997). Yet, as previously noted, at this stage only Victoria has a specific legislative provision to delegate functions to an Aboriginal organisation. The report of the of *Protecting Victoria's Vulnerable Children Inquiry* (2012) includes a recommendation for a ten year plan to delegate the care and control of Aboriginal children removed from their families to Aboriginal communities. The report sets specific requirements relating to legislative amendments, developing a sustainable funding model, and building the capacity of Aboriginal community organisations.

All states and territories must give further consideration to options for enabling Aboriginal and Torres Strait Islander organisations and communities to exercise responsibilities for the safety and well being of children. Such consideration must be undertaken with Aboriginal and Torres Strait Islander organisations and communities.

There is a need to acknowledge and support the development of local governance arrangements and leadership to strengthen communities and ensure the sustainability of community controlled organisations (NSW Ombudsman's Report, 2011; Tsey, McCalman, Bainbridge, and Brown, 2012; Libesman and Bell, 2005).

Partnership

Partnerships between government and non-government organisations and between Aboriginal and Torres Strait Islander and non-Indigenous organisations are necessary to enable effective service delivery of child and family support services to Aboriginal and Torres Strait Islander children and families.

SNAICC (2012) identified the following core principles underpinning genuine and successful partnerships between Aboriginal and mainstream service providers:

1. **Commitment to developing long-term sustainable relationships based on trust.**

2. **Respect for Aboriginal and Torres Strait Islander cultural knowledge, history, lived experience and connection to community and country.**

3. **Commitment to self determination for Aboriginal and Torres Strait Islander peoples.**

4. **Aim to improve long term well being outcomes for Aboriginal and Torres Strait Islander children, families and communities.**

5. **Shared responsibility and accountability for shared objectives and activities.**

6. **Valuing process elements as integral to support and enabling partnership.**

7. **A commitment to redressing structures, relationships and outcomes that are unequal and/or discriminatory.**

Openness to work differently with Aboriginal and Torres Strait Islander peoples, recognising that the mainstream approaches are frequently not the most appropriate or effective.

Libesman (2004) suggests that 'Good partnerships and meaningful collaboration ... must be founded upon inclusiveness and empowerment strategies. They will usually require government agencies to relinquish some power and to recognise the authority of the Indigenous community or organisation'.

Sustainability

The impact of trauma and disadvantage on Aboriginal and Torres Strait Islander families and communities requires a long term community development approach to establish relationships, build capacity and achieve outcomes. Services and communities must be set up to succeed.

At a community level, the evaluation of the National Stronger Families and Communities Strategy defines sustainability as '... the establishment and continuity of activities, structures, processes, ways of working and services that can persist and endure. It is about the ongoing application of knowledge, skills and understandings to family and community issues and the maintenance of positive patterns of behaviour.' (Scougall, 2008). Lyons, Smuts and Stephens, 2001 in Scougall, 2008) define sustainable development as '.... the ability acquired and held by communities over time to initiate, and control development thus enabling communities to participate more effectively in their own destiny ...'.

Longer timeframes are required in engagement, identifying needs and developing responses (Lohoar, 2012), flexible placed based approaches to the funding of services are required (Gilbert, 2012) and a longer term investment strategy is needed to establish and maintain services (Department of Finance, 2012; Australian National Audit Office,2012).

CONCLUSION

The increasing over representation of Aboriginal and Torres Strait Islander children and their families within the statutory child protection system demonstrates the failure of current approaches to ensuring their safety and well being.

Child abuse and neglect is a symptom. The over representation of Aboriginal and Torres Strait Islander children and their families in statutory child protection systems will not be shifted until the underlying factors of trauma and disadvantage contributing to child abuse and neglect are acknowledged and addressed.

A new approach must be:

- **founded on an understanding of rights, culture and self determination**

- **informed by an understanding of the relationships between trauma, disadvantage and child abuse and neglect**

- **based on a holistic response to the needs of children and their families**

- **led by Aboriginal and Torres Strait Islander communities and organisations**

- **enabled through partnerships with mainstream non-government organisations and governments**

- **sustained by long term community development strategies and investment.**

The challenges of taking a new approach are many but the promise is that Aboriginal and Torres Strait Islander children, families and communities will experience a fairer and more just response to their needs. As a result, Aboriginal and Torres Strait Islander cultures will be preserved and strengthened, thereby ensuring the ongoing safety and well being of children.
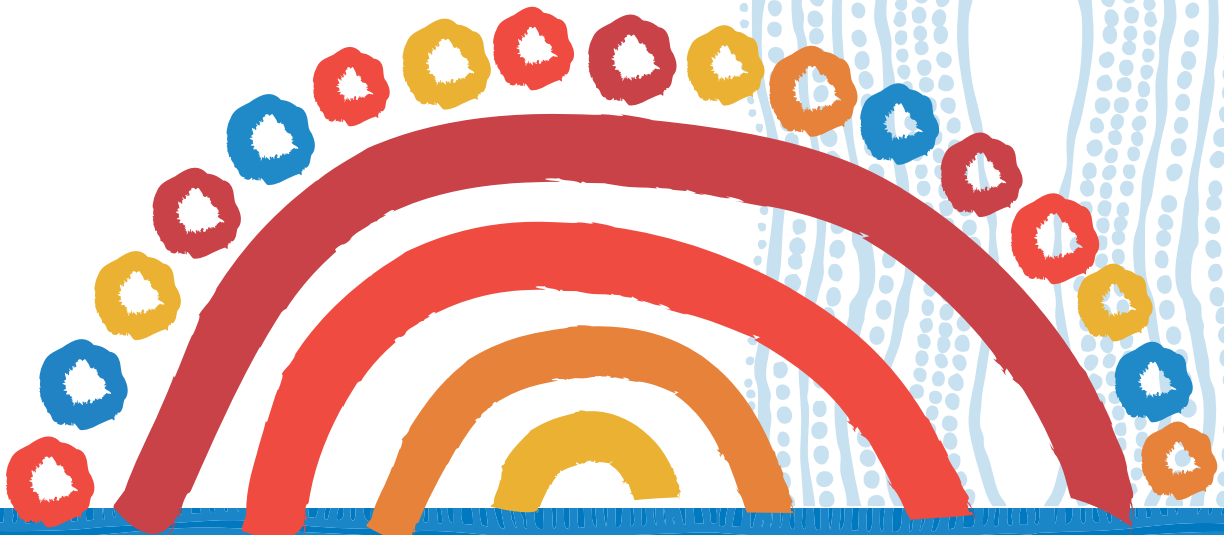
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