



FAMILY MATTERS

Kids safe in culture, not in care

NORTHERN TERRITORY 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



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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 placed in out-of-home care. SNAICC also acknowledges the excellent work of researcher Elizabeth Colliver 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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Background



The Secretariat of National Aboriginal and Islander Child Care (SNAICC) was a major advocate for the national inquiry into the forcible removal of Aboriginal and Torres Strait Islander children from their families. The inquiry's 1997 report, *Bringing Them Home*, contained 54 recommendations, of these 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. In 2008, then Prime Minister Kevin Rudd delivered a historic national apology in Federal Parliament.

Despite this inquiry and public outcry Aboriginal and Torres Strait Islander children continue to be removed from their families at an alarming rate, 10 times more than non-Aboriginal children. Aboriginal and Torres Strait Islander children, while comprising only 4.6 per cent of the national child population, comprise a staggering 33 per cent of children in out-of-home care.¹

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

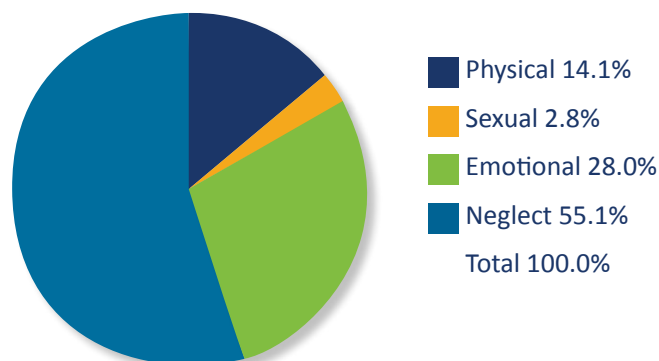
- legacy of past policies including the forced removal of children
- inter-generational effects of separation from family and culture
- poor socio-economic status and
- perceptions arising from cultural differences in child-rearing practices.²

Recognising the destructive impact of past government policies gives meaning to the importance of children staying connected to family and culture today.

In the Northern Territory, Aboriginal and Torres Strait Islander children (aged 0-17) make up 44 per cent³ of the child population yet comprise 82 per cent of all children on care and protection orders.⁴ As at 30 June 2012, Aboriginal and Torres Strait Islander children in the Northern Territory were six times more likely to be in out-of-home care than non-Aboriginal children.⁵

In the Northern Territory, the most common type of substantiated notification for Aboriginal and Torres Strait Islander children is neglect. Whilst neglect is not well defined, it is strongly associated with disadvantage and poverty.⁶ 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.^{6.1} These are all significant contributing factors to the high rate of substantiated reports of neglect among Aboriginal and Torres Strait Islander children.

Type of substantiated notifications of Aboriginal and Torres Strait Islander children in the Northern Territory (2011-12)



Source: Table A8, from Australian Institute of Health and Welfare (2013) *Child Protection Australia 2011-2012*

A consistent finding of the *Little Children are Sacred Report* (2007) and *Growing Them Strong, Together Report* (2010) is that when it comes to the protection and care of vulnerable children a commitment to developing culturally appropriate, prevention and early intervention services is essential.⁷ The outcomes and recommendations from both of these reports have informed the strategic directions of *Family Matters – Kids safe in culture, not in care*.



Kids safe in culture, not in care

A commitment to culture is a commitment to the safety and well being of Aboriginal and Torres Strait Islander children.

The wealth of knowledge and skills within Aboriginal and Torres Strait Islander culture is immense and it is time for recognition that families have been caring for and nurturing children for over 60 000 years. Extended kinship relationships, Aboriginal values and belief systems and a cultural emphasis on self-reliance found within Aboriginal and Torres Strait Islander communities are vital to the development of children.⁸

The *Bringing Them Home* report 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.”⁹

Connection to culture is related to improved well being and socio-economic outcomes.¹⁰ It is well researched that a strong cultural identity is a protective factor, contributing to a child’s resilience.¹¹ The *Bringing Them Home* report found the forced removal of children from their families was both destructive and compound.

“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 perpetrate 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. *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 driven by SNAICC and led 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 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 discussions at the forum will be the development of state and territory plans containing strategic solutions for government, the non-government sector 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.¹² Research highlights that traditional 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 children.¹³

Extended family relationships are the core of the Aboriginal and Torres Strait Islander kinship system and are central to the way culture is passed on and society is organised.¹⁴ The extended family plays a crucial role in raising children and the whole community contributes in giving mutual assistance and support to parents.¹⁵

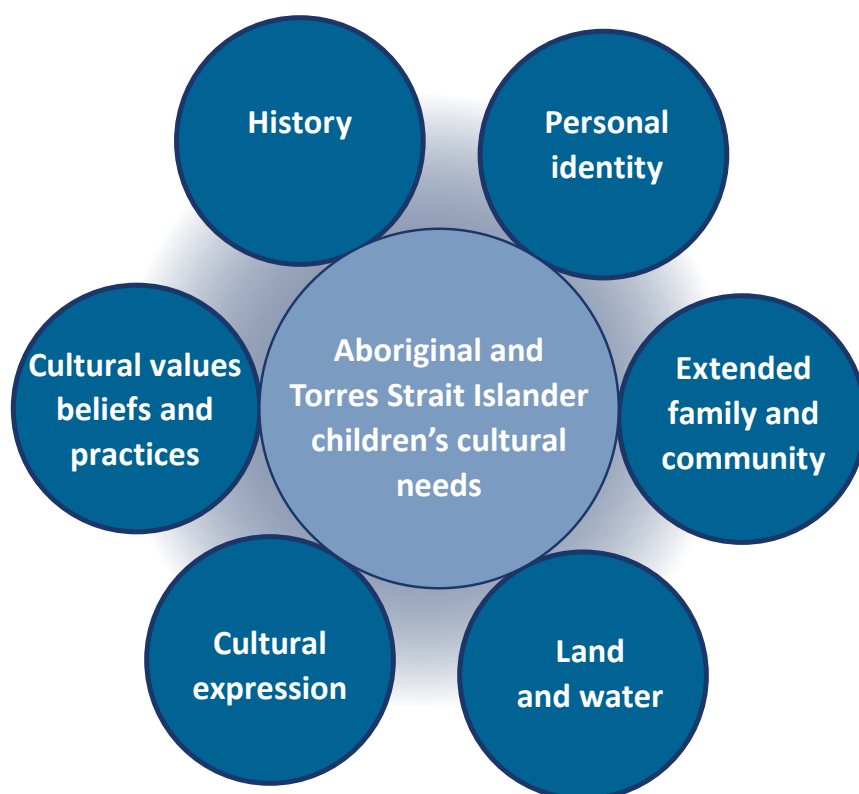
Whilst, the depth and wealth of Aboriginal and Torres Strait Islander knowledge and tradition is vast, it continues to be undermined by statutory intervention.

Policy failure is often driven by disrespect – a distrust of Aboriginal and Torres Strait Islander peoples' culture and child rearing practices. This 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 directly affects outcomes for children. 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 or abused.¹⁶

The 'best interests' of an Aboriginal or Torres Strait Islander child needs to be interpreted through an Aboriginal and Torres Strait Islander cultural lens.¹⁷

Aboriginal and Torres Strait Islander children's cultural needs





Aboriginal and Torres Strait Islander

PARTICIPATION IN CHILD PROTECTION DECISION-MAKING

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 for Aboriginal children and families.

Numerous reports and inquiries in Australia consistently confirm that two major contributing factors to 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 children and family services.¹⁸ The *Bringing Them Home* report reaffirms the need for community development approaches to child protection issues rather than traditional models of child welfare.¹⁹

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 (consistent with international human rights standards) 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.

In the Northern Territory, Aboriginal and Torres Strait Islander participation and/or consultation is recognised as a decision-making principle in the Care and Protection of Children Act (2007).²⁰ However, consultation with an external Aboriginal and Torres Strait Islander agency is not expressly required prior to placement or other significant decisions.

In addition there is no input required from external Aboriginal and Torres Strait agencies in judicial decision-making when guardianship or protection orders are made. This leaves significant gaps in the participation of Aboriginal and Torres Strait Islander peoples in child protection decision-making.

The gap between the intent of Northern Territory legislation and its practical implementation needs to be addressed by:

- understanding the place of a child within Aboriginal and Torres Strait Islander culture and the child's relationship to kinship structures and
- engaging with families and communities in culturally appropriate decision making processes, which identify solutions for ensuring the safety and well being of their children.

Aboriginal and Torres Strait Islander CHILD PLACEMENT PRINCIPLE



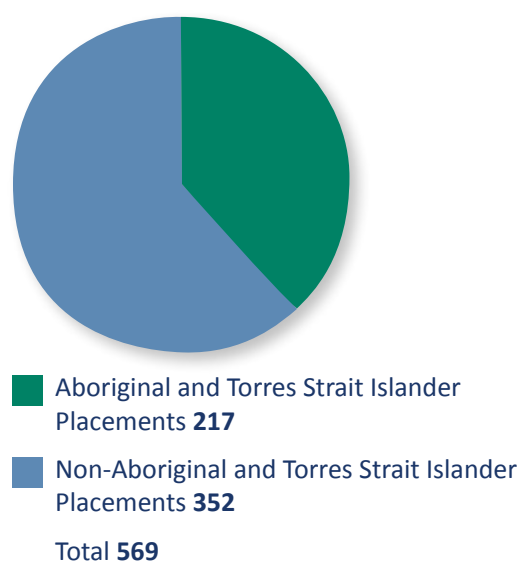
ATSICPP has been endorsed in the Northern Territory's *Care and Protection of Children Act (2007)*. As mentioned earlier the participation and connection to culture is at the core of the principle. The principle states the preferred order of placement for an Aboriginal and Torres Strait Islander child who has been removed from their birth family is with the child's:

1. extended family
2. Indigenous community or
3. other Indigenous people.²²

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.

In the Northern Territory in 2011-12, 61.9 per cent of Aboriginal and Torres Strait Islander children were given a non-preferred placement.²³ This was the highest percentage of Aboriginal and Torres Strait Islander children not to be given preferred placements in Australia. The continued placement of these children with non-Indigenous carers and organisations places them at significant risk of dislocation from family, community and culture.²⁴

Aboriginal and Torres Strait Islander children in out-of-home care, by Indigenous status, in Northern Territory at 30 June 2012



Source: Table A25, from Australian Institute of Health and Welfare (2013) *Child Protection Australia 2011-2012*

Trauma, social and economic disadvantage

LINKS TO CHILD ABUSE AND NEGLECT

Both 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 kin, this influences their own experience as parents. Children who have been removed from their families may have experienced different types of trauma, such as:

- Historical and cultural trauma – colonisation, forced assimilation, stolen generations, racism, poverty
- Community trauma – substance abuse, violence, multiple deaths

- Family trauma – inter-generational trauma, domestic violence, impact on parenting skills
- Individual trauma – child abuse and neglect affecting development, attachment to others and culture²⁵

This trauma, experienced on a multitude of scales, contributes to the cycle of removal of Aboriginal and Torres Strait Islander children from their families.

Understanding and addressing the underlying causes of the issues that lead to children being at risk is essential if sustainable change is to be made to child protection services and systems.

Investment in

PREVENTION AND EARLY INTERVENTION SERVICES

The cost effectiveness of prevention and early intervention services is well established.²⁶ *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. The protection of children is not merely a response to abuse and neglect; it is the promotion of safety and well being of children.²⁷ Leading international and Australian research suggests that applying a public health model (see figure below) to care, results in better outcomes for children and their families.

This public health model offers an approach that emphasises assisting families early enough to prevent abuse and neglect occurring.²⁸ Integrated prevention and early intervention services are critical to:

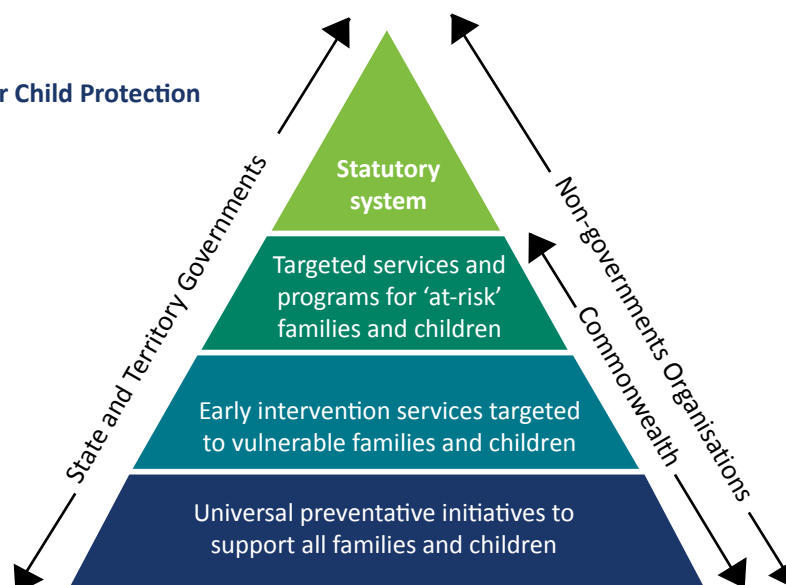
- reducing the over representation of Aboriginal and Torres Strait Islander children in the child protection system and
- interrupting the inter-generational transmission of trauma in Aboriginal and Torres Strait Islander communities.

Research is supportive of this approach, suggesting for example 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.²⁹

Despite the potential for long term cost savings, governments continue to spend a disproportionate amount on child protection. In 2010-11 across Australia \$2.8 billion was spent on child protection and out-of-home care, more than half of this (\$1.8 million) was spent on out-of-home care services. This compared to just \$274 million expenditure on intensive family support services.

In the Northern Territory \$79 million was spent on child protection and out-of- home care services compared to \$0.5 million on prevention and early intervention.³⁰

A Public Health Model for Child Protection



Source: Figure 1, Council of Australian Governments, (2009). *Protecting children is Everyone's Business: National Framework for protecting Australia's Children 2009-2020*, Canberra: Commonwealth of Australia

Level of expenditure

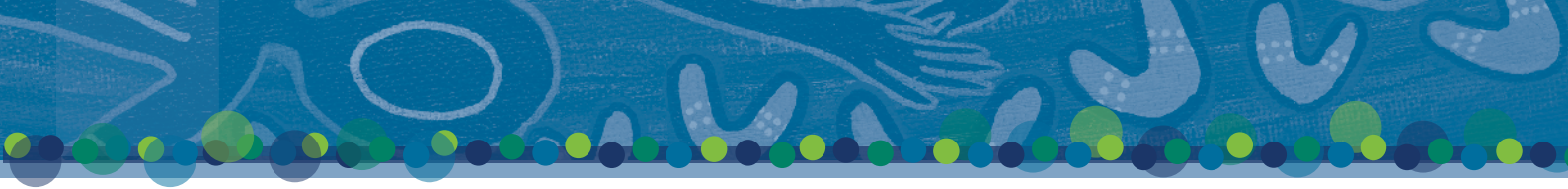
IN ACCORDANCE WITH OVER REPRESENTATION IN THE CHILD PROTECTION SYSTEM

Aboriginal and Torres Strait Islander children make up one-third of all children in out-of-home care.³¹ Allocation of expenditure on services that have real, positive outcomes for Aboriginal and Torres Strait Islander children and families should be comparable to 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 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.³²

END NOTES

- 1 Australian Institute of Health and Welfare (2013) *Child protection Australia: 2011-2012*, Child Welfare Series no. 55. Cat. no. CWS 43. Canberra.
- 2 Australian Institute of Health and Welfare (2013) *Child protection Australia: 2011-2012*, Child Welfare Series no. 55. Cat. no. CWS 43. Canberra.
- 3 Australian Institute of Health and Welfare (2013) *Child protection Australia: 2011-2012*, Child Welfare Series no. 55. Cat. no. CWS 43. Canberra.
- 4 Australian Institute of Health and Welfare (2013) *Child protection Australia: 2011-2012*, Child Welfare Series no. 55. Cat. no. CWS 43. Canberra.
- 5 Australian Institute of Health and Welfare (2013) *Child protection Australia: 2011-2012*, Child Welfare Series no. 55. Cat. no. CWS 43. Canberra.
- 6 Department of Community Services (2005) *Child Neglect: Literature Review*, Centre for Parenting and Research, Ashfield; Calma, T. (2008) *Social justice report 2007*, Human Rights and Equal Opportunities Commission, Sydney.
- 6.1 Steering Committee for the Review of Government Service Provision. (2009). *Overcoming Indigenous Disadvantage: Key indicators 2011*. Canberra: Productivity Commission. <<http://pc.gov.au/gsp/indigenous/key-indicators-2011>> at 4 Nov 2013
- 7 Board of Inquiry into the Child Protection System in the Northern Territory. (2010). *Growing them strong, together: Promoting the Safety and Wellbeing of the Northern Territory's Children*. Darwin: Northern Territory Government.
- 8 Bamblett, M., Frederico, M., Harrison, J., Jackson, A., & Lewis, P. (2012). "Not one size fits all" Understanding the social and emotional wellbeing of Aboriginal children. La Trobe University: Bundoora.
- 9 Human Rights and Equal Opportunity Commission (1997) *Bringing them home, Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*. Canberra: Commonwealth of Australia. Also see, Bamblett, M. and Lewis, P. (2007) Detoxifying the Child and Family Welfare System for Australian Indigenous Peoples: Self-Determination, Rights and Culture as the Critical Tools. *First Peoples Child and Family Review*, Vol. 3, No. 3.
- 10 Dockery, A. M. (2011) Traditional Culture and the Wellbeing of Indigenous Australians: An Analysis of the 2008 NATSISS. Centre for Labour Market Research Discussion Paper Series 2011/1, Curtin Business School, Curtin University, Perth.
- 11 Bamblett, M. and Lewis, P. (2007) Detoxifying the Child and Family Welfare System for Australian Indigenous Peoples: Self-Determination, Rights and Culture as the Critical Tools. *First Peoples Child and Family Review*, Vol. 3, No. 3.
- 12 Secretariat of National Aboriginal and Islander Child Care (SNAICC) (2013), *Value and Respect Culture – Connection to Family Supporting Carers: To Care for Our Children* <<http://www.supportingcarers.snaicc.org.au/3.3c.html>> at 4 November 2013.
- 13 Penman, R. (2006). The "growing up" of Aboriginal and Torres Strait Islander children: A literature review. Department of Families, Community Services and Indigenous Affairs, occasional paper 15.
- 14 SNAICC (2013) *Value and Respect Culture – Connection to Family Supporting Carers: To Care for Our Children* <<http://www.supportingcarers.snaicc.org.au/3.3c.html>> at 4 November 2013.
- 15 SNAICC (2013) *Children Thrive With Their Culture Alive – Child Rearing Practices Supporting Carers: To Care for Our Children* <<http://www.supportingcarers.snaicc.org.au/4.1.html>> at 4 November 2013.
- 16 Libesman, T. (2011) Child welfare approaches for Indigenous communities: International perspectives. *Child Abuse Prevention Issues* No.20 Autumn 2004. Australian Institute of Family Studies, Melbourne.
- 17 Lynch, P. (2001). Keeping them home: the best interests of Indigenous children and communities in Canada and Australia. *Sydney Law Review*, 23(4), December, 502.
- 18 NSW Ombudsman. (2011). *Addressing Indigenous Disadvantage: the need to do things differently*. Sydney, NSW Ombudsman; Wild, R., and Anderson, P. (2007). Little Children are Sacred Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse. Darwin: Northern Territory Government; Australian National Audit Office (2012) *Capacity Development for Indigenous Service Delivery*. Auditor General, Canberra.
- 19 Human Rights and Equal Opportunity Commission. (1997) *Bringing them home, Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*. Canberra: Commonwealth of Australia.
- 20 *Care and Protection of Children Act 2007* (NT) s12(2).
- 21 SNAICC (2013) *Whose Voice Counts?* Melbourne.
- 22 Australian Institute of Family Studies, *Child Protection and Aboriginal and Torres Strait Islander Children* (2013) Australian Government: Australian Institute of Family Studies: Child Family Community Australia <<http://www.aifs.gov.au/cfca/pubs/factsheets/a142117/>> at 4 November 2013.
- 23 Australian Institute of Health and Welfare (2013) *Child protection Australia: 2011-2012*, Child Welfare Series no. 55. Cat. no. CWS 43. Canberra.
- 24 Libesman, T. (2011) *Cultural Care for Aboriginal and Torres Strait Islander Children in Out of Home Care*. SNAICC Melbourne; Testro, P. (2010) *Report on the Aboriginal and Torres Strait Islander Kinship Reconnection Project. Placements for Aboriginal and Torres Strait Islander Working Groups*, Child Protection Partnership Forum, Brisbane.
- 25 SNAICC (2013), *Children Thrive With Their Culture Alive – Healing Supporting Carers: To Care for Our Children* <<http://www.supportingcarers.snaicc.org.au/4.3.html>> at 4 November 2013.
- 26 Valentine, K. and Katz, I. (2007) *Review paper of the cost effectiveness of early intervention programs for Queensland*. Report prepared for the Queensland Council of Social Service.
- 27 Council of Australian Governments (2009) *Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009-2012*, Canberra.
- 28 Council of Australian Governments (2009) *Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009-2012*, Canberra.
- 29 Tilbury, C. (2012) *Intensive Family-based Support Services for Aboriginal and Torres Strait Islander Children and Families*. Melbourne. SNAICC, *Promising practice in intensive family support for Aboriginal and Torres Strait Islander families, Developing Practice* (forthcoming – Winter, 2012), produced by the Association of Children's Welfare Agencies (ACWA) and NSW Family Services (FamS).
- 30 Productivity Commission, Steering Committee for the Review of Government Service Provision (2012) *Report on Government Services: Health, Community services, Housing and homelessness* vol. 2. Melbourne.
- 31 Australian Institute of Health and Welfare (2013) *Child protection Australia: 2011-2012*, Child Welfare Series no. 55. Cat. no. CWS 43. Canberra.
- 32 Australian National Audit Office (2012) *Capacity Development for Indigenous Service Delivery*. Auditor General, Canberra.



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