



**Statement of Concern:**  
**Children and Community Services Amendment Bill 2019 (WA)**  
*Listen to Us – Our Children’s Lives Matter*

The Noongar Family Safety and Wellbeing Council and SNAICC – National Voice for our Children oppose important elements of the *Children and Community Services Amendment Bill 2019 (WA)* currently before Parliament.

Aboriginal and Torres Strait Islander children now comprise 56% of all the children who have been removed by the Western Australian Department for Child Protection. The Bill fails to respond to this situation by adopting best practice models that are now being implemented in other states, especially Victoria and Queensland.

We have and will continue to advocate for Aboriginal family-led decision making (AFLDM), an evidence based process that involves the child’s extended family in decisions. AFLDM is aligned with the human rights of our children and families to participate in child protection processes. We do not agree with Section 81 of the Bill, which will allow for an Aboriginal child to be removed from their parents following consultation with only one of the child’s family members.

The additional requirement of further consultation with an Aboriginal Representative Organisation is also problematic in the absence of a clear requirement of an AFLDM process.

Legislation in other states has established clear requirements for independent Aboriginal and Torres Strait Islander representatives or organisations to facilitate the participation of a child’s extended family in significant decisions for a child’s care and protection. We refer specifically to model provisions including the *Child, Youth and Families Act 2005 (Vic)*, s12(1)(b), and the *Child Protection Act 1999 (Qld)*, s6AA(2) and s6AA(5).

The Bill will further disempower Aboriginal families and children, who already experience systemic discrimination in society and the out-of-home care sector.

We have attempted since 2017 to advise the Minister for Child Protection and the Department for Child Protection to improve the legislation, but our concerns relating to the lack of provisions that require an independent process for family participation have not been taken up. Most recently, we requested that the Bill be referred to the Standing Committee on Legislation for review.

The Prime Minister, Scott Morrison, in his recent Closing the Gap address to the Commonwealth Parliament promised a new approach built on partnerships with Aboriginal and Torres Strait Islander people, on giving back responsibility to Aboriginal and Torres Strait Islander people – an approach of listening and empowering.

One year ago, all state and territory governments agreed to support shared decision making and locally-led collaborative approaches in the new National Agreement on Closing the Gap. In the words of the Prime Minister, “We must restore the right to take responsibility. The right to make decisions. The right to step up.” This is exactly what the process of AFLDM does, it gives Aboriginal and Torres Strait Islander families the right to take responsibility and make decisions that are good for our children.

The proposed law goes against human rights principles set out in the UN Convention on the Rights of the Child and the Declaration on the Rights of Indigenous Peoples, which is supported by the Australian government.

As such, we call on the Government to amend the Bill to require an independently facilitated AFLDM process for significant child protection decisions relating to Aboriginal and Torres Strait Islander children. In the absence of such an amendment, we call on the Parliament and the public to reject the Bill as law.

For further information and media enquiries, contact:

**Noongar Family Safety and Wellbeing Council**

Barbara Henry, Executive Officer, [barbara@nfwsc.org.au](mailto:barbara@nfwsc.org.au),  
0428 881 844

**SNAICC – National Voice for our Children**

Jo Cackett, Acting Communications Coordinator, [media@snaicc.org.au](mailto:media@snaicc.org.au),  
0474 727 506