



**Embedding the full intent of the Aboriginal and  
Torres Strait Islander Child Placement Principle in  
Legislation:  
Discussion Paper**

**May 2022**

**SNAICC – National Voice for Our Children**

## Implementing the Aboriginal and Torres Strait Islander Child Placement Principle in the ACT

**Are you an Aboriginal and/or Torres Strait Islander person with lived experience of the child protection system, a service provider, organisation, or peak body in the ACT? We want to hear from you about your experience of the child protection system and including the Aboriginal and Torres Strait Islander Child Placement Principle in legislation.**

Aboriginal and Torres Strait Islander people and organisations have been telling government for a long time that the child protection system is not working for our families. The *Our Booris, Our Way* review recommended that the ACT government embed the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) in the *Children and Young People Act 2008*, which is the legislation or law that governs the child protection system in the ACT. The ATSICPP is a set of criteria developed to ensure that Aboriginal children stay connected to their families, communities, and culture.

To be effective, legal changes need to be led by the ACT Aboriginal and Torres Strait Islander community. SNAICC–National Voice for our Children is the national peak voice for Aboriginal and Torres Strait Islander children and families and has been engaged by the ACT Government to facilitate consultations and ensure that ACT community voice is at the centre of legislative reform.

SNAICC is seeking the community’s views about how to include the ATSICPP in the law, through the *Children and Young People Act 2008*. An important part of this is developing a local community definition of kinship and kinship carers to make sure that children in care have strong connections to kin and culture.

### What we’d like to know

SNAICC would like to hear from Aboriginal and Torres Strait Islander people and organisations in the ACT about how the ATSICPP is being applied in practice based on your experience and knowledge of the current child protection system. We also want to hear from you about how the system should be improved and how the ATSICPP should be applied to practice and the law.

### How do I have my say?

This document breaks down the ATSICPP in to six sections and describes the intention of each element and what this can look like in practice. For each section there are 2-4 questions. You can choose to answer all these questions in your submission or just some.

You can provide a written submission at [submissions@snaicc.org.au](mailto:submissions@snaicc.org.au) or via the post:

SNAICC  
Policy and Research Unit  
PO Box 1144  
Collingwood VIC 3066

If you would like to speak with someone, to provide a verbal submission, please phone the SNAICC Policy and Research Unit on (03) 9419 1921 or email Emily Armstrong at [Emily.armstrong@snaicc.org.au](mailto:Emily.armstrong@snaicc.org.au)

We will also be arranging several workshops for people to have a shared conversation and provide feedback face-to-face. If you would like any information about how to attend, you can contact SNAICC on the details above.

### Confidentiality

Only the SNAICC project team will have access to the submissions. Your responses are confidential, and your personal details (name/contact details) will not be identified in any published documents. Small sections from submissions may be quoted in published reports. Please let us know if you do not want your submission to be used in this way. If you have any questions or concerns, you can contact SNAICC via the details above.

## What is the Aboriginal and Torres Strait Islander Child Placement Principle?

The ATSICPP was developed to change the child protection systems by recognising the value of culture and the right of Aboriginal and Torres Strait Islander children, families, and communities to have a say in decisions about children's safety and wellbeing. The ATSICPP was established in 1984 after years of advocacy from Aboriginal and Torres Strait Islander people and ACCOs to address the growing rate of overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care.

The ATSICPP comprises five elements: prevention; partnership; placement; participation; and connection. These elements, shown in the diagram below, acknowledge the cultural strengths of Aboriginal and Torres Strait Islander families and communities. Each element has policy and practice recommendations for implementation that government and services should be using to guide their approach to working with Aboriginal and Torres Strait Islander children and families.



**This document breaks down the ATSI CPP into six parts and gives examples of what this should look like if it is working. For each element there are 2-4 questions with prompts for things you might like to include in your response. You can choose to answer all these questions or just some in your submission.**

## Identification

The first part of applying the ATSI CPP is making sure the governments and services recognise that our children are Aboriginal and Torres Strait Islander when they come into contact with the child protection system. This is important because they have a right to be supported in a way that is culturally strong and safe.

This means that you can expect that child protection services are doing things like:

- Asking all children and families, including extended family members whether they are Aboriginal and/or Torres Strait Islander
- Letting all children and families know that their cultural rights must be protected
- Giving families information about the support and services available for Aboriginal and Torres Strait Islander families in their local area
- 'Checking in' with children and families to make sure that their cultural needs are being met
- Giving families opportunities to doublecheck that their information, including cultural identity, are right

### Discussion questions

[All questions are optional]

- 1. Are child protection services in the ACT good at appropriately identifying if a child is Aboriginal and/or Torres Strait Islander?**

*This might include:*

- *Examples of good or bad experiences of child protection services asking or having conversations about Aboriginal and Torres Strait Islander identity with children and families.*

- 2. What do you think needs to change so that children are being identified as Aboriginal and/or Torres Strait Islander appropriately by child protection services?**

*This might include:*

- *What you would like child protection services to do when identifying Aboriginal and Torres Strait Islander children*
- *How you would like to see the identification element of the ATSI CPP included in the law/legislation that governs the child protection system.*

## Prevention

Each Aboriginal and Torres Strait Islander child has the right to be brought up within their own family and community. The prevention element of the ATSICPP is about supporting families and building-up communities to care safely for their children. This also includes preventing further child protection intervention after they have become involved with a family and bringing families back together if a child removal has occurred. To protect the rights of children to be brought up in their families, families should have access to quality service supports including:

- A full range of culturally safe early childhood, education, health, and other social services
- Supports to address issues a family might be facing, promote healing, and address issues including trauma, substance misuse, mental health issues, family violence and poverty
- Adequate and appropriate housing
- Culturally safe family violence prevention, legal and support services
- Referrals to support services before families engage with child protection services
- Services to keep families together or bring them back together when they have contact with child protection services.

### Discussion questions

[All questions are optional]

#### **3. Is enough being done to support families to stay together and reduce child removals?**

*This might include:*

- *Your experience or knowledge of early intervention services like intensive family support*
- *If you think ACCOs are being funded/supported appropriately to deliver services*
- *Examples of great practice from ACCOs or other organisations that support families to stay together*
- *Examples of practice where more could have been done to support families and prevent child protection interventions*

#### **4. Is enough being done to support families and bring them back together after children have been removed?**

*This might include:*

- *Your experience or knowledge of family restoration services*
- *Any positive examples of restoration for families that you know of*
- *Your knowledge or experience of how long-term orders are being used and if parents/families are being appropriately included in these decisions*
- *Examples of great practice from ACCOs or other organisations that support family restoration*
- *Examples of practice where more could have been done to support family restoration*

#### **5. What do families need to stop children being removed and bring families back together?**

*This might include:*

- *If you think that there are enough supports service for families when they need them*
- *What the role you think ACCOs, or government should have in prevention*
- *How you would like to see prevention included in the law/legislation that governs the child protection system*

## Partnership

Child protection services should be working in partnership with Aboriginal and Torres Strait Islander people and organisations. This means that Aboriginal and Torres Strait Islander people must be involved in all service design, service delivery and decisions for children. To make sure this can happen ACCOs need funding and must be involved in decisions that impact on children and their families.

Discussion questions

[All questions are optional]

**6. Are child protection services working in partnership with Aboriginal and Torres Strait Islander people and/or organisations?**

*This might include:*

- *Your experience of ACCOs/ families/ trusted people being included or excluded in declared care team meetings or decision making*
- *Your experience of ACCOs/ families/ trusted people being able to advocate in decision making*
- *Examples of good practice where partnerships have been genuine and produced good outcomes*
- *Examples of poor partnerships that did not work*

**7. What are the most important things that need to change to make sure that child protection services are working in partnership with Aboriginal and Torres Strait Islander people and/or organisations?**

*This might include:*

- *What role do you think that ACCOs should have in the child protection system*
- *How you would like to see partnerships included in the law/legislation that governs the child protection system*

## Placement

Deciding who an Aboriginal and/or Torres Strait Islander child in out-of-home care will live with should be done in the order below to make sure that children stay connected to their families and communities.

Aboriginal and/or Torres Strait Islander children should be placed with:

1. Aboriginal or Torres Strait Islander relatives or extended family members, other relatives, or extended family members; or
2. Aboriginal or Torres Strait Islander members of the child's community; or
3. Aboriginal or Torres Strait Islander family-based carers.  
When all other options have been tried, as a last resort the child may be placed with:
4. A non-Indigenous carer or in a residential setting.

Aboriginal and Torres Strait Islander people, leaders and organisations in the ACT have told us that this list is not being used correctly and in many cases being used to separate children from their Aboriginal and/or Torres Strait Islander families.

Child protection services must explore all the options at the top of the list, before moving onto the next group. This must be done with a child's family and community representatives and no decision should be made without them.

### Discussion questions

[All questions are optional]

#### **8. Is the list above working well or does it need to be changed?**

*This might include:*

- *If you think that non-Indigenous family members/ relatives (or any other group) should be moved to a different position on the list*
- *How you think child protection services should have to prove that they have tried all the options before moving on to the next group on the list*

#### **9. Are child protection services placing Aboriginal and Torres Strait Islander children in line with the list above?**

*This might include:*

- *Examples where good or bad placement decisions have been made*
- *If parents, families, community and/or ACCOs have shared decision making about placements*

#### **10. An important part of the placement element of the ATSI CPP is deciding who is considered a kinship carer, how would you describe a kinship carer?**

*This might include:*

- *What kinship means to you, your family and/or your community*
- *Who you would include as a kinship carer*
- *How you think a kinship carer should be described in the law/legislation that governs the child protection system*

#### **11. What needs to change to make sure that Aboriginal and Torres Strait Islander children are being placed with people who keep them connected to their families, communities, and culture?**

*This might include:*

- *What child protection services need to do to involve families and ACCOs in decision making*
- *How you would like to see the element of placement included in the law/legislation that governs the child protection system*

## Participation

Aboriginal and Torres Strait Islander children, parents and family members must be included in making decisions that affect them. Child protection services should be making sure that families and children are sharing in the decision-making at every stage.

To make sure this happens there need to be:

- Culturally safe child protection services and staff
- Family involvement in planning and decision-making
- Ways for children to have their say in decisions

Discussion questions

[All questions are optional]

**12. Are children and families being included in planning and decision-making by child protection services?**

*This might include:*

- *Your experience of family led decision making processes and if these are happening*
- *Your experience of having choices or feeling forced to make decisions*
- *Your experience of having a chance to review decisions or challenge decisions*
- *Your experience of things like consent orders being explained to families*
- *Your experience of families getting access to all the information they need (for example documentation from case workers/ case meetings)*
- *If you've needed support from community or ACCOs, has that been available?*

**13. What else is needed to make sure that Aboriginal and Torres Strait Islander people are included in planning and decision making at every stage of the child protection system?**

*This might include:*

- *What the role of parents/ families should be in decision making and how child protection services should be supporting this*
- *How you would like to see the element of participation included in the law/legislation that governs the child protection system*



## Connection

It is important that Aboriginal and Torres Strait Islander children in out-of-home care stay connected to their family, community, culture, and country, especially children placed with non-Indigenous carers or in residential care.

It is critical to actively support children to keep or to re-establish their connections to family, community, culture, and country. This means that child protection services must make sure that:

- Every child has a cultural care plan, and that the plan is being used and regularly updated
- Carers commit to maintaining cultural connections for children
- Restoration is considered early, and culturally safe supports are put in place to support restoration wherever possible
- If a child is put into permanent care that decision should not stop cultural connection

## Discussion questions

[All questions are optional]

### **14. Are child protection services actively ensuring children are being given regular and ongoing opportunities to maintain strong connections to their kin, community, culture, and country**

*This might include:*

- *Your experience of family having contact with children in care e.g., face to face contact, phone, computer/iPad*
- *Your experience of cultural plans or cultural care for children in out-of-home care*
- *How placement decisions can impact cultural connections for children*
- *Your experience of having Aboriginal and Torres Strait Islander people and organisations included in keeping children connected to culture*
- *Your experience of children losing connection with family*

### **15. What do children need to keep connected to family, kin, community, culture, and country when in out-of-home care?**

*This might include:*

- *Any examples of what more could be done to improve connection to family, e.g., face to face contact, phone, computer/iPad*
- *Any examples of connection to siblings, aunties, uncles, and other extended family*
- *Any examples of strong cultural care plans that have been used well*
- *Any examples of bad practice where children's cultural connections have not been supported by child protection services*
- *How you would like to see the element of connection included in the law/legislation that governs the child protection system*