



**SNAICC**

National Voice for our Children

**Baseline Analysis of Best Practice Implementation of the  
Aboriginal and Torres Strait Islander Child Placement Principle  
New South Wales**

**April 2018**

## Introduction

This resource presents a baseline analysis of the progress of New South Wales in implementing the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) with reference to the best practice approach set out in [\*Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle – A Resource for Legislation, Policy, and Program Development\*](#).

The baseline analysis considers the alignment of the five elements of the ATSICPP – prevention, partnership, placement, participation, and connection – with five interrelated system elements – legislation, policy, programs, processes, and practice. However, as the analysis reveals, there is significant interconnectedness and intersectionality of both the ATSICPP and system elements. Further, piecemeal compliance with a single or even several elements does not, and cannot, lead to the full realisation of the ATSICPP. Instead it is clear that holistic processes of reform are required to ensure full implementation and compliance with the ATSICPP’s intent to keep Aboriginal and Torres Strait Islander children safely connected to their families, communities, cultures, and country.

It is important to note that the baseline analysis has a particular focus on child safety, protection, and family support service systems and the work of government departments with primary responsibility for those systems, and so has some limitations to its scope. For example, the prevention element of the ATSICPP covers a broad scope of systems and multiple departmental responsibilities for universal service provision in areas such as health, education, and disability; however, these broader support systems are largely outside the scope of this review. Another important caveat is that the analysis is based on available documentation gathered through a desktop review and requests to state and territories for relevant documentation. State and territory governments have had opportunity to input to each baseline as have Aboriginal and Torres Strait Islander sector leaders.

The development of this resource – and equivalent analyses for each state and territory jurisdiction – has been guided by the work of the Aboriginal and Torres Strait Islander Working Group established under the *Third Three-Year Action Plan 2015-2018* for the *National Framework for Protecting Australia’s Children 2009-2020*. The Working Group is tasked with ensuring implementation of the ATSICPP throughout the Third Action Plan and as part of this work seeks, through the current analyses, to establish the current status of implementation in each state and territory in order to track and measure progress towards enhanced implementation.

## Overview – New South Wales

New South Wales' legislation demonstrates some alignment with elements of the ATSI CPP. In particular, it contains strong principles for reunification/restoration, participation of family and community in decision-making, and connections through ongoing contact with family. New South Wales' policies, including recent reforms, support and expand on some legislative requirements. Most notably, the commitments to transfer out-of-home care (OOHC) case management to Aboriginal and Torres Strait Islander Community Controlled Organisations (ACCOs) and to invest in community-controlled early intervention services, as well as the requirement for cultural plans for all Aboriginal and Torres Strait Islander children in OOHC align with important aspects of best practice.

However, sector leaders highlight that a failure to resource and enable implementation of legislative and policy intent means that these measures have little impact and undermines the ATSI CPP. In particular, the lack of resourced Aboriginal and Torres Strait Islander designed and led programs that would enable the implementation of legislative and policy provisions is problematic. For example, while there is a legislative and policy position allowing, encouraging and in some cases requiring community participation in decision-making, there is only a resourced role for ACCOs to do this in two locations. The trial and subsequent discontinuation of funding of ACCO-delivered Aboriginal Family-Led Decision-Making as a means for family and community participation is another example. There is also very limited resourcing of ACCO-operated prevention and early intervention services, with ACCOs operating only four of the ten Intensive Family Based Services (Aboriginal) funded through the Department of Family and Community Services (Department). Adequate investment to action legislation and policy as well as the establishment of effective oversight mechanisms are critical to redress these issues. The recent development of the New South Wales Aboriginal Child and Family Industry Development Strategy is commendable in its aim to increase the scale and capacity of the ACCO sector and is essential to address the lack of recognition of the expertise and potential of ACCOs. It is critical that it is properly resourced and that its implementation and delivery reflects the principle of self-determination, driven by Aboriginal people and communities through their existing peak body, AbSec.

There have been some important developments in prevention and early intervention approaches over recent years, including the support of Aboriginal Child and Family Centres and their transition to community controlled management, some ACCO-operated Intensive Family Based Services (Aboriginal), and dedicated places for Aboriginal and Torres Strait Islander children and families in a rollout of new evidence-based family preservation and restoration programs – Multisystemic Therapy – Child Abuse and Neglect (MST-CAN) and Functional Family Therapy – Child Welfare (FFT-CW). The Department alone identified these new evidence-based family preservation and restoration programs. Aboriginal community sector stakeholders have described a lack of community consultation and concern that these models could represent an imposition of practice onto ACCOs and the Aboriginal community. A promising recent commitment is to direct 30 per cent of Targeted Early Intervention funding to Aboriginal community-controlled service delivery.

Other important initiatives have commenced and need to be adequately resourced and fully implemented. For example, the transfer of OOHC case management is a positive step towards Aboriginal and Torres Strait Islander-led practice and cultural care, but will be limited in its effectiveness if capacity is not also built for communities to lead prevention and early intervention efforts and it is not adequately resourced. While the commitment to cultural plans for all Aboriginal and Torres Strait Islander children in OOHC is positive, there is a need for corresponding resourcing of ACCOs to enable family and community to lead the development, implementation, and monitoring of cultural plans if these are to align with the ATSI CPP and keep children connected to family, community, culture and country. More broadly, commitment to Aboriginal and Torres Strait Islander-led policy and program design, such as the *Plan on a Page* and *Guiding Principles*, is positive and important to sustain, but can have little impact without adequate resourcing, implementation plans and effective oversight mechanisms to ensure accountability.

There has been significant policy and legislative movement to increase timely permanency decisions for all children and to streamline adoption. This includes in relation to Aboriginal and Torres Strait Islander children. Expediting long-term removal of children and separation from culture in the context of limited Aboriginal and Torres Strait Islander-led prevention, early intervention and restoration/reconnection programs, and limited Aboriginal and Torres Strait Islander child, family, and community participation in decision-making is deeply concerning and contrary to the ATSI CPP.

New South Wales is working to improve transparency by providing statistics against objectives to improve systems and outcomes for Aboriginal children. These statistics assist to provide some information about compliance with the ATSI CPP, however significant data and measurement gaps remain. A particularly concerning gap is the failure to provide ongoing and up-to-date statistics regarding the OOHC transfer to Aboriginal agencies. More broadly, progress requires Aboriginal and Torres Strait

Islander community-controlled oversight and accountability mechanisms to ensure compliance with legislative requirements, policy commitments, program guidelines, and process requirements, including an independent Aboriginal Children's Commissioner.

In New South Wales at 30 June 2016, 37.4 per cent of all children in OOHC were Aboriginal and Torres Strait Islander, making Aboriginal and Torres Strait Islander children 10.4 times more likely than non-Indigenous children to be in OOHC. This means that at that time, 7.2 per cent of all Aboriginal and Torres Strait Islander children in New South Wales were in OOHC. In terms of placement, only 56.8 per cent of Aboriginal and Torres Strait Islander children in OOHC were placed with Aboriginal and Torres Strait Islander kin or other family. While these statistics are already alarming, there is significant concern amongst the Aboriginal and Torres Strait Islander legal and community sectors that they underestimate the over-representation and overestimate the placement rate due to a number of factors including incorrect recording of placements as Aboriginal and Torres Strait Islander placements, and exclusion of children subject to guardianship orders. Overall, it is clear that New South Wales has a significant way to go to realise compliance with the full intent of the ATSICPP.

## LEGISLATION

Refers to the *Children and Young Persons (Care and Protection) Act 1998* (NSW) unless otherwise stated

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>New South Wales legislation contains some strong recognition of the primary role of the family, supporting role of the State and a child's right to culture:</p> <ul style="list-style-type: none"> <li>• appropriate assistance is to be provided to parents and others responsible for a child in order to promote a safe and nurturing environment for the child (s8(c));</li> <li>• the 'least intrusive intervention' in the life of the child and family, consistent with a child's best interests should be followed (s9(2)(c));</li> <li>• if a child is removed from family, he/she is entitled to State efforts to preserve his/her identity, language and culture (s9(2)(d));</li> <li>• if a child is placed in OOHC, subject to best interests, he/she is entitled to retention of significant relationships including with birth parents, extended family and community (s9(2)(f)); and</li> <li>• the first preference for permanent placement is for a child to be restored to the care of his/her parent so as to preserve the family relationship (s10(3)(a)).</li> </ul> <p>In relation to family preservation/restoration – a court must not make a guardianship order unless there is no realistic possibility of restoration (s79A) and a government agency or a funded non-government agency must use its best efforts to provide restoration services when requested to do so by the court (s85). A permanency plan involving restoration must detail the services the Department</p>	<p>Section 11 sets out a strong principle of Aboriginal and Torres Strait Islander self-determination, including that this may involve working with Aboriginal and Torres Strait Islander people to implement programs and strategies that promote self-determination. Aboriginal and Torres Strait Islander families, representative organisations and communities are to be given the opportunity and means to participate in placement and other significant decisions regarding their children (s12). More specifically in relation to placement decisions, an Aboriginal or Torres Strait Islander organisation is to be 'consulted' before placement is made outside the first three placements in the hierarchy (s13(1)(d)), and where there is an emergency placement there must be 'consultation' with the appropriate Aboriginal or Torres Strait Islander community as soon as practicable (s13(8)). It is important to note in relation to representative participation that 'consultation' is not enough and does not align with a best practice understanding of the partnership element that requires genuine participation and lead in decision-making (as well as policy and program design and delivery etc). If a permanency plan seeks an adoption order whereby an Aboriginal or Torres Strait Islander child is to be placed with a non-Indigenous carer, such an order should be made only in consultation</p>	<p>Section 13 sets out the 'general order' of placement of a child in OOHC, starting with a member of the child's family as recognised by his/her Aboriginal or Torres Strait Islander community. If that placement is not 'practicable' or in the child's best interests, placement should be made with an Aboriginal or Torres Strait Islander person from the child's community. If neither of these placements is 'practicable' or in the child's best interests, placement should be made with an Aboriginal or Torres Strait Islander family living in the vicinity of the child's usual place of residence. Finally, if none of these placements are 'practicable' or would be detrimental, another placement may be made but only after consultation with family and an Aboriginal or Torres Strait Islander organisation. If a child has a non-Indigenous parent and is placed with a non-Indigenous carer, arrangements must be made for continuing contact with his/her Aboriginal or Torres Strait Islander family, community and culture (s13(5)(a)). In considering placement with a non-Indigenous carer, there should be consideration of the 'fundamental objective' of reunifying a child with his/her family or Aboriginal or Torres Strait Islander community, and that continuing contact must be ensured with family, community and culture (s13(6)). Any permanency plan must address compliance with s13 (s78A). Further limitations apply to permanency</p>	<p>New South Wales contains strong provision for seeking and considering the views of the child in decision-making (ss9(2)(b), 10, 118 amongst other provisions). This includes an obligation to ensure provision of adequate information, the opportunity to express views freely, assistance to express those views, information about how those views will be taken into account, information about the outcome of the decision with a full explanation of the reasons and an opportunity to respond to the decision (s10). There is less emphasis, however, on the views and participation of family except for the provision of 'opportunity' and 'means' for families to participate in placement and other significant decisions (s12) and a requirement to 'consult' with family regarding placement outside of the first three placements in the hierarchy (s13). Section 65 provides for dispute resolution before or at any stage of the hearing of a care application. Assuming family members are parties to the proceedings, this allows for participation in resolving a court matter in the best interests of the child. Section 98 provides a right of appearance, in person or via a legal representative, that would include parents/family if they have parental responsibility. If the court believes a party is not capable of appearing in person, it may require legal representation and/or appoint a litigation guardian (ss98(2)(2A),</p>	<p>A child's connections to family, community, and culture are recognised in section 9. Contact with family and other persons may be court ordered according to section 86. Contact orders may also be made with guardianship orders – except for orders requiring the Department to supervise contact (s86(2)). Where the Department applies for an order for the removal of a child, a 'care plan' must be developed and provided to the court before a final order is made (s78). The care plan must specify various matters including placement and contact arrangements with family, however there are no requirements that it must or may include cultural support planning. A 'permanency plan' must be developed aiming to provide a stable placement that offers long-term security (s78A). The court must consider the plan and decide whether to accept the assessment as to the realistic possibility of restoration. The court must make this decision within a specified period of time. However, the court may extend this timeframe of either 6 or 12 months. A court must not make a final order unless it finds that there has been appropriate permanency planning (s83). Family restoration is the first preference for permanent placement (s10A(3)). A permanency plan for restoration is to include a description of the minimum outcomes the Department believes</p>

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<p>is able to provide to facilitate restoration (s84). The court may make an order requiring a person or organisation to provide support for a child (or family), but not where a child is subject to a guardianship order (s74).</p> <p>In relation to identification, if the Department reasonably believes a child may be Aboriginal or Torres Strait Islander, reasonable enquiries are to be made to determine identity (s32).</p>	<p>with an Aboriginal or Torres Strait Islander organisation and community, and with the approval of the Minister (amongst other limiting factors) (s78A).</p> <p>While ss249 and 250 allow for delegation of the functions and powers of the Minister and Secretary, it is not apparent that these provisions have been designed or used to delegate functions and powers to Aboriginal and Torres Strait Islander organisations.</p> <p>Currently, there is no legislated mechanism for Aboriginal oversight of the child and family welfare system, such as an Aboriginal Children's Commissioner.</p>	<p>plans involving adoption (s78A(4)) though ultimately these may be accepted as the last preference (s10A). A guardianship order must not be made unless the court is satisfied that placement accords with section 13 (s79A(3)(c)).</p>	<p>101). In relation to guardianship orders, each parent must be given a reasonable opportunity to obtain legal advice and is entitled to be heard by the court (s79B(4)).</p> <p>In the absence of being made a party to proceedings, section 87 provides that the court must not make an order that has a significant impact on a person who is not a party to proceedings unless they have been given the opportunity to be heard on the matter of significant impact. This could include the placement outside of family or community.</p> <p>The process and form of legal representation for a child are set out in sections 99 to 101. There is a presumption that a child aged 12 and older is capable of providing instructions. There is also a requirement for the court to explain proceedings to children (s95).</p>	<p>must be achieved before safe restoration, details of services the Department is able to provide or arrange, details of other services the court could request other government departments or NGOs to provide, and a statement of the length of time during which restoration should be actively pursued (s84). Further, section 85 states that a government department or NGO that is requested by the court to provide services for restoration is to use its best endeavours to do so.</p> <p>A guardianship order cannot be made unless the court is satisfied that there is no realistic possibility of restoration (s79A).</p> <p>Where a guardianship order has been made, no order for the provision of support services for the child (or family) can be made (s74) and there are limited circumstances, including at the discretion of the Department, where financial assistance to the guardian can be provided (s79C).</p>

**POLICY**

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>New South Wales policy strongly states its prioritisation of prevention and early intervention to support children and families before any child protection system involvement. There is also a strong recognition of the role of ACCOs in providing supports and services.<sup>1</sup></p> <p>The Department is currently engaged in broad-based <i>Targeted Earlier Intervention Program Reform</i>.<sup>2</sup> More specifically, the Department is reforming targeted earlier intervention programs under its <i>Aboriginal Child Youth and Family Strategy</i>. The strategy focuses on supporting families expecting a baby or with children aged up to five years.<sup>3</sup></p> <p>The <i>Their Futures Matter – A New Approach</i> reform document also identifies the need to redesign the intake and referral system.<sup>4</sup></p> <p>From 1 October 2017, the Department started implementing its <i>Permanency Support Program</i>, which describes shifts from a placement-based service system to a child and family-centred service system. The changes have four main components: permanency and early intervention principles built into casework; intensive work with birth parents and families; a new approach to the recruitment, development, and support of guardians, adoptive parents, and other carers; and intensive therapeutic care system reform.<sup>5</sup></p>	<p>New South Wales policy sets out strong commitments to ‘consultation’ with Aboriginal and Torres Strait Islander people. The <i>Aboriginal Consultation Guide</i> describes two streams of consultation – in project/policy design and implementation, and in all facets of child protection starting at intake.<sup>6</sup></p> <p>Since 2012, New South Wales has been transitioning all statutory OOHC services to the NGO sector. This includes ‘a commitment that Aboriginal children be cared for by Aboriginal carers and Aboriginal caseworkers within accredited community-controlled Aboriginal agencies’.<sup>7</sup> Currently, implementation of this policy is limited however and inadequately-resourced.<sup>8</sup></p> <p>In 2015, the Department and AbSec – developed the <i>Plan on a Page</i> document which outlines a vision of a strong ACCO sector that effectively meets the needs of children, families, and communities, reducing over-representation in OOHC and achieving better outcomes. The document details agreed outcomes, levers for change and actions.<sup>9</sup></p> <p>In 2017, AbSec also worked with the Department in reviewing the next stage of this plan– an <i>Aboriginal Industry Development Strategy</i>. This strategy aims to build Aboriginal organisations to a scale of maturity, capacity and coverage across New South Wales to deliver holistic services to Aboriginal children, families, and communities.</p>	<p>New South Wales policy and procedure documents confirm the importance of, and need to comply with, the legislated ‘general order of placement’. These documents also recognise and promote the need for sibling placements together as well as family and Aboriginal organisation participation in placement decision-making (see ‘Processes’ below).</p>	<p>Despite not legislatively requiring family group conferencing (FGC), through recent policy New South Wales provides family group conferencing in all districts. To date 16 of the 100 FGC facilitators across New South Wales are Aboriginal. The Department informs that it is seeking to source additional Aboriginal FGC facilitators, locally in districts where possible. Families may have a trusted Aboriginal cultural support person participate in the FGC process.</p> <p>However, this model of participation is administered by the Department. It is not ACCO-designed, led, or delivered (see also ‘Programs’ below). The Australian Institute of Criminology evaluated the FGC pilot in 2012 prior to full implementation in March 2015.<sup>15</sup> This evaluation did not include any consideration of the culturally safety and accessibility of FGC for Aboriginal children and families. Implementation was completed in December 2016.<sup>16</sup></p> <p>The Department is now undertaking an outcomes evaluation of the FGC model in 2017-2018.</p> <p>The emerging <i>Aboriginal Case Management Policy and Guidelines</i> (see ‘Partnership’), the development of which has been led by AbSec, are likely to include greater guidance for participation of families and communities in decision-making throughout case management. Otherwise, policy and procedure documents recognise and promote family participation in decision-making as general ideas (see ‘Processes’ section below).</p>	<p>New South Wales policy requires cultural plans for all Aboriginal and Torres Strait Islander children in OOHC. This policy requirement was arrived at after consultation with Aboriginal organisations and other agencies, and with the support and encouragement of the judiciary. This approach emphasises the importance of cultural identity and connections for children in care. The requirements for a cultural plan reflect recognition and promotion of family and community participation (see ‘Processes’ section below). Effective implementation and accountability are however problematic with the lack of effective oversight mechanisms.</p> <p>If the transition of OOHC case management of Aboriginal and Torres Strait Islander children to Aboriginal carers and ACCOs is completed, this will also support cultural connections (see ‘Policy – Partnerships’).</p> <p>New South Wales policy follows the legislated first preference for family restoration, promoting safe restoration and providing evidence-based programs to achieve this (see ‘Programs’ section below).<sup>17</sup></p>

**POLICY**

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
	<p>Building on the intent of the <i>Plan on a Page</i>, AbSec led the development of the <i>Aboriginal Case Management Policy and Guidelines</i> which seek to embed Aboriginal values and perspectives in culturally responsive case management.<sup>10</sup> Further work, including support for services, proper implementation, and an effective independent oversight role are required to see the full effect of this policy.</p> <p>Operationalisation of the <i>Guiding Principles for Strengthening the Participation of Local Aboriginal Community in Child Protection Decision Making</i> (Guiding Principles) has commenced in partnership with Grandmothers Against Removal (GMAR) NSW, aiming to improve Aboriginal community participation in decision-making regarding the care and protection of Aboriginal children and young people.<sup>11</sup></p> <p>GMAR NSW chair the Guiding Principles Yarning Circle (GPYC), the statewide advisory group established to support the <i>Guiding Principles</i>. GPYC members include GMAR NSW members, AbSec, New South Wales Ombudsman’s Office, Aboriginal Legal Service, Winanga-Li Aboriginal Child and Family Centre, Departmental (FACS) Executive, and project staff. GPYC meets quarterly.<sup>12</sup> As part of this work, 10 Local Advisory Groups (LAGs) have started in places where Aboriginal communities request them.<sup>13</sup> LAGs enable Aboriginal communities to participate with the Department in</p>			



**POLICY**

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
	<p>decision-making regarding the care and protection of Aboriginal children.</p> <p>The New South Wales government has accepted recommendation 18 of the 2016 Legislative Council Portfolio Committee No. 2 (Health and Community Services) <i>Child Protection Inquiry</i> – ‘that the government commit to working across the state with Aboriginal communities, as well as Aboriginal organisations ... to provide a far greater degree of Aboriginal self-determination in decisions on supporting families, child protection, and child removals’.<sup>14</sup></p>			

**PROGRAMS**

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>The <i>Aboriginal Child Youth and Family Strategy</i> funds:</p> <ul style="list-style-type: none"> <li>• Aboriginal supported playgroups;</li> <li>• parenting programs;</li> <li>• Aboriginal family workers;</li> <li>• community capacity building; and</li> <li>• partnership and network projects.<sup>18</sup></li> </ul> <p>The Department funds seven Aboriginal Child and Family Centres (ACFCs) which provide services for children aged 0-8 years and their families – at Gunnedah, Mount Druitt, Nowra, Toronto, Minto, Doonside, and Ballina.<sup>19</sup></p> <p>The Department also provides Intensive Family Based Services (Aboriginal) (IFBS) – a home-based program where children are at risk of being removed or where intensive intervention is required to achieve safe restoration. The Department manages six internal IFBS services and funds four IFBS services in Aboriginal NGOs in Kempsey, Wyong, Wagga Wagga, and Grafton (see also ‘Partnership – Practice’).<sup>20</sup></p> <p>From 2017, evidence-based intensive family based preservation and restoration models – Multisystemic Therapy for Child Abuse and Neglect, and Family Functioning Therapy – Child Welfare – are being rolled out over four years, with a total commitment of \$90 million. Half of the 900 places per year will be for Aboriginal children and families. The services will be delivered by NGOs, noting that for Aboriginal families ‘it is likely some cultural adjustments will be required’ (see also ‘Partnership –</p>	<p>An Aboriginal Consultation Advisory Panel is an internal Departmental process that allows practitioners to consult more widely. The Panel may include external community organisations and members.<sup>24</sup> It is unknown the extent to which this is done however and, in any event, consultation does not meet requirements of genuine representative ‘participation’.</p> <p>An ACCO capacity building project is supporting growth and development of ACCOs to provide OOH management.<sup>25</sup></p> <p>Another project demonstrating partnership was the Protecting Aboriginal Children Together (PACT) advisory service. Advice, such as advice about risk assessments and significant decisions throughout child protection intervention, was provided by an Aboriginal service. The service also supported family participation in the decision-making process.<sup>26</sup> PACT was operating in two locations – Shellharbour and Moree. It is understood that the program is being discontinued with one service closing and the other transitioning to an IFBS. This is despite a recent evaluation finding that families and communities valued PACT for bringing an Aboriginal voice into child protection decision-making and helping families understand and engage with processes through shared language, empathetic approach, information and advocacy.<sup>27</sup></p> <p>The <i>Their Futures Matter – A New Approach</i> (TFM) reform document</p>	<p>A departmental Aboriginal Consultation Advisory Panel (see ‘Partnership – Programs’) is identified as a method to identify and strengthen kinship networks. In some areas, there is also an Aboriginal Placement Panel that involves consultation with district level managers and decision-makers.<sup>30</sup> This has allowed greater oversight and accountability within the Department. This provides an additional layer of consultation within the Department beyond the Aboriginal Consultation Advisory Panel. However, this does not amount to genuine participation.</p>	<p>Department-controlled family group conferencing commenced as part of the <i>Safe Home for Life</i> reforms in 2015.<sup>31</sup> Participation is voluntary and administered by the Department. The conferencing model features information sharing, private family time, and agreeing to a family plan.</p> <p>In New South Wales, a model of Aboriginal Family-Led Decision-Making (ATSIFLDM) developed by AbSec was trialled as a 3-year pilot program, however, funding was discontinued. AbSec continue to provide the service – <i>Connecting Voices</i> – state-wide on a fee-for-service basis.<sup>32</sup></p> <p>General legal services and Aboriginal and Torres Strait Islander legal services, including family violence prevention legal services, may provide government-funded legal advice and representation to children, parents and family members in child protection matters. These services are, however, clearly under-resourced.</p>	<p>Despite the policy commitment for cultural plans for all Aboriginal and Torres Strait Islander children in OOH, there are no specific programs supporting cultural planning. There is some funding within new foster care funding packages for cultural planning.<sup>33</sup> While family group conferencing or AbSec-provided ATSIFLDM may be utilised to assist in cultural planning, this is not specifically referenced as a purpose or outcome of these programs.</p> <p>There are also no funded cultural connection/reconnection programs. As set out in ‘Prevention – Programs’, there are several family preservation and restoration programs run and funded by the Department, and to some extent ACCO-run, including IFBS and new evidence-based programs MST-CAN and FFT-CW (see also ‘Partnership – Practice’).</p> <p>There is a notable lack of assistance provided to children, families, and guardians where a child is subject to a guardianship order (see ‘Legislation’ above). No ongoing case management or support is provided by the Department, including no support to meet cultural needs.<sup>34</sup></p>

**PROGRAMS**

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>Practice’).<sup>21</sup>                      Other Department-funded early intervention programs include:<sup>22</sup></p> <ul style="list-style-type: none"> <li>• Brighter Futures – for children under 9 years;</li> <li>• Child, Youth and Family Support – services where the threshold for statutory child protection involvement is not met;</li> <li>• Community Builders – aims to strengthen communities and build capacity; and</li> <li>• Intensive Family Preservation – where a child is the subject of a risk of significant harm report and is at risk of removal, or is to be returned home from an emergency OOHC placement.</li> </ul> <p>Child Well-Being Units have been established in four other government departments that commonly provide mandatory reports to child protection. These units aim to assist reporters to respond and make appropriate referrals for families who do not require statutory child protection intervention.<sup>23</sup></p>	<p>specifies new partnership projects including supporting local leaders to work with government to design local, innovative child protection solutions, and build evidence for services that work for Aboriginal families.<sup>28</sup> This is a government run program however with little Aboriginal participation in program design.</p> <p>TFM is currently testing the Family by Family peer support model and using an enhanced evaluation framework to measure outcomes and applicability for Aboriginal families. It is also reviewing other peer support models.</p> <p>TFM has contracted AbSec to provide an Aboriginal Implementation Support Team to:</p> <ul style="list-style-type: none"> <li>• Support pre-implementation work and ongoing community engagement support;</li> <li>• Implement strategies with service providers to enhance the cultural proficiency of focus services;</li> <li>• Support service providers with recruitment; and</li> <li>• Implement strategies to enhance sustainability of best practice of services delivered through MST-CAN and FFT-CW.</li> </ul> <p>TFM is leading work on the Aboriginal Evidence in Building Partnership Project with six ACCOs which the Department feels show promising signs of improving outcomes for Aboriginal children and families. This project seeks improved evidence building and/or evaluation capabilities of the organisations to better ‘showcase’ outcomes for Aboriginal children,</p>			

**PROGRAMS**

<b>PREVENTION</b>	<b>PARTNERSHIP</b>	<b>PLACEMENT</b>	<b>PARTICIPATION</b>	<b>CONNECTION</b>
	young people and families. <sup>29</sup>			

**PROCESSES**

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>The <i>Care and Protection Practice Standards</i> call for the accurate recording of status of a child as Aboriginal and/or Torres Strait Islander but do not specify a timeframe or stage of involvement when this should occur.<sup>35</sup> Similarly, the <i>Aboriginal Consultation Guide</i> states record keeping and confirmation of Aboriginality is required but does not specify when this needs to occur, for example, before the conclusion of the intake or investigation stages.<sup>36</sup></p> <p>There is presently a process within the Department that allows for the de-identification of children as Aboriginal and Torres Strait Islander where confirmation of Aboriginality documentation has not been provided and following consultation with family, community and where possible ACCOs. However, the ACCO sector report that there is little to no ACCO involvement in this process. Where it is determined a child is not Aboriginal, only a Departmental senior executive is able to officially de-identify the child in the system. However, there is no clear policy to guide practice in this area therefore processes are inconsistent.<sup>37</sup></p> <p>The Department is currently developing an Aboriginal identification policy for children and young people involved in child protection. This policy will also cover de-identification. There has, however, been no meaningful engagement with the Aboriginal sector to date on this policy.<sup>38</sup></p> <p>In terms of referral processes to key</p>	<p>The <i>Care and Protection Practice Standards</i> require genuine engagement with communities and organisations in decision-making and collaboration with local organisations in assessment and family work.<sup>41</sup></p> <p>The <i>Aboriginal Consultation Guide</i> instructs practitioners to seek support of local and peak Aboriginal organisations regarding decisions about a child. This document sets out tips and steps for consulting with Aboriginal organisations and peaks, including procedures for providing information so that consultation can occur. The requirement to record all consultations is highlighted for practitioners.<sup>42</sup></p> <p>Another significant action by the Department is the recently commenced review of all cases of Aboriginal and Torres Strait Islander children who entered OOH in 2015-2016.<sup>43</sup> Sector leaders inform that there has been poor engagement with the Aboriginal sector or community in the development or operation of this review to date however, undermining the ability of the Aboriginal community to partner in this process.</p>	<p>The <i>Aboriginal Consultation Guide</i> provides some guidance about Aboriginal and Torres Strait Islander kinship relationships.<sup>44</sup></p> <p>The <i>Care and Protection Practice Standards</i> require collaboration with family and local organisations in assessment and family work regarding placement.<sup>45</sup></p> <p>The <i>Aboriginal Consultation Guide</i> specifies that in relation to placement, there must be consultation with the child, family including extended family, and external Aboriginal organisations from the initial notification stage. The <i>Guide</i> sets out consultation procedures that may assist identification of kinship carers including developing genograms with family. The <i>Guide</i> also requires that all family placement options should be explored even if that family member lives some distance away. Where placement is made with a non-Indigenous carer, the <i>Guide</i> requires that all avenues for support be explored and recorded before such a placement.<sup>46</sup></p>	<p>The participation of children and family in decision-making is called for in the <i>Care and Protection Practice Standards</i> and the <i>Aboriginal Consultation Guide</i>.<sup>47</sup></p> <p>The <i>Standards</i> ask that the Department consult often and meaningfully, making sure that kin is included in important meetings and in making important decisions. The <i>Standards</i> require active engagement of family to participate in planning, action, review, and decision-making, and the <i>Guide</i> details that this engagement may be facilitated by setting appropriate times for meetings, and ensuring Aboriginal views and issues are considered. The <i>Guide</i> also notes the role of ACCOs in supporting families.</p> <p>In relation to placement decision-making, the <i>Guide</i> specifically states that the views of the child should be considered if the child is at an appropriate age to express an opinion.</p>	<p>The <i>Care and Cultural Planning Templates – Frequently Asked Questions</i> document provides guidance on developing a cultural plan for Aboriginal and Torres Strait Islander children. It specifies that there must be a minimum of 4 consultations in developing the plan. Consultation should start and be guided by the child, family, kin and community. Consultation may extend to ‘culturally specific NGOs’, referencing the <i>Aboriginal Consultation</i>. The plan must contain a minimum of 4 cultural activities. A list of potential activities is included.<sup>48</sup></p> <p>The <i>Policy Statement – Care and Cultural Planning</i> requires a practitioner to consider restoration and if this is to be revisited at another time, to record the goals to be achieved by the parents to facilitate restoration and the approximate period of time for this to occur.<sup>49</sup></p>

**PROCESSES**

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>prevention and early intervention services, it is concerning that the Department acts as the gatekeeper to these services rather than empowering families and communities to engage and access supports if needed. The Department has funded AbSec to develop <i>Aboriginal Case Management Policy and Guidelines</i> which includes soft-entry points for Aboriginal families accessing prevention and early intervention services.<sup>39</sup> There is however no funding for its implementation.<sup>40</sup></p>				

**PRACTICE**

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>The proportion of New South Wales spending on intensive family support services and family support services in relation to total spending including on OOHC and other child protection services has fallen from 26.1% in 2011-2012 to 16.6% in 2015-2016.<sup>50</sup></p> <p>The Government has committed to 30% of the Targeted Earlier Intervention Reform Program funding going to ACCOs.<sup>51</sup></p> <p>Of all children commencing an intensive family support service in New South Wales within 2015-2016, only 31.2% were Aboriginal and Torres Strait Islander. This proportion is up from 30.6% in 2011-2012.<sup>52</sup> The number of Aboriginal or Torres Strait Islander children who started IFSS increased consistently from 2011 to 2016, but reduced in 2016-2017.<sup>53</sup></p> <p>In 2015-2016, 32.3% (5,770) of all children receiving an intensive family support service were Aboriginal and Torres Strait Islander.<sup>54</sup> At 30 June 2016, 32.1% (915) of all families participating in the Brighter Futures program were Aboriginal and Torres Strait Islander.<sup>55</sup></p> <p>In New South Wales, Aboriginal and Torres Strait Islander children represented 37.4% of all children in OOHC at 30 June 2016, an increase from 34.8% as at 30 June 2012.<sup>56</sup> Aboriginal and Torres Strait Islander children were 10.4 times more likely than non-Indigenous children to be in OOHC at 30 June 2016, an increase from the rate of 9.2 times more likely as at 30 June</p>	<p>New South Wales has a strong peak Aboriginal organisation involved in child and family welfare matters, AbSec. Local ACCOs also operate to provide child and family services throughout the State.</p> <p>While the co-design of the <i>Plan on a Page</i> was promising (see 'Policy' above), sector leaders inform that other than the development of the <i>Aboriginal Industry Development Strategy</i> there has been little follow through by the Department on the agreed actions. Further, there appears to be little current support for its implementation.</p> <p>Sector leaders are also concerned that the lack of investment in policy implementation renders key 'partnership' policy measures largely meaningless and undermines outcomes for Aboriginal children. This includes in particular the:</p> <ul style="list-style-type: none"> <li>• <u>Aboriginal Case Management Policy</u></li> <li>• <u>Guiding Principles</u></li> <li>• <u>Plan on a Page</u></li> <li>• <u>Aboriginal Industry Development Strategy</u></li> </ul> <p>Similarly, while the <i>Care and Protection Practice Standards</i> and <i>Aboriginal Consultation Guide</i> require partnership, sector leaders are concerned that there is no oversight on implementation, and no processes to actually ensure that this happens.</p> <p>In terms of the OOHC transfer, by the end of 2015-2016, 53.5% of children in OOHC were managed</p>	<p>Sector leaders note that implementation of policies and processes concerning placement are also hampered by lack of funding, implementation processes and accountability mechanisms.</p> <p>The proportion of New South Wales Aboriginal and Torres Strait Islander children placed with Aboriginal and Torres Strait Islander kin or other family, or an Aboriginal or Torres Strait Islander home-based carer has fallen from 80.7% at 30 June 2012 to 79.3% at 30 June 2016.<sup>62</sup></p> <p>In terms of the first preferred placement, as at 30 June 2016 only 56.8% of children were placed with Aboriginal and Torres Strait Islander kin or family, a fall from 63.6% at 30 June 2012.<sup>63</sup></p> <p>However, these placement statistics may be skewed as the Department counts placement with an Aboriginal and Torres Strait Islander sibling or foster sibling as a kinship or Aboriginal and Torres Strait Islander carer placement even if the primary carer is non-Indigenous. The statistics may also be skewed by the Department's definition of 'restoration' as placement with immediate family – not always with parents. Again, children subject to guardianship orders are not counted as children in OOHC, giving an incomplete picture of the extent to which Aboriginal and Torres Strait Islander children may or may not be placed with kin or other family.</p>	<p>The Department advises that in 2016-2017 there were 527 referrals for Family Group Conferencing (FGC), 226 or 43% were for Aboriginal families. The total number of FGCs convened in 2016-2017 was 351. It is unknown how many were convened for Aboriginal families or what proportion of Aboriginal families accessed FGC.</p> <p>The Department-controlled approach of FGC being not ACCO-designed, led, or delivered and so not suited to engaging and enabling Aboriginal and Torres Strait Islander child and family participation, does not meet the ATSICPP requirements. There is an alternative ATSIFLDM ('Connecting Voices') model that does meet these criteria, however is not being supported by the Government.</p>	<p>There are no publicly available statistics, reports, or reviews of the cultural support planning process. Notably for children subject to guardianship orders, there are also concerns about the lack of ongoing case management and cultural support (see sections above).</p> <p>The OOHC case management transfer – to NGOs/ACCOs – appears to be stalling, representing a key concern for the connections for Aboriginal and Torres Strait Islander children in New South Wales (see 'Partnership').</p> <p>In 2015-2016, 28.1% (264) of the total 939 children who exited OOHC with recorded reason 'restored to parents' (not self-restored) were Aboriginal and Torres Strait Islander.<sup>64</sup> However, again, as noted in 'Practice – Placement', these statistics may be skewed as the Department includes placement with immediate family as 'restoration'.</p> <p>Sector leaders are deeply distressed by expedited guardianship and proposed moves to streamline adoption, including for Aboriginal children.</p> <p>The awarded of a tender for the recruitment, training and support of carers to AdoptChange and partners reflects this focus. This move is particularly dangerous for Aboriginal children without full implementation of the ATSICPP.</p>

**PRACTICE**

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>2012.<sup>57</sup> As at 30 June 2016, 7.2% of all Aboriginal and Torres Strait Islander children in New South Wales were in OOHC, an increase from 6.6% at 30 June 2012.<sup>58</sup> It is important to note that these statistics may be skewed by de-identification of children as Aboriginal and Torres Strait Islander (see 'Processes – Prevention') and under report their over-representation in the child protection system. Further, since the 2014 <i>Safe Home for Life</i> reforms, New South Wales no longer counts children on guardianship orders as children in OOHC, also distorting statistics.</p>	<p>by NGOs.<sup>59</sup> The June 2015 dashboard statistics state that 47% of Aboriginal and Torres Strait Islander children in OOHC were managed by a NGO, however, no breakdown as to whether this is by an ACCO is provided.<sup>60</sup> A separate set of statistics indicate that at 30 June 2016, 38% of Aboriginal and Torres Strait Islander children in OOHC were case managed by a NGO, though again there is no breakdown as to whether the NGOs are ACCOs.<sup>61</sup> These statistics indicate a reversal of progress in the transfer. Further, it is concerning that up to date statistics are no longer provided via the dashboard. The community sector understands that in fact a large proportion of the NGOs that are now case managing Aboriginal and Torres Strait Islander children are mainstream NGOs (not ACCOs). Community sector stakeholders are also concerned that new evidence-based intensive family based preservation and restoration programs have been imposed without evidence of working for Aboriginal families. While some consultation occurred, sector leaders felt that the decision to fund these models had already been made. The models are largely being delivered by non-ACCOs. While the resourcing and operation of 4 of 10 IFBS by ACCOs is positive, for a more genuine partnership approach, the transition of all existing IFBS to ACCOs should be prioritised.</p>			



<sup>1</sup> See Department, NSW Government, *Annual Report 2015/2016 and Annual Report 2016/2017*, available at [https://www.facs.nsw.gov.au/about\\_us/publications/annual-reports](https://www.facs.nsw.gov.au/about_us/publications/annual-reports); the Department, NSW Government, *Their Futures Matter* at <http://www.theirfuturesmatter.nsw.gov.au/>; FACS, NSW Government, *Their Futures Matter – A New Approach*, undated, available at [https://www.facs.nsw.gov.au/data/assets/file/0005/387293/FACS\\_OOHC\\_Review\\_161116.pdf](https://www.facs.nsw.gov.au/data/assets/file/0005/387293/FACS_OOHC_Review_161116.pdf)

<sup>2</sup> See <https://www.facs.nsw.gov.au/reforms/children,-young-people-and-families/targeted-earlier-intervention-reform>

<sup>3</sup> See <http://www.community.nsw.gov.au/for-agencies-that-work-with-us/our-funding-programs/nsw-aboriginal-child,-youth-and-family-strategy>

<sup>4</sup> See FACS, NSW Government, *Their Futures Matter – A New Approach*, undated, available at [https://www.facs.nsw.gov.au/data/assets/file/0005/387293/FACS\\_OOHC\\_Review\\_161116.pdf](https://www.facs.nsw.gov.au/data/assets/file/0005/387293/FACS_OOHC_Review_161116.pdf)

<sup>5</sup> See <http://www.community.nsw.gov.au/permanency-support-program>

<sup>6</sup> The Department, NSW Government, *Aboriginal Consultation Guide*, 2011, available at [http://www.community.nsw.gov.au/data/assets/pdf\\_file/0019/322228/aboriginal\\_consultation\\_guide.pdf](http://www.community.nsw.gov.au/data/assets/pdf_file/0019/322228/aboriginal_consultation_guide.pdf)

<sup>7</sup> See <http://www.community.nsw.gov.au/parents,-carers-and-families/out-of-home-care-transition/for-non-government-agencies/aboriginal-agency-capacity-building>

<sup>8</sup> Information provided by AbSEC on 13 June 2018.

<sup>9</sup> AbSec and FACS, *Plan on a Page for Aboriginal Children and Young People 2015-2021*, 2015, available at <https://www.absec.org.au/images/downloads/Plan-for-Aboriginal-Children-and-Young-People.pdf>

<sup>10</sup> See <https://www.absec.org.au/aboriginal-case-management-policy-guidelines.html>

<sup>11</sup> See <https://www.facs.nsw.gov.au/reforms/children,-young-people-and-families/guiding-principles-for-strengthening-the-participation-of-local-aboriginal-community-in-child-protection-decision-making>

<sup>12</sup> See [https://www.facs.nsw.gov.au/about\\_us/news/the-guiding-principles-yarning-circle-to-serve-as-state-wide-advisory-group](https://www.facs.nsw.gov.au/about_us/news/the-guiding-principles-yarning-circle-to-serve-as-state-wide-advisory-group); and information provided directly by FACS

<sup>13</sup> See <https://www.facs.nsw.gov.au/reforms/the-guiding-principles/local-advisory-groups-lags>; and information provided directly by FACS

<sup>14</sup> NSW Government, *NSW Government Response to Report 46 of the Legislative Council Portfolio Committee No.2- Health and Community Services – Child Protection*, September 2017, available at <https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryReport/GovernmentResponse/6106/Government%27s%20Response%20-%20Child%20Protection.pdf>

<sup>15</sup> Australian Institute of Criminology, Australian Government, *Evaluation of the Family Group Conferencing Pilot Program*, 2012, available at [http://www.aic.gov.au/media\\_library/publications/rpp/121/rpp121.pdf](http://www.aic.gov.au/media_library/publications/rpp/121/rpp121.pdf)

<sup>16</sup> Information provided by the Department

<sup>17</sup> See the Department, NSW Government, *Annual Report 2015/2016 and Annual Report 2016/2017*, available at [https://www.facs.nsw.gov.au/about\\_us/publications/annual-reports](https://www.facs.nsw.gov.au/about_us/publications/annual-reports); FACS, NSW Government, *Their Futures Matter* at <http://www.theirfuturesmatter.nsw.gov.au/>; FACS, NSW Government, *Their Futures Matter – A New Approach*, undated, available at [https://www.facs.nsw.gov.au/data/assets/file/0005/387293/FACS\\_OOHC\\_Review\\_161116.pdf](https://www.facs.nsw.gov.au/data/assets/file/0005/387293/FACS_OOHC_Review_161116.pdf)

<sup>18</sup> See <http://www.community.nsw.gov.au/for-agencies-that-work-with-us/our-funding-programs/nsw-aboriginal-child,-youth-and-family-strategy>

<sup>19</sup> See <http://www.community.nsw.gov.au/for-agencies-that-work-with-us/our-funding-programs/aboriginal-child-and-family-centres>

<sup>20</sup> See <https://www.absec.org.au/intensive-family-based-services.html>

<sup>21</sup> See <http://www.theirfuturesmatter.nsw.gov.au/family-preservation-and-restoration-programs/aboriginal-families-and-agencies>

<sup>22</sup> See <http://www.community.nsw.gov.au/for-agencies-that-work-with-us/our-funding-programs>

<sup>23</sup> See <http://www.community.nsw.gov.au/kts/roles/cwu>

<sup>24</sup> FACS, NSW Government, *Aboriginal Consultation Guide*, 2011, available at [http://www.community.nsw.gov.au/data/assets/pdf\\_file/0019/322228/aboriginal\\_consultation\\_guide.pdf](http://www.community.nsw.gov.au/data/assets/pdf_file/0019/322228/aboriginal_consultation_guide.pdf)

<sup>25</sup> See <http://www.community.nsw.gov.au/parents,-carers-and-families/out-of-home-care-transition/for-non-government-agencies/aboriginal-agency-capacity-building/aboriginal-capacity-building-project>

<sup>26</sup> FACS, NSW Government, *Protection Aboriginal Children Together (PACT) Program Guidelines*, July 2015, available at [http://www.community.nsw.gov.au/data/assets/pdf\\_file/0005/335840/PACT\\_Program\\_Guidelines.pdf](http://www.community.nsw.gov.au/data/assets/pdf_file/0005/335840/PACT_Program_Guidelines.pdf)

<sup>27</sup> Other key findings of the PACT final evaluation, as provided by the Department are:

- During the pilot period, the PACT service was delivered to about 182 families, 34 were in Moree and an estimated 148 were in Shellharbour;
- While support through PACT was too limited for some families, for Departmental staff PACT often overstepped its remit and did not necessarily provide what they were seeking from cultural advice;
- The PACT model was expected to help Departmental staff develop understanding of needs from family and community perspectives, however the report highlighted that this did not appear to have been achieved to any notable extent; and
- There were also challenges, including lack of shared purpose and understanding, difficulties with shared processes and limited skills among partners to implement the model.

<sup>28</sup> See FACS, NSW Government, *Their Futures Matter – A New Approach*, undated, available at [https://www.facs.nsw.gov.au/data/assets/file/0005/387293/FACS\\_OOHC\\_Review\\_161116.pdf](https://www.facs.nsw.gov.au/data/assets/file/0005/387293/FACS_OOHC_Review_161116.pdf)

<sup>29</sup> Information provided directly by FACS

<sup>30</sup> See <http://www.community.nsw.gov.au/parents,-carers-and-families/out-of-home-care-transition/about-the-transition/delivering-transition-in-partnership/local-implementation/northern-region>

<sup>31</sup> See [https://www.facs.nsw.gov.au/about\\_us/news/facs-caseworkers-encouraged-to-use-family-group-conferencing](https://www.facs.nsw.gov.au/about_us/news/facs-caseworkers-encouraged-to-use-family-group-conferencing)

<sup>32</sup> See <https://www.absec.org.au/connecting-voices.html>

<sup>33</sup> Information provided directly by the Department

<sup>34</sup> The Department, NSW Government, *Changes from Parental Responsibility Orders to Guardianship Orders – Information for Carers (Safe Home for Life)*, October 2014, available at <http://connectingcarersnsw.com.au/wp-content/uploads/2014/12/Safe-Home-for-Life-%E2%80%93-Guardianship.pdf>

- <sup>35</sup> Office of the Senior Practitioner, the Department, NSW Government, *Care and Protection Practice Standards – Effective Relationships with Families and Communities are the Foundation for Quality Child Protection Practice*, undated, available at [https://www.facs.nsw.gov.au/data/assets/file/0018/332244/practice\\_standards.pdf](https://www.facs.nsw.gov.au/data/assets/file/0018/332244/practice_standards.pdf)
- <sup>36</sup> FACS, NSW Government, *Aboriginal Consultation Guide*, 2011, available at [http://www.community.nsw.gov.au/data/assets/pdf\\_file/0019/322228/aboriginal\\_consultation\\_guide.pdf](http://www.community.nsw.gov.au/data/assets/pdf_file/0019/322228/aboriginal_consultation_guide.pdf)
- <sup>37</sup> Information provided directly by the Department
- <sup>38</sup> Information provided by AbSEC on 8 June 2018
- <sup>39</sup> See <https://www.absec.org.au/aboriginal-case-management-policy-guidelines.html>
- <sup>40</sup> Information provided by AbSEC on 8 June 2018.
- <sup>41</sup> Office of the Senior Practitioner, the Department, NSW Government, *Care and Protection Practice Standards – Effective Relationships with Families and Communities are the Foundation for Quality Child Protection Practice*, undated, available at [https://www.facs.nsw.gov.au/data/assets/file/0018/332244/practice\\_standards.pdf](https://www.facs.nsw.gov.au/data/assets/file/0018/332244/practice_standards.pdf)
- <sup>42</sup> The Department, NSW Government, *Aboriginal Consultation Guide*, 2011, available at [http://www.community.nsw.gov.au/data/assets/pdf\\_file/0019/322228/aboriginal\\_consultation\\_guide.pdf](http://www.community.nsw.gov.au/data/assets/pdf_file/0019/322228/aboriginal_consultation_guide.pdf)
- <sup>43</sup> See terms of reference here <http://www.familyisculture.nsw.gov.au/about-us/terms-of-reference>
- <sup>44</sup> The Department, NSW Government, *Aboriginal Consultation Guide*, 2011, available at [http://www.community.nsw.gov.au/data/assets/pdf\\_file/0019/322228/aboriginal\\_consultation\\_guide.pdf](http://www.community.nsw.gov.au/data/assets/pdf_file/0019/322228/aboriginal_consultation_guide.pdf)
- <sup>45</sup> Office of the Senior Practitioner, the Department, NSW Government, *Care and Protection Practice Standards – Effective Relationships with Families and Communities are the Foundation for Quality Child Protection Practice*, undated, available at [https://www.facs.nsw.gov.au/data/assets/file/0018/332244/practice\\_standards.pdf](https://www.facs.nsw.gov.au/data/assets/file/0018/332244/practice_standards.pdf)
- <sup>46</sup> The Department, NSW Government, *Aboriginal Consultation Guide*, 2011, available at [http://www.community.nsw.gov.au/data/assets/pdf\\_file/0019/322228/aboriginal\\_consultation\\_guide.pdf](http://www.community.nsw.gov.au/data/assets/pdf_file/0019/322228/aboriginal_consultation_guide.pdf)
- <sup>47</sup> See Office of the Senior Practitioner, the Department, NSW Government, *Care and Protection Practice Standards – Effective Relationships with Families and Communities are the Foundation for Quality Child Protection Practice*, undated, available at [https://www.facs.nsw.gov.au/data/assets/file/0018/332244/practice\\_standards.pdf](https://www.facs.nsw.gov.au/data/assets/file/0018/332244/practice_standards.pdf); FACS, NSW Government, *Aboriginal Consultation Guide*, 2011, available at [http://www.community.nsw.gov.au/data/assets/pdf\\_file/0019/322228/aboriginal\\_consultation\\_guide.pdf](http://www.community.nsw.gov.au/data/assets/pdf_file/0019/322228/aboriginal_consultation_guide.pdf)
- <sup>48</sup> The Department, NSW Government, *Care and Cultural Planning Template – Frequently Asked Questions*, undated, available at <http://www.community.nsw.gov.au/data/assets/file/0006/388788/Care-Cultural-Plan-FAQs.pdf>
- <sup>49</sup> FACS, NSW Government, *Policy Statement – Care and Cultural Planning*, undated, available at <http://www.community.nsw.gov.au/data/assets/file/0009/388791/Policy-Statement-Care-and-Cultural-Planning-v6-011116.pdf>
- <sup>50</sup> Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.1
- <sup>51</sup> Information provided by the Department; see also the Department, NSW Government, *Draft for Consultation – NSW Family and Community Services Aboriginal Targeted Earlier Intervention Strategy 2017-2021*, September 2017, available at [https://www.facs.nsw.gov.au/data/assets/pdf\\_file/0005/432869/Draft-for-Consultation-FACS-Aboriginal-Targeted-Earlier-Intervention-S...pdf](https://www.facs.nsw.gov.au/data/assets/pdf_file/0005/432869/Draft-for-Consultation-FACS-Aboriginal-Targeted-Earlier-Intervention-S...pdf)
- <sup>52</sup> Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.30
- <sup>53</sup> The Department Statistics Dashboard, <https://public.tableau.com/profile/facs.statistics#!/vizhome/Improvingthelivesofchildrenandyoungpeople/Dashboard1>
- <sup>54</sup> Department Statistics, Objective 1, Dashboard 1, available at <https://www.facs.nsw.gov.au/facs-statistics/objective-1>
- <sup>55</sup> Department Statistics, Objective 1, Dashboard 2, available at <https://www.facs.nsw.gov.au/facs-statistics/objective-1>
- <sup>56</sup> Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.17
- <sup>57</sup> Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.17
- <sup>58</sup> Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.17 and Table 16A.34
- <sup>59</sup> The Department, NSW Government, *Annual Report 2015/2016*, available at [https://www.facs.nsw.gov.au/about\\_us/publications/annual-reports](https://www.facs.nsw.gov.au/about_us/publications/annual-reports)
- <sup>60</sup> See [http://www.community.nsw.gov.au/data/assets/file/0008/336653/jul13-jun15\\_transition\\_dashboard\\_snapshot.pdf](http://www.community.nsw.gov.au/data/assets/file/0008/336653/jul13-jun15_transition_dashboard_snapshot.pdf)
- <sup>61</sup> FACS, NSW Government, *Family and Community Services Statistical Report 2015-2016*, available at [https://www.facs.nsw.gov.au/data/assets/pdf\\_file/0003/419277/FACS-Statistical-Report-2015-16-V10.pdf](https://www.facs.nsw.gov.au/data/assets/pdf_file/0003/419277/FACS-Statistical-Report-2015-16-V10.pdf) together with Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.17
- <sup>62</sup> Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.23
- <sup>63</sup> Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.23
- <sup>64</sup> FACS Statistics, Objective 1, Dashboard 7, available at <https://www.facs.nsw.gov.au/facs-statistics/objective-1>