

REVIEWING IMPLEMENTATION OF
THE ABORIGINAL AND
TORRES STRAIT ISLANDER
CHILD PLACEMENT
PRINCIPLE
SOUTH AUSTRALIA
2019



SNAICC
National Voice for our Children

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1. Introduction

This report reviews the progress of the South Australian (SA) Government in implementing the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP). This review is conducted on the basis of the best practice approach set out in SNAICC, 2017, [Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle – A Resource for Legislation, Policy, and Program Development](#) and SNAICC, 2018, [The Aboriginal and Torres Strait Islander Child Placement Principle: A Guide to Support Implementation](#).

It considers changes in the implementation of the five elements of the ATSICPP – prevention, partnership, placement, participation and connection – described in the diagram below across five interrelated system elements, since the comprehensive baseline analysis SNAICC released in April 2018 ([2018 Baseline Analysis](#))¹. These system elements are legislation, policy, programs, processes and practice. The current review therefore only considers ATSICPP implementation efforts over the past year (from 1 May 2018 – 30 April 2019).

It is important to note that the review is somewhat limited in scope. It 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. 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.

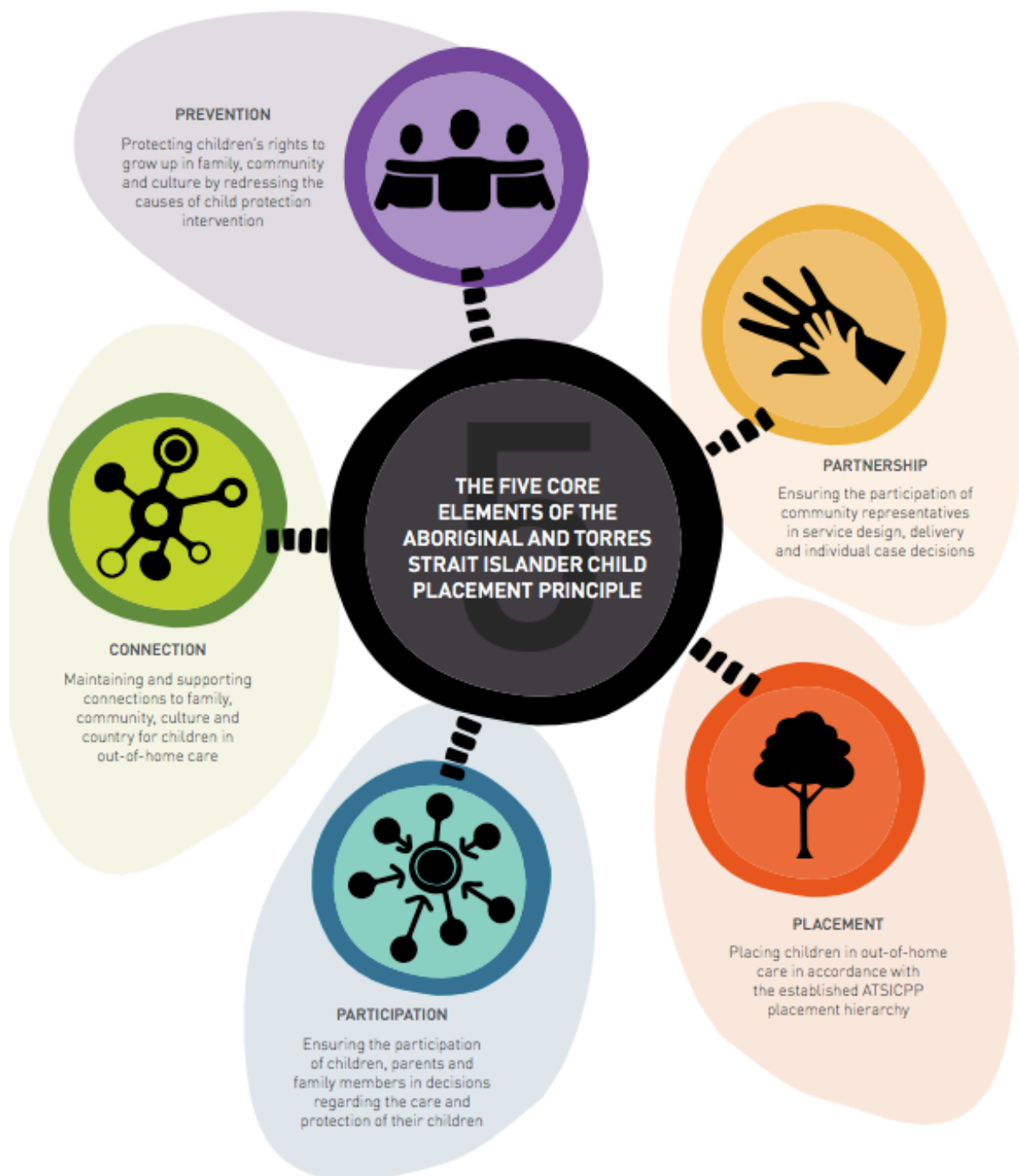
This review is based on available documentation gathered through a desktop review and input provided by the SA Government and Aboriginal and Torres Strait Islander sector leaders.

The Aboriginal and Torres Strait Islander Working Group for the National Framework for Protecting Australia's Children has guided the development of this report and equivalent reviews for each state and territory jurisdiction. The Working Group is tasked with ensuring implementation of the ATSICPP in line with the agreement under the Fourth Action Plan to “uphold the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle to recognise the rights of Aboriginal and Torres Strait Islander children to be raised in their own culture and the importance and value of their family, extended family, kinship networks, culture and community.”²

The purpose of this review, which will take place annually for all Australian states and territories, is to establish the current status of implementation of the ATSICPP in each state and territory in order to measure progress towards enhanced implementation.

¹ SNAICC – National Voice for our Children (2018). Baseline Analysis of Best Practice Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle: South Australia. Available at

² <https://www.snaicc.org.au/wp-content/uploads/2019/04/ATSICPP-Baseline-SA-Final-April2018.pdf>
Commonwealth of Australia (2018). Fourth Action Plan 2018-2020: Supporting Families, Communities and Organisations to Keep Children Safe. Available at https://www.dss.gov.au/sites/default/files/documents/01_2019/dss-fourth-action-plan-v6-web-final.pdf.



2. Overview - South Australia

Since the 2018 Baseline Analysis, the state's new child protection legislation *Children and Young People (Safety) Act 2017* (Act) fully commenced. Notably, it introduces a new power of the Chief Executive (CE) to refer families to family group conferencing (FGC). While this is a significant step forward, FGC is still not mandatory, nor is it an ACCO-developed, designed and delivered Aboriginal family-led decision-making model – best practice for the participation element of the ATSCPP. An FGC trial is due to take place early in 2019-2020, with an emphasis on ensuring cultural safety and responsiveness for Aboriginal families.

A number of important policy frameworks have been released in this period to support the implementation of the new Act and ongoing SA child protection reforms. This includes the *Aboriginal Action Plan 2019-20*, the guiding strategy for action that commits to active efforts and specific actions across each of the five core elements of the ATSCPP to improve outcomes for Aboriginal children in care. It also includes *An Intensive Support System for South Australia's Children and Families*, a reform strategy developed by a cross-government taskforce to redesign the early intervention and prevention system. The strategy prioritises Aboriginal families with multiple service needs and draws on the *Family Matters: Strong Communities. Strong Culture. Stronger Children* campaign principles. It provides for a new Intensive Support Unit within the Department of Human Services (DHS), due to be established by mid-2019, to provide and commission intensive, evidence-based services. Early intervention policy reform has not, however, yet translated to funding, with the proportion of SA spending on intensive family support services and family support services in relation to total child protection spending remaining low (15.4% in 2017-18)³ and below the national average (17.1%).⁴⁵

The governance framework for the child protection reform process is in flux, with a new framework *Safe and Well* expected to replace *A Fresh Start* by the end of this year. While this makes assessment of the 'partnership' element at a policy level somewhat limited, the Department for Child Protection (Department) has committed to establishing an independent expert Aboriginal advisory committee in 2019-20. The Department has also initiated a number of plans to increase the design, co-design and delivery of programs in SA by ACCOs. These include a 3% procurement target from Aboriginal organisations across child protection service delivery and corporate services, which was exceeded in the reporting period; development of a procurement plan to trial Aboriginal kinship carer supports by Aboriginal organisations; and engaging an ACCO to establish and implement a specialised residential care service. It is further implementing a series of initiatives to increase the number of Aboriginal employees within the Department and the cultural capability of staff.

In an important positive move concerning partnership, the first SA Commissioner for Aboriginal Children and Young People (CACYP) was appointed in the reporting period. While this represents significant progress, the CACYP has no independent powers in legislation yet, limiting the provision of Aboriginal and Torres Strait Islander systems oversight. There also remain no ACCO case management services, no commitment to a state peak body for Aboriginal and Torres Strait Islander children and families, no progress in expansion of the gazetted ACCO role and limited procedures that enable or describe ACCO participation.

In terms of 'placement', the proportion of Aboriginal or Torres Strait Islander children placed with Aboriginal and Torres Strait Islander carers in SA continues to be very low (41% in 2017-18 up from 39.7% in 2016-17). Some positive programming developments show potential to shift this with strong and early implementation, including the establishment of the Aboriginal Family Scoping Unit, the ongoing rollout of the Winangay kinship carer assessment tool and implementation of tools to ensure genograms and eco-maps are constructed in conversation with families and used to identify kinship placement options. These supported some good early outcomes with the movement of 107 Aboriginal and Torres Strait Islander children from a non-relative/kinship care placement to a relative/kinship

³ Steering Committee for the Review of Government Service Provision, Productivity Commission, Report on Government Services – Chapter 16 – Child Protection, 2019, Table 16A.7.

⁴ *The Family Matters Report 2019*, available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf.

⁵ In South Australia prevention and early intervention supports are predominantly funded through the Department for Human Services and the Department for Education, this figure only includes services funded by the Department for Child Protection.

care placement in 2017-2018. However, further regulatory, policy and procedural developments may be important to ensure full and accurate understanding and application of the placement hierarchy as set out in the Act.

There has been some progress in implementation of the connection element with some important tools starting implementation. This concerns, in particular, the Aboriginal Cultural Identity Support Tool (ACIST), which aims to support the completion of cultural maintenance plans for at least 40% of Aboriginal children in care by 2020. In addition, while Aboriginal children in OOHC may be subject to a permanent care order, in an important step, the South Australian Government has put adoption off the table for Aboriginal and Torres Strait Islander children. On the other hand, a lack of legislative and policy commitment to prioritising and pursuing reunification has continued during the reporting period, as has the limited availability of procedures on early and continued assessment of reunification opportunities or supports. This translates to low reunification in practice, given that for every 10 Aboriginal and Torres Strait Islander children who were admitted to out-of-home care in 2017-2018, just under 2 children were reunified with their birth parents.

There has been a slight decrease in over-representation, with Aboriginal and Torres Strait Islander children in SA 10.4 times more likely to be placed in out-of-home care (OOHC) than non-Indigenous children in 2017-2018 (compared to 10.8 times in 2016-17).⁶ Overall, while there have been some important developments during this period, there remains significant reforms required to achieve full implementation of the ATSCPP.

⁶ Steering Committee for the Review of Government Service Provision, Productivity Commission, Report on Government Services – Chapter 16 – Child Protection, 2019, Table 16A.3.

3. Prevention

The state's new child protection legislation, the *Children and Young People (Safety) Act 2017* (Act), fully commenced in October 2018.⁷ Please refer to the 2018 Baseline Analysis for a comprehensive review of its compliance with the ATSCIPP.⁸ A new Manual of Practice to support the full implementation of the Act is progressing, and is being released to staff in a staged approach.

In November 2018, the Government announced a new taskforce to redesign the SA child abuse and neglect early intervention system.⁹ In March 2019, the taskforce released its reform strategy – *An Intensive Support System for South Australia's Children and Families*¹⁰. The strategies identified by the cross-government taskforce will begin immediately and continue over the next three years.¹¹ According to the reform strategy, the new system “will intervene strongly to provide the right type and intensity of supports, at the earliest possible time, in the places where children and families are living.”¹² Aboriginal families with multiple service needs are one of four groups prioritised. Under a section titled *Applying cultural considerations*, the reform strategy states that the system will adhere to the national Family Matters campaign principles. It also states, “new service models for Aboriginal people will deliver more effective family-level supports. In addition, community capacity building programs will be implemented to strengthen Aboriginal communities’ ability to identify and support families at risk.”¹³

The reform strategy included the announcement of the new Intensive Support Unit within DHS, established in 2019 to provide and commission intensive, evidence-based family support services. The reform strategy states that the unit will also consolidate current efforts across various government departments under DHS. The Early Intervention Research Directorate, responsible for monitoring progress,¹⁴ was transitioned into DHS to more closely inform and monitor outcomes from the system reform.

The Department's new *Aboriginal Action Plan 2019-20* was released in July 2019 as the guiding strategy for action.¹⁵ It establishes a range of actions that the Department will take to improve outcomes for Aboriginal children in care. The action plan acknowledges the ATSCIPP as a guiding framework for action, and commits to active efforts and specific actions across each of the five core elements. It includes a commitment to work with an ACCO to co-design a new Aboriginal Specific Intensive Family Support Service in the western suburbs of Adelaide. Earlier this year, the Department also partnered with SNAICC to hold a two-day workshop to improve implementation of the ATSCIPP.

Without any publicly available child protection practitioner manuals, guidelines or procedures, it remains difficult to determine the quality of processes across the prevention element or other ATSCIPP elements. A list of all policies is provided on the Department website with an invitation to make a Freedom of Information request for access. This will be undertaken to provide a substantive review, where possible, in 2020.

The proportion of SA spending on intensive family support services and family support services in relation to total child protection spending remained low. It increased only very slightly from 14.97% in

⁷ Note: some sections of the Act commenced on 26 February 2018, others commenced on 22 October 2018.

⁸ SNAICC – National Voice for our Children (2018). *Baseline Analysis of Best Practice Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle: South Australia*. Melbourne: Author. Available at <https://www.snaicc.org.au/wp-content/uploads/2019/04/ATSCIPP-Baseline-SA-Final-April2018.pdf>.

⁹ Government of South Australia (19 October 2018). *Media Release - Government Taskforce to Redesign SA's Child Abuse and Neglect Early Intervention and Prevention System*. Available at <https://premier.sa.gov.au/news/government-taskforce-to-redesign-sa%E2%80%99s-child-abuse-and-neglect-early-intervention-and-prevention>.

¹⁰ Early Intervention Research Directorate (March 2019). *An Intensive Support System for South Australia's Children and Families: System reform strategy*. Available at https://dhs.sa.gov.au/_data/assets/pdf_file/0003/78870/Reform-Strategy-March-2019.PDF.

¹¹ Early Intervention Research Directorate (March 2019). *An Intensive Support System for South Australia's Children and Families: System reform strategy*. Available at https://dhs.sa.gov.au/_data/assets/pdf_file/0003/78870/Reform-Strategy-March-2019.PDF.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Department for Child Protection, South Australia (2019). *Aboriginal Action Plan 2019-20*. Available at <https://www.childprotection.sa.gov.au/sites/default/files/aboriginalactionplan2019-2020.pdf>.

2016-17 to 15.41% in 2017-18,¹⁶ remaining below the national average (17.1%).¹⁷¹⁸ The Department indicates that 31% (155) of the children who commenced targeted intervention services in 2017-18 were Aboriginal or Torres Strait Islander children, compared with 39% in 2016-2017. Further, 41% of children commencing family preservation and reunification services in 2017-18 were Aboriginal or Torres Strait Islander, reduced from 49% in 2016-2017.

Finally, Aboriginal and Torres Strait Islander children in SA were 10.4 times more likely to be placed in OOHC than non-Indigenous children in 2017-2018, slightly decreasing from the previous year (10.8 in 2016-17).¹⁹

¹⁶ Steering Committee for the Review of Government Service Provision, Productivity Commission, Report on Government Services – Chapter 16 – Child Protection, 2019, Table 16A.7.

¹⁷ *The Family Matters Report 2019*, available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf.

¹⁸ In South Australia prevention and early intervention supports are predominantly funded through the Department for Human Services and the Department for Education, this figure only includes services funded by the Department for Child Protection.

¹⁹ Steering Committee for the Review of Government Service Provision, Productivity Commission, Report on Government Services – Chapter 16 – Child Protection, 2019, Table 16A.3.

4. Partnership

In an important move, the first SA Commissioner for Aboriginal Children and Young People (CACYP) was appointed by the Government in October 2018.²⁰ The CACYP's key areas of focus are improving health, education, child protection and justice outcomes for Aboriginal children and young people. While this is a significant step forward, the CACYP has no independent powers in legislation yet, limiting the provision of Aboriginal and Torres Strait Islander systems oversight.

A Fresh Start was released in 2016 as the governance framework for the child protection reform in SA in response to the Royal Commission into the Child Protection System.²¹ It is transitioning to a new framework 'Safe and well' which is planned for release before the end of the year. The 'Fresh Start' framework committed to a "collaborative approach" to addressing the over-representation of Aboriginal and Torres Strait Islander children in the child protection system, involving "meaningful engagement" with Aboriginal and Torres Strait Islander peoples and a commitment to increasing the capacity and capabilities of 'Aboriginal NGOs'.²² However, one of its key mechanisms of participation, the Child Safety and Wellbeing Panel (CSWAP), has not convened since December 2017. The proposed governance framework for 'Safe and Well' is unknown at this stage.

Sector leaders report that it remains unclear how Aboriginal leaders will be involved in the implementation of the reform strategy – *An Intensive Support System for South Australia's Children and Families*.²³ A number of co-design workshops have been held to date, with participation of a number of Aboriginal community members and organisations.

The Department has taken other steps to increase the design, co-design and delivery of policy and programs in SA by ACCOs. The Department is currently undertaking a process of contract reform to review, redesign and commission services, including specifically increasing the system's capacity to support Aboriginal children and young people.²⁴ As part of its commitment to build the capacity of Aboriginal organisations, the Department has committed to a 3% procurement target from Aboriginal organisations across child protection service delivery and corporate services (which it informs has been exceeded), and to develop a procurement plan to trial Aboriginal kinship carer supports by Aboriginal organisations.²⁵ It has also committed to establishing an independent expert Aboriginal advisory committee in 2019-20.²⁶

The Department has also taken steps to increase its recruitment of Aboriginal people. The Aboriginal Action Plan 2019-20 commits to increasing Aboriginal employment from 4.8% to 5.5% (towards 10%)²⁷. An Aboriginal employment-dedicated consultant position has been appointed to progress this goal. The Department also reports that it has recruited seven Aboriginal trainees, with three more envisaged in 2019-20, and has established and since recruited an Aboriginal Practice Lead.²⁸ The Department consulted with its Aboriginal staff on its Aboriginal Employment Strategy 2019-22 and it is set for release in July 2019. Sector leaders share that the Department developed but then dropped a partnership with the Aboriginal Community Leadership Reference Group (ACLRG) on the development of this strategy. Finally, the Department's first Reconciliation Action Plan is under finalisation, scheduled for launch in August 2019.

²⁰ Government of South Australia (18 October 2018). *Media Release - Commissioner for Aboriginal Children and Young People Appointed*, available at <https://premier.sa.gov.au/news/commissioner-for-aboriginal-children-and-young-people-appointed>.

²¹ Attorney-General's Department, Government of South Australia (2016). *Child Protection, A Fresh Start Report*, available at <https://www.childprotection.sa.gov.au/sites/g/files/net916/f/a-fresh-start.pdf>.

²² Ibid.

²³ Early Intervention Research Directorate (March 2019). *An Intensive Support System for South Australia's Children and Families: System reform strategy*. Available at https://dhs.sa.gov.au/_data/assets/pdf_file/0003/78870/Reform-Strategy-March-2019.PDF

²⁴ Department for Child Protection, South Australia (2019). *Contract Reform*. Available at <https://www.childprotection.sa.gov.au/service-providers/contract-reform>.

²⁵ Department for Child Protection, South Australia (2019). *Aboriginal Action Plan 2019-20*. Available at <https://www.childprotection.sa.gov.au/sites/default/files/aboriginalactionplan2019-2020.pdf>.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Department for Child Protection, South Australia (2019). *Aboriginal Action Plan 2019-20*. Available at <https://www.childprotection.sa.gov.au/sites/default/files/aboriginalactionplan2019-2020.pdf>.

The Department has developed an internal Policy Governance Framework to support the development and management of new and existing policy and procedures, ensuring that they are culturally responsive and accountable for Aboriginal children and families. It has also developed a Clinical Governance Framework to ensure the same of service delivery. As these are not publicly available, it is unclear if the frameworks have been specifically developed to support Aboriginal children and families.

The Department informs that it consulted with internal and external Aboriginal stakeholders to develop the Aboriginal Cultural Footprint program. This is a mandatory four-step employee educational package designed to increase the cultural capability of staff. The Department also reports that its Working with Aboriginal Families practice paper is available to support workers in culturally responsive service provision. Finally, the Department's Senior Executive Group participated in an Aboriginal Learning Circle over six days to educate senior leaders on the effects of racism, government policy and intervention, intergenerational trauma, Aboriginal culture and identity, and working in a culturally safe way with Aboriginal colleagues, children, families and communities.

These are positive steps, reflecting commitment to strengthening the frameworks for partnership with Aboriginal and Torres Strait Islander peoples and the cultural competence of staff to build respectful relationships. However, there remains no ACCO OOH case management services, expansion of the number of gazetted ACCOs (see 'placement'), nor commitment to a state peak body for Aboriginal and Torres Strait Islander children and families.

5. Placement

The 2018 Baseline Analysis found the Act limited in setting out the placement hierarchy. The Department reports that it has reduced risk of misinterpretation of the placement hierarchy through detail provided in policy and the Manual of Practice (under development). The Act does require a gazetted Aboriginal organisation to be consulted on the placement of Aboriginal children. While there remains only one gazetted organisation currently, a policy remains under development to expand both the gazetted role itself across the spectrum of child protection decision-making and the number of gazetted organisations. This will be an important development for both the participation and placement elements.

The Department informs that a new Children and Young People in Care Strategy 2019-22 is scheduled for release in 2019-2020 as part of the broader OOHC reforms. It will have a specific focus on improving outcomes for Aboriginal children and young people in care.

In terms of program developments, there have been a number of changes. As of 1 January 2019, the availability of care payments has been extended to foster and kinship carers of young people until they are 21 years old.²⁹ The extension of payments is part of the broader stability in care program to ensure young people can stay in family-based care longer, particularly as they transition to adulthood.³⁰ An Aboriginal organisation was also engaged in April 2019 to provide a safe and culturally responsive residential care service for Aboriginal young people.³¹ Most developments have occurred, however, around the identification of and placements with kin.

Within the Department, an Aboriginal Family Scoping Unit has been established with a focus on finding kinship placements for Aboriginal children in care, ensuring more Aboriginal children in care are cared for by kin and are supported to maintain cultural connections.³² The Department shares that the Winangay kinship carer assessment tool is also still being rolled out incrementally across the state. The Department reports that guidance is available to practitioners to ensure genograms and eco-maps are developed in conversation with families and used to identify kinship or specific child-only based placement options. These aim to support full and proper application of the placement hierarchy and to support workers to exhaust all options at one level before considering a lower-level placement. The Department has committed to “ensur[ing] a genogram extending at least 3 generations has been developed for all new children and young people in out of home care within 3 months of entry”.³³ Sector leaders inform that while these genograms are detailed, they are often not developed early enough to inform decision-making and find kinship carers.

While these developments are positive steps towards implementation of the ‘placement’ element of the ATSI CPP, access to numerous best practice processes remains limited and the proportion of Aboriginal or Torres Strait Islander children placed with Aboriginal and Torres Strait Islander carers in SA continues to be very low. It increased only very slightly from 39.7% in 2016-17 to 41% in 2017-18.³⁴ The percentage of Aboriginal and Torres Strait Islander children in care placed with kin or other Aboriginal and Torres Strait Islander carers also increased slightly (from 58.4% in 2016-17 to 61% in 2017-18) but is still below the national average (64.5%).³⁵ The Department’s 2019-20 Aboriginal Action Plan commits to “increasing the percentage of Aboriginal children and young people placed in

²⁹ Department for Child Protection, South Australia (9 January 2019). *Media Release - Carer payments now extended to young people aged 21*, available at <https://www.childprotection.sa.gov.au/department/media-centre/media-releases/carers-payments-now-extended-young-people-aged-21>.

³⁰ Department for Child Protection (December 2018). *Fact Sheet - Stability in Family-Based Care Program*, available at <https://www.childprotection.sa.gov.au/sites/default/files/sfbc-fact-sheet.pdf>.

³¹ Government of South Australia (15 May 2019). *Media Release - New residential care model to help Aboriginal children stay connected and overcome trauma*, available at <https://premier.sa.gov.au/news/new-residential-care-model-to-help-aboriginal-children-stay-connected-and-overcome-trauma>.

³² Attorney-General’s Department, Government of South Australia (2018). *Child Protection, A Fresh Start – Progress Report, June 2018*, available at <https://www.childprotection.sa.gov.au/sites/g/files/net916/f/cpr-it-fresh-start-progress-report-2018.pdf>.

³³ Department for Child Protection, South Australia (2019). *Aboriginal Action Plan 2019-20*. Available at <https://www.childprotection.sa.gov.au/sites/default/files/aboriginalactionplan2019-2020.pdf>.

³⁴ Steering Committee for the Review of Government Service Provision, Productivity Commission, Report on Government Services – Chapter 16 – Child Protection, 2019, Table 16A.21.

³⁵ *The Family Matters Report 2019*, p.47. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf.

accordance with the placement hierarchy from 65% to 70%”.³⁶ Recent initiatives are showing promising outcomes for children already in care, however, with, for example, 107 Aboriginal and Torres Strait Islander children who had been living in a non-relative/kinship care placement moving to a relative/kinship care placement in 2017-2018.³⁷

³⁶ Department for Child Protection, South Australia (2019). *Aboriginal Action Plan 2019-20*. Available at <https://www.childprotection.sa.gov.au/sites/default/files/aboriginalactionplan2019-2020.pdf>.

³⁷ *The Family Matters Report 2019*, p. 77, available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf.

6. Participation

Part 2 of the Act introduces a new power of the Chief Executive to refer families to Family Group Conferencing. However, the legislation includes only relatively weak provisions and non-mandatory requirements to enable conferences, and will require significant policy commitment and resources to see families genuinely engaged in decision-making. The 2019-20 State Budget has provided \$1.6 million over two years to the Department to action this provision and pilot FGCs.³⁸ The Department reports that commissioning for an FGC service will take place in 2019-2020, with a key focus on cultural safety and responsiveness for Aboriginal children and families.

In terms of policy, the Department's Aboriginal Action Plan 2019-20 commits to ensuring there is an emphasis on cultural safety and responsiveness for Aboriginal families within family-led decision-making and the development and testing of a FGC model.³⁹ From the information available, this appears to differ significantly from an ACCO-designed, developed and delivered Aboriginal family-led decision-making model – best practice for this element.

7. Connection

The Department's *Aboriginal Action Plan 2019-20* "aims to realise an improvement in the way the department supports and fosters Aboriginal children and young people's connection to family, community, culture and country".⁴⁰ It expands the scope of genograms and requires all Aboriginal language groups to be recorded in the client management system to enable caseworkers to more accurately reflect a child or young person's Aboriginal identity.⁴¹ It also references the *Buthera Agreement* as a way in which "hold[ing] DCP accountable to the [ATSICPP], including maintaining cultural connections for children" can be achieved. The *Buthera Agreement* is an agreement between the Narungga Nation Aboriginal Corporation (NNAC) and the Government of SA to "assist Narungga People to secure cultural, social and economic wellbeing".⁴² It contains a child wellbeing commitment, the details of which are unknown.⁴³

The Department reports that an Aboriginal Cultural Identity Support Tool (ACIST) has been implemented across the Department.⁴⁴ The timeline for all Aboriginal and Torres Strait Islander children to have a completed ACIST (or cultural maintenance plan) has extended but is progressing. The Aboriginal Action Plan 2019-20 includes a commitment to increase the use of the ACIST for Aboriginal children in care from 20.2% to 40% (towards 100%).⁴⁵ The Department reports that during the 2017-18 financial year, the proportion of ACISTs that have included the views of the child has increased by 17% and the number of case plans that have included the views of the carer has increased by 30%. The Department also reports that recommendations from an evaluation of the ACIST in the 2018-19 financial year to incorporate practice guidance on the ACIST in the draft Manual of Practice and to build the tool into case-planning documents are being progressed. These are promising developments; however, there is no data reported on the level of ACCO leadership and participation in the completion and ensuring quality of ACTISTs.

³⁸ Government of South Australia (18 June 2019). *Media Release - \$1.6 million to pilot family group conferences*, available at <https://premier.sa.gov.au/news/16-million-to-pilot-family-group-conferences>.

³⁹ Department for Child Protection, South Australia (2019). *Aboriginal Action Plan 2019-20*. Available at https://www.childprotection.sa.gov.au/_data/assets/pdf_file/0015/107034/aboriginal-action-plan-2019-2020.pdf.

⁴⁰ Department for Child Protection, South Australia (2019). *Aboriginal Action Plan 2019-20*. Available at <https://www.childprotection.sa.gov.au/sites/default/files/aboriginalactionplan2019-2020.pdf>.

⁴¹ Department for Child Protection, South Australia (2019). *Aboriginal Action Plan 2019-20*. Available at <https://www.childprotection.sa.gov.au/sites/default/files/aboriginalactionplan2019-2020.pdf>.

⁴² Department for Environment and Water, South Australia (2019). *First Nations agreements and protocols*, available at <https://www.environment.sa.gov.au/about-us/first-nations-partnerships/agreements-and-protocols>.

⁴³ Department of South Australia (18 July 2019). *Media Release - First Aboriginal Action Plan to improve outcomes for Aboriginal children and young people in care*. Available at <https://premier.sa.gov.au/news/first-aboriginal-action-plan-to-improve-outcomes-for-aboriginal-children-and-young-people-in>.

⁴⁴ Department for Child Protection, South Australia (June 2018). *A Fresh Start – Progress Report 2018*. Available at https://www.childprotection.sa.gov.au/_data/assets/pdf_file/0013/107113/a-fresh-start-progress-report-2018.pdf.

⁴⁵ Department for Child Protection, South Australia (2019). *Aboriginal Action Plan 2019-20*. Available at <https://www.childprotection.sa.gov.au/sites/default/files/aboriginalactionplan2019-2020.pdf>.

The Department also reports that Aboriginal Life Story Books continue to be used as a tool to help Aboriginal children and young people learn about their culture and track their own personal journey while in care. Sector leaders inform that while there have been efforts to ensure Aboriginal children, particularly those on guardianship orders, have an Aboriginal Life Story Book, much more is needed to ensure that each child in care has a living connection to their families, communities and cultures.

A lack of legislative and policy commitment to prioritising and pursuing reunification has continued during the reporting period and there remain no publicly available procedures on early and continued assessment of reunification opportunities or supports. In 2017-18, for every 10 Aboriginal and Torres Strait Islander children who were admitted to out-of-home care, just under 2 children were reunified with their birth parents.⁴⁶

In February 2019, the Premier of South Australia announced in Parliament that more than 300 members of the Stolen Generations will receive an additional \$10,000 each in ex gratia payments from the SA Government.⁴⁷ This followed an earlier \$20,000 payment and is part of the Stolen Generations Reparations Scheme established in SA “to recognise the grief, pain and loss experienced by Aboriginal communities, families and individuals and to also support a range of proposals that can assist in the healing process”.⁴⁸ A further \$1.65 million was directed to 27 community projects for diverse healing activities, most of which are being led by ACCOs.⁴⁹

At 30 June 2018, 20 Aboriginal and Torres Strait Islander children were subject to a permanent care order, of which 14 (70.6%) were placed with a relative/kinship carer and 9 (47.1%) were placed with an Aboriginal and/or Torres Strait Islander relative/kin or other Aboriginal and/or Torres Strait Islander carer.⁵⁰ No Aboriginal and Torres Strait Islander children were adopted in 2017-18.⁵¹ In fact, recognising the views of Aboriginal stakeholders, the South Australian Government has announced that adoption will not be considered as a permanency option for Aboriginal children and young people in care.

⁴⁶ *The Family Matters Report 2019*, p. 33. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf.

⁴⁷ Department of Premier and Cabinet (2019). *Stolen Generations Reparations Scheme (webpage)*. Available at <https://dpc.sa.gov.au/responsibilities/aboriginal-affairs-and-reconciliation/reconciliation/stolen-generations-reparations-scheme>.

⁴⁸ *Ibid.*

⁴⁹ <https://www.dpc.sa.gov.au/responsibilities/aboriginal-affairs-and-reconciliation/reconciliation/stolen-generations-reparations-scheme>.

⁵⁰ *The Family Matters Report 2019*. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf.

⁵¹ *The Family Matters Report 2019*. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf.