

REVIEWING IMPLEMENTATION OF  
THE ABORIGINAL AND  
TORRES STRAIT ISLANDER  
CHILD PLACEMENT  
PRINCIPLE  
TASMANIA  
2021



**SNAICC**  
National Voice for our Children

## Contents

Acronyms and abbreviations .....	2
Introduction .....	3
Overview .....	4
Prevention.....	6
Partnership.....	8
Placement .....	9
Participation.....	10
Connection.....	10

## Acronyms and abbreviations

ACCO	Aboriginal and Torres Strait Islander Community-Controlled Organisations
Action Plan	<i>Strong Families, Safe Kids: Next Steps Action Plan 2021-2023</i>
AFLDM	Aboriginal Family-Led Decision-Making
Child Placement Principle	Aboriginal and Torres Strait Islander Child Placement Principle
The Department	Department of Communities Tasmania
FGC	Family Group Conferencing
IFES	Intensive Family Engagement Services
Line	<i>Strong Families Safe Kids Advice and Referral Line</i>
OOHC	Out-of-home care
TAC	Tasmanian Aboriginal Centre

## Introduction

This report reviews the progress of the Tasmanian Government, through the Department of Communities Tasmania (the Department), in implementing the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle (Child Placement Principle).

The five elements of the Child Placement Principle are: *Prevention, Partnership, Placement, Participation, and Connection*.

The aim of the Child Placement Principle is to:

- embed an understanding that culture is integral to safety and wellbeing for Aboriginal and Torres Strait Islander children and young people and is embedded in policy and practice;
- recognise and protect the rights of Aboriginal and Torres Strait Islander children, family members and communities in child safety matters;
- support self-determination of Aboriginal and Torres Strait Islander people in child safety matters; and
- reduce the over-representation of Aboriginal and Torres Strait Islander children in child protection and out-of-home care (OOHC) systems.

This year's review analyses implementation efforts over the past financial year; 1 July 2020-30 June 2021 (2020-2021). This change from the previous May-April reporting period better aligns with jurisdictions' data and activity reporting cycles and with policy and legislative changes made during the year. While the change has meant that May-June 2020 may have been missed, stakeholders were strongly encouraged to provide any pertinent information that occurred in these two months.

The annual jurisdictional reviews are developed by SNAICC – National Voice for our Children (SNAICC) with input from Aboriginal and Torres Strait Islander community-controlled organisations (ACCOs) and state and territory governments. The reviews are informed by the best practice approach set out in SNAICC's Child Placement Principle resource series<sup>1</sup>, the 2018 Baseline Analysis of Child Placement Principle<sup>2</sup>, and subsequent annual reviews of the Baseline Analysis undertaken by SNAICC.

Quantitative and qualitative analysis is used to measure and review jurisdictions' progress against the five elements and across five interrelated systems elements – legislation, policy, programs, processes, and practice.

Quantitative data is taken primarily from chapter 16 (Child Protection) of the *2022 Report on Government Services ('ROGS')*<sup>3</sup> and the Australian Institute of Health and Welfare (AIHW) *Child*

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<sup>1</sup> Including: SNAICC (2017) *Understanding and applying the Aboriginal and Torres Strait Islander Child Placement Principle*. Available at: [www.snaicc.org.au/wp-content/uploads/2017/07/Understanding\\_applying\\_ATSICCP.pdf](http://www.snaicc.org.au/wp-content/uploads/2017/07/Understanding_applying_ATSICCP.pdf);

SNAICC (2018) *The Aboriginal and Torres Strait Islander Child Placement Principle: A guide to support implementation*. Available at: [www.snaicc.org.au/wp-content/uploads/2019/06/928\\_SNAICC-ATSICPP-resource-June2019.pdf](http://www.snaicc.org.au/wp-content/uploads/2019/06/928_SNAICC-ATSICPP-resource-June2019.pdf)

<sup>2</sup> SNAICC (2018) *Baseline Analysis of Child Placement Principle*. Available at: [www.snaicc.org.au/policy-and-research/child-safety-and-wellbeing/baseline-analyses-of-child-placement-principle](http://www.snaicc.org.au/policy-and-research/child-safety-and-wellbeing/baseline-analyses-of-child-placement-principle)

<sup>3</sup> Steering Committee for the Review of Government Service Provision, Productivity Commission (2022) *Report on Government Services – Chapter 16 – Child Protection*. Available at: [www.pc.gov.au/research/ongoing/report-on-government-services/2022/community-services/child-protection](http://www.pc.gov.au/research/ongoing/report-on-government-services/2022/community-services/child-protection)

*Protection Australia 2020-21* report.<sup>4</sup> OOHC figures in this review comprise ‘out-of-home care’ and ‘third party parental responsibility orders’ from the AIHW report. Data on ‘children of unknown Indigenous status in out-of-home care’ have not been included in this review’s figures, where relevant.

These reviews map implementation progress and gaps across Australia, highlight governments’ reform successes, and hold governments accountable to their efforts (or lack thereof) in achieving better outcomes for Aboriginal and Torres Strait Islander children and their families. In this way, these reviews align with the priority reform areas of the *National Agreement on Closing the Gap*, including Priority Reform 4 on improving Aboriginal and Torres Strait Islander peoples’ access to data that affects them and their communities.

SNAICC issued requests for information to state and territory departments responsible for child protection and family support in each jurisdiction, to provide information that shows significant progress and reforms towards achieving full implementation of the Child Placement Principle between 1 July 2020-30 June 2021. Some of the information requested was not provided and, in some cases, jurisdictions advised that this is because they do not collect or record the data sought. SNAICC also sought clarification from jurisdictions after the initial requests for information and provided them with an opportunity to review the draft reports, add information and/or correct any errors.

State governments reported that progress in implementing the Child Placement Principle during this period of review was impacted by the COVID-19 pandemic. The review therefore acknowledges that delivery and implementation of some programs and initiatives was delayed due to COVID related restrictions and the need to prioritise government resources.

The reviews come out of the *National Framework for Protecting Australia’s Children 2009-2020*. The next ten-year framework, *Safe and Supported: The National Framework for Protecting Australia’s Children 2021–2031*, expects to go further by embedding a stronger focus on and promoting and enabling full implementation of the Child Placement Principle.

## Overview

**Prevention:** The Tasmanian Government’s spending on family support and intensive family support services comprised 25.18% of total funding for child protection in 2020-21.<sup>5</sup> This was a significant increase from 13% during the last reporting period and higher than the national average of 16.9%.<sup>6</sup>

Of the 1,935 children who commenced intensive family support services in Tasmania in the reporting period, 2.17% (42) were Aboriginal.<sup>7</sup> This suggests a large inequity in support services to Aboriginal families, particularly considering that Aboriginal children made up 35.7% of children in OOHC, which was an increase from 34% during the previous reporting period.

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<sup>4</sup> Australian Institute of Health and Welfare (AIHW) (2022) *Child protection Australia 2020–21*. Available at:

<https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2020-21/contents/out-of-home-care/characteristics-of-children-in-out-of-home-care>

<sup>5</sup> Steering Committee for the Review of Government Service Provision, Productivity Commission (2022) *Report on Government Services – Chapter 16 – Child Protection*, Table 16A.8. Available at: [www.pc.gov.au/research/ongoing/report-on-government-services/2022/community-services/child-protection](http://www.pc.gov.au/research/ongoing/report-on-government-services/2022/community-services/child-protection)

<sup>6</sup> Ibid.

<sup>7</sup> References to Aboriginal people refer to Aboriginal and Torres Strait Islander people.

Promising developments included continued funding to the Tasmanian Aboriginal Centre to provide culturally safe intensive family support services, and direct funding to Aboriginal organisations to employ three community liaison officers for the *Strong Families Safe Kids Advice and Referral Line* (the Line).

Aboriginal children in Tasmania were 4.6 times more likely to be in OOHC than non-Indigenous children.<sup>8</sup>

**Partnership:** Tasmanian ACCOs received 14.5% of funding for Intensive Family Engagement Services (IFES), and just 0.79% of all state government family support and intensive family support funding.<sup>9</sup> When considered alongside the 35.7% of children in OOHC who are Aboriginal, this reflects an extremely limited allocation of funding for ACCO service delivery to Aboriginal children and families.

**Placement:** In 2020-21, just 10.8% of Aboriginal children in OOHC were placed with Aboriginal kin, well below the national average of 32.1%.<sup>10</sup> In fact, this rate was the lowest of all jurisdictions, with Queensland having the second-lowest rate at 21.7%.<sup>11</sup> The Tasmanian Government noted that the proportion of children placed with Aboriginal carers may be underreported due to the high proportion of caregivers with unknown Aboriginal status.

In addition, ACCOs were not funded to find, assess, recruit and support kin carers. This is concerning given the very low rates of Aboriginal children that were placed with Aboriginal kin.

**Participation:** Under the current family group conferencing (FGC) model, 91 Aboriginal children participated in conferences, compared to 219 non-Indigenous children and eight children with unknown Aboriginal status. This was a significant increase from 35 Aboriginal children during the previous reporting period (2019-20). There were still no Aboriginal facilitators in the 2020-21 reporting period and the FGC model in Tasmania does not fully align with the best practice model of Aboriginal Family-Led Decision-Making (AFLDM) highlighted in SNAICC's Child Placement Principle resource series.

**Connection:** There was a concerted focus on improving the identification of Aboriginal children in OOHC since 2019, increasing the known Indigenous status of children from 70.3% in 2018 to 98.3% in 2020-21. However, the Tasmanian Government noted that the Aboriginal status of children was not reliably reported until children were already placed in OOHC, and data in relation to placement with Aboriginal members of a child's community and data in relation to proximity to the child's family were not readily available.

Just 62.4% of Aboriginal children in OOHC had a current cultural support plan at 30 June 2021.<sup>12</sup> There are data limitations in Tasmania for this measure as cultural need is one domain of care planning and not a specific stand-alone plan on which data is collected. Over the same reporting period, the national average for the proportion of Aboriginal children 0-17 years who had a current documented and approved cultural support plan was 73.4%.<sup>13</sup> In addition, data limitations in

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<sup>8</sup> SNAICC (2021) *The Family Matters Report*, p. 21. Available at: <https://www.familymatters.org.au/wp-content/uploads/2022/12/FamilyMattersReport2021.pdf>

<sup>9</sup> Ibid p. 42, Table 3.

<sup>10</sup> AIHW Child Protection Data Collection (2022) ATSCPP Supplementary Table S2.1. Available at <https://www.aihw.gov.au/reports/child-protection/atsicpp-indicators/data>

<sup>11</sup> Ibid.

<sup>12</sup> Ibid, Supplementary table S2.2a.

<sup>13</sup> Ibid.

Tasmania prevented the accurate reporting of this measure, including the extent to which these cultural support plans actively meet children’s cultural needs.

Low reunification rates and a greater emphasis on permanency planning raise concerns about the risk of Aboriginal children in OOHC losing connection to their families, communities and cultures.

## Prevention

There were no legislative changes to the *Children, Young Persons and their Families Act 1997* (Tas) (the Act) during the reporting period. The Tasmanian Government reported that a comprehensive review of the Act commenced in the reporting period. This review involves ‘asserting the role of Aboriginal communities and organisations in supporting Aboriginal children and families’.<sup>14</sup> The review will provide recommendations for legislative amendments or for a new Act to be developed. The review timeline has been extended due to capacity issues in the Department. Further analysis of the legislative review and its outcomes will be included in the 2021-22 implementation review.

The Department of Communities Tasmania (Department) produced *Strong Families, Safe Kids: Next Steps Action Plan 2021-2023* (Action Plan). This is a follow-up from the *Strong Families, Safe Kids Implementation Plan 2016-2020*, which ended during the reporting period. While the Action Plan makes more specific mention of Aboriginal children and families than the original implementation plan, this remains limited. Action 18 is to ‘establish a non-legal advocacy support for parents’ and outlines a two-year early intervention pilot that will be seeking to deliver pre-litigation non-legal advocacy support to parents. The pilot is based on the principles of family preservation, restoration and inclusive decision-making, and aims to ensure parents understand the process, the concerns of the child safety service, and what needs to occur to alleviate those concerns. This pilot will be delivered in partnership with the Tasmanian Aboriginal Legal Service to ensure families have access to culturally appropriate support.<sup>15</sup>

Action 21 of the Action Plan, to ‘continue to progress and embed the Aboriginal and Torres Strait Islander Child Placement Principle across the Child Safety Service system’, aims to support engagement with Tasmanian ACCOs to identify and implement actions to enhance implementation of the Child Placement Principle, through family preservation services and support for kin and community connections for Aboriginal families, children and young people.<sup>16</sup>

These two actions are, however, the only specific references to Aboriginal children in the Action Plan. This is despite the fact that Aboriginal children who are living in Tasmania were 4.6 times more likely to be in OOHC than non-Indigenous children in 2020-21. This rate of over-representation decreased slightly from 4.7 in 2019-20.<sup>17</sup>

Action 16 of the Action Plan is to ‘continue to deliver the Intensive Family Engagement Service’ (IFES). This service is a family preservation program that delivers intensive support to families to build their capacity to provide safe, stable and nurturing homes for their children. The Department’s

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<sup>14</sup> Tasmanian Department of Communities (2021, March) *Strong Families Safe Kids – Next Steps Action Plan 2021-2023*. Available at: [www.communities.tas.gov.au/\\_data/assets/pdf\\_file/0027/153756/SFSK-Action-Plan\\_wcag-Final-March-2021.pdf](http://www.communities.tas.gov.au/_data/assets/pdf_file/0027/153756/SFSK-Action-Plan_wcag-Final-March-2021.pdf)

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> SNAICC (2021) *The Family Matters Report*. Available at: <https://www.familymatters.org.au/wp-content/uploads/2022/12/FamilyMattersReport2021.pdf>

Children, Youth and Families division partners with the Tasmanian Aboriginal Centre (TAC) to deliver the service to Aboriginal families at risk of statutory intervention. During the reporting period, the TAC supported 15 Aboriginal families to complete the IFES program. A further five Aboriginal families completed the program through another organisation.

The Department reported that 2.17% (42) of the 1,935 children who commenced the service in Tasmania were Aboriginal. The limited number of Aboriginal children accessing prevention services is highly concerning given Aboriginal children made up 35.7% of children in OOHC in Tasmania in the reporting period, up from 34% in 2019-2020.

These rates raise questions about why so few Aboriginal children are participating in IFES when so many Aboriginal children are being removed from their families. One cause for the disparity may be a lack of identification of the Aboriginal status of children until they enter OOHC (expanded on below, under [Connection](#)). Another reason may be the disparity in funding between ACCOs and non-Indigenous services (expanded on below, under [Partnership](#)) resulting in Aboriginal families not accessing the necessary services. It is vital that Aboriginal children are identified at their first point of contact with the system to ensure Aboriginal children and their families can access culturally safe services delivered by ACCOs that give them the best chance of success. Research has consistently shown that supports provided by ACCOs are the most effective at preventing Aboriginal children from entering OOHC.<sup>18</sup>

The Line continued during the reporting period. The Line was established in 2018 as a single-front-door early intervention program that enables anyone with concern about a child's safety and wellbeing to call for advice. The caller is then referred to services that best suit the needs of the child.

The Line employs ten community liaison officers. Three officers are Aboriginal liaison officers, with one in each region of the state. The Tasmanian Government reported that the three Aboriginal liaison officers are funded through to 30 June 2023.

The TAC was funded \$219, 898 per annum for two Aboriginal liaison officers and the Circular Head Aboriginal Corporation received \$109, 948 per annum for one Aboriginal liaison officer position. In recognition of service demand, a fourth Aboriginal liaison officer will commence in 2022-23. Funding for the recruitment and management of these positions goes directly to the TAC and the Circular Head Aboriginal Corporation. This contrasts with the last reporting period, when funding was awarded to two non-Indigenous NGOs, one of whom sub-contracted the TAC to recruit and manage two of the Aboriginal liaison officer positions.

The Line summary report was released in March 2021. This report found an increase in positive outcomes for Tasmanian children since the introduction of the Line in December 2018, including an overall decrease in matters requiring a child safety response. However, the report does not include data specific to Aboriginal children. With the small numbers of Aboriginal children undertaking IFES, the increasing number of Aboriginal children in OOHC and the increasing rate of over-representation, these positive outcomes cannot be assumed to have been experienced by Aboriginal children.

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<sup>18</sup> See for example SNAICC (2020) *Family Matters Report*, p 32. Available at: [https://www.familymatters.org.au/wp-content/uploads/2020/11/FamilyMattersReport2020\\_LR.pdf](https://www.familymatters.org.au/wp-content/uploads/2020/11/FamilyMattersReport2020_LR.pdf)

*Safe Homes, Families, Communities 2019-2022* is Tasmania's action plan for family and sexual violence. Action 17 of this plan supports ongoing delivery of the Aboriginal Family Safety Workers program. These workers are based in child and family centres and provide culturally appropriate support, engaging with Aboriginal families to deliver activities that promote family safety and address family violence and its impact on children. The intended outcomes of this action are to support child and family centres to engage with local Aboriginal families, to increase their cultural competency, to increase their ability to recognise and respond to Aboriginal clients' experiences of family violence, and to enable Aboriginal communities and organisations to better support their clients to navigate the service system.

The *Safe Homes, Families, Communities Responding and Reporting 2021* report states that 923 Aboriginal families were supported by Aboriginal Family Safety Workers in the 2020-21 reporting period.<sup>19</sup>

Tasmania's spending on family support and intensive family support services comprised 25.18% of total funding for child protection in 2020-21. This was an increase from 18.49% during the previous reporting period and higher than the national average of 16.9%.<sup>20</sup> This increase was partly based on inclusion of family violence counselling services in reporting of expenditure on family support services in 2020-21.<sup>21</sup>

## Partnership

There is no legislative requirement for the participation of a recognised Aboriginal organisation (that may be an ACCO) in placement or other significant decision-making since the Baseline Analysis was published in 2018. The Act simply states that a kinship group, Aboriginal community or organisation 'should be allowed' to contribute to decision-making.

The Tasmanian Government reported that funding to organisations to provide IFES is allocated based on demand data, organisational capacity, and the proposed service model. However, despite a significant demand for IFES in Aboriginal communities in Tasmania, given the rate of over-representation of Aboriginal children in the child protection system, funding to ACCOs to provide these services was minimal. Although the government provided TAC with \$405,665 in funding to deliver IFES in 2020-21, this was just 14.5% of the total Tasmanian Government IFES funding of \$3.2 million.

During the reporting period, the Department's Children, Youth and Families division released their strategic plan: *Striving for Practice Excellence: Our Strategic Direction 2021-2024*. This plan makes a general commitment to improving outcomes for Aboriginal children, specifically regarding the rate of over-representation of Aboriginal children in OOH. The plan's strategic priorities that focus on partnerships with Aboriginal communities and organisations include:

- together with Aboriginal community organisations, to identify and implement a co-designed process that provides the pathway to delivering real change and improved outcomes;

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<sup>19</sup> Tasmanian Government (November 2021) *Safe Homes, Families, Communities Responding and Reporting 2021*. Available at: [http://www.communities.tas.gov.au/\\_data/assets/pdf\\_file/0027/197064/Responding-and-Reporting-2021.pdf](http://www.communities.tas.gov.au/_data/assets/pdf_file/0027/197064/Responding-and-Reporting-2021.pdf)

<sup>20</sup> Steering Committee for the Review of Government Service Provision, Productivity Commission (2022), Op. Cit., Table 16A.8. Available at: [www.pc.gov.au/research/ongoing/report-on-government-services/2022/community-services/child-protection](http://www.pc.gov.au/research/ongoing/report-on-government-services/2022/community-services/child-protection)

<sup>21</sup> Ibid, see note (i).



- to engage in genuine and respectful partnerships with Aboriginal community organisations that support shared decision-making to build capacity and development of a community-controlled sector;
- to establish strong communication across all service partners to strengthen cultural strategies and responses; and
- to examine prevention and early intervention therapeutic responses to better support families experiencing vulnerabilities.

Only high-level information is provided in relation to the division's strategic direction and so any policy successes will be determined by how these priorities are implemented.

The Department reported that the number of Aboriginal children being referred to and accessing ACCOs for services is unavailable and it would take considerable work to address this data gap. However, to improve outcomes for those Aboriginal children who are at risk of entering and/or who are in OOHC, such data is critical.

The Tasmanian Government stated that it is committed to working in partnership with ACCOs to plan and develop support programs for Aboriginal children in the child safety system.<sup>22</sup> As part of this commitment, the Department reported that the child safety service has trialled the delivery of several individualised service packages for Aboriginal children in the south of the state as a precursor to a case management model. However, there is no information on the specifics of the trial, including which - if any - ACCOs were involved.

There remains no dedicated Aboriginal peak body for Aboriginal children, nor a dedicated children's commissioner in the state. ACCOs were also not funded to provide services that go beyond prevention/early intervention efforts, such as funding to find, assesses, recruit and support kinship carers for Aboriginal children. Meaningful partnerships with ACCOs includes providing them with the supports and autonomy to provide culturally safe services to Aboriginal children and families across the child protection system.

## Placement

In its submission to this review, the Tasmanian Government reported that, as of 30 June 2021, 48.3% of Aboriginal children were 'placed in accordance with the Child Placement Principle'.<sup>23</sup> The government put forward that this is compared to 46.5% in 2019-20 and 42.3% in 2018-19. However, the Department did not provide information on *how* the children were placed, including the way that placements meet the requirements of the Child Placement Principle.

At the same time, data from the 2022 ROGS suggests that Aboriginal children are not being placed in accordance with the Child Placement Principle at the rates suggested above. In 2020-21, just 10.8% of Aboriginal children in OOHC were placed with Aboriginal kin, well below the national average of 32.1%.<sup>24</sup> In fact, this rate was the worst of all jurisdictions, with Queensland having the second-

<sup>22</sup> Tasmanian Liberals, 'First 100 Days', <https://tas.liberal.org.au/first-100-days>, accessed 19/9/2022; Tasmanian Greens, 'Aboriginal Affairs - Ashley Youth Detention' <https://tasmps.greens.org.au/parliament/aboriginal-affairs-ashley-youth>, accessed 19/9/2022.

<sup>23</sup> Data provided by the Department of Communities Tasmania to SNAICC in December 2021.

<sup>24</sup> AIHW Child Protection Data Collection (2022) ATSCIPP Supplementary Table S2.1. Available at <https://www.aihw.gov.au/reports/child-protection/atsicpp-indicators/data>

lowest rate at 21.7%.<sup>25</sup> In addition, 32.5% of Aboriginal children in OOHC were placed with non-Indigenous kin and 5.0% were living with Aboriginal (non-kin) carers.<sup>26</sup>

The Tasmanian Government noted that the proportion of children placed with Aboriginal carers may be underreported due to the high proportion of caregivers with unknown Aboriginal status. It also noted the Aboriginal status of children was not reliably reported until children were already placed in OOHC (expanded on below under [Connection](#)), and data in relation to placement with Aboriginal members of a child's community and data in relation to proximity to the child's family were not readily available. These gaps in available data suggest that placement data in Tasmania are very limited in being able to demonstrate compliance with the placement hierarchy, and that significant work is required to improve data gathering and reporting.

In addition, no ACCO has been resourced to find, assess, recruit and support kin carers. This is concerning given the very low rate of Aboriginal children in OOHC being placed with Aboriginal kin or other Aboriginal carers. ACCOs have deep knowledge of kin and community networks and are best placed to carry out this work.

## Participation

The Tasmanian Government reported that it is committed to the development of AFLDM models for Aboriginal children in care, in partnership with ACCOs. However, there remained no Aboriginal facilitators or an independent AFLDM during the reporting period. There is a strong evidence base supporting the effectiveness of independent, culturally safe and Aboriginal-led models for facilitating meaningful participation of families and their children in child protection decision-making. These aspects will need to be addressed in the new AFLDM (if and once established) if it is to align with the Child Placement Principle.

Under the current FGC model in Tasmania, 91 Aboriginal children participated in conferences. This is compared to 219 non-Indigenous children and eight children with unknown Aboriginal status. This is a significant increase from 35 Aboriginal children during the last reporting period.

All states and territories were asked to provide information and data on the participation of Aboriginal and Torres Strait Islander children in decisions about their own care and protection. The Tasmanian Government reported this data was not available.

The Department also reported that the *Care Teams* and *Care Planning Procedure and Practice Advice* were launched in December 2020. These new processes support children/young people, Aboriginal families, communities and kin to form part of the Care Team that contributes to developing a child or young person's Care Plan. It is unclear how these processes work in practice.

## Connection

Historically, Tasmania has had a high proportion of children with unknown Aboriginal status in contact with child protection services. Since 2019, there has been a concentrated focus on improving

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<sup>25</sup> Ibid.

<sup>26</sup> [Ibid.](#)

the identification of Aboriginal children in OOHC, increasing the known Indigenous status of children from 70.3% in 2018 to 98.3% in 2020-21.<sup>27</sup>

The Department reported that the over-representation of Aboriginal children could only reliably be reported for children already in OOHC due to the high number of children with unknown Aboriginal status at earlier points of contact. This may prevent Aboriginal children and families from being referred to ACCOs for early intervention and prevention services and from being placed with Aboriginal kin as a priority (as is in accordance with the Child Placement Principle).

Just 62.4% of Aboriginal children in OOHC had a current cultural support plan at 30 June 2021.<sup>28</sup> Over the same reporting period, the national average for the percentage of Aboriginal children 0-17 years who had a current documented and approved cultural support plan was 73.4%.<sup>29</sup> In addition, data limitations in Tasmania prevented the accurate reporting of this measure, including the extent to which these cultural support plans actively met children's cultural needs. It also remained unclear how many of the plans in place were developed with the assistance of ACCOs. The Tasmanian Government reported that a new approach to case and care planning has been implemented. It is hoped that this will enable better and more comprehensive data collection and analysis in the future.

The Department reported that the development of a stability and permanency framework has been an important element of the *Strong Families Safe Kids* redesign (from implementation plan to action plan). This framework aims to strengthen placement stability for children and young people in OOHC through permanent care options, and Department staff are expected to use the newly developed framework to inform their work with children, young people and families in the child safety system. In the 2020-21 reporting period, the Department finalised the framework. This included defining the hierarchy for achieving stability as 'preservation, restoration, Third Party Guardianship, adoption and parental responsibility resting with the State as a last resort reflecting the principles of the *Children, Young Persons and Their Families Act 1997* (Tas).<sup>30</sup> While the hierarchy places restoration at the top of the hierarchy, just 9% of eligible Aboriginal children were reunified with their families in 2020-21 (the second-lowest rate of reunification of Aboriginal children across all jurisdictions, and well below the national average of 16.4%), while 15% of non-Indigenous children were reunified (noting that children on long-term orders, including long-term custody, guardianship and third-party parental responsibility orders, are not eligible for reunification).<sup>31</sup>

In 2019-2020, 30 Aboriginal children aged 0 to 16 exited OOHC to a permanency arrangement.<sup>32</sup> This was about the same as 2018-19 (32 children). As noted above, Tasmania has placed great importance on permanency. While permanency planning aims to provide children with stability, for Aboriginal children, stability is grounded in the permanence of their identity in connection with

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<sup>27</sup> Tasmanian Government report to inform this review.

<sup>28</sup> AIHW Child Protection Data Collection (2022) ATSCIPP Supplementary Table S2.2a. Available at <https://www.aihw.gov.au/reports/child-protection/atsicpp-indicators/data>

<sup>29</sup> *Ibid.*

<sup>30</sup> Tasmanian Department of Justice (2020) *Third Annual Progress Report and Action Plan 2021: Implementing the Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse*, p 12. Available at: [www.justice.tas.gov.au/data/assets/pdf\\_file/0003/595425/Attachment-1-Third-Annual-Progress-Report-and-Action-Plan-2021.pdf](http://www.justice.tas.gov.au/data/assets/pdf_file/0003/595425/Attachment-1-Third-Annual-Progress-Report-and-Action-Plan-2021.pdf)

<sup>31</sup> Note: in Tasmania, children are defined as 'reunified' if they have been living with their parents for a period of greater than 2 months. AIHW Child Protection Data Collection (2022) ATSCIPP Supplementary table S2.3a. Available at <https://www.aihw.gov.au/reports/child-protection/atsicpp-indicators/data>

<sup>32</sup> Steering Committee for the Review of Government Service Provision, Productivity Commission (2022) *Report on Government Services – Chapter 16 – Child Protection*, Table 16A.40. Available at: [www.pc.gov.au/research/ongoing/report-on-government-services/2022/community-services/child-protection](http://www.pc.gov.au/research/ongoing/report-on-government-services/2022/community-services/child-protection)

family/kin, community, culture and Country. Given the very low rates of Aboriginal children in OOHC being placed with their Aboriginal kin or other Aboriginal carers, or being reunified with their families, it is concerning there has been emphasis placed on permanency. Permanency planning in the absence of concerted efforts to place children with their Aboriginal families risks children being disconnected from their families, culture, community and Country.

There were no Aboriginal children in Tasmania adopted during the reporting period.