

REVIEWING IMPLEMENTATION OF
THE ABORIGINAL AND
TORRES STRAIT ISLANDER
CHILD PLACEMENT
PRINCIPLE
WESTERN AUSTRALIA
2021-23



SNAICC
National Voice for our Children

Acknowledgement

SNAICC shows respect by acknowledging the Traditional Custodians of Country throughout Australia and their continuing connections to land, waters and communities. SNAICC head office is located on the lands of the Wurundjeri People of the Kulin Nation, and SNAICC operates nationally. SNAICC acknowledges Traditional Owners of all lands and waters across this continent and pays respects to Elders past and present. We acknowledge and respect their continued connection to Country, care for community and practice of culture for generations uncouted.

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Acronyms and abbreviations

Acronym	Full name of acronym
ACCO/s	Aboriginal and Torres Strait Islander community-controlled organisation
ABS	Australian Bureau of Statistics
AEDC	Australian Early Development Census
AFLDM	Aboriginal Family-Led Decision-Making
AFLS	Aboriginal Family Legal Service
AHCWA	Aboriginal Health Council of Western Australia
AIHW	Australian Institute of Health and Welfare
AISS	Aboriginal In-Home Support Service
ARO	Aboriginal and Torres Strait Islander Representative Organisation
ASAG	Aboriginal Strategic Advisory Group
CASWA	Council of Aboriginal Services of Western Australia
EIFS	Earlier Intervention and Family Support
EYP	Early Years Partnership
GCO	Guardianship and Custody Order
IFSS	Intensive Family Support Services
IPS	Indigenous Professional Services
OOHC	Out-of-Home Care
SCRGSP	Steering Committee for the Review of Government Service Provision
SNAICC	SNAICC – National Voice for our Children
TPPRO	Third-Party Parental Responsibility Orders
WA	Western Australia

Introduction

This report reviews the progress of the Western Australian Government, through the Department of Communities, in implementing the full intent of the Aboriginal and Torres Strait Islander 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 law, 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
- 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 1 July 2021 – 30 June 2023. Quantitative data for 2022–2023 are included where available. The qualitative analysis considers developments occurring to 30 June 2024.

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 (SNAICC 2017, SNAICC 2018A), a 2018 baseline analysis (SNAICC 2018b), and subsequent annual reviews 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 the 2024 Report on Government Services (ROGS) Chapter 16 – Child Protection (SCRGSP 2024), the Australian Institute of Health and Welfare (AIHW) *Child Protection Australia 2022–23* report (AIHW 2024a), and the AIHW *Aboriginal and Torres Strait Islander Child Placement Principle Indicators 2021–22* report (AIHW, 2024). OOHC figures in this review comprise 'out-of-home care' and 'third-party parental responsibility orders' from the AIHW report or, where indicated, 'out-of-home care' and other supported placement data from ROGS. 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 arise from *Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031* (Safe and Supported). 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 (National Agreement), including Priority Reform 4 on improving Aboriginal and Torres Strait Islander peoples' access to data that affects them and their communities.

Overview

Prevention

Aboriginal and Torres Strait Islander families and communities have been raising happy, healthy and resilient children who enjoy a strong connection to culture for generations. Despite these strengths, as of 30 June 2023, Western Australia had the highest over-representation of Aboriginal children in OOHC and other supported placements of any state or territory, at 20.2 times the rate of non-Indigenous children¹. This rate has been steadily climbing over the past decade, from a rate ratio of 14.6 as of 30 June 2014 (SNAICC calculation of rate ratios, with data drawn from – Report on Government Services 2024, Part F, Section 16 Child Protection Services. Table 16A.2, 16A.3 and 16A.42). To address this the WA Government has made several commitments, including launching the *Aboriginal Family Safety Strategy 2022–2032* (Aboriginal Family Safety Strategy) in December 2022 and a partnership between the Department of Communities and SNAICC to develop a 10 Year Roadmap to Reduce the Number of Aboriginal Children in Care.

Partnership

In 2022–23, approximately 3% of total child protection expenditure in Western Australia directly funds ACCOs (SNAICC 2024). While the WA Government has made commitments to strengthen partnerships, the WA Government's Aboriginal Expenditure Review indicates that it falls short of meeting the recommended proportion of contracts to ACCOs in child protection. There have been continued calls for a dedicated Commissioner for Aboriginal children and young people. Challenges, such as unequal partnership arrangements, indicate the need for a coordinated and long-term approach to support the growth and development of ACCOs in the child and family sector in WA. There is also a need for greater cross-sector funding by Government agencies, where ACCOs may service multiple complex needs of Aboriginal children, young people and families.

Placement

As at 30 June 2023, approximately 54.1% of Aboriginal children in OOHC were placed with both Aboriginal and non-Indigenous relatives or kin (SCRGSP 2024, Table 16A.23). However, notably in 2023, Western Australia had the highest over-representation of all states and territories of Aboriginal children on third-party parental responsibility orders (TPPROs), with Aboriginal children being 16 times more likely than non-Indigenous children to be placed on these orders (SCRGSP 2024, Table 16A.3²). Legislative amendments to embed the Child Placement Principle placement hierarchy were introduced in 2021 but are considered insufficient by Aboriginal community members and leaders.

¹ The source of this data is different from the Family Matters 2024 report and numbers will therefore differ.

² The source of this data is different from the Family Matters 2024 report and numbers will therefore differ.

Participation

The Department of Communities has established an Aboriginal Outcomes Division and undertaken state-wide engagement to inform the development of an Aboriginal Cultural Framework and Aboriginal Cultural Learning Strategy. Community engagement led by SNAICC for the development of a draft 10 Year Roadmap to Reduce the Number of Aboriginal Children in Care (see 'Prevention') identified several issues with cultural safety, including reports of racism and discrimination in interactions with public sector agencies. An Aboriginal Family-Led Decision-Making (AFLDM) pilot was introduced in 2021 and continues to operate in two sites across Western Australia for this reporting period. Aboriginal Representative Organisations (AROs) have been funded to provide advice in child protection decisions across two pilot locations, however, community stakeholders cite a lack of genuine authority and influence of ARO advice on government decisions. AROs are limited to the provision of advice and, as such, do not currently provide a mechanism for shared decision-making in child protection in line with National Agreement commitments.

Connection

The rate of Aboriginal children with a current cultural support plan has declined over the past five years with only 67.3% having a current cultural support plan as at 30 June 2022, down from 81.5% in 2019 (AIHW 2024, ATSCIPP Indicators, Table 2). The Department of Communities has attempted to improve data collection on cultural support plans.

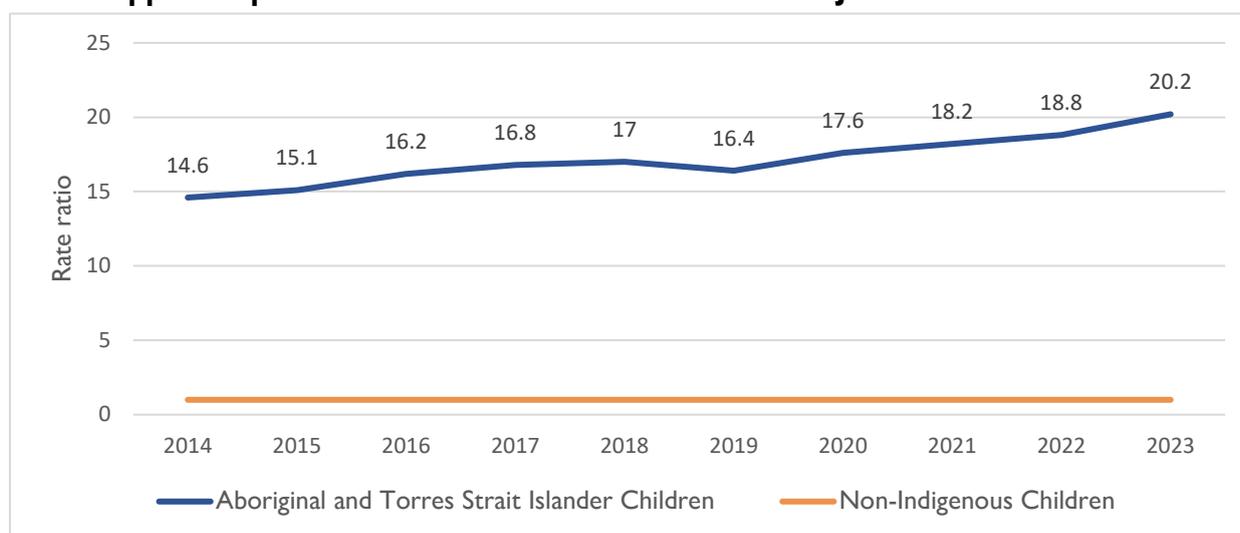
Prevention

The prevention element of the Child Placement Principle aims to ensure that Aboriginal and Torres Strait Islander children and their families grow up healthy and safe, and within their own family and community. Preventing children and families from entering the child protection system requires collaboration among various services and programs, that span multiple government sectors, such as health, education, housing and economic development. This review primarily focuses on the child protection-focused activities of the Department of Communities, while noting that holistic prevention can only be achieved with a whole-of-government approach.

Over-representation in child protection

As of 30 June 2023, Western Australia had the highest over-representation of Aboriginal children in OOHC and other supported placements of any state or territory, at 20.1 times the rate of non-Indigenous children (SCRGSP 2024, Table 16A.2, 16A.3 and 16A.42).³ As of 30 June 2023, Aboriginal children made up 59.6% of all children in OOHC in WA (AIHW 2024a, Table S5.5). The Department of Communities data provided in the *Child Protection Activity Performance Information 2022–23* indicates that, as of 30 June 2023 in the East and West Kimberley, Aboriginal children made up 100% of children in OOHC and, in the Pilbara, Aboriginal children made up 99% of children in OOHC (Department of Communities 2023a, page 18).

Figure 1 – Rate ratios of Aboriginal and Torres Strait Islander children in OOHC and other supported placements in Western Australia as of 30 June 2014–2023.



Source: SNAICC calculation of rate ratios, with data drawn from - Report on Government Services 2024, Part F, Section 16 Child Protection Services. Table 16A.2, 16A.3 and 16A.42

Note: From 2019 onwards, children on third-party orders in WA were included in the 'other supported placements' count, therefore affecting comparison for years prior to this.

³ National out-of-home care counting rules changed for all states and territories in 2018-19 and now exclude children on third-party parental responsibility orders (TPPROs) from the count of children in OOHC. SNAICC believes that this change seriously undermines transparency and accountability, effectively rendering these children invisible in the system. The number of children on TPPROs is reported in the annual AIHW *Child Protection Australia* publication. Children in 'other supported placements' for WA includes TPPROs, unaccompanied humanitarian minors and children who have remained in care beyond the age of 18 years. SNAICC has elected to use data on other supported placements for 2022-23 as disaggregated data about children on TPPROs has not yet been released. Past years' data are included for comparison. Because these calculations are based on other supported placements, they will differ slightly from overrepresentation data which only includes children in out-of-home care and on TPPROs. For calculations of overrepresentation rates based on only children in out-of-home care and on TPPROs, see the annual *Family Matters* Reports.

Figure 1 shows the trend in rate ratios comparing Aboriginal children and non-Indigenous children in OOHC and other supported placements in WA over the past ten years.

In 2022–23, 1,118 children entered OOHC in WA, 678—60.6%—of whom were Aboriginal, including 151 who were less than 1 year old and 162 who were aged 1 to 4 (AIHW 2024a, Table S5.1). In 2022–2023, 65.5% of child protection reports for unborn babies and 57.7% of children in substantiations for children under the age of 1 were made in relation to Aboriginal children (AIHW 2024a, Table S3.6).

In 2022, the Department of Communities partnered with SNAICC to develop a 10 Year Roadmap to Reduce the Number of Aboriginal Children in Care (10 Year Roadmap). SNAICC was engaged to work with Aboriginal communities and leaders, ACCOs and Government agencies to develop a draft 10 Year Roadmap and first Action Plan, and proposed governance framework for implementation. In 2022 and 2023 SNAICC held regional community forums and a wide range of sector consultations with ACCOs totalling approximately 200 Aboriginal community members, non-Indigenous NGOs and government agencies to inform the development of the 10 Year Roadmap. The findings from these sector consultations inform this review.

Social determinants of child protection involvement

Some of the key drivers of children and families entering the child protection system relate to social determinants of health. Access to adequate housing, education, employment and affordable food has a significant impact on an individual's health and wellbeing. For Aboriginal and Torres Strait Islander families, these factors are further complicated by the enduring effects of colonisation and intergenerational trauma. This can impact a family's ability to provide a safe and nurturing home for their children, putting them at an increased risk of ongoing cycles of disadvantage.

The relationships between social determinants and the primary reasons for child protection involvement are complex. There is a multi-faceted and dynamic relationship between social determinants and child protection processes of notifications, investigations, substantiations, making of care and protection orders, and removal into OOHC. For example, poverty can often be conflated with neglect during child protection investigations and can result in inappropriate child protection interventions. The interplay between social and economic factors that can contribute to children being mistreated, abused and neglected is complex, and is intertwined with ongoing institutional biases and systemic racism.

WA is a geographically large and diverse state. In 2022, Aboriginal children and young people made up approximately 7.3% of the population aged 0–19 years (CCYP 2024). In 2022, approximately 42.2% of Aboriginal children in WA lived in outer regional, remote or very remote areas, compared to 13.4% of non-Indigenous children (CCYP 2024). Across 2021 to 2023 in WA, there continued to be a range of social, economic and health challenges that can contribute to Aboriginal and Torres Strait Islander children entering OOHC. These challenges, as well as recent activities to address them, are outlined below.

Poverty, socio-economic disadvantage and homelessness

Recent analysis has highlighted that nationally Aboriginal and Torres Strait Islander children are more likely than other children to be living in poverty (ARACY & UNICEF 2023). In 2021, the median weekly income for Aboriginal people in Western Australia was \$808, lower than the national median weekly income for Aboriginal and Torres Strait Islander people (\$830) (ABS 2022). In 2021, WA had the second-highest rate of Aboriginal people experiencing homelessness in all states and territories but the lowest rate of homelessness in the general population (ABS 2021). The WA Commissioner for Children and Young People highlighted the growing proportion of children and young people accessing specialist homelessness services and on the waiting list for public housing since 2020 (CCYP 2024).

Early contact with the youth justice system

In 2020–21, 55.9% of young Aboriginal people under youth justice supervision in WA had contact with child protection in the previous five years and 62.7% of young Aboriginal people in detention had contact with child protection in the previous five years (AIHW 2022b). Aboriginal children and young people in WA were 29.6 times more likely than non-Indigenous children and young people to be in youth detention in 2021–22 (AIHW 2023b).

In September 2022, the WA Government released the *At Risk Youth Strategy 2022–2027* (At Risk Youth Strategy) (Department of Communities 2022). The At Risk Youth Strategy aims to support vulnerable young people aged 10 to 24 years and focuses on young people facing challenges that put them at risk of harm, including family dysfunction, child protection concerns, justice system contact, mental health and social and emotional wellbeing concerns. The needs of young Aboriginal people are a focus area for the At Risk Youth Strategy. Under the At Risk Youth Strategy, the WA Government has established a multi-agency At Risk Youth Reference Group, which includes representation from Aboriginal organisations. Work is underway by the At Risk Youth Reference Group to develop the At Risk Youth Strategy's implementation plan, which will be released in 2024.

The 2023–24 State Budget allocated \$54.6 million in support for initiatives aimed at reducing the number of young people and vulnerable Aboriginal people coming into contact with the justice system, including extending the Target 120 and Kimberley Juvenile Justice Strategy programs for at-risk youth (continuing Night patrols and a Safe Space Pilot in Broome) and continuing the Aboriginal Community Connectors Program (Government of WA 2023a). The Aboriginal Community Connectors Program provides a range of culturally responsive services to children and youth, adults and families in 13 locations across WA.

Domestic and family violence

The WA Government estimates that up to 80% of Aboriginal children in OOHC have been exposed to family violence, contributing to their removal into OOHC (WA Government 2023b).

Categorisation of the types of abuse and neglect experienced by children in contact with child protection does not differentiate between exposure to domestic and family violence and other types of abuse and, most often, children experiencing family violence are categorised as experiencing

emotional abuse. In 2021–22, 63% of Aboriginal children in Western Australia who had a substantiation of abuse or neglect were recorded as experiencing emotional abuse (AIHW 2023a).

In December 2022, the WA Government released the Aboriginal Family Safety Strategy. An Aboriginal Healing Framework is being developed to support the implementation of the Aboriginal Family Safety Strategy and is expected to be finalised by the end of 2024. The Aboriginal Healing Framework is intended to provide clear and practical guidance for how healing work can be supported and operationalised as part of Western Australia’s response to family violence. There was no allocation in the 2023–24 State Budget for implementation of the Aboriginal Family Safety Strategy. The Department of Communities supported Aboriginal community-controlled health organisations to increase their capacity to address domestic and family violence through a pilot from 2022–2024. The pilot has not received ongoing resourcing (AHCWA 2023: 37). The three Aboriginal controlled Family Violence Prevention Legal Services operating across Western Australia continue to struggle for ongoing commitments from the State Government to long-term, adequate funding (AFLS 2024).

Mental health concerns and substance use

Mental health concerns and substance use—often driven by intergenerational trauma—are major contributors to child protection involvement for many Aboriginal parents. In the SNAICC-led consultations to inform the 10 Year Roadmap (see ‘Prevention’), Aboriginal communities identified trauma and a need for culturally informed healing supports, as a key preventative measure needing further investment. In 2018–19, 31.8% of Aboriginal people in WA reported high or very high psychological distress (ABS 2019).

In the 2023–24 State Budget, \$5.8 million was allocated for an additional 10 Aboriginal Mental Health Workers to support Aboriginal children and families to access and engage with Infant, Child and Adolescent mental health services. However, the Aboriginal Health Council of Western Australia (AHCWA) reported that the Social and Emotional Wellbeing Service Model pilot, originally funded from 2022–2025, requires ongoing resourcing and commitment (AHCWA 2023: 35-36).

Barriers to Early childhood well-being and development

In 2021, 31.3% of Aboriginal children in WA were assessed as being developmentally ‘on track’ for all five domains of the Australian Early Development Census (AEDC) compared with 59.5% of non-Indigenous children. This was the third-lowest rate of any state or territory in Australia (Productivity Commission 2023).

The Early Years Partnership (EYP) is a partnership between the Departments of Communities, Health and Education and the Minderoo Foundation, with four communities representing metropolitan, regional, remote and very remote areas. Telethon Kids Institute is the evidence and evaluation partner, and the Australian Government supports the EYP via the Connected Beginnings program. The EYP aims to improve child wellbeing and school readiness in four WA communities through co-designing community plans and testing evidence-based solutions (WA Government, 2023b). The EYP is a 10-year collective impact partnership with four communities—Armadale West; Central Great Southern, which includes Shires of Katanning, Broomehill-Tambellup, Kojonup and Gnowangerup;

Derby, including Mowanjum and Pandanus Park; and Bidyadanga (Department of Communities 2024b). Total funding of \$49.3 million over 10 years includes a WA Government contribution of \$24.6 million and an investment from the Minderoo Foundation of \$24.7 million over 10 years (WA Government, 2018).

Early Support, Family Support and Intensive Family Support Services

In the SNAICC-led consultations to inform the 10 Year Roadmap (see 'Prevention') Aboriginal communities highlighted the need for prevention and early support to reduce the number of Aboriginal children in OOHC.

The WA Government's *Earlier Intervention and Family Support Strategy* (EIFS Strategy) is its key policy framework for early supports for families to keep children safe and at home and not in OOHC. The EIFS Strategy involves a coordinated response between the Department of Communities, other state government agencies and the community services sector. The EIFS Strategy was released in 2016, and implementation is ongoing.

In 2021–22, the WA Government directed only 5% of total child protection spending towards family support and intensive family support. Western Australia has consistently directed only around 5% of child protection funding to family support over the last five years and reduced not only its proportion but also its amount of expenditure on these services between 2020–21 and 2021–22 (SNAICC 2023:41-42). Of this, a relatively high proportion of family support and intensive family support expenditure in WA is directed towards ACCOs (21.11%) (SNAICC 2023:44-45).

In 2022 and 2023, the Department of Communities held a series of information sessions about the new Regional Service Model and the recommissioning of Earlier Intervention and Family Support (EIFS) services. The *Aboriginal Community Controlled Organisations Strategy 2022–2032* (ACCO Strategy) will inform this recommissioning process with the process designed to create a more streamlined process and increase opportunities for ACCOs to deliver EIFS services (WA Department of the Premier and Cabinet 2023:106). However, there is no indication that this will involve increased investment in EIFS services. The Department of Communities reported that the Regional Service Model is currently being evaluated with the outcomes of this informing future investment (Department of Communities 2024c).

The Department of Communities funds the Aboriginal In-Home Support Service (AISS) across nine metropolitan locations and 17 Intensive Family Support Services (IFSSs). AISSs are delivered by a consortium known as Wungening Moort, which is made up of four ACCOs—Wungening Aboriginal Corporation, Coolabaroo Community Services, Ebenezer Aboriginal Corporation and Moorditj Koort (WA Government, 2023b). Of the children who commenced IFSS in 2021–22 64.2 per cent were Aboriginal (SCRGSP 2024, Table 16A.35). Yorgum Healing Service and Centacare Kimberley lead contracts for service provision of IFSSs in Goldfields, Great Southern and West Kimberley. Independent evaluations of the AISS and Family Support Network (FSN) were completed in 2023 by consultancy Keogh Bay People. This external consultant has also been engaged to develop an

overarching monitoring and evaluation framework for all existing and new EIFS programs (WA Government, 2023b). The Department of Communities reported that it intends to engage an Aboriginal business or ACCO to undertake this work in consultation with key stakeholders across WA to ensure the data is grounded in cultural knowledge, is meaningful and considers place-based nuances (WA Government, 2023b).

In late 2022, the Department of Communities engaged an external consultant, Indigenous Professional Services (IPS), to develop a Regional Service Model. Community consultation occurred in the South West, East Kimberley and Pilbara regions and included ACCOs, support service providers, Government agencies, Traditional Owners and local community members (WA Government, 2023b). An outcome of the consultations was the development of the following key principles of the service, including that the service should be family-led; ACCO delivered; provide continuity of service; provide home support; strong partnerships; and flexible delivery. The Regional Service Model comprises three streams of service; the Early Diversionary Support Network (EDSN); Community Intensive In-home Support; and Statutory Intensive In-home Support. The Regional Service Model seeks to increase access to early and preventative supports in regional areas by expanding existing service provision, improving outreach, connecting remote service providers and creating an accessible, centralised contact point for families (WA Government, 2023b).

The EDSN is a network of family support services that provides a common entry point for families who do not have an open case with the Department of Communities but need assistance navigating the service system and would benefit from coordination to link into relevant services (WA Government, 2023b). Importantly, families can self-refer to this service. The EDSN network setup was managed by local ACCOs—South West Aboriginal Medical Service in the South West, Ngarliyarndu Bindirri Aboriginal Corporation in the Pilbara and Kimberley Jiyigas in East Kimberley (WA Government, 2023b). As part of the Regional Service Model in the East Kimberley, Jungarni Jutiya Indigenous Corporation works in partnership with Key Assets to deliver the Regional Service Model in Halls Creek. Jungarni Jutiya Indigenous Corporation leads service provision to all families within the Halls Creek area (WA Government, 2023b).

Partnership

To improve the wellbeing of Aboriginal and Torres Strait Islander children and families it is important for governments and key stakeholders to establish and maintain genuine partnerships with Aboriginal and Torres Strait Islander communities. Ensuring partnership and shared decision-making with Aboriginal and Torres Strait Islander people in relation to all aspects of design, delivery and decision-making in child protection systems is an essential element of the Child Placement Principle.

Approximately 3% of total expenditure on child protection in WA was direct funding to ACCOs in 2022–23 (SNAICC 2024). The Department of Communities reported that 22 ACCOs received funding for child and family services in 2021–22, increasing to 26 ACCOs in 2022–23 (WA Government, 2023b).

The WA Government's *Aboriginal Expenditure Review 2022–23* (Aboriginal Expenditure Review), a commitment under the National Agreement, outlines the WA Government's spending on services and programs for Aboriginal people. This provides a basis for comparison across Aboriginal-specific programs and programs where a large proportion of service users were Aboriginal—of expenditure on these programs in 2021–22, 19.8% of expenditure was to Aboriginal organisations only and 49.9% of expenditure was in programs with Aboriginal organisations involved in service delivery (WA Department of Treasury 2023:25).

Aboriginal leaders in child and family wellbeing in WA have called for proportionate spending on ACCOs in child protection, commensurate with the proportion of Aboriginal children involved with child protection (SNAICC 2023). The Aboriginal Expenditure Review recommends that government agencies commission a specific proportion of contracts to Aboriginal organisations. WA is far from meeting this commitment in relation to child protection.

Policy development

The WA Government commenced a range of policy development processes to review and increase the proportion of ACCOs engaged in planning, design and delivery of services over 2021–2023, driven by the National Agreement. Many of these initiatives set a strong policy direction towards supporting and growing the ACCO sector, however, many outcomes from policy implementation have not yet been realised.

The Department of Communities reported that the WA Government is currently undertaking a stocktake of existing partnerships aligned to the National Agreement to identify gaps and opportunities where partnerships can be strengthened in line with the elements of strong partnership to progress Priority Reform One of the National Agreement. This stocktake will include partnerships specific to Aboriginal children, families and communities.

In August 2022, the Department of Communities released its ACCO Strategy to progress the implementation of Priority Reform Two of the National Agreement—strengthening the ACCO sector. The Department of Communities, through its ACCO Strategy, is committed to driving reform that strengthens and supports economic growth and opportunities for ACCOs and Aboriginal Communities. *A Call to Action 2022–2024 – Implementation Plan One*, the first implementation plan for the ACCO Strategy, commits to establishing a shared decision-making body to oversee the implementation of the ACCO Strategy. The ACCO Strategy also commits to an Aboriginal Engagement Framework and an ACCO Commissioning Framework (WA Government 2023b). The WA Government released the State Commissioning Strategy for Community Services in 2022 and updated its Delivering Community Services in Partnership Policy in 2023 ahead of releasing the ACCO Commissioning Framework. The ACCO Commissioning Framework was expected to be released by the end of 2023 but has not yet been released at the time of writing.

The Department of Communities reported that engagement with the ACCO sector had been planned to begin in the second half of 2023 to inform actions from the ACCO Strategy's A Call to Action

2022–2024 – Implementation Plan One (WA Government, 2023b) and this commenced with the Strengths and Opportunities Analysis of the Metropolitan, Southwest, Great Southern and Wheatbelt regions (Noongar country), which was finalised for review by the Department of Communities. The findings of the final report were intended to assist in determining scoping work in other regions, including the Pilbara, Kimberley, Goldfields and Midwest-Gascoyne (WA Government, 2023b). The Department of Communities reported that the outcome of this analysis will inform a comprehensive understanding of strengths, disparities and aspirations of ACCOs across the state (WA Government, 2023b). The Department of Communities is developing the Aboriginal Engagement Framework (AEF) via a phased approach with phase one focusing on stakeholder engagement. The Western Australian Government launched a Whole of Government ACCO Strategy in 2024.

In 2022, SNAICC was engaged to work with Aboriginal communities, leaders and ACCOs in WA to develop a 10 Year Roadmap to reduce the over-representation of Aboriginal children in OOH, as part of the WA Government’s plan to fulfil its commitments under the National Agreement. In 2022 and 2023, SNAICC undertook regional community forums across the state and a wide range of sector consultations with non-Indigenous NGOs and government agencies to inform the development of the 10 Year Roadmap. SNAICC recommended an approach to governance, partnership and shared decision-making for the development of the 10 Year Roadmap. However, the establishment of an independent representative Aboriginal Leadership Group has not been accepted by the WA Government and is being considered as a recommendation as part of the WA Government’s broader consideration of the draft 10 Year Roadmap. In response, SNAICC worked with key Aboriginal stakeholders throughout WA to establish a state-wide Aboriginal Community Reference Group to advise SNAICC on the development of the 10 Year Roadmap. Existing government advisory groups, including the Department of Communities’ Aboriginal Strategic Advisory Group, also provided valuable guidance to support the development of the 10 Year Roadmap.

SNAICC prepared an Engagement Outcomes Report from the engagement process, highlighting key priorities and findings to inform the 10 Year Roadmap. To date, the WA Government has declined to provide approval to publish the report, despite a strong recommendation from the Aboriginal Community Reference Group to publish the report as a record of community priorities. The WA Government did provide approval to circulate the outcomes report to consultation participants, however, the lack of broader transparency regarding engagement outcomes is concerning.

The draft 10 Year Roadmap and first Action Plan were submitted to the WA Government in September 2023 for review and consideration and, at the time of writing over one year later, no formal response regarding the acceptance and implementation steps for the 10 Year Roadmap has been provided.

Representation, Leadership & Accountability

The Partnership element of the Child Placement Principle centres on the involvement of Aboriginal and Torres Strait Islander representatives in policy development, service design and delivery, and in individual child protection decision-making.

WA Aboriginal leaders have highlighted strongly that there is a need for a state-wide specialist Peak Body in child and family wellbeing to act as a representative body to engage in decision-making alongside government. Beginning in 2021, the Department of Premier and Cabinet worked with AHCWA to scope and establish a Peak Body for the whole of the ACCO sector in WA. Prior to this process, AHCWA was the only state-wide ACCO Peak Body in WA specific to the Aboriginal community-controlled health sector. A subcommittee of the AHCWA Board was formed to guide the establishment process for the Peak Body and the new state-wide Peak Body, the Council of Aboriginal Services of WA (CASWA) was incorporated in March 2023. The WA Government has committed \$5.725 million over 4 years towards the operational costs for the Peak Body (WA Department of the Premier and Cabinet 2023:25). Through the engagement and development process for the 10 Year Roadmap, Aboriginal leaders in WA agreed there was a need for a specialist child and family Peak Body regardless of the establishment of an ACCO sector-wide Peak Body. This is being considered in the WA Government's review and finalisation of the 10 Year Roadmap.

In June 2022, the Department of Communities established an Aboriginal Strategic Advisory Group (ASAG) made up of senior Aboriginal leaders across WA. The Department of Communities will be working in partnership with the ASAG and key stakeholders to implement its ACCO Strategy and to finalise and implement a Reconciliation Action Plan and Aboriginal Cultural Capability Framework. The scope of the ASAG ranges across all portfolio and program areas for the Department of Communities, which Aboriginal leaders in child and family wellbeing have highlighted is very broad, and will miss opportunities for a specialised focus on child protection and the needs of Aboriginal children and families. In the process of developing the 10 Year Roadmap, Aboriginal leaders highlighted that a specialised focus on child and family wellbeing is needed. The ASAG has a number of limitations in its scope and role. As an advisory body, the ASAG does not have decision-making authority and, as it is government-appointed, the ASAG does not fulfil the provisions for Partnership and Shared Decision-Making in the National Agreement.

Establishing a dedicated Commissioner for Aboriginal children and young people is a key commitment in the First Aboriginal and Torres Strait Islander Action Plan for Safe and Supported. Action 7(b) emphasises the need for dedicated roles for advocacy, engagement and accountability with Aboriginal and Torres Strait Islander children and young people to ensure there is alignment in child safety and wellbeing policy, legislation, programs and practice to the UN Convention on the Rights of the Child and the UN Declaration on the Rights of Indigenous Peoples. The establishment of a Commissioner was also strongly supported by Aboriginal leaders in WA during the engagement process to inform the 10 Year Roadmap.

In January 2022, Jacqueline McGowan-Jones commenced as Commissioner for Children and Young People in WA. Commissioner McGowan-Jones is an Aboriginal woman with connections to Arrernte and Warumungu Country in the Northern Territory and has a strong background in child wellbeing, education and the rights of Aboriginal and Torres Strait Islander peoples. Commissioner McGowan-Jones has been a strong advocate for the rights of Aboriginal children in WA, however, the WA

Government has, to date, maintained that establishing a dedicated Commissioner for Aboriginal children and young people in WA is not required and is currently not planned, despite its commitment to Safe and Supported and strong advocacy from the legal and ACCO sector.

ACCO sector strengthening

In 2021, the Department of Communities partnered with the Department of Finance to provide 19 ACCOs with grants of up to \$45,454 per project (Department of Communities 2024a), to increase their capability to deliver place-based, culturally appropriate services to Aboriginal children, families and communities across Western Australia. These grants included the opportunity to strengthen the governance structures of ACCOs and their ability to take on a greater share of the effective and sustainable delivery of the services for which Department of Communities is responsible.

In July 2022, the Department of Communities released ACCO sector capability-building OOHHC grants of up to \$25,000 per project and this included capability-building grants to 13 ACCOs to develop their knowledge and skills to participate competitively in tendering for OOHHC services. The Department of Communities has indicated a commitment to funding future ACCO Capability Building Grant Programs to support the growth of this sector. In 2022 and 2023, the WA Government worked with Lotterywest to deliver a total of \$3.4 million in Sector Strengthening Grants to ACCOs working in housing, health, disability and early childhood care and development. The grant program was part of its implementation of the National Agreement. 16 ACCOs were provided with one-off grants ranging between \$30,000 and \$400,000 (WA Government, 2023b).

These grant programs—while providing valuable capacity building opportunities for ACCOs—are time-limited, one-off grants. The strategic and long-term approach to supporting the growth and development of ACCOs to work in child and family support through these grants has not been clear to date. In 2022 and 2023, Aboriginal communities in WA informed SNAICC that there are several geographic gaps in the coverage of ACCOs specialising in child and family support. Further, as discussed below, several ACCOs have been contracted to deliver child and family supports within the child protection system for the first time. Growing and supporting the development of the ACCO child and family sector in WA will require a coordinated approach, supported by an Aboriginal child and family peak body and local leadership.

Commissioning

Seeking opportunities to recommission family support services and increase the involvement of ACCOs is a key commitment regarding investment into Aboriginal and Torres Strait Islander community-controlled services in the Aboriginal and Torres Strait Islander First Action Plan of Safe and Supported; Action 2(d). This commitment also aligns with Priority Reform Two in the National Agreement. The commitment—and the Department of Communities' ACCO Strategy—have been implemented during this reporting period through recommissioning processes for a range of child protection programs where ACCOs have been prioritised. This has resulted in new contracts with ACCOs to deliver child and family supports.

In 2022 and 2023, the Department of Communities recommissioned OOHHC services provided by

non-government providers to increase the number of ACCOs delivering OOHC services.⁴ In October 2023, the Minister announced that five additional ACCOs—in addition to Yorganop Association—were commissioned to deliver OOHC services. The Department of Communities engaged the Noongar Family Safety and Wellbeing Council to provide capacity building support to the new ACCOs commencing OOHC services.⁵ This has been welcomed by ACCO sector leaders as a positive step towards increasing the role of ACCOs in child and family support. Under Safe and Supported, the WA Government has committed to delivering on Action 1 of the Aboriginal and Torres Strait Islander First Action Plan, to develop, by 2025, a jurisdictional plan which demonstrates meaningful steps towards delegation or amendment of statutory child protection powers in favour of ACCOs, thus enabling a greater degree of self-determination.

The Home Stretch program (discussed further in ‘Connection’) is an opt-in service for young people leaving care from age 18 with participants eligible until they turn 21. In 2021, the WA Government committed \$37.2 million to make Home Stretch a permanent service offering across WA’s leaving care continuum (WA Government, 2023b). As of May 2023, nine ACCOs have been contracted to deliver the interim Home Stretch service in the regions where most of the young people leaving care are Aboriginal.⁶ Approximately 150 young people are receiving the Home Stretch service, half of whom are Aboriginal young people (WA Government, 2023b). This development has been welcomed by Aboriginal leaders and ACCOs in WA.

EIFS programs are also imminently undergoing recommissioning, although this has not yet occurred at the time of writing. The Department of Communities held a series of information sessions in 2022 and 2023 regarding this process and has reported that it is simplifying and streamlining the tender and reporting process to facilitate opportunities for more ACCOs to be engaged to deliver EIFS services (WA Government, 2023b). The Department of Communities reported that, for all EIFS programs, service providers that partner with an ACCO are required to submit a Cultural Development Plan (CDP) and CDP Annual Report as part of their formal partnership requirements (WA Government, 2023b). ACCOs continue to report unequal and unfavourable partnership arrangements between non-Indigenous NGOs and ACCOs where the non-Indigenous NGO is benefiting from using ACCO intellectual property and relationships, but the ACCO is not fully compensated for their role. Where non-Indigenous NGOs have been commissioned to deliver support to Aboriginal people, they often do not have a plan to support building the capacity of ACCOs and transitioning this service provision to ACCOs.

⁴ <https://www.wa.gov.au/government/media-statements/Cook-Labor-Government/Significant-milestone-in-reforming-WA's-Out-of-Home-Care-system-20231013>

⁵ Ibid.

⁶ <https://www.wa.gov.au/government/announcements/home-stretch-wa-now-rolled-out-across-wa-463-million-of-additional-funding-provided>

Placement

When a child is to be placed in OOHC, the Child Placement Principle placement hierarchy aims to ensure that Aboriginal and Torres Strait Islander children maintain connection to their family, community, culture and Country.

As of 30 June 2023, of the 2,079 Aboriginal children in out-of-home care, 1,070 or 39.5% were placed with Aboriginal or Torres Strait Islander relatives or kin (SCRGSP 2024, Table 16.A23). As outlined in Table 1, this proportion has not increased significantly since 2017. Of the 54.1% of children placed with relatives and kin, an increasing proportion were placed with non-Indigenous relatives from 2017 to 2022, only declining in 2023.

Table 1 – Aboriginal children in Western Australia aged 0–17 in out-of-home care, by caregiver type (per cent), as of 30 June 2017–2023.

	2017	2018	2019	2020	2021	2022	2023
Placed with relatives/kin or other Aboriginal carer							
Aboriginal relative/kin	39.8	38.7	39.4	40.6	38.9	38.8	39.5
Non-Indigenous relative/kin	12	12.6	12.9	14.3	15.2	15.3	14.6
Total placed with relatives/kin	51.8	51.4	52.3	54.9	54.1	54.1	54.1
Other Aboriginal and Torres Strait Islander carer	7.6	8.1	8.3	7.1	7	6.7	6.2
Total	59.5	59.5	60.5	62	61.1	60.8	60.3
In another care arrangement							
Other non-Indigenous carer	32.4	33.6	31.8	30.9	32	32.1	30.9
Residential care or family group home	8.2	6.9	7.7	7.2	6.9	7.1	8.7
Independent living/living arrangements unknown	0	0	0	0	0	0	0
Total	40.5	40.5	39.5	38	38.9	39.2	39.7

Source: Report on Government Services 2024, Part F, Section 16 Child Protection Services, Table 16A.23

Note: 2017 and 2018 data included % for Aboriginal and Torres Strait Islander residential care and non-Indigenous residential care - these have been added together.

Western Australia had the highest over-representation of all states and territories with data available of Aboriginal children on third-party parental responsibility orders (TPPROs). As of 30 June 2023, Aboriginal children were 16 times more likely than non-Indigenous children to be placed in other supported placements (SCRGSP 2024, Table 16A.37). Long-term finalised TPPROs are particularly significant when considering the implications of permanent care for Aboriginal and Torres Strait

⁷ SNAICC rate ratio calculation using Report on Government Services data. Children in other supported placements predominantly includes children on TPPROs, as well as unaccompanied humanitarian minors and children who have remained in care beyond the age of 18 years. Note that NT data for other supported placements is not available.

Islander children because they reflect the circumstances where states and territories have transferred parental responsibility for a child to a kinship or foster carer and no longer count the child as being within the definition of OOHC. Children on these orders are at greater risk of losing family and cultural connections as government responsibility for ensuring the maintenance of those connections is reduced.

In relation to long-term orders where the Department of Communities has parental responsibility—referred to as protection order (until 18) in WA—WA has a high rate of placement with non-Indigenous, non-relative/kin carers. WA had the highest rate of any state or territory of placing Aboriginal children on long-term orders with non-Indigenous, non-relative/kin carers, at 32.3% as at 30 June 2022 (SNAICC 2023:37).

Legislative amendments to the Children and Community Services Act 2004

The WA Parliament passed amendments to the *Children and Community Services Act 2004* (Act) in October 2021 with the majority of amendments coming into effect in May 2022. The amendments included embedding the placement hierarchy for the Child Placement Principle into the legislation (Part 2, Division 3, Section 12), however, the amendments do not fully incorporate all aspects of the Child Placement Principle. In relation to placement decisions, section 14 requires that a ‘family, community or representative organisation of Aboriginal people or Torres Strait Islanders must be given, where appropriate, an opportunity and assistance to participate in decision-making processes under this Act that are likely to have a significant impact on the life of a child who is a member of, or represented by, the group, community or organisation’. Section 14 also requires that the wishes and views of the child and their parents must be taken into account in these decisions.

Section 81 specifies that, before making a placement arrangement for an Aboriginal and/or Torres Strait Islander child, the CEO must consult with each of the following (prior to amendment it was only one of the following):

- a) Aboriginal members of the child’s family; and
- b) subject to regulations, an Aboriginal and Torres Strait Islander representative organisation (ARO) approved by the CEO; and
- c) an Aboriginal or Torres Strait Islander agency that, in the opinion of the CEO, has relevant knowledge of the child, the child’s family or the child’s community.

Another provision in the amended Act is a requirement for a report to the Children’s Court if it is making a protection order (special guardianship) for an Aboriginal child to be placed with a non-Indigenous carer (section 61). The report must be made by an Aboriginal and Torres Strait Islander Organisation or individual with appropriate knowledge and experience in the needs of Aboriginal children in OOHC. The Department of Communities reported that it consulted with Aboriginal stakeholders on:

- the eligibility criteria for a person/organisation authorised to prepare a report for the Children’s Court;
- the procurement and engagement of an ACCO to develop a standard template report for

- submission to the Children’s Court; and
- the development of a process by which to include the voices of the Aboriginal child and family. Further implementation will involve scaling up this provision and involving other eligible organisations and individuals to submit these reports (WA Government, 2023b).

These amendments to the Act provide a basis for Aboriginal community and ACCO input into decisions but Aboriginal community members and leaders have indicated to SNAICC that these do not provide enough legislative basis for decision-making to shift to Aboriginal communities and, in practice, the role of Aboriginal communities remains very limited. In practice, SNAICC was informed via consultation for this review that this usually involves consulting with Aboriginal staff within the Department of Communities, however, these staff are often not provided with sufficient time or information—or engaged sufficiently early in the process—to have authority or influence over the placement decision. Aboriginal Practice Leaders are often not sufficiently resourced to contribute to decision-making and do not have the authority to make decisions. In contrast, the Department of Communities reported that Aboriginal Practice Leaders have a critical role in leading consistent and high standards to Aboriginal children and families by the provision of high-level advice to the District Director and Leadership Team on issues relating to Aboriginal services that are proactive, solution-focused and responsive to customer needs. This can occur from the commencement of the Department of Communities' involvement with a family through to when children are in the care of the CEO.

SNAICC has heard from a range of community stakeholders in the process of drafting this review that there has been a lack of consistent compliance by the Department with processes and procedures designed to support the cultural safety of Aboriginal children, families and communities in WA. Community stakeholders observed a general lack of cultural competence and regard for cultural safety by the Department with respect to:

- non-compliance with legislated stability and connection planning processes for Aboriginal children and families
- the use of assessment tools and casework strategies which are not culturally validated for use with Aboriginal children and families
- a lack of support for families to access culturally safe information
- a lack of support for families to receive early access to legal assistance
- a lack of legal support for families facing child protection applications, including:
 - failures of the Department of Communities to comply with requirements to file applications to bring children into care within the required timeframes, and no recourse for clients in these circumstances
 - failure of the Department of Communities to give appropriate consideration to their authority to take children into care when contrasted with obligations under s.37 (immediate risk of harm vs child being taken from hospital) and s.28 (Department of Communities not to be involved when another parent is capable and willing to care for their child)
 - applications to bring children into care containing vague statements (for example, ‘X

drinks too much') or platitudes rather than specifying direct evidence or issues of concern

- applications being brought without appropriate consideration of grounds (i.e. application brought as previous application had expired, however, no grounds as to why this was being advanced were able to be articulated)
- a failure to promote holistic assessment and have regard for the holistic needs of families
- the lack of regular training and testing of staff capacity to appropriately support Aboriginal children and families experiencing trauma, mental health disorders, poly-substance abuse and cultural displacement
- extremely low numbers of Aboriginal staff in the Department of Communities (however, the Department of Communities notes that, as at December 2023, the Aboriginal workforce is at 6.5%)
- inadequate numbers of Aboriginal Practice Leaders employed by the Department of Communities.

As part of a commitment under Safe and Supported, the WA Government will be developing a plan for further legislative, policy and program changes to delegate statutory authority for child protection to ACCOs.

Participation

It is important that children in contact with the child protection system and their families are actively involved in any decisions concerning their care. This is particularly important for Aboriginal and Torres Strait Islander children and young people.

Cultural Capability Reforms

The cultural capability of child protection departments and their staff is critical to achieving effective engagement of Aboriginal and Torres Strait Islander children and families in child protection processes and decisions and to many other aspects of Child Placement Principle implementation addressed in other parts of this review.

In 2017, the Department of Communities commissioned Indigenous Psychological Services to undertake a cultural competency audit of the Foster Care and Adoption Assessment Manual and a cultural competency audit of child protection staff (Indigenous Psychological Services 2019). The audit found significant gaps in cultural competency among child protection staff.

In 2019, the Aboriginal Cultural Capability Reform Program (ACCRP) was established in response to a number of internal and external performance reviews highlighting a critical need for the Department of Communities to increase its cultural capability and responsiveness to meet the needs of Aboriginal people. The ACCRP is driving the Department of Communities' cultural reform agenda aimed at improving the cultural competence of its workforce and the cultural capability and responsiveness of its systems, services and policies (Department of Communities 2024c).

In 2020, the Department announced a new divisional structure with the agency-wide Aboriginal

Outcomes Division established in July 2021. The Aboriginal Outcomes Division leads several of the department-wide strategies, including the Department of Communities' ACCO Strategy and implementation of the National Agreement.

Between November 2022 and January 2023, the Department of Communities undertook state-wide engagement with approximately 800 stakeholders including the Aboriginal community, ACCOs and the Department of Communities' Aboriginal employees to inform the development of an Aboriginal Cultural Capability Framework (Framework) and Aboriginal Cultural Learning Strategy (Learning Strategy). The Department of Communities expects to finalise the Framework in 2024 and the Learning Strategy in 2025.

Several issues were highlighted as critical by participants in community engagement and consultation for the 10 Year Roadmap. Many Aboriginal community members who had contact with child protection reported racism and discrimination when interacting with public sector agencies, including Child Protection and Family Support. Participants reported poor treatment, racially biased decision-making and lack of cultural competency. Participants also highlighted the need for cultural competency across all public sector workforces, including health and education, as these services contribute significantly to child protection notifications for Aboriginal children.

While the Cultural Competency Reform Program is underway, several additional actions have been initiated by the Department:

- completion of the Strengthening Culturally Responsive Practice in Child Safety Investigations Project, which included steps to strengthen consultations between child protection staff and specialist Aboriginal staff to include prompts to consider the need for interpreters, identification of families' language and groups, family and kinship connections and avoidance relationships
- the Case Practice Manual (CPM) guiding child protection staff operational practice has been updated on an ongoing basis and improvements made to promote cultural competency, cultural safety and working in partnership with Aboriginal children, their families and community alongside Aboriginal staff employed by the Department of Communities
- the appointment of Aboriginal Regional Coordinators across the state who have a focus on providing an active link between Aboriginal communities and the Department of Communities providing culturally sound advice on complex cultural matters and representing the Department of Communities in relevant forums on matters affecting Aboriginal people in their region
 - in March 2023, four of eight of the Department of Communities' Regional Executive Directors were Aboriginal
- the WA Integrated Child Protection Practice Project is in the early stages of development, with the key aim to review the Signs of Safety Framework and strengthen cultural responsiveness of child protection practice in the Department of Communities.

Aboriginal Representative Organisations

The amendments to the Children and Community Services Act 2004 outlined above include provisions for Aboriginal Representative Organisations (AROs) to be consulted on placement arrangements and cultural support planning for children in their community. The first stage of implementing AROs state-wide was a 12-month ARO Pilot, which commenced in Armadale and the Kimberley region in November 2022. Yorganop Association (Armadale) and Aarnja Ltd (Kimberley) were funded a share of \$1.3 million to deliver the ARO Pilot. The second stage is the transition from Pilot to state-wide rollout, which began after the Pilot concluded in October 2023. This transition stage will include the finalisation of the ARO service model, in response to pilot evaluation findings.

A recent grants process identified 11 ACCOs across the state who expressed an interest in being an ARO in their local community. Grant funding was provided to all 11 ACCOs with the goal of building their capacity to deliver ARO services in the future. The ARO Program has been allocated a further \$2.85 million in the most recent state budget over the next two financial years to continue service delivery in Armadale and the Kimberley region.

Aboriginal communities called for the establishment of the ARO program. However, feedback from Aboriginal communities and leaders in the ARO pilot regions indicates there have been a range of shortcomings in the pilot ARO model. AROs have not been provided with decision-making authority for Aboriginal children and Aboriginal leaders have reported a lack of accountability from the Department of Communities to AROs. AROs have also lacked sufficient resources to perform their roles. There is not a sufficient legislative basis for child protection decisions to be influenced by AROs and ACCOs in WA.

Aboriginal Family-Led Decision-Making

The Aboriginal Family-Led Decision-Making (AFLDM) pilot was established in October 2021 with funding until 30 June 2024. AFLDM commenced operations in Mirrabooka and the Midwest Gascoyne regions. Under the pilot, ACCOs at each site have Aboriginal convenors to facilitate a culturally safe process that supports Aboriginal families to make decisions on how to best keep their children safe and connected with their family and community. The pilot is being independently evaluated by IPS Management Consultants with early findings showing positive program outcomes for families, including implementation of family plans, reunification, prevention of children entering care and increased contact between parents and children in OOH. In the 2021 Inquiry regarding amendments to the Children and Community Services Act 2004, SNAICC and the Noongar Family Safety and Wellbeing Council recommended embedding legislative provisions to support AFLDM (SNAICC and NFSWC 2020). These were not supported by the WA Government.

Aboriginal communities in WA called for the establishment of AFLDM. Aside from the pilot stage, there is no further information about establishing AFLDM as an ongoing program with state-wide coverage. Participants in engagement to inform the 10-Year Roadmap strongly supported the state-wide roll-out of AFLDM. The two ACCOs delivering the AFLDM pilot—Wungening Aboriginal Corporation in Mirrabooka and Geraldton Streetwork Aboriginal Corporation in the Midwest

Gascoyne region—have reported that, in practice, the scope of the pilot has been narrower than is needed to meet the needs of Aboriginal children and families. Aboriginal leaders in WA have called for the scope of AFLDM to be broadened.

Advocate for Children in Care

The Department of Communities has an Advocate for Children in Care (Advocate), established to support children in OOHC with concerns or complaints that cannot be resolved by their care team. The Advocate promotes the Charter of Rights for Children and Young People in Care and ensures children and young people are aware of these rights. Service protocols for advocacy for children and young people in care were updated in October 2021. The current Advocate is Aboriginal. However, there are no specific protocols or requirements in relation to advocacy for Aboriginal children and young people in care.

Aboriginal Family Legal Services WA (AFLS) have expressed the need for WA's children and young people to have access to a comprehensive, rigorous and properly resourced model of independent oversight of the OOHC system (AFLS 2024). The fundamental issue with the role of Advocate for Children in Care is that it sits within—not external of or independent to—the Department of Communities. The Advocate has conflicted interests that are a barrier to providing truly independent advocacy, which is due to the fact that the service goals and obligations of the role are ultimately to the Department of Communities.

In 2020, the former Commissioner for Children and Young People, Colin Pettit, argued that WA's children and young people need access to an independent oversight and accreditation scheme to provide support for children in OOHC, provide effective delivery of outcomes-based services and improve transparency of practice and procedure. Commissioner Pettit noted that implementing and operating an independent oversight and accreditation scheme for children in OOHC would ensure this responsibility is undertaken in a manner that reinforces a holistic view of service responsibilities, values and understands the lived experiences of children and their families, and has the best interests of children and young people as its paramount consideration and focus.

Connection

When placing an Aboriginal and Torres Strait Islander child in OOHC, maintaining a strong connection with culture, family and community is a vital component to ensuring a child's ongoing wellbeing and safety.

Cultural support plans

To maintain their connection to culture, one of the most important functions of the child protection system is to provide Aboriginal and Torres Strait Islander children with a cultural support plan. The rate of Aboriginal children in OOHC in WA with a current cultural support plan has been declining over the previous 5 years (see Table 2 below). From a high of 81.5% of Aboriginal children in OOHC with a current cultural support plan in 2019, only 67.3% of Aboriginal children in OOHC in 2022 had a current cultural support plan.

Table 2: Aboriginal children in out-of-home care in WA aged 0-17 who are required to have a cultural support plan, by currency of cultural support plan (per cent)

	2017	2018	2019	2020	2021	2022
Aboriginal children in out-of-home care aged 0-17 with a current cultural support plan	77.1	77.8	81.5	80.4	70.1	67.3
Aboriginal children in out-of-home care without a current cultural support plan	22.9	22.2	18.5	19.6	29.9	32.7

Source: AIHW (2024) ATSI CPP Indicators, Table 2.

The Department of Communities reported that it is improving its data collection about cultural support plans with new data items added to WA’s client system in December 2022. These will enable reporting on genograms from late 2024 following the first full financial year of data capture. AFLS noted that there is a lack of consistent compliance by the Department of Communities with processes and procedures including cultural support planning.

Key issues in relation to supporting cultural connection include:

- a lack of engagement from the Department of Communities in Safety Planning meetings and failure to refer families to support services prior to commencing proceedings,
- unrealistic time-limited orders with unachievable meeting arrangements and reunification dates,
- insufficient cultural planning for Aboriginal children,
- children regularly being placed off country, away from family and without consideration as to their needs,
- assumptions that if parents have not complied with all elements of the s.143 (proposal for a protection order, which must take into account proposed arrangements for promoting the wellbeing of the child) then this is a failure, with little to no consideration given to the fact that parents in regions may need more time to meet the requirements of the order, and that if progress is happening, then extensions should be considered to prioritise connection with family and community,
- the Department of Communities cites resourcing issues to justify their inability to deliver services and meet the needs of children in care, ignoring orders or complying at the last minute (AFLS 2024).

Reunifications

Children on long-term guardianship custody orders (GCOs) and TPPROs are not considered to be candidates for reunification, due to the fact they are placed on orders that typically last until they are 18 years old—reflecting policymakers' desires for permanent outcomes. Nationally, 73% of Aboriginal and Torres Strait Islander children in OOHC in 2021–22 were on long-term GCOs and TPPROs (AIHW 2024c, S4.10). This means the majority of Aboriginal and Torres Strait Islander children in OOHC are on orders that do not prioritise reunification.

SNAICC has calculated the proportions of children reunified using the total number of children in OOHC, including children on long-term GCOs or TPPROs as the denominator (AIHW, 2024a: Table T3). Children on long-term orders have often progressed to long-term care as a result of inadequate efforts to prioritise reunification or even connection with their families—or inadequate efforts to support families to address the barriers to providing safe care for their children, or as a result of policies that limit reunification due to short and unreasonable legislative or policy-imposed timeframes. Excluding these children from the denominator masks the failures of child protection systems to prioritise reunification and artificially inflates reunification rates. Including these children in these calculations provides a more accurate overview of the proportions of children reunified, even though children on long-term care orders are substantially less likely to be reunified.

As of 30 June 2022, 7.9% of Aboriginal children were reunified from OOHC—including long-term guardianship orders—in Western Australia (AIHW 2024a T3, AIHW 2024b: Table 10.18). In comparison, 10.4% of non-Indigenous children were reunified from OOHC in the same period (AIHW 2024a T3, AIHW 2024b: Table 10.18). Children who are reunified with their families from OOHC occasionally return to care, but this is not the case for the majority of children. This is significant because it is a potential indicator of whether the supports provided to the family has been sufficient and effective for the family in the long term. AIHW reports this data by whether a child returned to OOHC within 12 months after exiting to reunification.

In Western Australia, 90.5% of Aboriginal and Torres Strait Islander children who were reunified did not return to care within 12 months, slightly higher than the non-Indigenous rate of 88% (AIHW 2024a T3, AIHW 2024b: Table 10.18). This was slightly above the national rate, where 83.1% of Aboriginal and Torres Strait Islander children who were reunified did not return to care within 12 months—85.6% for non-Indigenous children (AIHW 2024a T3, AIHW 2024b: Table 10.18).

Note: The source for these calculations has changed from previous reviews, due to changes in AIHW reporting. Source data is from Table 10.18 of the Aboriginal and Torres Strait Islander data table from Child Protection Australia 2021–22 (which includes reunifications for children on long-term orders) while previous reviews drew from Table S2.3a from the ATSI CPP Supplementary tables 2022 released by AIHW (which excludes reunifications for children on long-term orders). Proportions have been calculated as the total number of Aboriginal and Torres Strait Islander children who exited to reunification (regardless of the type of reunification) each year divided by the number of Aboriginal and Torres Strait Islander children in OOHC and TPROs. The same formula was used for non-Indigenous children.

Home Stretch

Since 2022, WA has been working on a staged rollout of Home Stretch to make it a permanent state-wide program as part of the WA approach to better support young people leaving care. Home Stretch WA is a voluntary program for young people leaving care from age 18 until they turn 21 helping them transition to independent adulthood by providing extended support and resources. In May 2023, several ACCOs had been contracted to deliver Home Stretch across Western Australia (Department of Communities 2023c), with nine ACCOs in total delivering the program across the state. The Department of Communities reported that approximately half of the young people being supported by Home Stretch WA services from 2021–2023 are Aboriginal (WA Government, 2023b).

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