

# Family Matters

## Report 2024



**FAMILY  
MATTERS**

Strong communities. Strong culture.  
Stronger children.



## ACKNOWLEDGEMENTS

SNAICC – National Voice for our Children acknowledges the Traditional Custodians of Country throughout Australia and their continuing connections to land and waters. We pay our respects to Aboriginal and Torres Strait Islander cultures and Elders—past and present. We recognise and respect their continued connection to Country, their care for community and their practice of culture across generations.

SNAICC acknowledges the strength and determination of Aboriginal and Torres Strait Islander children and families, including the survivors of the Stolen Generations and their descendants, who continue to overcome intergenerational trauma through healing and self-determination.

### AUTHORS

National Family Matters Leadership Group, including co-chairs Catherine Liddle and A/Professor Paul Gray.

SNAICC – National Voice for our Children

Monash University, Health and Social Care Unit:  
Dr. Tatiana Corrales.

We thank contributors to this report, including child and family Aboriginal and Torres Strait Islander community-controlled peak bodies; Aboriginal and Torres Strait Islander leaders and communities; Commissioners for Aboriginal and Torres Strait Islander children and young people; and Australian, state, and territory governments.

© 2024 SNAICC – National Voice for our Children.

Family Matters – Strong communities. Strong culture. Stronger children. is an initiative of SNAICC.

### FINANCIAL CONTRIBUTORS

Life Without Barriers; OzChild.

COVER artwork designed by Tovani Cox. Tovani Cox is a proud Bunuba, Gija and Karajarri woman based in Naarm/Melbourne

DESIGNED by Mazart Communications.

A proud certified Supply Nation and Kinaway Indigenous business. [www.mazartdesignstudio.com](http://www.mazartdesignstudio.com)

**Family Matters – Strong communities. Strong culture. Stronger children.** annual report examines what governments are doing to turn the tide on over-representation and the outcomes for Aboriginal and Torres Strait Islander children. It highlights Aboriginal and Torres Strait Islander-led solutions and calls on governments to support and invest in the strengths of Aboriginal and Torres Strait Islander peoples to lead on child wellbeing, development and safety responses for our children.

Family Matters' goal is to see Aboriginal and Torres Strait Islander children and young people grow up safe and cared for in family, community and culture. Family Matters aims to eliminate the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care within a generation (by 2040).

Family Matters is led by SNAICC – National Voice for our Children and a group of eminent Aboriginal and Torres Strait Islander leaders from across the country who form the Family Matters Leadership Group.



# CONTENTS

2	Foreword
4	Introduction
7	Summary of Recommendations
10	Report card
<hr/>	
14	<b>PART 1 - Current data for Aboriginal and Torres Strait Islander children and families</b>
14	Overview
16	1.1 Child protection indicators and trends
53	1.2 Children in out-of-home care by 2031: an alarming projection of growing over-representation
54	1.3 Structural factors and service gaps that affect child and family wellbeing
<hr/>	
65	<b>PART 2 - The year in review</b>
65	2.1 The policy context
68	2.2 The Aboriginal and Torres Strait Islander Child Placement Principle
70	2.3 Jurisdictional efforts
70	Australian Government updates on relevant initiatives
72	Australian Capital Territory
74	New South Wales
79	Northern Territory
83	Queensland
86	South Australia
89	Tasmania
91	Victoria
96	Western Australia
<hr/>	
100	<b>PART 3 - Case studies of Aboriginal and Torres Strait Islander-led transformation</b>
100	Mookai Rosie Bi-Bayan
102	KWY Aboriginal Corporation
104	Kurbingui Family Wellbeing Support and Life Without Barriers
<hr/>	
107	<b>Recommendations</b>
117	<b>Abbreviations</b>
119	<b>Appendices</b>
125	<b>Reference list</b>

# FOREWORD BY FAMILY MATTERS CO-CHAIRS

**It is with great respect and recognition of the strength of Aboriginal and Torres Strait Islander communities that we present the 2024 Family Matters report. Since 2016, the Family Matters report has given voice to Aboriginal and Torres Strait Islander communities and their experiences of child protection systems across Australia, their anguish at the ongoing over-representation and the associated harms experienced by children, families and communities underlying these numbers, and their hopes for change.**

The statistics show that Aboriginal and Torres Strait Islander children are grossly over-represented at every stage of the child protection system. More concerning, that over-representation grows as interventions become more intrusive. Aboriginal and Torres Strait Islander children are 5.6 times more likely than non-Indigenous children to be subject to a child protection notification, but 10.8 times more likely than non-Indigenous children to be in out-of-home care (OOHC) or subject to a third-party parental responsibility order. This raises community concerns that governments must do more to address the disproportionate burden of social determinants associated with child protection involvement experienced by Aboriginal and Torres Strait Islander families. Also, it is clear that the way these systems respond to notifications is less effective at diverting Aboriginal and Torres Strait Islander families from more intrusive interventions. That is, inequitable outcomes continue to be inherent to child protection systems and practice nationally.

And it's getting worse. Since 2019, the rate of Aboriginal and Torres Strait Islander children in OOHC has worsened, rising from 54.2 to 57.2 per 1,000 Aboriginal and Torres Strait Islander children in 2023. The Productivity Commission estimates that by 2031 the rate will be 63 per 1000 children. We continue to be desperately far off course from meeting Target 12 of the National Agreement on Closing the Gap (the National Agreement) to reduce this rate by 45% by 2031, just as governments continue to delay in enacting the Family Matters Building Blocks and the Priority Reforms of the National Agreement.

We know that the ongoing widespread removal of children from their families is not a solution. In fact, people who were removed from their families as children face a higher likelihood of child protection

involvement when they become parents. We know there are risks associated with the decision to remove a child from their family — risks that are seldom considered when those decisions are made. This system ultimately steals the future of many of our children, disconnecting them from their families, communities, culture and Country—those things that give us strength and belonging. Too frequently, experiences of removal lead to criminalisation and incarceration.

It is clear that the business-as-usual approach of government is failing our communities. The Productivity Commission's first of its three-yearly reviews of the National Agreement, released in February 2024, was blunt in its assessment that, without fundamental change, the National Agreement will fail. Governments need to move out of old mindsets and embrace power-sharing arrangements.

The Family Matters Building Blocks provide a roadmap for governments to undertake the essential task of unravelling these harmful systems, through greater authority and investment into Aboriginal community-controlled approaches. Our communities know best what is needed to keep our children healthy, safe and together with families. We have the biggest stake in their futures.

The solutions are clear and have been called for by community for decades. SNAICC – National Voice for our Children (SNAICC) welcomed the announcement in February 2024 that the Australian Government would establish a National Commissioner for Aboriginal and Torres Strait Islander children and families. This has been a prominent recommendation of the Family Matters Report since 2020, and we are pleased that the government has taken this long-overdue action. The National Commissioner will be a champion, voice



and facilitator for our children, young people and families. Someone who will stand up for their rights and interests and hold governments and organisations to account.

A dedicated National Commissioner for Aboriginal and Torres Strait Islander children and families, with strong powers to independently investigate issues and make informed recommendations to promote our children's rights and wellbeing, will be a catalyst for the transformational change our children need and deserve. We need to see this commitment implemented and underpinned by strong legislation that aligns with the international gold standard for rights-based accountability and oversight, as well as similar roles established in every jurisdiction.

Increased and ongoing investment in and implementation of *Safe and Supported, the National Framework for Protecting Australia's Children 2021–2031* (Safe and Supported) is also a key pathway to change. Safe and Supported represents a groundbreaking commitment to shared decision-making between our leaders and governments. It has been designed with us and stands to be a gamechanger if governments embrace and enact its plan of action. Early signs have been positive with initial progress on implementation of the Aboriginal and Torres Strait Islander First Action Plan 2023–26 of Safe and Supported, but more urgency for action is needed.

Alongside governments, we also need to see strong action from non-Indigenous non-government organisations within the child and family sector. These organisations continue to play an oversized role in delivering services to our children and families; services that evidence shows have a greater impact if delivered by our community-controlled organisations. As such, non-Indigenous organisations have a major role to play in transitioning opportunity and resources to our Aboriginal community-controlled organisations (ACCOs), so our children can be supported and cared for by mob. The recent Allies for Children public commitment in September 2024 to ensure all Aboriginal and Torres Strait Islander children in OOHC will be cared for by the community-controlled sector is a welcome step.

At a state and territory level, there have been some improvements that should be highlighted. Jurisdictions including the Australian Capital Territory and South Australia are making further progress towards embedding requirements for authorities to make active efforts to implement the Aboriginal and Torres Strait Islander Child Placement Principle, alongside New South Wales, Victoria and Queensland.

Victoria's landmark truth-telling Yoorrook Justice Commission has heard evidence from survivors of the child protection system, with critical recommendations for transformational change including substantially increased investment in community-led prevention and

early intervention services. In Queensland, delegation of authority for child protection functions to ACCOs continues to expand at a promising pace.

In contrast, we've seen regressive policy steps across jurisdictions that run counter to the wellbeing of our children and young people. Recent announcements from the Northern Territory of an intention to further criminalise vulnerable children, and from Victoria to walk back commitments made to raise the age of criminal responsibility to 14 by 2027, as well as changes to bail and remand in Queensland and New South Wales raise concern, anger and frustration within our communities. These changes are not backed by evidence and will not make communities safer. We continue to witness the anguish caused by harmful youth justice policies and failures of OOHC systems in the poor outcomes experienced by our young people, as well as too many young lives taken too soon.

We know that children will flourish when we invest in families and communities, supporting the safe and enriching environments needed for development and life-long wellbeing. It is a shared responsibility that we address the disparities inherent within these systems presented in this report. The Family Matters Building Blocks, as well as the National Agreement and its Priority Reforms, provide clear guidance on how this can be achieved. This is only if governments have the courage to change course, to redirect investment from government-led business as usual that continues to fail to deliver for our children and families, and instead invest in our children's futures through solutions that are led by community and will actually work to keep Aboriginal and Torres Strait Islander children and families, safe and strong in community and culture.



**Catherine Liddle**



**Dr. Paul Gray**

Co-Chairs  
National Family Matters Leadership Group



# INTRODUCTION

*The Family Matters Report* is an annual publication that tracks progress towards ensuring Aboriginal and Torres Strait Islander children and young people grow up safe, cared for and connected to their families, communities and culture. A key goal is to eliminate the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 2040.

The report evaluates government actions to address this over-representation and improve outcomes for our children. It also highlights initiatives led by Aboriginal and Torres Strait Islander people, calling for increased government support and investment in community-led solutions for child wellbeing, development and safety.

The Family Matters Report contributes to changing the narrative by outlining the challenges, assessing progress with evidence-based solutions and showcasing effective policies and practices. **The Family Matters Roadmap** (available separately on the SNAICC website) identifies four interrelated building blocks, underpinned by evidence, ethics and human rights:

The **Family Matters Report 2024** (Family Matters 2024) also provides an opportunity to present and interpret data related to Aboriginal and Torres Strait Islander children and families from our perspective, challenging government interpretations and holding them accountable for their policies and actions.



1. All families enjoy access to quality, culturally safe, universal and targeted services necessary for Aboriginal and Torres Strait Islander children to thrive.
2. Aboriginal and Torres Strait Islander people and organisations participate in and have control over decisions that affect their children.
3. Law, policy and practice in child and family welfare are culturally safe and responsive.
4. Governments and services are accountable to Aboriginal and Torres Strait Islander people.



# Structure of the report

## Overview

The report is structured in three main sections, preceded by the **Family Matters Report Card**—which provides a traffic light assessment of the progress made by each state and territory to implement the Family Matters building blocks.

### PART 1: Current data for Aboriginal and Torres Strait Islander children and families

This section presents current data on Aboriginal and Torres Strait Islander children and families, essential for understanding the scope of challenges and necessary responses. It includes:

- detailed information on child protection intervention in the lives of Aboriginal and Torres Strait Islander families, including projections on over-representation over the next decade if existing conditions persist
- descriptions of available child protection data provided by state and territory governments, and identification of key data gaps
- analysis of the structural factors contributing to child protection system encounters, such as trauma, systemic racism, socio-economic disadvantage, housing instability, family violence, disability support access and substance use
- examination of barriers to service engagement and availability in the sectors prioritised for addressing issues affecting children's development, wellbeing and safety.

### PART 2: The year in review

This section provides an overview of significant legislative, policy, programmatic, practice and system-level developments over the past year in states and territories and nationwide. It covers:

- a summary of policy advancements
- insights of Aboriginal and Torres Strait Islander community and sector leaders on government efforts to reduce the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care
- the perspectives of independent Commissioners for Aboriginal and Torres Strait Islander children and young people, where such positions exist
- information provided by governments on their efforts to reduce over-representation in legislation, policy and practice.

### PART 3: Case studies of Aboriginal and Torres Strait Islander-led transformation

This section focuses on the achievements of Aboriginal and Torres Strait Islander community-controlled organisations in improving outcomes for children and families. It showcases:

- examples of innovative and effective community-driven initiatives that enhance the wellbeing of our children and families
- organisations leading the transformative change and delivering positive impacts for communities.

### Conclusion and recommendations:

Family Matters 2024 concludes with a series of recommendations designed to address systemic issues and foster positive change. These recommendations focus on implementing systemic reforms, enhancing cultural respect and supporting community-led solutions for Aboriginal and Torres Strait Islander children and families.

It is crucial that governments—in partnership with Aboriginal and Torres Strait Islander peoples—implement the recommendations of this report to ensure that our children grow up safe and cared for in family, community and culture, and connected to their languages and Country.





# SUMMARY OF RECOMMENDATIONS

Further details on the recommendations are included in the conclusion of the report.

## BUILDING BLOCK 1

All families enjoy access to quality, culturally safe, universal and targeted services necessary for Aboriginal and Torres Strait Islander children to thrive

1. Increase the availability of universal and targeted prevention and early intervention support by:
  - a. increasing investment in prevention and early intervention support programs delivered by ACCOs
  - b. setting targets for the percentage of family support and intensive family support services funding directed to ACCOs in each jurisdiction and each region to be equivalent to the representation of Aboriginal and Torres Strait Islander children in child protection services, including setting annual targets to reflect ongoing progress towards this goal.
2. The Australian Government should commit to leading the design and implementation of a national, systematic and sustainable approach to funding ACCO-led integrated early years services, with a focus on ensuring equitable access and coverage across the country.
3. Develop and resource a joint state and Commonwealth-funded national program for ACCO-led integrated family support services.

## BUILDING BLOCK 2

Aboriginal and Torres Strait Islander people and organisations participate in and have control over decisions that affect their children

4. Set investment and commissioning targets for the proportion of funding for child protection and family support services directed towards ACCOs to be equivalent to the proportion of Aboriginal and Torres Strait Islander children involved in child protection systems in each jurisdiction and region.
5. Establish, resource and support independent ACCO-led Aboriginal and Torres Strait Islander family-led decision-making models in every state and territory, and across all regions, supported by legislation, for all families across all significant child protection decision-making points.
6. Expand and appropriately fund the transfer of authority to Aboriginal and Torres Strait Islander community-controlled organisations for statutory child protection functions across Australia, ensuring ACCOs are fully resourced to perform statutory roles.
7. Develop community-based, youth-led models for participation of children and young people in matters that affect them, as part of mechanisms for partnership and shared decision-making with Aboriginal and Torres Strait Islander communities.



## BUILDING BLOCK 3

### Law, policy and practice in child and family welfare are culturally safe and responsive

8. End adoption of Aboriginal and Torres Strait Islander children from OOHC.
9. Legislate requirements that ACCOs must approve permanent care orders for Aboriginal and Torres Strait Islander children and partner with ACCOs to create alternative, culturally safe approaches to promoting stability and permanency, including ensuring ACCOs have information and roles to support ongoing cultural connections for Aboriginal and Torres Strait Islander children on permanent orders.
10. Establish national standards to ensure family support and child protection legislation, policy and practices adhere to all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle to the standard of active efforts, including:
  - a. nationally consistent standards for implementation of the Aboriginal and Torres Strait Islander Child Placement Principle to the standard of active efforts and linked jurisdictional reporting requirements under *Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031*
  - b. increased representation of Aboriginal and Torres Strait Islander families, children and communities at each stage of the decision-making process, including through independent Aboriginal and Torres Strait Islander family-led decision-making in every jurisdiction
  - c. comprehensive, active and dedicated efforts to connect Aboriginal and Torres Strait Islander children in OOHC to family and culture, through cultural support planning, family finding, return to Country and kinship care support programs.
  - d. reform of legislative barriers that inhibit or restrict self-determination, in line with the Child Placement Principle.
11. Increase investment in reunification services to ensure Aboriginal and Torres Strait Islander children are not spending longer in OOHC than is necessary due to inadequate planning and support for parents and increase investment in support services for families once children are returned to support sustained reunification outcomes for children and families.
12. Establish ongoing initiatives to improve practice, knowledge, responsiveness and accountability to Aboriginal and Torres Strait Islander people in government agencies, in accordance with Priority Reform 3 under the National Agreement on Closing the Gap, including:
  - a. applying the Family Matters Reflective Practice Tool on a regular basis to assess agencies' progress with regard to cultural safety, support for shared decision-making and self-determination, staff capability and safe and effective practice with Aboriginal and Torres Strait Islander children and families
  - b. identifying and eliminating racism—by assessing the capability to understand, apply and promote anti-racism
  - c. employing Aboriginal and Torres Strait Islander people in both identified and non-identified roles at all levels
  - d. commitment to increasing capability and practice improvement to ensure culturally safe engagement with all Aboriginal and Torres Strait Islander stakeholders including service users, partner agencies and staff
  - e. partnering with ACCOs to engage with Aboriginal and Torres Strait Islander communities, deliver services, promote truth-telling and ongoing healing and improve service delivery by government and non-Indigenous agencies
  - f. improving engagement with Aboriginal and Torres Strait Islander people with transparent feedback processes and with Aboriginal and Torres Strait Islander leadership of these processes.

## BUILDING BLOCK 4

### Governments and services are accountable to Aboriginal and Torres Strait Islander people

13. Establish and resource peak bodies that support and enable equal participation of Aboriginal and Torres Strait Islander people in shared decision-making and partnership for policy and service design and in the oversight of systems impacting children, in accordance with the National Agreement on Closing the Gap Priority Reform 1.
14. Establish Commissioners for Aboriginal and Torres Strait Islander Children nationally and in every state and territory, in accordance with the UN Principles relating to the Status of National Institutions, empowered and resourced by legislation.
15. Establish partnerships between Aboriginal and Torres Strait Islander communities and governments to guide the design, collection, interpretation and use of data relevant to Aboriginal and Torres Strait Islander children. As a priority, we call on all jurisdictions to address data gaps identified throughout this report.
16. Change the definition and counting rules for OOHHC to include children on permanent care orders.











# FAMILY MATTERS

Strong communities. Strong culture.  
Stronger children.

# THE FAMILY MATTERS REPORT CARD 2024

## COLOUR GUIDE

	Very poor
	Poor
	Promising/improving
	Stronger practice/outcomes

## ABBREVIATIONS

OOHC: out-of-home care  
ACCO: Aboriginal community-controlled organisation  
ATSICCO: Aboriginal and Torres Strait Islander community-controlled organisation  
ATSICPP: Aboriginal and Torres Strait Islander Child Placement Principle  
AEDC: Australian Early Development Census  
CTG: National Agreement on Closing the Gap  
FGC: Family Group Conferencing  
TPPRO: Third-party parental responsibility order

References to Aboriginal people refer to Aboriginal and Torres Strait Islander people.

Headline indicator Over-representation in OOHC + TPPRO (rate)		BUILDING BLOCK 1 Universal and targeted services	BUILDING BLOCK 2 Participation, control and self-determination	BUILDING BLOCK 3 Culturally safe and responsive systems	BUILDING BLOCK 4 Accountability
ACT	11.7	<ul style="list-style-type: none"> <li>Rate of over-representation in OOHC decreased from 14 in 2023 to 11.7 in 2024, partly driven by a drop in OOHC admission rate for Aboriginal children (13.9 to 5.5 per 1000)*</li> <li>Decrease in the proportion of expenditure on family support and intensive family support from 12% in 2021-22 to 9% in 2022-23</li> </ul>	<ul style="list-style-type: none"> <li>Increased investment in ACCOs via Aboriginal Service Development Branch in ACT Government</li> <li>ACCOs beginning to be accredited as Care and Protection Organisations, but only 1.9% of expenditure is currently through ACCOs</li> <li>Community concern over lack of investment in culturally appropriate early support and FGC</li> </ul>	<ul style="list-style-type: none"> <li>Child Placement Principle now embedded into legislation, active efforts to also become law in late 2024</li> <li>Third highest placement with Aboriginal kin (38.6%), consistent with previous years</li> <li>Drop in reunification rate to 4.7% for 2021-22, from 13.6% in 2020-21</li> <li>Continued funding for the Care and Protection Legal Advocacy Service</li> </ul>	<ul style="list-style-type: none"> <li>Commencement of inaugural Aboriginal and Torres Strait Islander Children and Young People Commissioner</li> <li>Continued independent Aboriginal oversight body monitors implementation of Our Booris, Our Way review</li> <li>Establishment of Child and Family Reform Ministerial Advisory Council, with Aboriginal membership</li> </ul>
NSW	10.7	<ul style="list-style-type: none"> <li>Rate of over-representation in OOHC continues to increase each year, to 10.7 in 2023</li> <li>514 Aboriginal children subject to unborn reports in 2023, the highest for jurisdictions with available data</li> <li>13.1% of child protection expenditure on intensive and non-intensive family support in 2022-23, consistent with previous years</li> <li>Community concern over lack of ACCO delivery of Targeted Earlier Intervention services</li> </ul>	<ul style="list-style-type: none"> <li>Lack of development of a Family Is Culture Implementation Plan, despite community calls</li> <li>Community concern about government reliance on FGC, instead of ACCO designed and delivered AFLDM models</li> <li>Community calls for evaluation and monitoring of the Aboriginal Case Management Policy</li> </ul>	<ul style="list-style-type: none"> <li>Fourth highest rate of Aboriginal children on long-term orders (62.2 per 1000 Aboriginal and Torres Strait Islander children in the general population)</li> <li>Lowest reunification rate at 2% for Aboriginal children in 2022</li> <li>Legislating active efforts requirements has commenced, however significant implementation in partnership with ACCOs required</li> <li>One of the few jurisdictions to adopt out Aboriginal children, all of which to non-Indigenous adoptive parents</li> </ul>	<ul style="list-style-type: none"> <li>No dedicated Commissioner for Aboriginal Children and Young People</li> <li>Ministerial Aboriginal Partnership Group established</li> <li>No meaningful progress on establishing an independent Child Protection Commission in line with Family Is Culture Review</li> <li>2024 Audit Office report found DCJ lacks effective monitoring of casework decisions for Aboriginal children</li> </ul>
NT	12.4	<ul style="list-style-type: none"> <li>Number of Aboriginal children in OOHC has decreased by 23.5% from 2017 to 2023 (number of non-Indigenous children also decreased by 24.1%)</li> <li>Over-representation still remains relatively high, however a drop from 14.8 in 2022</li> <li>Increasing proportion of expenditure on intensive and non-intensive family support (32.9%). ACCO investment data not provided for 2022-23</li> </ul>	<ul style="list-style-type: none"> <li>Planting the Seeds Action Plan (2023-25) released by the Children and Families Tripartite Forum, with commitments for ACCO investment</li> <li>No AFLDM model implemented despite commitment 5 years ago</li> <li>Child Wellbeing and Safety Partnership Framework legislated in 2023, but community concern over whether this leads to real change</li> </ul>	<ul style="list-style-type: none"> <li>Second lowest placement with Aboriginal kin (23.8%), highest placement with non-Indigenous non-relative carers (69%)</li> <li>Continued use of purchased home-based care despite commitment to phase it out</li> <li>Investment in eight Aboriginal Carer Services to support Aboriginal kinship and foster carers, though greater authority and investment is still needed</li> </ul>	<ul style="list-style-type: none"> <li>No dedicated Commissioner for Aboriginal children and young people</li> <li>Tripartite Forum with Aboriginal Peak Organisations NT membership guides government reform</li> <li>No peak body for Aboriginal children and families</li> <li>Concerns over the lack of data and transparency on leaving care plans</li> </ul>
QLD	9.5	<ul style="list-style-type: none"> <li>Steady increase in OOHC entries, and a 13% increase in the rate of over-representation since 2021</li> <li>Proportion of investment in ATSICCOs is static and insufficient: 18% of investment in family support and 25% of investment in intensive family support</li> <li>33% of children received family support from an ATSICCO and 70% of children received intensive family support from an ATSICCO</li> </ul>	<ul style="list-style-type: none"> <li>Delegated authority for child protection functions to ATSICCOs expanded from two to 13 sites</li> <li>Small increase in funding allocated to Family Participation Program services, but level of investment remains inadequate</li> <li>Rapid investment transfer to ATSICCOs, with a 245% increase in funding provided for care services for Aboriginal children in OOHC, however more work is needed for self-determination in investment processes and workforce development</li> </ul>	<ul style="list-style-type: none"> <li>Second highest placement in residential care (15.8%) but review underway has seen 140 Aboriginal children transition out of residential care</li> <li>Third lowest proportion of children placed with Aboriginal kin (24.5%)</li> <li>Funding negotiations for the Family Caring for Family program progressed, but no commitment to statewide implementation</li> <li>Amendments to Working with Children Check scheme will remove one barrier to Aboriginal people applying to become kinship carers</li> </ul>	<ul style="list-style-type: none"> <li>No dedicated Commissioner for Aboriginal and Torres Strait Islander children and young people, but commitment made in April 2024 to establish one</li> <li>Partnership Agreement has been developed to guide implementation of the Breaking Cycles Action Plan of the Our Way Strategy</li> <li>New data collection system for collection of cultural information about children and families to assist application of ATSICPP, however it is unclear how data will be shared with ATSICCOs</li> </ul>
SA	11.5	<ul style="list-style-type: none"> <li>Greatest increase in the number of Aboriginal children in OOHC between 2019 to 2023 (33.5%)</li> <li>Third lowest proportion of expenditure on intensive and non-intensive family support (9.1%), but second highest expenditure per child on intensive family support (\$122.37)</li> <li>Relatively low proportion of investment in ACCOs for family support and intensive family support (9.8%)</li> </ul>	<ul style="list-style-type: none"> <li>Only two gazetted Recognised ATSICCOs, both metropolitan-based and with limited scope</li> <li>Investment in FGC is promising, but not delivered through ACCOs</li> <li>The recent statutory review of the <i>Children and Young People (Safety) Act 2017</i> fail to include AFLDM. While provisions for FGC are strengthened, decision-making powers remain with the Department for Child Protection</li> </ul>	<ul style="list-style-type: none"> <li>Proposed legislative amendments to require active efforts to uphold the Child Placement Principle, however caveats undermine compliance</li> <li>Commissioner identifies increased funding announced for Safer Family Services as inadequate</li> <li>Highest proportion of Aboriginal children in residential care (16.6%)</li> <li>Highest rate of Aboriginal children on long-term orders (86.6/1,000)</li> <li>Second lowest reunification rate for Aboriginal children (3.8%)</li> </ul>	<ul style="list-style-type: none"> <li>Commencement of community-controlled peak body for Aboriginal for children and families - Wakwakurna Kanyini - formed through a statewide Aboriginal-led design process</li> <li>Fully legislated independent Commissioner for Aboriginal Children and Young People, recent completion of Inquiry report <i>Holding on to Our Future</i></li> </ul>
TAS	5.6	<ul style="list-style-type: none"> <li>Lowest over-representation in OOHC, however an 8% increase in the Aboriginal OOHC population since 2019</li> <li>Proportion of funding to ACCOs remains very low at 0.7% in 2022-23, and funding to Tasmanian Aboriginal Centre (TAC) for family support was only \$273,110 in 2023-24</li> <li>Reported high investment in intensive and non-intensive family support (25.4%), but this is inflated due to family violence counselling services included in expenditure figures</li> </ul>	<ul style="list-style-type: none"> <li>Continued funding to ACCOs as part of Closing the Gap Capacity Building program, including funding to develop a community-led strategy to transfer child protection decision-making to TAC</li> <li>No Aboriginal FGC facilitators employed despite government commitment under Child and Youth Wellbeing Strategy</li> <li>In 2023, Child Safety Service established a decision-making forum where organisations and family can provide input on child protection decisions</li> </ul>	<ul style="list-style-type: none"> <li>Lowest placement with Aboriginal kin (17%), and highest placement with non-Indigenous non-relative carers (38.5%)</li> <li>Since 2019, near doubling of placement with Aboriginal relatives and carers to 24.6% in 2023</li> <li>Lowest rate of Aboriginal children on long-term orders (34.1/1000)</li> </ul>	<ul style="list-style-type: none"> <li>Commitment to appoint a Commissioner for Aboriginal Children and Young People by 2026</li> <li>Commitment to appoint Executive Director for Aboriginal Children and Young People within the Department for Education, Children and Young People</li> <li>Children recorded with ‘unknown’ Aboriginal status reduced to 0 in 2023 data, down from nearly 30% in 2018. However, concerns remain over unknown Aboriginal status of carers</li> </ul>
VIC	17.7	<ul style="list-style-type: none"> <li>Second highest over-representation in OOHC</li> <li>Highest removal rate of Aboriginal children into OOHC (35.3/1,000)</li> <li>Second highest proportion of expenditure on family support and intensive family support (26.9%)</li> <li>Highest likelihood of Aboriginal children in continuous OOHC for two or more years</li> </ul>	<ul style="list-style-type: none"> <li>Community Protecting Boorais program enables two ACCOs to conduct investigations</li> <li>AFLDM and Aboriginal specialist advice programs statewide require child protection authorities to consult with ACCOs on significant decisions</li> <li>Large proportion of Aboriginal children in OOHC managed by Aboriginal agencies (47-49%) though growth is stalled and requires renewed efforts</li> <li>Highest proportion of expenditure on ACCOs (7.4%)</li> </ul>	<ul style="list-style-type: none"> <li>Highest placement with Aboriginal kin (40.4%)</li> <li>Lowest proportion of Aboriginal children in residential care (4.5%)</li> <li>Second highest rate of Aboriginal children on long-term orders (84.5/1,000)</li> <li>Highest reunification rate for Aboriginal children (24%)</li> <li>Expansion of ACCOs participating in the Aboriginal Children in Aboriginal Care program, but concerns about low investment in prevention</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing partnership with ACCOs through the Aboriginal Children’s Forum and Wungurilwil Gapgapduir, but lack of adequate resourcing to ACCOs</li> <li>Government response to Yoorook Justice Commission recommendations unsatisfactory, with only 4 of 46 recommendations supported</li> <li>Dedicated Commissioner for Aboriginal Children and Young People but the role is not in legislation</li> </ul>
WA	20.4	<ul style="list-style-type: none"> <li>Highest over-representation in OOHC</li> <li>Lowest proportion of expenditure on family support services and intensive family support services (4.3%), and a reduction in the amount of expenditure from the previous year (5%)</li> <li>Commitment to recommission Early Intervention and FSSs to ACCOs</li> </ul>	<ul style="list-style-type: none"> <li>Aboriginal Representative Organisation program showing signs of success, and five new contracts have been awarded to ACCOS for OOHC services</li> <li>2024-25 budget commitment for AFLDM, but expansion beyond pilot form that began in 2021 has not occurred</li> <li>The role of ACCOs in the child protection system is still constrained by lack of funding and limited authority</li> </ul>	<ul style="list-style-type: none"> <li>Third highest placement with Aboriginal kin (39.5%)</li> <li>Fifth highest rate of Aboriginal children on long-term orders (57/1000), but highest rate ratio (19.1)</li> <li>Community concern with ensuring connection with family, culture and Country for Aboriginal children in care. Significant concerns with quality and transparency of cultural support plans</li> </ul>	<ul style="list-style-type: none"> <li>More than a year after WA 10-year Roadmap to address over-representation was completed through state-wide community design, government has not responded nor committed to implementation</li> <li>No dedicated Commissioner for Aboriginal Children and Young People</li> <li>No Aboriginal child and family peak body resourced for state-wide leadership</li> </ul>

Note on data: The reference date and source for data is often excluded in this abbreviated table but is available in the relevant sections of the report. The headline indicator is based on children in OOHC and on TPPROs.

\* As the total number of children in care in the ACT is small relative to other jurisdictions, even slight changes in the total number of Aboriginal and Torres Strait Islander children entering and exiting care will cause a significant change to the over-representation rate ratio





# PART 1

## CURRENT DATA FOR ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN AND FAMILIES

### OVERVIEW

*"[W]e're trying to do something strengths-based and child protection is like the eagle hovering in the air and the women are the mouse on the ground trying to help themselves"*

Karen Glover, Aboriginal Senior Research Fellow, SAHMRI (Lawrie 2024)

Data continues to demonstrate that governments with responsibility for child protection systems are not making adequate system-level reform to turn the tide on the rising rate of Aboriginal and Torres Strait Islander children in out-of-home care (OOHC). Current trends indicate that the *National Agreement on Closing the Gap's* (National Agreement) Target 12, to reduce the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45% by 2031, will not be met. A substantial transformation of child protection systems and practice is needed.

Each year, the Family Matters Report has consistently identified that changing the trajectory will require a comprehensive approach to address the drivers of child protection intervention and create a new system of child protection and family support that is grounded in the strengths of culture and led by Aboriginal and Torres Strait Islander peoples.

It is important to note here that the numbers presented in this report regarding children in OOHC may appear different to figures reported by other sources. This is largely due to differences in definitions. The Family Matters Report includes children on long-term third-party parental responsibility orders (TPPROs) in the OOHC count. In contrast, the definition of OOHC used by government agencies in Australia excludes children on TPPROs. However, given that these children have been removed from their families by child protection authorities, SNAICC and the National Family Matters Leadership Group believe that governments must be accountable for the separation of these children from their families and, as such, they must be included in proper counts of the data on children in OOHC.<sup>1</sup>

From a systems perspective, the number of children in OOHC at any point in time is a function of four interrelated processes:

#### 1. Children already in out-of-home care

This is a count of all children who are recorded as living away from their parents in OOHC on a given day. Some children will have been in OOHC for one day and others for up to 21 years. This gives a **point-in-time** count of the **prevalence** of children in care and is reported annually as at 30 June in *Child Protection Australia*, published by the Australian Institute of Health and Welfare (AIHW), and the *Report on Government Services* (ROGS), published by the Productivity Commission.

#### 2. Children entering out-of-home care

This is a count of all distinct entries into OOHC in a given period of time (usually over one year). Some children may have been in OOHC in an earlier year and others have had no prior entries, but all commenced a placement in a given year. This is known as the **incidence** of children in care (that is, new cases) or an **entry cohort**.

<sup>1</sup> Consistent Family Matters advocacy has seen the Australian Institute of Health and Welfare (AIHW) include a data table that provides a transparent breakdown of children 'in out-of-home care' and children on TPPROs in the *Child Protection Australia* publication.



### 3. Children exiting out-of-home care

This is a count of all children exiting OOHC in a given period (usually a year). This is known as an **exit cohort**. Many children exit care because they reach 18 years of age (or, more recently, 21 years of age—due to legislative reforms in some states and territories<sup>2</sup>), some are reunified with their parents or other family members, while some exit to other long-term care placements such as long-term TPPROs and long-term guardianship and custody orders (GCOs). SNAICC does not consider exit into this long-term care to be a genuine exit from the system because governments are still responsible for those children having removed them from the care of their parents. As such, this report re-includes data on children in long-term care wherever possible.

### 4. The time children spend in out-of-home care

When a child enters care, they may stay for a very short to a very long period of time (*as noted in point 1 above*) depending on whether—and when—they are returned to the care of their parents, they reach the leaving care age or they exit the system for another reason. This is commonly referred to as **length of stay** or duration in care (and is a main driver of prevalence), or the total number of children living in OOHC.

It is crucial to acknowledge that these are point-in-time indicators oriented to the operation of the system and are, therefore, limited in their ability to highlight the experiences of children over time. Focusing only on those children currently in OOHC—or those exiting OOHC—does not give the full picture and leads to poor policy decisions. Similarly, focusing only on systems data, not on the experiences and trajectories of children, can also lead to poor policy. Further research is needed to better understand the experience of children over time—for example in NSW, research has shown almost one in two Aboriginal children between 2009–12 were subject to a Risk of Significant Harm report by the age of five (Davis 2019).

Reducing the over-representation of Aboriginal and Torres Strait Islander children in OOHC requires simultaneous initiatives directed at all parts of the child and family system; preventing the entry of children in OOHC, promoting the safety and relationships of children in care, and increasing the rate and timeliness of exits from care. Crucially, evidence supports that the greatest effort needs to occur *before* children are in contact with the system.

## DATA GAP

### EXCLUSION OF CHILDREN ON LONG-TERM TPPROs

National OOHC counting rules changed for all states and territories from 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. Governments must remain accountable for the protection of *all* children removed from parental care. In addition, as noted by several inquiries, there are minimal safeguards for the safety and care of children on long-term orders, and there is no monitoring of whether those children are supported to have ongoing connection to their communities and families (Banks, 2018: 103). The true intention of Closing the Gap Target 12, which aims to reduce statutory intervention in Aboriginal and Torres Strait Islander family life, will be undermined if governments seek to achieve it by permanently removing children from their families and excluding them from the count of children in OOHC. Consequently, data on OOHC in the Family Matters report re-includes children on third-party parental responsibility orders in the count (unless otherwise stated).



<sup>2</sup> The 'leaving care age' has been extended from 18 to 21 years of age in many states and territories, with some exceptions in regard to the type of OOHC. See Home Stretch for further details - <https://thehomestretch.org.au/learnmore/>

## 1.1 Child protection indicators and trends

*“This Aboriginal family did nothing wrong but be Aboriginal. They had their own ways which was deemed by the state to be not good enough. But all the state provided was neglect and trauma.”*

Evidence regarding experiences of Aboriginal families in OOHC (Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability, 2023).

### Over-representation in child protection systems

#### National indicators

Aboriginal and Torres Strait Islander children continue to be over-represented at all key stages of involvement in child protection systems.

In 2022–23, Aboriginal and Torres Strait Islander children in Australia were:

- 5.6 times more likely than non-Indigenous children to be reported to child protection authorities (i.e. subject to a notification)
- 6.5 times more likely to have notifications investigated
- 7.2 times more likely to have notifications substantiated
- 10.9 times more likely to be subject to a child protection order
- 10.8 times more likely to be in OOHC and on TPPRO (see **Figure 1**).

This increase in over-representation through successive stages of child protection involvement highlights the importance of preventing contact in the first place, otherwise, over-representation becomes entrenched. It demonstrates that the child protection system is more likely to lead to increasingly intrusive interventions into the lives of Aboriginal and Torres Strait Islander children and families, rather than providing effective support that ensures children remain with families.

The reasons underpinning this compounding over-representation are complex. A higher likelihood of substantiation following investigations may indicate more serious concerns are driving initial reports about Aboriginal and Torres Strait Islander families. These concerns are rooted in systemic government failures to address issues such as poverty, inter-generational trauma and insufficient investment in culturally safe services.

It is also likely that discriminatory judgements are being made by child protection systems with a historical and

ongoing legacy of attempting to assimilate Aboriginal and Torres Strait Islander children into white society (AHRC 1997). Tools widely used by child safety departments, such as Structured Decision Making (SDM), have been found to perpetuate inequality, relying heavily on factors correlated with race, and demonstrating lower accuracy for Aboriginal and Torres Strait Islander children (Jenkins and Tilbury 2024).

Indeed, child protection legislation and policy in Australia are broadly based on non-Indigenous concepts of family and child-rearing, which typically emphasise nuclear family structures and individual responsibility. These frameworks often overlook the collective and community-oriented approaches common in Aboriginal and Torres Strait Islander cultures. As a result, Indigenous parenting practices are being misunderstood and undervalued, leading to disproportionate intervention and removal of Indigenous children from their families (Wright et al. 2024).

#### ANALYSIS NOTE

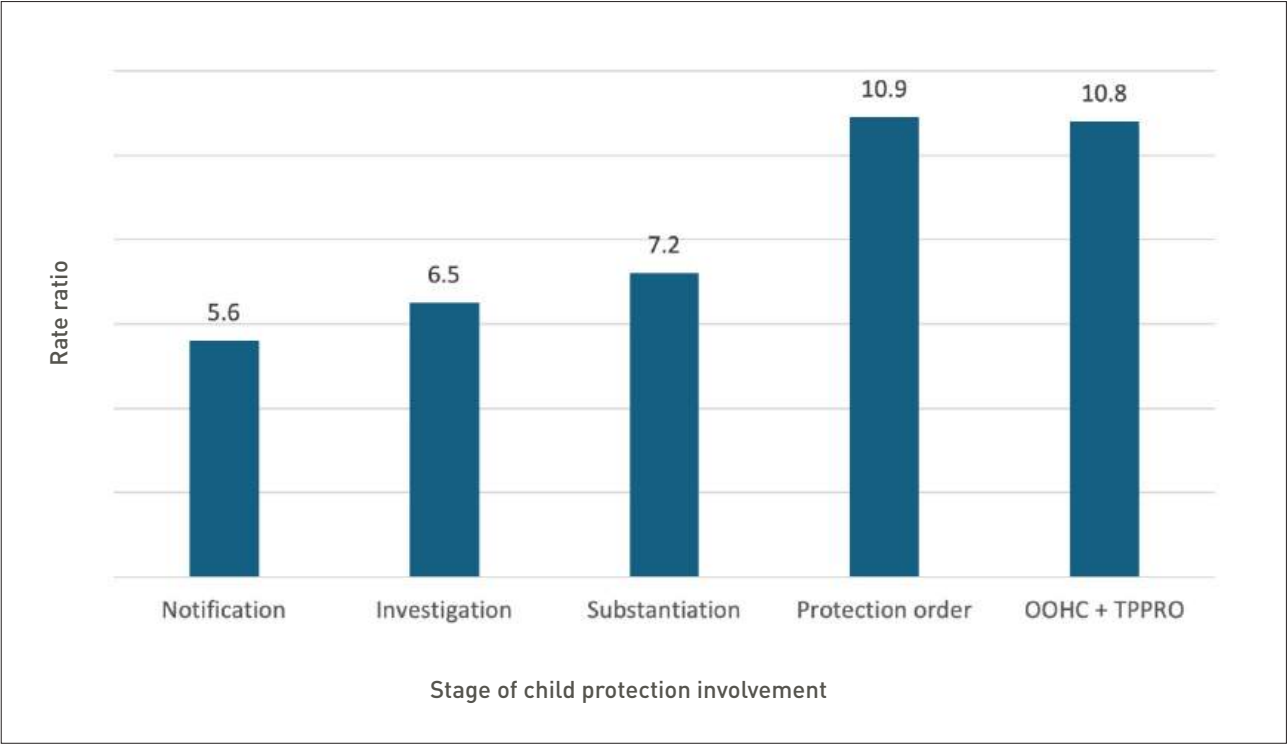
##### OVER-REPRESENTATION

This report frequently uses the phrase ‘over-representation’ to highlight the disparity in outcomes between Aboriginal and Torres Strait Islander children and non-Indigenous children. These are also referred to as *rate ratios*, which are calculated by dividing the rate for Aboriginal and Torres Strait Islander children (most often per 1,000 children) by the rate for non-Indigenous children. This enables analysis of how much more likely Aboriginal and Torres Strait Islander children experience certain outcomes. These rate ratios are different to the Productivity Commission’s reporting on Target 12 of Closing the Gap, which uses the rate (per 1000) of children in out-of-home care.

As **Figure 2** shows, over-representation at all stages of the child protection system has generally increased over time. The rate ratios for Aboriginal and Torres Strait Islander children on protection orders and in OOHC have seen the most dramatic increase over the past decade, reaching their highest point in 2023. Changes in rates of entry to and exits from OOHC play a significant role in this overall rate of over-representation in OOHC, which are analysed later under ‘Entry to and exit from OOHC’.

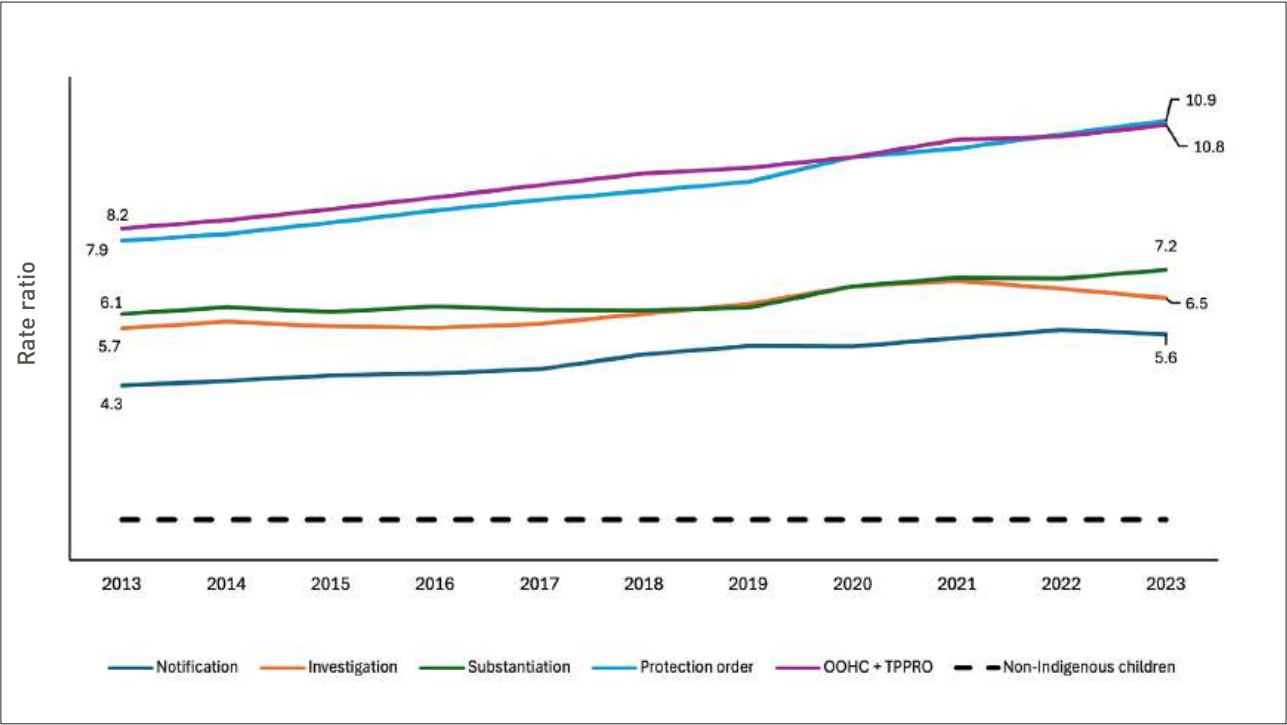
The total number of Aboriginal and Torres Strait Islander children in OOHC and on TPPROs has also increased year on year, with the latest increase from 22,328 as at 30 June 2022 to 22,908 as at 30 June 2023 (AIHW, 2024a: Table T3). **Figure 3** highlights this significant growth in the number of Aboriginal and Torres Strait Islander children in OOHC, showing the

**FIGURE 1: Over-representation of Aboriginal and Torres Strait Islander children involved with child protection nationally (2023), by stage of involvement**



Source: [AIHW, 2024e: Table T3; SCRGSP, 2024a: Table 16A.1].

**FIGURE 2: Over-representation of Aboriginal and Torres Strait Islander children involved with child protection, by stage of involvement, nationally (2013-2023)**



Source: [AIHW, 2024e: Table T3; SCRGSP, 2024a: Table 16A.2 and 16A.42]. Trend data prior to 2019 is drawn from previous Child Protection Australia reports from AIHW and previous Report on Government Services reports.  
 Note: The non-Indigenous children data is set to '1' as a comparison point to the rate ratio for Aboriginal and Torres Strait Islander children.  
 See Appendix D for data table with rates for each year.



percentage increase from 2019 to 2023. This shows the number of Aboriginal and Torres Strait Islander children in OOHc and on TPPROs has grown by 11.8% between 2019 and 2023, while the number of non-Indigenous children has decreased by 0.9%. While the trends do differ by state and territory, at a national level, it can be concluded that the number of non-Indigenous children in care is decreasing while the number of Aboriginal and Torres Strait Islander children is significantly increasing. This highlights the urgent need for community-led system reforms that will work to prevent the removal of Aboriginal and Torres Strait Islander children, as opposed to non-Indigenous-led approaches that continue to drive inequality.

## DATA GAP

### IDENTIFICATION OF ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN

Without correct early identification of Aboriginal and Torres Strait Islander children at all stages of child protection involvement, children risk being deprived of culturally safe support, case planning and placement, and data will not accurately describe their interactions with the service system.

SNAICC members continue to report poor and inconsistent practice both in terms of the accurate identification of Aboriginal and Torres Strait Islander children and in the de-identification of children previously identified as Aboriginal and Torres Strait Islander. Policy and legislation in each state and territory must require children and families to be asked at their earliest engagement with child protection systems about their Aboriginal and Torres Strait Islander identity and for this status to be recorded as early as possible, including the source and basis for this determination. Implementation measures must include training practitioners on culturally safe ways to discuss and explore cultural identity with all children and families, serving both to accurately identify Aboriginal and Torres Strait Islander children and to ensure that all children have their culture preserved and protected consistent with their rights. There must also be protections against the de-identification of children without consultation with Aboriginal and Torres Strait Islander communities.

Accurate identification of Aboriginal and Torres Strait Islander carers is also a priority. This identification can aid the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle by expanding options for kinship care.

## State and territory indicators

The over-representation of Aboriginal and Torres Strait Islander children in OOHc is apparent in every state and territory. **Figure 4** highlights this disparity by comparing the proportion of Aboriginal and Torres Strait Islander children in the overall population of children, with the proportion they make up of children in OOHc and on TPPROs. Note that it is important to contextualise these figures with rate ratios of over-representation as these proportions are influenced by population differences across jurisdictions.

As **Figure 5** shows, there has been a steady increase over the past 10 years in the rate of over-representation across all jurisdictions. See **Table 1** for the actual numbers behind **Figure 5**.

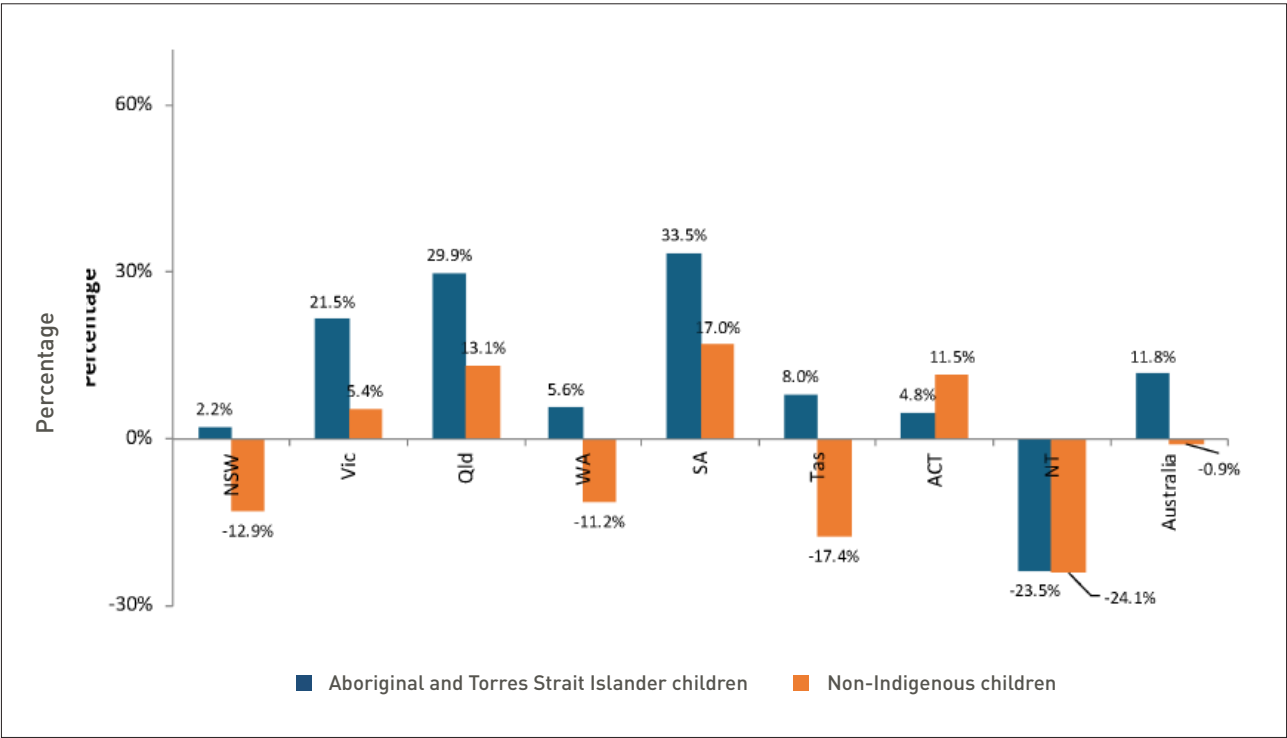
In 2023, WA continued to have the highest rate of over-representation at 20.4, closely followed by Victoria at 17.7. Tasmania continued to display the lowest rate of over-representation at 5.6, followed by Qld at 9.5.

Over the past year of data (2022 to 2023), the majority of states and territories showed a slight increase in over-representation. However, there were significant decreases in over-representation in the ACT (14 to 11.7) and NT (14.8 to 12.4). In the ACT, this was driven by an increase of 60 non-Indigenous children in care and a decrease of 16 Aboriginal and Torres Strait Islander children in care; while in the NT this was driven by an increase of seven non-Indigenous children in care and a decrease of 66 Aboriginal and Torres Strait Islander children in care (AIHW, 2024e: Table T3). It is worth noting that the smaller respective populations in these jurisdictions mean the over-representation rate is more prone to fluctuation than in other jurisdictions with larger populations.

As seen in the national overview, in each state and territory Aboriginal and Torres Strait Islander children are over-represented at every stage of the child protection process (see **Figure 6**).

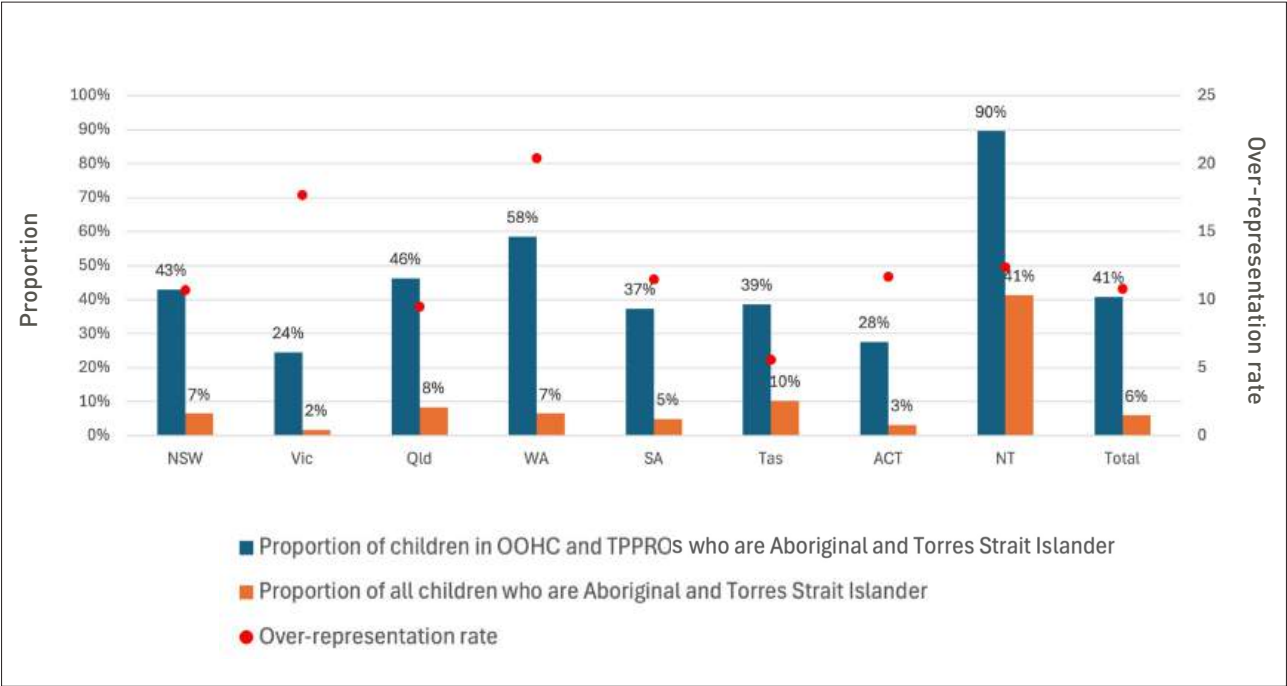
It is important to highlight that notifications, investigations and substantiations are not necessarily an accurate reflection of the true prevalence of child abuse and neglect. In April 2023, the Australian Child Maltreatment Study (ACMS)—a population sample study of abuse and neglect—demonstrated that the maltreatment of children in all population groups across Australia is widespread. The study reported that 62.2% of the population (aged 16–65) had experienced a type of abuse in their lifetimes (Haslam et al. 2023). The ACMS researchers have concluded their findings indicate that reports of maltreatment to government agencies do not reflect true prevalence (Haslam et al. 2023), which aligns with prior research, such as an Australian birth-cohort study that found that only 5.7% of cases of childhood sexual abuse were reported to authorities (Mills et al. 2016).

**FIGURE 3: Percentage change in the OOHC and TPPRO population for Aboriginal and Torres Strait Islander and non-Indigenous children, by jurisdiction (2019–2023)**



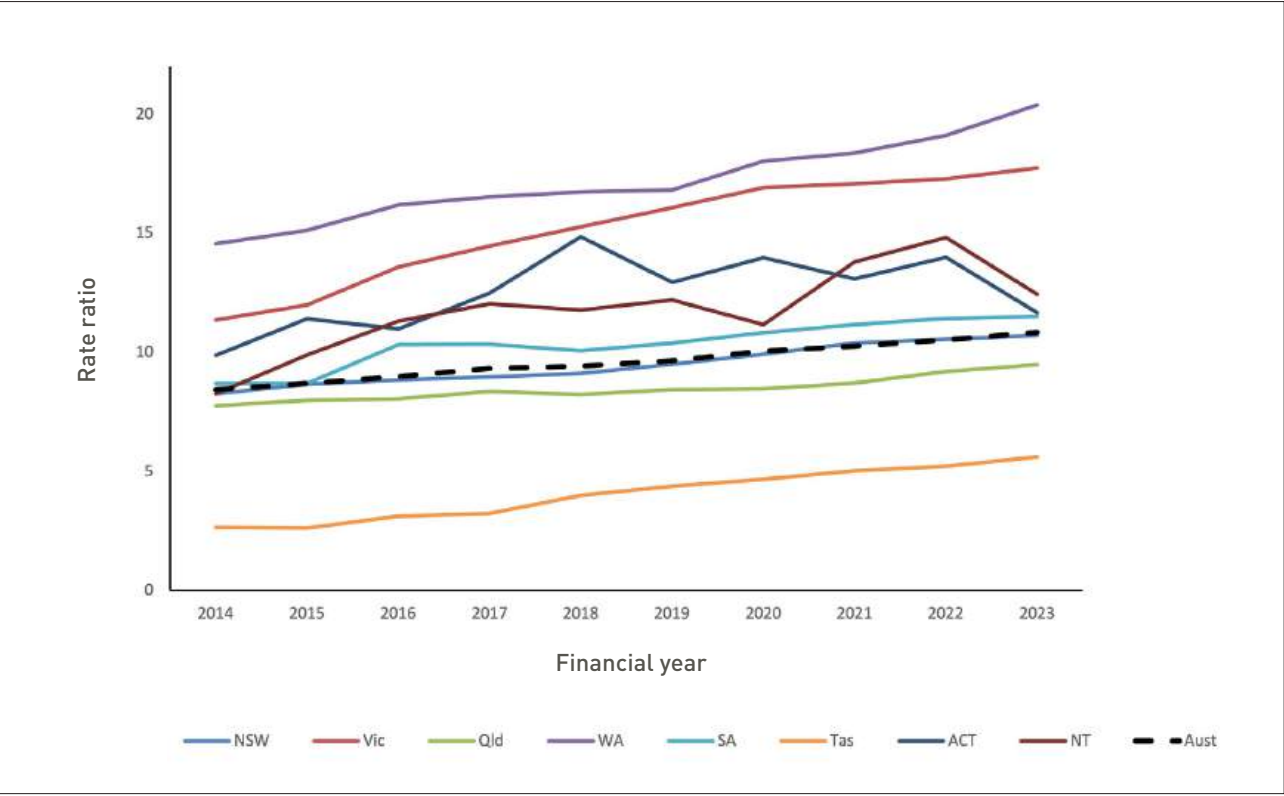
Source: [AIHW, 2024e: Table T3 and P3].  
 Note: Data for this graph reflect the total number of children (Aboriginal and Torres Strait Islander and non-Indigenous) in OOHC or on TPPROs from 2019 to 2023.

**FIGURE 4: Comparison of proportions of Aboriginal and Torres Strait Islander children (0–17) in the overall population and in OOHC and on TPPROs, by jurisdiction (2023)**



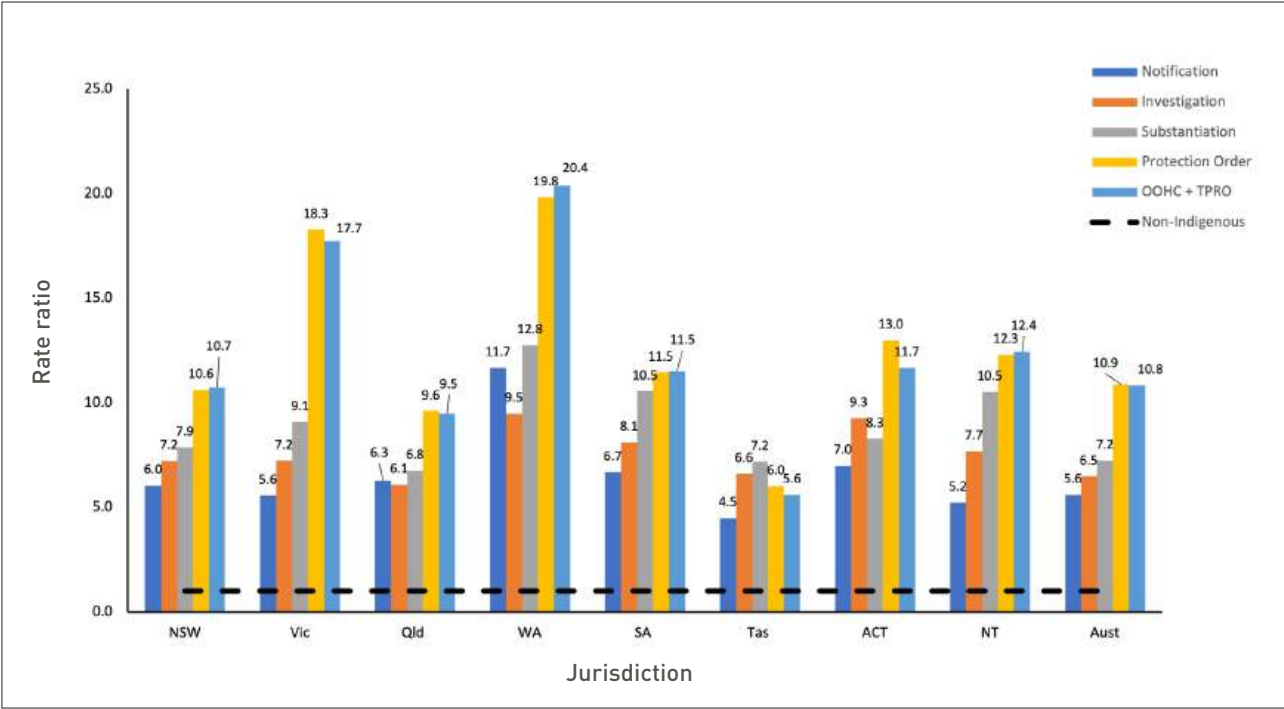
Source: [AIHW, 2024e: Table T3 and P3].

**FIGURE 5:** Ten-year trend in over-representation of Aboriginal and Torres Strait Islander children in OOHC and on TPROs, by jurisdiction (2014–2023)



Source: [AIHW, 2024e: Table T3 and P3]. Trend data prior to 2019 is drawn from previous Child Protection Australia reports from AIHW.  
 Note: Data from 2014–2016 is not directly comparable with data from 2017 onwards due to changes in the way children in OOHC were counted across all jurisdictions. Data from 2017 onwards includes children in OOHC or on Third-Party Parental Responsibility Orders consistent with the new standard definition of ‘children in OOHC’.

**FIGURE 6:** Over-representation of Aboriginal and Torres Strait Islander children involved with child protection, by jurisdiction and stage of involvement (2022–23)



Source: [AIHW, 2024e: Table T3; SCRGSP, 2024: Table 16A.2 and 16A.42]

**TABLE 1: Ten-year trend in over-representation rates for Aboriginal and Torres Strait Islander children in OOHC, by jurisdiction (2014–23)**

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
NSW	8.3	8.7	8.8	9.0	9.1	9.5	9.9	10.4	10.5	10.7
VIC	11.4	12.0	13.6	14.5	15.3	16.1	16.9	17.1	17.3	17.7
QLD	7.8	8.0	8.0	8.4	8.2	8.4	8.5	8.7	9.2	9.5
WA	14.6	15.1	16.2	16.5	16.7	16.8	18.0	18.4	19.1	20.4
SA	8.7	8.7	10.3	10.3	10.1	10.4	10.8	11.2	11.4	11.5
TAS	2.7	2.6	3.1	3.2	4.0	4.4	4.7	5.0	5.2	5.6
ACT	9.9	11.4	11.0	12.5	14.9	12.9	14.0	13.1	14.0	11.7
NT	8.3	9.9	11.3	12.0	11.8	12.2	11.2	13.8	14.8	12.4
Aust	8.4	8.7	9.0	9.3	9.4	9.6	10.0	10.3	10.5	10.8

Source: Ibid.

This disparity in the indicative prevalence of maltreatment, compared to what is actually reported to child protection authorities, should be front of mind when interpreting rates of notifications, investigations and substantiations for Aboriginal and Torres Strait Islander children, as it suggests that notifications may be driven by factors other than the incidence of harm. These factors can include disproportionate surveillance by—and intervention of—child protection authorities into the lives of Aboriginal and Torres Strait Islander children and families compared to non-Indigenous children and families, racially biased reporting of child protection concerns, and the disproportionate burden of economic marginalisation that many Aboriginal and Torres Strait Islander families face (Haslam et al. 2023).

Between 2021–22 and 2022–23, there have been notable changes in notifications in some states and territories.

**Table 2** analyses the percentage increases or decreases in rates of notifications, **highlighting in orange where there have been substantial changes of greater than 10%**. In WA, there has been a 23% increase in the rate of notifications for Aboriginal and Torres Strait Islander children, nearly double the increase of 12.6% for non-Indigenous children. In SA, this disparity in the rate of notifications was similar with a 13.6% increase for Aboriginal and Torres Strait Islander children compared to 7.1% for non-Indigenous children. In the NT, the rate of notifications decreased for all children, but by a greater proportion for non-Indigenous children (–15.8%). Lastly, Tasmania indicated a different trend where notification rates for non-Indigenous children increased substantially more than for Aboriginal and Torres Strait Islander children (77.6% and 40.9% respectively).

**TABLE 2: Comparison of rates of notifications for Aboriginal and Torres Strait Islander children and non-Indigenous children in 2021–22 and 2022–23, by jurisdiction**

	Aboriginal and Torres Strait Islander children			Non-Indigenous children		
	Rate per 1,000 children 2021–22	Rate per 1,000 children 2022–23	Percentage increase/decrease	Rate per 1,000 children 2021–22	Rate per 1,000 children 2022–23	Percentage increase/decrease
NSW	212	214.7	1.3%	33.7	35.5	5.3%
VIC	280.8	292.5	4.2%	49.2	52.6	6.9%
QLD	91.7	97.4	6.2%	14.2	15.5	9.2%
WA	118.5	145.8	23%	11.1	12.5	12.6%
SA	259	294.1	13.6%	41.1	44	7.1%
TAS	32.8	46.2	40.9%	5.8	10.3	77.6%
ACT	347.9	353.1	1.5%	51.8	50.5	–2.5%
NT	402.2	385.5	–4.2%	87.5	73.7	–15.8%
Australia (total)	182.2	190	4.3%	31.9	33.9	6.3%

Source: [AIHW, 2024e: Table T3; SCRGSP, 2024a: Table 16.A1]

Note: Changes that are greater than 10% are highlighted in orange.

Rates are calculated using the number of children subject to notifications, instead of total notifications (which may involve multiple notifications for one child).





Another way to understand the over-representation of Aboriginal and Torres Strait Islander children in the child protection system is to analyse the rate of children 'receiving child protection services.' **Figure 7** below aggregates the data on children who are subject to an investigation of a notification, who are on a care and protection order and who are in OOHC. Using rates (per 1,000) and rate ratios, it highlights how Aboriginal and Torres Strait Islander children have significantly greater involvement with child protection systems in each state and territory when compared to non-Indigenous children.

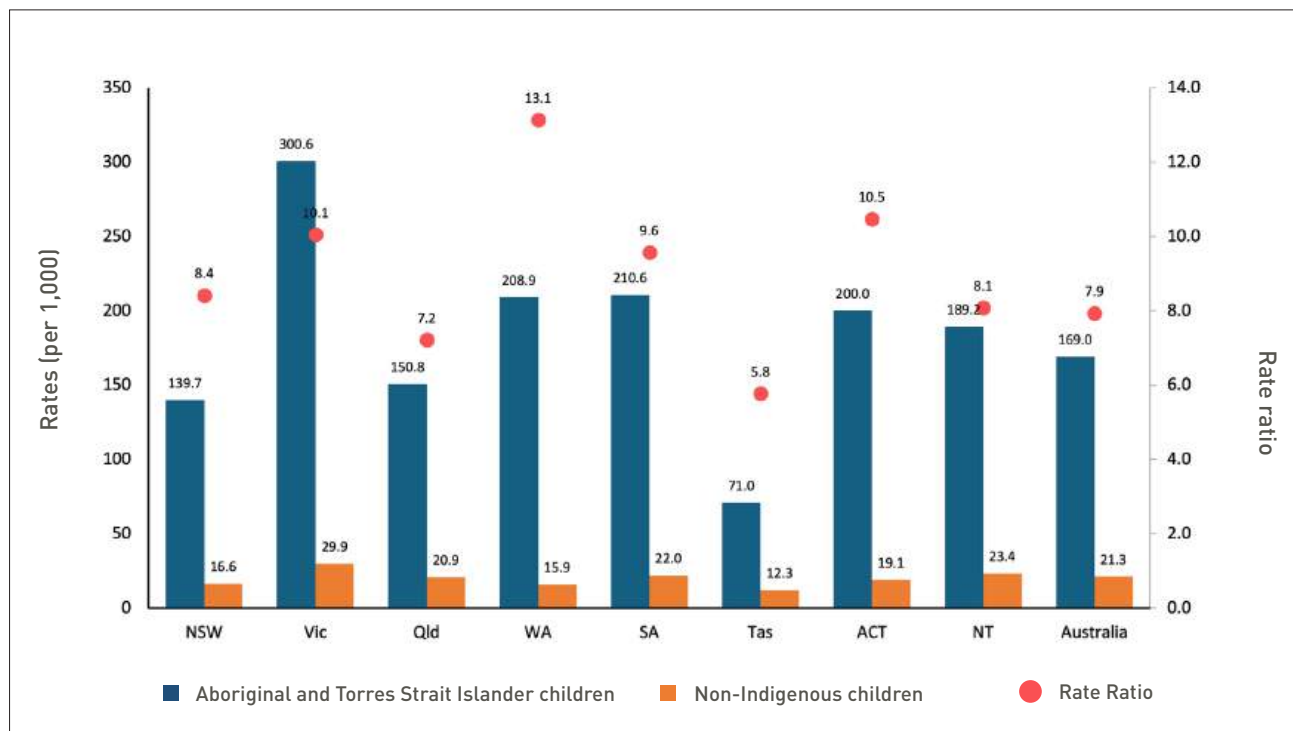
## Removal into and exit from out-of-home care

Reducing the rate of entry of Aboriginal and Torres Strait Islander children into OOHC is a key step in achieving Target 12 of Closing the Gap, alongside an increase in exits from care to reunification and a reduction in the length of time in care. 'Entry' or 'admission' to care is often referred to as 'removal' in this report, noting that it is typically the point at which a child is removed from their family of origin and this

report brings attention to the devastating impacts that removal can have on a child's vital connections to family, community, culture and Country. Reduced rates of removals can indicate efforts to keep families together are working. Similarly, increased rates of sustained restorations suggest that families are being supported to address concerns and have their children safely returned to their care. However, to accurately understand if Aboriginal and Torres Strait Islander children and families are getting the support they need, a broader range of data is needed. This includes investment in prevention and early intervention, levels of funding for ACCOs and access to support services, all of which are covered later in this section.

**Figure 8** provides a broad national picture of removals into OOHC and exits from OOHC over ten years to highlight long-term trends. This shows that for non-Indigenous children, removal and exit rates (per 1,000 children) have remained relatively stable, albeit somewhat declining over the past decade. In contrast, the trend is very different for Aboriginal and Torres Strait Islander children. A decade ago, the rate of removals far exceeded the rate of exits but this has slowly changed over time to 2021–22 where exits exceed removals. However, for the most recent year of data in 2022–23, removals have risen again to exceed exits.

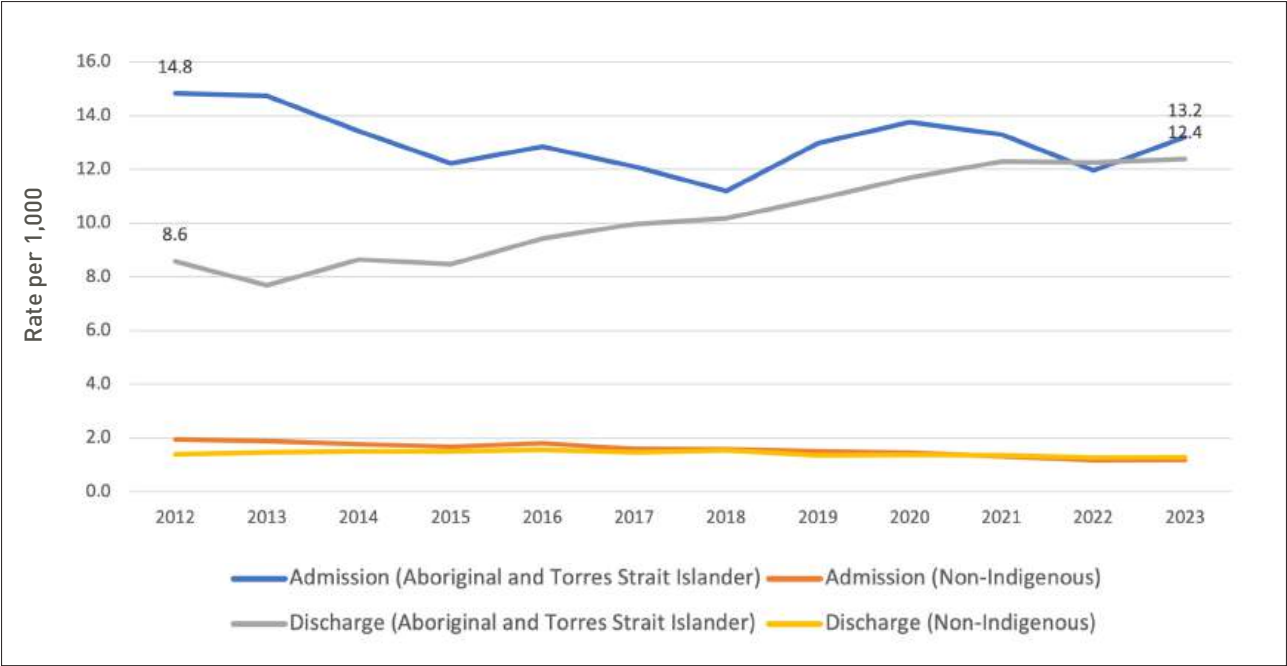
**FIGURE 7: Rates and rate ratios of Aboriginal and Torres Strait Islander and non-Indigenous children who were in receipt of child protection services, by jurisdiction (2023)**



Source: [AIHW, 2024e: Table S2.3 and P3]

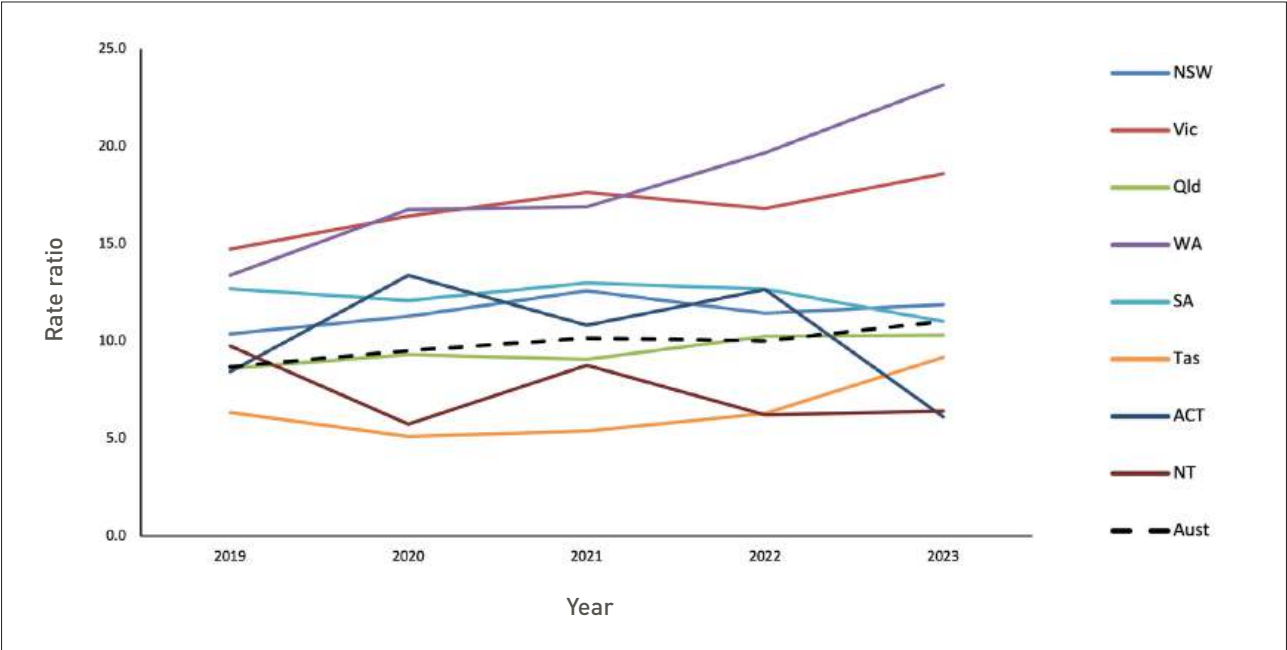
Note: 'Receiving child protection services' is a unique count of children who are subject to an investigation, on a care and protection order, and/or in OOHC. There are overlaps where children may receive all three 'services' at the same time. Rates and rate ratios need to be interpreted with caution due to the high number of children whose Aboriginal and Torres Strait Islander status was classified as 'unknown'. These children have been excluded from these analyses. As not all states and territories capture information about child protection intervention during the prenatal period, the 'unborn' category is also excluded from these analyses.

**FIGURE 8:** Rates (per 1,000 children) of admissions into and discharges from OOHC for children, nationally (2011-2013)



Source: [SCRGSP, 2024a: Table 16A.42].  
 Note: See Appendix D for data table with rates for each year.

**FIGURE 9:** Five-year trend in over-representation rates of Aboriginal and Torres Strait Islander children admitted into OOHC, by jurisdiction (2019-2023)



Source: [AIHW, 2024e: Table S5.17].  
 Note: See Appendix D for data table with rates for each year.  
 Data from 2017 onwards have been updated to reflect the standardised definition of OOHC.  
 Data for the ACT needs to be interpreted with caution. There was a significant drop in the rate at which Aboriginal and Torres Strait Islander children were admitted into OOHC in 2018. The cause of this drop is unclear.



It is important to note there are many types of exits from care, including reunification, placement on a TPPRO, reaching 18 years of age, independent living and detention. Increasing rates of exits—while at face value do indicate children exiting a harmful child protection system—need to be interpreted with caution as many of these exit pathways do not necessarily represent a positive outcome for Aboriginal and Torres Strait Islander children (see Figure 10 below).

Nationally, in 2023, Aboriginal and Torres Strait Islander children were 11.1 times more likely to be removed into OOHC than non-Indigenous children, a rate that has steadily risen over the past five years (see Figure 9). The sharpest increases in the over-representation of Aboriginal and Torres Strait Islander children in OOHC are seen in Victoria and WA, which have the highest over-representation rates in 2023 at 18.6 and 23.1, respectively. Table 3 highlights that while WA has the highest over-representation, Victoria has the highest removal rate per 1,000 Aboriginal and Torres Strait Islander children at 35.3 in 2023, which is lower than WA's rate of 16.2. Over-representation is lower in Victoria due to the comparatively high proportion of non-Indigenous children entering care in Victoria.

Table 3 highlights that the rate of removals into OOHC for Aboriginal and Torres Strait Islander children in 2023 are higher than the rate of exits in Victoria, Qld, WA and SA. By contrast, the rate of exits slightly exceeded the rate of removals in NSW, Tasmania and the NT,

and were significantly exceeded in the ACT (rates of removals and exits per 1,000 Aboriginal and Torres Strait Islander children were 5.5 and 13, respectively).

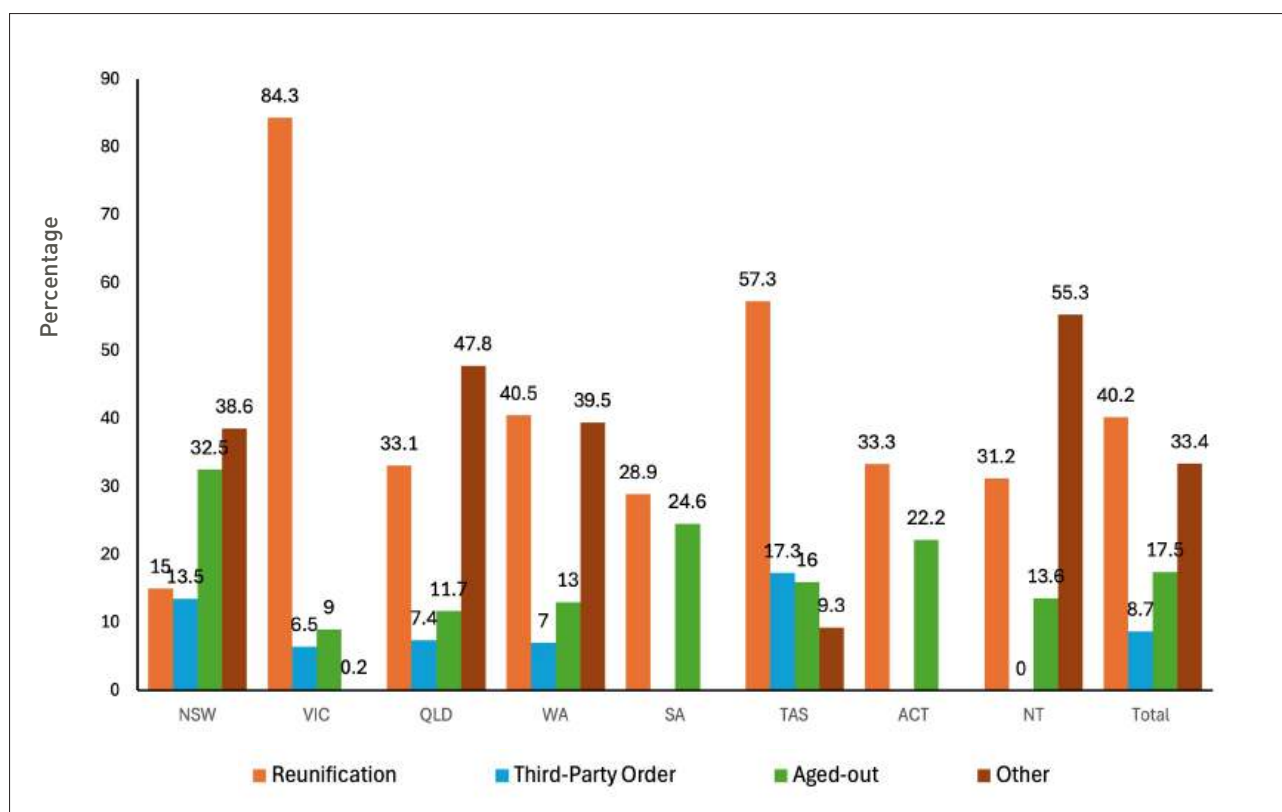
While an increased rate of exits from OOHC may be considered a positive outcome when aiming to reduce the number of Aboriginal and Torres Strait Islander children within a harmful system, where these children are exiting to—or the 'exit pathway'—is an important consideration. Figure 10 highlights the different types of exit pathways nationally and for each state and territory. This shows nationally that reunification is the most common exit pathway (40.2%), followed by 'other' (33.4%, including non-funded independent living, a trial reunification, and detention), aged-out (17.5%, which relates to children reaching 18 years old) and, finally, being placed on TPPROs (8.7%). There is considerable variability across the jurisdictions, with Victoria having high rates of reunifications, mirroring high rates of entry into the system, and NSW, Qld and the NT displaying high rates of 'other' exits in comparison to reunifications. The low rates of discharge for Aboriginal and Torres Strait Islander children in Tasmania, the NT and NSW are also important to keep in mind when interpreting exit pathways.

**TABLE 3: Rates (per 1,000 children) and rate ratios of admissions into and discharges from OOHC for Aboriginal and Torres Strait Islander and non-Indigenous children, by jurisdictions (2022–23)**

	Admissions into OOHC			Discharges from OOHC		
	Aboriginal and Torres Strait Islander children (rate per 1000)	Non-Indigenous children (rate per 1000)	Rate ratio	Aboriginal and Torres Strait Islander children (rate per 1000)	Non-Indigenous children (rate per 1000)	Rate ratio
NSW	8.3	0.7	11.9	8.6	0.9	9.6
VIC	35.3	1.9	18.6	34.8	2	17.4
QLD	14.4	1.4	10.3	12.2	1.3	9.4
WA	16.2	0.7	23.1	13.1	0.7	18.7
SA	15.4	1.4	11.0	13	1.1	11.8
TAS	5.5	0.6	9.2	6.7	1.1	6.1
ACT	5.5	0.9	6.1	11.7	1.2	9.8
NT	6.4	1	6.4	7.8	0.7	11.1
Australia	13.2	1.2	11.0	12.3	1.3	9.5

Source: [AIHW, 2024e: Table S5.17 and S5.19].

FIGURE 10: Exit pathways from OOHc for Aboriginal and Torres Strait Islander children (2021–22), by jurisdiction



Source: [AIHW, 2024d: Table 10.13].

Note: Percentages are calculated based on the number of children who exited care during the reporting period. Data for NSW includes children who had exited a third-party parental responsibility order but who were still counted as being in OOHc due to ongoing case management by the Department. This is inconsistent with the way OOHc is calculated in other AIHW publications. 'Other' exit pathways include children who exit into non-funded independent living, or other living arrangements not covered by OOHc (i.e., detention). Adopted as an exit pathway is not included in this table due to low or non-existent numbers.

## DATA GAP

### REPEAT ENGAGEMENT WITH CHILD PROTECTION SERVICES BY INDIGENOUS STATUS

Child protection involvement is not just more likely for Aboriginal and Torres Strait Islander families but is also more likely to be repeated. Research has found that Aboriginal and Torres Strait Islander children are over-represented in recurrence at multiple stages of intervention (Jenkins et al. 2018). To better understand the full impact of over-representation, it is important to measure not just how many children have contact with child protection systems at each stage of contact, but how often they experience this. The AIHW reports on the number of placements in OOHc for Aboriginal and Torres Strait Islander children via their reporting on youth justice supervision interaction with child protection systems (AIHW 2022a), but this is limited to OOHc placement and not other stages of contact with the child protection system.

## Unborn reports and removal of infants

*"They should not have had two policemen walk into the labour ward at the hospital and remove my child while I wasn't even in the room...I should have been told straight away, they were sneaky about it and lied to me. I was taken to a room halfway down the hall and I couldn't even walk properly, I had just had an emergency caesarean. I went into a function-type room in the hospital, they sat me down and they took a long time to tell me that they had actually taken my child"*

Aboriginal parent, NSW (Newton et al. 2024).

Unborn reports, or pre-birth notifications, represent a significant source of harm and trauma for Aboriginal and Torres Strait Islander children, families and communities. These reports involve notifications to child protection authorities about a child who has not yet been born. In Tasmania, these reports are mandatory if there is a reasonable likelihood of abuse or neglect of the child once born (Wise and Corrales 2021).







In NSW, Qld, WA and Tasmania, these notifications can be investigated during pregnancy. In other states and territories, these investigations only occur when the child is born (Wise and Corrales, 2021; AIHW, 2024c: Table S2.3). While these processes can assist in directing supports to families at a critical juncture, they often erode trust in—and engagement with—vital health services by linking families to systems of surveillance and policing.

There is a lack of consistent data on unborn reports across states and territories, due to legislative and reporting differences. However, a recent trend analysis looking at data from 2012–13 to 2018–19, found unborn reports for all children across Australia are increasing and had increased by 4% each year (O'Donnell et al. 2023).

Analysis of recent available data is provided in **Figure 11**. This shows relatively stable numbers of unborn reports in Qld and WA and low numbers in Tasmania and the ACT. NSW shows the greatest fluctuation, with a significant rise in unborn reports starting at 218 in 2018, rising to 851 in 2021 and falling to 514 in 2023. This represents an overall increase of 136% from 2018 to 2023.

Despite the AIHW not publishing data on unborn reports across all jurisdictions, recent inquiries have addressed some of these gaps. An Inquiry into South Australia's child protection system, led by the Commissioner for Aboriginal Children and Young People, April Lawrie, reported that from 2015–16 to 2020–21, the proportion of Aboriginal families subject to an unborn child protection

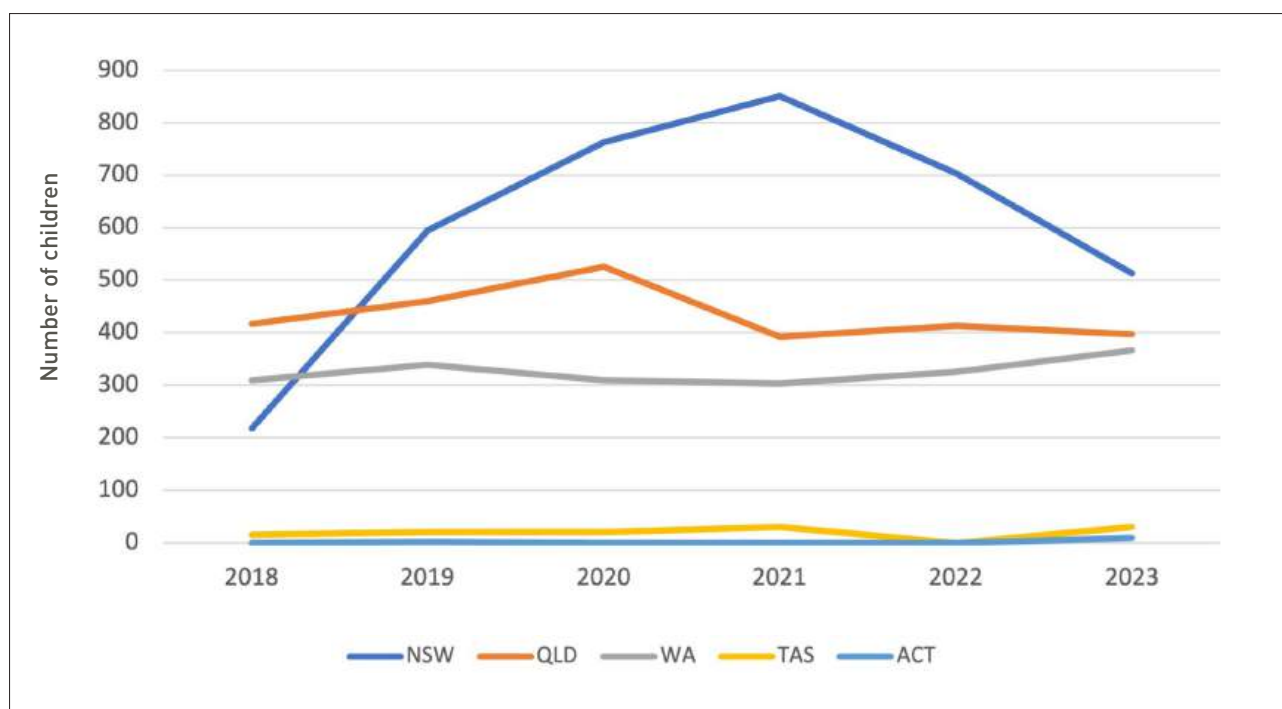
notification increased substantially from 24% to 33% (Lawrie 2024). In comparison, the proportion of non-Indigenous families in South Australia rose from 2% to 3% in this time (Lawrie 2024). The Yoorrook Justice Commission reported in 2023 that unborn reports for Aboriginal and Torres Strait Islander families in Victoria were double those for non-Indigenous families (Yoorrook Justice Commission 2023).

**Figure 12** compares 2022–23 numbers of unborn reports of Aboriginal and Torres Strait Islander children and non-Indigenous children—for the jurisdictions with data available. In Qld and WA, the numbers of unborn reports for Aboriginal and Torres Strait Islander children are higher than for non-Indigenous children.

There is a link between unborn reports and the removal of infants from their families. In a NSW study conducted over eight years (2006–14), 87% of newborns admitted into care within the first seven days of life had an unborn report, suggesting that these reports are predictive of subsequent removals (Marsh et al. 2017). Data from Victoria reveals that among Aboriginal and Torres Strait Islander children with unborn reports in 2021, over one quarter (28.4%) entered care within 12 months of birth (Yoorrook Justice Commission 2023). The longitudinal nature of the NSW study enhances the credibility of these findings, suggesting a need for policymakers to evaluate the criteria and processes surrounding unborn reports and their implications for child welfare. This evidence points to potential opportunities for interventions aimed at supporting at-risk families prior to the birth of a child, ultimately working to prevent removals and promote family stability.



FIGURE 11: Numbers of Aboriginal and Torres Strait Islander children subject to unborn reports\* (2018–23), by jurisdiction

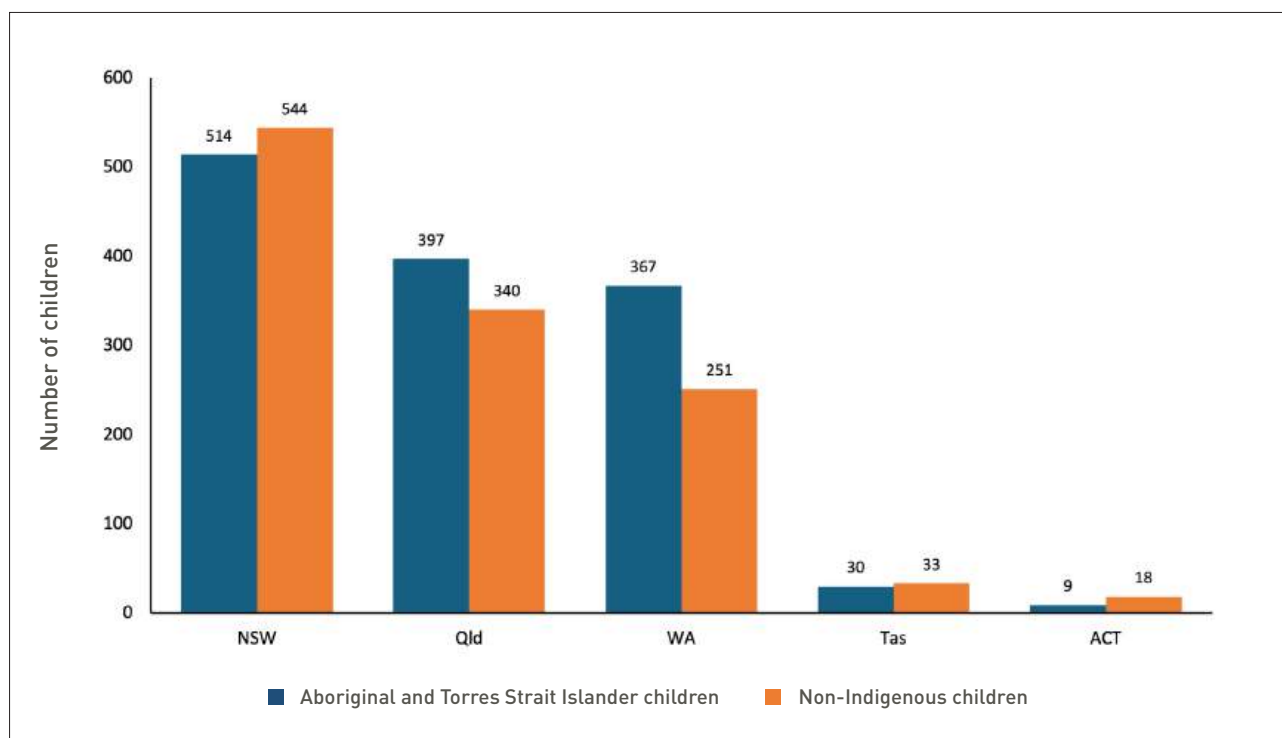


Source: [AIHW, 2024e: Table S2.3] Trend data back to 2018 is drawn from previous Child Protection Australia reports by AIHW. \*This analysis is derived from data on unborn children receiving child protection services.

Note: No data is reported in Child Protection Australia from Victoria, SA and NT.

Tasmania data needs to be interpreted with caution—a very high number of children are categorised as ‘unknown’ in relation to their Indigenous status. Tasmanian data on the number of unborn reports for Aboriginal and Torres Strait Islander children subject to an unborn report in 2021–22 was not published due to suppression of numbers smaller than five.

FIGURE 12: Number of Aboriginal and Torres Strait Islander and non-Indigenous children subject to unborn reports (2022–23), by jurisdiction



Source: [AIHW, 2024e: Table S2.3].

Note: a. Differences in the statutory provisions to intervene before a child is born mean that data presented here should be interpreted with caution. Victoria, SA, the ACT, and the NT do not have the statutory authority to commence investigations prior to a child’s birth. Therefore, no data are available for these jurisdictions.

b. Tasmania data needs to be interpreted with caution - a very high number of children are categorised as ‘unknown’ in relation to their Indigenous status.

c. Rates of unborn reports are not calculated as births are not an appropriate denominator given it is not known if a pregnancy always results in a live birth.



Recent research has also highlighted that Aboriginal children entering OOHC under the age of two are the least likely age group to be reunified with their families (Newton et al. 2024). Numerous inquiries have recommended that the appropriate response to any child protection concerns at the pre-birth or newborn stage should involve a FGC, which allows for culturally appropriate service provision, and the opportunity for the child to remain with family and community without statutory intervention. It is clear that this approach is not being consistently implemented nationwide (Davis, 2019: 310-312; Yoorrook Justice Commission, 2023; Lawrie, 2024: 67).

**Figure 13** highlights how Aboriginal and Torres Strait Islander infants are 11.5 times more likely to be in OOHC than non-Indigenous infants. WA has the highest rate of over-representation at 23.3, followed by Victoria with 20.

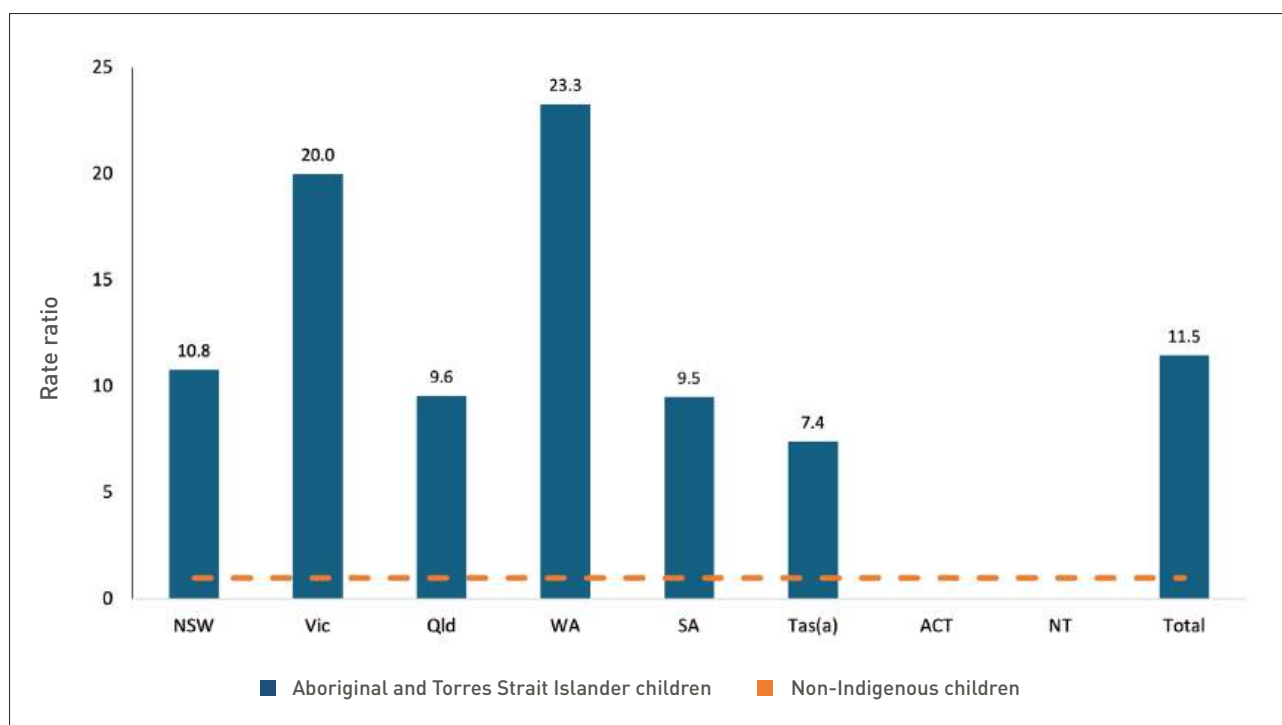
## Length of time in care

Aboriginal and Torres Strait Islander children are much more likely to stay in OOHC for longer periods than non-Indigenous children. At 30 June 2023, Aboriginal and Torres Strait Islander children were 12.4 times more likely than non-Indigenous children to be in OOHC continuously for more than two years. As shown in **Figure 14**, Victoria had the highest over-representation rate of Aboriginal and Torres Strait Islander children in continuous OOHC for two or more years at 25.5, an increase from a rate of 21.8 in 2022. The fact that Aboriginal and Torres Strait Islander children are in OOHC for longer periods than non-Indigenous children is a major driver of continued over-representation in OOHC.

It should be noted that this data does not include children on long-term TPPROs, who are generally expected to remain on those orders until the age of 18. Given that TPPROs are used at significantly higher rates for Aboriginal and Torres Strait Islander children, over-representation may be even higher than is reflected. As such, this should be considered a low estimate of the relative rates of children in care arrangements for two or more years.



FIGURE 13: Over-representation rates of Aboriginal and Torres Strait Islander infants in OOHC (2023), by jurisdiction



Source: [AIHW, 2024e: Table S5.5 and P4].

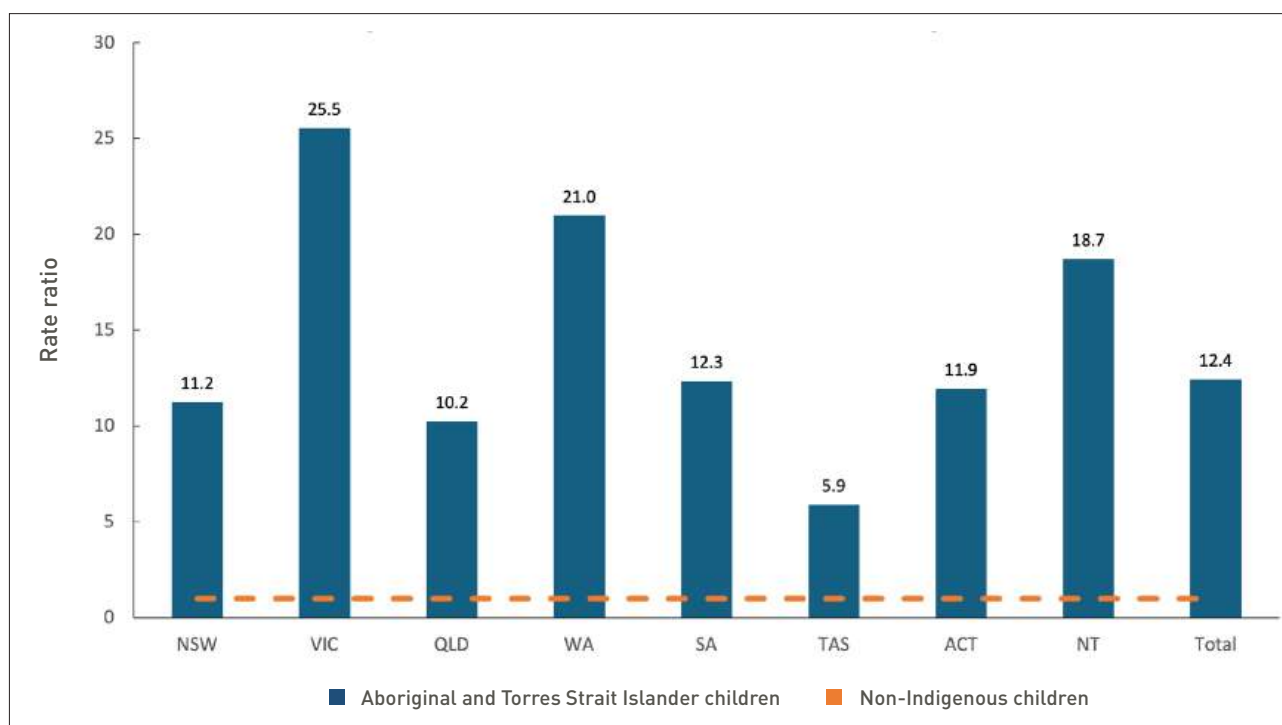
Notes: Infants are defined as children under 1 year old.

The non-Indigenous children data is set to '1' as a comparison point to the rate ratio for Aboriginal and Torres Strait Islander children.

Rates calculated as number of children under 1 year old in OOHC at 30 June 2023 divided by population of children under 1 year old at 30 June 2023 for Aboriginal and Torres Strait Islander and non-Indigenous children. Data for ACT and NT not available.

Children in OOHC excludes children on TPPROs as per the information contained in Table S5.5.

FIGURE 14: Over-representation of Aboriginal and Torres Strait Islander children continuously in OOHC for two or more years, at 30 June 2023, by jurisdiction



Source: [AIHW, 2024e: Table S5.14 and P4].

Notes: The non-Indigenous children data is set to '1' as a comparison point to the rate ratio for Aboriginal and Torres Strait Islander children.

If a child has a return home or break of less than 60 days before returning to the same or different placement, they are considered to be continuously in care during this period.



## Placement in out-of-home care

*There are not many Aboriginal and Torres Strait Islander carers, and the threshold to be a carer can often mean that kin are assessed as not appropriate—there needs [to be] more openness to a range of caregiving and less judgement about ‘safe care’ (which is usually a very ‘white’ assessment).*

ACT community stakeholder (SNAICC 2022)

For Aboriginal and Torres Strait Islander children in OOHC, connection to Aboriginal and Torres Strait Islander relatives or kin is critical to preserving their identity. This connection provides a developmental niche that reflects their culture and promotes connection to community, culture and Country (Krakouer 2023). The significance of this connection is reflected in the Placement element of the Aboriginal and Torres Strait Islander Child Placement Principle (Child Placement Principle), which outlines a hierarchy of OOHC placement of Aboriginal and Torres Strait Islander children as follows:

1. with Aboriginal and Torres Strait Islander or non-Indigenous relatives or extended family members (kin)
2. with Aboriginal and Torres Strait Islander members of the child’s community
3. with Aboriginal and Torres Strait Islander family-based carers.

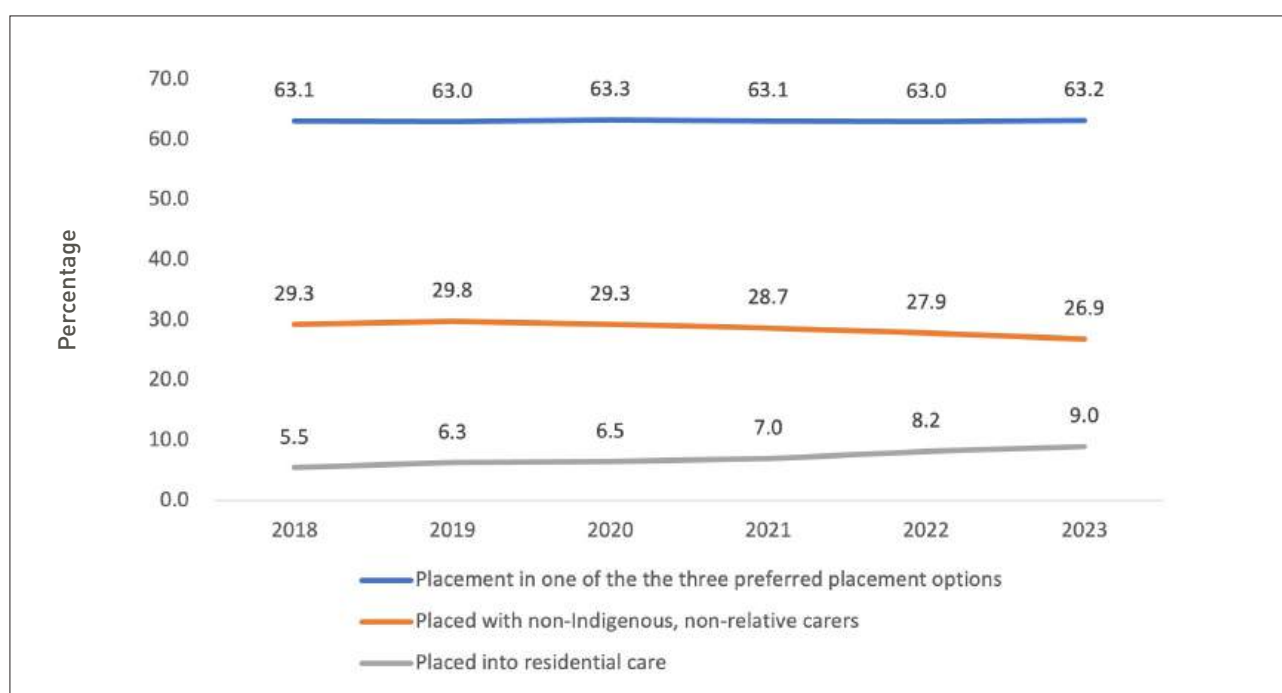
Placement with a non-related, non-Indigenous caregiver or in a residential setting is a last resort (SNAICC 2019).

**Figure 15** shows that nationally, in 2023, 63.2% of Aboriginal and Torres Strait Islander children were placed in one of the three preferred placement options. This figure has remained stable over the past six years and, consequently, the proportion of Aboriginal and Torres Strait Islander children placed with non-Indigenous, non-relative carers has remained relatively consistent, with a slight decline to 26.9% in 2023. Of concern, there has been a steady increase in the use of residential care, which is not in line with the placement hierarchy and has been identified as a placement type that is often culturally unsafe and harmful to Aboriginal and Torres Strait Islander children (QATSICPP 2023).

Despite 63.2% of Aboriginal and Torres Strait Islander children in OOHC being placed with kin or Aboriginal and Torres Strait Islander carers in 2023, placement with kin—especially non-Indigenous kin—does not always ensure meaningful cultural connection for the child. The Child Placement Principle emphasises connection to culture as a distinct issue, separate from placement with kin.

There is a complex narrative regarding whether these placements genuinely uphold cultural connections for the child. Aboriginal and Torres Strait Islander families, communities and organisations commonly identify a bias towards placement of children with non-Indigenous

**FIGURE 15: National trends in the proportion of Aboriginal and Torres Strait Islander children placed in one of three preferred placement options, with non-Indigenous non-relative carers, or residential care (2018–2023)**



Source: (SCRGSP, 2024a: Table 16A.23).

Note: Placement in one of the three preferred placement options includes children placed with Aboriginal and Torres Strait Islander relatives/kin, non-Indigenous or ‘other’ Aboriginal and Torres Strait Islander carers. Children placed with non-Indigenous, non-relative carers exclude children living in residential care. There are discrepancies in the 2018 data between the ROGS publication and the AIHW publication. Data for 2018 needs to be interpreted with caution.

family, which leads to an insufficient effort to investigate safe and connected placement with Aboriginal and Torres Strait Islander family. The bias, present at the early stage of decision-making, likely contributes to data showing significant increases in non-Indigenous kin placements, and reductions in Aboriginal and Torres Strait Islander kin placements for Aboriginal and Torres Strait Islander children over the past 20 years.

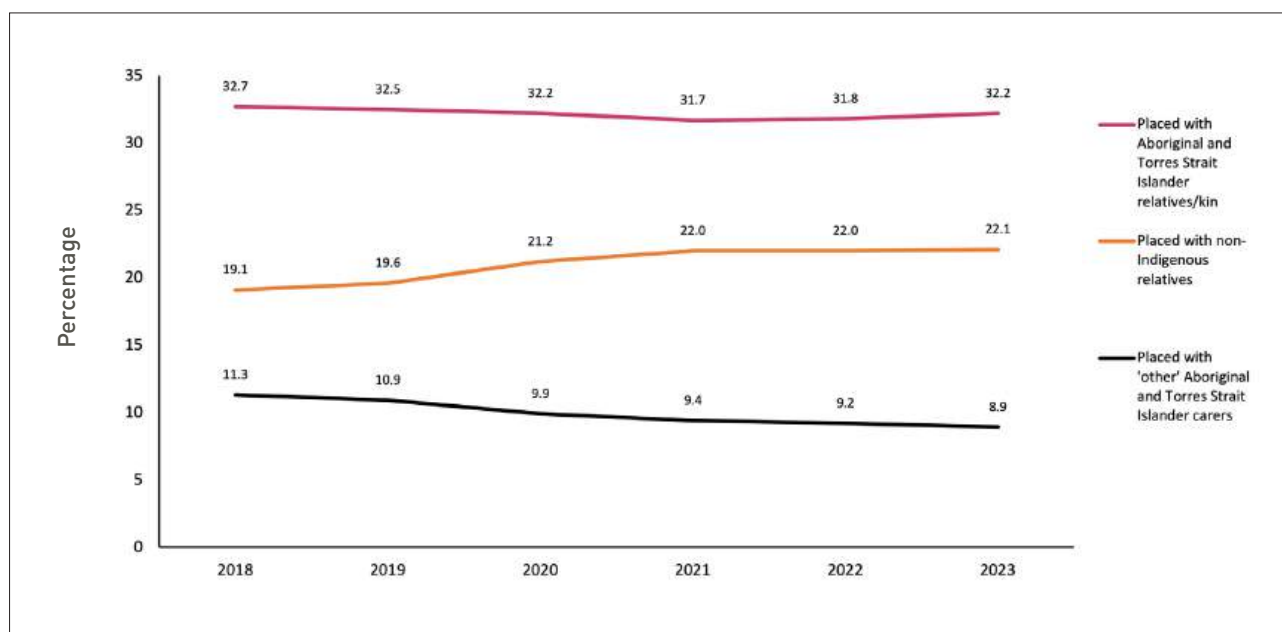
Aboriginal and Torres Strait Islander researchers and advocates highlight that placement with non-Indigenous family over placement with Aboriginal or Torres Strait Islander family raises significant concerns about maintaining cultural connection (Beaufils 2023; Krakouer et al. 2023). This approach does not comply with the Child Placement Principle, which stresses the importance of consideration of both placement with Aboriginal and Torres Strait Islander family or kin, as well as the distinct issue of maintaining connection to culture.

Many Aboriginal and Torres Strait Islander communities and organisations have raised the need for a stronger focus on prioritising placement with Aboriginal and Torres Strait Islander family first in legislation, policy and practice. Further, placements that are lower in the hierarchy should be periodically reviewed to identify if arrangements that are more compliant with the hierarchy are available.

A 2023 review by the Queensland Family and Child Commission found Aboriginal and Torres Strait Islander people faced barriers in progressing through formal carer assessments, which has contributed to their exclusion as carers in Queensland (QFCC, 2023: 11-16). The review informed amendments to Queensland's Blue Card scheme aiming to address this issue by removing the requirement for kinship carers to hold a Blue Card—progress described by Commissioner Natalie Lewis as “necessary...to address the structural and systemic barriers that have disproportionately affected Aboriginal and Torres Strait Islander peoples and disrupted the safe care, connection, and cultural continuity of our children and young people”. However, other administrative barriers remain across all jurisdictions (Davis, 2019: 299-305).

Figure 16 unpacks this story behind placement in accordance with the Child Placement Principle. Over the last six years, placement with Aboriginal and Torres Strait Islander relatives/kin nationally has remained consistent—32.7% in 2019 and 32.2% in 2023. However, placement with non-Indigenous relatives has risen slightly over the same period, from 19.1% in 2019 to 22.1% in 2023. If this upward trend were to continue—but there was no increase in placement with Aboriginal and Torres Strait Islander relatives/kin—this could indicate an increasing risk to children's opportunities

**FIGURE 16: National trends in the proportion of Aboriginal and Torres Strait Islander children placed with Aboriginal and Torres Strait Islander relatives/kin, non-Indigenous relatives or 'other' Aboriginal and Torres Strait Islander carers (2019–2023)**



Source: [SCRGSP, 2024a: Table 16A.23].

Note: There are discrepancies in the 2018 data between the ROGS publication and the AIHW publication. Data for 2018 needs to be interpreted with caution.



for cultural connection. Figure 16 also highlights a steady decrease over six years in placement with other (non-relative/kin) Aboriginal and Torres Strait Islander carers, from 11.3% in 2019 to 8.9% in 2023. This decrease may be a cause for concern if it means this placement option is not available or not being explored, and children are then being placed in settings such as residential care. As consistently highlighted by researchers and advocates, Aboriginal and Torres Strait Islander people face significant barriers to being able to provide kinship care, such as a lack of support and approval as carers from government agencies (Jocelyn et al. 2024).

At the state and territory level, there is significant variation in the type of placements for Aboriginal and Torres Strait Islander children (see **Table 4**). In 2023, Victoria, WA and ACT continue to have the highest proportions of placement with Aboriginal and Torres Strait Islander relatives or kin (40.4%, 39.5% and 38.3% respectively), relatively consistent with previous years. Tasmania continues to have the lowest proportion at 17%, but this is an increase from 12% in 2022. It is concerning that, in the NT, 69% of Aboriginal and Torres Strait Islander children are placed with non-Indigenous non-relative carers—far above all other jurisdictions. Also of concern is the significant use of residential care in SA (16.6%) and Qld (15.8%).

### Harm experienced in out-of-home care

Government agencies that make the significant decision to remove a child due to concerns about safety and wellbeing at home have a profound responsibility to ensure that every child is safe in OOHC. Article 19 of the United Nations Convention on the Rights of the Child outlines that state parties, such as Australia, have a duty to protect children from harm while in care (UN Commission on Human Rights 1990).

However, this does not always occur. In 2022–23, about 1,229 children in Australia were the subject of a substantiation of abuse in care, of whom, 629 (51%) were Aboriginal and Torres Strait Islander (AIHW 2024b).

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability heard from several Aboriginal and Torres Strait Islander people living with disability who have experienced abuse in OOHC. These harrowing accounts highlight the sexual, physical and psychological abuse that can occur in OOHC, building on the previous findings of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission into Institutional Responses to Child Sexual Abuse 2017).

**TABLE 4: Proportion of Aboriginal and Torres Strait Islander children in OOHC by placement type, jurisdictions (2023)**

	Aboriginal and Torres Strait Islander relatives/kin	Non-Indigenous relatives	Other Aboriginal and Torres Strait Islander carers	Non-Indigenous, non-relative carers	Residential care
NSW	33.2	22.5	13.7	23.0	5.4
VIC	40.4	38.7	1.4	14.7	4.5
QLD	24.5	19.0	10.3	30.4	15.8
WA	39.5	14.6	6.2	30.9	8.7
SA	32.3	22.5	5.8	22.8	16.6
TAS	17.0	30.4	7.6	38.5	6.1
ACT	38.3	28.1	2.6	26.0	5.1
NT	23.8	-	4.3	69.0	-
Australia (total)	32.2	22.1	8.9	26.9	9.0

Source: [SCRGSP, 2024a: Table 16A.23].  
 Notes: Proportions may not sum to 100% due to 'Independent living/living arrangements unknown' not being included. Data from the NT needs to be interpreted with caution. Children placed with family members are included in the 'Aboriginal and Torres Strait Islander relative/kin category' but it is unclear whether this includes children placed with non-Indigenous family members. Data for the 2022–23 financial year for the NT is not derived from the National Minimum Data set and therefore may not be consistent with data presented in other publications.



One example was a young First Nations man who recounted abuse when he was eight years old in OOHC:

*"I was sitting on the couch, watching TV, eating my breakfast. The carer—the foster carer walked up to me, kicked me in the jaw and I spilt the plate, and then he got angry and then started hitting me more because I made a mess in the lounge room"*

(Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability, 2023).

In addition, some children have experienced neglect and treatment that amounts to emotional abuse while under the care of government departments. Unstable accommodation requiring children and young people to constantly move between temporary placements, with an absence of stable and appropriately qualified caregivers, can have a significant impact on children's health and wellbeing, as was the case for young brothers Finn and Lincoln, who faced neglect and abuse, living out of a motel in NSW in an 'alternate care arrangement' (Finn, Lincoln, Marina and Blake Hughes 2022).

The use of temporary placements, such as 'alternate care arrangements', has been investigated and shown to yield poor outcomes. A recent report from NSW underscores these concerns. It details the experience of Kylie, a 17-year-old Aboriginal woman:

*Kylie was placed in an [alternate care arrangement] in a motel in Sydney, supervised by an inexperienced young carer. Kylie expressed that she was bored and thinking of leaving the motel to meet up with a man she had met that day on Snapchat. The carer looked up from her own mobile phone to encourage Kylie to leave the placement and meet the man. Kylie did so and was sexually assaulted by him later that evening.*

(ACYP NSW 2024)

Moreover, children in OOHC, particularly those living in residential care, experience a high risk of criminalisation. Criminalisation in care occurs through stigmatising children, labelling their behaviours as criminal, and adopting a punitive response to actions that would not be treated as criminal in a family home (QFCC 2018). Most notably, it occurs when police are called to residential care services at times when other, more proportionate responses may be appropriate. Children living in residential care deserve to receive appropriate and similar behavioural support and responses as children living in a family home.

## Reunification

Child protection intervention and removal of children from their family into OOHC can have highly detrimental impacts on the continuity of a child's relationships, culture and identity. To best support child safety and wellbeing, efforts must focus on achieving and promoting relational and cultural continuity for all

children who come into contact with child protection services. For Aboriginal and Torres Strait Islander children, those efforts must recognise that a child's wellbeing is inherently grounded in the permanence of their identity in connection with family, community, culture and Country (SNAICC 2016). This understanding is often incompatible with permanent care orders imposed through state and territory legal systems, which tend to prioritise physical and legal stability over relational permanence and connection to culture and Country (SNAICC 2016), despite evidence that child wellbeing encompasses a broader scope of positive, caring and consistent relationships alongside physical and legal permanency (Tilbury and Osmond 2006).

Over the last decade, state and territory child protection systems have focused on the introduction of legislation, policy and practices that prioritise stability for children through what is commonly referred to as permanency planning. Family reunification is recognised as the best-practice permanency planning outcome for children who enter OOHC and, in all jurisdictions, ongoing child protection case management seeks to prioritise reunification where possible (AIHW 2024a). Reunification is typically defined as children being reunified with their parents, although differing definitions also include other family members or guardians, particularly if the child was living with these adults prior to entry into care (AIHW 2024a).

Timeframes for reunification differ across states and territories, with extensions sometimes granted—for example in Victoria, the Children's Court can only extend a family reunification order for a period that means a child will not be in OOHC for more than 24 months (DHS 2020). Across all jurisdictions, when reunification is deemed to be inappropriate within a certain timeframe, permanent care orders or adoption are pursued. Permanent care orders transfer responsibility for a child's care to the state or a named third party until the child is 18 years old. For Aboriginal and Torres Strait Islander people, this approach presents deeply distressing parallels to the Stolen Generations.

Consequently, for Aboriginal and Torres Strait Islander people, the implementation of permanency planning measures is met with apprehension, particularly because the introduction of maximum timeframes to pursue reunification—before the focus turns to permanent legal orders—carries the risk of permanently severing a child's connections to family, community and culture. Aboriginal and Torres Strait Islander people have consistently identified that this systemic focus on permanent care and adoption reinforces a 'downstream model' of tertiary responses, without a concurrent focus to heal the damage to families and communities resulting from colonisation and discriminatory government policies and practices (Turnbull-Roberts et al. 2021). For example, the *Family is Culture Review* Report concluded that rigid time frames (in NSW) are problematic because 'there are lengthy waiting lists for the services that are generally linked to restoration goals and restoration work is often limited to uncoordinated and cold referrals' (Davis 2019).



Aboriginal and Torres Strait Islander people also commonly question permanency decisions that are based on a narrow and Western construct of attachment theory—one that pursues a singular attachment for a child to their carer and does not recognise the importance of kinship relationships and cultural identity development (Wright et al. 2024)). Relatedly, a particularly detrimental feature of permanent care orders, in many jurisdictions, is that there is no legal mechanism to ensure that children are safe, or that they enjoy ongoing connection to their family, community and culture (AbSec 2018a, 2018b). Even in jurisdictions where safeguards to ensure cultural connection—such as cultural support plans—are required, minimal compliance with these directives, and the absence of mechanisms to address non-compliance, often means that a child’s cultural rights are inadequately protected (Yoorrook Justice Commission 2023).

### Reunification trends

Children on long-term 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 (see **Figure 17**). 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, 2024d: 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.

Reunification rates are reported by AIHW via their Child Protection Australia publication. Unfortunately, there is a significant time lag with this reunification data, with 2022–23 data due to be published in February 2025. This long delay in the publication of data severely limits the transparency and accountability of governments for achieving reunification outcomes for children. The most current year of reunification data in this report is therefore 2021–22.

**FIGURE 17: Proportion of Aboriginal and Torres Strait Islander children in the child protection system on long-term GCOs and TPPROs (2021–22), by jurisdiction**



Source: [AIHW, 2024e: Table S4.10]

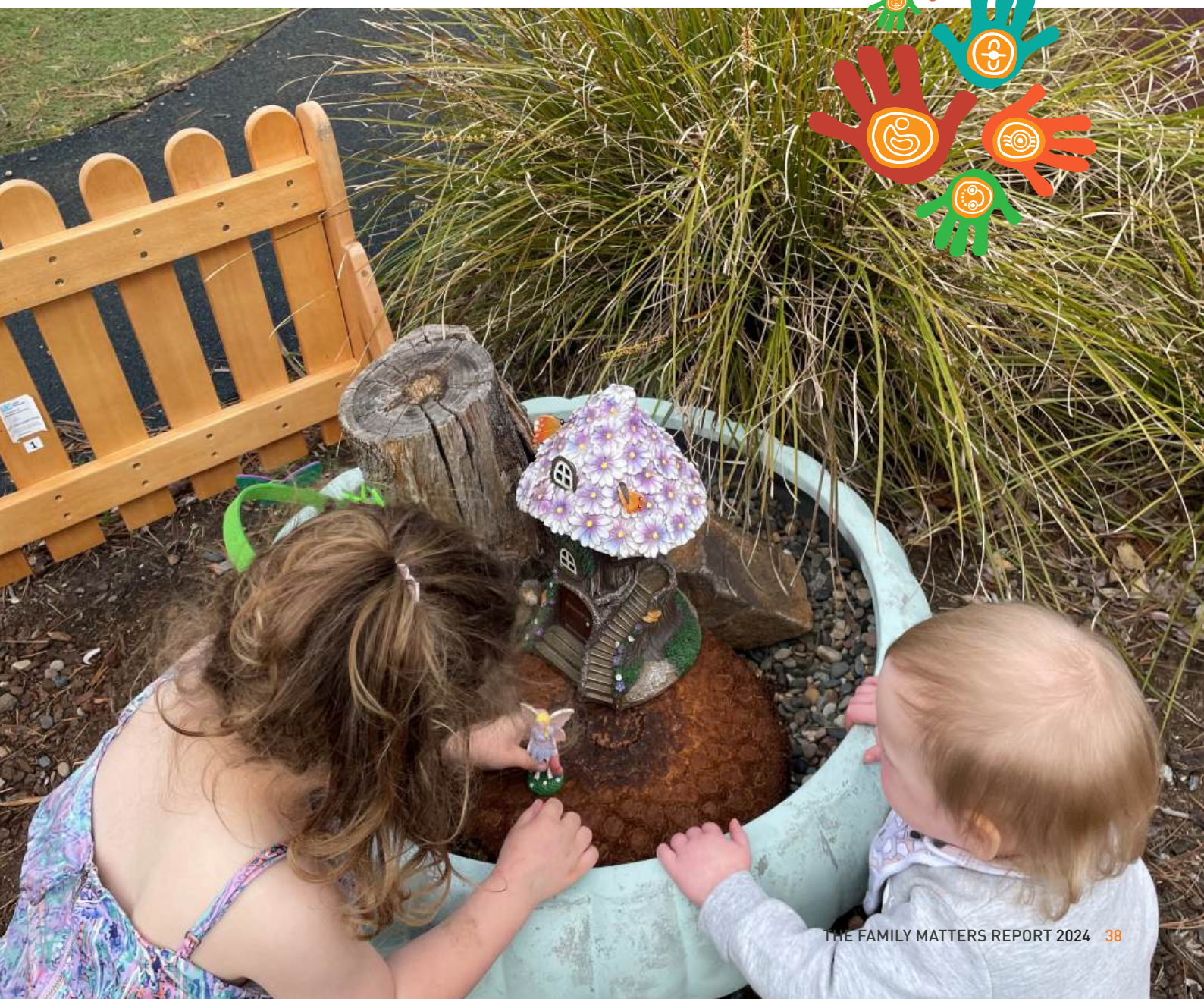
Note: The number of children who are on long-term guardianship orders and TPPROs is calculated as a proportion of children who are on care and protection orders.



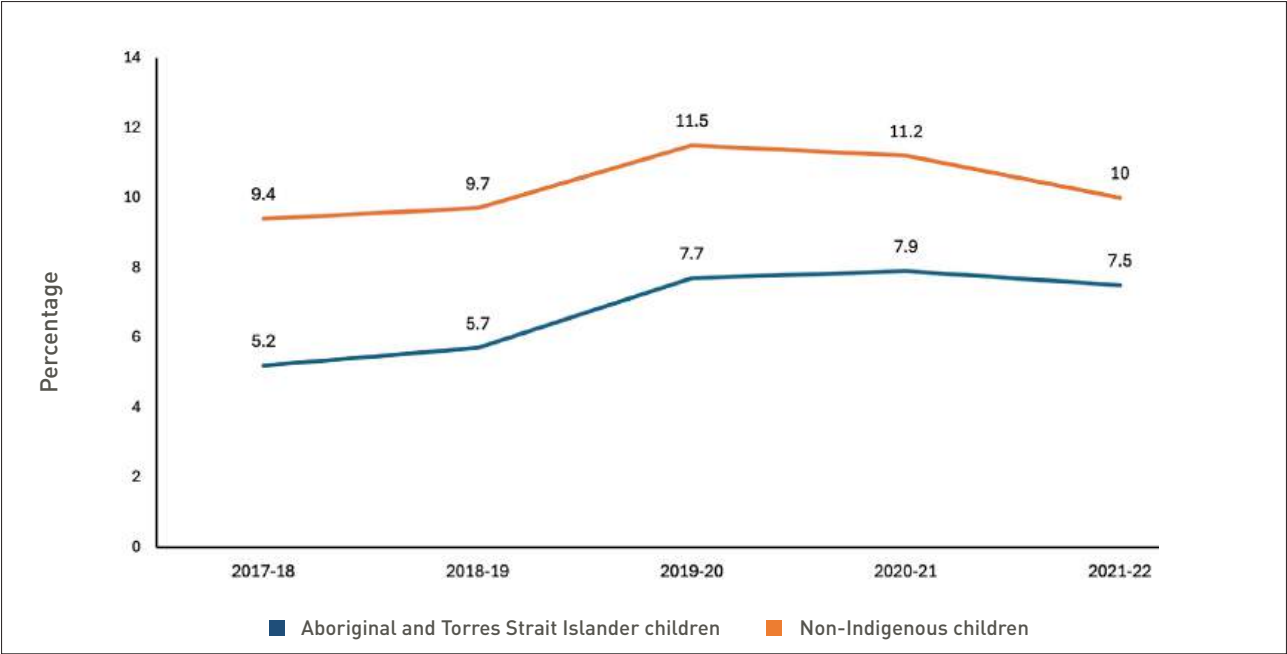
Nationally, 1,685 Aboriginal and Torres Strait Islander children were reunified with their families from OOHC in 2021–22 (AIHW, 2024d: Table 10.18). This represents 7.5% of the population of Aboriginal and Torres Strait Islander children in OOHC and on TPPROs, compared to a 10% reunification rate for non-Indigenous children (see **Figure 18**). The rate of 7.5% does represent an improvement from 5.2% in 2017–18 for Aboriginal and Torres Strait Islander children. There is clear evidence that transferring authority for key decisions including restoration to ACCOs, such as through the delegated authority provisions in Victoria and Qld, can lead to increased family preservation and rates of reunification of Aboriginal and Torres Strait Islander children. This is supported by an evaluation of several ACCO sites in Victoria and early data reported by trial sites in Qld (SNAICC, 2023; Wise *et al.*, 2023).

**Figure 19** provides an overview of reunification rates by state and territory for 2021–22. These data show that Victoria has the highest rate of Aboriginal and Torres Strait Islander children in OOHC and on TPPRO exiting to reunification at 24%. This needs to be considered

alongside the fact that Victoria has the highest rate of removal into OOHC for Aboriginal and Torres Strait Islander children. The rates in Victoria could indicate that there are higher rates of interventions to address valid safety concerns, including removals of children, alongside focused efforts towards reunification. Alternatively, these findings may indicate that in Victoria there are greater rates of unnecessary removals, where parents are subsequently able to demonstrate safety in the home and achieve reunification with their children. The lowest rate of reunification for Aboriginal and Torres Strait Islander children was in NSW, which showed a shockingly low rate of 2%. It is important to note that the high rate of Aboriginal and Torres Strait Islander children on long-term orders in NSW, who are therefore not considered for reunification, contributes to this low rate.

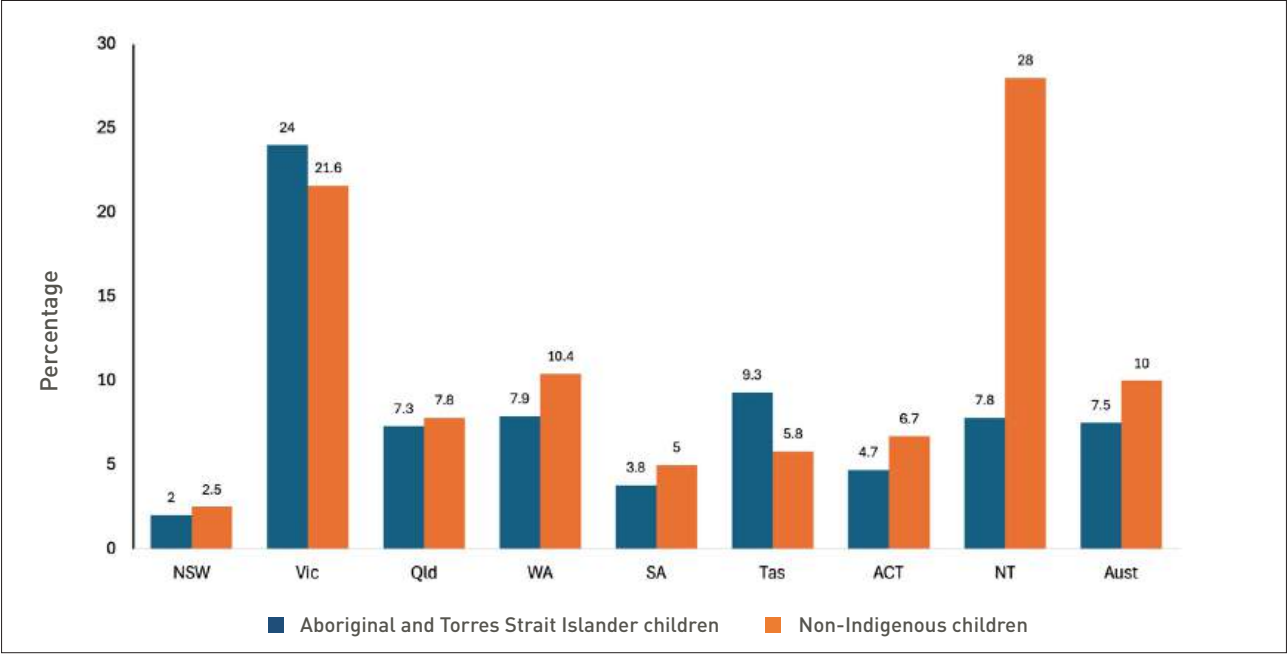


**FIGURE 18: National trends in the proportion of Aboriginal and Torres Strait Islander and non-Indigenous children who exited to reunification from OOHC (including TPROs)**



Source: AIHW, 2024d: Table 10.18; AIHW, 2024e: Table T3.  
 Note: The source for these calculations has changed from previous FM reports, 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 the 2023 FM report drew from Table S2.3a from the ATSCPP 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.  
 The relatively high proportion of non-Indigenous children who exited to reunification in the NT is driven by a low number of non-Indigenous children in OOHC (n=75).

**FIGURE 19: Proportion of Aboriginal and Torres Strait Islander and non-Indigenous children who exited to reunification (2021–22), by jurisdiction**



Source: AIHW, 2024d: Table 10.18; AIHW, 2024e: Table T3.  
 Note: The source for these calculations has changed from previous FM reports, 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 the 2023 FM report drew from Table S2.3a from the ATSCPP 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.  
 The relatively high proportion of non-Indigenous children who exited to reunification in the NT is driven by a low number of non-Indigenous children in OOHC (n=75).



### Return to out-of-home care after reunification

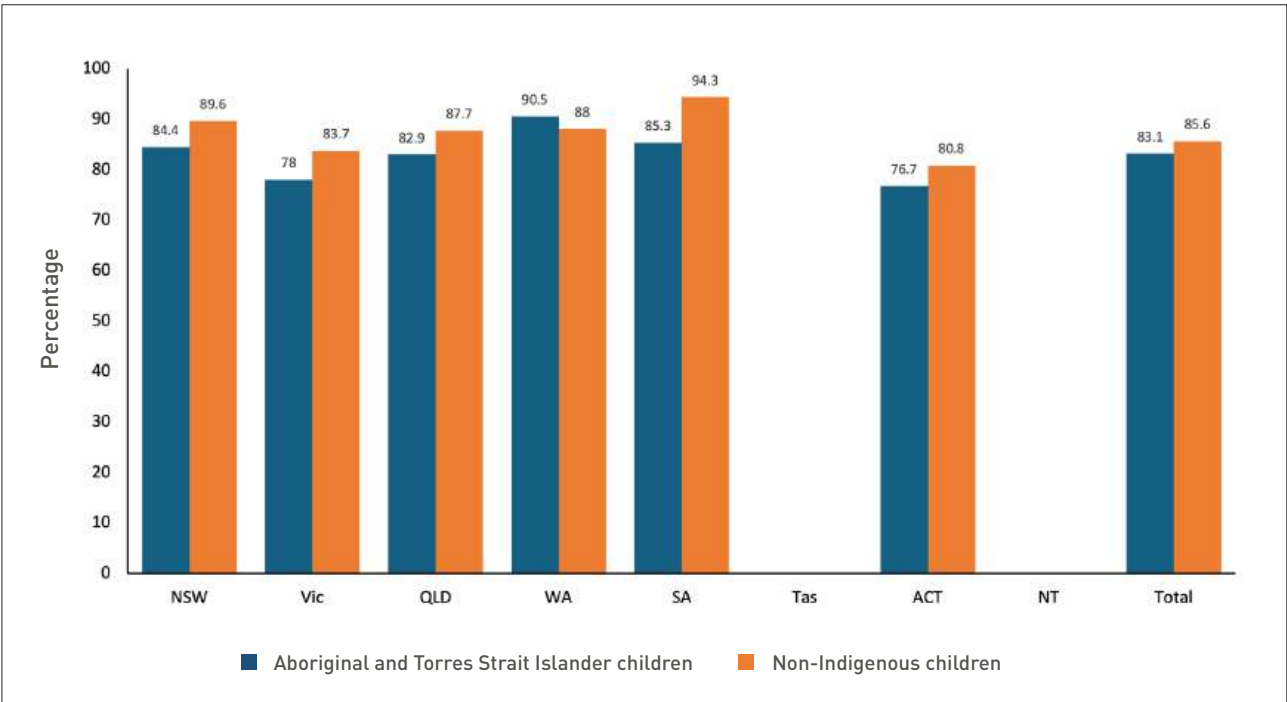
Children who are reunified with their families from OOHC occasionally return to care, but this is not the case for the majority of children. This is significant because it is a potential indicator of whether the supports provided to the family has been sufficient and effective for the family in the longer term. AIHW reports this data by whether a child returned to OOHC within 12 months after exiting to reunification. Due to the nature of this data, it is subject to a greater time lag than other reunification data—meaning 2020–21 data is only available for this report. As **Figure 20** shows below, 83.1% of Aboriginal and Torres Strait Islander children who were reunified did not return to care within 12 months, slightly lower than the non-Indigenous rate of 85.6%. This difference was mirrored in most states and territories—except WA, where the proportion of Aboriginal and Torres Strait Islander children who were reunified and did not return to care within 12 months was slightly higher than non-Indigenous children (90.5% and 88%, respectively). Data is not available in Tasmania and the NT.

### Areas for data and research development in reunification

It is important to note that the Indigenous status of the families with whom Aboriginal and Torres Strait Islander children were reunified was not reported by any jurisdiction. Further, the AIHW notes that a lack of national consensus on the definition of reunification negatively impacts the comparability of this data (AIHW 2024a). To support policy and practice aimed at maintaining Aboriginal and Torres Strait Islander children’s connection to culture, data development should address these concerns.

Research into the factors that support reunification is important to promote better reunification outcomes. Previous research has found that reunification is most likely to be achieved within the six months immediately following a child’s initial entry into OOHC and that the likelihood of reunification occurring after one year in care decreases rapidly (Delfabbro et al. 2003; Barber et al. 2004; Farmer et al. 2009; Fernandez and Lee 2011, 2013). Recent research points out the many systemic barriers to reunification, including lack of caseworker and carer support to maintain contact with the child and their family while in care and lack of support after reunification for parents to understand children’s behaviour and experience while in care (Newton et al. 2024).

**FIGURE 20: Proportion of Aboriginal and Torres Strait Islander and non-Indigenous children who exited to reunification and did not return to care within 12 months, 2020–21, by jurisdiction**



Source: AIHW, 2024d: Table 10.18; AIHW, 2024e: Table T3.  
Note: Data is not available for Tasmania and the NT.





There is some evidence about what contributes to sustaining reunification outcomes for Aboriginal and Torres Strait Islander children and families reunified from OOHC. These factors include engagement by case workers, support for ongoing contact between the child and their family, addressing families' needs such as housing, support for parents, post-reunification support, and culturally-informed supports (Cunningham et al. 2021). The absence of these supports can create challenges for families to sustain reunification if issues—such as homelessness or housing insecurity, substance use, and poverty—are not addressed.

Other research has highlighted a range of challenges to family reunification more broadly, finding that structural barriers—such as poverty and homelessness—impede the likelihood of reunification occurring within a short time frame (Delfabbro et al. 2015; Fernandez et al. 2019). These structural barriers have been especially acute in recent years, as the interrelated issues of cost of living and housing affordability have reached a crisis point. Given that Aboriginal and Torres Strait Islander families experience both poverty and homelessness at higher rates compared to non-Indigenous families, it is likely that reunification for Aboriginal and Torres Strait Islander children and families is limited by inadequate action addressing these social determinants.

## Long-term care arrangements

Aboriginal and Torres Strait Islander children continue to be over-represented in long-term care arrangements. Long-term care generally refers to arrangements longer than two years which are in place until the child turns 18 (AIHW 2024a). There are several types of these arrangements, with names often differing across states and territories, but overall categories include:

### Long-term finalised guardianship and custody orders (long-term GCO)

These orders typically transfer permanent legal guardianship or custody of children to a relevant state/territory department or non-government organisation (NGO). Guardianship orders convey responsibility for the welfare of a child to a guardian but do not necessarily grant the right of daily care and control of a child. Custody orders involve a department or NGO being responsible for daily care and control of a child, while the parent(s) usually retains legal guardianship (SCRGSP 2024a).

### Long-term finalised third-party parental responsibility orders (long-term TPPRO)

These orders permanently transfer all duties, powers, responsibilities and authority that parents are entitled to by law to a nominated person until the child turns 18. Usually, this person is a kinship or foster carer but can also be an officer of a state/territory department.

*Note: 'Finalised' refers to orders that have been finalised by a court, in contrast to unfinalised orders such as applications to a court for care and protection (AIHW 2024a).*

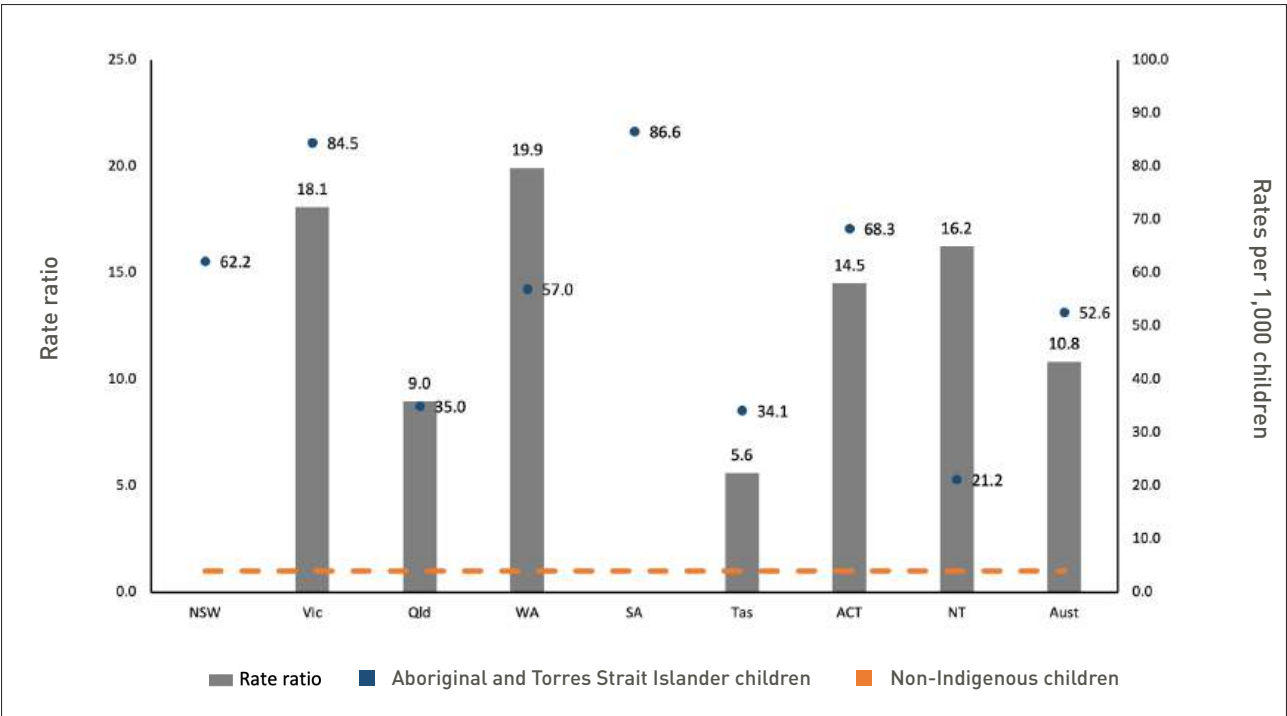
In Australia, at 30 June 2023, there were 18,229 Aboriginal and Torres Strait Islander children on long-term GCOs and TPPROs (AIHW, 2024c: Table S4.10). This means 73% of Aboriginal and Torres Strait Islander children on care and protection orders are on these long-term care arrangements (AIHW, 2024e: Table S4.10).

As **Figure 21** shows, nationally, in 2022–23, Aboriginal and Torres Strait Islander children are 10.8 times more likely to be placed on long-term GCOs or TPPROs than non-Indigenous children, at a rate of 52.6 per 1,000 children. WA continues to have the highest rate ratio of Aboriginal and Torres Strait Islander children placed on long-term orders (19.1), while SA and Victoria have the highest placement rates per 1,000 Aboriginal and Torres Strait Islander children (86.6 and 84.5, respectively).

This data shows there continues to be a systemic drive towards long-term placement for Aboriginal and Torres Strait Islander children. Analysis of short-term GCOs in 2023 shows that nationally, 8.4 per 1,000 Aboriginal and Torres Strait Islander children were placed on these short-term orders, in stark contrast to 41.6 per 1,000 Aboriginal and Torres Strait Islander children being placed on a long-term GCO (AIHW, 2024e: Table S4.10).

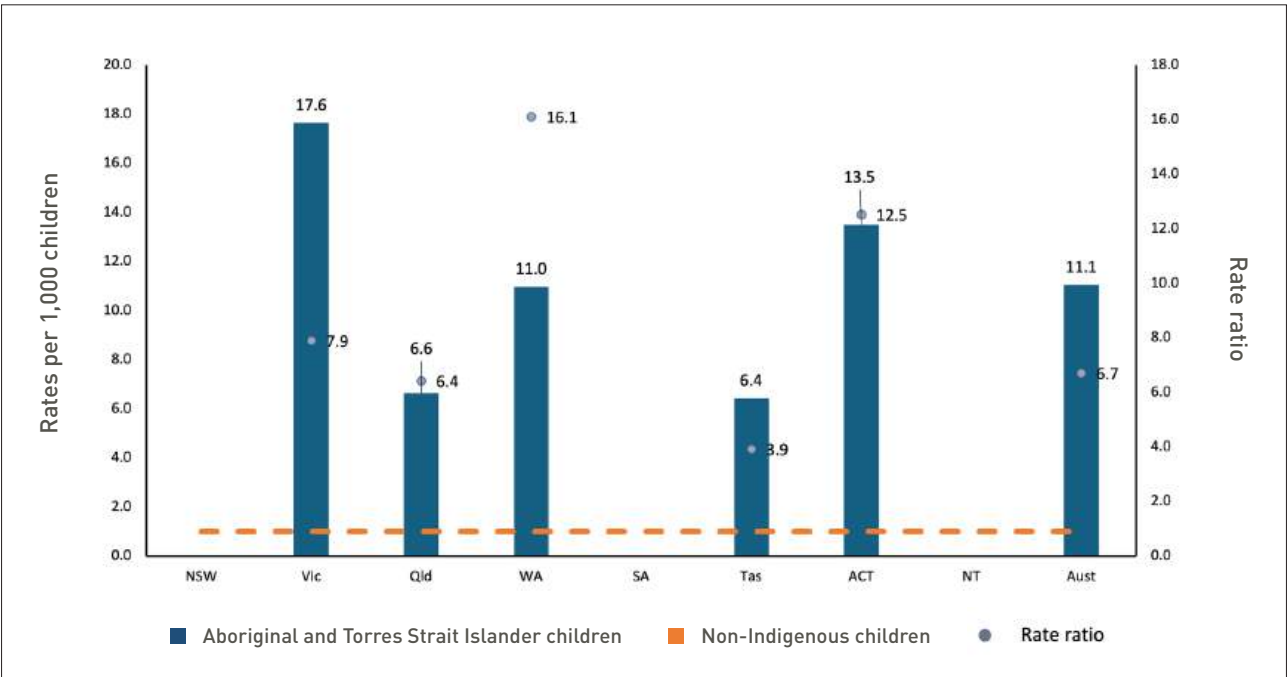
Long-term TPPROs are particularly significant when considering the implications of permanent care for Aboriginal and Torres Strait Islander children. This is where states and territories have transferred parental responsibility for a child to a kinship or foster carer and no longer count the child as being within the definition of OOHC. Children on these orders are at greater risk of losing family and cultural connections as government has largely eschewed responsibility for ensuring the maintenance of those connections and protecting children's rights. As **Figure 22** shows, Aboriginal and Torres Strait Islander children were 11.1 times more likely than non-Indigenous children in Australia to be placed on long-term TPPROs in 2023. Victoria had the highest rate ratio of any state and territory at 17.6, while WA had the highest rate per 1000 Aboriginal and Torres Strait Islander children in the state on TPPROs (16.1 per 1000) of those jurisdictions that provided data (NSW, NT and SA did not provide data).

**FIGURE 21: Rates and rate ratios for Aboriginal and Torres Strait Islander children on Long-Term Third Party Orders and Long-Term Finalised Guardianship or Custody Orders combined, by jurisdiction (2022–23)**



Source: [AIHW, 2024e: Table S4.10]  
 Note: The non-Indigenous children data is set to '1' as a comparison point to the rate ratio for Aboriginal and Torres Strait Islander children.  
 NSW and SA data for non-Indigenous children on short or long-term Third Party Orders were not published by AIHW due to small numbers and as such rate ratios were not calculated.  
 Tasmanian data needs to be interpreted with caution due to issues recording order status.

**FIGURE 22: Rates and rate ratios for Aboriginal and Torres Strait Islander children on Long-Term Third-Party Parental Responsibility Order, by jurisdiction (2022–23)**



Source: [AIHW, 2024e: Table S4.10 and P3]  
 Note: The non-Indigenous children data is set to '1' as a comparison point to the rate ratio for Aboriginal and Torres Strait Islander children.  
 NSW and SA did not provide data for non-Indigenous children on short or long-term Third Party Orders and as such rates and rate ratios were not calculated. Data on Third Party Parental Responsibility Orders is not available for the NT. Tasmanian data needs to be interpreted with caution due to issues recording order status.

Aboriginal and Torres Strait Islander communities are particularly concerned about the risk of children on these orders being deprived of their cultural rights. While this is difficult to monitor—as a deliberate feature of these orders is to reduce such accountability—looking at whether those placements are with Aboriginal or Torres Strait Islander family members or kin can provide one imperfect proxy measure of ongoing connection to culture. Therefore, the type of placement—or relationship of caregiver—for TPPROs is considered here as a proxy indication of whether the placement supports cultural relationships and connections for the child.

**Table 5** presents the number and proportion of placement types for Aboriginal and Torres Strait Islander children on long-term TPPROs in 2023. Data for the NT is not shown as TPPROs are not utilised there. Despite the challenges with TPPROs identified above, it is positive to note that, in Qld and Victoria, over half of Aboriginal and Torres Strait Islander children on TPPROs are placed with Aboriginal or Torres Strait Islander relatives or kin. It is important to note that in these cases, it is likely that the child was already in the care of Aboriginal or Torres Strait Islander relatives or kin prior to the TPPRO order coming into place. NSW has the highest proportion of TPPRO placement with non-Indigenous relatives at 67%. This means that almost three out of every four Aboriginal children in a TPPRO placement in NSW are not placed with

Aboriginal carers and may be permanently disconnected from their culture through these orders. Of most concern is the relatively high proportions of placement with non-Indigenous, non-relative carers in SA (43%) and WA (33%), noting however that actual numbers are lower in SA (30 children) compared to WA (154).

## Adoption

Adoption from OOHC represents a significant risk to the rights and wellbeing of Aboriginal and Torres Strait Islander children. Aligned to the discussion on long-term care arrangements above, adoption represents the extreme end of the risk associated with severing a child's family connections in the context of child protection systems that are largely not providing culturally appropriate and safe services led by Aboriginal and Torres Strait Islander people. The concept of adoption raises strong parallels with the experiences of the Stolen Generations and the resulting intergenerational trauma experienced by Aboriginal and Torres Strait Islander people. As explained by Turnbull-Roberts et al. (2021):

*“Kinship processes play a foundational role in Aboriginal child development, and adoption represents a moment of rupture in these processes, particularly because adoption has not been part of Aboriginal customary culture”*

**TABLE 5: Placement of Aboriginal and Torres Strait Islander children on long-term TPPROs by placement type (number and proportion), by jurisdiction at 30 June 2023**

Placement type	QLD	SA	TAS	VIC	NSW	ACT	WA
Aboriginal and Torres Strait Islander relatives/kin	346 (54%)	12 (17%)	22 (28%)	260 (55%)	358 (18%)	9 (20%)	46 (10%)
Non-Indigenous relative/kin	229 (36%)	22 (32%)	22 (28%)	75 (16%)	1354 (67%)	7 (16%)	7 (2%)
Other Aboriginal and Torres Strait Islander carers	18 (3%)	0	9 (12%)	14 (3%)	7 (0.3%)	0	256 (55%)
Non-Indigenous, non-relative carer	40 (6%)	35 (51%)	17 (22%)	93 (19%)	145 (7%)	29 (64%)	154 (33%)
Residential care	9 (1%)	0	0	1 (0.2%)	1 (0.05%)	0	N/A
Independent living/living arrangements unknown	0	0	8 (10%)	34 (7%)	155 (8%)	0	N/A
Total	642	69*	78	477	2034	45	463

Source: Data supplied by state and territory governments to SNAICC. This data may differ to Table S4.10 in Child Protection Australia 2022-23 due to different data extraction dates and different counting rules between AIHW and state/territory governments.

Notes: NSW proportions do not add up to 100% because they also include 14 children (1%) in a separate category of 'other care arrangements'.

SA numbers for non-Indigenous relatives/kin and other non-Indigenous carers include six caregivers with unknown Aboriginal status.



Part of the misalignment between Aboriginal and Torres Strait Islander and settler-colonial legal systems is how they position—and transfer—legal responsibility for children and young people. Western legal frameworks position legal responsibility for children with their immediate parents, whereas Aboriginal and Torres Strait Islander legal frameworks recognise broader relational structures and networks of responsibility and obligation—including, particularly, grandmothers as well as uncles, aunts and other kin. Existing settler-colonial child protection legal orders largely ignore these broader networks of care, failing to consider the implications for removal and, in particular, permanent removal through adoption, as well as the procedural fairness implications of severing these relationships, which are often without these important networks present or involved in legal proceedings. From an Aboriginal perspective, when parents are unable to fulfil their caregiving roles, there are others who also share those responsibilities. This fundamental difference in the framing of legal, as well as whether and how it can be exercised by various members of the community, continues to undermine the integrity of Aboriginal and Torres Strait Islander families and communities. Adoption therefore represents a permanent and harmful severing of multiple relational connections, often without consideration of these connections.

A notable exception is Ailan Kastom—Torres Strait Islander traditional child-rearing practice—where a child’s birth parents, and close relatives or friends, agree to transfer parental responsibilities and rights. This practice has been in place since time immemorial in Zenadth Kes/the Torres Strait Islands. Ailan Kastom is integrated as a practice to strengthen families, in contrast to Western adoption. The practice was recognised in the *Meriba Omasker Kaziw Kazipa Act 2020 (Qld)*, which has enabled legal recognition of Ailan Kastom within Western legal frameworks, intended to ensure children maintain their identity (Office of the Commissioner Queensland 2023).

In 2022–23, there were no adoptions of Aboriginal and Torres Strait Islander children reported by the NT, Qld, SA, Tasmania and the ACT. NSW reported that less than five Aboriginal and Torres Strait Islander children were adopted (*note that it is presented in this way to minimise the potential for re-identification due to small numbers*), all to non-Indigenous adoptive parents. Victoria and WA did not report numbers due to concerns with identification. In the AIHW’s report *Adoptions Australia*, it was stated that nationally, in 2022–23, four Aboriginal and Torres Strait Islander children had adoption orders finalised as part of a known child adoption, and one was adopted through a local adoption (AIHW 2024f).

## Funding and family support service access

*“All the money we get given when we go into the system, why can’t it go to our families to help keep us together and to make things better”*

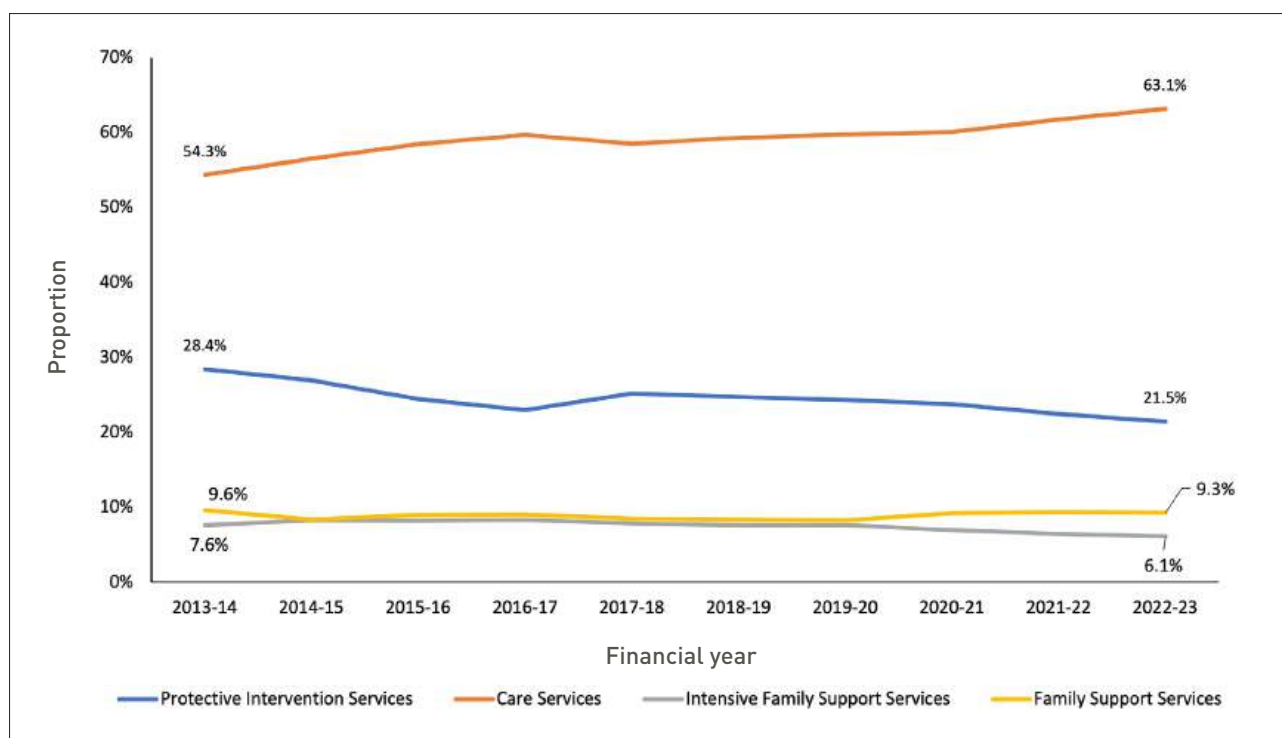
Participant, CREATE youth engagement forum (Lawrie 2024).

Culturally appropriate, strengths-based family support services are vital for preventing Aboriginal and Torres Strait Islander children from child protection involvement (SNAICC 2021). It is a key building block of Family Matters. Family support services (FSSs) work to identify family needs, provide counselling, and refer to other relevant services that can support families, while intensive family support services (IFSSs) deliver more frequent support over a focused period with the aim of preventing imminent removal of children or reunifying children with family. IFSSs delivered by ACCOs have been found to bridge barriers to service access by providing culturally strong casework supports and assisting families to access and navigate the broader service system (SNAICC 2015).

Despite FSSs and IFSSs holding significant potential for preventing the removal of children from their families, there continues to be a lack of investment in these services in Australia. Instead, the majority of child protection and family support expenditure by governments flows to the tertiary end of the system (i.e. statutory child protection intervention that is court-ordered). **Figure 23** highlights how nationally over the past 10 years, there has been no improvement in the proportion of funding to FSSs and IFSSs. In 2022–23, only 15.4% of expenditure went to FSSs and IFSSs, down from 15.8% in 2021–22. In dollar figures, this means that in 2022–23, of the total \$9.37 billion spent on child protection and family support by governments, only \$1.44 billion was spent on FSSs and IFSSs (SCRGSP, 2024a: Table 16A.8). This equates to only 15 cents (rounded) of every \$1 spent on child protection going to FSSs and IFSSs.

Over the past decade, there has been a slight decline in the proportion of expenditure on protective intervention services, which refers to government services that receive and investigate notifications, make referrals to family support and other services, and intervene to remove children from families (SCRGSP 2024a). Concerningly, there has been a steady increase in the proportion of expenditure on care services, which relates to the provision of OOHC—reaching a high point in 2022–23 of 63.1% of all expenditure.

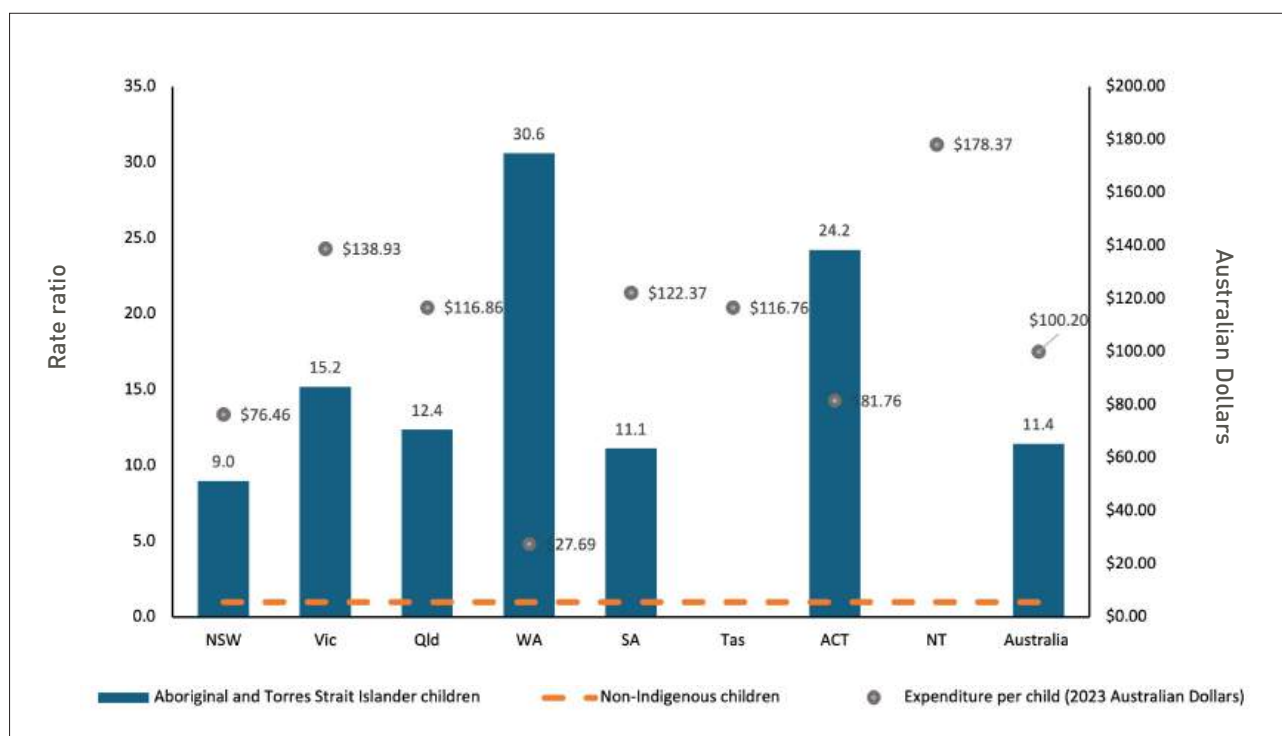
FIGURE 23: Trends in proportion of real recurrent expenditure on child protection and family support, nationally (2013–24 to 2022–23)



Source: [SCRGSP, 2024a: Table 16A.8].

Note: All values have been updated to reflect the value of the Australian dollar in 2023.

FIGURE 24: Rate ratio of Aboriginal and Torres Strait Islander and non-Indigenous children commencing an IFSS and expenditure on IFSSs per child (2022–23), by jurisdiction



Source: [AIHW, 2024e: Table P3; SCRGSP, 2024a: Table 16A.35 and Table 16A.8]

Note: National data needs to be interpreted with caution due to the following: a) Qld and Tas did not provide data on children commencing IFSS in 2019, Tas did not provide data on children commencing IFSS in 2020, 2021, 2022 and 2023 (because IFSS data is provided by organisations for RoGs which is not disaggregated by Indigenous status), and the NT did not provide data for children commencing IFSS in 2022 and 2023; b) national totals for each year therefore exclude multiple states and territories; c) the denominator for calculating percentages (population data) is the total population for Australia per year, minus the population from the state/s that did not provide IFSS data for that same year.

A key premise of *Safe and Supported: the National Framework for Protecting Australia's Children 2021–31* (Safe and Supported) is that addressing the over-representation of Aboriginal and Torres Strait Islander children in OOHC requires an increased focus on prevention and early support. In the short-term, this would require a period of 'double budgeting', where increased resources are allocated to early intervention and prevention services in addition to full funding of tertiary services, in anticipation of long-term reduced demand in tertiary services (Burns et al. 2008).

**Table 6** examines the differences across states and territories in their proportion of funding for FSSs and IFSSs. Looking at changes in the most recent year of data, the funding proportions remain relatively consistent across each jurisdiction. The NT—which has IFSS funding from the Australian Government—Victoria and Tasmania continue to invest the highest proportions of expenditure in FSSs and IFSSs, while WA, the ACT and SA have the lowest proportional investments. There was a drop in the rate for the ACT, down from 12% to 9% (SCRGSP, 2024a: Table 16A.8).

Data regarding the proportion of expenditure on family support must be interpreted with caution when considering to what extent states and territories are prioritising family support for Aboriginal and Torres Strait Islander children. Factors to consider, even in relation to those jurisdictions with relatively high

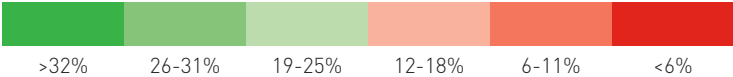
proportions of investment, include the amount of funding provided relative to the number of families requiring support, the quality of services funded, whether services are genuinely focused on prevention rather than child protection intervention, the cultural safety of services and whether they are used by—and are effective for—Aboriginal and Torres Strait Islander families. Investment needs to be directed to ACCOs so that Aboriginal and Torres Strait Islander people lead service design and delivery of family supports.

Another way of examining investment is expenditure per child in the population per financial year<sup>3</sup>, which is relevant to consider alongside data on the rate ratio of Aboriginal and Torres Strait Islander children commencing an IFSS compared to non-Indigenous children, so that both intensity of investment in services and service usage data can be viewed side by side. **Figure 24** presents this data on expenditure per child for the 2022–23 year, as well as the rate ratio of Aboriginal and Torres Strait Islander children commencing an IFSS in comparison to non-Indigenous children. As was the case in 2022, Victoria continues to invest the most in IFSSs per child in the population—including all children, both Aboriginal and Torres Strait Islander and non-Indigenous—at \$138.93 in 2022–23. WA continues to invest the lowest with an expenditure of just \$27.41 per child.

**TABLE 6: Proportion of child protection expenditure directed to family support and intensive family support services, by state and territory, 2018–19 to 2022–23**

Jurisdiction	2018-19	2019-20	2020-21	2021-22	2022-23
NSW	13.2%	12.9%	12.4%	12.1%	13.1%
VIC	25.2%	25.9%	27.3%	27.6%	26.9%
QLD	16.3%	15.9%	14.2%	12.3%	11.4%
WA	5.3%	5.7%	5.6%	5.0%	4.3%
SA	8.9%	8.8%	9.8%	9.8%	9.1%
TAS	12.8%	18.5%	25.2%	27.8%	25.4%
ACT	12.0%	12.3%	11.1%	12.0%	9.0%
NT	28.4%	27.3%	30.0%	33.0%	32.9%
Aust	16.0%	16.0%	16.2%	15.8%	15.4%

**KEY**



Source: [SCRGSP, 2024a: Table 16A.8].

Note: The Australian Government provides funding to the NT for IFSSs. In 2022–23, data on NT Government funding for IFSSs was reported as not available, while the Australian Government contributed \$10.9 million.

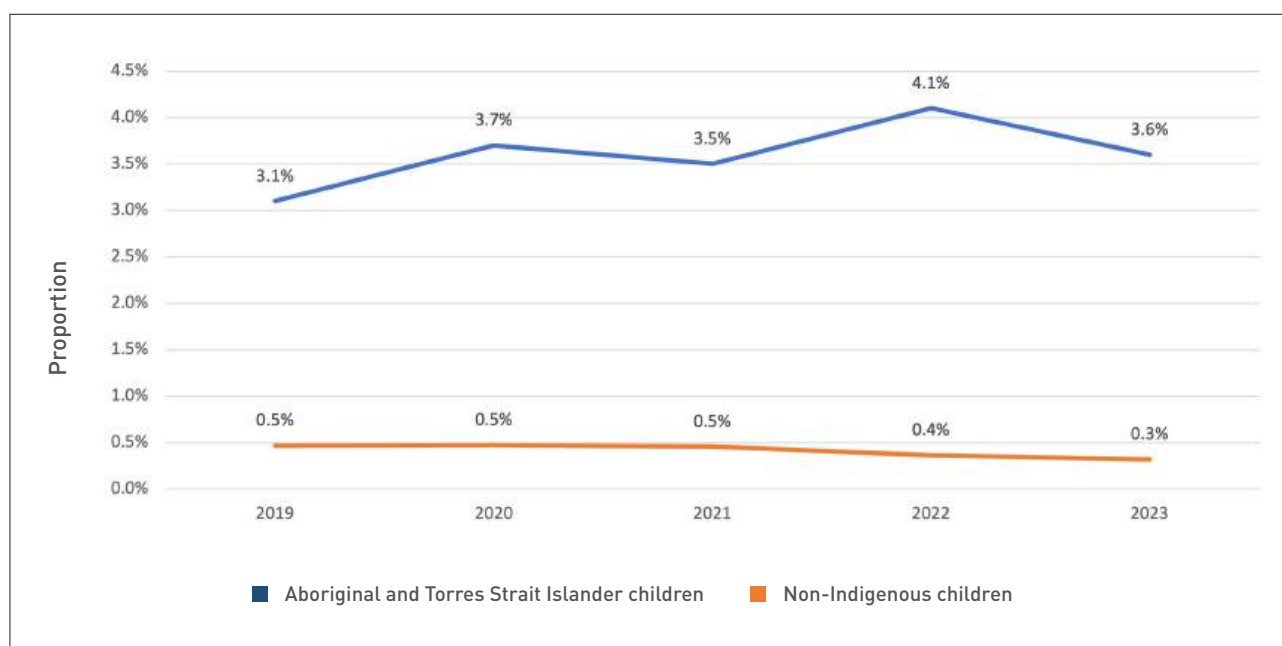
3 Cost per child in the overall population has been conducted as it is most appropriate denominator for analysis. Using per child in the OOHC population, or for all children in receipt of child protection services, is not appropriate as this would miss some children who were referred to IFSS but did not interact with the child protection system

Figure 24 illustrates each state and territory's expenditure on IFSSs per child in the population and provides a proxy indicator of the level of investment relative to children's needs, however, it is not a precise measure of the adequacy of spending because circumstances and support needs for children and families vary across jurisdictions. For example, in WA, while access for Aboriginal and Torres Strait Islander families to IFSSs appears high when compared to non-Indigenous children, the government invests far less per child (\$27.69) in these services than any other state or territory, which has significant impacts on service availability and quality. By contrast, Victoria, SA and Queensland invest in IFSSs at the highest rates per child in the population (\$138.93, \$122.37 and \$116.86 respectively) of the states and territories with available data. While Tasmania appears to have a significant investment per child, this is skewed by a definition of IFSS in Tasmania that includes family violence counselling services which is inconsistent with the national definition.

Nationally, Figure 24 shows that Aboriginal and Torres Strait Islander children in 2023 were 11.4 times more likely to commence an IFSS than non-Indigenous children (of all children in the population), similar to 2022 (11.2), and an increase from years prior (7.7 in 2021, 7.8 in 2020 and 6.7 in 2019). However, rate ratios can be prone to fluctuation over time and analysing the proportions of children accessing services can provide more insight into this fluctuation. As **Figure 25** shows, over the past five years, there has been a slight decline in the proportion of non-Indigenous children commencing an IFSS, coupled with a slight increase in Aboriginal and Torres Strait Islander children commencing an IFSS, noting a drop in 2023 to 3.6%.)

The fact that Aboriginal and Torres Strait Islander children are more likely than their non-Indigenous counterparts to access these services likely reflects the over-surveillance of their communities. This increased scrutiny can also lead to greater monitoring of families involved with these services.

**FIGURE 25: Trends in the proportion of children commencing IFSSs nationally (2019–23)**



Source: [AIHW, 2024e: Table P3; SCRGSP, 2024a: Table 16A.35 and 16A.34]

Note: National data needs to be interpreted with caution due to the following: a) Qld and Tas did not provide data on children commencing IFSS in 2019, Tas did not provide data on children commencing IFSS in 2020, 2021, 2022 and 2023 (because IFSS data is provided by organisations for RoGs which is not disaggregated by Indigenous status), and the NT did not provide data for children commencing IFSS in 2022 and 2023; b) national totals for each year therefore exclude multiple states and territories; c) the denominator for calculating percentages (population data) is the total population for Australia per year, minus the population from the state/s that did not provide IFSS data for that same year.



Broadly speaking, the referral pathways for IFSSs prioritise families who have been screened for an investigation of a risk-of-harm report. This is problematic because it means contact with the child protection system has already occurred, potentially hampering the ability of the IFSS to prevent child removal. Ideally, families should receive support before any investigation by child protection authorities. Furthermore, the over-representation of Aboriginal and Torres Strait Islander children across every stage of the child protection system necessitates higher rates of service access. Therefore, the higher reported rates of access should not be interpreted as an indication that the service system is somehow more accessible for Aboriginal and Torres Strait Islander families.

It is important here to also assess the potential level of unmet need in 2023, specifically, the children and families who may have benefitted from an IFSS but did not commence services. In 2022–23, 45,424 children

had an investigation of abuse or neglect that was substantiated, yet only 30,910 children (68%) began an IFSS in that same year (AIHW, 2024e: Table 8.1, Table S3.3). This indicates that 14,514 children (32%) may have been at imminent risk of removal from their families, but did not engage with IFSSs to address their circumstances contributing to risk—noting that some IFSSs are aimed at reunifying children who have already been removed. For Aboriginal and Torres Strait Islander children, 13,703 children were the subject of a substantiation of abuse or neglect (AIHW, 2024e: Table S3.6), while only 11,265 children (82%) commenced an IFSS, which indicates 2,438 (18%) Aboriginal and Torres Strait Islander children may not have received the necessary supports to remain with their families.

This analysis focuses on IFSSs and likely underestimates the level of unmet need in the community for FSSs, as many families in need do not have substantiated investigations of abuse or neglect.

## DATA GAPS

### ACCESS TO INTENSIVE FAMILY SUPPORT SERVICES

Available data reported nationally is limited to the commencement of IFSSs by Aboriginal and Torres Strait Islander status in only some states and territories. This data does not capture rates of completion, length of participation or measures such as whether a family's support needs were fully met, whether children stayed with their families or whether children were reunified following completion of the service. National child protection data development should target these indicators.

### ACCESS TO NON-INTENSIVE FAMILY SUPPORTS

The gaps in understanding access to non-intensive family support services are compounded by definitional challenges and limited comparability of different types and levels of support provided by different services within and between states and territories. Data development should include the collection and publication of national data on Aboriginal and Torres Strait Islander children's and families' commencement of non-intensive family support services by program type, including efforts to more clearly define the types of services that are required and provided.

### EVALUATION

There is a lack of thorough evaluation of early support programs for Aboriginal and Torres Strait Islander children and families, which limits governments' and ACCOs' ability to confirm the extent of and reasons for the effectiveness of these programs. Better evidence as to the impacts of services that keep Aboriginal and Torres Strait Islander children with their families is critical to informing future policy and program development and implementation. Monitoring, evaluation and learning efforts should prioritise culturally appropriate evaluations of early intervention programs for Aboriginal and Torres Strait Islander children and families, particularly programs delivered by ACCOs.

## Investing in ACCOs

Services delivered by ACCOs are considered most likely to respond effectively to the needs of Aboriginal and Torres Strait Islander children and families. The shameful legacy of colonisation and the Stolen Generations—alongside continuing high rates of removal of Aboriginal and Torres Strait Islander children from their families—has led to a fundamental lack of trust in non-Indigenous service providers (SNAICC 2010; Gilroy et al. 2016; Nolan-Isles et al. 2021). Aboriginal and Torres Strait Islander communities and SNAICC have long been concerned by the discriminatory under-investment in the wellbeing of Aboriginal and Torres Strait Islander families through the under-resourcing of ACCOs relative to known community needs. In doing so, governments have administered service systems that lack accessible and culturally grounded services, leading to referrals not being progressed in a timely manner. As a result, challenges faced by families are often not resolved before escalation to the removal of children, particularly in the context of arbitrary permanency timeframes (SNAICC 2016). There is an urgent need to address this longstanding discriminatory under-investment in ACCOs, enabling the delivery of holistic, culturally safe and effective services to Aboriginal and Torres Strait Islander families, addressing structural inequalities.

To support ACCOs effectively, a meaningful proportion of funding is required to enable ACCOs to deliver services for Aboriginal and Torres Strait Islander children and families. This is consistent with the Family Matters Building Blocks, as well as Priority Reform 2 of the National Agreement in particular Clause 55 under which government parties have agreed to implement measures to increase the proportion of services delivered by Aboriginal and Torres Strait Islander organisations, particularly ACCOs. A meaningful proportion should take into account the service demands of Aboriginal and Torres Strait Islander people. Despite all jurisdictions committing to reporting on the proportion of their expenditure on ACCOs through the previous *National Framework for Protecting Australia's Children (2009–20)*, current publicly available data products do not capture this measure. However, most states and territories provide this data to inform the Family Matters reports.

**Table 7** provides an overview of data provided by state and territory governments to SNAICC on investment in ACCOs. The percentage of children who were the subject of a substantiation and who were in OOHC—who are Aboriginal and Torres Strait Islander—is also included as a proxy indicator of the proportion of Aboriginal and Torres Strait Islander children the service system is seeking to respond to through ACCO service provision.

When looking at all child protection expenditures, Victoria has the greatest proportion of overall investment in ACCOs at 7.4%. While Queensland has an overall ACCO investment of 4.2%—it is worth noting they have the highest proportion of investment in FSSs and IFSSs through ACCOs at 22.2%. WA has the second highest investment in FSSs and IFSSs through ACCOs at 20.1%, but it is important to note that in WA proportional expenditure on FSSs and IFSSs is significantly lower, as highlighted above in Table 6. Tasmania has the lowest proportion of ACCO investment at 0.7%, and NT continues to not provide data on ACCO investment. Taking a national view, only 6% of child protection expenditure went to ACCOs (excluding NT as data was not provided), despite Aboriginal and Torres Strait Islander children accounting for 41% of children in care.

Investment in ACCOs is an important indicator for measuring the availability of culturally safe services for Aboriginal and Torres Strait Islander children and families. Another important measure is the rate of access to ACCO services by Aboriginal and Torres Strait Islander children, as this goes beyond availability to assess the extent services are being used. **Table 8** provides this overview of access, using data specially provided to SNAICC. Data highlights that in Victoria and Queensland, there are relatively high proportions of Aboriginal and Torres Strait Islander children receiving ACCO services for family support and intensive family support services (57% and 51%, respectively).

There are significant gaps in data availability for this ACCO service access measure, with no data being available in WA, Tasmania or the NT. It should also be noted there may be children who receive more than one type of service or might receive the same service multiple times—this potential double counting of children is a possibility, and data should be interpreted with caution. These limitations highlight this as an area for data development by governments.

In addition to state and territory services, SNAICC also requests data on ACCO investment from the Australian Government's Department of Social Services (DSS) and the Attorney-General's Department (AGD). DSS funds several services and programs under the Families and Children Activity area, which has significant relevance to the wellbeing and safety of Aboriginal and Torres Strait Islander children and families<sup>4</sup>. AGD also funds relevant programs including several family law services and the Family Relationships Services Program. Data on the investment in ACCOs for these programs, as well as participation of Aboriginal and Torres Strait Islander children, is provided in **Appendix E**.

4 For a full list of services and programs see <https://www.dss.gov.au/families-and-children-programs-services/families-and-children-activity>

**TABLE 7: Real recurrent child protection expenditure on Aboriginal and Torres Strait Islander community-controlled services, 2022–23, by state and territory**

Jurisdiction	Type of service	% of children who are Aboriginal and Torres Strait Islander	Total expenditure (\$'000)	Direct funding to ACCOs (\$'000)	% of total expenditure to ACCOs
QLD	FSS and IFSS	Substantiated: 37%	225,143	50,088	22.2%
	Protective intervention services		327,438	16,553	5.1%
	Care services	OOHC: 46%	1,430,964	17,561	1.2%
	<b>Total</b>		<b>1,983,545</b>	<b>84,202</b>	<b>4.2%</b>
SA	FSS and IFSS	Substantiated: 35%	121,750*	11,951	9.8%
	Protective intervention services		77,666	93	0.1%
	Care services	OOHC: 37%	662,204	36,494	5.5%
	<b>Total</b>		<b>861,620*</b>	<b>48,538</b>	<b>5.6%</b>
TAS	FSS and IFSS	Substantiated: 36%	44,178	1130	2.6%
	Protective intervention services		32,075	0	0%
	Care services	OOHC: 39%	97,511	0	0%
	<b>Total</b>		<b>173,764</b>	<b>1,130</b>	<b>0.7%</b>
VIC	FSS and IFSS	Substantiated: 14%	565,425	63,690	11.3%
	Protective intervention services		458,102	35,189	7.7%
	Care services	OOHC: 24%	1,077,365	55,669	5.2%
	<b>Total</b>		<b>2,100,892</b>	<b>154,548</b>	<b>7.4%</b>
NSW	FSS and IFSS	Substantiated: 33%	405,325	36,709	9.1%
	Protective intervention services		799,945	10,698	1.3%
	Care services	OOHC: 43%	1,891,584	123,153	6.5%
	<b>Total</b>		<b>3,096,854</b>	<b>170,560</b>	<b>5.5%</b>
NT	FSS and IFSS	Substantiated: 89%	82,832**	Not available	
	Protective intervention services		24,279	Not available	
	Care services	OOHC: 90%	145,988	Not available	
	<b>Total</b>		<b>253,099</b>		
ACT	FSS and IFSS	Substantiated: 24%	10,704	2,151	20.1%
	Protective intervention services		27,183	80	0.3%
	Care services	OOHC: 28%	80,730	0	0%
	<b>Total</b>		<b>118,617</b>	<b>2,231</b>	<b>1.9%</b>
WA	FSS and IFSS	Substantiated: 47%	37,807	7,940	21%
	Protective intervention services		264,660	5,578	2%
	Care services	OOHC: 58%	535,653	8,548	2%
	<b>Total</b>		<b>838,120</b>	<b>22,066</b>	<b>3%</b>
Australia (excluding NT)	<b>Total</b>	<b>OOHC: 41%</b>	<b>8,611,521</b>	<b>483,275</b>	<b>6%</b>

FSS = Family Support Services, IFSS = Intensive Family Support Services

Source: Data provided by state and territory governments to SNAICC. Proportions of children subject to substantiations drawn from Report on Government Services Table 16A.1, and proportions in OOHC drawn from Child Protection Australia 2022–23 Table T3.

Notes

\* SA data for FSS and IFSS differs to what is reported in the Report on Government Services, as non-contracted and contracted services from the Department of Human Services is also included, alongside Department of Child Protection services.

\*\* NT data includes \$10,977,000 of investment in IFSS from the Australian Government.

Differences in data collection methodologies between states and territories can affect the comparability of data.

**TABLE 8: Number and proportion of Aboriginal and Torres Strait Islander children accessing services delivered by ACCOs, 2022–23, by state and territory**

Type of service		Number of Aboriginal and Torres Strait Islander children accessing services with ACCOs	Number of Aboriginal and Torres Strait Islander children accessing services with all service providers	The proportion of Aboriginal and Torres Strait Islander children receiving services from ACCOs
QLD	FSS and IFSS	8522	16640	51%
	Protective intervention services	Not available	Not available	
	Care services	Not available	Not available	
SA	IFSS only	517	1378	38%
	Protective intervention services	Not available	Not available	
	Care services	Not available	Not available	
VIC	FSS and IFSS	3084	5392	57%
	Protective intervention services	Not available	Not available	
	Care services	Not available	Not available	
NSW	FSS and IFSS	2551	16025	16%
	Protective intervention services	0	6,000	0%
	Care services	1,361	6,563	21%
ACT	FSS and IFSS	127 (IFSS only)	403	32%
	Protective intervention services	0	329	0%
	Care services	0	314	0%

Source: Data provided by state and territory governments to SNAICC.

Note: Data not available in WA, Tasmania or NT. In Tasmania, no ACCOs are providing Protective Intervention and Care services, and data on IFSS and FSS is provided in aggregate form by Mission and Baptistcare to government which does not disaggregate by ACCO service delivery.





## 1.2 Children in out-of-home care by 2031: an alarming projection of growing over-representation

Each year, the Family Matters report provides updated projections about the population of children in OOHC in the coming decade.

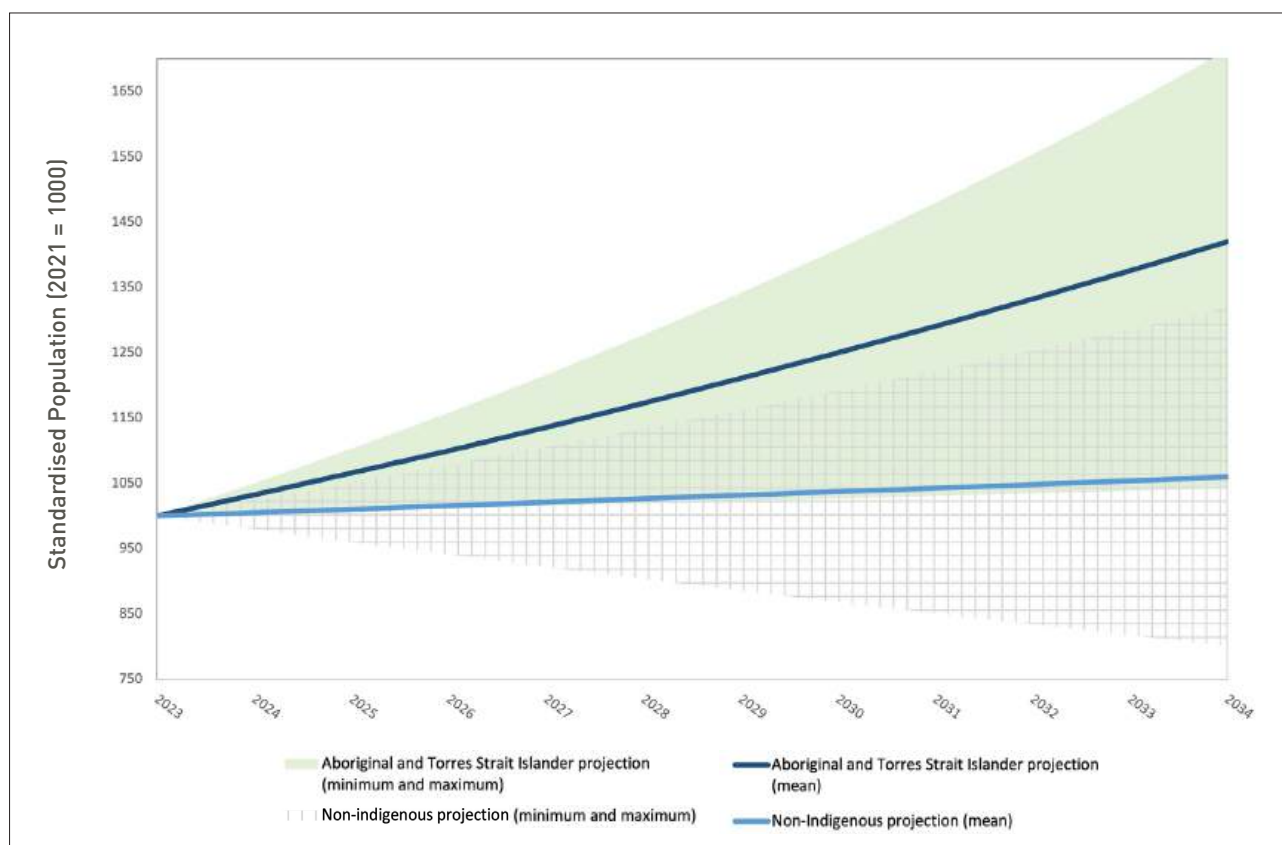
**Figure 26** shows that, over the next 10 years (from 2024 to 2034), the population of Aboriginal and Torres Strait Islander children in OOHC and on TPPROs is expected to increase by 38% based on the current trend, while the population of non-Indigenous children is expected to increase by just 5% during the same period (*see mean/average line projections below*). This is consistent with last year's projection of a 39% increase from 2023 to 2033 for Aboriginal and Torres Strait Islander children, while for non-Indigenous children it is a lowered growth projection from 7% to 5%. This means that the population of Aboriginal and Torres Strait Islander children in OOHC and on TPPROs is projected to grow at 7.6 times the rate of non-Indigenous children over the next decade.

Projections are calculated using an average annual population growth rate method, which is explained in detail in Appendices A and B.

In addition to the mean projections, Figure 26 also represents the range of maximum and minimum projected OOHC population growth (or decrease). These projection ranges—or bands—are represented by the green shaded area (for Aboriginal and Torres Strait Islander children) and the checkered grey area (for non-Indigenous children).

Despite this deeply concerning projection, there remains hope that this trajectory can be altered to achieve a reduction in Aboriginal and Torres Strait Islander children in the child protection system. Major system reforms are needed to turn this tide—transfer of decision-making and system stewardship to Aboriginal and Torres Strait Islander communities, increased efforts and investment to support families and address the drivers of child protection intervention, and greater independent, empowered oversight and accountability of child and family systems. The recommendations in this report, if acted upon by governments, will help us make these proposed reforms a reality.

**FIGURE 26: Number and proportion of Aboriginal and Torres Strait Islander children accessing services delivered by ACCOs, 2022–23, by state and territory**



## 1.3 Structural factors and service gaps that affect child and family wellbeing

### Overview

*“Every area of human development which defines the [Aboriginal and Torres Strait Islander] child’s best interests has a cultural component. Your culture helps define how you attach, how you express emotion, how you learn and how you stay healthy”*

Aunty Muriel Bamblett (Lawrie 2024).

For thousands of generations, Aboriginal and Torres Strait Islander families and communities have cared for and nurtured their children strong and safe in their culture. But ongoing colonisation, intergenerational trauma and systemic racism continue to cause enduring physical and mental harm and perpetuate inequities relating to the social determinants of health (Thurber et al. 2021). One of the most significant and traumatic areas of government intervention in the lives of Aboriginal and Torres Strait Islander people has been the widespread removal of children from their families, carried out for more than a century under policies described as ‘protection’ but which were found to constitute genocide by the 1997 report *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (AHRC 1997). The hundreds of thousands of people who were removed from their families under these policies—known collectively as the Stolen Generations—experienced the tragic loss of their family connections and cultural identity and frequently suffered abuse, forced labour and deprivation of educational opportunities.

In a series of reports on the Aboriginal and Torres Strait Islander Stolen Generations and their descendants, the AIHW and the Healing Foundation have established clear links between this mass child removal and long-term challenges for individuals and families. The reports estimated that in 2018–19, there were 36,400 Stolen Generations survivors and 142,200 adult Stolen Generations descendants in Australia. This represents 36%—well over one-third—of the national adult Aboriginal and Torres Strait Islander population (AIHW 2021a). These reports highlight that compared to Aboriginal and Torres Strait Islander people who were not removed from their families, Stolen Generation descendants are significantly more likely to have experienced discrimination, violence, criminalisation or poor health and to have low levels of trust in the general community. If left unresolved, such intergenerational

trauma can have debilitating, pervasive and long-lasting impacts on our future generations, leading to sustained over-representation of Aboriginal and Torres Strait Islander children in child protection systems.

Compounding the effects of trauma, the pervasive nature of systemic racism also renders non-Indigenous services culturally unsafe and ineffective for Aboriginal and Torres Strait Islander people, obstructs their exercise of agency and contributes to unjust outcomes (SNAICC 2021). To safeguard the rights of Aboriginal and Torres Strait Islander people to safety, family, housing, health, education, culture and participation, it is critical for governments to empower Aboriginal and Torres Strait Islander communities in system design and administration and invest in Aboriginal community-controlled services that are accountable, high quality and culturally safe. Moreover, these services must be holistic—multidimensional oppression and disadvantage cannot be successfully tackled through services that are limited in scope and siloed in the way that they address social determinants of safety and wellbeing for children and families.

### Socioeconomic disadvantage and poverty

The Australian Bureau of Statistics defines socioeconomic advantage and disadvantage as ‘people’s access to material and social resources, and their ability to participate in society’ (ABS 2018). Socioeconomic disadvantage impacts every aspect of a child’s life, compromising their physical and mental health, educational outcomes and access to healthcare (AIHW 2020). Children living in areas of socioeconomic disadvantage are more likely to experience insecure housing, social exclusion and increased contact with the child protection and criminal justice systems (AIHW 2020).

The links between poverty and child welfare involvement are extensively documented. Poverty contributes to household stress and is often mistaken for neglect by tertiary child protection systems, and results in interventionist approaches and child removals rather than the provision of appropriate supports that families need to keep children safe at home. For Aboriginal and Torres Strait Islander children and their families, these experiences are compounded by the ongoing effects of colonisation, discrimination and the intergenerational impacts of trauma.

Aboriginal and Torres Strait Islander people face disproportionate levels of socioeconomic disadvantage. They have higher unemployment rates than non-Indigenous people, earn lower household incomes and are more likely to rely on a government pension or income support payment as their main source of income.

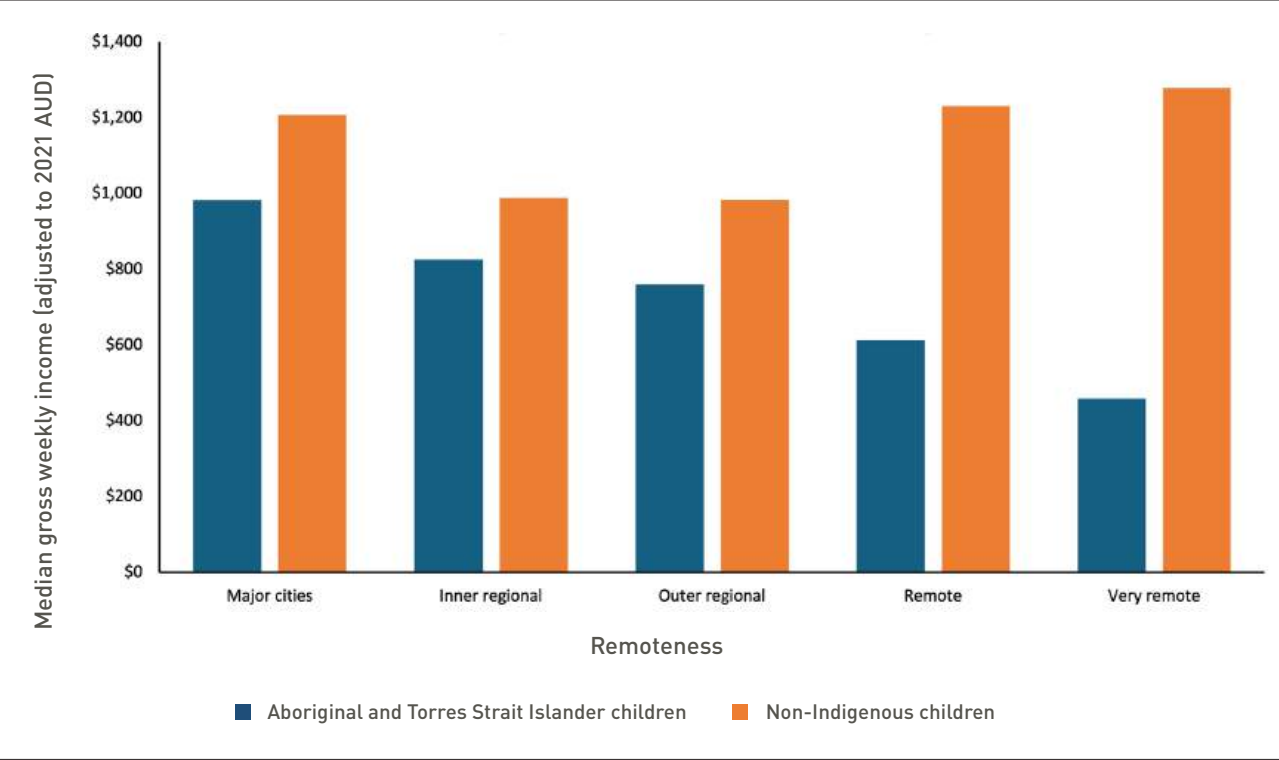
Socioeconomic disadvantage can be measured in many ways, including by income, employment, material deprivation or social exclusion (Productivity Commission 2018). The Socio-Economic Indexes for Areas (SEIFA) is a measure that summarises the relative socioeconomic characteristics of regions across Australia using the Census data that is collected every five years. Using SEIFA alongside child protection data, the AIHW has categorised the children who were the subject of child protection substantiations and notifications by socioeconomic status (AIHW 2024a).

In 2022–23, one-third (33.5%) of all children who were the subject of a substantiated child protection notification resided in the bottom quintile—that is, the most disadvantaged 20%—of socioeconomic areas (AIHW, 2024c: Table S3.8). Looking solely at Aboriginal and Torres Strait Islander children, the proportion living in the lowest quintile of socioeconomic areas increased, with 39.8% of Aboriginal and Torres Strait Islander children who were the subject of a substantiated child protection notification residing in the lowest quintile of socioeconomic areas (AIHW, 2024c: Table S3.8).

**Figure 27** demonstrates that not only do Aboriginal and Torres Strait Islander people earn less than non-Indigenous people, but that the disparity between income levels increases with remoteness.

Economic disadvantage is a significant driver of child protection substantiations for Aboriginal and Torres Strait Islander children, with 28.6% of substantiations in 2022–23 being primarily due to neglect (compared to 16.8% of substantiations for non-Indigenous children) (AIHW 2024a). This reflects the significant barriers our families face in accessing the resources and supports they need to provide safe and appropriate care for their children. The Bringing Them Home report recommended a social justice package be developed and implemented to overcome the social and economic determinants contributing to the over-representation of Aboriginal and Torres Strait Islander children in receipt of child protection services (Recommendation 42). This recommendation has not been actioned by any government in the 26 years since the report was handed down.

**FIGURE 27: Median gross weekly income for Aboriginal and Torres Strait Islander and non-Indigenous people by remoteness (2021)**



Source: (ABS, 2021: Table D2.08.12).



## Institutional racism and discrimination

Australia's political and legal systems are deeply rooted in colonialism, dispossession and denial of Aboriginal and Torres Strait Islander sovereignty. The institutions, organisations and governments responsible for providing services are influenced by these historic and ongoing injustices, often perpetuating systemic racism in their practices. Consequently, there are significant gaps in outcomes between Aboriginal and Torres Strait Islander and non-Indigenous Australians, and Aboriginal and Torres Strait Islander people often experience services differently from their non-Indigenous counterparts.

Child protection legislation and policy in Australia are largely based on non-Indigenous concepts of family and child-rearing, which typically emphasise nuclear family structures and individual responsibility. These frameworks often overlook the collective and community-oriented approaches common in Aboriginal and Torres Strait Islander cultures. As a result, Aboriginal and Torres Strait Islander parenting practices may be misunderstood or undervalued, leading to disproportionate intervention and removal of Aboriginal and Torres Strait Islander children from their families (Wright et al. 2024).

In 1997, the Bringing Them Home report revealed the racially discriminatory basis of Australia's child protection systems and policies around child removal (AHRC 1997). Almost thirty years later and—despite numerous government inquiries and multiple Royal Commissions into systems that disproportionately

impact Aboriginal and Torres Strait Islander peoples—institutional racism persists and results in unfair and unjust outcomes, as evidenced by the gross over-representation of Aboriginal and Torres Strait Islander children in today's child protection systems (Krakouer et al. 2023).

In 2019, the *Family is Culture* review identified racism as a key issue reported by stakeholders. The review provided an example of a caseworker who—while providing evidence about the need to remove a child—stated that an Aboriginal mother was 'highly under the influence of the Aboriginal community' (Davis, 2019: 179). In another example, a caseworker dismissed a child's Aboriginality because they were 'too young to identify as Aboriginal', despite their father being Aboriginal (Davis, 2019: 261).

In 2017, the Royal Commission into the Protection and Detention of Children in the NT reported multiple examples of an alienating service system that some Aboriginal parents could not effectively engage with or understand. Some parents, for whom English was a second language, were unable to understand why their children were being removed, or what they needed to do in order to be reunified with their children (Royal Commission into Institutional Responses to Child Sexual Abuse 2017).

These examples reveal deep-rooted biases and barriers that continue to marginalise Aboriginal and Torres Strait Islander communities. Addressing these disparities requires more than just acknowledgement; it necessitates a comprehensive overhaul of policies and practices to ensure genuine equity and respect for cultural identities.





## Safe and affordable housing

Appropriate housing is crucial for the effective care and protection of children. Poor-quality housing can adversely affect both physical and mental health, which directly impacts child wellbeing (Baker et al. 2016; Andersen et al. 2018; Lowell et al. 2018; Miller et al. 2020). For Aboriginal and Torres Strait Islander people, housing conditions are especially significant as a determinant of health, due to the ongoing implications of colonisation and their deep connection to Country (Bailie and Wayte 2006).

Problems with housing—such as homelessness, mortgage or rental stress, and unstable tenure—are indicators of vulnerabilities that can hinder children's development and wellbeing. These issues increase the likelihood of children coming to the attention of child protection authorities. Overcrowding, insecure tenure and homelessness, in particular, have been shown to negatively affect school attendance and attainment and place children at higher risk of abuse and neglect (Biddle 2014; Warren and Font 2015; Brackertz 2016; Marcal 2018).

Aboriginal and Torres Strait Islander people encounter considerable barriers in securing stable, affordable and high-quality housing. The 2021 Census revealed that one in five people experiencing homelessness in Australia were Aboriginal and Torres Strait Islander, with over 37% of these individuals under 18 years old. A major form of homelessness was 'living in severely crowded dwellings' (ABS 2021). This data corresponds with findings Aboriginal and Torres Strait Islander individuals are 10.4 times more likely to use specialist homelessness services compared to non-Indigenous individuals, with a notable increase in service usage over the past 10 years (AIHW 2024g).

AIHW reports indicate lower home ownership rates and higher rates of overcrowding among Aboriginal and Torres Strait Islander people compared to non-Indigenous people (AIHW 2022b, 2024g). Housing issues are pronounced in remote areas, where high living costs and limited support services further complicate housing challenges (SNAICC 2021). These issues can undermine the ability to provide a stable and protective environment for children, potentially leading to increased contact with child protective services.

## Maternal and child health

Maternal health is closely linked with infants' and children's health, with pregnancy, birth and early childhood being key transition points for a child's healthy development. Despite some improvements, Aboriginal and Torres Strait Islander mothers and babies experience significantly worse health outcomes compared to non-Indigenous mothers and babies (AIHW 2023a). Between 2017–20, Aboriginal and Torres Strait Islander mothers experienced poorer

mental and physical health during the prenatal and perinatal period than non-Indigenous mothers (AIHW 2023b). Additionally, Aboriginal and Torres Strait Islander women experience higher rates of anxiety and depression in the perinatal period (Carlin et al. 2021). In 2021, perinatal mortality rates for babies of Aboriginal and Torres Strait Islander mothers were nearly double that of non-Indigenous babies (17.3 per 1,000 births compared to 9.0 per 1,000 births) (AIHW 2021b).

In 2021, Aboriginal and Torres Strait Islander mothers were more than twice as likely to give birth to low-birthweight babies (10%) compared to non-Indigenous mothers (4.7%) (AIHW 2021b).

These poorer outcomes are partly driven by higher exposure to risk factors such as poor nutrition, chronic illness and psychological distress, which increase the likelihood of pregnancy complications (Department of Health 2020). Economic disadvantage and social exclusion further impact the development of healthy babies and children, with women from economically disadvantaged areas less likely to access crucial antenatal care, particularly during the first trimester when risks are highest and service connections are most beneficial (Moore et al. 2017).

Quality antenatal care not only improves health outcomes for both mothers and infants (Arabena and Ritte 2015), but also fosters trusted relationships between families and healthcare professionals. This care can address risk factors, prevent engagement with child protection services and provide referrals to additional health and wellbeing services.

However, Aboriginal and Torres Strait Islander women are less likely to access antenatal care. In 2021, Aboriginal and Torres Strait Islander women were almost 8% less likely to access antenatal care in their first trimester than non-Indigenous women (70.3% vs. 78.1%) (AIHW 2021b). Furthermore, Aboriginal and Torres Strait Islander women attended fewer antenatal care visits overall—87.5% had five or more visits compared to 94.7% of non-Indigenous mothers. The high rate of infant removals and fears of having pregnancies reported to child protection services, along with distrust of non-Indigenous healthcare services, may lead some Aboriginal and Torres Strait Islander women to avoid antenatal care completely. This leads to missed opportunities for support and, consequently, poorer maternal and infant health outcomes. Further, this avoidance of health system involvement can be held against them and can, ultimately, increase the likelihood of infant removal.

To address these issues, there is a need to expand antenatal care provided by ACCOs, which offer culturally safe, holistic care and family support services (SNAICC 2021). An evaluation in Central Australia found such programs might reduce child protection system involvement, particularly among younger or first-time mothers (AIHW and NIAA 2022). Similarly, a trial in Victoria of culturally appropriate services for







pregnant Aboriginal and Torres Strait Islander women successfully diverted five out of eight cases from investigation following an unborn report (Wise and Brewster 2022).

## Children and parents with disability

Children and young people living with disability are disproportionately represented in OOHC. Aboriginal and Torres Strait Islander children with complex health and developmental needs have been found to be more likely to become known to and escalate through child protection systems (CCYP Vic 2017; Royal Commission into Institutional Responses to Child Sexual Abuse 2017; Davis 2019; Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability 2023). Despite this, it is unknown precisely how many Aboriginal and Torres Strait Islander children in the child protection system live with disability—no uniform definition of disability has been adopted and data on disabilities in OOHC is not routinely recorded (Snow et al. 2014; Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability 2023).

Despite these challenges, efforts have been made to estimate the proportion of children living with disability in child protection systems. In 2016, the Victorian Commission for Children and Young People reviewed the cases of approximately 1,000 Aboriginal children in OOHC and found that 14% had a known disability, with intellectual disabilities making up 65% of these cases (CCYP 2017). In 2017, the Royal Commission and Board of Inquiry into the Detention and Protection of Children in the NT reported that up to 40% of children on care or protection orders might have disability (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). In 2019, an analysis of data from NSW suggested 18.4% of all children in OOHC in NSW in 2016 live with disability (Davis 2019).

Failing to identify and diagnose disability in Aboriginal and Torres Strait Islander children in OOHC can hinder efforts to reunite them with their families. Unaddressed cognitive and behavioural issues—coupled with insufficient tailored support—can make family reunification more difficult. A lack of disability support services in OOHC increases the likelihood of placement breakdowns, transfers to residential care and criminalisation of children due to complex behaviours resulting from disability and trauma (Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability, 2023).

Aboriginal and Torres Strait Islander parents with disability also experience discriminatory treatment by the child protection system. Child protection systems tend to treat parental disabilities as inherent risks rather than providing appropriate support (Libesman et al. 2023). The Royal Commission into Violence, Abuse,

Neglect, and Exploitation of People with Disability highlighted the severe consequences of inadequate recognition and response to disabilities among Aboriginal and Torres Strait Islander children and their families. Systemic failures often prevent families from receiving the support they need, leading to unnecessary child removals. This situation is exacerbated by child protection assessments that focus on risks rather than on facilitating family reunification, and child protection workers who lack the skills to offer culturally appropriate responses to Aboriginal and Torres Strait Islander children and parents with disability (Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability, 2023).

The lack of accurate and available data on disability in OOHC makes it difficult to advocate effectively for appropriate, well-resourced, evidence-based supports and services for families. Without investment in culturally safe service design in collaboration with Aboriginal and Torres Strait Islander communities—or robust data collection that respects Indigenous Data Sovereignty principles—the systemic neglect of disability needs among our children and families persists.

## Domestic and family violence

Domestic and family violence is significantly under-reported across all population groups in Australia. Evidence suggests women experience family violence at a higher rate than men across all demographics (ABS, 2023). However, it is estimated that Aboriginal and Torres Strait Islander women experience family violence at a notably higher rate than non-Indigenous women (AHRC, 2020: 211; AIHW, 2024e).

Many Aboriginal and Torres Strait Islander women experiencing family violence do not disclose due to various social and systemic factors. These include fear of having their children removed, lack of confidence in police and community support, language and cultural barriers and the absence of culturally safe support services (Willis, 2011; AHRC, 2020: 189-190; ANROWS, 2020).

Family violence is a leading cause of homelessness for Aboriginal and Torres Strait Islander women and children, significantly contributing to their over-representation in child protection systems (Cripps and Habibis 2019). In 2021–22, 24% of Aboriginal and Torres Strait Islander people seeking homelessness assistance cited domestic and family violence as the primary reason for seeking assistance (AIHW 2022b). Limited pathways to stable accommodation for these women and children, combined with acute shortages in crisis and long-term housing—particularly in regional and remote areas—often result in forced separation of children from their families (SNAICC et al. 2017).

Children experience harm and trauma from family violence. Witnessing family violence is generally classified as emotional abuse in child protection reporting rules, which is the most common type of substantiated abuse for Aboriginal and Torres Strait Islander children, accounting for 52% of all substantiations in 2022–23 (AIHW, 2024c: Table S3:10). The cycle of family violence can repeat across generations, with those who experienced violence as children being more likely to either use violence or become victims of violence in adulthood (AIHW 2024i). A concerted effort to support healing is needed to end these cycles (AHRC, 2020; Carlson *et al.*, 2024).

Policy responses to domestic and family violence often lead to increased reports to child protection services. However, this does not always enhance safety (Campo 2015; Yoorrook Justice Commission 2023). These systems frequently place responsibility on women experiencing violence and focus narrowly on the immediate safety of children, rather than taking a holistic approach that includes holding perpetrators accountable. In effect, this means women are held accountable for the impact of family violence on children, despite child protection and other services often being unable to keep women and their children safe.

An ACCO-led study by the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) revealed that women felt their trauma was exacerbated

by child protection practitioners using tactics that seemed to replicate the manipulative practices of their violent relationships. These approaches left women feeling disempowered and fearful of interacting with child protection workers (Morgan *et al.* 2022, 2023).

Morgan *et al.* also noted that despite the profound impact of domestic and family violence on Aboriginal and Torres Strait Islander children and young people their voices have been largely absent from the literature (Morgan *et al.* 2022, 2023). The focus of domestic and family violence services on adults and the limited availability of Aboriginal and Torres Strait Islander community-controlled services restricts the responsiveness to the needs of Aboriginal and Torres Strait Islander children (Ibid.).

## Youth justice

Aboriginal and Torres Strait Islander children have long been disproportionately represented in youth justice supervision, a disparity that has persisted for decades (AHRC 1997). Recently, this over-representation has reached a critical juncture, with the number of Aboriginal and Torres Strait Islander youth in the youth justice system now exceeding that of their non-Indigenous counterparts in absolute terms (AIHW 2024j) despite only making up 5.8% of 10–17 year olds (AIHW 2023c).





Evidence highlights a significant over-representation of Aboriginal and Torres Strait Islander young people in both the youth justice and child protection systems (AIHW 2024l). These young people—often referred to as ‘crossover’ and sometimes ‘dual-order’ kids—face complex and interconnected challenges, including a heightened risk of negative outcomes due to their involvement in both systems (Baidawi and Sheehan 2019).

Aboriginal and Torres Strait Islander young people aged 10–17 were 26 times more likely than non-Indigenous young people to have been in the youth justice system during 2022–23 and to have had an interaction with the child protection system in the last 10 years (211 per 10,000 compared with 8.1 per 10,000, respectively) (AIHW, 2024l).

Across Australia, Aboriginal and Torres Strait Islander young people under youth justice supervision, whether under community-based supervision or in detention, were more likely to have had an investigated notification, had higher rates of care and protection orders and have been in all types of OOHC. For both Aboriginal and Torres Strait Islander and non-Indigenous young people, a longer time in care and a higher number of care placements were directly correlated with a higher likelihood of future incarceration. Those who had experienced five or more placements were particularly at risk (AIHW, 2024l).

The interconnectedness of the youth justice and child protection systems highlights a systemic failure. Research indicates that placement in OOHC increases the likelihood of contact with the justice system, often for behaviours that would typically be managed through family discipline rather than criminal charges (McFarlane 2018; Davis 2019). This phenomenon, known as ‘care criminalisation’, demonstrates how young people in OOHC can become disproportionately criminalised (Davis 2019). The use of police to respond to disciplinary issues in residential care, such as for minor property damage within the residential care setting, is an example of care criminalisation and has been linked to more arrests and incarceration for children in OOHC (Davis 2019).

Data reveals that the younger a child is at the time of their first youth justice supervision, the more likely they are to have had prior interactions with the child protection system within the past five years. For those who were 10 years old at their first youth justice supervision order, 94% had previously interacted with the child protection system during that period (AIHW 2024l). The high rates of criminalisation in contact with the child protection system highlight the strong need for culturally appropriate supports to divert at-risk children from further involvement with the justice system. Prioritising these culturally appropriate supports can not only reduce criminalisation rates but also promote overall wellbeing and resilience among children in contact with the child protection system.

In 2020, a coalition of Aboriginal and Torres Strait Islander organisations and legal, medical and human rights groups came together to form a national campaign to push every single state, territory and federal government to change the laws so that children under 14 cannot be sent to prison. SNAICC fully supports the recommendations of the Raise the Age Campaign and urges investment in the ACCO sector to deliver culturally safe services to support children and families in contact with the child protection system, rather than criminalising them.

Aboriginal and Torres Strait Islander children with disability in OOHC face even greater risks of involvement in the justice system. Factors such as lack of cultural connection, punitive approaches to disability and racial profiling contribute to this issue (Baidawi et al. 2023). While data on incidences of disability in OOHC is limited (see section ‘Disability’ above), information on disability in detention is more readily available. A study by the Telethon Kids Institute estimated that 89% of children in WA’s Banksia youth detention centre had fetal alcohol spectrum disorder (FASD) or other neurodevelopmental impairments (89 out of a sample of 99) (Bower et al. 2018). This included 36 children with FASD, of whom only two had a previous diagnosis (Bower et al. 2018). The report indicates that 74% of the children assessed in the study were Aboriginal.

By failing to address the underlying issues or provide adequate support and intervention, child protection systems are contributing to a cycle of criminalisation and systemic disadvantage for vulnerable children.

## Substance use

Parental substance use is a significant risk factor for child abuse and neglect. It can adversely affect a parent’s ability to provide consistent care, maintain a safe and stable environment, uphold household routines and respond effectively to their children’s needs (AIHW 2022c). Parents’ alcohol use is also linked to adolescent attitudes towards drinking, often influencing young people’s own alcohol consumption behaviour in adolescence and beyond (Bowden et al. 2022).

Substance use during pregnancy can increase risks of premature birth or miscarriage and FASD. FASD often leads to repeated contact with child protection systems because parents may lack the knowledge and support needed to manage the complex needs of children with this condition (Williams 2018). The shame felt by parents can also be a deterrent to seeking support.

In 2022–23, Aboriginal and Torres Strait Islander people were more than six times more likely than non-Indigenous people to access services for alcohol and other drug addiction (AIHW 2024j). This disparity has been gradually increasing since 2013–14. However, there is a significant unmet need for addiction

treatment services in Australia, with an estimated 500,000 people per year not receiving the help they need (AADC 2023). This issue is particularly pronounced for Aboriginal and Torres Strait Islander people, due to barriers such as lack of services in some regions, inadequate cultural competency of services, the stigma of seeking support, affordability issues and a shortage of Aboriginal and Torres Strait Islander workers (AIHW 2024j).

Alcohol and drug use are closely linked to socioeconomic disadvantage, trauma and mental health issues, especially when appropriate support is lacking. The shortage of culturally safe, trauma-informed and holistic services for Aboriginal and Torres Strait Islander people means that the intersectional factors contributing to harm are often not addressed (SNAICC 2021). Instead, systems such as the police and child protection tend to focus on the 'symptom' of substance use, while the underlying factors that contribute to it remain largely unacknowledged and unaddressed.

## Access to early childhood education and care

The early years of a child's life are crucial for their cognitive, emotional and social development, influencing future learning, behaviour, and overall wellbeing (Center on the Developing Child 2010; Fox et al. 2015; Zeanah 2018). Experiences during these formative years impact cognitive development, emotional regulation, social skills and language acquisition, setting the stage for future school readiness and long-term outcomes in health and social outcomes (OECD 2015; VAEAI 2020). For Aboriginal and Torres Strait Islander children, access to quality early childhood education and care (ECEC) is especially beneficial, easing the transition to school and fostering positive developmental experiences (Sims 2011; Biddle and Bath 2013).

Culturally responsive ECEC services are essential for reinforcing cultural identity and pride, which are integral to positive developmental outcomes (Saffigna et al. 2011; SNAICC 2012). These services not only promote developmental success but also serve as a gateway to additional support. By linking families to health services, parenting programs and social services, ECEC programs create a comprehensive support network that addresses broader family needs (SNAICC 2024).

ACCOs play a pivotal role in delivering culturally appropriate and community-driven ECEC services. Led by Aboriginal and Torres Strait Islander people, ACCO ECEC services provide high-quality education and integrate various support services tailored to the unique needs of their communities. The ACCO ECEC approach enhances the effectiveness of ECEC programs and improves overall outcomes for Aboriginal and Torres Strait Islander children and their families.

The Australian Early Development Census (AEDC) measures children's development at the time they commence full-time schooling across five domains: physical health and wellbeing; social competence; emotional maturity; language and cognitive skills; and communication skills and general knowledge. In 2021, Aboriginal and Torres Strait Islander children were 2.6 times more likely than non-Indigenous children to be developmentally vulnerable in two or more AEDC domains (Department of Education 2022). While this measure is designed from a Western paradigm and, as such, may not accurately demonstrate Aboriginal and Torres Strait Islander children's full strengths, it indicates a significant need for culturally appropriate ECEC.

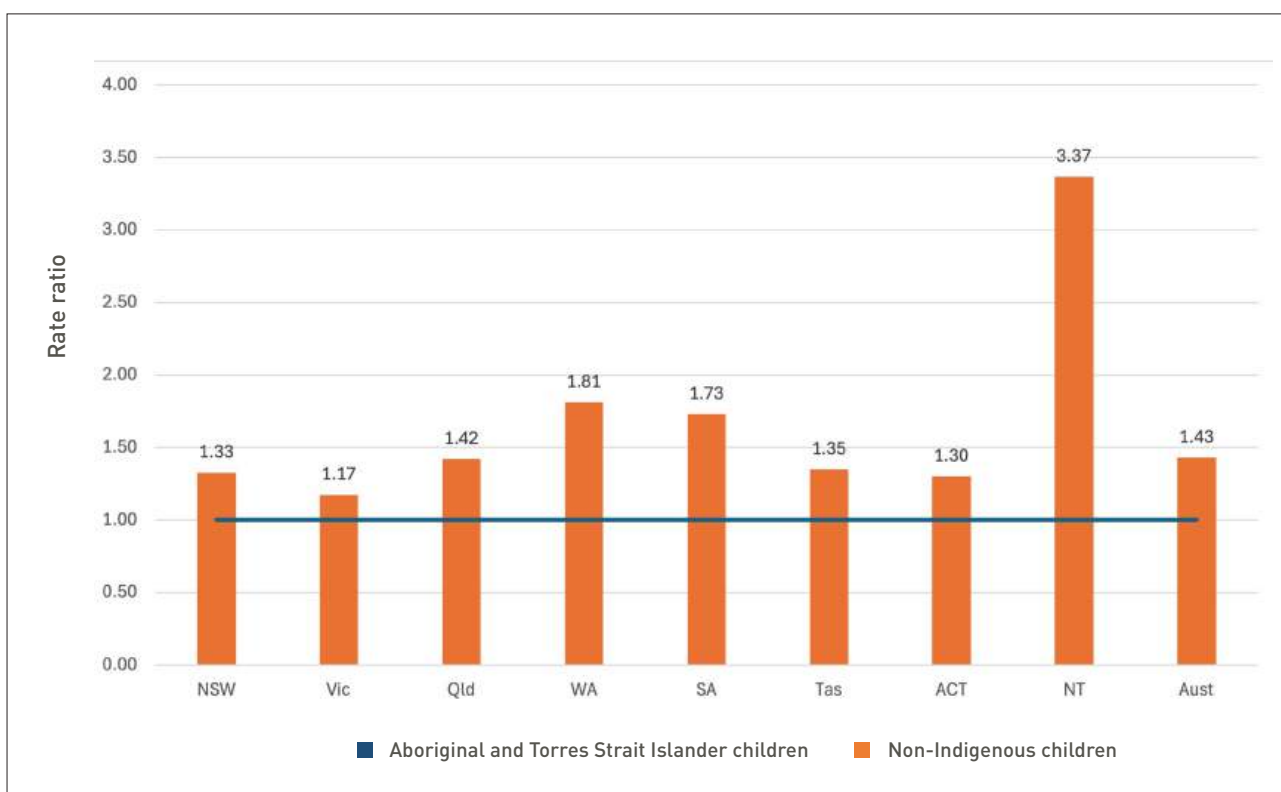
Data indicate that the National Agreement on Closing the Gap Target 3, which aims to increase the proportion of Aboriginal and Torres Strait Islander children enrolled in Year Before Fulltime Schooling (YBFS) early childhood education to 95% by 2025, has been met early. In 2023, 101.8% of Aboriginal and Torres Strait Islander children in the YBFS age cohort were enrolled in a preschool program (*note: enrolment proportions exceed 100% because in some jurisdictions the numerator and denominator are derived from different sources*) (Productivity Commission 2024a).

Despite this progress, Aboriginal and Torres Strait Islander children continue to be under-represented in ECEC service access. **Figure 28** highlights that there is a disparity in access to Australian Government Child Care Subsidy (CCS) approved child care. In 2023, non-Indigenous children were 1.43 times more likely than Aboriginal and Torres Strait Islander children to attend this type of child care.

In 2023, there were 155 Aboriginal and Torres Strait Islander-focused integrated early years services, 107 of which were delivered by ACCOs (Productivity Commission 2024a). However, many ACCO ECEC service providers report a significant gap between their community's ECEC needs and funding and educational programs available. Key barriers to effective service delivery for ACCO ECECs include:

- insufficient and poorly targeted funding models for Aboriginal and Torres Strait Islander methodologies
- burdensome and complex compliance and reporting requirements
- insufficient pay scales and limited recognition of cultural skillsets
- limited ability to demonstrate impact, particularly with Western-centric indicators
- trauma among children and their families, contributing to absenteeism and low retention rates
- geographic and cultural isolation
- lack of recognition for local cultural challenges impacting service delivery
- limited involvement of ACCOs in decision-making at policy and commissioning levels (SNAICC and THRYVE NSW 2022).

**FIGURE 28: Inverse rate ratios comparing the proportion of Aboriginal and Torres Strait Islander and non-Indigenous children (0-5 years old) attending Australian CCS child care services, 2023**



Source: [SCRGSP, 2024b: Table 3A.8 and 3A.15]

Note: Aboriginal and Torres Strait Islander line is set to 1 as a comparison point.

The recent Productivity Commission inquiry report, *A path to universal early childhood education and care*, highlights the importance of ACCO ECEC services. Notably, the report recommends that funding for ACCO early years services be considered through shared decision-making, with the Early Childhood Care and Development Policy Partnership as the most appropriate mechanism for this. It further emphasises the need for Aboriginal and Torres Strait Islander workforce development, strongly advocating for the recognition and valuing of cultural knowledge and expertise (Productivity Commission 2024b).

The implementation of these recommendations would make significant progress to ensure that Aboriginal and Torres Strait Islander children have access to high-quality, culturally appropriate early childhood education that supports their development and wellbeing.









## PART 2

# THE YEAR IN REVIEW – JURISDICTIONAL BREAKDOWN OF EFFORTS TO ADDRESS THE OVER-REPRESENTATION OF ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN IN OUT-OF-HOME CARE

## 2.1 The policy context

*“Our communities are the experts in keeping our children well, safe, and strong. We have the answers. We have the solutions.”*

Elias Jarvis, Djab Wurrung, Kirrae Wurrung and Gunditjmara member of Youth Council, Victorian Commission for Children and Young People (CCYP Vic 2024).

## National policy frameworks

### National Agreement on Closing the Gap

In July 2020, the Australian Government, all state and territory governments, and the Coalition of Peaks signed the National Agreement on Closing the Gap (National Agreement). The National Agreement seeks to overcome the entrenched inequalities faced by Aboriginal and Torres Strait Islander people, pushing for equality in life outcomes for all Australians.

The National Agreement is built around four Priority Reforms to change the way governments work with Aboriginal and Torres Strait Islander communities, organisations and people across the country:

1. Formal Partnerships and Shared Decision Making
2. Building the Community-Controlled Sector
3. Transforming Government Organisations
4. Shared Access to Data and Information at a Regional Level

The Priority Reforms must inform all government action including legislation, policy and practice, whether these actions are targeted for Aboriginal and Torres Strait Islander peoples or impact them as part of the general population.

### Productivity Commission’s first three-yearly review of progress against the National Agreement

Along with annual data updates and reporting by all parties, Part 9 of the National Agreement provides for two independent, comprehensive reviews of progress on Closing the Gap commitments every three years—one to be led by the Productivity Commission and one to be led by Aboriginal and Torres Strait Islander people external to the Coalition of Peaks.

The Productivity Commission delivered the Final Report of its first such three-yearly review in February 2024, finding that governments have ‘largely not fulfilled their commitments’; and had, in many cases, ‘failed to fully grasp the nature and scale of change required to meet the obligations they signed up to’; and continued to demonstrate a belief that ‘governments know best’, even making decisions that directly contradicted their commitments under the National Agreement (Productivity Commission 2024c). The Report argued that most government actions and plans to implement the National Agreement were essentially ‘business-as-usual’ or minor adjustments to existing ways of working and that there was an urgent need for governments to address their entrenched, harmful attitudes and assumptions about Aboriginal and Torres Strait Islander communities.

It was observed that governments had failed to transfer power to Aboriginal and Torres Strait Islander people to facilitate genuine shared decision-making (contrary to Priority Reform One commitments) and faced few consequences for non-performance due to their failure to establish robust accountability mechanisms. The Report made four recommendations to all governments in relation to sharing power, recognising and supporting Indigenous Data Sovereignty, fundamentally transforming mainstream government systems and culture, and implementing stronger accountability. The Productivity Commission warned that if these changes were not made, the National Agreement risked becoming yet another broken promise to Aboriginal and Torres Strait Islander peoples.

In its review, the Productivity Commission also identified critical pockets of change and reform that have been driven through the National Agreement and the vital opportunity to build on this success. Examples described in the report include:

- the reform of the Connected Beginnings program that supports access for Aboriginal and Torres Strait Islander children to holistic early childhood service supports (SNAICC has been engaged in a Community Partner role and has supported growth from just two to now over 30 Aboriginal community-controlled organisations (ACCOS) delivering early childhood backbone supports across the country)
- the implementation of the Improving Multidisciplinary Responses (IMR) Program, with 15 new ACCO programs funded to improve holistic prevention and early support responses for families
- the progress of delegated authority in child protection in some jurisdictions, increasing the control of ACCOs over child protection decisions and demonstrating results in reunifying children with family and connecting children in out-of-home care (OOHC) with family, community and culture.

The review also described positive early progress in work happening through the Early Childhood Care and Development Policy Partnership (ECCDPP), as discussed further in the following section (Productivity Commission 2024d).

Similar findings and recommendations to those articulated by the Productivity Commission have formed a common refrain in recent policy analysis. Family Matters Co-Chair and Deputy Lead Convenor of the Coalition of Peaks, Catherine Liddle, called for all governments to ‘get serious about changing the way they work with Aboriginal and Torres Strait Islander peoples and organisations... Australia cannot afford to keep failing Aboriginal and Torres Strait Islander children’ (SNAICC 2024b). Promisingly, in July 2024, the Joint Council on Closing the Gap released a communiqué agreeing to the Report’s four key recommendations and 15 of the 16 recommended

actions (Productivity Commission 2024e). The next year will be a critical time for governments to demonstrate a genuine commitment to these changes and to ‘close the gap between words and actions’ (Productivity Commission 2024c).

## Early Childhood Care and Development Policy Partnership

The ECCDPP is a shared decision-making mechanism established under the National Agreement. The ECCDPP is one of five Policy Partnerships established to date to accelerate progress towards the Closing the Gap Targets.<sup>5</sup> The ECCDPP brings together Aboriginal and Torres Strait Islander leaders and all Australian government early childhood education and care (ECEC) and child protection departments to progress policy reform. The ECCDPP is co-chaired by the Australian Government Department of Education and SNAICC.

The purpose of the ECCDPP is for governments and Aboriginal and Torres Strait Islander peoples to develop a joined-up approach to policy that ensures Aboriginal and Torres Strait Islander children are born healthy, supported to thrive with strong families and proud in culture. The scope of the Partnership includes Outcomes 2, 3, 4, 12 and 13 under the National Agreement, which spans maternal and child health, ECEC and child and family safety.

Over the past year, the ECCDPP has made important progress to improve outcomes for Aboriginal and Torres Strait Islander children. A key achievement for the ECCDPP was the announcement of a National Commissioner for Aboriginal and Torres Strait Islander Children and Young People in early 2024. The National Commissioner was a key priority for the Partnership, building on decades of advocacy from Aboriginal and Torres Strait Islander leaders, including through the Safe and Supported Leadership Group.

The ECCDPP has also commissioned research into the benefits of more subsidised ECEC for Aboriginal and Torres Strait Islander children and researched funding models that would better support ACCO-delivered ECEC and integrated early years services. This research highlighted the importance of high-quality ECEC and the strengths of ACCOs delivering these services and has informed the Productivity Commission’s ECEC inquiry report. Promisingly, the recently released report recommends that: ACCO ECEC funding be considered through shared decision-making; increased child care subsidy for low-income families; the removal of the activity test; and investment in the Aboriginal and Torres Strait Islander early childhood workforce (Productivity Commission 2024b). SNAICC strongly urges the Australian government, as well as state and territory governments, to accept and fully implement the recommendations.

5 <https://www.snaicc.org.au/our-work/closing-the-gap/early-childhood-care-development-policy-partnership/>

The ECCDPP will continue to build on this work in its third year of operation. The ECCDPP has expanded its focus to additional priorities, including greater collaboration with other shared decision-making bodies to deliver joined-up support for families. It will continue to focus on improving ways of working to ensure Aboriginal and Torres Strait Islander leaders have a strong voice in the shared decision-making process.

## Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031

Finalised in 2021, *Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031*<sup>6</sup> (Safe and Supported) is Australia's second intergovernmental framework to reduce child abuse and neglect and its intergenerational impacts, which aims to drive change through collective effort across governments and sectors that impact the safety and wellbeing of children and young people. It builds on the National Framework for Protecting Australia's Children 2009–2020 but differs significantly in the process by which it was developed—rather than being a government-centred process in which Aboriginal and Torres Strait Islander organisations were merely consulted, Safe and Supported was negotiated through a co-design process with Aboriginal and Torres Strait Islander leaders and experts in child and family wellbeing, including SNAICC, as equal partners at the table. Accordingly, Safe and Supported reflects all governments' commitments under the National Agreement and its four Priority Reforms.

Safe and Supported sets out a 10-year strategy to improve the lives of children, young people and families experiencing disadvantage or who are vulnerable to abuse and neglect. It includes an agreed vision and goal, priority groups, focus areas and underpinning principles. Implementation of Safe and Supported takes place through two sets of Action Plans, with the current Action Plans spanning between 2023 and 2026 and each including eight actions.<sup>7</sup>

The First Action Plan addresses the needs of all Australian children, focusing on children and families who are experiencing disadvantage and are vulnerable. The Aboriginal and Torres Strait Islander First Action Plan, negotiated in partnership between the Aboriginal and Torres Strait Islander Leadership Group and the Australian, state and territory governments, focuses on achieving safety and wellbeing outcomes for Aboriginal and Torres Strait Islander children in order to reduce the over-representation of our children in child protection systems.<sup>8</sup> Both Action Plans are governed by a shared decision-making structure that respects

Aboriginal and Torres Strait Islander leaders and experts as equal partners, including through a range of subject-specific Working Groups and by vesting the Aboriginal and Torres Strait Islander Leadership Group with equal authority to Community Service Ministers.

Since the 2023–2026 Action Plans were launched in January 2023, work has commenced to implement several actions and activities set out in both Action Plans. Many of these reform initiatives have been led by founding members of the Family Matters Leadership Group, including SNAICC, peak bodies and Aboriginal and Torres Strait Islander leaders. Work is also progressing on the development of a Monitoring and Evaluation Strategy to measure progress, hold governments accountable for their commitments and spotlight best practices. The following sections detail progress in 2023–24 against two key activities from the Aboriginal and Torres Strait Islander Action Plan.

## National Commissioner for Aboriginal and Torres Strait Islander Children and Young People

In March 2024, the Australian Government committed to establish a legislated, independent and empowered National Commissioner for Aboriginal and Torres Strait Islander Children and Young People (National Commissioner).

Under Action 7 of the Safe and Supported First Action Plan, governments have committed to establishing advocacy and accountability roles in all jurisdictions to amplify the voices of Aboriginal and Torres Strait Islander children and young people, drive systemic reforms to support their rights and wellbeing and hold governments and services accountable. Action 7 of the Safe and Supported First Action Plan has provided one of the mechanisms for the National Commissioner to be established.

Aboriginal and Torres Strait Islander leaders, ACCOs and the Family Matters Leadership Group members more broadly have been calling for an Aboriginal and Torres Strait Islander-specific National Commissioner for many years, highlighting how such a Commissioner could help to tackle the over-representation of our children and young people in OOHC and youth detention. The National Commissioner will be the champion, the voice and facilitator for Aboriginal and Torres Strait Islander children, young people and families and will hold governments to account. The National Commissioner will be able to investigate and make strong recommendations on issues impacting Aboriginal and Torres Strait Islander children, ensuring their safety and rights are upheld.

6 Department of Social Services (2021) *Safe and Supported: The National Framework for Protection Australia's Children 2021–2031*. Available at: [https://www.dss.gov.au/sites/default/files/documents/12\\_2021/dess5016-national-framework-protecting-childrenaccessible.pdf](https://www.dss.gov.au/sites/default/files/documents/12_2021/dess5016-national-framework-protecting-childrenaccessible.pdf).

7 Department of Social Services (2023) *First Action Plan 20023–2026*. Available from: [https://www.dss.gov.au/sites/default/files/documents/01\\_2023/final-first-action-plan.pdf](https://www.dss.gov.au/sites/default/files/documents/01_2023/final-first-action-plan.pdf)

8 Department of Social Services (2023) *Aboriginal and Torres Strait Islander First Action Plan 20023–2026*. Available from: [https://www.dss.gov.au/sites/default/files/documents/01\\_2023/final\\_aboriginal\\_and\\_torres\\_strait\\_islander\\_first\\_action\\_plan.pdf](https://www.dss.gov.au/sites/default/files/documents/01_2023/final_aboriginal_and_torres_strait_islander_first_action_plan.pdf)

## National Child and Family Investment Strategy

The first *National Child and Family Investment Strategy* (Investment Strategy) aims to deliver on Action 2 of the Safe and Supported First Action Plan, to ‘shift towards adequate and coordinated funding of early, targeted and culturally safe supports for Aboriginal and Torres Strait Islander children and families’, and Action 1, to ‘address the social determinants of child safety and wellbeing through early and targeted support and improved access to services for vulnerable children and families.’

Throughout 2023–24, work on the Investment Strategy has been led by SNAICC in partnership with QATSICPP and Social Ventures Australia.

The Investment Strategy aims to grow the proportion of funding invested in earlier supports—rather than tertiary child protection responses—for all children and to ensure that funding for Aboriginal and Torres Strait Islander children is targeted at the ACCO sector. In setting out a pathway to transfer Aboriginal and Torres Strait Islander-specific expenditure away from non-Indigenous NGOs and towards Aboriginal and Torres Strait Islander community organisations, the Investment Strategy will support growth in the number, scale and capacity of ACCOs who deliver child and family services—so that our children and families are supported by service providers who understand their holistic needs and are accountable to our communities, in line with Family Matters Building Block One. Aboriginal and Torres Strait Islander leaders and organisations have been advocating for this kind of system reform for many years, including via the Family Matters report.

In late 2024, the Investment Strategy commenced progressing through Safe and Supported governance mechanisms for endorsement via shared decision-making, allowing implementation to begin in the 2025 calendar year.

## Early Years Strategy

In May 2024, the Australian Government committed to ensuring universal access to quality ECEC with the release of the first Early Years Strategy (EYS).<sup>9</sup> The strategy represents a significant step towards improving outcomes for children. The EYS provides a framework for addressing key challenges Aboriginal and Torres Strait Islander families face in accessing affordable and high-quality ECEC.

The EYS builds on the government’s commitment to the National Agreement and the National Aboriginal and Torres Strait Islander Early Childhood Strategy, which aims to align and coordinate cross-portfolio efforts across the whole-of-government, and the early childhood systems and sectors.

The EYS includes provisions for changes to the Activity Test, which will make ECEC services more accessible and affordable for Aboriginal and Torres Strait Islander families. The Aboriginal and Torres Strait Islander community-controlled sector has long advocated for the EYS. The EYS recognises the role ACCOs play in providing holistic support to children and families. ACCOs not only offer education and care but also provide safe spaces, connections to essential services and assistance in navigating complex systems. They play a critical role in helping children maintain strong connections to family, community and culture, which is fundamental for their wellbeing.

The EYS aims to ensure all families have access to high-quality, affordable and integrated services for maternal and child health, parenting support and early learning.

## 2.2 The Aboriginal and Torres Strait Islander Child Placement Principle

The Aboriginal and Torres Strait Islander Child Placement Principle (Child Placement Principle) was first developed in the late 1970s in response to the continued discrimination faced by Aboriginal and Torres Strait Islander children and families in child welfare systems across Australia. The Child Placement Principle contains five interrelated elements: prevention, partnership, placement, participation and connection. It is a central guiding framework for legislation, policy and practice that is oriented towards safeguarding the rights, interests and wellbeing of Aboriginal and Torres Strait Islander children and young people, their families and communities, within the child protection system. SNAICC’s 2019, *Aboriginal and Torres Strait Islander Child Placement Principle: Guide to Support Implementation* provides a comprehensive overview of what the five elements should look like in legislation, policy and practice (SNAICC 2019).

Implementation of the Child Placement Principle remains poor across the country. As mapped by SNAICC’s annual Child Placement Principle Implementation Reviews, which aim to hold governments accountable to their efforts—or lack thereof—to implement the Child Placement Principle in full, all states and territories are falling short. There is significant work to be done across all states and territories in a range of domains, including in relation to securing adequate investment in prevention, adequate investment in ACCOs to support partnership in delivering services to Aboriginal and Torres Strait Islander children and families and adequate and robust

<sup>9</sup> <https://www.dss.gov.au/families-and-children-programs-services/early-years-strategy>



legislation to ensure adherence to the Child Placement Principle.

Full implementation of the Child Placement Principle aligns with all four Closing the Gap priority reforms:

- committing parties to partnerships with Aboriginal and Torres Strait Islander people
- building the community-controlled sector
- transforming government organisations
- sharing data at a regional level.

Furthermore, all governments have committed in Safe and Supported to 'undertake reform in each jurisdiction's next review of relevant legislation and policy, with a view to fully embedding the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle' (DSS 2021). Governments have also committed to 'promoting and enabling full implementation of the Aboriginal and Torres Strait Islander Child Placement Principle, including identifying, implementing and reporting on active efforts across each of its five elements, and through legislation, policy, programs, processes and practice' (DSS 2021).



## 2.3 Jurisdictional efforts

Australian, state and territory governments were requested to provide information about their current strategies, actions and investments to reduce over-representation, and to provide data in key gap areas relating to support and outcomes for Aboriginal and Torres Strait Islander children and their families. Data provided has been used for the quantitative analysis in Part 1 of this report and the responses from governments regarding their efforts to address over-representation are provided below.

Aboriginal and Torres Strait Islander community-controlled peak bodies and organisations play a key role in calling for change and accountability in their states and territories. Accordingly, each year they are invited to comment on progress to address over-representation, including by responding to the government input described above. Commentary on progress to address over-representation was also sought from Commissioners for Aboriginal and Torres Strait Islander children and young people (or similar roles) in various jurisdictions where they exist.



### Department of Social Services (DSS) and Attorney General's Department

Safe and Supported sets out Australia's 10-year strategy to make significant and sustained progress in reducing the rates of child abuse and neglect and its intergenerational impacts. In 2023–24, key actions progressed under the Safe and Supported First Action Plans include:

- a formal Safe and Supported Partnership Agreement outlining shared decision-making arrangements
- the Australian Government has committed \$5.9 million over two years from 2024–25 to establish an interim National Commissioner for Aboriginal and Torres Strait Islander Children and Young People as a first step towards a legislated, independent and empowered National Commissioner
- commitment to develop the National Child and Family Investment Strategy, delivered by SNAICC, to:
  - shift funding priorities for the child and family service system from crisis-driven responses to preventative and early intervention
  - build the capacity and capability of the ACCO sector.

- commitment to develop a Legal Supports Scoping Study on the interface between child protection systems and relevant legal systems, to be delivered by SNAICC
- development of a Cultural and Parenting Practices Framework and resources on how Aboriginal and Torres Strait Islander parenting approaches can be communicated to the child protection workforce, Family Support Services (FSSs) and parenting programs, to be delivered by QATSICPP
- the development of national standards to implement the Child Placement Principle to the standard of active efforts
- establishment of the IMR program to enhance and support holistic responses to First Nations families with multiple and complex needs to overcome risk factors that may lead to child abuse and neglect. The IMR program provides \$44.5 million over four years (from 2023–24 to 2026–27) to 15 First Nations organisations, an independent First Nations Evaluator and a First Nations Program Design Support Partner to support community-led projects in regional, remote and metropolitan areas across Australia.

In 2023–24, the Australian Government is investing more than \$315 million in early intervention and prevention services and programs under its Families and Children Activity, which delivers support to at-risk children and their families, including those of Aboriginal and Torres Strait Islander descent. This includes four ACCOs to deliver culturally safe services under the Specialised Family Violence Services in the Northern Territory. The Stronger ACCOs Stronger Families Part 2 Project aims to strengthen genuine partnerships between non-Indigenous organisations and ACCOs in the delivery of programs. Children and Family Intensive Support is a mainstream program, however, 11 of the 12 providers are ACCOs.

*A full list of specific programs, including those delivered by ACCOs, is available at <https://www.dss.gov.au/families-and-children-programs-services/families-and-children-activity>.*

The Australian Government has also made a commitment of \$38.6 million until 2026 to support ACCOs and other First Nations organisations to co-design, trial and evaluate projects aimed at contributing to Closing the Gap Targets 12 (OOHC) and 13 (family violence) and improve the evidence base for the government and for First Nations people. The Australian Government has also made a commitment of \$91.7 million over three years to 30 June 2026 in youth homelessness prevention services through the Reconnect program. A full list of providers is available at [www.dss.gov.au/Reconnect](http://www.dss.gov.au/Reconnect).

The Attorney-General's Department funds the Family Relationships Services Program, including nine ACCOs, to support families dealing with separation and assist

them in resolving post-separation family disputes without going to court.

## National Indigenous Australians Agency

The National Indigenous Australians Agency (NIAA) works in partnership with First Nations peoples and other government agencies to improve the safety and wellbeing of First Nations children and young people.

Safe and Supported is the key mechanism for the Australian Government to address Target 12 of the National Agreement, to reduce the rate of over-representation of First Nations children in OOH by 45% by 2031. The NIAA provides advice and support to DSS to deliver Safe and Supported to ensure the perspectives and unique circumstances of First Nations families are considered and approaches are culturally safe, accessible, healing aware and trauma informed.

The government is also delivering a range of measures to improve child safety and wellbeing through the following national frameworks:

- *National Plan to End Violence against Women and Children 2022–2032* (the National Plan), which aims to improve safety outcomes for women and girls
- *National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030* (the National Strategy), which focuses on encouraging cultural change, supporting victims and survivors of child sexual abuse, and developing initiatives targeted at adult offenders.

Under the *National Plan*, the NIAA is delivering a number of initiatives including:

- Healing for Strong Families, which will partner with local organisations to design and deliver place-based, trauma-aware and culturally responsive healing programs aimed at early intervention and recovery for First Nations children and families with experiences of family violence or child protection intervention in seven locations
- Connected Family Safety Services to establish community networks in five locations to improve collaboration and service delivery integration across the family safety sector through service mapping, gap analysis and development of a community plan in each location
- continued funding for successful initiatives established under the third and fourth Action Plans under the previous *National Plan to Reduce Violence against Women and their Children 2010–22*, with a focus on culturally appropriate and trauma-informed services for the whole family including practical intervention programs for people at risk of experiencing or using violence. This includes the *Stronger Family Safety Services - Capability Building Measure* to improve the quality of service delivery

and the performance of First Nations organisations providing family violence support services to First Nations clients.

Under the *National Strategy*, the NIAA is delivering the following measures:

- Project BIRD (Believe, Inquire and Respond to Disclosure), which will design, pilot and evaluate a trauma-aware, healing-informed and culturally appropriate national training package for frontline healthcare workers to improve early disclosure experiences and access to specialist services for First Nations victims and survivors of child sexual abuse
- the Supporting Healing for Families program, which will establish First Nations-led, trauma-aware healing initiatives for First Nations victims and survivors of child sexual abuse and their families in five locations.

The *National Aboriginal and Torres Strait Islander Early Childhood Strategy* (the Strategy) was developed by the NIAA, in partnership with SNAICC, to support children to thrive in their early years across a range of priority areas including safety, family support, education, health and culture. The Strategy reflects the views and priorities of First Nations people and communities and provides a suite of evidence-based reform opportunities across government and the community sector. The Strategy will enable stronger collaboration across governments, strengthen future early education and care policy and investment and align efforts across the services that impact early childhood outcomes.

The *Indigenous Advancement Strategy* (IAS) funds activities that strengthen families, support healing and enable children to thrive. The IAS Children and Schooling program has provided around \$272 million in 2023–24 to increase school attendance and improve educational outcomes through family and parenting support, early childhood development, preschool and school education, youth engagement and transition to higher education. In 2023–24, the IAS Safety and Wellbeing program has been appropriated with over \$452 million for activities that support communities to be safe, reduce violence, address alcohol and substance misuse and support the social and emotional wellbeing of First Nations Australians.







## Australian Capital Territory

### Government input – provided by the Community Services Directorate

The Australian Capital Territory (ACT) Government has committed to transitioning 100% of Aboriginal and Torres Strait Islander children, young people, families and carers to ACCOs, progressively reallocating funding to ACCO service delivery.

The Aboriginal Service Development Branch supports the development and enhancement of new and existing ACCOs, supporting operational capability and capacity to meet community goals. Through genuine partnership, Yerrabi Yurwang Child and Family Aboriginal Corporation is the first ACT ACCO registered Child and Protection Organisation, working towards improved early intervention to keep children safe and culturally connected.

The *Next Steps for Our Kids* strategy delivers earlier family support, prevention, child protection, OOHC and youth justice, strengthening families who interact with this system by:

- establishing a specific Aboriginal and Torres Strait Islander birth advocacy service
- improving family access to culturally safe early support
- preventing escalation into crisis and strengthening community-led decision-making and service design.

Embedding the Child Placement Principle in legislation has been delivered.

The ACT is taking meaningful steps to enable the delegation of legislative authority, with proposed changes to the *Children and Young People Act 2008* underway.

Aboriginal-led teams continue to provide culturally safe and informed support to Aboriginal and Torres Strait Islander families. The First Nations Family Support Team takes a unique approach to addressing the needs of children and families involved with child protection, aiming to prevent the need for child protection intervention.

Family Group Conferencing (FGC) supports kinship placement and family contact, safety planning, family preservation and restoration. The First Nations Kinship Liaison Officer provides targeted and culturally informed support to carers and families.

Community Services Directorate (CSD) has embedded Aboriginal expertise and oversight in decision-making for Aboriginal and Torres Strait Islander children.

The Aboriginal and Torres Strait Islander Care Pathway Panel and Aboriginal and Torres Strait Islander Case Discussion and Direction Group bring together Aboriginal and Torres Strait Islander staff from the Care and Protection system to provide cultural oversight and endorsement of all individual legal decisions for Aboriginal and Torres Strait Islander children and young people.

In addition to the actions above, the ACT:

- established a new panel of qualified and experienced non-government organisations, including ACCOs, to deliver statutory and non-statutory services
- embedded clauses outlining how services engage with Aboriginal and Torres Strait Islander people in all CSD service contracts
- Additionally, the First Nations Family Support Team has been allocating Aboriginal and Torres Strait Islander families for voluntary Support Responses and statutory Appraisal responses since July 2023. Since this time, on average 20 to 30 families per month have received culturally safe and informed support from proficient case managers.

The ACT's first Aboriginal and Torres Strait Islander Children and Young People Commissioner commenced their five-year term on 26 February 2024.

The ACT established the Child and Family Reform Ministerial Council to oversee the implementation of the *Next Steps Action Plan*. The Council's membership reflects significant lived experience and at least 30% Aboriginal and Torres Strait Islander representation.

The ACT passed legislation to establish an external merits review for certain child protection decisions strengthening decision-making and accountability.

### Community Voices – Provided by Our Booris Our Way Implementation Oversight Committee

The Our Booris, Our Way (OBOW) Implementation Oversight Committee ('the Committee') is focused on ensuring that all recommendations of the OBOW Review are implemented to improve outcomes for our Aboriginal and Torres Strait Islander children and families who are involved with the child protection and youth justice systems.

The Committee has seen positive progress towards the following recommendations:

- **Recommendation 5:** Ensure the full intent of the Child Placement Principle is reflected in the Children and Young People Act.

The Child Placement Principle is now legislated in the Children and Young Persons Act. The 'Active Efforts' principle will also become law later this



year. This means that all case workers and decision-makers must make purposeful, thorough, and timely efforts to support Aboriginal and Torres Strait Islander children and their families.

- **Recommendation 7:** Aboriginal and Torres Strait Islander Children and Young People Commissioner.

The Committee is looking forward to working alongside the inaugural Commissioner for Aboriginal and Torres Strait Islander Children and Young People, Vanessa Turnbull-Roberts.

- **Recommendation 8(b):** Access to legal representation and advocacy.

The Care and Protection Legal Advocacy Service (CPLAS) has been established to provide culturally appropriate legal advocacy and information for Aboriginal and Torres Strait Islander families in contact with child protection. The CPLAS is run by the Aboriginal Legal Service (ALS NSW/ACT). The government will fund the service for another two years. This is a positive first step towards ensuring Aboriginal and Torres Strait Islander families can choose where they access culturally responsive legal support.

The Committee is concerned about a lack of progress in the following areas:

- The government continues to invest in residential care options for Aboriginal and Torres Strait Islander children, despite the clear risk of their harm and cultural disconnection. More funding needs to be given to the Aboriginal and Torres Strait Islander community to enable children to remain at home with their parents and family.
- Too many Aboriginal and Torres Strait Islander children and young people are placed with non-Indigenous relatives and foster carers, over their Aboriginal and Torres Strait Islander kin. These children and young people have unique cultural rights that directly link with health and wellbeing outcomes that can only be supported through direct connection with their Aboriginal and Torres Strait Islander family, community, and kin. The government has committed funding to design a 'navigation service' for 'kinship carers' but it has not released a timeframe to hand over this funding to community.
- The government must prioritise building the Aboriginal and Torres Strait Islander workforce in the child protection system and the community-controlled sector. The government must also prioritise the training and capability-building of non-Indigenous workers to become more culturally sensitive and trauma-informed in their work with children, young people, and families. Aboriginal and Torres Strait Islander staff in the Directorate are demonstrating best practice in applying the Aboriginal and Torres Strait Islander Child Placement Principles and strengthening the self-determination of children and families.

## Commissioner Vanessa Turnbull-Roberts, Office for Aboriginal and Torres Strait Islander Children and Young People (ACT)

### BUILDING BLOCK 1

#### Universal and targeted services

The ACT Office for Aboriginal and Torres Strait Islander Children and Young People welcome the investment of the ACT Government in ACCOs to provide culturally safe and targeted supports to Aboriginal and Torres Strait Islander children and families. However, the funding and capacity of these services are still insufficient to meet the high needs for early intervention and supports needed for families to enable their children to thrive. These families require voluntary and culturally safe supports before risks crystallise, rather than interventions at a point of crisis.

There is also an ongoing shortage of health specialists to provide early diagnosis and intervention for children living with a range of cognitive, behavioural and learning issues, including fetal alcohol spectrum disorder (FASD), autism spectrum disorder (ASD) and attention-deficit/hyperactivity disorder (ADHD) that can compound stresses on families. Overall, the over-representation of Aboriginal and Torres Strait Islander children in the OOHC system remains unacceptably high. There must be investment and support for greater strength-based approaches to ensure the wellbeing of our communities, and people cannot be placed into deficit discourse but rather strength-based solutions.

### BUILDING BLOCK 2

#### Participation, control and self-determination

The ACT Office for Aboriginal and Torres Strait Islander Children and Young People welcome the establishment of the First Nations Team within Children, Youth and Families and the authority that this team has been given in decisions around emergency action and orders. However, we continue to hold concerns about the preparedness that goes into 'emergency action' instead of intervention and early prevention planning. We are concerned ACCOs are not yet being appropriately involved to provide independent cultural input into critical decision-making around emergency action, orders and placements, or the process leading up to emergency actions being taken resulting in the removal of Aboriginal and Torres Strait Islander children. Control is not yet being sufficiently devolved to ACCOs in a way that enables self-determination, community cultural sovereignty and child-rearing practice.



### BUILDING BLOCK 3

#### Culturally safe and responsive systems

The ACT Office for Aboriginal and Torres Strait Islander Children and Young People support the reforms to the Children and Young People Act to embed the Child Placement Principle into legislation. There is a need to ensure that this reform translates into practice and is fully implemented to prioritise prevention through early supports, genuine partnerships and a cultural understanding of kinship in placements. There remain concerns in relation to parties that represent the independent voice of the child. While the Commissioner has the powers and functions to intervene and appear in court on behalf of Aboriginal children and young people, independent children's lawyers who undertake 'forensic' implementations on Aboriginal and Torres Strait Islander children may not necessarily be best practice for this.

### BUILDING BLOCK 4

#### Accountability

The establishment of the Aboriginal and Torres Strait Islander Children and Young People Commissioner role and the appointment of the inaugural Commissioner is an important step in improving accountability. The establishment of the Commissioner role was built on the recommendations of the OBOW review and a genuine co-design process with community facilitated by the University of Technology Sydney's Jumbunna Institute for Indigenous Education and Research (Jumbunna Institute) and commitment from government. While there has been very positive early engagement between the government and the Commissioner's office, it will be important to monitor how government agencies respond to recommendations made by the Commissioner that funding for the Commissioner's office is adequate to fulfil its broad mandate of individual and systemic advocacy. The oversight powers and functions held by the Commissioner continue to ensure government can be held to account.



## New South Wales

### Government input – provided by the Department of Communities and Justice

The NSW Government has significantly strengthened its legislative, policy and practice settings to address the over-representation of Aboriginal children and young people within the statutory child protection system since 1 July 2022.

### BUILDING BLOCK 1

#### Universal and targeted services

- Investment of \$98.7 million over the NSW 2022–23 Budget forward estimates period to expand and enhance NSW Aboriginal Child and Family Centres (ACFC). This includes \$42 million to establish six new ACFCs, which will expand the program to 15 centres.
- The NSW Government has committed to a target of investing 30% of early intervention program funds with ACCOs. As of July 2024, Targeted Earlier Intervention (TEI) ACCO investment is currently 7.2% for 2024–25. Further investment in ACCOs is rolling out in 2024/25 which has not yet been captured in this data.
- Developing an ACCO Development Strategy in partnership with Aboriginal peak bodies in 2024–25, which will focus on growing the ACCO sector and increasing investment.

### BUILDING BLOCK 2

#### Participation, control and self-determination

- Funding AbSec – NSW Child, Family and Community Peak Aboriginal Corporation (AbSec) to deliver *Strong Families, Our Way*, a core component of the Aboriginal Case Management Policy, to establish 15 Aboriginal Community Controlled Mechanisms (ACCM) across NSW to support self-determination and Aboriginal-led decision-making in the child protection system in NSW.
- Through new active efforts provisions, stronger requirements to work with the child, family and extended family at the earliest point and enable their involvement in important decision-making. To increase accountability, enhancements are being

made to data systems to capture when and where family-led decision-making is occurring across the support continuum.

### BUILDING BLOCK 3

#### Culturally safe and responsive systems

- Legislative changes, including bringing the Child Placement Principle into NSW law, and proclamation of new active efforts provisions in the *Care Act* in November 2023.
- Established Safeguarding Decision-Making Panels for Aboriginal Children across NSW to increase legal and cultural oversight of decisions relating to Aboriginal children. Work is underway to align panels with ACCMs.
- Minister-led Aboriginal Child Safety and Wellbeing Reform Forum in August 2023, with over 100 attendees who were predominantly Aboriginal. The forum led to nine major commitments to reform the current system, including:
  - the establishment of an Aboriginal restoration task force, reducing the use of High-Cost Emergency Arrangements (HCEA)
  - addressing the over-reliance on emergency removal powers
  - increasing access to timely and culturally appropriate family meeting processes including, but not limited to, Alternative Dispute Resolution, FGC and Pregnancy Family Conferencing.
- Approved implementing an interim approach to risk assessment commencing in September 2024. The new tools immediately address the cultural bias inherent in the scoring within Structured Decision-Making (SDM) Risk Assessment and Risk Reassessment tools and support caseworkers to consider cultural parenting practices.

### BUILDING BLOCK 4

#### Accountability

- Formation of the Ministerial Aboriginal Partnership (MAP) Group to lead Aboriginal system reform, with AbSec funded to provide secretariat support, in partnership with SNAICC, leading the selection and recruitment process. The MAP Group is co-chaired by the CEO of AbSec and the Minister for Families, Communities and Disability Inclusion.
- Working in partnership with AbSec and ALS NSW/ACT to develop a new approach to child protection assessment and decision-making.
- Significant investments into AbSec and ALS NSW/ACT, totalling \$22.5 million, including:

- \$1.7 million State Peaks Program (core funding) to AbSec in 2024–25
- \$3,912,000 to AbSec to develop an Aboriginal-Led Commissioning Framework—1 April 2023 to 31 March 2027
- \$9,898,000 to ALS NSW/ACT to establish early intervention legal services via the Aboriginal Child and Family Advocacy Service—November 2022 to 30 June 2026
- \$8,678,000 to AbSec to deliver Strong Families, Our Way, a core component of the Aboriginal Case Management Policy, to establish 15 ACCMs across NSW to progress self-determination and Aboriginal-led decision-making in the child protection system in NSW—1 November 2022 to 30 June 2026.
- Expanded the number of ACCOs providing holistic, culturally responsive, trauma-informed and timely support to Aboriginal people and families who experience domestic and family violence, including six Aboriginal Family Wellbeing Violence and Prevention Workers and Aboriginal Child and Family Centres at Brewarrina, Lightning Ridge and Gunnedah. The model includes one female and one male worker in each location.

#### Community Voices – Provided by AbSec (NSW Child, Family and Community Peak Organisation) and Aboriginal Legal Service (NSW/ACT) Ltd

Working well in partnership as sector leaders has been the focus of our advocacy this year for the Aboriginal children, families and communities we are accountable to. We have commenced new working relationships with the NSW Department of Communities and Justice (DCJ) and maintained our high expectations for genuine partnerships based on shared decision-making.

We published a further Community Report Card in relation to the Implementation of the Family is Culture (FIC) Report in July 2024. In November 2024, we will have the opportunity to look back on the five years since that landmark report.

In May 2024, DCJ established a new System Reform division, led by Deputy Secretary Paul O'Reilly. This division is intended to lead the reform of the DCJ child protection and OOHC system and work with Aboriginal peak organisations to transform existing systems and to make the statutory child protection system smaller.

Following continued advocacy from Aboriginal peak organisations and communities, DCJ has commenced work on the development of an FIC implementation plan in partnership with AbSec and the ALS NSW/

ACT. We welcome this renewed commitment to the importance of FIC's 126 recommendations for system transformation and highlight these efforts as an example of genuine partnership between DCJ and Aboriginal peak organisations.

## BUILDING BLOCK 1

### Universal and targeted services

DCJ continues to fail to safeguard the rights of Aboriginal children and young people as required by international human rights instruments and under the *Children and Young Persons (Care and Protection) Act 1998* (NSW Auditor General 2024). ACCOs who support Aboriginal children and families are not adequately resourced to operate, grow and succeed. Despite the NSW Government's public commitment to system reform, Aboriginal children in NSW are removed and placed into OOHC at nearly 12 times the rate of non-Aboriginal children (NSW Ombudsman 2024a). In July 2024, the NSW Ombudsman reported that DCJ cannot demonstrate that it is meeting its core responsibilities and that 'the NSW child protection system operates in a disconnected, fragmented way and that there is little tracking of the outcomes achieved for children. DCJ does not collect and report reliable, timely and comprehensive performance information at a service, program or system level' (NSW Ombudsman 2024b).

AbSec and the ALS NSW/ACT continue to advocate for self-determination in child protection through the transfer of Aboriginal case management to ACCOs, increased needs-based and flexible funding to ACCOs and building a sustainable Aboriginal workforce in the family sector.

In 2017, the NSW Government committed to delivering 30% of TEI funding to Aboriginal families by 30 June 2021 (NSW Government 2017). This commitment is still yet to be realised. System sustainability means it is critical that any new commissioning or recommissioning of programs sees ACCOs receive a needs-based share of program funding that aligns with the share of Aboriginal children, young people and families using the program and that ACCOs are given the power to use this funding in flexible ways that best meet community needs. We continue to celebrate self-determination in service provision and encourage the NSW Government to invest in the excellence of ACCOs across the state.

## BUILDING BLOCK 2

### Participation, control and self-determination

To meet commitments under the NSW Partnership Agreement and Closing the Gap Priority Reforms, the NSW Government expects more from Aboriginal communities, ACCOs and peak bodies in system reform. There continues to be a lack of real commitment from government to resourcing the system-wide

transformation required under the National Agreement. The significant unpaid and under-resourced work of our ACCOs in policy reform and program design is overlooked in the allocation of funding, which is geared primarily towards service delivery, and they are expected to absorb this work into inadequate service delivery funding models. While we have seen an increase in funding for individual projects, we continue to advocate for sustainable, long-term and needs-based funding to enable us to provide effective and culturally safe services and support to Aboriginal and Torres Strait Islander people and to enhance our policy and advocacy capacity as peak organisations, so that we can continue to advocate effectively for systemic change. This will enable genuine partnership as we work towards self-determination in the child protection sector.

The peak organisations have witnessed the growth of DCJ teams while stretching their resources to meet the demands of government-driven reform. The NSW Government must address this discriminatory under-investment through the urgent transition of flexible funding to ACCOs through an Aboriginal-led commissioning process.

### Aboriginal Community Controlled Mechanisms (ACCMs)

The Aboriginal Case Management Policy introduced ACCMs to progress self-determination in decisions affecting Aboriginal children and families. AbSec's Strong Families, Our Way team has been supporting the formation of these ACCMs across the state and, in 2024, new ACCMs in NSW are working with DCJ to formalise their roles. We continue to advocate for self-determination in Aboriginal child protection decision-making at a local and regional level, recognising Aboriginal community leadership in the process.

### The Aboriginal Authority for Restoring Children

In February 2024, the NSW Minister for Families, Communities and Disability Services announced the creation of a task force to return Aboriginal and Torres Strait Islander children to their families. Based on the findings of the collaborative research project, *Bring Them Home, Keep Them Home*, Dr BJ Newton, from the UNSW Social Policy Research Centre, has developed a model for an Aboriginal-designed and community-led taskforce—Aboriginal Authority for Restoring Children (AARC). With the recent commitment to fund and appoint a Practice Lead based within AbSec, together with a working group, involving staff from AbSec, ALS NSW/ACT and the Justice and Equity Centre (formerly known as PIAC), the AARC hopes to assist and action the restoration of Aboriginal children on long-term orders to the Minister. Funding to roll out the AARC as an Aboriginal-designed and community-led family restoration program will reduce the rate of Aboriginal children in OOHC and ensure that future generations have the opportunity to thrive in community, connected



to culture and family. We are hopeful that our next Family Matters update will report positive progress on what is a long-term commitment from a community point of view.

### BUILDING BLOCK 3

#### Culturally safe and responsive systems

##### **Abolishing Structured Decision-Making tools & developing the New Approach to Assessment**

Aboriginal families, communities and peak organisations have advocated for the abolition of the SDM tools since their introduction in 2010. Finally, DCJ has committed to abolishing the SDM as a result of ongoing public advocacy that highlight lived experiences of racially biased SDM decisions to remove Aboriginal children—and research evidence establishing and quantifying this racial bias. These tools have discriminated against Aboriginal families. Unfair decisions to remove Aboriginal children have caused harm and trauma to families and communities that, as a result, have seen an increase in the number of Aboriginal children and young people entering OOHC.

The ALS NSW/ACT and AbSec are negotiating a formal partnership with DCJ to design, implement and evaluate new approaches to practice and assessment with Aboriginal families. The SDM Risk Assessment and Re-Assessment Tools were deactivated in September 2024, with DCJ using an interim approach until the new system is implemented. The interim approach was not co-designed with the peak organisations. We are cautiously optimistic that the future new approach to assessment will improve decision-making and reduce the over-representation of Aboriginal children in OOHC, including by minimising unnecessary removals.

The work to redesign existing departmental approaches to working with families is closely intertwined with a number of other child protection policies that are presently subject to review. Similarly, this work is closely related to the ongoing work to embed active efforts into practice (*see below for an update on the active efforts principles*). In recognition of the inextricable overlap in what is presently ‘siloe’d’ work, the peak organisations remain committed to ensuring that the legislative, regulatory, practice and policy reform work required remains connected also.

##### **Expediting Legislative Reform**

Since the first phase of legislative reforms in late 2022, there has been no progress on the additional legislative changes recommended by the FIC Review. This is a significant delay in reforms that are urgently needed and breaks a commitment by the previous NSW Government to progress the second phase of reforms following further community consultation. These reforms include but are not limited to the

establishment of an independent Child Protection Commission (which complements our broader advocacy for a Commissioner), a requirement for judicial officers to consider the known risks of harm to an Aboriginal child of being removed and strengthening of our rights to self-determination.

For the last 12 months, we have worked closely with Aboriginal staff from the Transforming Aboriginal Outcomes unit of DCJ—and other departmental practitioners—to develop rules and practice guidance for caseworkers about active efforts. In a new way of working, we have taken a different approach to that work by using the five elements of the Child Placement Principle and the experience of the family as the perspective for understanding what kinds of efforts meet the higher standard of active efforts.

In the absence of published decisions by the NSW Children’s Court and the strong leadership of the Court in determining what amounts to active efforts, the work being undertaken to elevate family-led decision-making and the family’s experience of DCJ intervention by the peak organisations and our colleagues in the Jumbunna Institute has led to some early signs of casework practice improvement. However, there is a long way to go, and the peak organisations have already identified the need for further reform and the integration of cultural expertise in the court process to ensure the active efforts principles rise to their full potential.

### BUILDING BLOCK 4

#### Accountability

In June 2024, the Audit Office of NSW released a report, *Oversight of the Child Protection System*, which found that ‘DCJ has not established governance and accountability mechanisms to ensure compliance with statutory safeguards for Aboriginal children and their families.’ A failure to operationalise safeguards for Aboriginal children and the absence of accountability mechanisms has led to ‘system-wide non-compliance’ (Audit Office of New South Wales, 2024).

While our 2023 update for Family Matters included our disappointment about the process for the appointment of the Aboriginal Advocate that position has now been vacant since January 2024.

NSW Government inaction is a significant shortfall in achieving the system-level accountability and oversight envisioned by the FIC report and contradicts the commitments outlined in the Safe and Supported First Action Plan. Despite clear and consistent calls from the sector and the February 2024 commitment by the Prime Minister to appoint a National Aboriginal and Torres Strait Islander Children’s Commissioner, the NSW Government has missed several opportunities to establish a Commissioner role. NSW remains the only jurisdiction without such a position.

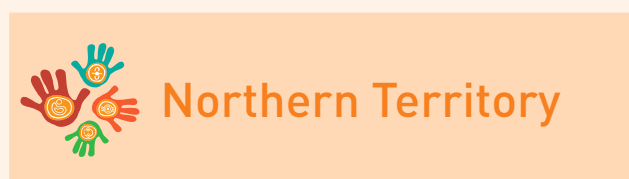






In response to the 2023 Family Matters Report Card's recommendation for a NSW Aboriginal Child and Family Commissioner, AbSec has developed a formal proposal for a NSW Commissioner for Aboriginal Children and Young People. This model, created in collaboration with Aboriginal Commissioners from various jurisdictions and informed by community feedback from our November 2023 sector forum, outlines the framework for this crucial role.

The establishment and appointment of an Aboriginal, independent NSW Commissioner for Aboriginal Children and Young People remains one of our core advocacy goals.



**Government input – provided by the Department of Territory Families, Housing and Communities (TFHC)**

## BUILDING BLOCK 1

### Universal and targeted services

In 2022–23, as contained in the *Report on Government Services*, over \$250 million was invested into children and family services in the Northern Territory (NT). This includes FSSs delivered by ACCOs and ACFCs.

The NT Government's wider services to protect against involvement with the child protection system include:

- preventing and mitigating the impacts of domestic, family and sexual violence, which includes women's safe houses operated by ACCOs or staffed by Aboriginal government employees, primary prevention grants for remote Aboriginal communities and men's behaviour change programs
- improving social housing, which includes a capital works program to reduce overcrowding and waitlists, and property and tenancy management based on Housing for Health's 9 Healthy Living Practices to improve health and wellbeing in the home
- health initiatives, including establishing Aboriginal-led community-based specialist sexual assault services to build local and regional capacity and delivering CALM Kids training to remote and regional communities by a First Nations Consultant
- education initiatives, including Families as First Teachers program, Learning with Families program and the Strong Young Parents program.

## BUILDING BLOCK 2

### Participation, control and self-determination

- 22 Child Wellbeing and Safety Partnerships are operating across the NT, which enable the voices of local community leaders to identify and inform responses for children at risk in their community.
- 15 Local Decision Making (LDM) Agreements, which set out local priorities and solutions to support the transfer of service delivery to Aboriginal Territorians and organisations as of 1 June 2024.
- Nine established—or in progress—ACFCs, which are designed and operated by local ACCOs to be responsive to community needs, therefore no two are alike, as of 30 June 2024.
- Housing Reference Groups in 67 remote communities who provide advice on new builds and repairs and determine public housing allocations in their community.
- The *NT Generational Strategy* was developed by the Children and Families Tripartite Forum, which includes members from Aboriginal Peak Organisations Northern Territory (APO NT) and the North Australian Aboriginal Justice Agency. The Tripartite Forum supports shared decision-making and will be the governing body for the implementation of the NT Generational Strategy.

## BUILDING BLOCK 3

### Culturally safe and responsive systems

- Seven ACCOs delivering Aboriginal Carer Services to identify, contribute to assessments and support Aboriginal carers for Aboriginal children, and support reunification.
- TFHC operates under an Aboriginal Cultural Security Framework, overseen by an Elder in Residence and an Aboriginal Cultural Security Advisory Committee.
- TFHC employs Aboriginal Practice Leaders to support culturally responsive practice and Aboriginal Community Workers to support culturally appropriate engagement with families.
- The Aboriginal Advisory Board on Domestic, Family and Sexual Violence was established in 2022–23 to provide advice on policies, programs and service delivery.

## BUILDING BLOCK 4

### Accountability

- 2024 amendments to the *Children's Commissioner Act 2013* to include the requirement for the Commissioner to be an Aboriginal person (if practicable).
- Under the NT Generational Strategy, the NT is progressing a project to establish an Aboriginal peak body for children and families. The Department of Education is also undertaking a project to establish an Aboriginal peak body for education.
- The Tripartite Forum reports to the Northern Territory Executive Council on Aboriginal Affairs under Closing the Gap governance structures.

## Community voices – provided by Aboriginal Peak Organisations Northern Territory

The NT community sector remains steadfast in advocating for Aboriginal-led solutions to address the persistent over-representation of Aboriginal and Torres Strait Islander children in the statutory child protection system, including in OOHC. The need for culturally safe services and genuine Aboriginal control over child and family services has never been more pressing. Despite some developments, the NT Government's progress over the past year has been inadequate in its compliance with the Child Placement Principle, fulfilling commitments under the NT Generational Strategy, and the broader Closing the Gap agenda.

This Community voice submission reflects the collective voices of the Community Sector across the NT, who comprise ACCOs and non-government organisations. The submission highlights both the systemic challenges that continue to impede meaningful change and the opportunities to further empower Aboriginal families and communities.

## BUILDING BLOCK 1

### Quality and Culturally Safe – Universal and Targeted Services

Prevention remains the cornerstone of reducing Aboriginal children's involvement in the child protection system, yet the NT Government's investment in Aboriginal-led services is insufficient. In 2022–23, a mere 3.9% of total funding for child and family services was allocated to ACCOs, despite the critical role these services play in keeping families strong, safe and together. This level of underfunding is symptomatic of a broader prioritising of government-led services over community-led initiatives, despite the evidence showing that Aboriginal-led services deliver better outcomes for Aboriginal families (Creamer *et al.*, 2024).

Geographic isolation is a significant barrier to prevention services. Many Aboriginal families live in remote areas where access to early support services is limited or non-existent. Furthermore, systemic distrust of child protection authorities affects families' engagement with services. Distrust is exacerbated by poor communication and a lack of culturally safe mediation, often inflaming already tense situations perpetrated by welfare systems that rarely account for cultural and kinship responsibilities and obligations.

## BUILDING BLOCK 2

### Participation, control and self-determination

Aboriginal communities must be given real control over decisions that affect their children and families. While the NT Government has introduced policies aimed at increasing Aboriginal participation, such as Child Wellbeing and Safety Partnerships and LDM agreements, these initiatives have not fully delivered on their promises and are rarely resourced sufficiently to enable transition of services or guardianship into true Aboriginal control. Aboriginal leadership, cultural authority and participation are critical to ensuring that Aboriginal families have a say in the care and protection of their children.

The Aboriginal Resource and Development Services' (ARDS) work in East Arnhem Land, specifically the *Gulkmaram ga Yätyj Raki'mala ga Dhä-manapan ga Latjuny Raki' Decolonising Child Protection: Severing Unhealthy Ties and Restoring Secure Attachments* report, highlights the transformative potential of Aboriginal Family-Led Decision Making (AFLDM). ARDS has pioneered culturally safe, kinship-based approaches that prioritise Yolŋu systems of gurrutu (law) and decision-making, emphasising the need for shared authority with government agencies (Dale and Wunuŋmurra, 2024). The work undertaken by ARDS demonstrates the success of AFLDM processes that are led by Aboriginal organisations and communities—and deeply rooted in cultural values—yet it remains largely unrecognised and unsupported by the NT Government.

The lack of a formal, government-endorsed AFLDM process reflects a significant missed opportunity to integrate these community-led approaches. The NT Government's poor adherence to the Child Placement Principle and cultural support planning—along with its reluctance to delegate statutory authority and Aboriginal guardianship to ACCOs—restricts the agency and leadership of Aboriginal organisations on child placement and care decisions. The ARDS report specifically calls for a contextual safeguarding model that includes shared decision-making frameworks centred on Yolŋu leadership, cultural knowledge and ways of working. The model includes developing cultural care plans, safety planning and reunification strategies that respect Yolŋu law and kinship systems. Despite the demonstrated efficacy of these approaches,



government response has been minimal, leaving the critical work of ARDS and similar organisations unnoticed and under-resourced.

Currently, the government-led systems and processes lack the legal and cultural support that families need, preventing them from fully participating in decisions that have lasting impacts on their children. The voices of Aboriginal leaders and families are often drowned out in government-dominated forums, actively limiting the ability of Aboriginal families to influence outcomes for their children and perpetuating the power imbalance that has long characterised the NT child protection system.

Partnership is central to the many overarching reforms in the child and family services space, aligned with the National Agreement, yet genuine collaboration between government agencies and Aboriginal communities remains limited. Without this delegation and authority to act, Aboriginal organisations are unable to fully exercise self-determination in child protection matters. This lack of empowerment across the spectrum—from early intervention and prevention to court-ordered removal—is detrimental to the long-term wellbeing of Aboriginal children.

### BUILDING BLOCK 3

#### Culturally safe and responsive systems

For the child protection system to be effective, it must be culturally safe and responsive to the needs of Aboriginal families. However, the NT Government has struggled to implement reforms that genuinely reflect Aboriginal values and ways of caring for children. The placement of Aboriginal children in care remains a critical issue. In 2022–23, only 22% of Aboriginal children in OOHC were placed in kinship care. The failure to prioritise kinship placements is particularly concerning as it reflects a lack of investment in finding and supporting Aboriginal carers. Many potential kinship carers are unable to take on the responsibility due to inadequate housing conditions, minor procedural and administrative matters or delays in the necessary approval processes. Geographic isolation further complicates the situation, as housing in remote areas often fails to meet the standards required for kinship, temporary and respite care.

Connection to family, community and culture is critical for Aboriginal children in care. However, an alarmingly significant number of children in OOHC in the NT do not have a current cultural plan or are on inadequate care plans, which do not implore a consistent approach to maintaining regular contact with family, community and culture. The failure to preserve cultural connections has long-term implications for a child's identity and sense of belonging and will inevitably be representative of failures of the NT systems.

The NT Government must ensure that every Aboriginal child in care has a comprehensive cultural plan that is regularly reviewed and updated and that there is sufficient focus and active efforts in maintaining their connection to family, language, community and culture. The NT Government must address these barriers by increasing support for Aboriginal kinship carers and ensuring that all foster carers receive mandatory cultural awareness training delivered by ACCOs from the child's region, with a child's care plan including the goal of reunification wherever and whenever possible.

### BUILDING BLOCK 4

#### Accountability

The NT Government must be held accountable for its commitments to improving outcomes for Aboriginal children and families. Seven years after the Royal Commission into the Protection and Detention of Children in the Northern Territory, many of its critical recommendations remain unmet, particularly those related to increasing Aboriginal control of child protection services. Greater transparency and accountability are required in identifying how the NT Government tracks and reports on its progress toward meeting the Child Placement Principle and the National Agreement targets. It is only through greater transparency in outcomes and reporting that the community sector will be better placed to apply critical oversight to outcomes achieved—or not achieved—and advocate for a focus on the actions and reforms required to address the needs of Aboriginal children and families.

Accountability extends to ensuring that government services are held to the same standards as ACCOs in delivering culturally safe care. The NT Government's internal processes, such as delayed payments to carers and the lack of support for kinship carers, contribute to the ongoing over-representation of Aboriginal children in OOHC.

Additionally, the NT Government must be transparent in its allocation of funding and resources. Despite commitments under the NT Generational Strategy, there has been no clear plan for transitioning service delivery to Aboriginal control. The lack of investment in Aboriginal-led services is a clear indication that the NT Government is not prioritising the self-determination of Aboriginal communities and building the ACCO sector, despite ACCOs achieving better outcomes.

The community sector continues to call for an expansion of existing Aboriginal-led services and supports, together with the establishment of new and appropriately resourced specialist programs and culturally relevant services, which will achieve increased compliance with the Child Placement Principle.

## Conclusion

The NT community sector remains committed to ensuring that Aboriginal children grow up safe, connected to their culture, and within their families and communities. While the NT Government has made some progress, it continues to fall short in key areas, particularly in terms of partnering with Aboriginal-led organisations and fulfilling the commitments outlined in overarching commitments, including the Royal Commission into the Protection and Detention of Children in the Northern Territory, Closing the Gap and legislated requirements such as the Child Placement Principle.

Moving forward, the NT Government must demonstrate a genuine commitment to self-determination and empower Aboriginal organisations to lead child and family services. Only through meaningful investment in Aboriginal-led solutions, respect for cultural practices and true partnership can we achieve the systemic change needed to improve outcomes for Aboriginal children in the NT.

## Office of the Children's Commissioner (NT)

For the fifth year in a row, the NT has seen a minor decrease in the number of Aboriginal children living in OOHHC placements. As of 30 June 2023, there were 791 Aboriginal children in these placements, 19 fewer than the previous year. The NT continues to have a disproportionate over-representation of Aboriginal children living in OOHHC, with 90% of children in care being Aboriginal.

While it is commendable that amendments to the NT's *Care and Protection of Children Act 2007* have strengthened the five elements of the Child Placement Principle in NT law, we have yet to see evidence of changes in practice and improved outcomes for Aboriginal children and their families who come into contact with the child protection system. Only 22% of Aboriginal children in care were placed with Aboriginal carers. The NT has continued to see year-on-year increases in the use of high-cost purchased home-based care despite there being a commitment to phasing these out. The Office of the Children's Commissioner (OCC) urges that these resources be more appropriately utilised to support the capacity of Aboriginal families to care for their children, including through kinship care.

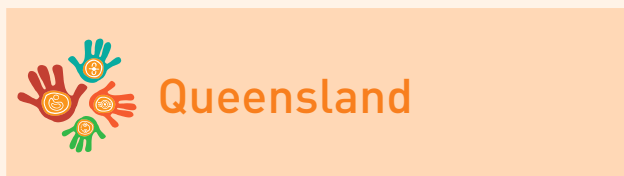
NT legislation requires the participation of Aboriginal family and community in decisions about an Aboriginal child, and while the OCC acknowledges the role of Child Wellbeing and Safety Partnerships in many communities within the NT, there continues to be no formal AFLDM processes led by independent Aboriginal or Torres Strait Islander facilitators. Government-employed Aboriginal Community Workers and

Aboriginal Practice Leaders play valuable and important roles in the child protection system. However, given that these staff are employed by the statutory agency, it is unreasonable to expect families to perceive them as independent.

It is concerning that TFHC is not able to produce data on the number of children with leaving care plans—plans that articulate how children are supported to transition to independence at the age of 18—due to changes in their data systems. Opaque data systems and reporting seriously detract from oversight and sector understanding of TFHC's response to cultural care planning, leaving care planning and supports for young people transitioning to independent living. Complaints to the OCC and community and stakeholder consultations indicate this is a growing area of concern for young people leaving care, the vast majority of whom are Aboriginal.

The OCC acknowledges the dedication of child protection staff, the significant workload and other pressures the child protection agency has been operating within and the impacts this has on the NT achieving Closing the Gap targets. The establishment of a differential response led by the community sector and the delegation of authority for parts of the child protection system could improve the NT's capacity to support and deliver effective services to vulnerable Aboriginal children and young people.

The OCC continues to call for continued targeted investment in ACCOs to provide local programs with a focus on early intervention and prevention and the ability for this investment to be publicly reported on by TFHC. It is positive that eight Aboriginal Carer Services have been resourced through five-year funding agreements to find, assess, train and support Aboriginal kinship and foster carers. This Aboriginal-led approach should be expanded to include delegated authority to transition parts of the child protection system to ACCOs in line with Action 1 of the Safe and Supported First Action Plan.



## Government input – provided by the Department of Child Safety, Seniors and Disability Service

Total investment by the Queensland Government in addressing over-representation of Aboriginal and Torres Strait Islander children in child protection over 11 years from 2016–17 to 2026–27 is approximately \$775.22 million. The 2023–24 Budget includes \$167.2 million over four years and \$20 million in ongoing funding from 2027–28 for activities and reforms to reduce over-representation.

In September 2023, the Queensland First Children and Families Board (QFCFB), in partnership with Family Matters Queensland, QATSICPP and the Department of Child Safety, Seniors and Disability Service (DCSSDS), released *Breaking Cycles 2023–2025*, the third action plan under *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families* (Our Way).

The second implementation phase of Our Way, *Breaking Cycles 2023–2031*, builds on the foundations for transformational change in the child protection system set under the earlier *Changing Tracks* action plans, with a focus on changing the way that services are designed, developed and delivered in partnership with Aboriginal and Torres Strait Islander children, young people and families by government and non-government organisations.

The DCSSDS and the QFCFB joint priority reforms currently underway include:

- co-designing a formal partnership agreement to support the implementation and oversight of *Breaking Cycles*
- organisational change management and cultural change through the *DCSSDS Strategic Framework* and *Yangaa Dahgu – Mekem Gen: Reframing the Relationship Roadmap*
- development and implementation of *First Nations, First Choice* policy and *First Nations Investment Strategy* and sector development and capacity building in partnership with QATSICPP
- joint statewide implementation, with QATSICPP, of delegated authority through *Reclaiming our Storyline: Transforming systems and practice by making decisions in our way*
- trial of the Family Caring for Family model of care, designed and delivered in partnership with

QATSICPP and Aboriginal and Torres Strait Islander community-controlled organisations (ATSICCOs)

- development of a culturally safe and responsive intake, investigation and assessment policy, process and practice through the Enhanced Intake and Assessment Approach, including the trial of First Nations Intake Officers
- implementation of the co-designed QATSICPP and DCSSDS Whatever it Takes project, including a regional engagement process to support in-depth Aboriginal and Torres Strait Islander-led review of all Aboriginal and Torres Strait Islander children and young people in residential care to create pathways for transition out of care
- the development of a new fit-for-purpose screening framework for kinship carers following changes under the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024*, which will remove the Blue Card requirement for kinship carers.

The ongoing implementation of *Breaking Cycles 2023–2025*, supported by QATSICPP, with partners across the Queensland Government and the ATSICCO sector, is a significant next step in the Queensland Government's journey in reframing its relationship with Aboriginal and Torres Strait Islander children, young people and families. Cross-government actions under *Breaking Cycles 2023–2025* include preventative and targeted initiatives across Queensland Health, Education Queensland, the Department of Justice, the Attorney General and the Department of Housing, Local Government and Public Works designed to address the socio-economic drivers of Aboriginal and Torres Strait Islander children and families' contact with the child protection system.

DCSSDS is committed to continuing to work in genuine partnership across Queensland Government, with the QFCFB, ATSICCO sector and communities to drive behaviour, practice and systems change to:

- ensure year-on-year improvement in the cultural capability of DCSSDS
- increase the proportion of children and young people in kinship care to 70% by 2026
- reduce the proportion of children and young people in residential care to 7% by 2027
- ensure all Aboriginal and Torres Strait Islander children and young people can have services delivered by, and funding transitioned to, Aboriginal and Torres Strait Islander organisations within ten years (by 2031).

## Community Voices – provided by the Queensland Family Matters Leadership Group and QATSI CPP

Despite the rapidly escalating cost of living and unprecedented housing pressures across Queensland, this year saw some positive progress in reform efforts to reduce over-representation. In September 2023, the Queensland Government, in partnership with QATSI CPP, Queensland Family Matters Leadership Group and the Queensland First Children and Families Board launched the Action Plan for Breaking Cycles 2023–2025, the second in a series of action plans developed to implement the Our Way strategy. Our Way is a generational plan to eliminate the disproportionate representation of Aboriginal and Torres Strait Islander children in the child protection system by 2037.

Breaking Cycles 2023–2025 was developed via an extensive community consultation process and the responsibility for its implementation is shared across government and community. The plan includes several critical reforms, including:

- the expansion of Delegated Authority across Queensland
- the transition of significant investment in child and family services to the ATSI CO sector by 2032
- transforming approaches to investment and commissioning that better support self-determination
- a whole-of-government approach to reducing over-representation
- the further development, implementation and expansion of models such as Family Caring for Family, which identify and support family to care for their own children in community
- increase investment in AFLDM across child protection systems.

The implementation of Breaking Cycles in its first year had some significant progress. As at June 2024, Delegated Authority has been expanded from the two early adopter sites to a total of 12 different organisations in 17 different locations. All parties recognise the size of the transformational system change being embarked upon and there is still significant work to develop strong working relationships based on shared decision-making between ATSI COs and government across all regions. Too frequently there exists a significant power imbalance and lack of trust and respect between DCSSDs and ATSI COs, at both an individual and organisational level. To assist with this, a statewide partnership agreement is being developed to guide how all parties work together in the implementation of Our Way reforms and highlight their shared accountability in transforming systems.

This year we also made some progress with the transition of child and family services to the ATSI CO

sector, particularly with respect to services for children and young people in OOHC. The retraction and closure of services by some large mainstream providers has initiated the transfer of some investment into ATSI COs. There is, however, still a long way to go before there is proportionate investment in ATSI COs.

We have been encouraged this year by the significant progress made with the review of every Aboriginal and Torres Strait Islander child in residential care across Queensland, an action arising out of Queensland's *Residential Care Roadmap*. This review led by QATSI CPP, as well as a commitment to invest in Aboriginal and Torres Strait Islander models of care, came about as a result of advocacy from Aboriginal and Torres Strait Islander leaders at a Ministerial roundtable in September. The reviews aim to create pathways for transitions to more appropriate placements and has so far directly led to 140 children exiting from residential care.

Meanwhile, entrenched system barriers, such as the Queensland Working with Children Check system, continue to significantly hamper efforts to ensure. Aboriginal and Torres Strait Islander children are cared for by family. We have been heartened by the Queensland Government's announcement of the Queensland's *Working with Children Act*, removing key barriers to Aboriginal and Torres Strait Islander kinship care.

There has been a continued increase in the rate of over-representation of Aboriginal and Torres Strait Islander children in OOHC, reflecting an increase of 13% on three years ago. Family Matters Queensland Leadership members were deeply concerned by these data trends and restate that the increased over-representation of Aboriginal and Torres Strait Islander children across all parts of the child protection system is unacceptable, reaffirming their steadfast commitment to working together to achieve the best outcomes for children and families.

In reviewing reform progress, Aboriginal and Torres Strait Islander leaders reported there are two critical enablers to reducing over-representation in Queensland.

The first enabler was increased resourcing to support reform implementation along the whole child protection continuum. Data and evaluation evidence suggest that if a Family Wellbeing Service or Family Participation Program is engaged at the first point of contact with the family, it is more likely that those children will remain safely with their family in community while still having their care and protection needs met by those closest to them and who know them best. An expansion of funding commitments to enhance both the Family Participation Program and Family Wellbeing Services would significantly increase the numbers of Aboriginal and Torres Strait Islander children and families who are supported to avoid ongoing contact



with the child protection system. Reducing over-representation requires significant resourcing to break intergenerational cycles of trauma and systemic mistreatment through adequately funded culturally appropriate supports that ensure their continued connection to culture and community.

The second enabler was intentional and coordinated efforts at a regional level between government and ATSICCOs to address over-representation. There are currently no standardised approaches by DCSSDs in sector efforts to reduce over-representation across the whole child protection continuum. Some regions are going backwards in addressing over-representation, while others are making significant progress. Similar to expectations of funded services, there needs to be performance frameworks around efforts to reduce over-representation embedded into regional governance and accountability mechanisms. A region's performance data should be a focal point for ongoing conversations about regional collaborations and investment to address over-representation.

Our collective experience indicates that there is much to be both encouraged by and concerned about in our progress towards over-representation this year. Moving forward, we need to double down on our efforts and focus on sufficiently resourcing localised approaches defined by self-determination, accountability and collaboration.

### Commissioner Natalie Lewis, Queensland Family and Child Commission (QFCC)

Despite a decade of significant reform including the Carmody Report, the launch of Our Way and a focus on giving practical effect to the right to self-determination, national policy reform and recommitment to Closing the Gap, the numbers of First Nations children and young people entering OOHC continue to increase. To a large extent, the legislative framework is adequate, however, the biggest barrier to achieving the goal of Our Way is the incongruence between the legislative intent and practice—at the interface between our families and the statutory system. This is the truest test of the success or failure of system reform.

As a statutory oversight body, the QFCC is committed to transparent reporting and unbiased analysis of progress and challenges emerging in statewide, regional and local data, using quantitative and qualitative approaches.

On 19 March 2024, the QFCC launched the Principle Focus Dashboard, an online and interactive dashboard to monitor the over-representation of Aboriginal and Torres Strait Islander children in Queensland's child protection system. The Dashboard's 'The Story Behind the Data' is based on regional and local discussions

with practitioners and leadership of the Departmental and the community-controlled sectors. The core benchmark that we apply is the complete and faithful implementation of all five elements of the Child Placement Principle to the standard of active efforts. Where we see areas of improvement in the data, and in the quality of outcomes for Aboriginal children and their families, we tend to see greater alignment with the Child Placement Principles, meaningful participation of families, genuine partnerships with Aboriginal and Torres Strait Islander organisations, equitable access to quality, culturally affirming supports and services and a deep understanding of the right to cultural continuity. We see evidence of the system's willingness to move beyond sharing space with Aboriginal and Torres Strait Islander peoples to sharing power for making decisions that impact the rights of our children and families.

When systemic issues that produce adverse outcomes for Aboriginal and Torres Strait Islander children and families are identified the QFCC will engage in proactive advocacy. One such recent issue hindering the reunification of Aboriginal and Torres Strait Islander young people and children, as well as the preservation of essential familial and cultural relationships, has been the challenge faced by Aboriginal and Torres Strait Islander kinship carers in obtaining blue cards.

This issue was investigated in QFCC's October 2023 report *A thematic analysis of provisionally approved carers who receive a subsequent Blue Card negative notice*.<sup>10</sup> This report found that blue card screening is not designed for kinship carer suitability as family caring for family is not employment. The system was found to be laden with systemic bias because of both historical and contemporary practices of hyper-surveillance, over-policing and the criminalisation of the vulnerability of Aboriginal and Torres Strait Islander people. The report recommended removing the requirement for Aboriginal and Torres Strait Islander people to hold a blue card for the purposes of caring for family members. Following this, the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024* was passed on 11 September 2024, incorporating many amendments based on recommendations from the QFCC. Notably, this included the removal of the Blue Card requirement for kinship carers and adult household members.

The *Community Safety Plan for Queensland* (Safety Plan), released by the Queensland Government on 30 April 2024, supports culturally specific family-led services for Aboriginal and Torres Strait Islander children, young people and their families. The Safety Plan also advised that the state government was committing to the appointment of an Aboriginal and Torres Strait Islander Children's Commissioner.

Over-representation is a persistent issue that requires urgent action from governments. The QFCC maintains that a dedicated and independent Commissioner

<sup>10</sup> <https://www.qfcc.qld.gov.au/sites/default/files/2023-10/A%20thematic%20analysis%20of%20provisionally%20approved%20kinship%20carers%20who%20receive%20a%20subsequent%20blue%20card%20negative%20notice.pdf>

for Aboriginal and Torres Strait Islander Children in Queensland, and all other states and jurisdictions, will bring independent accountability and focused advocacy to protect and promote the rights of Aboriginal and Torres Strait Islander young people and children. Until that commitment is kept, I will continue in my current capacity to advocate for rights-affirming policy and practice approaches that have regard for the agency and capacity of our families and communities to care for our children. I will continue to insist on the need for accountability of systems, decision-makers and service providers for promoting and upholding the rights of Aboriginal and Torres Strait Islander children. Because our children deserve nothing less.



### Government input – provided by the Department of Child Protection

The South Australia Government (SA Government) is dedicated to addressing the over-representation of Aboriginal children in the child protection system while advancing Aboriginal-led decision-making in FSSs. Central to these efforts is the recent report *Holding on to Our Future* by the South Australian Commissioner for Aboriginal Children and Young People (the Commissioner), which suggests the urgent need for substantial investment in keeping Aboriginal families together. The report advocates systemic reforms as essential for achieving meaningful change.

One significant development is the establishment of the South Australian Peak Body, Wakwakurna Kanyini (Holding onto our Children), which is on track to commence operations at the end of September 2024. Led by SNAICC, in partnership with the South Australian Aboriginal Community Controlled Organisation Network (SAACCON) and the Commissioner, the body is integral to ensuring culturally appropriate service delivery and advocacy for Aboriginal children and young people.

Improving outcomes for Aboriginal children and young people in the child protection and family support system is a key SA Government priority and is backed by additional investment in the State Budget. A significant investment of \$13.4 million over five years will expand FGC services. These conferences empower vulnerable Aboriginal families through community-based decision-making processes that respect cultural values and kinship ties.

Substantial funding injections have been directed towards frontline services. This includes \$35.7 million to expand Safer Family Services, which will provide intensive support to vulnerable families, reducing the necessity to enter residential care settings and

supporting 250 families annually. This initiative integrates cultural and clinical governance to better meet the needs of Aboriginal children and families.

A \$6.1 million initiative targets early intervention for at-risk first-time parents. This funding is enabling the co-design of a specific service model for young Aboriginal families in partnership with the ACCO sector. This approach aligns with Closing the Gap Priority Reform One: Formal Partnerships and Shared Decision-Making (Strong Partnership Elements).

Legislative strides include designating Kornar Winmil Yunti (KWY) Aboriginal Organisation (referred to as KWY) as an Aboriginal organisation under the *Children and Young People (Safety) Act 2017*, enhancing ACCOs' involvement in service delivery. This framework supports initiatives aimed at increasing ACCO services through dedicated procurement strategies, promoting integrated and community-driven child protection and family support.

Transparency and accountability are evident in recent policy developments, such as the Memorandum of Understanding between the Department for Child Protection (DCP) and SAACCON, fostering place-based strategies to reduce over-representation in child protection and guardianship.

The Finding Families pilot program focuses on finding family-based placements for children in care. A significant component is with Aboriginal children supported by contracted ACCOs. The program prioritises family connections and identity.

Enhancing accessibility, the ASK web portal offers families a user-friendly platform to access support services and self-refer for assistance. This aligns with efforts to streamline service delivery and empower families to seek timely support.

Looking forward, the SA Government is prioritising workforce development and capacity-building within the child protection and family support sectors. Initiatives like the *Trauma Responsive System Framework* and *Aboriginal Cultural Practice Framework* aim to embed trauma-informed care and culturally safe practices across service delivery systems.

In conclusion, the SA Government's commitment to addressing the over-representation of Aboriginal children in the child protection system is evident through strategic reforms, investments in culturally responsive services and efforts to amplify Aboriginal voices. By prioritising Aboriginal-led decision-making and service delivery, the SA Government aims to create an inclusive and supportive environment for Aboriginal children and families, guided by ongoing feedback and the state's response to the Commissioner's Inquiry.

## Community Voices – provided by Wakwakurna Kanyini (the community-controlled peak body for Aboriginal children and families)

This year marks another challenging year for Aboriginal children and families in South Australia. As identified by the Commissioner's Holding on to our Future Report, there is a dire need for the SA Government to relinquish power and enable Aboriginal people to lead decision-making about Aboriginal children in line with evidence-based approaches to the welfare of Aboriginal children and the internationally recognised human rights of First Nations people. Further funding is urgently required for our local-level ACCOs to provide desperately needed early intervention and prevention services and engage in decision-making.

Two years on since the review of the *Children and Young People (Safety) Act* (the Act), the proposed bill of amendments includes the full Child Placement Principle and its enforcement to the standard of active efforts; however, only to be diminished by a loophole clause that allows non-compliance to have no bearing on the validity of decisions. We remain concerned that the Child Placement Principle remains trumped by the paramountcy of safety and that contact decisions will continue to be made through administrative processes such as the Contacts Arrangements Review Panel. As evidenced by historical and current policy outcomes, the exercise of decision-making authority by non-Aboriginal people as to what is 'safe' or 'harmful' for Aboriginal children presents as a presumption that culture harms Aboriginal children. These types of decisions must be made by Aboriginal people from a child's community to ensure they are made in the correct cultural context and are free from systemic and personal racial bias.

We are optimistic to see the SA Government's commitment to shared decision-making and partnership with ACCOs, through establishing Wakwakurna Kanyini and gazetting KKY as a Recognised Organisation. However, it is integral that the SA Government increase the number of Recognised Organisations in all regions, ensuring local-level ACCOs in all Aboriginal communities are gazetted. Shared decision-making structures and strong partnerships between ACCOs and governments are critical to the implementation of the Priority Reforms of the National Agreement.

We are hopeful that as partnerships develop between Wakwakurna Kanyini and government, the commitment to the National Agreement through improved practice at all levels of decision-making will materialise.

We are pleased to see the SA Government's investment in intensive support services and FGC; however, the impact of FGCs will be minimised without legislating mandatory referral processes. These services should be delivered by ACCOs where possible, recognising that ACCOs are best placed to provide services to

Aboriginal people. The SA ACCO sector continues to face challenges in accessing funding that is currently directed toward non-Aboriginal service providers. We are hopeful that the SA Government and NGO child and family sector will work with ACCOs to transition services and resources for Aboriginal people, in line with the National Agreement and the principle of self-determination.

## Commissioner for Aboriginal Children and Young People, April Lawrie

On 13 June 2024, the Commissioner launched Holding on to Our Future, the final report of her independent Inquiry into the application of the Child Placement Principle in the removal and placement of Aboriginal children and young people in South Australia. The report draws on extensive research, data analysis, expert witnesses and the strong voices of Aboriginal children and young people and their community. It details 48 findings and 32 recommendations for addressing the application of the Child Placement Principle to reduce the number of Aboriginal children in the child protection system and to ensure they grow up safe and strong with family, community and culture. At the time of writing this, the Commissioner had not received a response from the South Australian Government on the 32 recommendations from Holding on to Our Future.

A key opportunity for transformative reform has been the SA Government's statutory review of the *Children and Young People (Safety) Act 2017* (the Act). In October 2023, the Commissioner released a preliminary report from the inquiry for the purposes of informing planned amendments to the Act. In August 2024, the government released the *Children and Young People (Safety and Support) Bill 2024* (the draft Bill) for a four-week consultation period. While the government is yet to respond to all 32 recommendations from Holding on to Our Future, an examination of the draft Bill suggests that only three of the 17 recommendations relating to legislative reform from the preliminary report have been implemented. A further six recommendations appear to have been partly implemented.

As the Commissioner has stated previously, to have a meaningful impact on reducing rates of Aboriginal child removals, the Act must put Aboriginal children, their families and communities at the centre of decision-making. Aboriginal-led solutions are crucial because they embody the principle of self-determination. This can only be achieved by inserting AFLDM processes into the Act—specifically mandatory referrals to culturally safe FGC. The draft Bill strengthens some provisions for FGC, however, still places the power within the DCP to offer FGC rather than mandate that a referral be made to an independent service provider. This fails to acknowledge the lack of trust and power imbalance that exists between DCP and Aboriginal families. These dynamics impact decision-making about whether Aboriginal families participate in FGC at a crucial time for preventing the statutory removal of their child.

Furthermore, the draft Bill does not extend the option to other State Authorities to refer to FGC, thus limiting opportunities for diversion from DCP involvement and placement in OOHC.

The 17th session of the United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) has recommended to the United Nations Human Rights Council that Australia takes action towards genuine self-determination for Aboriginal and Torres Strait Islander people in addressing child welfare matters. In July 2024, the Commissioner intervened at EMRIP to that effect.

The draft Bill has not strengthened early intervention mechanisms as it does not provide for self-referrals or referrals to intensive family support services (IFSSs) from other statutory agencies working with vulnerable families. The draft Bill does not provide for changes to pathways into the child and family support system and it is difficult to see how, without this change, children, young people and families will not continue to be funnelled into the statutory child protection system.

The SA Government's investment to expand the Safer Family Services program and provide intensive support to vulnerable families must elevate the capacity for ACCOs to provide early support. The Commissioner heard evidence during her Inquiry that the Department for Human Services only had funding to accept referrals to intensive family support for 40% of families identified as being at high risk of contact with the child protection service system. While the increase in funding is welcomed, it remains inadequate to support the number of families in need.

For numerous years, the Commissioner has called for existing local-level ACCOs in all Aboriginal communities of South Australia to be gazetted as Recognised Aboriginal and Torres Strait Islander Organisations (RATSIO) under the Act. This is reiterated in recommendation 16 in the Holding on to Our Future report. Despite this call, the SA Government has taken steps to gazette KKY as South Australia's second RATSIO under the current Act. However, KKY is another metropolitan-based statewide service. What is needed for the Aboriginal child is their local community—with relevant relationship and kinship connections—to advise on matters relating to them. Holding on to Our Future recommends that the function of local-level RATSIOs be broadened to include functions such as family scoping and cultural maintenance planning. It is culturally appropriate for family scoping to be the responsibility of the Aboriginal community and not the government. Government institutions do not know Aboriginal children and their families as local-level ACCOs do. Family finding has previously been a function successfully provided by various gazetted local-level ACCOs in Aboriginal communities across South Australia, where genealogy and cultural knowledge is held.

Alternative models of finding family, such as the Finding Families program, should not be limited to only children in residential care and must be designed through consultation and partnership with local-level Aboriginal communities and their ACCOs.

The establishment of Wakwakurna Kanyini, the SA Peak Body for Aboriginal Children and Families, is a positive development for the future of South Australian Aboriginal children and families. Wakwakurna Kanyini will play an integral role in amplifying Aboriginal community voice and conducting research, policy and advocacy to drive sector improvement. The Commissioner looks forward to working alongside Wakwakurna Kanyini to bring about reform in the child and family services sector to benefit Aboriginal children and young people.

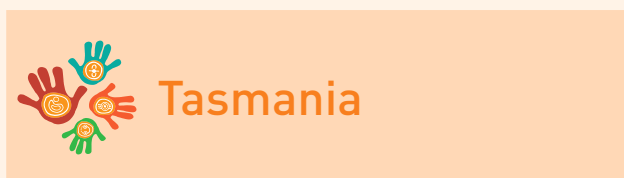
The Australian and New Zealand Children's Commissioners, Guardians and Advocates have prioritised Aboriginal children and young people following advocacy from the caucus of First Nations members. The caucus identified 11 priorities for collective advocacy to improve outcomes for Aboriginal and Torres Strait Islander children and young people.

As noted in the Commissioner for Aboriginal Children and Young People SA input in the Family Matters 2023 Report, the Commissioner has been excluded from the state-level governance of the South Australian Implementation Plan for Closing the Gap.

The SA Government remains well-positioned to create strong reform in the child protection and family support system, however, the *draft Children and Young People (Safety and Support) Bill 2024* does not go far enough in supporting self-determination for Aboriginal communities. Despite the evidence yielded from the Inquiry, the DCP continues to ignore opportunities and recommendations to reform legislation. The SA Government should urgently implement the recommendations from Holding on to Our Future in full to address the continued over-representation of Aboriginal children in OOHC. While the Inquiry was specifically about Aboriginal children, its recommendations would equally benefit all children and their families having contact with South Australia's child protection system. If you get it right for Aboriginal children, you get it right for all children.







## Government input – provided by the Department for Education, Children and Young People

In 2023, the Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings (the Commission of Inquiry) handed down its final report and recommendations. Throughout the Commission of Inquiry, consultations were organised with and facilitated by Aboriginal communities, ensuring that their views and experiences were incorporated into the final report and recommendations.

The Commission of Inquiry made specific recommendations in relation to Aboriginal people, including, but not limited to, establishing an Executive Director for Aboriginal Children and Young People in the Department for Education, Children and Young People (DECYP), fully implementing the Child Placement Principle and appointing a Commissioner for Aboriginal Children and Young People with statutory powers and functions to monitor the experiences of Aboriginal children in OOHC and youth detention.

Through the National Agreement, the Tasmanian Government has committed to stronger partnerships with Aboriginal people. This includes changing the approach to decision-making and engagement to reflect the priorities, knowledges and culture of Tasmanian Aboriginal people.

The *Aboriginal Engagement Framework* (Framework) will support the Tasmanian Government and its agencies to work in genuine, ongoing and culturally respectful partnership with Aboriginal people and organisations. The Framework is integral to implementing the four National Agreement priority reforms and will support implementation of the Child Placement Principle. The Framework has been drafted in consultation with Aboriginal people and organisations and is being reviewed by government agencies prior to being finalised.

Tasmania is committed to working proactively with governance groups under Safe and Supported to implement actions including those relating to Aboriginal children and young people.

In August 2021, the Premier launched *It takes a Tasmanian Village* (the Strategy), Tasmania's first Child and Youth Wellbeing Strategy for zero–25-year-olds,

which has a specific focus on the first 1,000 days from pregnancy to baby's first two years. The Strategy includes a set of ten principles and a four-year Action Plan with 57 Strategy actions and eight Strategic Policy actions. A key focus of the Strategy's actions is on supporting families and their children during the first 1,000 days. There are numerous actions within the plan that relate to Aboriginal children and young people.

## Community Voices – provided by the Tasmania Aboriginal Centre

### BUILDING BLOCK 1

#### Universal and targeted services

It is promising that the Tasmanian Government has committed to implementing recommendations from the Commission of Inquiry. As they relate to Aboriginal children and families, the Commission of Inquiry's recommendations align with Safe and Supported Actions, Family Matters and the National Agreement. For example, one of the Commission of Inquiry's recommendations is to increase investment in Aboriginal-led targeted early intervention and prevention services for Aboriginal families, including family support and reunification services, to a rate equivalent to the proportion of Aboriginal children in OOHC. Considering the scale required for change, it is unfortunate that the Tasmanian Government is not yet discussing a pathway in transitioning to Aboriginal-designed, -led and -delivered early intervention programs and services with the Tasmanian Aboriginal Centre (TAC), current NGO providers and more broadly.

The Tasmanian Government-funded Palawa Children's Future project does provide some opportunity. The project considers the TAC sharing responsibility for child protection decision-making. A strong theme from all community consultations was for Aboriginal programs and service delivery to support families at early intervention through to response. Through this project, the TAC has done a gap analysis of current state mapping that could start the discussions for Aboriginal-designed, -led and -delivered service delivery.

The Tasmanian Government has yet to commit to an integrated funding model for all children and youth programs, which the TAC has been calling on for years. Funding to the TAC to deliver Family Support to the Aboriginal community continues to be staggeringly insufficient to meet the demand, at \$273,110 for 2023–24.

## BUILDING BLOCK 2

### Participation, control and self-determination

The Tasmanian Government is to be commended for funding TAC as part of the Closing the Gap Capacity Building Fund for a second forward year. TAC's vision is for the Tasmanian Aboriginal community to have control over the future wellbeing of Aboriginal children. The TAC wants to acknowledge the support and learnings given from ACCOs in other jurisdictions and Aboriginal peak bodies that have assisted in developing a strategy and action plan to be delivered to the Tasmanian Government in January 2025.

TAC's journey towards self-determination requires genuine partnerships with the Tasmanian Government and the NGO sector. Building TAC's capability and capacity through collaborations with the Tasmanian Government and NGO partners for young Aboriginal people in care—as well as family restoration for children on child protection orders—is important foundational work.

## BUILDING BLOCK 3

### Culturally safe and responsive systems

Tasmania's Commission of Inquiry found that more needs to be done to ensure all interactions with and responses to Aboriginal children, families and organisations in child protection and youth justice systems are culturally safe.

It is pleasing that the Tasmanian Government is now partnering with the TAC in initiatives such as developing cultural awareness training for Child Safety staff and co-designing policy advice with TAC.

The Tasmanian Government is to be commended for legislatively mandating the Universal Principle for Aboriginal Safety in the *Child and Youth Safe Organisations Act 2023* (the Act). This means that organisations must now provide an environment that ensures the right to cultural safety of Aboriginal and Torres Strait Islander children and young people is respected. The Regulator was appointed in December 2023. The TAC calls for the appointment of an Aboriginal Deputy Regulator to help organisations become culturally safe for Aboriginal children, young people and their families.

There has been some recent improvement in the Tasmanian Government's collection of data regarding the Child Placement Principle indicators to support decision-making and reporting. For example, it is understood that the number of children recorded as having 'unknown' Aboriginal status has fallen from 30% in 2019 to 1% in 2021. However, more needs to be done, particularly regarding the collection and recording of carers' Aboriginal status and family connection information for Aboriginal children and carers.

## BUILDING BLOCK 4

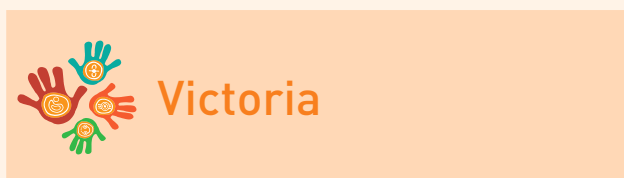
### Accountability

Tasmania's Commission of Inquiry recommended that the Tasmanian Government appoint a Commissioner for Aboriginal Children and Young People. Government did not meet its commitment of implementation by July 2024. It is also disappointing that the TAC was not involved in the initial drafting of a Bill for a single Commission to include a Tasmanian Commissioner for Aboriginal Children and Young People. The opportunity missed the Bill benefiting from the genuine partnership between the Aboriginal and Torres Strait Islander Leadership Group and all Australian governments in developing minimum requirements for National, State and Territory Commissioners for Aboriginal and Torres Strait Islander Children and Young People (Action 7 (a) of Safe and Supported). The TAC is encouraged that in May 2023, the Tasmanian Government did not identify any redline issues with the minimum requirements and that the TAC is now working with the Tasmanian Government for the Bill to reflect the seven minimum requirements before it goes to Parliament in early 2025.

A separate recommendation of Tasmania's Commission of Inquiry was for the appointment of an Executive Director for Aboriginal Children and Young People in the Government department that holds the portfolios of OOHC and youth justice. This position is to lead an office of Aboriginal policy and practice, oversee the implementation of the Child Placement Principle and ensure the interests of Aboriginal children in OOHC are represented in all the DECYP's activities. The Tasmanian Government committed to implementing this recommendation by June 2026.

The TAC is pleased to announce that, following robust advocacy efforts, the Tasmanian Government has agreed to expedite the appointment of this position by late 2025 or early 2026. This represents a significant change for Aboriginal children as this position will greatly impact improving outcomes and ensuring their voices are heard loudly within government.





## Government input – provided by the Department of Families, Fairness and Housing

*Wungurilwil Gapgapduir Aboriginal Children and Families Agreement* (Wungurilwil Gapgapduir) is a tripartite partnership between the Aboriginal community, the Victorian Government and community service organisations that are committed to reducing the number of Aboriginal children in OOHC by building their connection to culture, Country and community. Wungurilwil Gapgapduir supports the government's commitment to increase Aboriginal self-determination for Aboriginal people and to ensure that all Aboriginal children and young people are safe and resilient and can thrive in culturally rich and strong Aboriginal families and communities.

Since 2018, the Victorian Government has invested over \$191 million to implement Wungurilwil Gapgapduir and its nation-leading initiatives, which has been further bolstered by the 2023–24 State Budget investment outlined below.

### 2023–24 Victorian State Budget Investment

The 2023–24 Victorian State budget invested an additional \$140 million over four years to continue and expand the Aboriginal-led children and families service system. This enables further investment in ACCOs to provide services and deliver new programs for their communities. This included investment to reduce the over-representation of Aboriginal children in the child protection system by investing in Aboriginal-led family services and early intervention and the expansion of the Aboriginal Children in Aboriginal Care (ACAC) program.

### Legislation of the Child Placement Principle in Victoria

Section 18 of the *Children, Youth and Families Act 2005* (CYF Act) enables the Secretary of the formerly known Department of Health and Human Services, now the Department of Families, Fairness and Housing (DFFH), to authorise the principal officer of an Aboriginal agency to undertake specified functions and powers in relation to a Children's Court protection order for an Aboriginal child or young person.

The *Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023* was passed in the Victorian Parliament on 20 June 2023 expanding the role of Aboriginal agencies delivering children and family services to reduce the over-representation of Aboriginal children in care in Victoria.

The Act includes a Statement of Recognition of the impact of past policies on Aboriginal people and accompanying binding principles. It aims to reduce the over-representation of Aboriginal children in care, strengthen the five elements of the Child Placement Principle and provide guidance to child protection practitioners to assess and make decisions in a culturally attuned manner.

The Act now has all five elements of the Child Placement Principle legislated and DFFH and ACCOs will undertake work to refresh practice advice on how to implement all five elements of the Child Placement Principle as legislated. This will include guidance on decision-making relating to an Aboriginal child.

Under the ACAC, authorised ACCOs will have the opportunity to actively work with the child's family, community and other professionals to develop and implement the child's case plan and achieve their permanency objective in a way that is culturally safe and in the best interests of the child.

### Child Protection and Family Services Initiatives

In 2021–22, the Victorian Government invested \$328 million to test and expand trials of new service models, such as Koorie Supported Playgroups, Early Help Family Services, Family Preservation and Reunification Response, FGC and Putting Families First. Additionally, as part of the 2022–23 Budget, a further \$40.7 million was invested to provide Family Services support for up to 1,000 more families each year and \$21.4 million to assist up to 1,600 families with disability.

Another Australian first initiative towards:

- supporting self-determination for Aboriginal and Torres Strait Islander communities in child protection
- working with families to prevent children entering care
- working with families to reunify children in care with their families
- ensuring participation of Aboriginal and Torres Strait Islander families, children and communities in child protection decision-making
- other strategies for connecting children in care with their families, communities and culture.

The establishment of a new Aboriginal response to child protection reports, known as the Community Protecting Boorais pilot, will enable authorised ACCOs to conduct investigations of reports made to the Victorian Child Protection Service (Child Protection). The pilot commenced in mid-2023 with the passing of the *Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-Determination and Other Matters) Act 2023*.

All Victorian Government departments are committed to advocating for ACCO funding to provide the services that their community needs.

## Family Preservation and Reunification Response

The Family Preservation and Reunification Response is an evidence-based service model that aims to keep vulnerable children and families together safely where possible and to support children in care to return home safely. Uniquely, the Family Preservation and Reunification Response practice approach embeds Aboriginal cultural practices known to support Aboriginal children and families. This work has been led by ACCOs and will ensure that services are culturally safe and inclusive for Aboriginal children and families.

## Intensive Family Services

Alongside the Family Preservation and Reunification Response, Victoria funds intensive family services that provide sustained and intensive support to children and families. These services use a range of interventions aimed at increasing family functioning and parenting capacity and improving child safety and wellbeing.

In the 2023–24 State Budget, a further \$49.47 million over four years was provided to expand early intervention support for Aboriginal children and families. This includes funding to expand the Aboriginal Rapid Engagement Division service statewide to 330 families by 2025–26. This service seeks to support families as early as possible to prevent them from further escalating into the child protection system and has seen effective outcomes from trials in ACCOs.

## Integrated Family Services

Integrated Family Services works with families in need of targeted support to address parenting concerns and improve child safety and wellbeing. This service supports families with cumulative and escalating needs.

## Early Help Family Services

Early Help Family Services are embedded within the universal services where families are already engaged (including schools and early childhood services) and deliver evidence-based parenting support for families experiencing disadvantage or with emerging needs, to build parenting skills and confidence and reduce progression to more intensive services including family services and child protection.

## Aboriginal Child Specialist Advice and Support Service

Aboriginal Child Specialist Advice and Support Service (ACSASS) provides culturally attuned advice to Child Protection. ACSASS is a legislative requirement outlined in section 12 of the CYF Act regarding decision-making for Aboriginal children, which requires Child Protection to consult an Aboriginal agency and have regard to the views of members of a child's Aboriginal community in making significant decisions.

## Aboriginal Family-Led Decision Making

AFLDM facilitates participation with family, extended family and community members in decision-making and case planning, where protective concerns have been substantiated or an Aboriginal child is subject to a protection order.

## Cultural Support Plan Advisors

Cultural Support Plan Advisors maintain and strengthen Aboriginal identity and connection to culture and community.

## Aboriginal Family Finding

Aboriginal Family Finding supports early kinship carer identification and connections to family, community and culture, supporting the Secretary's legislative obligation in section 13 of the CYF Act.

## Community Voices – provided by Victorian Aboriginal Children and Young People's Alliance (VACYPA) and Victorian Aboriginal Child and Community Agency (VACCA)

### BUILDING BLOCK 1

#### Universal and targeted services

The over-representation of Aboriginal children in OOHC is a pressing issue driven by systemic racism and inadequate universal services. Despite ongoing interventions, it indicates that Aboriginal children in Victoria face disproportionate removal rates with a disparity of 40–65% when compared to non-Aboriginal removals. The persistent lack of culturally responsive universal services, including maternity and educational settings, continues to exacerbate these removal rates. Notably, the failure to notify expectant mothers of reports against them and withholding access to early intervention and prevention services further enables colonist protectionist systems to continue removing children unnecessarily.

Victoria's incorporation of all five elements of the Child Placement Principle in legislation in June 2023 has not yet led to expected increases in prevention-focused investment. While the work of VACCA and the Bendigo and District Aboriginal Cooperative (BDAC) in the investigation stage of the child protection system shows the benefits of Aboriginal-led decision-making at the front end, inadequate systemic funding and program design shortfalls limit intervention efficacy.

The reform funding that commenced on 1 July 2023 aims to ensure that, by 2027, there will be 77% of



Aboriginal children in Aboriginal care. However, this goal remains rigidly focused on tertiary responses and fails to include the critical need for prevention and early intervention action. Funding targets remain chronically low and sufficiently impact ACCOs long-term sustainability. Culture is not privileged, with ACCOs forced to fund cultural programs themselves.

Targeted ACCO funding is inconsistent and does not align with the representation of Aboriginal and Torres Strait Islander children in child protection services. The Victorian Government's approach still prioritises self-funding over equitable support and the transfer of resources to ACCOs. This lack of dedicated and adequate funding undermines the viability and effectiveness of ACCO-led services and perpetuates a cycle of reliance on mainstream models that do not address Aboriginal needs.

The absence of an integrated early years service plan exacerbates systemic issues. The Victorian Government's commitment to expanding kindergarten and childcare services has not yet clarified the proportion allocated to ACCO services and the likelihood of tangible benefits from this expansion remains uncertain. Perinatal health, early parenting support and related services remain predominantly under the Victorian Department of Health's control, with ACCOs often required to partner with mainstream providers to be considered relevant.

Despite the funding through the Ngaweeyan Maar-oo Close the Gap Partnership Forum and the Early Years Summit held in June 2024, progress remains slow. Recommendations from these initiatives are yet to be implemented and the impact for community is minimal.

## BUILDING BLOCK 2

### Participation, control and self-determination

State systems engaged with Aboriginal child welfare in Victoria remain concerning, as detailed in the 2023 Yoorrook Justice Commission report *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems* (Yoorrook for Justice) and reinforced by increases in child protection removals during the past 12 months. Yoorrook Justice Commission highlights critical issues in decision-making processes, funding allocation and the involvement of ACCOs in child protection and FSSs.

A central issue identified was the Victorian Government's failure to meet its own performance targets for programs, such as AFLDM, and secondary consults through the ACSASS. Despite the importance of these programs, government funding to ACCOs covers only 50–60% of children in care, evidencing the flawed approach to proportional funding and equity towards Aboriginal children.

Progress in shared decision-making remains slow. The Yoorrook for Justice report highlights that, while there have been some advancements, genuine collaboration in policy and practice reform, legislative changes and resource allocation are lagging. ACCOs continue to operate under funding formulas that do not reflect the rights of the child or ACCOs' right to self-determination. Instead, funding is largely target-based, allowing the government to retain all control over decision-making, requiring ACCOs to navigate budget bid cycles dominated by government interests.

Yoorrook Justice Commission also emphasises the need for critical investments, particularly in expanding Aboriginal-led case conferencing and diversion models. Initial evaluations suggest a strong return on investment (up to \$5 for every \$1 spent), yet it remains too early to fully assess the long-term impact of these investments. The need for sustained evaluation funding is highlighted to ensure we continue to build the Aboriginal evidence base for what works.

VACCA and VACYPA advocacy efforts have focused on essential policy areas requiring urgent reform, including carer equity, cultural support planning and resources, cultural training and workforce development. However, progress in these areas is piecemeal and key action plans are often postponed to future years.

While the Victorian Government engages broadly with ACCOs through the Aboriginal Children's Forum, decisions frequently serve government interests rather than addressing the urgent needs of community. The ongoing delay in committing to recommendations and the government's scapegoating of Treaty negotiations are hindering immediate progress and meaningful reform. This is resulting in Aboriginal child removal outpacing reunification efforts.

Positively, VACCA has successfully led the development of the Morwell Place-Based Partnership and Community Data Project under the Victorian Government's Close the Gap commitments to focus on youth-focused solutions to over-representation. Across the state, funding for youth groups remains limited, with more emphasis placed on the justice sector rather than supporting all Aboriginal young people to prevent touchpoints with statutory systems. Existing funding models provide support only when tertiary systems are involved, highlighting the need for a shift in narrative and effort. Again, there is no funding allocated for evaluating or researching the impact of youth programs on reducing the over-representation of Aboriginal youth in child protection or youth justice systems—a gap that requires urgent attention.

### BUILDING BLOCK 3

#### Culturally safe and responsive systems

The over-representation of Aboriginal children in OOHC continues to demand immediate systemic reform. As of 30 June 2024, 2,899 Aboriginal children—representing 11% of all children in state care—are subject to a system that is based on colonist structural oppression. The increase from 2,633 children in 2023 underlines the ongoing discrimination of child protection systems towards Aboriginal children and families.

VACCA, reflecting feedback from carers regarding permanent care, argues that the current system prioritises stability over cultural needs, which can be detrimental for Aboriginal children. Permanent care arrangements should not only provide stability but also ensure that cultural supports are accessible and integral to the child's wellbeing. VACCA stresses that permanent care must include cultural support as a non-negotiable component to help children retain their identity and sense of belonging. VACCA and VACYPA are concerned about a growing trend whereby legislative protections for children are being bypassed in Children's Court decisions relating to permanent care. However, despite VACCA's request to the DFFH for access to information to support an internal review of the operation of its Permanent Care Program, VACCA is still waiting for a response to this request that was initially made eight months ago (as at October 2024).

In Victoria, our Act includes a Statement of Recognition with binding principles designed to guide child protection practices. However, despite these principles being legislated over a year ago, government was late to invest in practice guidance for their application—primarily for internal use. Investment in the broader systemic application of these principles has not occurred, nor is their application evident in the way in which Aboriginal-led system design is being undertaken currently by DFFH. This delayed and superficial adherence to these principles is disappointing and reflects a lack of urgency in changing practice or reducing over-representation.

AFLDM remains complex, particularly when violence and coercive control are involved. Family violence is responsible for 60–80% of child removals and creates additional barriers to reunification. The challenge lies in ensuring decision-making processes do not perpetuate further control or violence but rather support genuine family healing and safety.

Cultural Support Plans (CSPs) are another area of concern. While the importance of these plans is increasingly recognised, funding is typically allocated only for the development of the plan, not its implementation, significantly impairing the effectiveness of CSPs. Confirmation of a child's Aboriginality is also often problematic due to historical and ongoing patterns of removal. Lack of confirmation of Aboriginality may be used to prevent children from

accessing culture, history and identity, which are crucial for their development and healing.

Increasing funding for reunification is essential, but it must be accompanied by adequate investments in prevention and IFSSs to ensure families are equipped to provide stable and safe environments. This includes addressing parent and family functioning, healing and housing stability.

VACYPA highlights the static involvement of ACCOs in managing Aboriginal children in care, with only 47–49% under ACCO care. The goal of managing 90% of Aboriginal children within 18 months is crucial but requires realistic, achievable strategies to overcome historical challenges and more active efforts in transferring children. Recent legislative changes, such as those under the ACAC, show potential but also highlight gaps in funding and service delivery.

Yoorrook Justice Commission also made the recommendation for standalone self-determined legislation to protect the rights of Aboriginal children and reduce over-representation. While VACCA and VACYPA progress work in this space together, it remains disappointing that the government did not commit to this recommendation despite the sector knowing the government is preparing for this eventuality as we progress towards Treaty.

Finally, the Victorian Government's recent decision to abandon the commitment to raise the age of criminal responsibility to 14 years is a significant setback. This decision undermines years of advocacy and threatens to erode trust between Aboriginal communities and the government. Work to support children aged 10–12 years old engaged in criminal activity is promising even with a protracted process.

### BUILDING BLOCK 4

#### Accountability

In Victoria, the systemic issues facing Aboriginal children in OOHC continue to be a matter of significant concern for VACCA and VACYPA. Despite efforts from various organisations and the establishment of initiatives such as the Aboriginal Children's Forum and ACAC, significant gaps remain in meeting the needs of Aboriginal children and families.

We have collective and significant concerns regarding the government's approach to funding and policy.

VACYPA, representing fifteen regional ACCOs across Victoria, has been particularly disadvantaged by the inadequacy of government support towards smaller and regional ACCOs that have different challenges and resourcing needs than larger ACCOs with bigger footprints. All ACCOs play a pivotal role in advocating for Aboriginal children and influencing policy. VACYPA especially has repeatedly faced the challenge of insufficient funding, which undermines its ability to advocate effectively and support the significant work

undertaken by members. Highlighting a significant issue within the sector: the Victorian Government's failure to provide sustained funding for peaks, which is essential for representing the needs of Aboriginal people where they live. This lack of support not only exploits ACCO goodwill but also inhibits local voice and its influence on policy and program improvements across the sector. While VACYPA and VACCA have built a strong and genuine partnership, the lack of consistent government back-of-house and policy funding remains a barrier to ongoing growth and self-determination across Victoria.

In 2024, VACYPA and VACCA's collaborative efforts were evident in their leadership of the Aboriginal Children's Forum. This forum marked a significant shift towards Aboriginal-led agendas and the necessity for solutions that are deeply rooted in Aboriginal leadership and excellence. A notable outcome of this forum was the decision to form a Data Working Group to increase the use and interpretation of data related to Aboriginal children and families, following DFFH findings that revealed that a significant portion of the disparity in child protection involvement between Aboriginal and non-Aboriginal children cannot be explained solely by known risk factors.

The establishment of ACAC and the Community Protecting Boorais trial has shown promise in providing more culturally appropriate responses to child protection issues. These responses represent a move towards more self-determined Aboriginal-led solutions. While the growth funding for ACAC is a positive development, VACYPA and VACCA stress the urgent need for increased investment in prevention and early intervention services. Without investment, the reliance on statutory child protection measures will continue, enabling child removals.

VACYPA emphasises that Aboriginal-led organisations should guide the design and use of all evidence related to child and family services. This includes program evaluations and research, not solely data collection. The approach of relying heavily on data can sometimes fail to capture the nuances of Aboriginal experiences. Therefore, more culturally appropriate methods, such as yarning and direct community engagement, are necessary to truly understand and address the needs of Aboriginal families. This approach is congruent with VACCA's *Building the Aboriginal Evidence-Based Strategy* and its action plan.

The forced competition for funding and decision-making influence between VACCA and VACYPA remains a recurring issue. The government's approach to funding and policy decisions should prioritise self-determination and allow ACCOs to decide how best to allocate resources and collaborate. There is also a call for legislative changes to ensure that the Aboriginal Commissioner has a more substantial role rather than being subordinate to the State Commissioner.

Building Aboriginal leadership and prioritising cultural knowledge within ACCOs is vital. This includes ensuring equitable pay, providing cultural loading incentives and investing in the development of future Aboriginal professionals. Genuine partnership and shared decision-making, as demonstrated by VACCA and VACYPA, should be reflected in government practices and funding allocations.

## Commissioner for Aboriginal Children and Young People, Meena Singh

Victoria continues to have the highest rate (per 1,000 children) of Aboriginal children in OOHC in Australia. The high rates of intervention and removal are an ongoing concern to the Victorian Commission for Children and Young People (the Commission). The trauma of removal can have a lasting and intergenerational impact on a young person's life, especially when they are removed from culture and community.

In the past year, the Victorian Government has continued to progress its commitment to transition all Aboriginal children to Aboriginal care with more ACCOs taking on authorisation under the CYF Act for different phases of child protection intervention. The Commission recognises this as a positive step towards culturally appropriate care and self-determination but urges the government to ensure these authorised ACCOs are appropriately funded for their work with Aboriginal families and the care of Aboriginal children and young people. This reform must also be accompanied by broader systemic change, with a vision to prevent Aboriginal children and young people from experiencing the trauma of removal in its first instance. Increased investment from the Victorian Government in early intervention and prevention strategies will ensure families receive the support they need before crises arise. The Commission will continue to provide oversight of all children entering OOHC and advocate for Aboriginal community initiatives to reduce the number of children in care.

In 2024, following extensive collaboration with the Commission's Aboriginal Advisory Council and consultation with Aboriginal community members, the Commission released new cultural safety guidance and tools. These tools will assist organisations in meeting their legal obligations under the *Child Safe Standard 1*, establish a culturally safe environment for Aboriginal children and young people to feel respected and valued, and help build an organisation's understanding of what cultural safety means and why it is important to the safety and wellbeing of Aboriginal children and young people. Organisations required to comply with *Child Safe Standards* in Victoria include organisations delivering child protection and OOHC services.

In September 2023, Yoorrook Justice Commission released the Yoorrook for Justice report. The Victorian Government's response to the recommendations has thus far been unsatisfactory, with only four of the 46 recommendations supported. With the absence of a timeline or funding for implementation, the Commission remains disappointed, and we empathise with Aboriginal families, community members, children and young people who feel apprehension about the trajectory for vulnerable Aboriginal children and young people in Victoria.

With the support of Recommendation 7 in the Yoorrook for Justice report, the Commission continues to advocate for the Commissioner for Aboriginal Children and Young People to be enshrined in legislation.

Aboriginal children, young people and their families benefit from holistic services that are culturally safe and responsive to various needs across all intersections. Including our children and young people living with disabilities and those who identify with LGBTQIA+ communities. Aboriginal children and young people find safety in culture and community and building upon this foundation is integral to the journey of ending injustice and thriving in their communities.

Building strong and safe foundations will reduce the need to invest in the tertiary end. The centring of Aboriginal children and young people's voices and the promotion of their rights remain of utmost importance to myself and the broader Commission for Children and Young People.



## Western Australia

### Government input – provided by the Department of Communities

#### BUILDING BLOCK 1

##### Universal and targeted services

In the 2024–25 State Budget, the Western Australian Government (WA Government) committed \$15.6 million under the Early Years Partnership to improve early years outcomes for children aged zero to four years across four communities. Priorities include access to early learning and early intervention, parent health, family safety and family financial wellbeing, with a focus on ACCOs providing place-based and integrated early support.

The Department of Communities (Communities) is undertaking an improved procurement approach for Earlier Intervention and Family Support (EIFS) programs in 2024–25 to enable increased opportunities for smaller regional ACCOs to apply for funding and deliver culturally safe services for their communities.

The Pre-Birth Planning Program supports women to ensure their children remain at home with them from birth and beyond. Pre-birth planning meetings are facilitated in a culturally safe way to promote family engagement. Since 2018–19, the number of infants entering care within the first seven days since birth has more than halved.

Communities has improved the availability of Aboriginal-led healing programs including through procurement of an Aboriginal business to develop an Aboriginal Healing Framework to support implementation of the *Aboriginal Family Safety Strategy*.

#### BUILDING BLOCK 2

##### Participation, control and self-determination

Communities' *Aboriginal Community Controlled Organisation Strategy 2022–2032 (ACCO Strategy 2022–2032)* responds to the need to improve procurement and delivery of services to Aboriginal communities. Communities is currently finalising a Strengths and Opportunities Analysis of the WA ACCO sector in partnership with the Noongar Family Safety and Wellbeing Council (NFSWC). To promote Aboriginal engagement in service delivery, Communities is building the capacity of the ACCO sector and has awarded over 43 capacity-building grants since 2021.





Aboriginal communities and families participate in decision-making for their children through the Aboriginal Representative Organisations (ARO) Program and the AFLDM process. The WA 2024–25 Budget included \$6 million for AROs and AFLDM.

Communities' contracts Family and Inclusion Network WA to provide parent and family advocacy, information and support services to help families effectively participate in the child protection system when their children are at risk of or have been placed in OOHC.

In May 2024, the WA Government announced funding for the therapeutic specialist court Dandjoo Bidi-Ak (\$5.1 million for a two-year extension) to empower and support Aboriginal families in care and protection matters.

### BUILDING BLOCK 3

#### Culturally safe and responsive systems

The WA Government has continued to make significant investment to reform WA's OOHC system. In October 2023, an additional five ACCOs were awarded contracts for OOHC services, meaning six out of 16 providers across the state are now Aboriginal-led.

WA is also progressing Residential Care Reform to ensure cultural safety and stability, and high-quality care for children in residential care. A current activity of this reform includes work Communities is progressing with an Elders Group in Roebourne to develop a cultural therapeutic residential care model that incorporates the concepts of cultural authority and Aboriginal child-rearing practices.

The Aboriginal Capability Cultural Reform Project includes the development of an Aboriginal Cultural Framework and Cultural Learning Strategy to increase the cultural safety and responsiveness of the child protection workforce.

### BUILDING BLOCK 4

#### Accountability

Communities continue to focus on building genuine partnerships with ACCOs, guided by the WA Government's *Aboriginal Empowerment Strategy 2021–2029*.

In March 2023, WA's second Aboriginal peak body, the Council of Aboriginal Services WA (CASWA), was formed. The organisation aims to strengthen and increase the capacity of WA ACCOs involved in service delivery to Aboriginal people.

In line with Communities' *ACCO Strategy 2022–2032*, the agency is committed to improving the way it commissions and delivers services to Aboriginal

children, families and communities. As part of the *ACCO Strategy 2022–2032*, the *ACCO Commissioning Framework* is currently being developed in consultation with CASWA and the ACCO sector. The Framework seeks to improve how Communities commission ACCOs and will apply to future services being commissioned by Communities.

Communities is also engaging with the ACCO sector and Aboriginal community members to co-design an Aboriginal Engagement Framework that builds on existing Aboriginal governance structures and commits Communities to culturally informed engagement with Aboriginal children, families and communities.

### WA Community Voices - Developed with input from Noongar Family Safety and Wellbeing Council, South West Aboriginal Medical Service, Yorganop, Kaata-Koorliny Employment & Enterprise Development Aboriginal Corporation, Council of Aboriginal Services Western Australia and Karla Kulin Aboriginal Corporation

### BUILDING BLOCK 1

#### Universal and targeted services

In 2023, Aboriginal children in Western Australia were 20.4 times more likely to be in OOHC than non-Indigenous children. This over-representation is increasing and continues to be the highest rate in Australia. Increased investment in prevention and the ACCO sector is needed to turn this trend around.

Unfortunately, the WA Government only invested 4.3% of child protection expenditure into FSSs and IFSSs in 2023, a decrease from 5% in 2022. It is promising to see plans to recommission Early Intervention and Family Support services to ACCOs, as part of the *ACCO Strategy 2022–2032*.

The urgency of this recommissioning is clear, with prevention investment at a low point and Aboriginal children being removed at increasingly high rates.

### BUILDING BLOCK 2

#### Participation, control and self-determination

The ARO program is showing early success, such as ACCOs being able to deliver effective reunification outcomes for Aboriginal children and ACCOs having greater control over kinship carer programs.

However, to be more effective, greater resources and authority need to be given to ACCOs in the ARO program. ACCOs report a lack of decision-making authority to properly advocate for Aboriginal children.

The AFLDM program has been in pilot since 2021, and the government has been slow to extend it. It is promising to see a 2024 budget commitment to AFLDM, as it is a priority to expand it across WA. There is consistent feedback from community members that families have very limited input into decisions about Aboriginal children:

*"You have this family behind you, this community—this entire army of support—but the Department doesn't see it as relevant"*

WA Community representative

The participation of Aboriginal families in child protection decision-making is an urgent priority and ACCOs must be resourced to make it a reality.

### BUILDING BLOCK 3

#### Culturally safe and responsive systems

Unfortunately, Aboriginal children in WA are often quickly placed on long-term parental, guardianship and custody orders. In 2023, Aboriginal children in WA were 19.1 times more likely to be placed on these orders than non-Indigenous children.

This is concerning as more appropriate placements are not being properly explored and, once on long-term 'until 18' orders, efforts to reunify children with families cease. This is evident in the WA data, with only 7.8% of Aboriginal children in care being reunified in 2022, compared to 10.4% for non-Indigenous children.

While it is promising to see that there is a high rate (39.5%) of OOHC placement with Aboriginal relatives or kin, there are reports from community that the Department of Communities is often reluctant to find family for placements and there is a lack of accountability for them to ensure cultural connection for Aboriginal children in care.

This is particularly clear in regard to CSPs, with frequent concerns raised by community over their quality. There are also concerns over the transparency of cultural support planning, with the Department of Communities often not sharing genograms with relevant ACCOs. This lack of accountability and quality planning to ensure cultural connection for children highlights the urgent need for ACCOs to have greater involvement in case management. Unfortunately, there are legislative limits on this currently and there is a lack of planning by government to transfer case management for Aboriginal children in OOHC to ACCOs.

### BUILDING BLOCK 4

#### Accountability

There is a significant lack of progress by government on implementing the *10-Year Roadmap to reduce the over-representation of Aboriginal children in OOHC in WA 2023–2033* (the Roadmap). No meaningful work has occurred since the Roadmap was developed in 2023 and there has been a lack of transparency from government to community about implementation progress.

Lack of accountability by government is a recurrent theme in many other areas. There continues to be no work towards an Aboriginal peak body specifically for children and families. The work of CASWA is significant, but its broad remit is for all services and not specifically child and family services.

There also is no work towards establishing a dedicated Commissioner for Aboriginal and Torres Strait Islander children in WA. The efforts of the current Commissioner for Children and Young People must be commended, but this is a role representing all children and not specifically for Aboriginal children.

An oversight mechanism for OOHC that is independent of government is also lacking in WA. The Advocate for Children in Care currently sits within the Department of Communities and lacks sufficient independence to rigorously monitor OOHC and hold the government accountable.

The WA Government's lack of commitment to reform across these areas is an ongoing concern and the community will continue its strong advocacy to hold them accountable.

#### Commissioner for Children and Young People, Jacqueline McGowan-Jones

The persistent over-representation of Aboriginal and Torres Strait Islander children in OOHC in WA highlights a critical issue within the child protection system that demands urgent and comprehensive reform. Despite the WA Government's alignment efforts with Safe and Supported, progress is lagging behind other jurisdictions, with delays in finalising the ten-year Roadmap and associated Action Plan for WA raising significant concerns.

Recent initiatives, including awarding contracts to 16 providers and expanding the Home Stretch WA program, represent positive steps forward. The inclusion of five new ACCOs is particularly notable, as these organisations bring essential cultural insight to the OOHC system, crucial for addressing the specific needs of Aboriginal and Torres Strait Islander children.

Additionally, the statewide rollout of the Home Stretch WA program aims to support young people transitioning from care, though, challenges remain regarding the timely development of leaving care plans, capacity limitations of service providers and the availability of safe housing options.

The *Child Protection Activity Performance 2022–23* report indicates significant discrepancies in service provision.<sup>11</sup> For instance, the Family Support Network program, while serving a large client base, has a lower representation of Aboriginal clients relative to their proportion in care. Moreover, service distribution varies greatly by district, with some areas receiving more support than others and certain services, such as Aboriginal In-Home Support, being limited to metropolitan regions.

The report also reveals concerning statistics regarding protection applications and orders. In the Kimberley, 100% of applications were for Aboriginal children, but only 64 out of 117 applications resulted in orders. Statewide, Aboriginal children comprised a disproportionate number of applications and orders compared to non-Aboriginal children. This suggests systemic issues in service accessibility and effectiveness, particularly in regional areas with high Aboriginal populations.

The challenges in implementing the Child Placement Principle underscore broader systemic failures. Effective reform must prioritise resourcing Aboriginal-led early interventions and adopt assessments that empower rather than penalise families. For example, assessments should consider extended family networks when evaluating placement options to avoid unnecessary removals that exacerbate intergenerational trauma and loss of cultural identity.

Socio-economic disadvantages faced by Aboriginal families, such as poverty and housing insecurity, often lead to misinterpretation of their situations as neglect or maltreatment. Addressing these root causes of over-representation requires not only targeted socio-economic support but also a shift towards culturally informed practices. It is crucial to involve Aboriginal and Torres Strait Islander communities in creating and leading solutions, supported by ACCOs.

While there have been positive steps towards addressing the number of Aboriginal children in OOH, their over-representation continues to increase as a proportion of the total number of children. Genuine reform requires a sustained commitment to systemic change, focusing on culturally informed practices and meaningful collaboration with Aboriginal and Torres Strait Islander communities. Only then can we hope to achieve a child protection system that truly serves all children equitably and justly.



<sup>11</sup> [https://www.wa.gov.au/system/files/2023-10/child\\_protection\\_activity\\_performance\\_2022\\_23.pdf](https://www.wa.gov.au/system/files/2023-10/child_protection_activity_performance_2022_23.pdf)

## PART 3

# CASE STUDIES OF ABORIGINAL AND TORRES STRAIT ISLANDER-LED TRANSFORMATION

## CASE STUDY

### Mookai Rosie Bi-Bayan

#### Background

For over 35 years, Mookai Rosie Bi-Bayan (Mookai) has provided a healthy and caring environment for Aboriginal and Torres Strait Islander women and children attending medical treatment on Yidinji Country in Cairns.

While the early focus was on accommodation, Mookai has now grown to provide a holistic range of health services to Aboriginal and Torres Strait Islander families from Queensland's Cape York, Northern Peninsula Area and Torres Strait areas. This expansion has been recognised and supported through the Australian Government's IMR grant for 2023–2027. The IMR program targets funding to services that address the drivers of child protection involvement for Aboriginal and Torres Strait Islander families.



Mookai's transport services

#### Services

Aboriginal and Torres Strait Islander families living in remote Far North Queensland experience geographical and logistical barriers to culturally appropriate and responsive health care. Complex health needs compounded by a lack of specialist clinicians and disjointed services across the region require community members to leave their homes and travel to Cairns to access specialist, complex and allied health services. However, this results in disconnection from kin and Country, exacerbating socio-cultural complexities.

Mookai's approach to this challenge is the provision of a co-located, co-designed, integrated wrap-around service model that ensures cultural safety and responsiveness towards improving holistic health outcomes for men, women and children. This service model includes:

- health supported accommodation for women and children, including meals and transport
- Social and Emotional Wellbeing (SEWB) support, including mental health, parenting programs, playgroup and advocacy
- maternal health support, including midwifery services and developing a cultural birth attendant (doulas) program, as well as plans to develop a comprehensive Birthing Centre
- the Mookai Family Health (also known as The Clinic) provides primary care services for the entire family—men, women and children.

Central to all Mookai's services is cultural safety. Mookai's clients benefit from the support and encouragement of the inclusion of cultural practices, language and Aboriginal and Torres Strait Islander ways of knowing, learning and being. This results in an environment informed by Country, culture and places of



physical and spiritual significance to the families that Mookai supports.

Supporting the Aboriginal and Torres Strait Islander workforce is vital to the success of Mookai's services. Mookai provides opportunities for Aboriginal and Torres Strait Islander clinician training, development and mentoring, such as funded TAFE courses including Certificate 4 in Aboriginal and Torres Strait Islander Primary Health Care Practice and Certificate 4 in Mental Health.

## Success stories

Mookai is excited to share two examples of its successful multidisciplinary work with children and families.

### Sheryl from a very remote community within the Cape York region

Sheryl\* is a mother of four children and pregnant with her fifth. She was referred to Mookai's SEWB team by a community alcohol and other drugs (AOD) rehabilitation service.

Sheryl's four children have been removed by child protection authorities and she was being closely monitored around her capacity to care for her pending baby. She has a history within her family of domestic and family violence (DFV) and alcoholism. After referral, Sheryl was supported through the Mums and Bub program, where she stayed at Mookai accommodation and was supported by health and family support workers. She also benefited from midwifery support.

Sheryl stayed in accommodation for 6 months and received AOD, DFV, trauma-informed counselling and psycho-educational parenting support from the Mookai SEWB team. The team also provided advocacy in relation to child protection concerns.

Sheryl's fifth child was born while she stayed in Mookai accommodation. After completing her stay, Sheryl was physically healthy and in recovery from alcohol dependence, as well as progressing in her healing from past trauma.

Sheryl continues as an outreach client and is working towards her four children being returned to her via a staged reunification plan and the SEWB team is helping her meet parenting requirements outlined by a Child Safety case plan.

### Tamika and child from a very remote community within the Cape York region

Tamika\* is pregnant with her second child. Tamika and her 14-month-old boy travelled to Cairns from Aurukun for perinatal support. Mookai provided them with accommodation for 6 weeks, as well as a range of wrap-around supports for the boy who presented with:

- **Fungal skin infection:** A Mookai GP and registered nurse addressed this through education to the mother on understanding symptoms, treatment and prevention.
- **Developmental delays:** This was addressed through education to the mother by health workers and a midwife regarding expected developmental milestones and tailored support via Mookai's playgroup program.
- **Poor nutrition and diet:** Addressed through mothercraft support.
- **Attachment disorder:** Intensive support to the child and mother from Mookai health workers, playgroup staff and the SEWB team.

The family benefited from Mookai's holistic support by showing improvement in a range of health areas and was able to establish ongoing connection with services that will support them into the future.



Mookai's SEWB team

\*Sheryl and Tamika are pseudonyms

## CASE STUDY

### KWY Aboriginal Corporation

#### Creating a space for change – with safety at the heart

KWY is a South Australian ACCO established in 2011 after conversations with local Elders around the need for Aboriginal-led responses for families to health, wellbeing and safety. Initially focused on men's behaviour change around DFV, KWY has since incorporated working holistically with women, children and the wider community. The vision is for Aboriginal peoples to thrive through being culturally strong, empowered and safe, with a current portfolio of programs focusing on:

- DFV centring place-based safety hub models
- supporting holistic children and youth work with a strong focus on child development, school retention and positive participation within the community
- person-centred mental health and social and emotional wellbeing support
- Kinship Care, Reunification and Finding Families connection services
- intensive family support services addressing child protection concerns through active case management and whole-of-family support
- culturally responsive and trauma-informed training to the sector based on Aboriginal wise practice research and evidence.

KWY seeks to create spaces for change and increased safety and connectivity for our families, not only through culturally grounded programs but also through advocacy and influence within the sector. The strength

of KWY is the breadth of programs that ensure that children, women, men and community are all part of the story.

#### Wilto Willo - Research

In partnership with The Australian Centre for Social Innovation (TACSI), KWY's research arm of KWY, Wilto Willo, meaning 'Spring Star' in Kurna language, aims to reduce the number of Aboriginal and Torres Strait Islander children entering OOHC. Mapping the breadth of the system and creating a series of lived and living experience groups centring community voices that shine a light on change stories. Wilto Willo prioritises participatory or action-based research focusing on experiential knowledges gathered from:

- Aboriginal community voices
- strength-based data collated from an Aboriginal lens
- wise (best) practice community-driven research.

The priorities have enabled us to see the breadth of the child protection system from early years, point of intervention and intensive support needs. They have shone a light on the drivers and points of entry for both supports, as well as accountability points for systems, organisations and community. The priorities also enable KWY to be an active party to the participatory approach, building stronger and appropriately supported programs, and creating an Aboriginal-controlled evidence base that reflects community wants, needs and realities.



## Taikurtirna Tirra-apintheta – Early Intervention

One of our many intensive family services, Taikurtirna Tirra-apintheta (TT-a), meaning ‘Making Families Safer’, supports families with children at imminent risk of entering OOHC. The program delivers a culturally responsive, trauma-informed complex case management approach to addressing child protection concerns, based on the understanding that it is in the child’s best interests to remain in the care of their family and strengthen the safety and protective factors while reducing the risks and concerns within the household.

The TT-a program works to KKY’s service model where each family is assigned three workers who become the intensive care team, consisting of a Women’s, Men’s, and Children/Youth Practitioner. This multidisciplinary approach ensures that everyone in the family is supported to have a voice, step into their roles and are advocated for, and, most importantly, ensure that the child’s voice is centred, heard and actioned. Since the establishment of the TT-a program in April 2020, we have seen a significant reduction in the number of Aboriginal children having further contact with participating offices in the DCP and, subsequently, when safety concerns could not be mitigated, informal family and formal kinship care arrangements were able to be established through FGC avenues.

## Tawata Pari - Finding Families

The newly created Tawata Pari, meaning ‘Many Rivers’, is KKY’s Aboriginal-specific family scoping program, funded by DCP. This program aims to transition children and young people living in residential care back into family-based supportive environments, recognising the strengths and protective nature of family and that residential care should never be a long-term option. Tawata Pari uses a culturally responsive and trauma-informed approach to mapping and engaging with kinship networks and identifying safe and sustainable family and community placements. This is based on KKY’s service model and has a central focus on:

- gaining the child and young person’s voices through narrative approaches
- relationship building with the family to trust in KKY to advocate and support the family
- healing and repair work—occurs with children, families, services and wider agencies and systems of harm, occurring as parallel processes through returning children and young people back into family or maintaining connection to family.

Tawata Pari received 194 referrals and outcomes during its first six months of operation, including successfully returning 16 children with family and another 90 recommendations to DCP. 56 young people are currently actively being scoped with a further 32 (and counting)

young people currently awaiting allocation into the program.

## Wuinparrintheta – Youth Programs

Wuinparrintheta, meaning ‘to challenge each other’, is an iterative program that works with young males 14–18 years of age who have been identified as using family-based violent behaviours. The program has an all-men’s team of youth practitioners who use driving factors, such as culturally grounded practices, connection to family, safety, kinship networks and cultural identity formation, to challenge the young men to be the best version of themselves.

With an open referral pathway, the program allows for flexibility of an individual case management response, as well as community and school-based group work. This group work—known to the participants as ‘camps’—brings in elements of being on-country and represents the roles and responsibilities when participating in camps, such as the time it takes to sit, gather, share and collectively listen, learn and act. The KKY youth practitioners are deeply connected to their own culture and communities, and they build trust through connection with the young males, role modelling positive behaviours—guiding them to find their place within culture and kinship systems and, in turn, empowering responsibility for their behaviours and to create sustainable positive behaviour change. Program successes include reduced incidences of violence in home-based settings, higher rates of school attendance, a reduction in detention and an increase in connection to family.

## Future direction

Moving forward, KKY will continue to be guided by community needs, supporting families and communities across South Australia and beyond. As we grow, culturally responsive and trauma-informed practice will remain our primary lens. We also hope to see ACCOs across the sector continue to be funded adequately for the staunch work they provide and welcome further conversation around supporting the transition of funding and authority to ACCOs.





## CASE STUDY

### Kurbingui Family Wellbeing Support and Life Without Barriers

**Life Without Barriers have been working to transition service delivery to Kurbingui for Aboriginal children. This case study highlights that journey.**

Leo\* is a chatty and gentle Aboriginal young person from the Gunggari tribe who loves sports, including football and soccer. His favourite soccer player is Lionel Messi, while his favourite rugby players are Cobbo and Reece Walsh. He also really enjoys technology—watching TV, playing video games and watching YouTube videos.

Leo is 13-years-old and was placed into OOHC when he was nine years old with a non-Indigenous carer, Daniella\*. Daniella was committed to caring for Leo, until he could be returned to either of his parents' care and supporting his cultural needs. Leo was supported to attend a Sorry ceremony for a relative on Kunja Country in Cunnamulla and met his older brother, Liam\*, his sister, Leanne\*, and aunts, uncles and cousins that he had been disconnected from. It was clear in those meetings just how much Leo enjoyed and loved being with his family.

Discussions were then held by Child Safety about Leo's immediate and extended family and options for Leo to be reconnected to live with his community.

In November 2023, Child Safety approved for Leo to gradually increase the time spent with his dad, Rick\*, with a goal for Leo to be fully reunified with his dad by June 2024. Leo and Rick spent every Monday and Thursday afternoon together. In a partnership with Life Without Barriers, Rick was supported by ACCO, Kurbingui Family Wellbeing Support, for around 18 months. Kurbingui provided Rick with parenting support, training around budgeting, maintaining healthy relationships and other supports. Rick was very motivated, and Child Safety worked in partnership with Kurbingui to supplement any additional services Rick needed.

\* Leo is a pseudonym





During this time, Kurbingui sent Life Without Barriers information that showed Leo had another sister, Elizabeth\*, who very much wanted to meet and connect with her brother Leo. Kurbingui and Life Without Barriers facilitated a FaceTime call between Leo and Elizabeth. Daniella was very supportive of Leo connecting with his family.

During this time, while Rick was trying hard, it became clear he wasn't ready to have full-time care of his son Leo. The team at Kurbingui worked with Leo's sister, Elizabeth, who shared that she was very keen to have Leo live with her full-time.

Life Without Barriers organised a meeting with Kurbingui to prepare plans for Leo to transition to Elizabeth's care and supported his foster carer, Daniella, to understand the process. In partnership, both Kurbingui and Life Without Barriers worked

together to ensure Kurbingui had all the information they needed about Leo's journey and needs so he could transition to live with Elizabeth. Life Without Barriers supported Daniella through the process and, together, they prioritised listening to Leo, so his views and wishes were respected and heard.

Leo has now transitioned to live with his sister, supported by Kurbingui. Life Without Barriers continues to have a relationship with the Kurbingui team, offering further support as needed for Leo and Elizabeth.









# RECOMMENDATIONS

**As we conclude this year's Family Matters report, it is clear that significant efforts are still required to get on track to achieve Target 12 of the National Agreement to reduce the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45% by 2031. No jurisdiction is doing enough to transform its child protection and family support system to address the over-representation of Aboriginal and Torres Strait Islander children and young people.**

Aboriginal and Torres Strait Islander communities have a clear understanding of the path forward. The key challenge remains to ensure that governments across Australia support and empower our communities to take the lead, transforming their own systems and practices in the process.

The Family Matters Report continues to highlight the need for decisive action from Australian, state and territory governments. While there have been some limited examples of promising progress in shared decision-making processes under Closing the Gap, governments must also commit to addressing the systemic issues that result in the disproportionate involvement of child protection systems with our children and families. The role of non-Indigenous NGOs in transitioning service delivery for Aboriginal and Torres Strait Islander families to ACCOs is also another pressing priority.

SNAICC and the Family Matters Leadership Group are steadfast in their commitment to advocacy. It is also essential to recognise the crucial role of dedicated, independent and appropriately empowered and resourced Commissioners, Guardians, and Advocates for Aboriginal and Torres Strait Islander Children, as well as the work to establish a National Commissioner for Aboriginal and Torres Strait Islander Children. These accountability measures are vital to ensuring that the best outcomes are achieved for Aboriginal and Torres Strait Islander children.

As we move forward, it is crucial that all stakeholders—governments, ACCOs, the non-Indigenous sector and the broader community—increase their efforts to address these challenges and to transfer power to make way for Aboriginal and Torres Strait Islander

community-led solutions. Only through sustained collaboration and commitment can we make meaningful progress towards our goal and secure a better future for Aboriginal and Torres Strait Islander children.

The recommendations below align with the Family Matters Building Blocks. To alter the current trajectory of child protection systems, it is essential that governments advance these solutions in partnership with Aboriginal and Torres Strait Islander communities, families and organisations.

## BUILDING BLOCK 1

**All families enjoy access to quality, culturally safe, universal and targeted services necessary for Aboriginal and Torres Strait Islander children to thrive.**

### **1. Increase the availability of universal and targeted prevention and early intervention support by:**

- a) increasing investment in prevention and early intervention support programs delivered by ACCOs
- b) setting targets for the percentage of family support and intensive family support services funding directed to ACCOs in each jurisdiction and each region to be equivalent to the representation of Aboriginal and Torres Strait Islander children in child protection services, including setting annual targets to reflect ongoing progress towards this goal.

Despite demonstrated evidence that child protection systems need to be reoriented towards prevention and early intervention to keep children safe, proportional investment in prevention and early intervention services has decreased in the last five years. That is, the discriminatory funding structures that have long short-changed Aboriginal and Torres Strait Islander children and young people have become further entrenched. A clear strategy and target are critical to drive investment, including evidence-based and culturally safe Aboriginal and Torres Strait Islander community-controlled early childhood education and care, maternal and child health, trauma-informed and healing services, family support services and family violence prevention and response.

An increase in proportional investment to prevention and early intervention cannot safely be achieved by simply shifting funding from already stretched child protection and OOHC systems. What is needed is the foresight of governments to invest more in—and recognise the long-term benefits of—prevention and early intervention that are demonstrated in the evidence.

**Progress since last year:** The proportion of government child protection spending on FSSs and IFSSs has not increased and remains far too low (15.3% in 2023, compared to 15.7% in 2022). The national IFSS investment amount per Aboriginal and Torres Strait Islander child in the population was \$99.64 in 2023, consistent with \$97.34 in 2022.

## BUILDING BLOCK 1

### 2. The Australian Government should commit to leading the design and implementation of a national, systematic and sustainable approach to funding ACCO-led integrated early years services, with a focus on ensuring equitable access and coverage across the country.

The Aboriginal and Torres Strait Islander early years sector offers one of the most powerful opportunities for changing trajectories for our children and families. Services like ACFCs and Multifunctional Aboriginal Children's Services offer a unique type of support that is culturally grounded, holistic, trauma-informed and responsive to complex needs. The importance of this sector is recognised within Goal 2 of the Early Childhood Strategy, which identifies the opportunity to 'boost support to Aboriginal and Torres Strait Islander community-controlled integrated early years services and develop initiatives to support their sustainability and holistic services responses to address child, family and community needs'.

The current subsidy-based and market-driven models of child care designed to provide childminding for working families are ineffective in sustaining our services and addressing the learning and developmental support needs of children. A well-resourced Aboriginal

and Torres Strait Islander early childhood education and care sector, with integrated health, development and family supports, is an essential and indispensable component to preventing trajectories that lead to child protection intervention and must be better resourced, grown and supported.

**Progress since last year:** Over the past year, the ECCDPP, SNAICC and sector leaders have made significant progress in developing new funding model options for ACCO early education and integrated services. Key achievements include the publication and submission of two reports: *Funding Model Options for ACCO Integrated Early Years Services* (SNAICC, 2024) and *The Evidence Review on the Optimal Hours of ECEC for Aboriginal and Torres Strait Islander Children* (Dandolo Partners, 2023). These reports influenced the Productivity Commission ECEC inquiry report, *A path to universal early childhood education and care* (Productivity Commission, 2024a).

In the report, the Productivity Commission recognises the significance of ACCO ECEC services. Importantly, it recommends funding for ACCO ECECs be established through shared decision-making, identifying the ECCDPP as the most appropriate mechanism for this process. It stressed the necessity for workforce development among Aboriginal and Torres Strait Islander people, strongly advocating for the recognition and valuing of cultural knowledge and expertise (Productivity Commission, 2024a). To effectively address the gaps and barriers and ensure that Aboriginal and Torres Strait Islander children have access to high-quality, culturally appropriate early childhood education, the Australian, state and territory governments must take steps to implement the recommendations of the Productivity Commission.

In 2021, the Australian Government committed \$9.5 million to supporting a trial of an intensive early childhood education and care model. This model is designed to support children from birth up to 3 years old in bridging the gap to school readiness. The trial offers intensive early education and care, infant mental health and family support, access to services to address harm and overcome trauma and support for children's learning and development. The trial benefits up to 200 children across four sites. Two sites have been confirmed: Boori Milumba, Cullunghutti Aboriginal Child and Family Centre (NSW) and Cooke Court Uniting SEED (Victoria). SNAICC is leading the co-development of Boori Milumba, in partnership with local communities and First Nations leaders (Department of Education, 2024).



## BUILDING BLOCK 1

### 3. Develop and resource a joint state- and Commonwealth-funded national program for ACCO-led integrated family support services.

Large-scale reform efforts and investments in healing and strengthening families are needed to turn the current rates of removal of Aboriginal and Torres Strait Islander children around and meet Target 12.

Action 1 in the First Action Plan for Safe and Supported aims to improve early and targeted support for children and families at risk of coming into contact with child protection systems. Despite this ambitious goal, funding for Safe and Supported is extremely limited and unlikely to lead to the kind of prevention activity that can achieve the target.

Resources continue to be directed towards tertiary and crisis-driven child protection interventions, rather than supports for families that address the challenges they face before they are in crisis. A dedicated program needs to be developed to shift the focus to strengthening families.

The forthcoming National Child and Family Investment Strategy (the Investment Strategy), an action under the Aboriginal and Torres Strait Islander Action Plan for Safe and Supported, aims to shift investment from tertiary and crisis responses, towards early support and prevention. However, the Investment Strategy will need significant investment into prevention and early support to progress an overarching shift from tertiary crisis responses that are not fit-for-purpose, towards preventative support to strengthen families.

A significantly bolstered ACCO-led family services sector would provide families with culturally safe and responsive, both intensive and non-intensive, wraparound and step-down casework supports and referrals to address the barriers and challenges families experience in providing safe care for children. Family support providers are typically made up of a range of organisations with connected expertise across child protection, health, child development and early education. There are significant opportunities to build on the capacity already existing in these sectors, as well as to transfer resources and capacity from mainstream agencies that are ineffective in engaging and supporting Aboriginal and Torres Strait Islander families. Given the key drivers of child protection intervention sit across a broad range of federal and state responsibilities, there is a strong argument for collective state and Commonwealth investment and effort in this space.

**Progress since last year:** There has been no progress towards establishing a jointly funded program for ACCO-led integrated family support services. Some initiatives such as the IMR program demonstrate elements of a holistic, culturally safe approach. However, these initiatives do not establish a specific ongoing program for ACCO-led integrated family supports.

## BUILDING BLOCK 2

### Aboriginal and Torres Strait Islander people and organisations participate in and have control over decisions that affect their children

#### 4. Set investment and commissioning targets for the proportion of funding for child protection and family support services directed towards ACCOs to be equivalent to the proportion of Aboriginal and Torres Strait Islander children involved in child protection systems in each jurisdiction and each region.

In 2020, all Australian governments signed the National Agreement. The National Agreement commits all governments to building the Aboriginal and Torres Strait Islander community-controlled sectors. However, once again the Family Matters Report shows that investment in Aboriginal and Torres Strait Islander organisations to provide family support and child protection services is minimal when compared to the representation of our children in these systems.

This report identifies the critical importance of Aboriginal and Torres Strait Islander-led service delivery to improving outcomes for children. It is essential that our organisations are strengthened and supported so that Aboriginal and Torres Strait Islander people lead the service design and delivery and the decision-making for our children.

Investment should reflect need and be proportionate to the engagement of Aboriginal and Torres Strait Islander families with child protection systems. Investment approaches must recognise the strengths of our organisations, rather than adopting competitive tendering that privileges large non-Indigenous organisations that are often ineffective in engaging and supporting our families. Service delivery models and contract requirements must not be tightly constrained so that our agencies can design community-driven and culturally strong approaches to supporting our families. Finally, ambitious investment and commissioning targets must be set, including annual progress targets that are regularly reported against, to ensure dedicated efforts and accountability for progress.

**Progress since last year:** There continues to be a lack of consistent and accurate data on investment in ACCOs. Where data is available (see Table 7), the proportion of investment is far below the proportion that Aboriginal and Torres Strait Islander children make up in OOHHC and who are subject to substantiations.

Some major new investments in ACCOs are notable over the last year, including the Victorian Government's announcement of an additional \$140 million over four years for Aboriginal-led child and family services, the commencement of activity under the new Australian Government investment of \$49 million in ACCO-led IMR programs, and the Queensland Government investment

of \$108 million over 4 years to expand delegated authority through ACCOs. Even with these investments, governments are not coming close to achieving a proportion of investment in ACCOs aligned to child and family needs, and some jurisdictions are making little or no progress.

## BUILDING BLOCK 2

### **5. Establish, resource and support independent ACCO-led Aboriginal and Torres Strait Islander family-led decision-making models in every state and territory, and across all regions, supported by legislation, for all families across all significant child protection decision-making points.**

Aboriginal and Torres Strait Islander families have the cultural authority, knowledge and capability to make the best decisions and improve outcomes for their children. The participation of children and their families in child protection decision-making is enhanced when formal processes such as AFLDM models are legislatively required as early as possible, for all significant decisions and when Aboriginal and Torres Strait Islander organisations are resourced to facilitate family participation in culturally safe ways.

AFLDM models provide opportunities to bring Aboriginal and Torres Strait Islander cultural perspectives and worldviews to the fore in decision-making, ensuring respect for Aboriginal and Torres Strait Islander values, history and unique child-rearing strengths. Studies have shown that plans generated through these processes have tended to keep children at home or with their relatives and that the approach reinforced children's connections to their family and community. Reviews of existing programs in Victoria and Queensland have confirmed the value and success of these approaches, but uptake across the country remains very limited.

Independent facilitation, support and delivery of these processes by ACCOs is fundamental to their success. Without this, poorly designed and delivered processes can disempower and adversely affect families, reinforcing power imbalances between families and statutory agencies and subjugating their voices. These kinds of processes must be distinct from those that genuinely seek to provide families with safe spaces and opportunities to discuss issues and work collaboratively towards family-led solutions. It is important that AFLDM models are delivered alongside integrated and holistic family support services that assist families to participate and work with families to address their holistic needs as identified through AFLDM processes.

**Progress since last year:** While no jurisdictions—except Queensland—explicitly include mandated AFLDM in legislation, many recent reforms align with the underlying principles of AFLDM by emphasising self-determination, community involvement and culturally appropriate practices. Queensland is the

only jurisdiction that mandates ACCO-led AFLDM in legislation. Advocacy efforts by SNAICC—and other peak bodies and ACCOs—have continued over the past 12 months, including focusing on recent legislative reviews in South Australia.

In their respective 2023–24 state budgets, South Australia invested an additional \$13.4 over five years in FGCs, which included support for ACCOs, and Queensland allocated \$22.5 million over 4 years and \$9.7 million ongoing to expand Family Participation Programs to provide support to Aboriginal and Torres Strait Islander families to participate in AFLDM. In WA, there has been some further allocation of funding for the Aboriginal Representative Organisation and AFLDM, but no announcements on whether the small-scale AFLDM pilots in Mirrabooka and the Midwest-Gascoyne will continue beyond the pilot stage. Despite commitments, there remain no legislatively mandated AFLDM processes in the NT.

Overall, while there have been significant efforts to promote AFLDM and family participation in decision-making, challenges related to resource allocation and cultural sensitivity persist. Continued advocacy and investment are necessary to fully integrate AFLDM into child protection systems and ensure its effectiveness across Australia.

## BUILDING BLOCK 2

### **6. Expand and appropriately fund the transfer of authority to Aboriginal and Torres Strait Islander community-controlled organisations for statutory child protection functions across Australia, ensuring ACCOs are fully resourced to perform statutory roles.**

Increasing self-determination for Aboriginal and Torres Strait Islander peoples in child protection requires that our communities and organisations exercise full authority over the decisions and actions taken to care for and protect our children.

Better decisions will be made—and better outcomes achieved—when responsibility is transferred to our agencies and exercised by people who have the requisite cultural knowledge and authority to understand and advance the rights of our children.

In Victoria, the early progress and strengths of delegated authority in child protection have been recognised and celebrated, supporting increased reconnection and reunification of children in OOH with their families. Similarly in Queensland, trial sites for delegated authority have expanded, with early outcomes indicating improved reunification outcomes for Aboriginal and Torres Strait Islander children and families.

Despite the commitment under Safe and Supported to transfer authority for child protection to our organisations, to date only Queensland and Victoria

have implemented transfers of decision-making authority. Progress across the rest of the country is relatively minimal.

**Progress since last year:** Action 1 in the Aboriginal and Torres Strait Islander First Action Plan for Safe and Supported includes a commitment from all governments to delegation of decision-making authority in child protection to ACCOs. Work continues between governments and the Aboriginal and Torres Strait Islander Leadership Group on implementing this commitment.

Since last year, the Queensland Government has committed over \$100 million under the Our Way Breaking Cycles Action Plan 2023–25 to expand the delegation of statutory authority for Aboriginal and Torres Strait Islander children in the child protection system. This expansion will follow the Reclaiming Our Storyline: 10-Year Blueprint to implementing delegated authority, jointly developed by QATSICPP and the Queensland Government.

In 2023, legislation was passed in Victoria that enabled ACCOs to be authorised to undertake child protection investigations and connect families with support before court orders are made. In 2024, the Victorian Aboriginal Children in Aboriginal Care program also expanded to include a third organisation—Ballarat and District Aboriginal Cooperative (BADAC)—alongside VACCA and Bendigo District Aboriginal Cooperative (BDAC) (DFFH, 2024).

In September 2024, Allies for Children—a collective that represents Act for Kids, Barnados Australia, Life Without Barriers, OzChild, Mackillop Family Services, Key Assets and the Benevolent Society—made a public commitment to ensure all Aboriginal and Torres Strait Islander children in OOHHC will be cared for by the community-controlled sector (Remeikis, 2024).

### BUILDING BLOCK 2

**7. Develop community-based, youth-led models for participation of children and young people in matters that affect them, as part of mechanisms for partnership and shared decision-making with Aboriginal and Torres Strait Islander communities.**

Children and young people with lived experience of child protection systems must be involved in decision-making about matters that affect them. Creating effective, age-appropriate and culturally safe mechanisms for children and young people to inform decision-making is essential to fulfilling the commitments under the National Agreement and the UN Declaration on the Rights of Indigenous Peoples.

These mechanisms must be community-based and youth-led, according to the needs and circumstances of children and young people across all regions, jurisdictions and cultural and language groups.

**Progress since last year:** Action 4 in the First Action Plan for Safe and Supported is focused on creating mechanisms for people with lived experience of child protection systems to inform monitoring and governance. While Commissioners, peak bodies and governments have engaged young people in a range of processes to inform policy reform, this work has been inconsistent, and more work is needed to embed youth perspectives in matters that affect them. To that end, SNAICC is establishing a Youth Voice policy team to allow the voices of Aboriginal and Torres Strait Islander children to be centred in SNAICC’s policy, research and advocacy.

### BUILDING BLOCK 3

**Law, policy and practice in child and family welfare are culturally safe and responsive**

**8. End adoption of Aboriginal and Torres Strait Islander children from out-of-home care.**

Aboriginal and Torres Strait Islander children have a right to connection with family, community, culture and Country. Adoption threatens to break these connections and thereby undermine Aboriginal and Torres Strait Islander children’s rights.

**Progress since last year:** In 2022–23, there were five adoptions of Aboriginal and Torres Strait Islander children around the country. While this number is small, the previous ten years saw increasing numbers of Aboriginal and Torres Strait Islander children being adopted, with the majority (66.3%) adopted by non-Indigenous parents. There have been no efforts at legislative reform to end the adoption of Aboriginal and Torres Strait Islander children from OOHHC.

### BUILDING BLOCK 3

**9. Legislate requirements that ACCOs must approve permanent care orders for Aboriginal and Torres Strait Islander children and partner with ACCOs to create alternative, culturally safe approaches to promoting stability and permanency, including ensuring ACCOs have information and roles to support ongoing cultural connections for Aboriginal and Torres Strait Islander children on permanent orders.**

Stability for Aboriginal and Torres Strait Islander children must involve supporting and sustaining connections to family, community, culture and Country.

Permanent care orders risk severing Aboriginal and Torres Strait Islander children’s ties to their kin, community and culture. Aboriginal and Torres Strait Islander people must be provided with opportunities to design alternative policies to support stability for Aboriginal and Torres Strait Islander children in connection with kin, culture and community.

Although SNAICC recommends that permanent care orders or adoption not be used for our children, where permanent care orders are used, they must never be applied without clear evidence that the Child Placement Principle has been fully applied nor without the endorsement of an Aboriginal and Torres Strait Islander agency.

This report demonstrates that inadequate efforts are being progressed to support families to stay together or to ensure children's connections to culture and family is maintained. In these circumstances, the pursuit of permanent care orders, particularly within limited mandated legal time frames, presents an unacceptable level of risk to our children's stable sense of identity and cultural connection.

**Progress since last year:** Aboriginal and Torres Strait Islander children continue to be severely over-represented in permanent care arrangements. 81% of all Aboriginal and Torres Strait Islander children in OOHC at 30 June 2023 are on long-term child protection orders. Some jurisdictions have mandated limited time frames for permanency, with no oversight of these outcomes by ACCOs.

### BUILDING BLOCK 3

#### **10. Establish national standards to ensure family support and child protection legislation, policy and practices adhere to all five elements of the Child Placement Principle to the standard of active efforts, including:**

- a) nationally consistent standards for implementation of the Child Placement Principle to the standard of active efforts and linked jurisdictional reporting requirements under Safe and Supported
- b) increased representation of Aboriginal and Torres Strait Islander families, children and communities at each stage of the decision-making process, including through independent Aboriginal and Torres Strait Islander family-led decision-making in every jurisdiction
- c) comprehensive, active and dedicated efforts to connect Aboriginal and Torres Strait Islander children in OOHC to family and culture, through cultural support planning, family finding, return to Country, and kinship care support programs.
- d) reform of legislative barriers that inhibit or restrict self-determination, in line with the Child Placement Principle.

**Progress since last year:** Safe and Supported commits to full implementation of the Child Placement Principle to the standard of active efforts. Action 5a. in the

Aboriginal and Torres Strait Islander First Action Plan includes an action to develop national standards for active efforts to implement the Child Placement Principle.

NSW and Queensland have explicitly legislated active efforts requirements, which place a positive duty on authorities to make active efforts to apply the Child Placement Principle when making significant decisions about Aboriginal and Torres Strait Islander children. This is in contrast to previous approaches that have only required authorities to 'have regard to' or 'take into account' the five elements of the Child Placement Principle. However, questions remain about the implementation of these provisions and their impact for children and families. At time of writing, the ACT and South Australia have draft legislation that would also embed a requirement for active efforts.

### BUILDING BLOCK 3

#### **11. Increase investment in reunification services to ensure Aboriginal and Torres Strait Islander children are not spending longer in out-of-home care than is necessary due to inadequate planning and support for parents and increase investment in support services for families once children are returned to support sustained reunification outcomes for children and families.**

Returning Aboriginal and Torres Strait Islander children to their families must be a priority for child protection authorities from the point of removal. A combination of efforts is needed to support families to care for their children including proactive planning and culturally safe engagement by child protection practitioners with parents and families, support for ongoing contact between children and their families and addressing a range of needs such as housing, culturally informed parenting education and support, and trauma.

SNAICC often hears that many supports are discontinued once reunification occurs, which can create challenges for the family. Families and children need continued support to sustain reunification outcomes and to adjust to children's return to the family, sometimes after significant periods of separation.

**Progress since last year:** As detailed in Part 1 of this report, rates of reunification of Aboriginal and Torres Strait Islander children remain critically low. Efforts to increase rates of reunification are required to achieve Target 12 of the National Agreement.

Delays in the availability of reunification data also frustrate efforts to properly monitor progress and hold governments accountable, with 2021–22 reunification data only being available for this report (unlike several other data points where 2022–23 data is available).



## BUILDING BLOCK 3

### **12. Establish ongoing initiatives to improve practice, knowledge, responsiveness and accountability to Aboriginal and Torres Strait Islander people in government agencies, in accordance with Priority Reform 3 under the National Agreement on Closing the Gap, including:**

- a) applying the Family Matters Reflective Practice Tool on a regular basis to assess agencies' progress with regard to cultural safety, support for shared decision-making and self-determination, staff capability and safe and effective practice with Aboriginal and Torres Strait Islander children and families
- b) identifying and eliminating racism—by assessing capability to understand, apply and promote anti-racism
- c) employing Aboriginal and Torres Strait Islander people in both identified and nonidentified roles at all levels
- d) commitment to increasing capability and practice improvement to ensure culturally safe engagement with all Aboriginal and Torres Strait Islander stakeholders including service users, partner agencies and staff
- e) partnering with Aboriginal community-controlled organisations to engage with Aboriginal and Torres Strait Islander communities, deliver services, promote truth telling and ongoing healing and to improve service delivery by government and non-Indigenous agencies
- f) improving engagement with Aboriginal and Torres Strait Islander people with transparent feedback processes and with Aboriginal and Torres Strait Islander leadership of these processes.

Many Aboriginal and Torres Strait Islander communities and organisations have had negative experiences of tokenistic collaborations with government and non-Indigenous organisations. Tokenistic involvement does not lead to better services for Aboriginal and Torres Strait Islander families. Tokenism can hold up progress as organisations that appear to be culturally responsive but fail to adjust their service delivery create deeper levels of mistrust, perpetuate power imbalances and fail to promote reconciliation. Priority Reform 3 commits all governments to transforming their institutions, practice, approach and relationships with Aboriginal and Torres Strait Islander peoples to address the underlying systemic and institutional inequality and discrimination that has been perpetrated by government and non-Indigenous institutions.

To work effectively with Aboriginal and Torres Strait Islander people, communities and organisations, government agencies must transform their policies, practices and ways of working to be culturally safe and responsive.

The Family Matters Reflective Practice Tool provides child and family-specific agencies with a framework to assess their organisation and a pathway to improvement. The tool can assist government agencies with meeting their obligations under the National Agreement.

**Progress since last year:** In February 2024, the Productivity Commission completed its Review of Closing the Gap. In regards to Priority Reform 3, the Review found that the transformation of government agencies has barely begun, with many federal, state and territory agencies continuing with business-as-usual approaches that continue to perpetuate institutional racism and unconscious bias. While cultural capability training is being rolled out by many agencies, and there is increased hiring of Aboriginal and Torres Strait Islander staff, the review found there is a lack of long-term strategy from governments on what transformation looks like.

The Review also found a lack of action in establishing an independent mechanism in each jurisdiction (federal, state and territory), as agreed to under the National Agreement, which would monitor progress in implementing the Priority Reforms. Establishing independent mechanisms that are governed by Aboriginal and Torres Strait Islander people have a legislative basis and receive sustainable funding is a priority (Productivity Commission, 2024b).

## BUILDING BLOCK 4

### **Governments and services are accountable to Aboriginal and Torres Strait Islander people**

### **13. Establish and resource peak bodies that support and enable equal participation of Aboriginal and Torres Strait Islander people in shared decision-making and partnership for policy and service design and in the oversight of systems impacting children, in accordance with the National Agreement on Closing the Gap Priority Reform 1.**

For genuine self-determination, partnerships and shared decision-making between Aboriginal and Torres Strait Islander people and governments, formal roles must be established for Aboriginal and Torres Strait Islander people to lead policy and service design, drive implementation and provide oversight of child protection systems in order to hold governments and services accountable to protecting the rights of Aboriginal and Torres Strait Islander children.

Aboriginal and Torres Strait Islander peak bodies are needed in each jurisdiction to enable a community-controlled sector representative voice that can direct the response to child protection concerns based on Aboriginal and Torres Strait Islander perspectives. Peaks play a critical role in legislation and policy development and the support and establishment of quality and effective community-controlled service systems. Peaks must be designed and driven from the ground up by Aboriginal and Torres Strait Islander communities. However, governments have responsibility to provide resources and opportunities for peaks to develop and operate.

**Progress since last year:** The South Australian Aboriginal community has led the establishment of Wakwakurna Kanyini in mid-2024 as a peak body to represent community-led priorities for Aboriginal children and families. The organisation will provide a voice for Aboriginal children and families in South Australia, advocating for their rights and interests and working to build and strengthen the ACCO sector to deliver services to Aboriginal families in need in South Australia.

#### BUILDING BLOCK 4

##### **14. Establish Commissioners for Aboriginal and Torres Strait Islander Children nationally and in every state and territory, in accordance with the UN Principles relating to the Status of National Institutions, empowered and resourced by legislation.**

The scale of the issues impacting Aboriginal and Torres Strait Islander children calls for dedicated commissioners nationally and in each state and territory. Their role is pivotal in providing Aboriginal and Torres Strait Islander leadership to advocate for the rights of children and to create accountability for necessary systems and practice transformation.

They should be responsible for investigating and shining a light on key child rights issues, monitoring the progress of reforms and brokering solutions to persistent failures to protect our children's rights. Commissioner roles should be established in conformity with the United Nations benchmark guidelines for national human rights institutions (the Paris Principles). To achieve this, roles must:

- be established by legislation to ensure independence and autonomy from government
- be filled by an identified Aboriginal and Torres Strait Islander person with appropriate qualifications, knowledge and experience and appointed through a transparent process
- be mandated with a clear scope and purpose for the role

- be granted appropriate functions and powers to promote systemic change and accountability, including powers of inquiry and investigation
- be adequately resourced to perform its role effectively.

**Progress since last year:** The ACT Government appointed their inaugural Aboriginal and Torres Strait Islander Children's Commissioner who commenced in the position in February 2024. The Queensland Government also committed to appoint an independent Aboriginal and Torres Strait Islander Children's Commissioner in line with the Aboriginal and Torres Strait Islander Action Plan under Safe and Supported.

In February 2024, the Prime Minister announced the creation of a new position for a National Commissioner for Aboriginal and Torres Strait Islander Children and Young People. This new position aims to strengthen the focus on issues impacting Aboriginal and Torres Strait Islander children and ensure that their specific needs are addressed in national policies and services. The new National Aboriginal and Torres Strait Islander Children's Commissioner will provide a unified national focus, complementing the work of state and territory-based organisations and advocates. At time of writing, the Australian Government is working with Aboriginal and Torres Strait Islander leaders to establish this role and deliver on the Prime Ministerial commitment. An important milestone was reached, in late September 2024, with the Executive Order officially creating the National Commission for Aboriginal and Torres Strait Islander Children and Young People as an Executive Agency being gazetted, with operation of the Commission planned to commence from 13 January 2025.

Progress is being made by the Safe and Supported Aboriginal and Torres Strait Islander Leadership Group to develop and agree, through a process of shared decision-making with governments, minimum requirements for Aboriginal and Torres Strait Islander Children's Commissioners. The Safe and Supported Aboriginal and Torres Strait Islander Leadership Group are working with all governments to achieve national agreement on these requirements. This will ensure the National Commissioner, and all state and territory commissioners, are independent and appropriately empowered to uphold the rights of Aboriginal and Torres Strait Islander children and young people.



## BUILDING BLOCK 4

**15. Establish partnerships between Aboriginal and Torres Strait Islander communities and governments to guide the design, collection, interpretation and use of data relevant to Aboriginal and Torres Strait Islander children. As a priority, we call on all jurisdictions to address data gaps identified throughout this report.**

Governments should collect and report data in an accessible and timely way to empower Aboriginal and Torres Strait Islander communities to access, use and interpret data for local decision-making.

The National Agreement commits to shared access to location-specific data and information to inform decision-making. Currently, there are limited structures and supports at local and regional levels that enable communities to access and use data relating to outcomes for Aboriginal and Torres Strait Islander people. Initiatives are needed to support local communities' ownership of their data and capacity to guide policy and program responses based on administrative, evaluation and outcomes data. This is critical to shifting power in how data is used and responded to from its traditional place as the exclusive domain of government to an approach based on self-determination.

Current data sets do not track progress against the things that matter most for improving safety and wellbeing for Aboriginal and Torres Strait Islander children. What is required is a much broader set of data that can meaningfully indicate whether the needs of Aboriginal and Torres Strait Islander children and their rights to healthy development and connection with community, family and culture are being met in their interactions with child protection systems. Future data development should take account of identified gaps throughout this report.

**Progress since last year:** The Review of Closing the Gap found there has been a lack of meaningful progress on implementing Priority Reform 4 in relation to data sharing and data capability (Productivity Commission, 2024b). The Review also found that Priority Reform 4 is narrow in scope and recommended that it encompass Indigenous Data Sovereignty (IDS), which would mean governments ensuring Aboriginal and Torres Strait Islander people are given ownership over data so they can exercise sovereignty in relation to data creation, collection, access, analysis, interpretation, management, dissemination and reuse (Maiam nayri Wingara, 2018).

Specifically in relation to the child and family sector, work continues towards implementing the Action Plans of Safe and Supported, which include several actions regarding data improvement and data sovereignty. A key action is the establishment of an Aboriginal and Torres Strait Islander Centre for Excellence in Child and Family Support, which is currently being scoped by governments and the Aboriginal and Torres Strait Islander Leadership Group under Safe and Supported.

## BUILDING BLOCK 4

**16. Change the definition and counting rules for out-of-home care to include children on permanent care orders.**

The exclusion of children who have been permanently removed from their families from the definition and count of children in OOHC care makes large numbers of our children invisible in the system. This change to the definition and counting rules in recent years has reduced government transparency and accountability for protecting the rights of our children. It also provides a potentially perverse pathway to achieving Target 12 by prioritising permanent removal rather than preventing children from coming into the system and reunifying them with their families.

The permanent removal of children from their families presents echoes of the Stolen Generations for Aboriginal and Torres Strait Islander peoples and raises deep concern that governments will continue to repeat the devastating mistakes of history by severing children's cultural identity and connections. In these circumstances, accountability and transparency are even more important, and governments must count all our children who have been removed and fully acknowledge their enduring responsibility for protecting our children's rights.

**Progress since last year:** There has been no advancement since last year.

Children under permanent care orders remain excluded from the count and definition of children in OOHC. Data tables from the AIHW *Child Protection Australia* report allow us to determine the total number of children removed from their parents by combining figures for children under third-party parental responsibility orders with those in OOHC. However, the fundamental issue persists; governments are diminishing and abandoning their responsibility for children under permanent care orders by excluding them from the OOHC definition.









# ABBREVIATIONS

ABS	Australian Bureau of Statistics
AbSec	NSW Child Family and Community Peak Aboriginal Corporation
ACCO	Aboriginal community-controlled organisation
ACCHO	Aboriginal community-controlled health organisation
ACFC	Aboriginal Child and Family Centres
ACMS	Australian Child Maltreatment Study
ACWA	Association of Community Welfare Agencies
AEDC	Australian Early Development Census
AFLDM	Aboriginal family-led decision-making
AGD	Attorney-General's Department
AHRC	Australian Human Rights Commission
AIHW	Australian Institute of Health and Welfare
ALS	Aboriginal Legal Service (NSW/ACT)
ALCC	Aboriginal Led Case Conferencing
APGR	Annual population growth rate
ARO	Aboriginal Representative Organisations (WA)
ASDB	Aboriginal Service Development Branch (ACT)
ATSICCO	Aboriginal and Torres Strait Islander community-controlled organisations
ATSICPP	Aboriginal and Torres Strait Islander Child Placement Principle (also referred to as the Child Placement Principle)
CB	Connected Beginnings
CaPS	Children and Parenting Support services
CAPO	NSW Coalition of Aboriginal Peak Organisations
CASWA	Council of Aboriginal Services Western Australia
CCS	Child Care Subsidy (as of July 2018)
CCYP	Commissioner for Children and Young People (CCYP)
CSD	Community Services Directorate (ACT)
CSO	Community services organisation
CSP	Cultural Support Plans
CYPS	Child and Youth Protection Services (ACT)

DA	Delegated Authority
DFFH	Department of Families, Fairness and Housing (VIC)
DFV	Domestic and family violence
DSS	Department of Social Services
ECEC	Early childhood education and care
ECCDPP	Early Childhood Care and Development Policy Partnership for Closing the Gap
FASD	Foetal Alcohol Spectrum Disorder
FCS	Family Connect and Support (NSW)
FGC	Family Group Conferencing
FLDM	Family-led decision-making
FNST	First Nations Family Support Team (ACT)
FSS	Family Support Services
GCO	Guardianship custody order
IFSS	Intensive family support service
MAP Group	Ministerial Aboriginal Partnership Group (NSW)
NIAA	National Indigenous Australians Agency
OCC	Office of the Children's Commissioner (NT)
OOHC	Out-of-home care
PFC	Pregnancy Family Conferencing
QATSICPP	Queensland Aboriginal and Torres Strait Islander Child Protection Peak
QFCC	Queensland Family and Child Commission
ROGS	Report on Government Services
SCRGSP	Steering Committee for the Review of Government Service Provision
SEIFA	Socio-Economic Indices for Areas
TPPRO	Third-party parental responsibility order
VACCA	Victorian Aboriginal Child Care Agency
WACOSS	Western Australian Council of Social Service
WWGGD	Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement (VIC)







# APPENDICES

## Appendix A: Methodology for the projection scenario

Projections of the OOHC population in the report were calculated using average annual population growth rates (APGR). Theoretically, a more complex model that is dynamical (is a function of time and space) and state-dependent (i.e., the population in each year depends on the population in previous periods) may be constructed and used in projecting future populations. However, due to the limitation of the available data and the lack of well-verified population dynamics models, only the APGR is used for projections.

The aim is to show one possible path of population growth for Aboriginal and Torres Strait Islander and non-Indigenous children in OOHC, assuming that each population continues to grow at the APGR. Lower and upper limits for the projected populations were estimated using the minimum and maximum APGR of the populations from the same period. This provides a good perspective on what to expect if the APGR is different from the mean APGR.

For ease of interpretation, all numbers in the model have been scaled to a base population of 1000 (there are far more non-Indigenous children in the Australian population, so growth rates were standardised to a base population of 1000 in order to facilitate the comparison of growth rates within each population). There are also several important caveats that are listed in Appendix II. These caveats highlight that the figures presented in the scenario need to be interpreted with caution. Moreover, the growth scenario represents a simplified approximation of what may happen. The scenario is not predictive and should not be interpreted as such.

## Appendix B: Caveats for the projection scenario

### Caveats as a result of the model restrictions:

- The growth scenarios for the 2021, 2022, 2023 and 2024 Family Matters Reports are based on different data to those used in the years prior to 2021. Due to the introduction of a standardised definition for OOHC applied by the AIHW, the decision was made to truncate the range of data used for 2021, 2022 and 2023 reports. This decision was based on the provision of updated data by the AIHW on the number of children in OOHC and on TPROs for all states and territories. These data have been retroactively updated from 2017 and have therefore been used to estimate the national growth scenario presented in this Report.
- The use of a truncated data set has implications for the interpretability and comparability of this scenario to previous years. First, estimates prior to 2021 were based on calculations that attempted to approximate the total number of children in OOHC by including third-party parental responsibility orders and other supported placements. Given the significant jurisdictional variability in how these children were counted in OOHC statistics, previous calculations may have included additional 'noise' that inflated the projected growth in the Aboriginal and Torres Strait Islander OOHC population.
- Using the updated AIHW data means that there are fewer data points on which to base calculations of future growth. This means that the estimates in this year's Report may over- or under-estimate the rate at which the Aboriginal and Torres Strait Islander OOHC population will grow. As more data becomes available, the margin of error in the growth scenario will decrease.

- However, given the standardisation of counting rules for all states and territories, the updated data provide a much stronger foundation from which to estimate growth in the Aboriginal and Torres Strait Islander OOHHC population. Drawing on more recent data (from 2017 onwards) also provides a more accurate representation of the OOHHC population, as these data are more closely aligned with recent policy and legislative changes across various jurisdictions, particularly pertaining to TPPROs. Therefore, we anticipate that over time, and in the absence of further changes to counting rules, the growth scenarios will provide a more accurate representation of potential future trends.
- Unlike more complex models, the scenarios presented in the projections do not explicitly incorporate the re-enforcing feedback from exits to notifications via re-reports. This shortcoming is due to the fact that we have no data on the nature and timing of re-entry to out-of-home care.
- Restricted by the availability of data, the current model does not account for any system capacity constraints. In other words, the model allows the population of children in OOHHC to grow without limit. As this assumption is unlikely to hold in reality, the trajectories in the model must be interpreted with this shortcoming in mind. This is particularly relevant for figures that are projected further into the future.

## Appendix C: Methodology for the Report Card table

The Report Card table at the front of this Report makes a subjective assessment of highlights and lowlights and a corresponding traffic light designation in relation to state and territory progress on aligning legislation, policy and practice with each of the four building blocks of the Family Matters Campaign.

Assessments are led by the Aboriginal and Torres Strait Islander community-controlled sector (and community members) and have been developed with the review and input of state Family Matters jurisdictional representatives and peak Aboriginal and Torres Strait Islander agencies in the child and family sectors. The methodology interrogates specific data points in the report that align most accurately to each of the building blocks when considering the framework detailed in the Family Matters Roadmap. A number of data points in the Family Matters Report were not provided by jurisdictions and, as a result, these are excluded from the Report Card assessment. In line with the Campaign's commitment to self-determination for Aboriginal and Torres Strait Islander peoples, the views provided in the Community Voices section of this report (Part 2) have been given significant weight in making assessments.

The specific data points considered in identifying highlights and lowlights and making assessments are:

**Building Block 1:** Prevention and early intervention investment and service access data, including universal and targeted services, particularly in family support and early childhood education and care; child protection system over-representation; investment in community-controlled prevention and early intervention; and early developmental outcomes reflected in the Australian Early Development Census.

**Building Block 2:** Resourcing of Aboriginal and Torres Strait Islander representative organisations to participate in child protection processes and decision-making; processes and resources for Aboriginal and Torres Strait Islander family-led decision-making; Aboriginal and Torres Strait Islander peak body roles in policy and service system design; delegation of statutory functions to ACCOs; and investment in ACCO service delivery.

**Building Block 3:** Placement of Aboriginal and Torres Strait Islander children with Aboriginal and Torres Strait Islander carers and kin; rates of reunification; permanent care and adoption for Aboriginal and Torres Strait Islander children; programs for cultural support planning and implementation; kinship carer identification, assessment and support programs; ACCO roles to deliver culturally safe and strong services.

**Building Block 4:** Aboriginal and Torres Strait Islander system reform oversight and monitoring bodies, including Aboriginal and Torres Strait Islander representative bodies and children's commissioners; development of strategies to address over-representation and monitoring and evaluation of implementation and impact; provision of additional data requested to inform the Family Matters Report.



## Appendix D: Supplementary data tables

**FIGURE 2 - Ten-year trend of over-representation rates of Aboriginal and Torres Strait Islander children involved with child protection, by stage of involvement**

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Notification	4.3	4.4	4.6	4.6	4.7	5.1	5.3	5.3	5.5	5.7	5.6
Investigation	5.7	5.9	5.8	5.8	5.9	6.1	6.4	6.8	6.9	6.7	6.5
Substantiation	6.1	6.3	6.2	6.3	6.2	6.2	6.3	6.8	7.0	7.0	7.2
Protection order	7.9	8.1	8.4	8.7	8.9	9.2	9.4	10.0	10.2	10.6	10.9
OOHC	8.2	8.4	8.7	9.0	9.3	9.6	9.7	10.0	10.4	10.5	10.8

**FIGURE 8 - Ten-year trend of rates (per 1000 children) of admissions into and discharges from OOHC for Aboriginal and Torres Strait Islander and non-Indigenous children**

	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Admission (Aboriginal and Torres Strait Islander)	14.8	14.7	13.4	12.2	12.9	12.1	11.2	13.0	13.8	13.3	12.0	13.2
Admission (Non-Indigenous)	2.0	1.9	1.8	1.7	1.8	1.6	1.6	1.5	1.5	1.3	1.2	1.2
Discharge (Aboriginal and Torres Strait Islander)	8.6	7.7	8.6	8.5	9.4	10.0	10.2	10.9	11.7	12.3	12.3	12.4
Discharge (Non-Indigenous)	1.4	1.5	1.5	1.5	1.6	1.5	1.5	1.4	1.4	1.4	1.3	1.3

**FIGURE 9 - Five-year trend in over-representation rates of Aboriginal and Torres Strait Islander children admitted to OOHC, by jurisdiction**

	2019	2020	2021	2022	2023
NSW	10.4	11.3	12.6	11.4	11.9
VIC	14.7	16.4	17.6	16.8	18.6
Qld	8.6	9.3	9.1	10.2	10.3
WA	13.4	16.8	16.9	19.7	23.1
SA	12.7	12.1	13.0	12.7	11.0
TAS	6.3	5.1	5.4	6.3	9.2
ACT	8.4	13.4	10.8	12.6	6.1
NT	9.7	5.7	8.8	6.2	6.4
AUST	8.7	9.5	10.1	10.0	11.0

## Appendix E: Data on Department of Social Services and Attorney Generals Department funded services

### Data on investment in Aboriginal and Torres Strait Islander community-controlled child and family services

2022-23 FINANCIAL YEAR				
Families and Children Activity Sub- activity	Program name*	Total expenditure (\$) GST exclusive	Expenditure on Aboriginal and Torres Strait Islander community-controlled services	
Family Law Services	Family Law Services	\$247.6m	N/A	N/A
	Children's Contact Services	\$48.1m	N/A	N/A
	Family Dispute Resolution	\$16.3m	N/A	N/A
	Family Law Counselling	\$19.7m	N/A	N/A
	Family Relationship Advice Line	\$11.8m	N/A	N/A
	Family Relationship Centres	\$114.3m	N/A	N/A
	Parenting Orders Program	\$19.1m	N/A	N/A
	Regional Family Dispute Resolution	\$7.6m	N/A	N/A
	Supporting Children After Separation	\$7.9m	N/A	N/A
	First Nations Family Dispute Resolution	\$2.4m	\$2.4m	100%
	Court Network	\$0.3m	N/A	N/A
Family and Relationship services	Specialised Family Violence Services	\$12.492 million (indexation inclusive)	\$0.721 million	(5.8%)
Family and Relationship services	Family and Relationship Services	\$89.343 million (indexation inclusive)	The Department does not directly fund any Aboriginal and Torres Strait Islander community-controlled organisations under the Family and Relationship Services Activity.	
Family Mental Health Support Services	Family Mental Health Support Services	\$57.500 million (indexation inclusive)	The Department does not directly fund any Aboriginal and Torres Strait Islander community-controlled organisations under the Family Mental Health Support Services Activity.	
Communities for Children Facilitating Partners	Communities for Children Facilitating Partners	\$70.792 million (indexation inclusive)	The Department does not directly fund any Aboriginal and Torres Strait Islander community-controlled organisations under the CfC FP program. Facilitating Partners do however subcontract a number of ACCOs as Community Partners to deliver services but due to subcontracting arrangements the specific number of organisations and the amount of funding they receive is unable to be provided.	
Reconnect	Reconnect	\$29.109 million (indexation inclusive)	\$1.665 million	(5.7%)
Children and Parenting	Children and Family Intensive Support (IFSS ceased 31/10/2021)	\$10.608 million (indexation inclusive)	\$9.301 million	(88%)
	Children and Parenting Support	\$70.792 million (indexation inclusive)	\$1.863 million	(2.65%)
	Home Interaction Program for Parents and Youngsters (HIPPY)	\$32.940 million (indexation inclusive)	Unknown as the HIPPY provider subcontracts program delivery to 65 organisations in 100 locations across Australia (including 17 ACCOs), the subcontractors manage the day-to-day operations including expenditure on Indigenous service delivery.	
	Closing the Gap – Target 12, Measure 1 – Consultation for the design phase of the Improving Multidisciplinary Responses Program	\$0.273 million	\$0	

2022-23 FINANCIAL YEAR				
Families and Children Activity Sub- activity	Program name*	Total expenditure (\$) GST exclusive	Expenditure on Aboriginal and Torres Strait Islander community-controlled services	
			In \$	As % of total
	Closing the Gap – Target 12, Measure 2 – Developing the cultural awareness and trauma responsive skills and capabilities of the child and family sector workforce	\$3.980 million	\$3.980 million	(100%)
	The National Child and Family Investment Strategy	\$0.068m	\$0.068m	100%
Budget Based Funded	Budget Based Funded	\$4.234 million (indexation inclusive)	0%	

### Data on access to child and family services

2022-23 FINANCIAL YEAR				
Families and Children Activity Sub- activity	Program name/type (if applicable)2	Number of Aboriginal and Torres Strait Islander children (and % of total children)		Number of non-Indigenous children
Family Law Services	Family Law Services	914	9%	10,366
	Children's Contact Services	542	11%	4,992
	Family Dispute Resolution	11	10%	109
	Family Law Counselling	97	9%	1,126
	Family Relationship Advice Line	10	4%	274
	Family Relationship Centres	13	1%	959
	Parenting Orders Program	43	9%	460
	Regional Family Dispute Resolution	18	14%	125
	Supporting Children After Separation	11	<1%	2,509
Family and Relationship services	Family and Relationship Services	864	13.4%	5,563
	FaRS – Specialised Family Violence	60	4.2%	1,357
	Specialised Family Violence Services – Fourth Action Plan (SFVS-4AP)	194	85.8%	32
Family Mental Health Support Services	Family Mental Health Support Services	2,389	17.1%	11,595
Communities for Children Facilitating Partners	Communities for Children Facilitating Partners	7,848	19.8%	31,772
Budget Based Funded	Budget Based Funded	398	10.0%	3,579
Reconnect	Reconnect	1,966	24.26%	6,138
Children and Parenting	Intensive Family Support Services	0		0
	Children and Family Intensive Support	375	99.5%	<5
	Children and Parent Support Services	3,475	16.6%	17,497
	Children and Parenting Support Services - Ad hoc grants	142	8.9%	1,459
	Home Interaction Program for Parents and Youngsters	1,594	25%	4,793 (includes not stated)







# REFERENCE LIST

- AADC (2023) *2023-24 Pre-budget Submission*, Australian Alcohol & Other Drugs Council].
- ABS (2018) *Census of Population and Housing: Reflecting Australia - Stories from the Census, 2016. Socioeconomic advantage and disadvantage*, Australian Bureau of Statistics.
- (2019) *National Aboriginal and Torres Strait Islander Health Survey 2018-19*, Australian Bureau of Statistics.
- (2021) *Estimating Homelessness: Census*, Australian Bureau of Statistics.
- AbSec (2018a) *An Aboriginal Commissioning Approach to Aboriginal Child and Family Services in NSW: A Conceptual Design*, NSW Child, Family and Community Peak Aboriginal Corporation.
- (2018b) *Submission: Inquiry into Open Adoption, House of Representatives Standing Committee on Social Policy*, NSW Child, Family and Community Peak Aboriginal Corporation.
- ACYP NSW (2024) *Moving cage to cage: Final Report of the Special Inquiry into Children and Young People in Alternative Care Arrangements*, Advocate for Children and Young People (NSW).
- AHRC (1997) *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, Australian Human Rights Commission, Sydney.
- (2020) *Wiyi Yani U Thangani (Women's Voices)*, Australian Human Rights Commission, Sydney.
- AIHW (2020) *Australia's children, catalogue number CWS 69*, Australian Institute of Health and Welfare, Australian Government.
- (2021a) *Aboriginal and Torres Strait Islander Stolen Generations aged 50 and over: updated analyses for 2018-19*, Australian Institute of Health and Welfare, Australian Government.
- (2021b) *National Perinatal Data Collection annual update*, Australian Institute of Health and Welfare, Australian Government.
- (2022a) *Young people under youth justice supervision and their interaction with the child protection system 2020-21*, Australian Institute of Health and Welfare, Australian Government.
- (2022b) *Specialist homelessness services annual report 2021-22*, Australian Institute of Health and Welfare, Australian Government.
- (2022c) *National framework for protecting Australia's children indicators, catalogue number CWS 62*, Australian Institute of Health and Welfare, Australian Government.
- (2023a) *Australia's mothers and babies*, Australian Institute of Health and Welfare, Australian Government.
- (2023b) *Aboriginal and Torres Strait Islander mothers and babies*, Australian Institute of Health and Welfare, Australian Government.
- (2023c) *Youth detention population in Australia 2023*, Australian Institute of Health and Welfare, Australian Government.
- (2024a) *Child protection Australia 2022-23 - Data tables: Child protection Australia 2022-23*, Australian Institute of Health and Welfare, Australian Government.
- (2024b) *Safety of children in care, Child Protection Australia 2022-23*, Australian Institute of Health and Welfare, Australian Government.
- (2024c) *Child protection Australia 2021-22 - Data tables: Child protection Australia 2021-22*, Australian Institute of Health and Welfare, Australian Government.
- (2024d) *Child protection Australia 2021-22 - Data tables: Aboriginal and Torres Strait Islander children 2021-22*, Australian Institute of Health and Welfare, Australian Government.
- (2024e) *Child protection Australia 2022-23 - Data tables: Child protection Australia 2022-23*, Australian Institute of Health and Welfare, Australian Government.
- (2024f) *Adoptions Australia*, Australian Institute of Health and Welfare, Australian Government.
- (2024g) *Specialist homelessness services annual report 2022-23*, Australian Institute of Health and Welfare, Australian Government.
- (2024h) *Home ownership and housing tenure*, Australian Institute of Health and Welfare, Australian Government.
- (2024i) *Family, domestic and sexual violence in Australia, catalogue number FDV 2*, Australian Institute of Health and Welfare, Australian Government.
- (2024j) *Youth justice in Australia 2022-23*, Australian Institute of Health and Welfare, Australian Government.
- (2024k) *Alcohol and other drug treatment services in Australia annual report*, Australian Institute of Health and Welfare, Australian Government.
- (2024l) *Young people under youth justice supervision and their interaction with the child protection system 2022-23*, catalogue number CSI 030, AIHW, Australian Government.
- AIHW and NIAA (2022) *Key factors contributing to low birthweight of Aboriginal and Torres Strait Islander babies*, Australian Institute of Health and Welfare, National Indigenous Australians Agency, Australian Government.
- Andersen MJ, Williamson AB, Fernando P, Wright D and Redman S (2018) 'Housing conditions of urban households with Aboriginal children in NSW Australia: tenure type matters', *BMC Public Health*, 18(1):70, doi:10.1186/s12889-017-4607-y.
- ANROWS (2020) *Improving family violence legal and support services for Aboriginal & Torres Strait Islander peoples: Key findings and future directions (Research to Policy and Practice, 25-26/2020)*, Australia's National Research Organisation for Women's Safety, Sydney.
- Arabena K and Ritte R (2015) *The First 1000 Days Researchers' Report*, University of Melbourne.
- Audit Office of New South Wales (2024) *Oversight of the child protection system*.
- Baidawi S, Newitt R, Rubini Ball, Turnbull L, Avery S, Kumbhavi-Tam G and Sheehan R (2023) 'Research Report - Care criminalisation of children with disability in child protection systems', doi:10.13140/RG.2.2.16579.68644.
- Baidawi S and Sheehan R (2019) 'Crossover kids': *offending by child protection-involved youth*, Australian Institute of Criminology, Canberra, ACT.

- Bailie RS and Wayte KJ (2006) 'Housing and health in Indigenous communities: Key issues for housing and health improvement in remote Aboriginal and Torres Strait Islander communities', *Australian Journal of Rural Health*, 14(5):178–183, doi:10.1111/j.1440-1584.2006.00804.x.
- Baker E, Lester LH, Bentley R and Beer A (2016) 'Poor housing quality: Prevalence and health effects', *Journal of Prevention & Intervention in the Community*, 44(4):219–232, doi:10.1080/10852352.2016.1197714.
- Banks J (2018) *Breaking barriers: a national adoption framework for Australian children : inquiry into local adoption*, Standing Committee on Social Policy and Legal Affairs, Canberra.
- Barber J, Delfabbro P and Gilbertson R (2004) *Children in Foster Care*, 0 edn, Routledge, doi:10.4324/9780203462775.
- Beaufils J (2023) "'That's the bloodline": Does Kinship and care translate to Kinship care?', *Australian Journal of Social Issues*, 58(2):296–317, doi:10.1002/ajs4.241.
- Biddle N (2014) *Developing a behavioural model of school attendance: policy implications for indigenous children and youth*, Centre for Aboriginal Economic Policy Research, ANU, Canberra.
- Biddle N and Bath J (2013) *CAEPR Indigenous Population Project 2011 Census Papers Paper 7 Education Part 1: Early childhood education*, Australian National University.
- Bowden JA, Delfabbro P, Room R, Miller CL and Wilson C (2022) 'Levels of Parental Drinking in the Presence of Children: An Exploration of Attitudinal Correlates', *Alcohol and Alcoholism*, 57(4):460–469, doi:10.1093/alcalc/agab071.
- Bower C, Watkins RE, Mutch RC, Marriott R, Freeman J, Kippin NR, Safe B, Pestell C, Cheung CSC, Shield H, Tarratt L, Springall A, Taylor J, Walker N, Argiro E, Leitão S, Hamilton S, Condon C, Passmore HM and Giglia R (2018) 'Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia', *BMJ Open*, 8(2):e019605, doi:10.1136/bmjopen-2017-019605.
- Brackertz N (2016) 'Indigenous Housing and Education Inquiry: Discussion Paper for Department of the Prime Minister and Cabinet', *Australian Housing and Urban Research Institute (AHURI)*.
- Burns J, Collin P, Blanchard M, DeFreitas N and Lloyd S (2008) *Preventing youth disengagement and promoting engagement*, Australian Research Alliance for Children and Youth.
- Campo M (2015) *Children's exposure to domestic and family violence: key issues and responses*, Australian Institute of Family Studies, Melbourne, Vic.
- Carlin E, Seear KH, Ferrari K, Spry E, Atkinson D and Marley JV (2021) 'Risk and resilience: a mixed methods investigation of Aboriginal Australian women's perinatal mental health screening assessments', *Social Psychiatry and Psychiatric Epidemiology*, 56(4):547–557, doi:10.1007/s00127-020-01986-7.
- Carlson B, Day M and Farrelly T (2024) *What works? A qualitative exploration of Aboriginal and Torres Strait Islander healing programs that respond to family violence (Research report, 02/2024)*, ANROWS.
- CCYP Vic (2017) *Safe and wanted – An inquiry into the implementation of permanency arrangements*, Victorian Commission for Children and Young People.
- (2024) *Efforts to foster culturally safe environments should be informed and led by Aboriginal people*, Victorian Commission for Children and Young People.
- Center on the Developing Child (2010) *The Foundations of Lifelong Health Are Built in Early Childhood*, Harvard University.
- Children's Court of New South Wales (2022) *Finn, Lincoln, Marina and Blake Hughes [2022] NSWChC 4*.
- Creamer S, Blair S, Toombs M and Brolan CE (2024) 'Indigenous services leading the way for Aboriginal and Torres Strait Islander children in out-of-home care', *Social Work Education*, 43(4):913–937, doi:10.1080/02615479.2022.2155129.
- Cripps K and Habibis D (2019) *Improving housing and service responses to domestic and family violence for Indigenous individuals and families*, Australian Housing and Urban Research Institute (AHURI).
- Cunningham T, Bastian C, Seymour K and Wendt S (2021) *What works in Reunification: A Rapid Literature Review*, Flinders University.
- Dale M and Wunungmurra SW (2024) *Gulkmaram ga Yajj Raki' mala ga Dha-manapan ga Latjuny Raki' / Decolonising Child Protection: Severing Unhealthy Ties and Restoring Secure Attachments*, ARDS Aboriginal Corporation.
- Davis M (2019) *Family is Culture: Independent review of Aboriginal children and young people in OOH (NSW)*, NSW Department of Communities and Justice.
- Delfabbro P, Barber J and Cooper L (2003) 'Predictors of short-term reunification in South Australian substitute care', *Child Welfare*, 82(1):27–51.
- Delfabbro P, Fernandez E, McCormick J and Ketter L (2015) 'An Analysis of Reunification from Out-of-Home Care in Three Australian States', *Child Indicators Research*, 8(2):359–373, doi:10.1007/s12187-014-9238-6.
- Department of Education (2022) *Australian Early Development Census 2021*, Department of Education, Australian Government.
- Department of Health (2020) *Australian Clinical Practice Guidelines: Pregnancy Care*, Department of Health and Aged Care, Australian Government.
- DHS (2020) *Family reunification order: Information for parents*, Department of Human Services, Victorian Government.
- DSS (2021) *Safe and Supported: the National Framework for Protecting Australia's Children 2021 - 2031*, Department of Social Services, Australian Government.
- Farmer EMZ, Southerland D, Mustillo SA and Burns BJ (2009) 'Returning Home in Systems of Care: Rates, Predictors, and Stability', *Journal of Emotional and Behavioral Disorders*, 17(3):133–146, doi:10.1177/1063426608327002.
- Fernandez E, Delfabbro P, Ramia I and Kovacs S (2019) 'Children returning from care: The challenging circumstances of parents in poverty', *Children and Youth Services Review*, 97:100–111, doi:10.1016/j.childyouth.2017.06.008.
- Fernandez E and Lee J-S (2011) 'Returning Children in Care to Their Families: Factors Associated with the Speed of Reunification', *Child Indicators Research*, 4(4):749–765, doi:10.1007/s12187-011-9121-7.
- (2013) 'Accomplishing family reunification for children in care: An Australian study', *Children and Youth Services Review*, 35(9):1374–1384, doi:10.1016/j.childyouth.2013.05.006.
- Fox S, Southwell A, Stafford N, Goodhue R, Jackson D and Smith C (2015) 'Better systems, better chances: a review of research and practice for prevention and early intervention'.
- Gilroy J, Donnelly M, Colmar S and Parmenter T (2016) 'Twelve factors that can influence the participation of Aboriginal people in disability services'.
- Haslam D, Mathews B, Pacella R, Scott JG, Finkelhor D, Higgins D, Meinck F, Erskine HE, Thomas HJ, Lawrence DM and Malacova E (2023) *The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: Brief Report*, Queensland University of Technology, doi:10.5204/rep.eprints.239397.
- Jenkins BQ and Tilbury C (2024) 'An evaluation of the racial equity of the actuarial Family risk assessment instrument used in Queensland, Australia', *Children and Youth Services Review*, 164:107891, doi:10.1016/j.childyouth.2024.107891.
- Jocelyn J, McGlade H and Moodie S (2024) *What is kinship care? Why is it favoured for Aboriginal children over foster care?*, The Conversation.
- Krakouer J (2023) 'Journeys of culturally connecting: Aboriginal young people's experiences of cultural connection in and beyond out-of-home care', *Child & Family Social Work*, 28(3):822–832, doi:10.1111/cfs.13007.
- Krakouer J, Nakata S, Beaufils J, Hunter S-A, Corrales T, Morris H and Skouteris H (2023) 'Resistance to Assimilation: Expanding Understandings of First Nations Cultural Connection in Child Protection and Out-of-home Care', *Australian Social Work*, 76(3):343–357, doi:10.1080/0312407X.2022.2106443.
- Lawrie A (2024) *Holding on to Our Future: Final Report of the Inquiry into the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children and young people in South Australia*, Commissioner for Aboriginal Children and Young People South Australia.



- Libesman T, Gray P, Chandler E, Briskman L, Didi A and Avery S (2023) *Parents with disability and their experiences of child protection systems*, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.
- Lowell A, Maypilama L̡awurrpa, Fasoli L, Guyula Y, Guyula A, Yunupi u M, Godwin-Thompson J, Gundjarranbuy R, Armstrong E, Garrutju J and McEldowney R (2018) 'The "invisible homeless" – challenges faced by families bringing up their children in a remote Australian Aboriginal community', *BMC Public Health*, 18(1):1382, doi:10.1186/s12889-018-6286-8.
- Marcal KE (2018) 'The Impact of Housing Instability on Child Maltreatment: A Causal Investigation', *Journal of Family Social Work*, 21(4-5):331–347, doi:10.1080/10522158.2018.1469563.
- Marsh CA, Browne J, Taylor J and Davis D (2017) 'Characteristics and outcomes of newborns entered who entered into care (EIC) within 7 days of birth in NSW, Australia', *Children and Youth Services Review*, 81:261–267, doi:10.1016/j.childyouth.2017.08.005.
- McFarlane K (2018) 'Care-criminalisation: The involvement of children in out-of-home care in the New South Wales criminal justice system', *Australian & New Zealand Journal of Criminology*, 51(3):412–433, doi:10.1177/0004865817723954.
- Miller HM, Young C, Nixon J, Talbot-McDonnell M, Cutmore M, Tong A, Craig JC and Woolfenden S (2020) 'Parents' and carers' views on factors contributing to the health and wellbeing of urban Aboriginal children', *Australian and New Zealand Journal of Public Health*, 44(4):265–270, doi:10.1111/1753-6405.12992.
- Mills R, Kisely S, Alati R, Strathearn L and Najman J (2016) 'Self-reported and agency-notified child sexual abuse in a population-based birth cohort', *Journal of Psychiatric Research*, 74:87–93, doi:10.1016/j.jpsychires.2015.12.021.
- Moore T, Arefadib N, Alana D and Sue W (2017) *The First Thousand Days: An Evidence Paper*, Centre for Community Child Health, Murdoch Children's Research Institute.
- Morgan G, Butler C, French R, Creamer T, Hillan L, Ruggiero E, Parsons J, Prior G, Idagi L, Bruce R, Gray T, Jia T, Hostalek M, Gibson J, Mitchell B, Lea T, Clancy K, Barber U, Higgins D, Cahill A and Trew S (2022) *New ways for our families: designing an Aboriginal and Torres Strait Islander cultural practice framework and system responses to address the impacts of domestic and family violence on children and young people*, Australia's National Research Organisation for Women's Safety (ANROWS), Sydney, NSW.
- Morgan G, Butler C, French R, Creamer T, Hillan L, Ruggiero E, Parsons J, Prior G, Idagi L, Bruce R, Twist A, Gray T, Hostalek M, Gibson J, Mitchell B, Lea T, Miller C, Lemson F, Bogdanek S, Barber U, Higgins D and Cahill A (2023) *You can't pour from an empty cup: Strengthening our service and systems responses for Aboriginal and Torres Strait Islander children and young people who experience domestic and family violence*, Australia's National Research Organisation for Women's Safety (ANROWS), Sydney, NSW.
- Newton BJ, Katz I, Gray P, Frost S, Gelaw Y, Hu N, Lingam R and Stephensen J (2024) 'Restoration from out-of-home care for Aboriginal children: Evidence from the pathways of care longitudinal study and experiences of parents and children', *Child Abuse & Neglect*, 149:106058, doi:10.1016/j.chiabu.2023.106058.
- Nolan-Isles D, Macniven R, Hunter K, Gwynn J, Lincoln M, Moir R, Dimitropoulos Y, Taylor D, Agius T, Finlayson H, Martin R, Ward K, Tobin S and Gwynne K (2021) 'Enablers and Barriers to Accessing Healthcare Services for Aboriginal People in New South Wales, Australia', *International Journal of Environmental Research and Public Health*, 18(6):3014, doi:10.3390/ijerph18063014.
- NSW Auditor General (2024) *Safeguarding the rights of Aboriginal children in the child protection system*, The Audit Office of NSW.
- NSW Government (2017) *Aboriginal Outcomes Strategy 2017 to 2021: Family and Community Services*, Department of Family and Community Services, NSW Government.
- NSW Ombudsman (2024a) *Protecting children at risk: an assessment of whether the Department of Communities and Justice is meeting its core responsibilities (A special report under section 31 of the Ombudsman Act 1974)*, NSW Government.
- (2024b) *Media release: Protecting children at risk: an assessment of whether the Department of Communities and Justice is meeting its core responsibilities*.
- O'Donnell M, Lima F, Maclean M, Marriott R and Taplin S (2023) 'Infant and Pre-birth Involvement With Child Protection Across Australia', *Child Maltreatment*, 28(4):608–620, doi:10.1177/10775595231186647.
- OECD (2015) 'Early learning and development: Common understandings'.
- Office of the Commissioner Queensland (2023) *Annual Report 2021–2022 Meriba Omasker Kaziw Kazipa*, Queensland Government.
- Productivity Commission (2018) *Rising inequality?: a stocktake of the evidence*, Australian Government.
- (2024a) *Closing the Gap Information Repository (data dashboard)*, Australian Government.
- (2024b) *A path to universal early childhood education and care: Inquiry report no.106*, Australian Government.
- (2024c) *Review of the National Agreement on Closing the Gap*, Commonwealth of Australia.
- (2024d) *Review of the National Agreement on Closing the Gap - Study Report: Supporting Paper - Volume 2*, Commonwealth of Australia, Canberra.
- (2024e) *Twelfth Meeting of the Joint Council on Closing the Gap: Communiqué*, Joint Council on Closing the Gap.
- QATSI CPP (2023) *Residential Care Review Submission*, the Queensland Aboriginal and Torres Strait Islander Child Protection Peak.
- QFCC (2018) *Joint agency protocol to reduce preventable police call-outs to residential care services*, Queensland Family and Child Commission.
- (2023) *A thematic analysis of provisionally approved kinship carers who receive a subsequent Blue Card negative notice.*, Queensland Family and Child Commission.
- Royal Commission into Institutional Responses to Child Sexual Abuse (2017) *Final Report – Volume 12, Contemporary out-of-home care*, Australian Government, Sydney, NSW.
- Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability (2023) *Final report: Volume 9 : First Nations people with disability*, Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability, Brisbane.
- Saffigna M, Franklin D, Church A and Tayler C (2011) *Victorian Early Years Learning and Development Framework. Evidence Paper: Practice Principle 4: Equity and Diversity*, Melbourne Graduate School of Education, The University of Melbourne.
- SCRGSP (2024a) *Report on Government Services 2024, Child Protection Services*, Steering Committee for the Review of Government Service Provision, Productivity Commission.
- (2024b) *Report on Government Services, Early childhood education and care*, Steering Committee for the Review of Government Service Provision, Productivity Commission.
- Sims M (2011) *Early childhood and education services for Indigenous children prior to starting school*, AIHW and AIFS.
- SNAICC (2010) *Working and Walking Together: Supporting Family Relationship Services to Work with Aboriginal and Torres Strait Islander Families and Organisations*, SNAICC – National Voice for our Children.
- (2012) *Improved Outcomes for Aboriginal and Torres Strait Islander Children and Families in Early Childhood Education and Care Services: Learning from Good Practice*, SNAICC – National Voice for our Children.
- (2015) *Pathways to safety and wellbeing for Aboriginal and Torres Strait Islander children*, SNAICC – National Voice for our Children.
- (2016) *Achieving stability for Aboriginal and Torres Strait Islander children in out-of-home care: Policy Position Statement*, SNAICC – National Voice for our Children.
- (2019) *The Aboriginal And Torres Strait Islander Child Placement Principle: A Guide To Support Implementation*, SNAICC – National Voice for our Children.
- (2021) *Family Matters 2021 Report*, SNAICC – National Voice for our Children.
- (2022) *Embedding the Aboriginal and Torres Strait Islander Child Placement Principle in the Children and Young People Act 2008 (Act): FINAL REPORT*, SNAICC – National Voice for our Children.

- (2024a) *Funding Model Options for ACCO Integrated Early Years Services Final Report*, SNAICC – National Voice for our Children.
- (2024b) *Business as usual failing Aboriginal and Torres Strait Islander peoples – Productivity Commission: Media Release*, SNAICC – National Voice for our Children.
- SNAICC, NFVPLS and NATSILS (2017) *Strong Families, Safe Kids: Family violence response and prevention for Aboriginal and Torres Strait Islander children and families*, SNAICC – National Voice for our Children, National Family Violence Prevention Services (NFVPLS) and National Aboriginal and Torres Strait Islander Legal Services (NATSILS).
- SNAICC and THRYVE NSW (2022) *Aboriginal Cultural Safety Framework for Early Childhood Education: Phase 1 Final Report*, SNAICC – National Voice for our Children.
- Snow P, Mendes P and O'Donohue D (2014) *Young People with a Disability Leaving State Care: Phase Two Report*, Monash University.
- Thurber K, Colonna E, Jones R, Gee G, Priest N, Cohen R, Williams D, Thandrayen J, Calma T, Lovett R, and on behalf of the Mayi Kuwayu Study Team (2021) 'Prevalence of Everyday Discrimination and Relation with Wellbeing among Aboriginal and Torres Strait Islander Adults in Australia', *International Journal of Environmental Research and Public Health*, 18(12):6577, doi:10.3390/ijerph18126577.
- Tilbury C and Osmond J (2006) 'Permanency Planning in Foster Care: A Research Review and Guidelines for Practitioners', *Australian Social Work*, 59(3):265–280, doi:10.1080/03124070600833055.
- Turnbull-Roberts V, Salter M and Newton BJ (2021) 'Trauma then and now: Implications of adoption reform for First Nations children', *Child & Family Social Work*, Online pre-print, doi:10.1111/cfs.12865.
- UN Commission on Human Rights (1990) *United Nations Convention on the Rights of the Child*, United Nations.
- VAEAI (2020) *Aboriginal Early Childhood Cultural Protocols*, Victorian Aboriginal Education Association Incorporation.
- Warren EJ and Font SA (2015) 'Housing Insecurity, Maternal Stress, and Child Maltreatment: An Application of the Family Stress Model', *Social Service Review*, 89(1):9–39, doi:10.1086/680043.
- Williams R (2018) *Understanding Fetal Alcohol Spectrum Disorder (FASD) through the Stories of Nyoongar Families and how can this Inform Policy and Service Delivery*, Curtin University.
- Willis M (2011) *Non-disclosure of violence in Australian Indigenous communities*, Australian Institute of Criminology, doi:10.52922/ti276840.
- Wise S and Brewster G (2022) *Seeking Safety: Aboriginal Child Protection Diversion Trials Evaluation Final Report*, University of Melbourne.
- Wise S, Brewster G, Fary L, Hudson H, Johnson N, Pell S, McLeod D, Sebire A, Stanton J, Uhe B and Atkinson B (2023) 'The new approach keeping Aboriginal children out of child protection', *Pursuit: Health & Medicine*.
- Wise S and Corrales T (2021) 'Discussion of the Knowns and Unknowns of Child Protection During Pregnancy in Australia', *Australian Social Work*, 76(2):173–185, doi:10.1080/0312407X.2021.2001835.
- Wright A, Gray P, Selkirk B, Hunt C and Wright R (2024) 'Attachment and the (mis) apprehension of Aboriginal children: epistemic violence in child welfare interventions', *Psychiatry, Psychology and Law* 1–25, doi:10.1080/13218719.2023.2280537.
- Yoorrook Justice Commission (2023) *Yoorrook For Justice Report: Report into Victoria's Child Protection and Criminal Justice Systems*, Parliament of Victoria.
- Zeanah CH (ed) (2018) *Handbook of infant mental health*, Fourth edition, The Guilford Press, New York.





