

REVIEWING IMPLEMENTATION OF THE ABORIGINAL AND TORRES STRAIT ISLANDER CHILD PLACEMENT PRINCIPLE AUSTRALIAN CAPITAL TERRITORY 2025

Acknowledgement of Country

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

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Acronyms and abbreviations

Acronym	Full name of acronym
ABS	Australian Bureau of Statistics
ACCO	Aboriginal and Torres Strait Islander community-controlled organisation
ACT	Australian Capital Territory
AIHW	Australian Institute of Health and Welfare
ALS	Aboriginal Legal Service
the Child Placement Principle	Aboriginal and Torres Strait Islander Child Placement Principle
CSD	Community Services Directorate
CYPS	Children and Youth Protection Services
FGC	Family Group Conferencing
FNFST	First Nations Family Support Team
FSSs	Family Support Services
GCO	guardianship custody orders
IFSSs	Intensive Family Support Services
MRF	Monitoring and Review Framework
National Agreement	National Agreement on Closing the Gap
OBOW	Our Booris, Our Way
OOHC	out-of-home care
RoGS	Report on Government Services
Safe and Supported	Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031
SNAICC	SNAICC – National Voice for our Children

Executive Summary

This report reviews the progress of the Australian Capital Territory (ACT) Government, primarily through the former Community Services Directorate, now Health and Community Services Directorate (CSD), towards implementing the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle (the Child Placement Principle)¹. Recent changes in law, policy and practice are examined, with a focus on the five interrelated elements of the Child Placement Principle: *Prevention, Partnership, Placement, Participation and Connection*.

For generations, Aboriginal and Torres Strait Islander families² and communities have raised happy, healthy and resilient children who enjoy strong connections to culture. However, catastrophic and ongoing impacts of colonisation and systemic racism have created an environment of extreme and sustained risk for Aboriginal and Torres Strait Islander children and families and increased the likelihood of Aboriginal and Torres Strait Islander people to experience lower socio-economic outcomes than those of the general population.

As a result, the proportion of Aboriginal and Torres Strait Islander children in the ACT living in out-of-home care (OOHC) and other supported placements remains severely high and despite the efforts of the ACT Government, increased slightly from 27.4% in 30 June 2023 to 31.21% in 2024 (SCRGSP 2025, tables 16A.2, 16A.3 and 16A.42). Aboriginal and Torres Strait Islander children in the ACT are 12.6 times more likely than their non-Indigenous peers to be in OOHC as of 30 June 2024 (SCRGSP 2025).

While the ACT Government shows commitment to strengthening families and avoiding statutory child protection involvement, there is a critical need for increased funding for culturally safe early support services. In 2023-24, only 17% of the child protection budget was allocated to Intensive Family Support Services (IFSSs) and Family Support Services (FSSs), with minimal increases from previous years. Most funding still goes to non-Indigenous service providers, which often lack cultural safety for Aboriginal and Torres Strait Islander families (SNAICC 2024). Placement with family, kin, or Aboriginal and Torres Strait Islander carers remains stable, with 40.5% of Aboriginal and Torres Strait Islander children in the ACT placed with relatives or kin at June 2024. Cultural support plans are also in place for 80% of children in OOHC (CSD 2024a).

Significant efforts continue to be made to address the over-representation of Aboriginal and Torres Strait Islander children in the child protection system. The appointment of Bundjalung Widubul-Wiabul woman Vanessa Turnbull-Roberts as the inaugural Commissioner for Aboriginal and Torres Strait Islander Children in February 2024 marks a pivotal step in enhancing representation and advocacy (CSD 2024a). Similarly, the Our Booris, Our Way Implementation Oversight Committee continues its work to provide Aboriginal and Torres Strait Islander cultural oversight and hold the government to account for implementation of the Child Placement Principle through the transformative recommendations of the 2019 Our Booris, Our Way Review (OBOW 2019). In line with these recommendations, the ACT Government has enacted significant legislative reforms through the

¹ Please note that we have updated the way our reviews are structured. Previously, reviews were categorised by specific review periods. They are now titled by the year they are released and include all relevant developments up to that point in time. This change provides a clearer, more comprehensive snapshot of progress and updates within each release year.

² Note on language: In the ACT, 'Aboriginal' is respectfully used as inclusive terminology for people who identify as Aboriginal, Torres Strait Islander or Aboriginal and Torres Strait Islander. In contrast, SNAICC uses 'Aboriginal and Torres Strait Islander', written in full. Both preferences are reflected throughout this Review.

Children and Young People Amendment Act 2023 (the Act) to embed the Child Placement Principle in the Act and prioritise prevention, partnerships, connection and kinship placements.

However, further government and non-Indigenous service provider action is crucial to improving outcomes for Aboriginal and Torres Strait Islander children and families. Legislative and policy reforms need robust implementation to ensure cultural rights and needs are central to child protection efforts. The 2023-2024 ACT Government budget includes substantial investments in health and child protection sectors, but expanded prevention efforts and support for frontline services are necessary to achieve lasting change (ACT Government 2024a).

Methodology

This review has been developed by SNAICC – National Voice for our Children (SNAICC) with input from Aboriginal and Torres Strait Islander community-controlled organisations (ACCOs) and state and territory governments. This review is informed by the best practice approach set out in SNAICC's Child Placement Principle resource series (SNAICC 2017; SNAICC 2018a), a 2018 baseline analysis (SNAICC 2018b) and subsequent annual reviews undertaken by SNAICC.

These reviews arise from Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031. They also align with the priority reform areas of the National Agreement on Closing the Gap, including Priority Reform 3 on improving government accountability and Priority Reform 4 on improving Aboriginal and Torres Strait Islander peoples' access to data that affects them and their communities.

This review evaluates the performance of the ACT Government in applying the Aboriginal and Torres Strait Islander Child Placement Principle (the Child Placement Principle) to address the disproportionate representation of Aboriginal and Torres Strait Islander children in out-of-home care (OOHC). The analysis is structured to:

- highlight data on Aboriginal and Torres Strait Islander child welfare outcomes and over-representation rates specific to the ACT,
- contextualise the historical and systemic barriers to implementation of the Child Placement Principle, such as institutionalised racism and resource constraints,
- examine government initiatives, reforms and funding commitments aimed at addressing these issues, and
- identify gaps and propose actionable priorities to enhance adherence with the Child Placement Principle.

Quantitative and qualitative analysis is used to measure and review ACT's progress against the five elements of the Child Placement Principle and across legislation, policy, programs, processes and practice.

This review incorporates qualitative data from ACT service providers and governments to offer deeper insights into the lived experiences, challenges and opportunities related to the implementation of the Child Placement Principle, as well as the systemic and cultural factors influencing its effectiveness. This review also analyses the most recently available quantitative data to provide an up-to-date assessment of key trends and outcomes related to the implementation of the Child Placement Principle. This focused analysis ensures that the findings accurately reflect the current state of over-representation, service delivery and government responses within Community Services Directorate (CSD) systems.

Quantitative data is taken primarily from the *Report on Government Services (RoGS) Chapter 16 – Child Protection* (SCRGSP 2025), the Australian Institute of Health and Welfare (AIHW) *Child Protection Australia* report (AIHW 2024a) and the *AIHW Aboriginal and Torres Strait Islander Child Placement Principle Indicators* report (AIHW 2024b).³

³ OOHC figures in this review include 'out-of-home care' and 'third-party parental responsibility orders' (AIHW) or, where specified, 'out-of-home care' and 'other supported placements' (RoGS). Data on children of unknown Indigenous status in OOHC are excluded where relevant. Delays in the publication of RoGS and AIHW data, due to comprehensive data collection, lead to inconsistencies in the time

Major developments in cross-element Child Placement Principle implementation in the ACT

Our Booris, Our Way

The Our Booris, Our Way (OBOW) Review (2017-2019) examined the over-representation of Aboriginal and Torres Strait Islander children in the ACT child protection system (OBOW 2019). Significant updates include re-allocating funding to ACCOs, initiating projects to engage fathers in parenting programs and approving a policy for accurately recording the cultural identity of Aboriginal and Torres Strait Islander children (CSD 2024a). Additionally, a targeted request for proposal was issued to establish a panel for delivering culturally safe services, reflecting ongoing efforts to address over-representation and enhance connections to cultural heritage and communities (CSD 2024a).

Throughout 2023 and 2024, the OBOW Implementation Oversight Committee, in collaboration with ACCOs and Aboriginal and Torres Strait Islander leaders, has made significant strides in working to reform policy and service delivery aimed toward reducing the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care. Key investments include funding for the Care and Protection Legal Advocacy Service and a kinship carer advocacy and support service to be developed with OBOW and kinship carers (CSD 2024a).

Children and Young People Amendment Act 2023

The passage of the *Children and Young People Amendment Act 2023* incorporated the Child Placement Principle into the ACT's legislative framework, aligning with national commitments to protect Aboriginal and Torres Strait Islander children. The first stage of reforms commenced on 1 July 2024 after being passed through the *Children and Young People Amendment Act 2024* (Bill 1) on 2 November 2023. This included embedding the Child Placement Principle in legislation, strengthening definitions of 'significant harm', expanding the Child and Young People Death Review Committee's scope and simplifying reporting processes. The second stage, through the *Children and Young People Amendment Act 2024* (Bill 2), was legislated on 26 June 2024, with most changes effective from 11 July 2024. It introduced extended support for care leavers up to the age of 21, developed Charters to ensure transparency and accountability and improved access to information for victim-survivors of child abuse. This reform included mechanisms for developing Charters of Rights for children in care and young people in the Bimberi Youth Justice Centre to ensure cultural safety (CSD 2024a).

The third stage, through the proposed *Children and Young People Amendment Act 2024* (draft Bill 3), is still under consultation and has not yet been passed. Key proposed changes include establishing a universal principle of active efforts, inserting mechanisms for full delegations of statutory child protection functions to ACCOs and ensuring culturally appropriate family-led decision-making processes throughout the system. Additionally, it seeks to implement recommendations from the OBOW report around permanency and enduring parental responsibility orders, amend the placement

periods covered. All data used is the most up-to-date available at the time of publication:

- RoGS Chapter 16 – Child Protection 2025: Released January 2025, covering 2023-24 financial year data.
- AIHW Child Protection Australia 2022-23: Released September 2024, covering 2022-23 financial year data.
- AIHW ATSCIPP Indicators Report: Released December 2023, covering 2021-22 financial year data.

hierarchy to prioritise Aboriginal and Torres Strait Islander kinship carers over non-Indigenous kinship carers and ensure minimum standards for cultural care plans. Other proposed reforms involve mandating Aboriginal and Torres Strait Islander health checks for children and young people in care, adjusting the threshold for removal to the unacceptable risk of significant harm, as recommended by SNAICC, and increasing statutory tools to keep children safe at home with their families.

While the incorporation of the Child Placement Principle in legislation is a critical step toward addressing the over-representation of Aboriginal and Torres Strait Islander children in the child protection and OOHC systems, achieving full implementation will necessitate improving links between legislation, policy and practice (SNAICC 2018b). This includes providing earlier supports for families and enhancing Aboriginal and Torres Strait Islander leadership and decision-making authority.

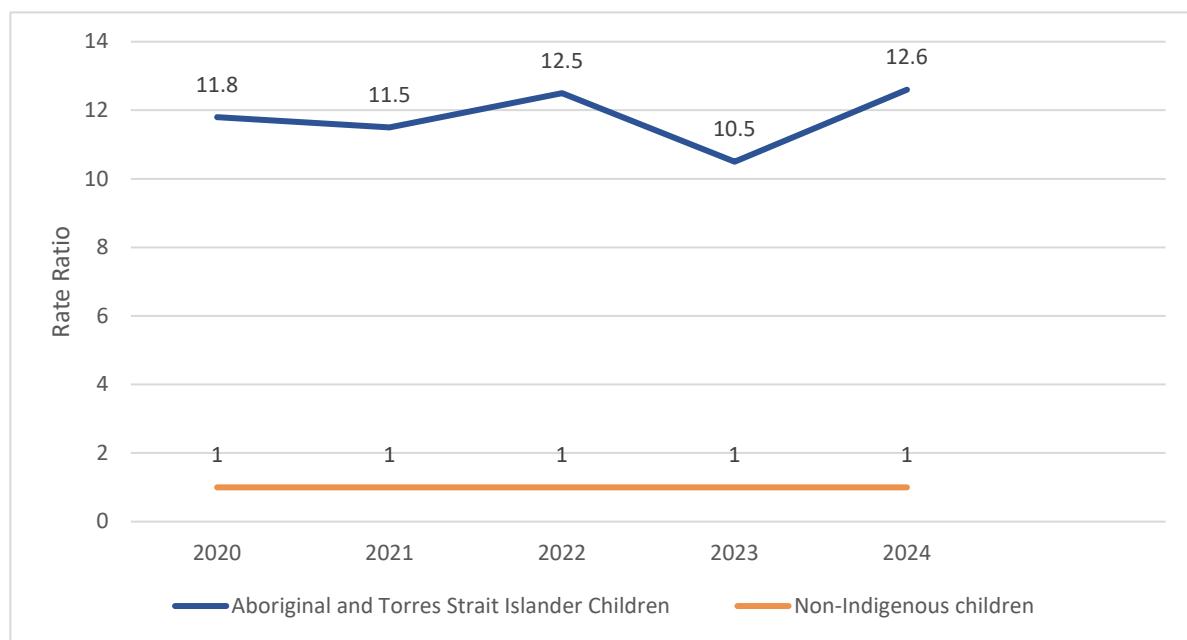
Prevention

The prevention element of the Child Placement Principle aims to ensure that Aboriginal and Torres Strait Islander children and their families grow up healthy and safe and within their own family and community, and is reflected in recommendations 9, 14 and 27 of the OBOW Review (OBOWIOC 2024). Preventing children and families from entering the child protection system requires collaboration among various services and programs that span multiple government sectors, such as health, education, housing and economic development. This review primarily focuses on the child protection-focused activities of the CSD, while noting that holistic prevention can only be achieved with a whole-of-government approach.

Over-representation in child protection

The *ACT Aboriginal and Torres Strait Islander Agreement 2019–2028* reaffirmed the ACT Government's commitment to the National Agreement on Closing the Gap's (National Agreement) target to reduce the over-representation of Aboriginal and Torres Strait Islander children in OOHC by 45% by 2031. This target is not on track. As of 30 June 2024, Aboriginal and Torres Strait Islander children in the ACT were over-represented in OOHC and other supported placements at 12.6 times the rate of non-Indigenous children (SCRGSP 2025, tables 16A.2, 16A.3 and 16A.42). Figure 1 shows the trend in over-representation comparing rates of Aboriginal and Torres Strait Islander and non-Indigenous children in OOHC and other supported placements in the ACT over the past ten years.

Figure 1 - Rate ratios comparing Aboriginal and Torres Strait Islander and non-Indigenous children in OOHC and other supported placements in the ACT as of 30 June 2024.



Source: SNAICC calculation of rate ratios, with data drawn from - Report on Government Services 2024, Part F, Section 16 Child Protection Services, tables 16A.2, 16A.3 and 16A.42.⁴

⁴ Rate ratios 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. These ratios provide a lens through which to understand how much more likely Aboriginal and Torres Strait Islander children are to experience specific interventions within the child protection systems, including removal from their families of origin. The Aboriginal and Torres Strait Islander population estimates reported in table 16A.42 of the 2025 RoGS are based on the Australian Bureau of

While the total number of children in OOHC and other supported placements in the ACT decreased from 806 in 2021 to 764 in 2024, the proportion of Aboriginal and Torres Strait Islander children in OOHC has slightly increased. As of 30 June 2024, 31.1% (238) of children living in OOHC and other supported placements identified as Aboriginal or Torres Strait Islander, compared to 29.1% (235) in 2021 (SCRGSP 2025, tables 16A.2 and 16A.3).

Analysis Note: 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 are to 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 OOHC.

Table 1 – Children entering and exiting OOHC (rate per 1,000)

	2020-21	2021-22	2022-23	2023-24
Aboriginal and Torres Strait Islander children admitted to OOHC	10.3	12.3	4.9	14.5
Aboriginal and Torres Strait Islander children discharged from OOHC	17.1	11.6	10.5	17.7
Non-Indigenous children admitted to OOHC	1	1	0.8	0.9
Non-Indigenous children discharged from OOHC	1	1.1	1.2	1.3

Source: SNAICC calculation of rates per 1,000, with data drawn from - Report on Government Services 2025, Part F, Section 16 Child Protection Services, tables 16A.4 and 16A.42.

As shown in Table 1 above, the rate of Aboriginal and Torres Strait Islander children per 1,000 that were admitted into OOHC each year has steadily increased since 2020-21. In 2023-24, Aboriginal and Torres Strait Islander children were admitted into OOHC at a rate of 14.5 per 1,000 (SCRGSP 2025, tables 16A.4 and 16A.42). This is compared to 0.9 per 1,000 for non-Indigenous children (SCRGSP 2025, tables 16A.4 and 16A.42). This was a notable increase from 4.9 per 1000 children in 2022-23, after falling from 12.3 per 1000 in 2021-22, as can be seen in Table 2. In 2023-24, Aboriginal and Torres Strait Islander children were discharged from OOHC at a rate of 17.7 per 1,000 (SCRGSP 2025, tables 16A.4 and 16A.42). This is compared to 1.3 per 1,000 for non-Indigenous children (SCRGSP 2025, tables 16A.4 and 16A.42). This was also an increase from 2022-23.

Rising exit rates could be indicative of improvement in the child protection system, as they may suggest that children are being restored to family. However, these figures should be interpreted with caution, as many exits do not necessarily result in positive outcomes for Aboriginal and Torres Strait Islander children (SNAICC 2024). In the ACT, of the Aboriginal and Torres Strait Islander children who exited care in 2022-23, 22.8% were re-unified, and 27.8% exited due to age. This indicates that the remaining 49.4% of restorations were unaccounted for in the data, with no clear indicator on

Statistics (ABS) 2021 Census. Previous reviews have included RoGS population estimates that were based on the ABS 2016 Census. Between 2016 and 2021, the Aboriginal and Torres Strait Islander Census counts increased to varying degrees across states and territories. Because these calculations involve different data sets, the over-representation rates will differ slightly from previous years.

whether these were active restorations, third-party parental responsibility orders (TPPRO) or self-placements. Data for the number of children who exited due to a TPPRO, or other arrangement, was not made available (AIHW 2024, table 10.13).

Despite six years since the ACT Government commitment under the *ACT Aboriginal and Torres Strait Islander Agreement 2019-2028* to reduce over-representation, Aboriginal and Torres Strait Islander children and families continue to trend in the opposite direction, especially when considering notifications, investigations and substantiations (See Table 2). In 2023-24, Aboriginal and Torres Strait Islander children were 7.2 times more likely to be subject to a notification, 13 times more likely to be subject to an investigation and nearly 20 times more likely to be subject to a substantiation than non-Indigenous children. This marks the highest disparity recorded across the four-year period. While the notification and investigation ratios have remained consistently high, the substantiation ratio has more than doubled since 2022-23. These increases signal not only ongoing systemic bias in reporting and surveillance but also entrenched inequities in decision-making processes that determine harm and substantiation (SCRGSP 2025, table 16A.1). Reunification and the use of permanent care orders are discussed below under *Connection*.

Table 2 – Over-representation of Aboriginal and Torres Strait Islander children aged 0–17 years in notifications, investigations and substantiations in the ACT compared to non-Indigenous children – Rate ratios

	2020-21	2021-22	2022-23	2023-24
Notifications	7.0	6.0	6.3	7.2
Investigations	9.0	8.6	8.3	13.0
Substantiations	12.1	10.9	7.5	19.8

Source: SNAICC calculation of rate ratio, with data drawn from - Report on Government Services 2025, Part F, Section 16 Child Protection Services, tables 16A.1.

First Nations Family Support Team

In response to these concerning trends and Recommendation 1 of the OBOW Review, the 2023-2024 ACT budget announced funding for the establishment of a dedicated First Nations Family Support Team (FNFST) within Child and Youth Protection Services (CYPS) to improve culturally safe practices and engagement with Aboriginal and Torres Strait Islander families (CSD 2024a). The FNFST developed a new family support model focused on providing culturally safe and informed responses to children and families from the first point of contact, aiming to avoid statutory child protection responses. This includes brief support interventions for lower risk reports and more intensive support via statutory intervention for higher risk reports. From July to December 2023, the team supported over 50 families through direct engagement with ACCOs and other relevant support services to ensure culturally safe referral pathways and foster community collaboration (CSD 2024a).

The FNFST's Family Support and Appraisals pathways promote connection by delivering best practices in culturally safe family support and preparing children, young people and their support networks for transitions from care. Their efforts in Family Preservation, early intervention and collaboration with

the Family Group Conferencing team have effectively prevented children from entering OOHC (CSD 2024a). The team partners with Winangay Resources, an Aboriginal-led provider of resources and training, to use the ‘Keeping Kids with Family’ assessment tool, ensuring culturally safe and trauma-informed practices in frontline child protection (CSD 2024a).

Family Support Services

In 2023-24, 17% of the ACT Government’s real recurrent expenditure on child protection services was directed to Intensive Family Support Services (IFSSs) and Family Support Services (FSSs), which is a slight increase from 16% in 2022-23 (SCRGSP 2025, table 16A.8). The national average expenditure on IFSSs and FSSs was 15.6% in 2023-24. While the ACT Government’s expenditure on IFSSs and FSSs increased in 2023-24 (Table 3), this proportion of funding put towards early intervention and prevention remains alarmingly low. If the ACT Government continues to direct the majority of funding towards OOHC services, it is likely that the number of children in OOHC will continue to rise.

Table 3 – Proportion of Government child protection services expenditure on IFSS and FSS.

	2022-23	2023-24
Total expenditure	\$118,618	\$143,505
Proportion of IFSSs and FSSs	16%	17%

Source: SCRGSP 2025, table 16A.8.

Note: Data from before 2022-23 has been excluded as it is not comparable to earlier years due to changes to the scope of payments from the ACT government to non-government organisation service providers.

To ensure that IFSSs and FSSs are culturally safe and effective for Aboriginal and Torres Strait Islander children and their families, it is essential that the ACT Government fund ACCOs to provide these services, while also investing in ways to increase the cultural safety and accessibility of mainstream services.

As shown in Table 4 (below), in 2023-24, 28% of children, 73 out of 260 children, commencing IFSSs in the ACT identified as Aboriginal or Torres Strait Islander, compared to 41.7% of children, 225 out of 539 children, in 2022-23 (SCRGSP 2025, table 16A.35). This is a substantial change, noting that the proportions of all children commencing IFSSs in 2022-23 increased from the previous reporting periods.

Table 4 – Proportion of Aboriginal and Torres Strait Islander children commencing IFSS

	2020-21	2021-22	2022-23	2023-24
Aboriginal and Torres Strait Islander children commencing IFSSs	100	129	225	73
Total children commencing IFSSs	236	286	539	260
Proportion	42.3%	45.1%	41.7%	28%

Source: ROGS 2025, table 16A.35.

Social Determinant Risks of Increased Contact with CSD

Social determinants of health, including housing insecurity, poverty, unemployment and limited access to healthcare and education, can heighten the likelihood of any family coming into contact with the CSD. However, these factors do not inherently cause child abuse or neglect. A further risk lies in how government systems respond to social disadvantage. When tailored, culturally safe and accessible early intervention supports are absent, families experiencing hardship are more likely to be drawn into statutory systems rather than supported to remain connected (SNAICC, 2024).

Social factors shape how families experience statutory child protection processes. For Aboriginal and Torres Strait Islander families, these experiences are further compounded by the enduring impacts of colonisation, systemic racism and intergenerational trauma. Limited access to adequate housing, education, employment and essential services has a cumulative impact on health and wellbeing, which can heighten visibility to statutory authorities. These conditions are not only structural but are also maintained by policy inaction and the failure to implement culturally safe support systems (Collings et al., 2024).

Aboriginal and Torres Strait Islander families have been successfully rearing children for over 60,000 years, with strong cultural practices and community structures that have supported the wellbeing and safety of Aboriginal and Torres Strait Islander children. There is no evidence to support the notion that Aboriginal and Torres Strait Islander parents are inherently more likely to be abusive or neglectful. However, there is a relationship between social hardship and structural disadvantage, which significantly increases the risk of child maltreatment and child protection intervention (SNAICC, 2023). These systemic inequalities are compounded by policy inaction and the failure of the CSD to implement culturally safe support systems in all stages of child protection ‘intervention’ (Collings et al., 2024).

This can be evidenced through CSD processes around notifications, investigations, substantiations and child removal into OOHC disproportionately impacting Aboriginal and Torres Strait Islander families across every stage of system intervention (AIHW, 2024). The interplay of social determinant factors and CSD processes is further influenced by systemic racism and a lack of cultural awareness, both within government departments and throughout the non-Indigenous ACT community. In the ACT, there continues to be a range of social, economic and health challenges contributing to Aboriginal and Torres Strait Islander children entering OOHC. The ACT Government has released several strategies designed to address these challenges. Relevant initiatives are outlined in Table 5 below, along with a short description of relevant public commentary or evaluation, if available.

Table 5 – Strategies to Address Social Determinants of Aboriginal and Torres Strait Islander Health & Wellbeing in the ACT

Social Strategies	Updates on legislation, policy and practice
Access to early childhood education and care	<p>Launched in 2020, <i>Set up for Success: An Early Childhood Strategy for the ACT</i> (Set up For Success) is a ten-year plan for early childhood education and care, emphasising the importance of quality early childhood education (CSD 2023b). Phase 2 initiatives, as outlined in the Set up for Success Phase Two Implementation Plan, are scheduled for delivery between 2023 and 2025 (CSD 2023c).</p> <p><i>Set up for Success</i> aims to address disparities through initiatives like the Koori Preschools Cultural Safety Framework and Koori Pre-Curriculum (CSD 2023b). The Phase One Evaluation Report of this strategy noted an increase in the proportion of Aboriginal and Torres Strait Islander children accessing early childhood education and care (ECEC) services from 73% in 2020 to 82% in 2022, indicating progress but also the need for continued efforts (CSD 2023c).</p> <p>The plan promotes the Prevention element of the Child Placement Principle by ensuring universal access to one free day of preschool per week for all three-year-old children in the ACT, with over \$50 million allocated in the 2023-24 ACT Budget (ACT Government 2024a). It also explores the introduction of formative assessments to identify children's needs and investigates providing low or no-cost meals to children in ECEC services and out-of-school hours care (OSHC), particularly for families experiencing vulnerability or disadvantage (CSD 2023b).</p>
Early contact with Youth Justice	<p>The ACT Government has allocated \$1.06 million over two years to continue the Empowerment Yarning Circle programs, aiming to improve client wellbeing, self-determination, and reduce recidivism (CSD 2024a).</p> <p>Additionally, the government is investing \$1.03 million over three years to sustain the Ngurrambai Bail Support program, provided by the Aboriginal Legal Service (NSW/ACT) (ALS), to offer culturally appropriate support for Aboriginal and Torres Strait Islander people on bail or applying for it, with the goal of reducing re-offending and decreasing court appearances (CSD 2024a).</p> <p>The Justice (<i>Age of Criminal Responsibility</i>) Legislation Amendment Act 2023 (ACT) introduced amendments across several acts, including the <i>Children and Young People Act 2008</i>, <i>Crimes Act 1900</i>, <i>Crimes Sentencing Act 2005</i>, <i>Crimes (Restorative Justice) Act 2004</i> and <i>Criminal Code 2002</i>. These amendments indirectly promote the Prevention and Connection elements of the Child Placement Principle by increasing the age of criminal responsibility, which aligns with the Prevention principle by delaying children's entry into the criminal justice system and by introducing community-based sentencing, which aligns with the Connection principle by maintaining children's connections to family, culture, community and Country.</p> <p>The ACT is leading the nation in this reform, demonstrating a commitment to innovative and supportive approaches to youth justice.</p>

Maternal and child health	<p>The Child Youth and Families (CYF) Prenatal Team collaborates with government and non-government agencies to provide comprehensive support to families requiring intensive care during pregnancy. The team focuses on early intervention to reduce potential risks at birth and prevent future statutory child protection involvement (CSD 2024a). They offer practical support, service coordination, appropriate referrals and transparency with families while facilitating community-based support services where necessary. Through the Child Youth and Family Support Program, the Prenatal Team's efforts aim to achieve better outcomes for at-risk families (CSD 2024a).</p> <p>The Child and Family Centres host the Growing Healthy Families Program, offering a variety of events, groups, services and programs tailored for the Aboriginal and Torres Strait Islander community (CSD 2024a). This initiative emphasises parents' strengths, health, education, parenting and family support, while also providing advocacy and linking families to existing services and community development activities (CSD 2024a). Additionally, Aboriginal and Torres Strait Islander children and families can access all early parenting services and supports available through the three ACT Government Child and Family Centres (CSD 2024a). However, there is a persistent shortage of health specialists capable of providing early diagnosis and intervention for children with cognitive, behavioural and learning issues, such as Foetal Alcohol Spectrum Disorder (FASD), Autism Spectrum Disorder (ASD) and Attention Deficit Hyperactivity Disorder (ADHD), which can exacerbate family stress.</p> <p>The Best Start for Canberra's Children: The First 1000 Days Strategy aims to improve outcomes for children by creating a supportive environment from conception to a child's second birthday (CSD 2023d). The strategy focuses on increasing community awareness of the importance of the first 1000 days, supporting parents to feel more confident and connected, making services accessible when needed and establishing common health and wellbeing goals for children up to two-years-old (CSD 2023d).</p>
Family, Domestic, and Sexual Violence (FDSV)	<p>To address the disproportionate rates of FDSV experienced by the Aboriginal and Torres Strait Islander community, there is a strong commitment from the ACT Government to implement recommendations from the <i>We Don't Shoot Our Wounded and Listen. Take Action to Prevent, Believe and Heal</i> reports (CSD 2024a). Although progress has been made, more work is needed. Five ACCOs have been funded to provide holistic, community-led services, including prevention and healing activities (CSD 2024a). Ongoing partnerships with the Aboriginal and Torres Strait Islander community and the Domestic Violence Prevention Council's Aboriginal and Torres Strait Islander Expert Reference Group are essential for progressing these recommendations.</p> <p>The Human Rights Commission (<i>Child Safe Standards</i>) Amendment Bill 2024 (ACT) establishes a regulatory scheme for Child Safety Standards in the ACT, replicating the National Principles for Child Safe Organisations developed in response to the Royal Commission into Institutional Responses to Child Sexual Abuse. These standards aim to build capacity and ensure child safety and wellbeing in organisations, families and communities, preventing future harm (CSD 2024a).</p>

	<p>The amendments indirectly promote the Prevention and Participation elements of the Child Placement Principle. Prevention is promoted by recognising the primary role of the family in a child's wellbeing and the State's role in supporting and protecting children (CSD 2024a). However, the standards do not encompass all best practice elements related to Prevention, such as referrals to family support services upon notification to a child protection agency or restricting removal to the last resort. Participation is promoted by ensuring families and communities are informed and involved in promoting child safety and wellbeing and by requiring that children be informed about their rights and involved in decisions affecting them (CSD 2024a). Nevertheless, the standards do not fully reflect best practices as they do not explicitly refer to Aboriginal and Torres Strait Islander children and families or require Aboriginal Family-Led Decision-Making (AFLDM), among other critical elements (SNAICC 2018b).</p>
Alcohol and Other Drugs	<p>Recommendation 9(A) of the OBOW Review highlighted the need for the ACT Government to fund specific programs addressing drug and alcohol rehabilitation, family violence, mental health and trauma (OBOW 2019). In response, the ACT Government allocated \$1,998,000 in the 2022–23 budget to Winnunga Nimmityjah Aboriginal Health and Community Services to establish the first Aboriginal and Torres Strait Islander Alcohol and Other Drug Residential Rehabilitation service (CSD 2024a)</p>
Housing	<p>The ACT Government, in partnership with the Aboriginal and Torres Strait Islander Elected Body, is dedicated to establishing sustainable and culturally appropriate housing options (CSD 2024a). Currently, three ACCOs in the ACT are registered to deliver housing services. The ACT Government supports a mixed-mode approach that allows ACCOs to provide crisis or transitional housing with wrap-around supports, long-term social housing and new affordable rentals (CSD 2024a). This strategy aims to prevent homelessness and create integrated, holistic service systems that engage vulnerable families with culturally safe supports. Ongoing initiatives include prioritising ACCOs through grant opportunities, developing relevant strategies and action plans and engaging with the community to identify housing providers interested in developing housing in the ACT (CSD 2024a).</p>

Partnership

To improve the wellbeing of Aboriginal and Torres Strait Islander children and families, it is important for governments and key stakeholders to establish and maintain genuine partnerships with Aboriginal and Torres Strait Islander communities. Ensuring meaningful involvement of Aboriginal and Torres Strait Islander people in all aspects of design, delivery and decision making within child protection systems is an essential element of the Child Placement Principle (SNAICC 2018b). The ongoing work of the Obow Implementation Oversight Committee is an integral element of the CSD's approach to partnership in system reform. Supported by a project team, the Implementation Oversight Committee provide ongoing Aboriginal and Torres Strait Islander-led governance and oversight for implementation of the Obow recommendations, in line with recommendations 15 and 24 (OBOWIOC 2024).

Investment in ACCOs

Increasing investment in the ACCO sector is a key component of effective implementation of the Partnership element. Strengthening financial support ensures ACCOs have the capacity to deliver culturally responsive services that meet the unique needs of Aboriginal and Torres Strait Islander communities. Without adequate funding, ACCOs may struggle to build sustainable programs, limiting their ability to drive long-term positive outcomes.

To effectively support ACCOs, a meaningful proportion of funding must be allocated, ensuring they can deliver essential services for Aboriginal and Torres Strait Islander children and families. This proportion should reflect the service demands of Aboriginal and Torres Strait Islander communities. 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 SNAICC *Family Matters* reports (SNAICC 2024). During 2022–23 in the ACT, Aboriginal and Torres Strait Islander children made up 28% of children in OOHC and 24% of substantiated claims of abuse or neglect (SNAICC 2024). Despite this, only 1.9% of child protection funding was invested in ACCOs, well below the national average of 6%, as shown in Table 6 below (SNAICC 2024).

Table 6 – Real recurrent child protection expenditure on Aboriginal and Torres Strait Islander community-controlled services, 2022–23 (ACT).

Type of service	Total expenditure (\$'000)	Direct funding to ACCOs (\$'000)	% of total expenditure to ACCOs
FSSs and IFSSs	10,704	2,151	20.1
Protective intervention services	27,183	80	0.3
Care services	80,730	0	0
Total	118,617	2,231	1.9

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.

Building the ACCO sector

Following the 2020 completion of the Aboriginal Child Care Association feasibility study outlined in Recommendation 6 of the OBOW Review, the CSD Aboriginal Services Branch was established, with the purpose of working with established and emerging ACCOs to transition all Aboriginal and Torres Strait Islander children, young people, families and carers to be supported by ACCOs and re-allocating associated funding to ACCO service delivery (CSD 2024a). However, there is still a significant way to go to achieve this goal. There remains a significant lack of services delivered by ACCOs in the ACT. This shortfall has resulted in families not receiving the necessary support, leading children and young people to encounter harmful child protection and youth justice systems. In 2022-23, 20.1% of FSS and IFSS funding in the ACT went to ACCOs, 0.3% to ACCOs for protective intervention services and 0% for care services (SNAICC 2024).

The need for increased investment in ACCO-led support services has been recognised through the ACT Government's ACCO Establishment and Expansion Fund (AEEF), which has set aside \$3.86 million over four years, with grant applications opened in early 2025 (CSD 2024a). There are also two significant ACCO infrastructure investments from the ACT Government, highlighted in the 2024-25 Budget:

- over \$19 million for the design and construction of a new building for Gugan Gulwan Youth Aboriginal Corporation, to be finished in early 2025 (ACT Government 2024a), and
- construction of a dedicated Aboriginal and Torres Strait Islander residential rehabilitation facility, as part of a partnership with Winnunga Nimmijah, to be completed by mid-2025 (ACT Government 2024a).

While the ACT Government's increased investment in ACCOs to deliver culturally safe and targeted supports for children and families is welcome, the funding available to these services remains inadequate to meet the high demands for early intervention and supports required for vulnerable families (SNAICC 2024). These families need voluntary and culturally safe supports before risks escalate to crises. Despite the ACT Government's commitment to Priority Reform 2 under the National Agreement and the Safe and Supported First Aboriginal and Torres Strait Islander Action Plan, there is insufficient investment in ACCO-delivered early supports. Mainstream organisations continue to receive funding to provide residential care for Aboriginal and Torres Strait Islander children and young people (SNAICC 2024).

Beyond funding, empowering ACCOs with appropriate authority in child and family support systems is a priority. The Yerrabi Yurwang Child & Family Aboriginal Corporation (Yerrabi Yurwang), an ACCO that operates on traditional lands of the Ngunnawal People in the Northern region of Canberra, was registered as a Care and Protection Organisation (CaPO) on 14 December 2023 (CSD 2024a). An ACT CaPO is an approved entity that provides services to support and protect children and young people at risk, including foster care, family reunification and residential care (ACT Government 2025a). Yerrabi Yurwang is the first ACCO to be registered as a CaPO and aims to empower culturally strong Aboriginal and Torres Strait Islander children, families and communities through services such as placement, prevention, reunification, kinship and foster care, residential care, clinical services and transition to adulthood (CSD 2024a). Yerrabi Yurwang currently remains the only ACCO to be registered as a CaPO (CSD 2025).

Government reform

As noted in the previous review, the Aboriginal Service Development Branch was established within the CSD in 2023 (CSD 2024a). The branch works with Aboriginal and Torres Strait Islander communities and ACCOs to enable self-determination, with the branch overseeing the AEEF. The First Nations Family Support Team was also established in 2023 to appraise child protection notifications and ensure more culturally informed responses by Child and Youth Protection Services in the ACT (see *Connection* section for further discussion).

The ACT Government's Commissioning Roadmap 2022–2024 outlines the strategic approach for commissioning services, emphasising self-determination through the growth of ACCOs and cultivating culturally responsive services across the ACT (CSD 2024a). The ACT commissioning approach, informed by ACCO leaders and service providers, focuses on strengthening ACCOs to support self-determined service delivery and developing culturally safe services for prevention and early intervention (CSD 2024a). The ACT Commissioner for Aboriginal and Torres Strait Islander Children and Young People has welcomed the authority the team has been given in relation to emergency action and orders, but reiterated concerns about the focus on emergency action instead of greater planning around intervention and early prevention (SNAICC 2024). They have called for greater involvement of ACCOs in decision-making to shift the approach towards emergency action that often leads to the removal of children from families (SNAICC 2024).

The OBOW Implementation Oversight Committee recognises that Aboriginal and Torres Strait Islander staff in CSD, particularly the First Nations Family Support Team, are demonstrating best practice in applying the Child Placement Principle. However, the OBOW Implementation Oversight Committee call for the ACT Government to fully implement the OBOW Recommendation 17: 'Aboriginal and Torres Strait Islander Workforce and Leadership' (OBOW 2019). This recommends further building the Aboriginal and Torres Strait Islander workforce into 'executive and leadership positions', both in the statutory child protection and community-controlled sectors (OBOW 2019; SNAICC 2024).

Establishment of the Commissioner for Aboriginal and Torres Strait Islander Children

The ACT community warmly welcomed the appointment of the inaugural Commissioner for Aboriginal and Torres Strait Islander Children, Bundjalung Widubul-Wiabul woman Vanessa Turnbull-Roberts, who commenced the role in February 2024 (SNAICC 2024). This historic appointment is an outcome of implementing OBOW Recommendation 7: Aboriginal and Torres Strait Islander Children's Commissioner (OBOW 2019). This achievement marks a significant milestone in holding the ACT child protection system accountable through stronger representation and advocacy for Aboriginal and Torres Strait Islander children within the ACT.

The establishment of this new role, alongside the legislated powers vested in the Commissioner, is designed to ensure that the voices of Aboriginal and Torres Strait Islander children and their families are heard and respected at all levels of decision-making (CSD 2024a). Commissioner Turnbull-Roberts' responsibilities include monitoring and overseeing the implementation of culturally appropriate practices, policies and programs that affect Aboriginal and Torres Strait Islander children (CSD 2024a). The role will also involve holding child protection agencies accountable for their actions and ensuring that these agencies adhere to the highest standards of care and protection.

Our Booris, Our Way Review

The OBOW Review (2017-2019) investigated the over-representation of Aboriginal and/or Torres Strait Islander children in the child protection system in the ACT (OBOW 2019). The review report, published in 2019 with the government response following in 2020, has been accompanied by six-monthly implementation updates (OBOWIOC 2023).

The period from July to December 2023 saw significant updates in line with the Child Placement Principle's Prevention and Partnership elements:

- the ACT Government has committed to progressively reallocating funding from child protection and OOHC systems to support ACCOs in providing services to Aboriginal and Torres Strait Islander children and families in contact with the child protection system;
- Yerrabi Yurwang benefited from funding reallocation in the 2023-2024 financial year;
- the ACT Government Cultural Services Team initiated a project with the Alexander Maconochie Centre to develop strategies for engaging fathers in parenting programs and creating resources addressing family needs;
- a policy titled 'Recording the Cultural Identity of Aboriginal and/or Torres Strait Islander Children and Young People' has been approved;
 - this policy aims to ensure accurate identification and recording of cultural identities, thereby promoting connections to family and community through proper identification and reunification efforts;
- on 3 August 2023, a targeted request for proposal (RFP) was released to community service providers to establish a panel for delivering culturally safe services for children, young people, families and carers;
 - these services include sustaining families, kinship care, foster care, aftercare and targeted supports;
- the procurement process was designed for flexibility, allowing for the gradual expansion of ACCO services; and
- the Chair of the OBOW Implementation Oversight Committee participated in the Evaluation Board (OBOWIOC 2023).

These updates reflect ongoing efforts to address the over-representation of Aboriginal and Torres Strait Islander children in the child protection system and enhance their connections to their cultural heritage and communities through targeted prevention and partnership strategies.

Other partnership accountability mechanisms

Another layer of accountability has been the establishment of the Child and Family Reform Ministerial Advisory Council, with at least 30% Aboriginal and Torres Strait Islander membership, in September 2023 (CSD 2024a). The Council advises the Government on reforming the child protection system in the ACT, overseeing the Next Steps for Our Kids Strategy (CSD 2022).

The ACT Aboriginal and Torres Strait Islander Elected Body provides a democratically elected voice to government (ATSIEB 2025). On 7 February 2024, the ACT Government announced additional support, with an investment of \$1.19 million over 2024 and 2025, to enhance the Elected Body's capacity, independence and long-term sustainability (ACT Government 2024b). The ACT Government in February 2023 has also committed to establishing the Aboriginal and Torres Strait Islander Eminent Panel for Community Engagement and Healing, to provide advice on progressing Truth-Telling and Treaty (Macdonald 2023).

Placement

Placement in accordance with the hierarchy of placement options⁵ is fundamental to maintaining the strongest possible connection between Aboriginal and Torres Strait Islander children and their family, community, culture and Country. The placement hierarchy is not just a guideline; it is a safeguard against disconnection and a commitment to ensuring children grow up with cultural continuity.

Proper application of the placement hierarchy requires child protection decision-makers to exhaust all possible options at each level before considering a lower-order placement. No placement should occur without demonstrated consultation with the child's family and community representatives, ensuring that all higher-order placement options have been fully explored. Community representatives must be empowered to provide independent advice to the courts on the most appropriate care arrangements.

To ensure the integrity of the placement hierarchy, robust policies and procedures must be in place, alongside sufficient staff capacity to implement them effectively. A thorough process of family mapping, including searching for and identifying family carers, should be embedded in child protection practice to inform initial placements, placement changes and regular placement reviews. Additionally, procedures must include clear requirements to identify a child's Aboriginal and Torres Strait Islander status at the earliest possible opportunity, ensuring that culturally connected placements are prioritised.

Table 7 – Aboriginal and Torres Strait Islander children aged 0-17, in OOHC, by caregiver type, as of 30 June (%).

	2021	2022	2023	2024
Placed with relatives/kin or other Aboriginal and Torres Strait Islander carer				
Aboriginal and Torres Strait Islander relative/kin	41	42.6	38.3	40.5
Non-Indigenous relative/kin	26	26.9	28.1	20
Total placed with relatives/kin	67	69.4	66.3	60.5
Other Aboriginal and Torres Strait Islander carer				
Total	69	71.3	68.9	65.3
In another care arrangement				
Other non-Indigenous carer	26.5	24.1	26	27.4
Residential care or family group home	3.5	4.6	5.1	7.4
Independent living/living arrangements unknown	3.1	n.p.	n.p.	n.p.
Total	31	28.7	31.1	34.7

Source: ROGS 2025, table 16A.23.

⁵ For further details on the placement hierarchy, see SNAICC (2019). *The Aboriginal and Torres Strait Islander Child Placement Principle: A Guide to Support Implementation*

As seen in Table 7 (above), the rates of placement of Aboriginal and Torres Strait Islander children with relatives or kin in the ACT have decreased slightly since 2021. As of 30 June 2021, 40.5% of Aboriginal and Torres Strait Islander children in the ACT were placed with Aboriginal and Torres Strait Islander relatives or kin. This is the second-highest rate in Australia (SCRGSP 2025, table 16A.23). The national average for placing Aboriginal and Torres Strait Islander children with Aboriginal and Torres Strait Islander relatives or kin is 32.1% (SCRGSP 2024, table 16A.23)

Ongoing efforts to enhance family finding, kinship placements and culturally informed supports reflect the importance of culturally respectful and nurturing environments for Aboriginal and Torres Strait Islander children and young people. The ACT Government has implemented several initiatives to support Aboriginal and Torres Strait Islander children, young people and their families, with a particular emphasis on culturally sensitive and inclusive practices (CSD 2024a). A key component of this strategy is the Family Group Conferencing program, which plays a crucial role in kinship placements, family contact, safety planning, family preservation and restoration (CSD 2024a). This program aims to enable families to be actively involved in shaping care plans, ensuring decisions are both culturally sensitive and well-informed (CSD 2024a). Further, the ACT Government is committed to embedding a comprehensive procedure for child placement that aligns with the Child Placement Principle across the sector (CSD 2024a). This includes integration with the ACT Together Consortium of mainstream child and family non-government service providers and future contracts with all ACT OOHC providers under the Next Steps model (CSD 2022).

Kinship care

In alignment with OBOW Recommendation 10, the OBOW Implementation Oversight Committee Kinship Care team has been established to provide specialised, culturally informed support to carers and families, enhancing kinship placements by offering tailored guidance that respects and responds to the cultural needs of Aboriginal and Torres Strait Islander families (CSD 2024a). The foundational training program and practice guidance for staff emphasise the importance of comprehensive family finding efforts. Staff are encouraged to engage proactively by referring cases to the Cultural Services Team, collaborating with interstate land councils and utilising expert genealogical resources such as the Australian Institute of Aboriginal and Torres Strait Islander Studies (CSD 2024a). These efforts are crucial for identifying suitable kinship networks and supports, ensuring that every child is placed in a culturally respectful and nurturing environment.

In late 2023, the Child and Youth Protection Services (CYPS) began implementing culturally appropriate assessment tools for practitioners working with Aboriginal and Torres Strait Islander children in OOHC (CSD 2024a). The First Nations Family Support Team and the Kinship Assessment and Support Team participated in Cultural Immersion training and training in the Winangay Provisional Kinship Assessment tool, which has provided additional cultural learning and practice guidance for staff (CSD 2024a). The Winangay tools are now being utilised for the first time by the ACT Government in the child protection space, with a pilot of the provisional assessment tool for new Aboriginal and Torres Strait Islander kinship carers commencing (CSD 2024a).

The ACT Government has invested \$9.96 million over four years to support the delivery of therapeutic supports for vulnerable children, young people and their families (CSD 2024a). This includes new investment in Family Group Conferencing and additional support for parents and families affected by disability, as part of a suite of programs for Aboriginal and Torres Strait Islander communities (CSD 2024a). Despite these investments, more funding needs to be directed to the

Aboriginal and Torres Strait Islander community to enable children to remain at home with their parents and family, reducing reliance on residential care options, which pose risks of harm and cultural disconnection (SNAICC 2024).

In late 2022, SNAICC was commissioned to provide a paper outlining a definition of 'kinship' for Aboriginal and Torres Strait Islander families (SNAICC 2022b). This paper guides legislative changes and strengthens family participation in decision-making processes (SNAICC 2022b; CSD 2024a). However, concerns have been raised about the implementation of the Aboriginal and Torres Strait Islander Placement Hierarchy outlined in the amendments, including how it will function in practice and the definitions of 'kinship' and 'family members' within the Bill (SNAICC 2024). The 'Stability and Permanency Principle' (350A) has also been criticised for potentially introducing Enduring Parental Responsibility for Aboriginal and Torres Strait Islander children, which may contradict the commitment to cultural permanency (SNAICC 2024). Furthermore, the definition of family members in the Bill has been criticised for ignoring the community and sector's longstanding advice on kinship and family definitions (SNAICC 2024). The proposed changes may open a wide door by referring to 'anyone having interest, or who has had interest' in a child, which is seen as culturally inappropriate and legally problematic. The commitment to centre biological family and cultural ties could be significantly undermined by the current wording (SNAICC 2024).

The government continues to invest in residential care for Aboriginal and Torres Strait Islander children, despite the risks of harm and cultural disconnection (SNAICC 2024). More funding is needed to help these children remain with their families. Many Aboriginal and Torres Strait Islander children are placed with non-Indigenous carers, undermining their cultural rights and wellbeing. Further, a promised navigation service for kinship carers lacks a timeline for community handover (SNAICC 2024).

Further, in response to OBOW recommendation 12, CSD agreed in principle to implement a Restoration Taskforce that would bring Directorate staff and community representatives together to work towards increased restoration rates, as non-Indigenous carers have resisted efforts to maintain family contact (OBOW 2019). Despite the OBOW Implementation Oversight Committee's consistent advocacy for the establishment of the restoration task force, the initiative has not been implemented by the CSD at the time of writing.

Participation

Any child entering OOHC, along with their families, must be actively involved in decisions concerning their care. For Aboriginal and Torres Strait Islander children, young people and their families, meaningful participation is not just beneficial—it is essential to ensuring agency in DCP processes. Historically, departmental systems have marginalised Aboriginal and Torres Strait Islander voices, making decisions without their input. Genuine participation empowers children and families to exercise agency over their own lives, shaping decisions that reflect their needs, aspirations and cultural identity. Prioritising their involvement strengthens culturally informed decision-making and ensures that child protection practices uphold their right to be heard and respected. This is particularly important for Aboriginal and Torres Strait Islander children and young people and is reflected in Recommendation 4 of the OBOW Review (OBOW 2019).

Family Group Conferencing

Family Group Conferencing (FGC) is a facilitated process where extended family members collaborate to make decisions about the care and safety of children at risk of harm or removal. In the 2022-23 financial year, FGC facilitators held 21 conferences, involving 37 Aboriginal and Torres Strait Islander children, who participated in Family Group Conferencing and successfully completed a Family Plan (CSD 2024a). The FGC facilitators also supported further interactions, including 119 contacts with the CYPS Operational Team, 245 contacts with families, 155 contacts with other professionals and 157 pre-referral consultations (CSD 2024a).

Concerns have been raised regarding the insufficient involvement of ACCOs in critical decision-making processes related to emergency actions, orders and placements of Aboriginal and Torres Strait Islander children (SNAICC 2024). This lack of involvement undermines self-determination, community cultural sovereignty and traditional child-rearing practices. While there are requirements to involve ACCOs in decision-making, there is a lack of clarity on which ACCO should be engaged, potentially leading to decisions being approved by unrelated or interstate ACCOs rather than those working directly with the biological family (SNAICC 2024).

CYPS continue to embed family-led decision-making processes to develop strategies that protect the safety and wellbeing of children and young people (CSD 2024a). This approach brings together parents, extended family members, the child or young person, CYPS and service providers. Family-led decision-making aligns with the Child Placement Principle by emphasising prevention, engaging families to address safety concerns, fostering partnership and participation, supporting connection to kin and community and prioritising kinship placements (CSD 2024a). The First Nations Family Support team has partnered with Winangay to use the 'Keeping Kids with Family' Assessment tool, supported by the FGC team and community partners, to assist with family-led decision-making in child protection cases (CSD 2024a).

Additionally, the Care and Protection Legal Advocacy Service (CPLAS), run by ALS NSW/ACT, offers culturally appropriate legal advocacy and information for Aboriginal and Torres Strait Islander families in contact with child protection services, supported by government funding (CSD 2024a). This is a positive first step towards ensuring Aboriginal and Torres Strait Islander families can choose where they access culturally responsive legal support and reflects Recommendations 8a and 8b of the OBOW Review (OBOW 2019).

The Aboriginal and Torres Strait Islander Care Pathway Panel and Case Discussion and Direction Group reviews proposed applications for court orders or legal proceedings on behalf of the Director-General (CSD 2024a). This involves evaluating the practice and legal issues for each case concerning Aboriginal and Torres Strait Islander children and young people. The panel considers the best interests (Section 349) and care and protection (Section 350) of the *Children and Young People Act 2008*, as well as adherence to the Child Placement Principles (CSD 2024a). Membership of this panel must be determined by members of the child's Aboriginal and Torres Strait Islander community to ensure compliance with the Child Placement Principle (SNAICC 2018b).

Connection

To ensure that Aboriginal and Torres Strait Islander children in OOHC do not experience the profound loss of identity and disconnection from family, community and culture that characterised the Stolen Generations, it is essential to actively support them in maintaining and re-establishing these vital connections. Connection is not just a principle; it is a fundamental right that safeguards children's sense of belonging, identity and wellbeing. Protecting children's rights to cultural connection requires:

- the development, resourcing and implementation of cultural care plans for every child,
- carers making and being held accountable for their commitment to maintaining cultural connections,
- regular review and updating of cultural care arrangements to ensure an enduring commitment to connection,
- early consideration of reunification, with culturally safe supports in place to facilitate re-connection where possible,
- ongoing review and advancement of reunification and re-connection options to strengthen ties with family and community, and
- decisions about permanency of care being made in ways that do not sever the potential for future cultural connections.

Prioritising connection ensures that Aboriginal and Torres Strait Islander children grow up with a strong sense of identity, belonging and cultural continuity, shaping their futures in ways that honour their heritage and community ties. As such, the OBOW Review contains several Recommendations that directly work to promote and maintain connection to family, culture and community for children in OOHC (OBOW 2019). The failure to uphold these connections can lead to tragic consequences. Systemic failures in the ACT were starkly highlighted by the death of a child in Canberra in April 2024, who was in residential care and deprived of the critical cultural and familial support necessary for their safety and wellbeing (ABC 2024). This incident underscores the urgent need for systemic reforms to prioritise cultural connections and support for Aboriginal and Torres Strait Islander children in OOHC.

Reunifications

In 2022-23, 3.6% of Aboriginal and Torres Strait Islander children were reunified from OOHC in the ACT, a slight decrease from 5% in 2021-22 (AIHW 2024b). Comparably, 3.5% of non-Indigenous children were reunified from OOHC in 2022-23 (AIHW 2024b). Nationally, 7.5% of Aboriginal and Torres Strait Islander children in OOHC were reunified in 2022-23 (AIHW 2024b).

Table 8 – Proportion of children in OOHC who were reunified (including long-term guardianship orders) in ACT, 2019-20 to 2022-23 (%)

	2019-20	2020-21	2021-22	2022-23
Aboriginal and Torres Strait Islander children	3.5%	13.1%	5.0%	3.6%
Non-Indigenous children	5.9%	5.9%	6.8%	3.5%

Source: AIHW 2024b, table 10.15.

Children reunified with their families from OOHC occasionally return to care, but this is not the case for most children. This is significant because it is a potential indicator of whether the support provided to the family has been sufficient and effective for the family in the long term. AIHW reports this data by whether a child returned to OOHC within 12 months after exiting to reunification, excluding those aged 17 who will transition out of care within 12 months and will no longer be in scope for OOHC (AIHW 2024b).

In 2020-21, in the ACT, 76.7% 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 80.8% (AIHW 2024b). The ACT has not provided AIHW with sufficient data to compare this with previous or subsequent reporting periods (AIHW 2024b).⁶

Nationally, in 2021-22, 83.7% of Aboriginal and Torres Strait Islander children who were re-unified did not return to care within 12 months (85.3% for non-Indigenous children) (AIHW 2024b).

Use of Long-Term and Permanent Care Orders

Children on long-term guardianship custody orders (GCOs) and third-party parental responsibility orders (TPPROs)⁷ are considered unsuitable for reunification, due to the fact that they are on orders that typically last until they are 18 years old—reflecting policymakers' desire for permanent outcomes, which is enshrined in legislation.⁸

However, 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
- insufficient support for families to address the barriers to providing safe care for their children
- policies that limit reunification due to short and unreasonable legislative or policy-imposed timeframes (SNAICC 2024).

Nationally, 73.3% of Aboriginal and Torres Strait Islander children in OOHC at 30 June 2023 were on long-term GCOs and TPPROs (AIHW 2024c, table S4.10). In the ACT, this figure was 78.6% (AIHW 2024c). This means the majority of Aboriginal and Torres Strait Islander children in OOHC are on orders that do not prioritise reunification. The high number of these orders indicates a systemic preference for long-term and permanent care orders for Aboriginal and Torres Strait Islander children, over and above supporting successful and sustainable reunification.

Cultural Care Planning for Children in OOHC

At a practice level, oversight of cultural care plans has been expanded to enable greater community involvement in their development, in response to Recommendation 11 of the OBOW Review (OBOW 2019). The First Nations Family Support Team (FNFST) has been allocating Aboriginal and Torres Strait Islander families to voluntary Support Responses and statutory Appraisal responses since

⁶ The source for these calculations has changed from previous reviews, due to changes in AIHW reporting. Source data is from Table 10.185 and 10.19 of the Aboriginal and Torres Strait Islander data table from Child Protection Australia 2022–23 (which includes reunifications for children on long-term orders) while previous reviews drew from Table S2.3a from the Child Placement Principle Supplementary Tables 2022 released by AIHW (which excludes reunifications for children on long-term orders) (AIHW 2022b).

⁷ In this review, we adopt the nationally standard terms long-term *Guardianship Custody Orders (GCOs)* and *Third-Party Parental Responsibility Orders (TPPROs)* to refer to Care and Protection Orders under Chapter 6 of the *Children and Young People (Safety) Act 2017*.

⁸ See explicit preference for permanent placements in section 12(1) of the *Children and Young People (Safety) Act 2017*.

July 2023, providing culturally safe and informed support to an average of 20-30 families per month (CSD 2024a).

Established in March 2023, the FNFST includes 10 experienced and culturally intelligent case workers, including two Aboriginal Team Leaders (CSD 2024a). This team is dedicated to achieving self-determination in delivering culturally safe practices for Aboriginal and Torres Strait Islander children, young people and their families, in line with Recommendation 1 of the Our Booris Our Way Review (OBOW 2019).

The team prioritises the Connection component of the Child Placement Principle, encouraging families to share their cultural knowledge and lead discussions that inform CYF documents such as Family Action Plans, Safety Plans and Cultural Plans. Meetings with families and their support people, including Aboriginal and Torres Strait Islander services and advocates, promote shared decision-making and self-determination (CSD 2024a).

The FNFST has also established the Aboriginal and Torres Strait Islander Care Pathway Panel and the Aboriginal and Torres Strait Islander Case Discussion and Direction Group, which provide cultural oversight and endorse legal decisions for Aboriginal and Torres Strait Islander children and young people (CSD 2024a). Additionally, as mentioned above, the First Nations Kinship Liaison Officer commenced in 2023... offers targeted and culturally informed support for kinship carers (CSD 2024a).

Conclusion

In examining the progress of the ACT Government towards implementing the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle, this review has found that overall significant reforms are still needed, along with sustained increases in investment in the ACCO sector. This is reflected in the increasingly disproportionate number of Aboriginal and Torres Strait Islander children in the ACT living in OOHC.

The passage of the Children and Young People Amendment Act (ACT) brought much needed reform to the sector. However, unfortunately, this legislative change has not gone far enough in enabling the active implementation of the Child Placement Principle. The continued over-representation of Aboriginal and Torres Strait Islander children in OOHC in the ACT urgently requires more investment in early and preventative supports delivered by ACCOs, enabling culturally responsive mitigation of the socio-economic drivers that increase the likelihood of contact with child protection, in line with the Prevention element.

The ACT Government's ongoing support of a dedicated Aboriginal and Torres Strait Islander children's commission, and the Our Booris Our Way Committee, works toward the fulfilment of the partnership element. Despite this, greater commitment to independent Aboriginal leadership and oversight is critically needed, enabling system accountability, as recognised in the ACT Government's response to the recommendations of the Our Booris Our Way Review.

Limited increase in the numbers of Aboriginal and Torres Strait Islander children in OOHC being placed with relatives/kin indicates that the placement principle is not being successfully implemented, and the successful implementation of the Participation element must be further enabled through the extension of ACCO-led programs. This requires immediate expansion and long-term funding. Greater investment in ACCO-led reunification and cultural support programs is also desperately needed to ensure fulfilment of the Connection element.

This review welcomes reforms through strategies such as the FNFST, Family Group Conferencing and the OBOW kinship care team. This review hopes that moving forward, programs such as these are expanded and further developed under the leadership of the ACT ACCO sector and Aboriginal communities.

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