

REVIEWING IMPLEMENTATION OF  
THE ABORIGINAL AND  
TORRES STRAIT ISLANDER  
CHILD PLACEMENT  
PRINCIPLE  
SOUTH AUSTRALIA  
2025



**SNAICC**  
National Voice for our Children

## 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   |
|---------------------------------|--|
| ACCO                            | Aboriginal and Torres Strait Islander community-controlled organisation        |
| ACCHO                           | Aboriginal Community Controlled Health Organisations                           |
| AFLDM                           | Aboriginal Family-Led Decision Making  |
| AFSS                            | Aboriginal Family Support Services   |
| CACYP                           | Commissioner for Aboriginal Children and Young People                          |
| (the) Child Placement Principle | Aboriginal and Torres Strait Islander Child Placement Principle                |
| DCP                             | Department for Child Protection  |
| DHS                             | Department of Human Services   |
| FDSV                            | Family, Domestic, and Sexual Violence  |
| FGC                             | Family Group Conferencing  |
| FSSs                            | Family Support Services  |
| GCO                             | guardianship custody order   |
| IFSSs                           | Intensive Family Support Services  |
| KWY                             | Kornar Winmil Yunti Aboriginal Corporation                                     |
| (the) National Agreement        | National Agreement on Closing the Gap  |
| OOHC                            | out-of-home care   |
| RATSIO                          | Recognised Aboriginal and Torres Strait Islander Organisation                  |
| RoGS                            | Report on Government Services  |
| SA                              | South Australia / South Australian   |
| Safe and Supported              | Safe and Supported: the National Framework For Protecting Australia's Children |
| SNAICC                          | SNAICC – National Voice for our Children                                       |
| TPPRO                           | third-party parental responsibility order                                      |

## Executive Summary

This report reviews the progress of the South Australian (SA) Government, primarily through the Department for Child Protection (DCP) and the Department of Human Services (DHS), towards implementing the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle (the Child Placement Principle).<sup>1</sup> 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*.

Continued over-representation rates demonstrate unsuccessful implementation of the Prevention element in SA. Despite constituting only 5.5% of 0-17-year-olds, Aboriginal and Torres Strait Islander<sup>2</sup> children in SA were significantly over-represented in all interactions with DCP during 2023-24, including placement into out-of-home care (OOHC). As of June 2024, 37.1% of children in OOHC and other supported placements in SA were Aboriginal and Torres Strait Islander. This means Aboriginal and Torres Strait Islander children were 10.1 times more likely than their non-Indigenous peers to be in OOHC in SA.

SA has seen significant progress towards implementing the Child Placement Principle in the last year.

Four major developments stand out:

- the establishment of Wakwakurna Kanyini as the peak body for Aboriginal children and families in SA,
- strengthening Aboriginal and Torres Strait Islander community involvement in decisions affecting their children and families,
- the ongoing development of the *Children and Young People (Safety and Support) Bill (2024f)*, which aims to embed the Child Placement Principle in legislation, and
- the release of *Holding on to Our Future* by the Commissioner for Aboriginal Children and Young People (CACYP).

The CACYP report, resulting from the Commission's recent *Inquiry into the Application of the Child Placement Principle in the Removal and Placement of Aboriginal Children*, represents a monumental opportunity for SA to transform its child welfare system by prioritising the Child Placement Principle and embracing practices that uphold the rights and wellbeing of Aboriginal and Torres Strait Islander children.

Additional significant advances towards the full implementation of the Child Placement Principle include:

- the gazetting of Kornar Winmil Yunti (KWY) as the second Recognised Aboriginal and Torres Strait Islander Organisation (RATSIO), in the *Children and Young People (Safety) Act 2017* (SA), alongside Aboriginal Family Support Services (AFSS),
- the creation of the Carers Council to provide the Minister for Child Protection with independent advice on matters related to foster and kinship care in South Australia, and

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<sup>1</sup> 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.

<sup>2</sup> Note on language: In South Australia, '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.

- the launch of the Finding Families pilot program, dedicated to transitioning children and young people from residential care into family-based placements.

These milestones demonstrate progress towards greater recognition of Aboriginal and Torres Strait Islander self-determination and community leadership in addressing current challenges with DCP systems.

The SA Government's commitment to the National Agreement on Closing the Gap (the National Agreement), which aims to reduce the over-representation of Aboriginal and Torres Strait Islander children in OOHC by 45% by 2031, is informed by the Child Placement Principle, as it aims to ensure that Aboriginal and Torres Strait Islander children in OOHC maintain connections to their family, community, culture and country, promoting their wellbeing and resilience. Further, the government's partnership with Aboriginal and Torres Strait Islander leaders under *Safe and Supported: the National Framework For Protecting Australia's Children* (Safe and Supported) embodies a commitment to implementing the Child Placement Principle to the standard of active efforts.

The SA Government has demonstrated commitment to the Partnership element of the Child Placement Principle through supporting the establishment of Wakwakurna Kanyini as the SA Peak Body for Aboriginal children and families. Likewise, the gazetting of KWY as the second RATSIO in SA shows commitment to expanding Aboriginal and Torres Strait Islander community-controlled organisation (ACCO) involvement in decision-making, further supporting implementation of the Partnership element. These changes will further enable Aboriginal-led decision-making in certain child placement matters and, in turn, may improve implementation of the Placement, Participation and Connection elements.

However, the SA Government's commitment to partnership has been limited in its development of the *Child and Young Person (Safety and Support) Bill 2024 (SA)*. This legislation represents a generational opportunity to support the system-wide implementation of the Child Placement Principle, but this opportunity has been undermined by failures to fully incorporate critical recommendations of the Aboriginal community and the Commissioner for Aboriginal Children and Young People (CACYP), including strengthening Aboriginal-Led Decision Making through Family Group Conferencing programs (CACYP 2024).

Further, the SA Government's response to the transformative recommendations of the CACYP's *Holding on to Our Future* Report has resulted in delays to the implementation of much-needed reforms necessary to implement the Child Placement Principle across SA child and family safety systems. The SA Government's response to *Holding on to Our Future* undermines the broader goals of the Child Placement Principle, sending a troubling message about the SA Government's commitment to Aboriginal self-determination and the empowerment of Aboriginal communities.

## 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 Aboriginal and Torres Strait Islander 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 South Australian (SA) 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 SA,
- 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 SA'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 SA 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.

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).<sup>3</sup>

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<sup>3</sup> 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

# Major developments in cross-element Child Placement Principle implementation in SA

## Holding on to Our Future

In June 2024, the Commissioner for Aboriginal Children and Young People (CACYP) released the *Holding on to Our Future* report, following a detailed inquiry into the application of the Child Placement Principle in SA (CACYP 2024a). This landmark report provides a critical analysis of how the Child Placement Principle has been applied in the removal and placement of Aboriginal children and young people and its impact on their connection to family, community and culture.

The *Holding on to Our Future* report outlines 48 findings and makes 32 recommendations aimed at reducing the over-representation of Aboriginal children in DCP systems. It highlights the need for systemic reform to ensure that Aboriginal children grow up safe and strong within their families and communities, maintaining cultural connections. The report emphasises that the proper implementation of the Child Placement Principle is not only a legislative and policy obligation but also a moral imperative to uphold the human rights of Aboriginal children (CACYP 2024a).

SNAICC acknowledges the importance of the *Holding on to Our Future* report as a comprehensive and authoritative Aboriginal-led analysis of the challenges and gaps in the application of the Child Placement Principle. While efforts have been made to incorporate the findings from *Holding on to Our Future* into this report, it is recommended that readers refer directly to the *Holding on to Our Future* report to gain a full understanding of its findings and recommendations. The depth of the *Holding on to Our Future* report provides valuable insights into the systemic barriers faced by Aboriginal families and the urgent need for active efforts to address these issues, ensuring that Aboriginal children can thrive within their culture and identity (CACYP 2024a).

In November 2024, the SA Government provided its response to the CACYP's *Holding on to Our Future* report (CACYP 2024a). Of the 32 recommendations from the inquiry, 24 are supported, four will undergo further consideration, and four are not supported (Government of South Australia 2024a). This response demonstrates a much-needed commitment to embedding the Child Placement Principle across legislation, policy and practice. However, the rejection of four *Holding on to Our Future* recommendations, including several aimed at strengthening Aboriginal-led decision-making, raises concerns about the SA Government's commitment to addressing systemic issues as raised in the inquiry, including through shared decision-making.

This lack of commitment has also been evident in the SA Government's response to other inquiry recommendations. For example, the government actioned the recommendation to abolish the use of Structured Decision-Making (under consideration) by introducing a new Screening and Response Priority Assessment SDM Tool. Still, it did not engage with the Aboriginal community before instituting this change.

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*the time 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 ATSICPP Indicators Report: Released December 2023, covering 2021-22 financial year data

Holding on to Our Future also highlighted concerning practices within DCP with regard to reunification planning for children on long-term Guardianship Custody Orders (GCOs), and recommended oversight of care arrangements to be undertaken by officers that are external to DCP to ensure compliance with best practice (CACYP 2024a). This recommendation was rejected, as DCP considers existing mechanisms, such as the Guardian for Children and Young People and the Commissioner for Aboriginal Children and Young People, to be able to provide oversight of care arrangements (CACYP 2024a). While these bodies play a critical role, the inquiry's call for stronger external accountability has not been addressed. Similarly, the rejection of recommended legislative changes to enhance the Youth Court's role in reunification reflects a reliance on current processes that are still under evaluation, rather than strengthening accountability mechanisms for DCP in line with the Commissioner's recommendations (CACYP 2024a).

While the SA Government's response includes important steps forward, its reluctance to fully embrace key recommendations risks limiting the impact of the reforms. By prioritising flexibility and existing mechanisms over structural changes, the response may fall short of the inquiry's vision for systemic reform to ensure the safety and wellbeing of Aboriginal children and young people.

### Child and Young Person (Safety and Support) Bill 2024

In October 2024, the SA Government introduced the *Children and Young People (Safety and Support) Bill (2024f)* (the Bill) to parliament. The Bill seeks to incorporate the five elements of the Child Placement Principle directly into legislation, explicitly including the term 'active efforts' to ensure these principles are implemented (Government of South Australia 2024a). Active efforts refer to intentional, thorough and culturally appropriate actions taken to prioritise and support the connection of Aboriginal and Torres Strait Islander children with their families, communities and cultures, and ensure the full involvement of Aboriginal and Torres Strait Islander people and organisations in decision-making, in alignment with the five elements of the Child Placement Principle (CACYP 2023). This legislative reform will require government and state agencies that operate under the authority of the *Children and Young People (Safety) Act 2017 (SA)* (the Act) to implement the Child Placement Principle and its objectives in all matters relating to Aboriginal and Torres Strait Islander children, young people and their families.

Recent welcome amendments to the Bill, in response to stakeholder feedback, include the removal of several caveats that would have undermined the broader aims of the Child Placement Principle. For example, under sections 44 to 47 of the original draft Bill, failure to comply with the Child Placement Principle, the standard of active efforts, or Aboriginal and Torres Strait Islander family-led decision making would not affect the validity of a decision under the Act.

Under section 41(2)(a) of the Bill, the Child Placement Principle will prevail in the event of an inconsistency with the guiding principles of the Children and Young People (Safety and Support) Bill 2024, including the safety principle (see section 10), the best interests principle (see section 11) and the permanency principle (see section 11). This welcome addition reflects that compliance with the Child Placement Principle represents the best interests of Aboriginal and Torres Strait Islander children.<sup>4</sup>

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<sup>4</sup> The Principle is the only proven method of ensuring Aboriginal children are safe and protected from harm - to assert otherwise reflects the harmful policies that underpinned the Stolen Generations (SNAICC, 2019).



However, the Bill continues to prioritise safety over the Child Placement Principle, rather than recognising that safety for a child and the application of the principle are deeply interconnected. Despite providing that the Child Placement Principle will prevail in the event of an inconsistency with the safety principle, under section 10, the Bill states that ‘despite any other provisions of this Act, the safety of the child or young person must always be the priority in determining whether or not to remove a child or young person...’ This inconsistency is contrary to the advice of Wakwakurna Kanyini and the CACYP, and indicative of a legislative presumption that application of the Child Placement Principle could be undertaken in a manner inconsistent with the safety of Aboriginal and Torres Strait Islander children. This is not possible as the Child Placement Principle is inherently consistent with the safety and best interests of Aboriginal and Torres Strait Islander children when implemented to the standard of active efforts.

The Child Placement Principle does not de-prioritise physical safety in favour of cultural, emotional or social aspects of safety, but rather recognises that these concepts are intertwined and must all be considered to make effective decisions in the best interests of each child. Further, the Bill’s emphasis on safety trumping the Child Placement Principle embodies a failure to incorporate the clearly stated position of Aboriginal and Torres Strait Islander community stakeholders (as outlined during the Bill development process) into the draft legislation.

By prioritising safety over the Child Placement Principle, the Bill risks perpetuating a removal-focused approach. As highlighted in *Holding on to Our Future*: ‘...a forensic and incident-based approach does not consider cumulative harm and how this might best be addressed other than by removal’ (CACYP 2024a). This approach poses long-term risks, including poor health and life outcomes, disconnection from family, culture, and community, mental health challenges, and increased suicide rates, which can affect children in statutory care and persist into adulthood (Wakwakurna Kanyini 2024).

Concerningly, the Bill appears to have been developed without sufficient engagement with the Aboriginal community’s reservations about it. In August 2024, the government released the *Draft Children and Young People (Safety and Support) Bill 2024 (SA) (2024f)* for a four-week consultation period. Despite receiving several submissions outlining ways to strengthen the Bill for Aboriginal and Torres Strait Islander children, this feedback was largely disregarded, and the Bill proceeded to Parliament without substantial amendments.

On November 28, 2024, the Legislative Council held the second reading for the Bill, during which letters to Parliament from the CACYP, the Guardian for Children and Young People, the South Australian Aboriginal Community Controlled Organisation Network (SAACCON), and the Aboriginal Legal Rights Movement were considered, amongst others (Parliament of SA, 2025). Greens MP Tammy Franks proposed referring the Bill to a committee for inquiry and report. The Council approved this motion, and the Bill was sent to a select committee to reassess all submissions and evidence.

On February 4, 2025, the committee issued a report stating that evidence and submissions indicated that the Bill did not fully align with its commitments and objectives, falling short of its stated purpose (Parliament of SA, 2025). The report stated a need for amendments to ‘promote meaningful change and the primacy of the best interests of the child’ (Parliament of SA, 2025). The

SA Government lodged amendments to the Bill in the Legislative Council on 3 June 2025, and the Bill was passed in the same sitting. The Bill has not yet come into effect through enactment at the time of writing.

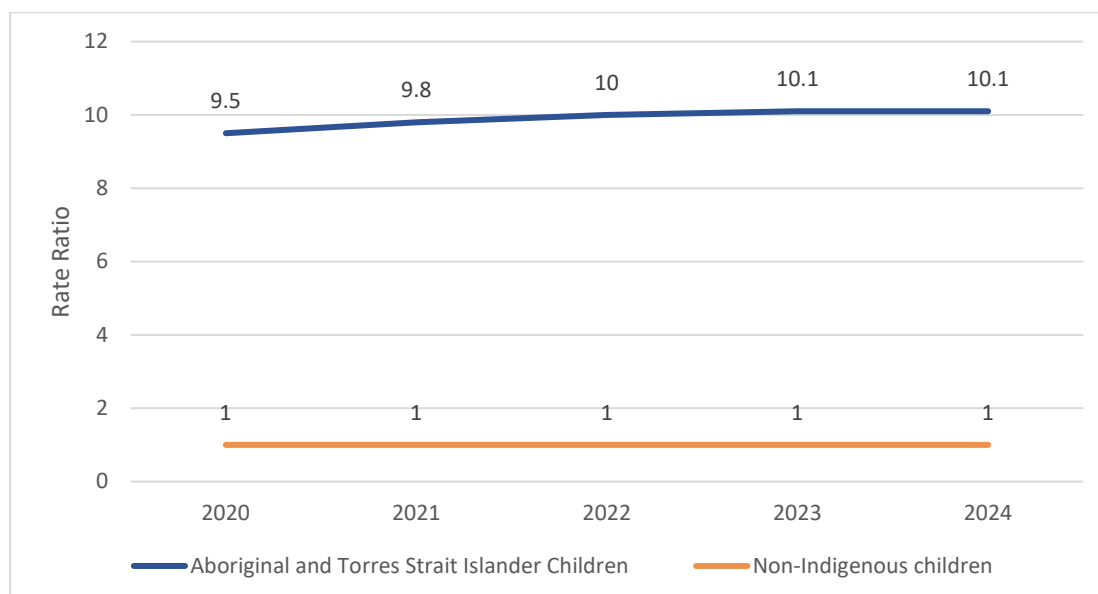
## Prevention

The prevention element of the Child Placement Principle aims to ensure that Aboriginal and Torres Strait Islander children and their families grow up healthy and safe, and within their own family and community. Preventing children and families from entering OOHC 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 welfare-focused activities of the DCP, while noting that holistic prevention can only be achieved with a whole-of-government approach in partnership with Aboriginal and Torres Strait Islander communities and organisations.

### Over-representation in out-of-home care (OOHC)

Aboriginal and Torres Strait Islander children in SA continue to be placed in OOHC and other supported placements at significantly higher rates than non-Indigenous children. Despite commitments to keeping children connected to their families, culture and communities, too many Aboriginal and Torres Strait Islander children are still being removed and placed into OOHC, often without access to culturally safe support or pathways to family reunification (CACYP 2024a). This ongoing over-representation highlights deep systemic issues and reinforces the urgent need for community-led approaches that focus on prevention, family support and self-determination.

**Figure 1 – Trend in rate ratios comparing Aboriginal and Torres Strait Islander children and non-Indigenous children in OOHC and other supported placements in SA from 30 June 2020 to 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.<sup>5</sup>

<sup>5</sup> 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 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 overrepresentation rates will differ slightly from previous years.

*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 out-of-home care.*

As of 30 June 2024, Aboriginal and Torres Strait Islander children in SA were placed into OOHC and other supported placements at 10.1 times the rate of non-Indigenous children (SCRGSP 2025, tables 16A.2, 16A.3 and 16A.42). Over the last five years, this over-representation has gradually risen from 9.5 in 2020. Figure 1 (above) shows the trend in rate ratios comparing Aboriginal and Torres Strait Islander children and non-Indigenous children in OOHC and other supported placements in SA over the past five years.

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

|  | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|--|---------|---------|---------|---------|
| <b>Aboriginal and Torres Strait Islander children admitted to OOHC</b>     | 15.7    | 13.3    | 13.6    | 12.7    |
| <b>Aboriginal and Torres Strait Islander children discharged from OOHC</b> | 11      | 10.9    | 11.4    | 13      |
| <b>Non-Indigenous children admitted to OOHC</b>                            | 1.3     | 1.2     | 1.3     | 1.2     |
| <b>Non-Indigenous children discharged from OOHC</b>                        | 1       | 1.2     | 1.1     | 1.2     |

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 entering OOHC each year has slightly decreased in the three years since 2020-21, while entry and exit rates for non-Indigenous children have remained steady. The rate of Aboriginal and Torres Strait Islander children per 1,000 discharged from OOHC has slightly increased over the same period, indicating that care rates may be stabilising or even slightly declining based on the latest data. This could reflect early positive effects of system reform, though further analysis is needed to understand contributing factors. There are various pathways through which children exit care, including reunification, placement on a third-party parental responsibility order (TPPRO), turning 18, transitioning to independent living, or entering detention.

While rising exit rates may suggest children are leaving a flawed child protection system, these figures should be approached with caution, as many exits do not necessarily result in positive outcomes for Aboriginal and Torres Strait Islander children (SNAICC 2024). In SA, of the Aboriginal and Torres Strait Islander children who exited care in 2022-23, only 29.6% were reunified, and 22.9% exited due to age. Data for the number who exited to a TPPRO, or other

arrangement, was suppressed due to low numbers (AIHW 2024, table 10.13). 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 SA compared to non-Indigenous children – Rate ratios**

|                        | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|------------------------|---------|---------|---------|---------|
| <b>Notifications</b>   | 5.8     | 5.6     | 5.9     | 5.9     |
| <b>Investigations</b>  | 8.2     | 8.2     | 7.2     | 6.3     |
| <b>Substantiations</b> | 9.9     | 10.2    | 9.4     | 8.1     |

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.1.

From 2020-2021 to 2023-2024, Aboriginal and Torres Strait Islander children in SA continued to experience disproportionate rates of notifications, investigations and substantiations, and the rate at which these processes are occurring increased overall during this period. In 2023-24, Aboriginal and Torres Strait Islander children in SA were subject to a notification at a rate of 260.2 per 1000, compared to 44.2 per 1000 for their non-Indigenous peers. Similarly, in 2023-24, 47.7 Aboriginal and Torres Strait Islander children per 1000 were subject to a substantiation, compared to 5.9 per 1000 for non-Indigenous children (SCRGSP 2025, table 16A1).

These data trends are supported by the findings of the Holding on to Our Future inquiry in 2024, led by the, now former, South Australian Commissioner for Aboriginal Children and Young People, Mirning and Kokatha woman April Lawrie, which found that nearly one in two Aboriginal and Torres Strait Islander children in SA were reported to child protection during childhood, and one in ten were placed in care. The inquiry identified deeply embedded cultural bias, with Aboriginal and Torres Strait Islander babies more likely to be removed in low-risk situations, often within days of birth. The report labelled these practices as a betrayal of trust and called for urgent reforms, including mandatory family group conferencing, early intervention, and a shift to culturally safe, Aboriginal and Torres Strait Islander-led supports (Holding on to Our Future, 2024).

Together, this data and corroborating inquiry evidence highlight the need to shift from reactive statutory intervention toward community-led, preventive approaches that address the underlying causes of child protection involvement, such as poverty, housing insecurity and intergenerational trauma.

## Family Support Services

In 2023-24, the proportion of the SA Government’s real recurrent expenditure on ‘child protection services’ attributed to Intensive Family Support Services (IFSSs) and Family Support Services (FSSs) was 12%. This represents an increase from 9.1% in 2022-23 (SCRGSP 2025, table 16A.8). The

national average expenditure on IFSSs and FSSs was 15.6% in 2023-24<sup>6</sup>. While the SA Government's expenditure on IFSSs and FSSs increased in 2023-24 (Table 3, below), this proportion of funding put towards early intervention and prevention remains alarmingly low. If the SA Government continues to direct the majority of funding towards OOHG services, the number of children in OOHG will likely continue to rise.

**Table 3 – Proportion of Government child protection services expenditure on IFSSs and FSSs in SA (2020-21 to 2023-24)**

|  | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|--|---------|---------|---------|---------|
| <b>Total expenditure (\$'000)</b>                | 70,641  | 75,315  | 77,568  | 111,845 |
| <b>Proportion of expenditure on IFSS and FSS</b> | 9.8%    | 9.8%    | 9.1%    | 12%     |

Source: Report on Government Services 2025, Part F, Section 16 Child Protection Services, table 16A.8.

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 SA Government fund ACCOs to provide these services, while also investing in ways to increase the cultural safety and accessibility of mainstream services. In SA, just 9.8% of IFSS and FSS funding was invested in ACCOs in 2022-23 (SNAICC 2024). Whilst this figure is above the national average of 6% (excluding the NT), substantial increases in ACCO service delivery are necessary to ensure effective implementation of the Prevention element in SA (SNAICC 2024).

As shown in Table 4 (below), in 2023-24, 44.4% of children commencing IFSSs identified as Aboriginal and Torres Strait Islander (SCRGSP 2025, table 16A.35). This is compared to 36.3% of children in 2022-23.

**Table 4 – Proportion of Aboriginal and Torres Strait Islander children commencing IFSSs in SA (2020-21 to 2023-24)**

|  | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|--|---------|---------|---------|---------|
| <b>Aboriginal and Torres Strait Islander children commencing IFSSs</b> | 246     | 1051    | 1,147   | 1,642   |
| <b>Total children commencing IFSSs</b>                                 | 678     | 2,862   | 3,160   | 3,702   |
| <b>Proportion</b>  | 36.3%   | 36.7%   | 36.3%   | 44.4%   |

Source: Report on Government Services 2025, Part F, Section 16 Child Protection Services, table 16A.35.

<sup>6</sup> As noted in SCRGSP 2025, table 16A.8, IFSS activity data is compiled from aggregate data provided by Community Sector Organisations (CSOs) and is not provided by all CSOs, and the data provided is not validated.

In SA, the Department of Human Services (DHS) is the single biggest provider of IFSSs. Referrals to an IFSS can be made by the Department for Education, SA Health, Multi-Agency Protection Service (MAPS) and DCP. DCP is the largest referrer to IFSSs, with 90% of DCP referrals received under the Refer State Authority provisions in the *Children and Young People (Safety) Act 2017* (the Act); under these referrals, there is no current DCP involvement or legal orders. The remaining 10% of DCP referrals are received after DCP has finalised their investigation and determined that the child(ren) will not be entering OOHC. Referrals to FSSs can be made directly to FSS contracted providers, and referrals can be made by DCP, other government agencies, non-government organisations (NGOs) and ACCOs.

Due to an absence of data on engagement in family services, it is unclear whether families are receiving the support they need earlier to prevent engagement with the system. ACCO sector and community stakeholders in SA have pointed to the limitations of IFSS programs and funding arrangements that prioritise support to families on referral, meaning they are unable to flexibly respond to the needs of families in their communities and provide early supports. In response, DHS has commenced a project in response to the Holding on to Our Future recommendation regarding self-referral pathways and is seeking guidance from Wakwakurna Kanyini and the CACYP to inform a co-design approach.

### Social Determinant Risks of Increased Contact with the DCP

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 DCP. However, these factors do not inherently cause child abuse or neglect. The greater 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 are foundational to 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 DCP to implement culturally safe support systems in all stages of child protection 'intervention' (Collings et al., 2024).

This can be evidenced through DCP 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 DCP processes is further influenced by systemic racism and a lack of cultural awareness, both within government departments and throughout the non-Indigenous SA community. In SA, there continues to be a range of social, economic and health challenges contributing to Aboriginal and Torres Strait Islander children entering OOHC.

The SA 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 Peoples' Health and Wellbeing in SA**

| Social Strategies                                   | Updates on legislation, policy and practice  |
|---|--|
| <b>Access to early childhood education and care</b> | The <i>SA Royal Commission into Early Childhood Education and Care</i> , launched in 2022, reviewed the state's services and made 43 recommendations in its August 2023 report (RCECER 2023). A major outcome is the rollout of universal preschool access for three-year-olds starting in 2026, with full implementation by 2032. The program prioritises Aboriginal and Torres Strait Islander children and those in OOHC, boosting weekly preschool hours from 12 to 15 in government preschools immediately. Additionally, \$14 million over four years has been committed to strengthening partnerships with Aboriginal and Torres Strait Islander communities to ensure culturally appropriate services and maximise the benefits for Aboriginal and Torres Strait Islander children (RCECER 2023).  |
| <b>Early contact with youth justice</b>             | In August 2023, the SA Government launched a two-year pilot of the Youth Aboriginal Community Court Adelaide (YACCA) to address the over-representation of Aboriginal and Torres Strait Islander youth in the state's criminal justice system. Operating within the Adelaide Youth Court, YACCA offers a culturally responsive approach by involving Elders, who provide guidance on social, familial and cultural matters. The program uses a sentence-delayed model, allowing participants to engage with trauma-focused, culturally appropriate services to address the underlying causes of their offending. Over an initial four-month period (extendable to six months), progress is monitored through regular review hearings involving the Judicial Officer, Elders, family and service providers. YACCA aims to improve social, educational and psychological outcomes, reduce reoffending, and can influence sentencing, including the potential for diversion to a Family Group Conference (FGC). |



|   |   |
|---|---|
| <b>Maternal and child health</b>            | <p>In 2023-24, the SA Department of Health’s Aboriginal and Torres Strait Islander health branch launched the Continuity of Care Protocol Program aimed at improving health outcomes for Aboriginal and Torres Strait Islander children (0-4) and for mothers of Aboriginal and Torres Strait Islander babies by enhancing continuity of care across the health system. Integrating cultural considerations, the program strengthens relational, informational and managerial continuity within healthcare and government agencies. Developed in consultation with Local Health Networks, Aboriginal Community Controlled Health Organisations (ACCHOs), professional bodies and researchers, it aligns services with community needs. An upcoming testing phase is intended to ensure the program is fit-for-purpose (Government of South Australia 2024g).</p>  |
| <b>Family, Domestic and Sexual Violence</b> | <p>In 2024, the SA Government initiated the Royal Commission into Family, Domestic and Sexual Violence (the Commission). The Commission aims to tackle the systemic drivers of violence, barriers to support and prevention strategies for prevention, with a focus on Aboriginal and Torres Strait Islander communities. It seeks to amplify the voices of Aboriginal and Torres Strait Islander victim-survivors, often overlooked in mainstream discussions. Through public hearings, testimonies and consultations with Aboriginal and Torres Strait Islander organisations and leaders, the Commission is gathering insights to shape culturally responsive, community-led solutions. Its findings, expected by July 2025, will deliver recommendations to reduce violence and its impact on Aboriginal and Torres Strait Islander women, addressing systemic inequities, improving service access and embedding Aboriginal and Torres Strait Islander perspectives in policy (The Royal Commission into Domestic, Family and Sexual Violence 2024).</p> |
| <b>Alcohol and Other Drugs</b>              | <p>The <i>South Australian Alcohol and Other Drug Strategy 2024–2030</i> (the Strategy) aims to prevent and reduce the harms associated with alcohol and other drugs through a focus on health promotion, supply reduction, early intervention, treatment and community engagement. The Strategy prioritises addressing inequities among vulnerable groups, including Aboriginal and Torres Strait Islander people, rural and remote communities and those experiencing mental health challenges.</p>   |

|                       |   |
|-----------------------|---|
| <p><b>Housing</b></p> | <p>The <i>South Australian Aboriginal Housing Strategy 2021–2031</i> (the Housing Strategy) was developed as part of the state's commitment to improving housing outcomes for Aboriginal and Torres Strait Islander peoples, aligned with the National Agreement and guided by extensive consultations with Aboriginal and Torres Strait Islander communities and stakeholders. The ongoing Housing Strategy focuses on increasing home ownership opportunities, economic participation, and access to culturally appropriate services for Aboriginal communities (Government of South Australia 2021).</p> <p>However, as noted by SAACCON, the development of the Housing Strategy was not compliant with the Partnership element:</p> <p><i>‘Despite the impact of COVID-19 restrictions at the time, the engagement was scheduled for completion in under five months, following an extension on the original timeframe. ...the [Housing Strategy] outlines the community stakeholders consulted and acknowledges their ‘assistance’. ... the views expressed in the consultation have not been made publicly available. This lack of transparency is inconsistent with the established criteria for self-determination and obligations under the [National Agreement] and UNDRIP. In the absence of full transparency, there can be no indication that adequate weight was given to the views expressed.’ (Productivity Commission 2024, citing SAACCON 2022).</i></p> |
|-----------------------|---|

## Partnership

To improve the wellbeing of Aboriginal and Torres Strait Islander children and families, governments and key stakeholders must establish and maintain genuine partnerships with Aboriginal and Torres Strait Islander communities. The Partnership element of the Child Placement Principle is not just about collaboration or consultation; it is a mechanism for advancing self-determination in child protection. Meaningful involvement of Aboriginal and Torres Strait Islander people in all aspects of design, delivery and decision-making ensures that policies and practices reflect cultural knowledge, community priorities and the rights of children to grow up connected to family, culture and Country. Without prioritising the full implementation of the Partnership principle, child protection systems risk perpetuating approaches that exclude Aboriginal and Torres Strait Islander voices and fail to uphold their inherent rights to lead decisions affecting their children and families.

## 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 SA, Aboriginal and Torres Strait Islander children made up 37% of children in OOH, and 35% of substantiated claims of abuse or neglect (SNAICC 2024). Despite this, only 5.6% of child protection funding was invested in ACCOs, slightly 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 (SA).**

| Type of service                  | Total expenditure (\$'000) | Direct funding to ACCOs (\$'000) | % of total expenditure to ACCOs |
|----------------------------------|----------------------------|----------------------------------|---------------------------------|
| FSSs and IFSSs                   | 121,750*                   | 11,951                           | 9.8%                            |
| Protective intervention services | 77,666                     | 93                               | 0.1%                            |
| Care services                    | 662,204                    | 36,494                           | 5.5%                            |
| <b>Total</b>                     | <b>861,620</b>             | <b>48,538</b>                    | <b>5.6%</b>                     |

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.

\* Note: SA data for FSSs and IFSSs differ from what is reported in the Report on Government Services, as non-contracted and contracted services from the DHS are also included, alongside DCP services. The SA Department of Human Services provides 30% of its commissioned funding to ACCOs and ACCHOs under an ongoing commitment to proportional investment.

## Wakwakurna Kanyini

A landmark development is the establishment of the SA Peak Body for Aboriginal Children and Families, Wakwakurna Kanyini, and the appointment of inaugural CEO, Kurna, Narungga and Ngarrindjeri woman Ashum Owen.

Wakwakurna Kanyini commenced operations at the end of September 2024. Wakwakurna Kanyini is integral to ensuring culturally appropriate service delivery and advocacy for Aboriginal children and young people (Wakwakurna Kanyini 2024). The establishment of Wakwakurna Kanyini reflects decades of advocacy from Aboriginal and Torres Strait leaders for a dedicated peak body to amplify community voices within the child and family support sectors (SNAICC 2024).

As SA's peak body for Aboriginal children and families, Wakwakurna Kanyini champions the Child Placement Principle through its advocacy for community-led priorities and capacity-building of ACCOs to provide family support services.

## South Australian Voice to Parliament

The South Australian Voice to Parliament (the SA Voice) was established under the *First Nations Voice Act 2023*. Many Aboriginal and Torres Strait Islander children and young people view the establishment of the South Australian Voice to Parliament as a positive step, offering Aboriginal leaders a platform to advocate on issues affecting their communities (CACYP 2024b). Many young people expressed deep sadness and disappointment following the National Voice Referendum, citing increased racism leading up to and after the event, which significantly impacted their social and emotional wellbeing, particularly in schools. The SA Voice is seen by many young Aboriginal and Torres Strait Islander people as an opportunity to demonstrate Aboriginal leadership and emphasise the importance of addressing community challenges and advancing solutions (CACYP 2024b).

The long title of the *First Nations Voice Act 2023* states that SA aims to hear the advice of Aboriginal and Torres Strait Islander peoples (see *First Nations Voice Act 2023*). The progression of the *Child and Young Person (Safety and Support) Bill 2024* (the Bill) is a prime opportunity to demonstrate that commitment. By ensuring the SA Voice has a meaningful role in shaping the Bill, the SA Government can demonstrate a genuine partnership with Aboriginal and Torres Strait Islander leadership in the development of child and family legislation. This would not only align with the Child Placement Principle but also strengthen the efficacy of the SA Voice in contributing to long-term systemic reform, benefiting Aboriginal and Torres Strait Islander children and families across SA.

## Expanding Recognised Aboriginal and Torres Strait Islander Organisations

In February 2024, the SA Government designated Kornar Winmil Yunti Aboriginal Corporation (KWY) as the second Recognised Aboriginal and Torres Strait Islander Organisation (RATSIO) under the *Children and Young People (Safety) Act 2017 (SA)* (the Act), building upon the long-term and continuing role of Aboriginal Family Support Services (AFSS). This milestone will strengthen SA

ACCOs' role in decision-making and service delivery, supporting community-led approaches to family support (SNAICC 2024, p. 86).

Increasing the number of ACCOs with RATSIO designation will better enable DCP decision-makers to ensure active efforts are made to keep families together or pursue reunification, aligning with the Child Placement Principle. Courts and departments must consult with a RATSIO before placing Aboriginal and Torres Strait Islander children into OOHC, enhancing prevention and participation in decision-making within the DCP system.

The expansion of RATSIOs boosts the capacity of Aboriginal and Torres Strait Islander organisations to keep children connected to their families, culture and community, reinforcing a child's right to grow up safe and strong within their cultural identity (UN, 1989 Art 30). However, there remain only two RATSIOs in South Australia. The Holding on to Our Future report calls for a legislative requirement that at least one local-level RATSIO be gazetted for each regional community, with legislated functions including taking on family scoping and cultural maintenance, leveraging their genealogical expertise and cultural knowledge (CACYP 2024a).

Although the *Children and Young People (Safety and Support) Bill 2024* (the Bill) provides for the delegation of functions to Aboriginal and Torres Strait Islander entities, the recommendations to legislate prescribed functions and require RATSIOs to be gazetted for each region were not implemented in the Bill. To fully empower Aboriginal and Torres Strait Islander communities and deliver on the National Agreement's Priority Reforms, the SA Government must support the development of RATSIOs across all regions, ensuring local ACCOs play a central role in decision-making and family preservation (SNAICC 2024, p. 87).

## Carer Council

The Carer Council of South Australia was established in 2023 as a key part of ongoing reforms to the foster and kinship care system, following recommendations from Dr Fiona Arney's *Independent Inquiry into Foster and Kinship Care* (2022). The Carer Council's main role is to provide independent advice to the Minister for Child Protection, ensuring that the voices of family-based carers are central to policy development. Comprising 12 active carers, including those from regional areas, as well as Aboriginal and Torres Strait Islander carers, reflecting a diverse range of experience. Since its first meeting in December 2023, the Council has contributed to initiatives such as reviewing the Statement of Commitment to family-based carers and advising on strategies for the recruitment and retention of carers (Carer Council 2024).

Whilst including Aboriginal and Torres Strait Islander carers is a positive step, the Carer Council does not fully embody the Partnership element of the Child Placement Principle. The Carer Council is administered by Connecting Foster and Kinship Carers SA, a non-Indigenous Peak Body. As outlined in Safe and Supported and the National Agreement, partnership with ACCOs is essential in ensuring cultural safety and connection for Aboriginal and Torres Strait Islander children in care. The newly established Wakwakurna Kanyini is well-positioned to be a strong partner in administering or co-administering the Carer Council in a manner that is compliant with the Child Placement Principle.

## Placement

Placement in accordance with the hierarchy of placement options<sup>7</sup> 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 in SA, as of 30 June 2021 to 2024 (%).**

|   | 2021      | 2022        | 2023        | 2024        |
|---|-----------|-------------|-------------|-------------|
| <b>Placed with relatives/kin or other Aboriginal and Torres Strait Islander carer</b> |           |             |             |             |
| Aboriginal relative/kin   | 31.2      | 31.7        | 32.3        | 32.4        |
| Non-Indigenous relative/kin   | 23.6      | 23.3        | 22.5        | 23.5        |
| Total placed with relatives/kin   | 54.8      | 55          | 54.9        | 55.9        |
| Other Aboriginal and Torres Strait Islander carer                                     | 6.2       | 6.2         | 5.8         | 5.6         |
| <b>Total</b>  | <b>61</b> | <b>61.2</b> | <b>60.7</b> | <b>61.5</b> |
| <b>In another care arrangement</b>  |           |             |             |             |
| Other non-Indigenous carer  | 25.3      | 23.3        | 22.8        | 22.2        |
| Residential care or family group home   | 13.7      | 15.5        | 16.6        | 16.3        |
| Independent living/living arrangements unknown  | n.p.      | n.p.        | n.p.        | n.p.        |
| <b>Total</b>  | <b>39</b> | <b>38.8</b> | <b>39.3</b> | <b>38.5</b> |

Source: Report on Government Services 2025, Part F, Section 16 Child Protection Services, table 16A.23.

<sup>7</sup> 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 shown in Table 7 (above), the rates of placement of Aboriginal and Torres Strait Islander children with relatives/kin in 2024 have remained relatively consistent over the past four years. As of 30 June 2024, 32.4% of Aboriginal and Torres Strait Islander children placed in care were placed with Aboriginal and Torres Strait Islander relatives/kin (SCRGSP 2025, table 16A.23). The national average for placing Aboriginal and Torres Strait Islander children with Aboriginal and Torres Strait Islander relatives/kin is 32.1% (SCRGSP 2025, table 16A.23).

### Active efforts to place children in accordance with the hierarchy

The legislative changes contained in the *Children and Young People (Safety and Support) Bill* (2024f) (the Bill) seek to ensure that the elements of the Child Placement Principle are implemented to the standard of active efforts in all decisions relating to Aboriginal and Torres Strait Islander children. This represents a departure from previous approaches where authorities need to have a 'regard to' or 'consider' the Child Placement Principle, instead placing an active duty on decision-makers to demonstrate compliance with the Child Placement Principle at all times.

Ensuring that Aboriginal and Torres Strait Islander community representatives lead decision-making is a vital component of achieving placement at higher tiers of the hierarchy rather than resorting to placement decisions that risk harming a child's connection to their family, community or culture. Under the current legislative framework in SA, the *Children and Young People (Safety) Act 2017* only mandates consultation with a RATSIO after a placement has already been identified. This process inherently limits the capacity for meaningful input from RATSIOs during critical family finding activities (CACYP 2023).

The DCP Manual of Practice does suggest that case workers consult with a RATSIO before placement begins, wherever possible. However, in practice, this typically does not occur. This has drawn criticism, with the then SA Commissioner for Aboriginal Children and Young People, April Lawrie, describing the current process as 'a weak tick-box exercise' conducted after placements have been decided and, in some cases, even commenced (CACYP 2023). Such practices undermine the intent of the Child Placement Principle, which seeks to prioritise the best interests of Aboriginal and Torres Strait Islander children by preserving their connections to family, community and culture.

The legislative changes represent a crucial opportunity to address long-standing gaps in the system, particularly in implementing proactive and culturally responsive practices. Embedding active efforts in law compels practitioners and agencies to prioritise Aboriginal and Torres Strait Islander children's rights to remain connected to family, culture and community. Amendments to the Bill must fully implement the Child Placement Principle to the standard of active efforts to avoid the risk of tokenistic compliance.

### Finding Families

In February 2024, the DCP launched the Finding Families pilot program to transition children and young people from residential care into family-based placements, with a focus on strengthening family connections and cultural identity (Government of South Australia 2024c).

The program brings together a team of senior placement officers who work to identify safe, secure

and sustainable placements with kin or community for children in residential care. Research shows that children raised in family environments experience significantly better life outcomes than those in long-term residential care (SNAICC 2024). The program aims to provide more children, especially those aged 10 and under, with the opportunity to grow up in nurturing, culturally connected environments.

Finding Families includes an Aboriginal and Torres Strait Islander-specific team that operates in partnership with KWY, prioritising Aboriginal and Torres Strait Islander children and sibling groups. By involving Aboriginal and Torres Strait Islander representatives in decision-making, the program aims to align with culturally safe practices.

Finding Families offers comprehensive support, including family scoping, temporary placement assessment and transition planning. Since May 2024, its scope has expanded to assist children and young people in kinship, foster, Specific Child Only, and family day care placements nearing conclusion, aiming to divert them from residential care and ensure stability.



## 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 children and families' involvement strengthens culturally informed decision-making and ensures that child protection practices uphold their right to be heard and respected.

## 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. FGC empowers families and children to exercise their right to participate in decision-making and case planning. Further, inclusion of family members in decision-making processes promotes the development of culturally appropriate solutions that are tailored to the individual needs and circumstances of each child, representing the best practice approach to upholding the best interests and wellbeing of Aboriginal children (Connolly and Morris, 2012).

The SA Government has committed \$13.4 million over five years to support FGC, with a particular focus on Aboriginal families (Government of South Australia 2023a). The SA Government has asserted that this increased funding includes efforts to enable ACCOs to provide FGC for Aboriginal and Torres Strait Islander families. However, in 2022-23, the single ACCO FGC provider in SA, AFSS, facilitated only 47 of a total 110 FGCs that were held for Aboriginal families in SA (Government of South Australia 2023a).

The SA government has reported that for Aboriginal children whose family participated in an FGC in 2023-24, 90.4% of children continued to remain in the care of their family (Government of South Australia 2025). An evaluation by the Australian Centre for Child Protection also concluded that FGCs are effective in reducing OOHC placements and instances of abuse in SA. However, the evaluation also highlights gaps for children in regional and remote areas (Krakouer et al., 2024, p. 42). Despite the benefits of FGC, it remains non-mandatory and inconsistently applied. In SA, FGC is only conditionally available upon referral from DCP, a process that has been described by the CACYP as 'highjack[ing] the intent of Family Group Conferencing by the Department determining whether the family is worthy enough to participate in family-led decision-making' (CACYP 2024, p. 95).

Further, the CACYP reported concerns from Aboriginal communities regarding FGC implementation (CACYP 2024). Aboriginal community members identified significant shortfalls, including FGCs being offered too late, after major decisions have been made, and that significant relatives or community members were often excluded due to shame, family conflict, or confusion about the process (CACYP 2024).

To maximise its impact, systemic reform is needed: mandating FGC as an early intervention, increasing funding and ensuring independent facilitation. These changes will help FGC reach its full

potential as a family-led, strengths-based model that enhances the safety and wellbeing of children, particularly Aboriginal children, and tackles the systemic barriers hindering its success (Wakwakurna Kanyini 2024).

### Respected Persons Scheme

The *Child and Young Person (Safety and Support) Bill 2024 (2024f)* (the Bill) introduced a scheme to involve ‘Respected Persons’ in Court proceedings concerning Aboriginal and Torres Strait Islander children, aiming to provide cultural advice and consultation. Wakwakurna Kanyini has raised significant concerns about the effectiveness and appropriateness of this mechanism, and as judicial powers cannot be conferred to these ‘Respected Persons’, Wakwakurna Kanyini has described the initiative as a tokenistic gesture that fails to address the deeper systemic issues within the SA DCP and Court systems, and disregards the recommendations of the SA Aboriginal community (Wakwakurna Kanyini 2024).

This approach overlooks longstanding calls from Aboriginal and Torres Strait Islander communities to implement Aboriginal and Torres Strait Islander Family-Led Decision Making (AFLDM) at critical early intervention and prevention stages. AFLDM emphasises empowering Aboriginal and Torres Strait Islander families and communities to lead decision-making processes, ensuring culturally informed solutions that prioritise the safety and wellbeing of children. By contrast, the ‘Respected Persons’ scheme, as proposed, undermines this principle, offering symbolic participation rather than meaningful authority or influence. For real progress, initiatives must centre on tangible reforms that acknowledge and act upon the recommendations from Aboriginal communities, ensuring culturally safe, empowering, and effective mechanisms (Wakwakurna Kanyini 2024).

## 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 characterise 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 reconnection where possible,
- ongoing review and advancement of reunification and reconnection 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.

## Reunifications

In 2022-23, 3.7% of Aboriginal and Torres Strait Islander children were reunified from OOHC in SA, consistent with a rate of 3.6% in 2021-22 (AIHW 2024b, table 10.15). Comparably, 5.1% of non-Indigenous children were reunified from OOHC in 2022-23 (AIHW 2024b, table 10.15).

**Table 8 – Proportion of children in OOHC who were reunified (including long-term guardianship orders) in SA, 2020-21 to 2022-23 (%)**

|   | 2020-21 | 2021-22 | 2022-23 |
|---|---------|---------|---------|
| <b>Aboriginal and Torres Strait Islander children</b> | 3.7     | 3.6     | 3.7     |
| <b>Non-Indigenous children</b>                        | 4.3     | 5.0     | 5.1     |

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. Whether or not a child returns to OOHC is significant because it is a potential indicator of whether the supports provided to the family have been 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 SA, this data is not published by AIHW due to small numbers and data suppression rules around confidentiality. In the most recent year SA provided data (2020-21), they reported that 85.3% of Aboriginal and Torres Strait Islander children who had been reunified did not return to care within 12 months. This is slightly above the national average in the same year (83.1%), however, significantly lower than the rate for non-Indigenous children in SA (94.3%) (AIHW 2024b, table 10.19).<sup>8</sup>

## Use of Long-Term and Permanent Care Orders

Ongoing case assessment for children and young people on long-term and permanent care orders is embedded in DCP procedures and the Manual of Practice, and there are a variety of circumstances where reunification on long-term orders may be considered. This might include situations where long-term family-based options have not been secured, and parents or caregivers demonstrate positive change, or where young people self-place back home while safety concerns remain.

However, whilst reunification for children and young people on long-term orders can be situationally dependent, children on long-term guardianship custody orders (GCOs) and third-party parental responsibility orders (TPPROs)<sup>9</sup> are generally considered unsuitable for reunification since they are on orders that typically last until they are 18 years old, reflecting policymakers' desire for permanent outcomes, which is enshrined in legislation.<sup>10</sup>

It is important to note that children on long-term orders have often progressed to and remain in 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, and
- 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 2024d, Table S4.10). In SA, this figure was 90.4% (AIHW 2024c), which is significantly higher than the national average. 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 drive towards long-term and permanent care orders for Aboriginal and Torres Strait Islander children, over and above supporting successful and sustainable reunification. In 2022–23, there were no adoptions of Aboriginal and Torres Strait Islander children reported by SA (SNAICC 2024).

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<sup>8</sup> The source for these calculations has changed from previous years' reviews, due to changes in AIHW reporting. Source data is from table 10.15 of the Aboriginal and Torres Strait Islander data table from Child Protection Australia 2021–22 (which includes reunifications for children on long-term orders) while previous reviews drew from table S2.3a from the Child Placement Principle Supplementary tables 2022 released by AIHW (which excludes reunifications for children on long-term orders).

<sup>9</sup> 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.

<sup>10</sup> See explicit preference for permanent placements in section 11(2) of the Children and Young People (Safety and Support) Bill 2024.

## Cultural Care Planning for Children in OOHC

Cultural care planning is a vital mechanism for ensuring that Aboriginal and Torres Strait Islander children in OOHC maintain strong connections to family, community, culture and Country. Without deliberate and well-resourced cultural care plans, children risk experiencing the same disconnection and loss of identity that has profoundly impacted past generations.

At 30 June 2023, 87.9% of Aboriginal children in OOHC in SA had a documented cultural care plan, and 91.7% had a documented genogram (Government of South Australia 2024). Whilst these figures appear high, every Aboriginal and Torres Strait Islander child in OOHC must have a cultural care plan and genogram to effectively comply with the Connection element of the Child Placement Principle.

DCP provides 'Life Story books' for Aboriginal and Torres Strait Islander children in care. Recognising the distinct culture, language and Country of each Nation, 'Life Story books' are tailored to support a child or young person's specific connections, including Adnyamathanha, Arabunna, Boandik, Kurna, Mirning, Ngarrindjeri, Narungga and Wirangu. The 'Life Story books' cover areas including cultural and kinship groups, Elders, the Dreaming and kinship genograms. As of 16 July 2024, 60.8% of Aboriginal children in care have received a Life Story Book, supporting their identity and connection to culture (Government of South Australia, 2024).

Despite this, the Holding on to Our Future report highlights an urgent need for cultural care planning to be embedded as a core practice within child protection systems, rather than treated as an optional or secondary consideration (CACYP 2024). Effective cultural care planning requires early identification of a child's Aboriginal heritage, followed by meaningful engagement with family and community representatives to develop a plan that reflects the child's cultural identity and needs (CACYP 2024).

As outlined by the CACYP:

*'...there needs to be a revised policy and practice approach for supporting and preserving family relationships and increased funding for collaboration with Aboriginal Community Controlled Organisations. The inclusion of Aboriginal cultural workers and embedding of Aboriginal culture in programs is also highlighted as key to promoting positive outcomes for Aboriginal children...'*  
(CACYP 2024, p. 118).

Key components of a strong cultural care plan include ensuring that children have access to their language, traditions and cultural practices, as well as opportunities to build relationships with extended family and community members. Carers must be supported and held accountable for maintaining these connections, with regular reviews to assess the effectiveness of cultural care arrangements. Additionally, reunification and reconnection efforts should be prioritised wherever possible, ensuring that children grow up with a deep sense of belonging and cultural continuity.

## Conclusion

In examining the progress of the SA 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. The passage of the Child and Young Person (Safety and Support) Bill brought much-needed reform to the sector. However, more effort is required to enable active implementation of the Child Placement Principle.

The continued over-representation of Aboriginal and Torres Strait Islander children in OOHC in SA 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 SA Government's ongoing support of a dedicated Aboriginal and Torres Strait Islander children's commission, and ACCO child and family peak body, works toward the fulfilment of the partnership element. Despite this, greater commitment to independent Aboriginal leadership and oversight is critically needed to enable system accountability, as demonstrated in the SA government's response to the recommendations of the *Holding on to Our Future Inquiry*.

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, such as KWH's *Family Finding*, which require 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 Carers Council, the Voice to Parliament, and the expansion of RATSIOs. This review hopes that moving forward, programs such as these are expanded and further developed under the leadership of the SA ACCO sector and Aboriginal communities.

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