

REVIEWING IMPLEMENTATION OF
THE ABORIGINAL AND
TORRES STRAIT ISLANDER
CHILD PLACEMENT
PRINCIPLE
VICTORIA
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.

Contents

Acknowledgement of Country.....	2
Contents.....	2
Acronyms and abbreviations.....	3
Executive Summary.....	4
Methodology.....	6
Prevention.....	7
Partnership.....	16
Placement.....	21
Participation.....	23
Connection.....	25
Conclusion.....	29
Reference list.....	30

Acronyms and abbreviations

Acronym	Full name of acronym
ACCO	Aboriginal and Torres Strait Islander community-controlled organisation
ACF	Aboriginal Children's Forum
ACAC	Aboriginal Children in Aboriginal Care
AFFS	Aboriginal Family Finding Service
ACSASS	Aboriginal Child Specialist Advice and Support Service
(the) Child Placement Principle	Aboriginal and Torres Strait Islander Child Placement Principle
DFFH	The Department of Families, Fairness and Housing
FDSV	Family, Domestic and Sexual Violence
FGC	Family Group Conferencing
FSSs	Family Support Services
GCO	guardianship custody order
IFSSs	Intensive Family Support Services
KMS	Koori Maternity Service
MCH	Maternal and Child Health
(the) National Agreement	National Agreement on Closing the Gap
OOHC	out-of-home care
RoGS	Report on Government Services
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
VACCA	Victorian Aboriginal Child and Community Agency

Executive Summary

This report reviews the progress of the Victorian Government, primarily through the Department of Families, Fairness and Housing (DFFH), 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*.

Data highlights persistent challenges. Aboriginal and Torres Strait Islander children remain disproportionately represented in out-of-home care (OOHC), making up 25.7% of Victoria's OOHC population, despite representing just 2.2% of the child population. In 2023-24, Victoria recorded the highest national rates for both OOHC entry and exit among Aboriginal and Torres Strait Islander children, underscoring the continued disparities in child protection outcomes. During 2022-23 in Victoria, Aboriginal and Torres Strait Islander children made up 24% of children in OOHC and 14% of substantiated claims of abuse or neglect (SNAICC, 2024). Despite this, only 7.4% of child protection funding was invested in ACCOs (SNAICC, 2024).

The high rates of over-representation and the limited funding for ACCO-led prevention services reflect an insufficient emphasis on the prevention and partnership elements of the Child Placement Principle. While the Child Placement Principle has been embedded in legislation through the *Children, Youth and Families Act 2005 (Vic)*, progress toward its practical application has been uneven, with significant barriers such as under-resourcing, systemic racism and discrimination undermining effective implementation and the commitment in legislation.

Key advancements include the expanding role of Aboriginal and Torres Strait Islander community-controlled organisations (ACCOs) in administering the Aboriginal Children in Aboriginal Care (ACAC) program and the 2024-25 State Budget's \$272 million commitment to Aboriginal and Torres Strait Islander peoples' self-determination initiatives, such as funding for justice system interventions and culturally grounded kinship support programs. These efforts signal important steps toward enabling community-led approaches to child welfare and cultural preservation, in accordance with the five elements of the Child Placement Principle. These successes are reflected in Victoria having the highest reunification rates in the country. In 2021-22, 24% of Aboriginal and Torres Strait Islander children in Victorian OOHC exited to reunification, far above the national rate of 7.5%.

The Victorian Government's commitment to Target 12 of 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, which 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) includes a commitment to implementing the Child Placement Principle to the standard of active efforts across legislation, policy, programs, processes and practice.

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.

To enhance implementation of the Child Placement Principle, the Victorian Government must address critical gaps by fully aligning with expert recommendations, including raising the age of criminal responsibility to 14, adopting the Yoorrook for Justice Report's proposed systemic reforms, and shifting to more flexible and community-led funding frameworks that empower ACCOs and promote genuine self-determination. Without these urgent measures, the vision of ensuring that Aboriginal and Torres Strait Islander children grow up within their families, communities and cultures will remain unfulfilled.

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 Victorian 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 OOHHC. The analysis is structured to:

- highlight data on Aboriginal and Torres Strait Islander child welfare outcomes and over-representation rates specific to Victoria,
- 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 Victoria'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 Victorian 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 the child protection and youth justice 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).²

² OOHHC 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 OOHHC are excluded where relevant.

Delays in the publication of RoGS and AIHW data, due to comprehensive data collection, lead to inconsistencies in 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.

Prevention

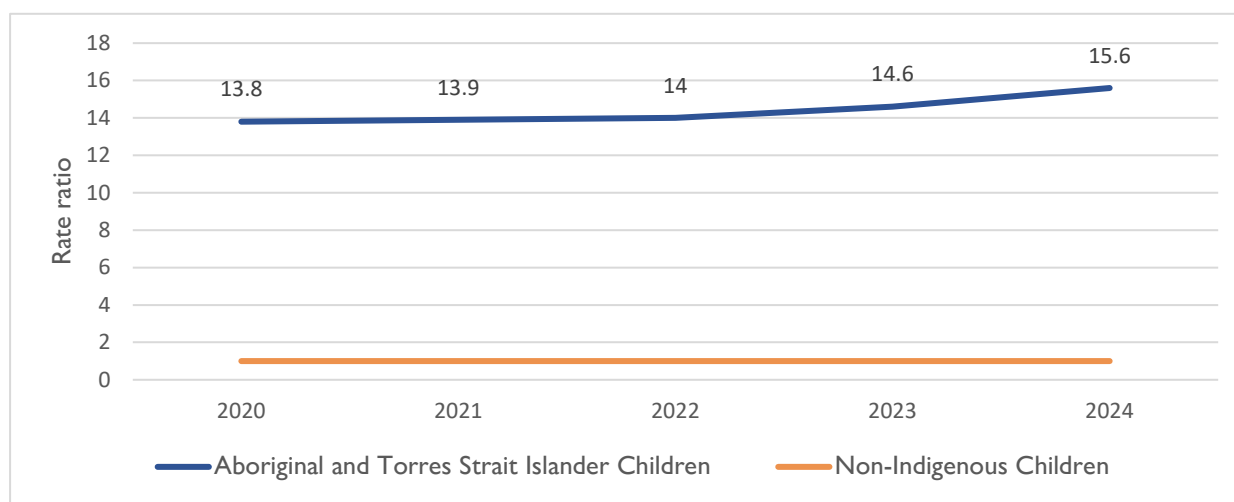
The prevention element of the Child Placement Principle aims to ensure that Aboriginal and Torres Strait Islander children and their families grow up healthy and safe and within their own family and community. Preventing children and families from entering the child protection system requires collaboration among a range of 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 DFFH, 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)

As of 30 June 2024, Aboriginal and Torres Strait Islander children in Victoria were over-represented in OOHC and other supported placements at 15.6 times the rate of non-Indigenous children (SCRGSP 2025, Table 16A.2, 16A.3 and 16A.42). Figure 1 shows the trend in the over-representation of Aboriginal and Torres Strait Islander children in OOHC and other supported placements in Victoria from 2020 to 2024.

As of 30 June 2024, Victoria had 13,059 children living in OOHC and other supported placements (SCRGSP 2025, Table 16A.2 and 16A.3). Out of this number, 25.7% (3,353) of children identified as Aboriginal or Torres Strait Islander, despite making up only 2.2% of the total population of children aged 0-17 in Victoria in 2023 (SCRGSP 2025, Table 16A.42). The prior year, as of 30 June 2023, Aboriginal and Torres Strait Islander children made up 24.5% (3,125 out of 12,758) of the total OOHC population (SCRGSP 2025, Table 16A.2 and 16A.3).

Figure 1 – Over-representation of Aboriginal and Torres Strait Islander children in OOHC and other supported placements in Victoria as of 30 June 2020 - 2024.³



Source: SNAICC calculation of rate ratios, with data drawn from - Report on Government Services 2025, Part F, Section 16 Child Protection Services. Table 16A.2, 16A.3 and 16A.42

- AIHW Child Protection Australia 2022-23: Released September 2024, covering 2022-23 financial year data.
- AIHW ATSCPP Indicators Report: Released December 2023, covering 2021-22 financial year data.

³Rate 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 those published in previous reviews.

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.

In 2023-24, Aboriginal and Torres Strait Islander children were admitted into OOHC at a rate of 30 per 1,000 in the Victorian population aged 0-17 (SCRGSP 2025, Table 16A.4 and 16A.42). This is compared to 1.8 per 1,000 for non-Indigenous children (SCRGSP 2025, Table 16A.4 and 16A.42). This was an increase from 28.9 per 1,000 in 2022-23. This is far above the national rate for Aboriginal and Torres Strait Islander children entering OOHC at 11.1 per 1,000 children (SCRGSP 2025, Table 16A.4 and 16A.42).

In 2023-24, Aboriginal and Torres Strait Islander children were discharged from OOHC at a rate of 25.5 per 1,000 (SCRGSP 2025, Table 16A.4 and 16A.42) – this was a decrease from 28.4 per 1,000 in 2022-23. This is compared to 1.8 per 1,000 for non-Indigenous children (SCRGSP 2025, Table 16A.4 and 16A.42).

Table 1 – Rates per 1,000 of children entering and exiting out-of-home care in Victoria (2020-21 to 2023-24)

	2020-21	2021-22	2022-23	2023-24
Aboriginal and Torres Strait Islander children admitted to OOHC	29.6	26	28.9	30
Aboriginal and Torres Strait Islander children discharged from OOHC	27.2	27.7	28.4	25.5
Non-Indigenous children admitted to OOHC	2.1	1.9	1.9	1.8
Non-Indigenous children discharged from OOHC	2.2	1.9	2	1.8

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.

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 the 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 Victoria, of the Aboriginal and Torres Strait Islander children who exited care in 2022-23, 84.1% were reunified, 9.3% exited due to age, and 6.4% exited to a TPPRO. 0.2% exited to ‘other’ circumstances (AIHW, 2024, Table 10.13). Reunification and the use of permanent care orders are discussed below under Connection.

As evident in Table 2 (below), Aboriginal and Torres Strait Islander children in Victoria continued to be over-represented in notifications, investigations and substantiations across the period 2020-2021 to 2023-2024. While rate ratios have fluctuated slightly, they have consistently remained high and reflect entrenched structural inequities. In 2023-2024, Aboriginal and Torres Strait Islander children were 4.9 times more likely to be the subject of a notification, 6.8 times more likely to be investigated, and 8.2 times more likely to be substantiated than non-Indigenous children (SCRGSP 2025, Table 16A.1).

These concerning numbers underscore the persistent over-representation of Aboriginal and Torres Strait Islander children in Victoria's child protection system. The Commission for Children and Young People's (the Commission) 2023-24 Annual Report documents systemic failures in early intervention and prevention, including inadequate responses to known risk factors, inconsistent service coordination, and a lack of culturally appropriate Aboriginal and Torres Strait Islander-led supports.

The Commission found that agencies often failed to provide culturally safe responses, leading to missed opportunities to prevent escalation into statutory intervention. In her foreword, then Principal Commissioner Liana Buchanan states, 'one of the individual inquiries we conducted this year exposed some of the most profound service system failures I have seen.' (CCYP, 2024, p. 9). The Commission's report reaffirms that these known disparities are not reflective of increased risk, but rather a system that fails to prevent harm and over-relies on statutory intervention. The compounding effect of these factors - amplified by systemic racism and the absence of Aboriginal and Torres Strait Islander-led decision-making - can contextualise why substantiation rates (8.2x) far exceed initial notification disparities (4.9x).

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

	2020-21	2021-22	2022-23	2023-24
Notifications	4.5	4.6	4.6	4.9
Investigations	6.6	6.2	5.9	6.8
Substantiations	7.1	6.9	7.5	8.2

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.1.

Family support services

In 2023-24, 27% of the Victorian Government's real recurrent expenditure on child protection services was directed to Intensive Family Support Services (IFSSs) and Family Support Services (FSSs), which is an increase from 25.8% in 2022-23 (SCRGSP 2025, Table 16A.8). The national average expenditure on IFSSs and FSSs was 15.6% in 2023-24. While the Victorian Government's expenditure on IFSSs and FSSs is significantly higher than the national average, and increased slightly in 2023-24 (Table 3), the proportion of funding put towards prevention remains concerningly low. If the Victorian Government continues to direct the majority of child protection funding towards OOHC services without commensurate investment in early and preventative services, the number of children in OOHC will likely continue to rise.

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 Victorian Government fund ACCOs to provide these services, while also investing in ways to increase the cultural safety and accessibility of mainstream services.

Table 3 – Proportion of Government child protection services expenditure on IFSS and FSS in Victoria (2020-21 to 2023-24)

	2020-21	2021-22	2022-23	2023-24
Total expenditure (\$'000)	1,965,792	2,077,622	2,178,391	2,338,719
Proportion of IFSSs and FSSs	27.3%	27.6%	25.8%	27%

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

As shown in Table 4 (below), in 2023-24, 25.6% of children (2,042 out of 7,988 children) commencing IFSSs in Victoria identified as Aboriginal or Torres Strait Islander (SCRGSP 2025, Table 16A.35). This compares to 22.4% of children (1,848 out of 8,236 children) in 2022-23. Considering that Aboriginal and Torres Strait Islander children made up 25.7% of the total OOH population, it is positive to see a similar proportion of Aboriginal and Torres Strait Islander children commencing IFSSs.

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

	2020-21	2021-22	2022-23	2023-24
Aboriginal and Torres Strait Islander children commencing IFSSs	1,243	1,975	1,848	2,042
Total children commencing IFSSs	11,623	8,340	8,236	7,988
Proportion	10.7%	23.7%	22.4%	25.6%

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

Victorian Aboriginal Child and Community Agency (VACCA) has recently implemented two support programs aimed at proactively assisting Aboriginal and Torres Strait Islander families before potential child protection intervention or at the point of first contact with Child Protection: the Bringing Up Aboriginal Babies at Home (BUABAH) program and the Aboriginal-led Case Conferencing (ALCC) initiative.

The BUABAH program offers intensive, culturally informed assistance to Aboriginal and Torres Strait Islander families expecting a baby through practitioner home visits two to three times per week, starting early in pregnancy and continuing until six months postpartum. This approach aims to prevent any initial involvement with Child Protection services. Pilot data show the effectiveness of this early intervention, with six out of seven babies supported by BUABAH successfully remaining with their mothers at discharge from hospital (Wise & Pittman, 2024).

The ALCC program provides short-term, intensive support through case conferencing and targeted service referrals for Aboriginal and Torres Strait Islander families who have been referred following a child protection report (including unborn reports) but before an investigation occurs. This intervention aims to prevent or divert families from progressing to formal child protection investigations. An evaluation by the University of Melbourne highlighted ALCC's effectiveness, noting that 78.3% of cases concluded without advancing to a formal child protection investigation. Additionally, ALCC shows strong economic benefits, saving approximately five dollars for every dollar invested by reducing costs associated with investigations, court processes, and out-of-home care (Wise & Brewster, 2022).

By prioritising early intervention, cultural connection, and evidence-based practices, these models offer a promising framework for reimagining support for Aboriginal and Torres Strait Islander families.

Community Protecting Boorais (CPB) is the DFFH-funded program where functions and powers are transferred to ACCOs to investigate protective intervention reports, make determinations about whether allegations of harm are substantiated, and provide or refer families to services on a 'voluntary' basis without a court order or as a last resort. file a protection application in the Children's Court of Victoria. VACCA and Bendigo & District Aboriginal Co-operative (BDAC) launched the CPB pilot program in October 2023, providing an Aboriginal and Torres Strait Islander-led and culturally informed response to risk assessment, provision of support services and intervention for Aboriginal and Torres Strait Islander children and families.

The Victorian Stronger Families: Closing the Gap Budget 2023-2024 saw the allocation of state-wide funding to grow Aboriginal Children in Aboriginal Care (ACAC) by 21 teams over 4 years, with only funding for 2 new CPB teams in 2026-2027. This allocation represents a lack of commitment by the Victorian Government to the significant long-term benefits and cost savings that occur by supporting programs that intervene earlier to change the trajectory of families in the child protection system. The ACAC program can only work with families on Court Orders, whereas CPB provides the opportunity to engage with families earlier in the child protection pathway and divert them away from this system. Demand for funding for ACAC remains essential to support family preservation and reunification work, and CPB needs to be expanded to prevent families from entering the care system statewide.

Further investment should be made into making these services available prior to children's involvement in the child protection system or at the first point of contact with the system. In the 2023/24 State Budget, the Victorian Government provided \$49.47 million to expand early intervention support for Aboriginal and Torres Strait Islander children and families (Victorian Government 2024a). This includes funding to expand the Aboriginal Rapid Engagement and Diversion (ARED) service state-wide to 330 families by 2025-26. This service aims to provide family support at the earliest stages of child protection intervention and has reportedly seen effective outcomes from trials of services run in ACCOs (Victorian Government 2024a).

Building off the trials of the ARED, this service will be expanded to all DFFH local areas across the state from 2025/26. ACCOs have the flexibility to target the service according to local needs with a focus on families with current, recent or likely involvement with child protection. The funded service duration of 150 hours provides an opportunity to build trusting relationships, work intensively towards identified goals and develop enduring support networks.

From 1 July 2025, VACCA sites in North, South, West and East Metro will receive ARED funding to

support up to 110 families. This funding is used to deliver VACCA's ALCC model, as outlined above. However, VACCA does not currently have funding to implement the ALCC model in Ovens Murray or Inner Gippsland, nor is there any commitment from DFFH to provide future funding for these regions.

Other ACCOs currently receiving ARED funding include Mallee District Aboriginal Services, Murray Valley Aboriginal Cooperative, Njernda Aboriginal Corporation, BDAC, Ballarat & District Aboriginal Co-operative (BADAC), Goolum Goolum Aboriginal Co-operative, Ramahyuck District Aboriginal Corporation, Gippsland and East Gippsland Aboriginal Cooperative (GEGAC), Rumbalara Aboriginal Co-operative, and Mungabareena Aboriginal Corporation.

In the 2024/25 State Budget, the Victorian Government announced \$198 million would go towards early intervention services in the child protection system. No further details on how this funding has been distributed have been made publicly available.

Social Determinant Risks of Increased Contact with the DFFH

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 DFFH. 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 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 DFFH to implement culturally safe support systems in all stages of child protection 'intervention' (Collings et al., 2024).

This can be evidenced through DFFH processes around notifications, investigations, substantiations and child removal into OOHHC disproportionately impacting Aboriginal and Torres Strait Islander families across every stage of system intervention (AIHW, 2024). The interplay of social determinant factors and DFFH processes is further influenced by systemic racism and a lack of cultural awareness, both within government departments and throughout the non-Indigenous Victorian community. In Victoria, there continues to be a range of social, economic and health challenges contributing to Aboriginal and Torres Strait Islander children entering OOHHC. The Victorian 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 and Wellbeing in Victoria

Social Strategies	Updates on legislation, policy and practice
<p>Access to early childhood education and care</p>	<p>In the 2023/24 budget, the Victorian Government committed to an investment of \$1.8 billion over the next five years for early childhood education (Victorian Government 2024a).</p> <p>bupup balak wayipungang is an early childhood initiative that supports better outcomes for Aboriginal and Torres Strait Islander children from birth to the commencement of school (Victorian Government, 2024b). The initiative employs wayipungitj, a Koori Preschool Assistant, in kindergartens to provide support to Aboriginal and Torres Strait Islander children, ensuring that services are culturally safe and include Aboriginal and Torres Strait Islander perspectives in their practice and curriculum (Victorian Government, 2024b).</p> <p>In November 2023, the Commission for Children and Young People (the Commission) tabled the <i>Let us Learn: Systemic inquiry into the education experiences of young people in out-of-home-care</i> report in the Victorian Parliament (Commission for Children and Young People, 2023). The report highlights that educational outcomes for Aboriginal and Torres Strait Islander children and young people in care are lower than those of Aboriginal and Torres Strait Islander children not in care and non-Indigenous children and young people in care.</p> <p>This inquiry made several recommendations about the need for schools to report and respond to claims of racism, as well as the need to strengthen educational supports for Aboriginal and Torres Strait Islander students in OOH. This inquiry report highlights the ongoing impact of systemic racism and discrimination towards Aboriginal and Torres Strait Islander people, and how it entrenches a cycle of trauma and poverty. Without proper investment into Aboriginal-led, culturally safe early intervention and prevention to help children grow up in strong and thriving families, with access to services such as education and health care...Aboriginal and Torres Strait Islander children and young people will continue to fall behind (Commission for Children and Young People, 2023).</p>
<p>Early contact with youth justice</p>	<p>In March 2024, the Victorian Government announced plans to introduce a trial of electronic monitoring for children and young people on bail (Victorian Government 2024c). The trial will allow courts to order young people who have committed serious offences to be subject to electronic monitoring as part of their bail conditions. Victorian Aboriginal Community Controlled Health Organisation (VACCHO), Victorian Aboriginal Legal Service (VALS), Victoria Legal Aid and a number of other health and legal organisations have publicly criticised this announcement, with the VALS CEO stating: ‘this decision will impact on the great work Aboriginal and Torres Strait Islander Communities have been doing to stem the tide of over-policing and over-incarceration of their youth. This is a betrayal of the promises they have made under the Aboriginal Justice Agreement and the National Agreement for Closing the Gap. It is a senseless decision.’ (Victorian Aboriginal Legal Service, 2024) .</p>

	<p>Following the Victorian Government's 2023 decision to raise the age, the <i>Youth Justice Bill 2024</i> was passed in August 2024, with the age of criminal responsibility raised from 10 to 12 years of age. While this amendment is a step in the right direction, Premier Jacinta Allen announced the Victorian Government were walking back on its commitment to raise the age of criminal responsibility to 14 by the end of 2027. This goes against years of advocacy, advice and evidence to raise the age of criminal responsibility to 14, such as recommendations made by the Yoorrook Justice Commission, numerous parliamentary inquiries, United Nations bodies, medical advice and Aboriginal and Torres Strait Islander experts.</p> <p>The <i>Youth Justice Act 2024</i> introduces a framework for the progressive transfer of functions and powers from the Department of Justice and Community Safety Secretary to registered Aboriginal and Torres Strait Islander organisations, aiming to enhance community-led justice initiatives. This shift is designed to support the empowerment of Aboriginal and Torres Strait Islander communities in shaping youth justice policies and practices, fostering culturally appropriate support systems.</p>
Maternal and child health	<p>In partnership with VACCHO, the Koori Maternity Services (KMS) is a government-funded program that provides Aboriginal and Torres Strait Islander women with flexible, holistic and culturally safe antenatal and postnatal care. Currently, there are 14 sites across Victoria that offer KMS (Victorian Government 2024b).</p> <p>In 2023, the Victorian Government committed to integrating Aboriginal and Torres Strait Islander knowledge into antenatal, Maternal and Child Health and early parenting services to strengthen the early years health sector for Aboriginal and Torres Strait Islander children and families in Victoria from preconception to school age (Victorian Government 2024b). There is currently no publicly available data or information on the progress of this commitment.</p>
Family, Domestic and Sexual Violence	<p><i>Dhelk Dja: Safe Our Way – Strong Culture, Strong Peoples, Strong Families 2018-2028</i> is the key Aboriginal and Torres Strait Islander-led Victorian Agreement that focuses on promoting the safety of Aboriginal and Torres Strait Islander peoples, families and communities against domestic and family violence.</p> <p>The Victorian Government are currently updating the <i>Indigenous Family Violence Primary Prevention Framework</i>.</p>

<p>Alcohol and Other Drugs</p>	<p>In November 2023, the Victorian Government announced the decriminalisation of public intoxication. This followed years of advocacy from human rights and health experts and Aboriginal and Torres Strait Islander communities to implement a health-led model to address the issues of public intoxication. Four trial sites have been established to help develop and embed a new model in Victoria, as well as a dedicated Aboriginal and Torres Strait Islander service response, which focuses on providing culturally safe and Aboriginal-led care.</p>
<p>Housing</p>	<p><i>Mana-na woorn-tyeen maar-tarkoot</i> is Victoria's self-determined Aboriginal Housing and Homelessness Framework. The framework is overseen by the Aboriginal Housing and Homelessness Forum (AHHF), which drives DFFH priorities for Aboriginal and Torres Strait Islander housing. In 2022, <i>The Blueprint for an Aboriginal Homelessness System in Victoria</i> (Blueprint) was published by the AHHF and launched at the Aboriginal Housing and Homelessness Summit. The Blueprint outlines the design and implementation of an Aboriginal-specific response to homelessness in Victoria and is the first of its kind in Australia (Aboriginal Housing Victoria Limited, 2022).</p> <p>DFFH have announced their in-principle support of the <i>Aboriginal Housing Summit Report</i>, which will guide the implementation of the framework and Blueprint.</p> <p>Some key progress updates include</p> <ul style="list-style-type: none"> • In 2023, DFFH provided \$35 million to 19 ACCOs – through the Building Works Stimulus Package – to help with maintenance, refurbishment and upgrades (Victorian Government, 2024d). • In 2023-24, Homes Victoria established two Aboriginal-specific entry points into Victoria's housing and homelessness system – which was a key deliverable of the Blueprint (Victorian Government, 2024d).

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 Victoria, Aboriginal and Torres Strait Islander children made up 24% of children in OOHHC and 14% of substantiated claims of abuse or neglect (SNAICC, 2024). Despite this, only 7.4% of child protection funding was invested in ACCOs, albeit above the national average of 6% as shown in Table 6 (SNAICC, 2024).

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

Type of service	Total expenditure (\$'000)	Direct funding to ACCOs (\$'000)	% of total expenditure to ACCOs
FSSs and IFSSs	565,425	63,690	11.3
Protective intervention services	458,102	35,189	7.7
Care services	1,077,365	55,669	5.2
Total	2,100,892	154,548	7.4

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 OOHHC drawn from Child Protection Australia 2022–23 table T3.

Note: Figures provided under 'Direct funding to ACCOs' represents direct payments made by DFFH to ACCOs for service delivery. 'Total expenditure'

represents all departmental costs, including those not directly related to service delivery. Caution should be taken when interpreting these data, as figures provided under 'Direct funding to ACCOs' do not account for investment in programs not delivered by ACCOs for which Aboriginal and Torres Strait Islander clients are beneficiaries, including Care Allowance payments, provided to Aboriginal and Torres Strait Islander clients through mainstream programs.

Aboriginal Children's Forum

The Aboriginal Children's Forum (ACF) brings together representatives from Victorian ACCOs, community service organisations and the Victorian Government to report on the progress of *Wungurilwil Gapgapduir: The Aboriginal Children and Families Agreement* (Wungurilwil Gapgapduir). Wungurilwil Gapgapduir means 'strong families' in Latji Latji and outlines a strategic direction to reduce the number of Aboriginal and Torres Strait Islander children in OOHC by building their connection to culture, Country and community.

The ACF are currently redrafting the Wungurilwil Gapgapduir Strategic Action Plan and Agreement 2024-28 (Victorian Government 2024e). This will include new priority actions that have been aligned with jurisdictional and national initiatives such as Closing the Gap, the Yoorrook for Justice report and Safe and Supported.

The ACF has identified four key priorities:

- equitable local access to Aboriginal and Torres Strait Islander models of prevention and early intervention services,
- self-determining and ACCO-led response to child safety,
- building knowledge and the evaluation of Aboriginal and Torres Strait Islander child and family ways, and
- Aboriginal and Torres Strait Islander decisions over investment into Aboriginal and Torres Strait Islander children and families.

At the meeting in August 2024, the ACF also provided feedback to DFFH on the areas of highest priority for investment to be considered in the 2025/26 budget cycle (Victorian Government 2024f). This included increased funding and investment in the Protecting Boorais and ACAC programs, increased investment into early intervention and prevention programs and ensuring that these programs embed Aboriginal and Torres Strait Islander family-led decision-making.

Despite the ongoing work delivered through the ACF, VACCA and the Victorian Aboriginal Children and Young People's Alliance (VACYPA) have significant concerns about the Victorian Government's approach to funding ACCOs (SNAICC 2024). The Victorian Government's focus on target-based funding does not uphold ACCOs' right to self-determination, nor does it enable shared decision-making. As a result, ACCOs are forced to comply with Victorian Government-led budget cycles, often competing against one another for access to funding.

The *Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-Determination and Other Matters) Act 2023* (Vic) (CHLAA or the Act) introduced amendments that aim to reduce the number of Aboriginal and Torres Strait Islander children in OOHC in Victoria and strengthen the Victorian Government's commitment to Aboriginal and Torres Strait Islander self-determination. This included a Statement of Recognition and binding Recognition Principles that came into effect from 1 July 2024, requiring the following:

- planning and provision of child and family services for Aboriginal children and Aboriginal families under this Act is to be based on commitment, accountability and responsibility to

Aboriginal people in Victoria, with proper consideration to be given to the views of Aboriginal-led community services. (s.7E(6) CYFA),

- partnerships between the Secretary and Aboriginal-led community services in relation to the planning and provision of child and family services are to be equitable and support self-determination. (s.7E(8) CYFA)), and
- funding provided under this Act to Aboriginal-led community services (separately or in partnership with other community services) to provide child and family services is to be transparent, equitable, flexible and sustainable and support self-determination. (s.7E(10) CYFA).

VACCA and VACYPA have expressed ongoing concerns that the Victorian Government's commitment to these principles is superficial.

DFFH has since released practice guidelines for the application of these principles within DFFH, but there has been little evidence to suggest that the broader application of these principles and investment in Aboriginal and Torres Strait Islander-led system design is being addressed (SNAICC 2024).

Victorian Government Response to Yoorrook for Justice Recommendations

In April 2024, the Victorian Government tabled its response to the Yoorrook for Justice report, the Yoorrook Justice Commission's second interim report (Victorian Government 2024). Out of the 46 recommendations, the Government accepted 28 of the recommendations; four of which were in full support and 24 with in-principle support. 15 recommendations were noted for further consideration.

Of the 46 recommendations directed to the Victorian Government, 19 relate specifically to the child protection and family services system. Of these, two are supported in full, 10 are supported in principle, and seven are under consideration. Where the DFFH can progress these 19 recommendations, DFFH has committed to doing so. For example:

- In line with recommendations 11 and 12, DFFH has commenced policy scoping in partnership with the Department of Justice and Community Safety and relevant ACCOs (including Aboriginal legal services, children and family ACCOs and the Victorian Aboriginal Community Controlled Health Organisation) on a consent-based child protection notification and referral system for unborn reports. This work aims to build on existing supports to embed holistic legal and wraparound services for Aboriginal mothers, to ensure they are better supported, and services are in place to help keep families together.
- Recommendation 14, which seeks to improve cultural awareness, human and cultural rights, and cultural safety training for child protection staff and departmental executives, has continued to progress. This has included:
 - A new Child Protection Practice Induction Program has replaced the existing Beginning Practice program in May 2024, with a greater focus on Aboriginal cultural awareness.
 - A refreshed, facilitated Aboriginal cultural safety training co-designed by the Koorie Heritage Trust commenced in August 2024, with mandatory training for all staff and people leaders, including executives.
- To continue this work, DFFH is commissioning an appropriate First Peoples organisation to assess the cultural safety of all current child protection training and advise on necessary revisions to build and enhance Aboriginal self-determination through these programs.

- Recommendation 25 is being delivered in part through work to review permanency settings under the Children, Youth and Families Act 2005 (Vic).

Critically, Recommendation 7 proposes that the Victorian Government formally establish a specific office of the Commissioner for Aboriginal Children and Young People in legislation, with statutory functions relating to Aboriginal children in OOHC, including the ability to intervene in matters. This recommendation is under consideration. A fully legislated and empowered Commissioner for Aboriginal Children and Young People is integral to the fulfilment of the Partnership element of the Child Placement Principle.

As indicated in the Victorian Government Response to the Yoorrook for Justice report (Implementation Progress Report: Yoorrook for Justice – released October 2024), delivery of the proposed recommendations requires significant transformation of the child protection system, which will require careful consideration by the Victorian Government as to how these reforms can best be addressed and delivered.

Feedback from the Yoorrook Justice Commission, ACCOs and other stakeholders

The Yoorrook Commissioners raised significant concerns about the Victorian Government's response to its recommendations, chiefly concerning the three recommendations that were not supported, which were:

- **Recommendation 6**, which would enable individuals to bring cases to the Victorian Civil and Administrative Tribunal (VCAT) for government decisions made in breach of Victoria's Charter of Human Rights and Responsibilities.
- **Recommendation 32**, which called for the amendment of the *Bail Act 1977* (Vic).
- **Recommendation 35**, which calls to raise the minimum age of criminal responsibility to 14 without exceptions, and to prohibit the detention of children under the age of 16 (Yoorrook Justice Commission, 2024).

VACCHO was deeply disappointed in the Victorian Government's response, particularly its decision to reject recommendations around raising the age of criminal responsibility, with Gunditjmara woman Jill Gallagher, VACCHO CEO, stating, 'we must not continue to passively accept glaring health and wellbeing disparities and having children locked up as the norm. This is the government's opportunity to be brave and make history by partnering with Aboriginal Communities to deliver impactful and transformative change' (VACCHO, 2024).

Yorta Yorta, Dja Dja Wurrung, Taungurung, Boon Wurrung Elder Muriel Bamblett, CEO of VACCA, expressed concerns that neither the Yoorrook recommendations nor the Victorian Government adequately recognised the importance of acknowledging the past injustices of the child protection system in Victoria (VACCA, 2024). This is despite the codification of the *Statement of Recognition* by the Victorian Parliament in June 2023 through the *Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-Determination and Other Matters) Act 2023* (Vic), which recognises the impact of child protection laws, practices and policies on Aboriginal children and families.

Injustices of the past are the foundation for so much trauma today. So many Aboriginal and Torres Strait Islander families have experienced generational removal, and in missing opportunities to redress the wrongs of the past, the current system is failing to break the cycle. ACAC and CPB are good examples of building a service response that supports cultural connection for Aboriginal and Torres

Strait Islander children involved in the child protection system. ACAC and CPB empower Aboriginal and Torres Strait Islander people to oversee and support Aboriginal and Torres Strait Islander children in care and to do things differently. ACCOs advocate for the importance of keeping Aboriginal and Torres Strait Islander children and young people connected to community, culture and family; keeping siblings together; commit to finding family and community networks; pursue family reunifications whenever possible; and involve families in decision making.

Placement

Placement in accordance with the hierarchy of placement options⁴ 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, in Victoria (2017-2024) (%)

	2017	2018	2019	2020	2021	2022	2023	2024
Placed with relatives/kin or other Aboriginal and Torres Strait Islander carer								
Aboriginal relative/kin	36.2	37.2	40.9	37.9	39.6	39.6	40.4	41.8
Non-Indigenous relative/kin	23.6	27.1	35.6	39.8	39.3	39.1	38.7	39
Total placed with relatives/kin	59.8	64.3	76.5	77.7	78.8	78.7	79.1	80.7
Other Aboriginal and Torres Strait Islander carer	3.1	2.9	1.9	1.4	1.4	1.6	1.4	1.7
Total	62.9	67.2	78.4	79.1	80.2	80.3	80.5	82.5
In another care arrangement								
Other non-Indigenous carer	15.9	15.7	16.3	16.8	16	15.1	14.7	12.1
Residential care or family group home	2.7	3.2	4.8	3.8	3.3	4.4	4.5	4.3
Independent living/living arrangements unknown	18.6	13.8	0.6	0.3	0.4	0.3	0.3	1
Total	37.1	32.8	21.6	20.9	19.8	19.7	19.5	17.5

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

⁴ 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, the placement of Aboriginal and Torres Strait Islander children with relatives/kin in Victoria has increased. As of 30 June 2024, 41.8% of Aboriginal and Torres Strait Islander children in Victoria were placed with Aboriginal and Torres Strait Islander relatives/kin. This is the highest proportion in Australia (SCRGSP 2025, Table 16A.23). Nationally, 32.1% of Aboriginal and Torres Strait Islander children in OOHC are placed with Aboriginal and Torres Strait Islander relatives/kin (SCRGSP 2025, Table 16A.23).

Aboriginal Children in Aboriginal Care Program

The Aboriginal Children in Aboriginal Care (ACAC) program implements delegated authority through giving ACCOs greater decision-making powers in relation to the protection of Aboriginal and Torres Strait Islander children who have been placed on a Children's Court protection order (under section 18 of the *Children, Youth and Families Act 2005* (Vic)). To date, VACCA, BDAC, BADAC and Rumbalara Aboriginal Co-operative are the only ACCOs in Victoria that are fully authorised to run the ACAC program..., Njernda Aboriginal Corporation, GEGAC and Goolum Goolum Aboriginal Co-operative are looking to complete authorisation shortly (Victorian Government 2024a).

New funding has been confirmed for 2025-2026 from the Victorian Stronger Families Closing the Gap budget for an additional six ACAC teams to be funded across the State at various ACCOs.

In the Family Matters Report 2024, VACYPA noted that only 47-49% of Aboriginal and Torres Strait Islander children in care were being case managed by an ACCO (SNAICC, 2024). The Victorian Government have set a goal for 90% of Aboriginal and Torres Strait Islander children to be case managed by ACCOs, highlighting that there remains significant work and investment required to meet this goal.

Integrated model of care

DFFH are currently developing an integrated service model to ensure that culturally appropriate and effective care is provided to Aboriginal and Torres Strait Islander children who are involved with child protection (Victorian Government, 2024). The model of care includes an Aboriginal Family Finding Service (AFFS), which aims to ensure early identification of potential kinship and respite carers as well as mentoring options.

As part of the integrated model of care, DFFH are currently considering conducting a review of the Aboriginal Child Specialist Advice and Support Service (ACSASS) and AFFSs to ensure that ACCOs can meaningfully engage with Aboriginal and Torres Strait Islander children and their families at the earliest stage of child protection involvement.

During the review period, the provisions of the CHLAA that expand the application of the Child Placement Principle in Victoria to expressly include all five elements of the Child Placement Principle within the CYFA came into effect on 1 July 2024. Victoria Legal Aid engaged VACCA's in-house Legal Service to provide comprehensive legal training to the legal sector in July 2024 as part of a series of statewide professional legal education seminars, on the application of the new legislative provisions introduced by the CHLAA, including the expanded Placement principle.

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 DFFH 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.

In addition to existing legislative and program requirements, for DFFH to consult with an ACCO on all significant decisions in relation to Aboriginal and Torres Strait Islander children and to hold AFLDM, the CHLAA introduced the following additional principles that came into effect from 1 July 2024:

- An Aboriginal child's Aboriginal family, Elders and any Aboriginal-led community service that is responsible under this Act for the provision of services to the Aboriginal child each have a right to participate in the making of decisions under this Act that relate to the child, and must be given an opportunity to participate in the making of those decisions. (s.7E(7) CYFA).
- The Aboriginal community to which the child belongs, and other respected Aboriginal persons have a right to participate in the making of a significant decision in relation to an Aboriginal child under this Act. (s.14(1B) CYFA).
- The parents and members of the extended family of an Aboriginal child have a right to participate, and to be enabled to participate in an administrative or judicial decision-making process under this Act that relates to that child. (s.14(1D) CYFA)

Family Group Conferencing

Family Group Conferencing (FGC) is a facilitated process where extended family members work together to make decisions about the care and safety of children at risk of harm or removal. While not specifically designed for Aboriginal and Torres Strait Islander families, FGC was rolled out across four pilot sites in July 2022. The program received \$19.8 million in funding from 2021 to June 2024, with none of the pilots operated by ACCOs. The 2024–25 State Budget included a further \$8.1 million to continue the FGC pilot program to June 2025 (Victorian Government, 2024d).

Aboriginal Family-led Decision-Making

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

There is limited data available on the participation of Aboriginal and Torres Strait Islander families in Aboriginal Family-Led Decision-Making (AFLDM). DFFH reported that there were 1,869 AFLDM meetings in 2022–23. Despite legislative requirements and Victoria's AFLDM guidelines stating that AFLDM is the preferred decision-making mechanism for Aboriginal and Torres Strait Islander families, current resourcing for Victoria's AFLDM program limits capacity to meet that demand. In the absence of AFLDM, standard child protection case planning processes are routinely used, missing the opportunity for AFLDM to engage Aboriginal and Torres Strait Islander families in an empowering

decision-making partnership (SNAICC 2024).

The Family Matters Report 2024 noted that the Victorian Government is not meeting targets set for AFLDM and ACASS, with funding directed to ACCOs only covering 50-60% of Aboriginal and Torres Strait Islander children in care (SNAICC 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 Aboriginal and Torres Strait Islander children 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.

In addition to existing legislative and program requirements that relate to cultural support planning and the restrictions on making Permanent Care Orders for Aboriginal and Torres Strait Islander children, the CHLAA introduced the following additional binding principles that all decisions must consider when making decisions or taking actions in respect of Aboriginal and Torres Strait Islander children and families:

- When considering the views of Aboriginal children, decision-makers must uphold their cultural rights and sustain their connections to family, community, culture and Country (s.7E(2) CYFA).
- Understanding of, and respect and support for, Aboriginal culture, cultural diversity, customary lore, knowledge, perspectives and expertise is to be demonstrated in decision-making (s.7E(3) CYFA).
- Strong connections with culture, family, Elders, communities and Country are to be recognised as the foundations needed for Aboriginal children to develop and thrive and to be protected from harm (s.7E(4) CYFA).
- An Aboriginal child has a right to develop and maintain a connection with the child's family, community, culture, Country and language (s.14(1E) CYFA).

These principles came into effect from 1 July 2024.

Reunifications

In 2022-23, 21.9% of Aboriginal and Torres Strait Islander children were reunified from OOHC in Victoria, consistent with 21.8% in 2021-22 (AIHW, 2024b). Comparably, 24.8% of non-Indigenous children were reunified from OOHC in 2022-23 (AIHW, 2024b). This is the highest rate across all Australian jurisdictions for Aboriginal and Torres Strait Islander and non-Indigenous cohorts (AIHW, 2024b).

Table 8 – Proportion of children in OOHC who were reunified (including long-term guardianship orders) in Victoria, 2019-20 to 2022-23 (%)⁵

	2019-20	2020-21	2021-22	2022-23
Aboriginal and Torres Strait Islander children	21.7%	21.9%	21.8%	21.9%
Non-Indigenous children	26.9%	25.9%	23.7%	24.8%

Source: AIHW 2024b, table 10.15.

Children who are reunified with their families from OOHC occasionally return to care, but this is not the case for the majority of 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 has 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).

Table 9 – Proportion of Aboriginal and Torres Strait Islander children who were reunified from OOHC and did not return to care within 12 months

	2018-19	2019-20	2020-21	2021-22
Aboriginal and Torres Strait Islander children	73.9%	79.7%	78%	77.9%
Non-Indigenous children	81.6%	81.2%	83.7%	82.3%

Source: AIHW 2024b, table 10.15. Note: Table 7 does not include data from 2022-23.

In Victoria, in 2021-22, 77.9% 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 82.3% (AIHW, 2024b). This is consistent with the 2020-21 reporting period, where 78% of Aboriginal and Torres Strait Islander children who were reunified did not return to care within 12 months (AIHW, 2024b). Nationally, in 2021-22, 83.7% of Aboriginal and Torres Strait Islander children who were reunified did not return to care within 12 months (85.3% for non-Indigenous children) (AIHW, 2024b).⁶

⁵ Table 8 shows the percentage of children in out-of-home care in Victoria who were reunified in the relevant period, including children on short-term guardianship/custody orders, as well as other care and protection order types. These encompass finalised third-party parental responsibility orders, finalised supervisory orders, interim and temporary orders, and administrative arrangements (AIHW 2024b, Table 10.15). Data includes reunification of children with their birth parents, family or a former guardian; though predominantly reunifications are with birth parents.

⁶ The source for these calculations has changed from previous reviews, due to changes in AIHW reporting. Source data is from Table 10.15 and 10.19 of the Aboriginal and Torres Strait Islander data table from Child Protection Australia 2022u23 (which includes reunifications for children on long-term

Use of Long-Term and Permanent Care Orders

DFFH place children on long-term guardianship custody orders (GCOs) and third-party parental responsibility orders (TPPROs)⁷ when a child has been in OOHC for 12 months, and DFFH consider that there is no real likelihood of safe reunification of the child with a parent.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, 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 2024c, Table S4.10). In Victoria, this figure was 64.2% (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 re-unification.

The Yoorrook Justice Commission made the following findings in its August 2023 Report:

‘The human rights at stake for Aboriginal families and children in this situation are very high. A child who is permanently placed may lose their culture forever. In the case of the child, this can amount to assimilation in effect, even accepting this is not the intended purpose. Yoorrook is not satisfied that these rights and those stakes are systemically understood and appropriately valued and applied in the administration of the permanency provisions.’ (Yoorrook 2023).

‘This evidence, which was supported by other evidence to Yoorrook, establishes that Aboriginal children placed in permanent care in Victoria are at serious risk of losing contact with their country, family, culture and language. This violates their human rights and their cultural rights which DFFH and the State of Victoria are responsible for ensuring. Permanent care orders must not be allowed to be, in effect, a path to State-sanctioned assimilation.’ (Yoorrook 2023).

No data was available on the number of Aboriginal and Torres Strait Islander children who were adopted in 2023-24.

Cultural support plans

One of the most important functions of the child protection system is to maintain Aboriginal and Torres Strait Islander children’s connection to their culture. It is a legal requirement that all Aboriginal and Torres Strait Islander children in OOHC who are subject to a children’s court order are provided with a cultural support plan. It is DFFH’s policy that Aboriginal and Torres Strait Islander children are

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 where sole parental responsibility has been transferred to the State or a third party such as on orders identified under Section 289, 290 and 321 of the Children, Youth and Families Act 2005.

⁸ See section 167(4) of the Children, Youth and Families Act 2005.

provided with a cultural support plan within 19 weeks of placement (Yoorrook 2023). On 30 June 2023, 75.3% of Aboriginal and Torres Strait Islander children in Victoria who are required to have a cultural support plan had a current plan, which has steadily increased from 41.7% in 2019 (AIHW 2025, Table 10.5).

Victorian ACCOs have raised concerns with the development and implementation of cultural support plans, noting that funding is only allocated for the development of plans, not their implementation. Cultural support plans are critical tools to enable Aboriginal and Torres Strait Islander children to maintain and strengthen connections to their culture and community (SNAICC, 2024). The Victorian Government has acknowledged that further work needs to be done to ensure all Aboriginal and Torres Strait Islander children in statutory care have a cultural support plan. In September 2023, the ACF agreed that the approach to cultural planning should be reconsidered through an Aboriginal-led Statewide Cultural Planning Forum. However, there is no publicly available data or updates on this forum (Victorian Government, 2024b).

A Statewide Cultural Planning Forum was held in February and in August of 2024. The forums were co-hosted by BDAC and Wathaurong Aboriginal Co-operative, respectively. The forums provided an opportunity for ACCOs to come together and reflect on their different approaches to cultural planning and identify the challenges and opportunities to increase the quality and compliance of initial and review plans and to support culturally appropriate implementation.

Following on from the work done at the August Forum, the Statewide Co-ordinator Aboriginal Cultural Planning employed at VACCA has facilitated two further online workshops with Senior Advisors from ACCOs across the State to inform recommendations to the ACF to address the barriers that have been identified by Senior Advisors regarding CSP compliance rates.

Conclusion

In examining the progress of the Victorian 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. In 2023-24, Victoria had the highest national rates for both OOHC entry and exit among Aboriginal and Torres Strait Islander children, underscoring the case for ongoing systemic reform.

While the Victorian Government's expenditure on IFSS and FSS is significantly higher than the national average, and the implementation of delegated authority programs brought much-needed reform, Victoria can go further to actively implement the Child Placement Principle. The continued over-representation of Aboriginal and Torres Strait Islander children in OOHC in Victoria 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 Victorian Government's ongoing support of ACCO leadership through the Wungurilwil Gapgapduir Aboriginal Children's Forum 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 Victorian government's response to the recommendations of Yoorrook For Justice.

Limited increase in the numbers of Aboriginal and Torres Strait Islander children in OOHC being placed with relatives/kin indicates that more effort is required to implement the Placement principle, and the successful implementation of the Participation element must be further enabled through the extension of ACCO-led programs, such as ACAC, which require expansion and increased 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 ACAC program, AFLDM, and ACCO-led cultural planning brokerage. This review hopes that moving forward, programs such as these are expanded and further developed under the leadership of the Victorian ACCO sector and Aboriginal communities.

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