



OUR BOORIS
our way

Minister Rachel Stephen-Smith
Minister for Children, Youth and Families
ACT Legislative Assembly, Civic Square, London Circuit
Canberra ACT 2601

19 December 2018

Dear Minister Stephen-Smith,

Thank you for the opportunity to continue our recommendations for incremental improvements to achieve positive outcomes for Aboriginal and Torres Strait Islander children in contact with the ACT child protection system.

In this letter we present five new recommendations and also provide a brief update from our perspective on the progress of implementation of the four initial recommendations.

New recommendations

Recommendation 5: Ensure full intent of Aboriginal and Torres Strait Islander child placement principle is reflected in the Child and Young People Act 2008

The child placement principle needs to be explicitly enshrined in legislation. We recommend that the Directorate commence foundation, consultation and research work required to ensure the Aboriginal and Torres Strait Islander Child Placement Principle (CPP) are appropriately described in the Child and Young People Act. This will require, at a minimum, changes to both Sections 10 and 513 of the Child and Young People Act.

This legislative change is to recognise the importance of each element of the principle to the Aboriginal and Torres Strait Islander community and their role in changing the practices around child protection that disproportionately impact our community.

Legislative change will expedite extensive policy and practice revision and facilitate subsequent performance monitoring and measurement of achievement against these legislative parameters giving additional transparency to the practices and decisions of the Directorate.

Acceptance of this recommendation would bring the ACT legislation into a more contemporary practice in alignment with the most recent Family Matters report and also similar to the jurisdictions that have made significant changes to their child protection legislation in Queensland and Victoria.

Recommendation 6: Feasibility study Aboriginal Child Care Association

The ACT needs an organisation that can fulfil the role of advocate, service integrator and work to respect and preserve the rights of Aboriginal and Torres Strait Islander children, young people and families in all services delivered in the ACT.

In the current service ecosystem, the Aboriginal Community Controlled Organisations fulfil the role of providing services premised on self-determination, cultural respect and safety. This role is predominantly conducted on an unfunded basis.

We recommend that a comprehensive analysis of an Aboriginal Child Care Association is conducted with particular information on:

- Community need, including population demographics and growth;
- Interjurisdictional analysis of models of advocacy, peak and child care associations, particularly in Queensland and Victoria;
- Specific role and service profile within current service delivery portfolio in government and community organisations including Gugan Gulwan and Winnunga Nimmityjah;
- Model of early engagement and intervention of integrated supports for children and families;
- Integration with, and of, other Directorates services and programs;
- Staffing complement and required capabilities;
- Initial and recurrent funding model; and
- Sound governance and performance framework.

The timing of this recommendation is to facilitate foundational research prior to initial budget concept briefs being gathered for October 2019 with a view to establish the foundations of this agency from July 2020 with services commencing with the Aboriginal and Torres Strait Islander community in January 2021.

Recommendation 7: Aboriginal and Torres Strait Islander Children's Commissioner

Three jurisdictions, Queensland, Victoria and South Australia have appointed specialist Aboriginal and Torres Strait Islander Children Commissioners. While their roles are primarily framed as review and advocacy roles, the Our Booris, Our Way Steering Committee recommend that the ACT appoint an Aboriginal and Torres Strait Islander Children's Commissioner with these and additional capacity to specifically intervene and engage in child protection processes.

The Commissioner, on an ongoing basis, would provide monitoring, advice and advocacy on systemic and individual cases. The Commissioner would be able to advise and influence government on a broad spectrum of issues that impact our children across both government and non-government services including for example, education, health, housing, child protection and provide independent advice on issues of culture and equity. They would also have the specific ability to engage as a party to case conferences and provide alternative pathways to resolution than court orders.

It is the desire of the community for the Commissioner to be more engaged and connected to the community through current Aboriginal Community Controlled Organisations (ACCO) and the future Aboriginal Child Care Association that would distinguish it from other jurisdictions singular rights-based framework.

Recommendation 8(a): Culturally appropriate advocate service

Community feedback and early analysis of the cases have highlighted the need for parents and families to be able to access advocacy services that support them to navigate and represent

themselves through the government processes. Currently, there is a lack of transparency, equality and understanding of the system which leaves our children and families without a voice.

The Steering Committee recommends that guidance be published and made immediately accessible to Aboriginal and Torres Strait Islander families engaged with the child protection system around the nature and role of support people as purposefully and deliberately engaged in meetings.

There appears to be a practice issue where members of the community are allowed to attend case meetings, but often told not ask questions, clarify nor represent their perspective of the family's circumstances or capacity to parent. We are aware, however that this is not consistent with the policy position of child protection. We would like the Directorate to take immediate steps to clarify this and ensure it is practiced appropriately.

This is the first part of many elements of this recommendation – hence 8a. Other elements of accessing legal support and other formal advocacy mechanisms will be addressed in future recommendations including addressing the question of the ability of the Directorate to access and receive independent Aboriginal and/or Torres Strait Islander advice as recommended with in the A Step Up for Our Kids Strategy.

Recommendation 9: Early support programs available

The Steering Committee understands that there is an ACT Government Early Intervention Strategy that has been drafted with funding attached to specific elements related to services and support of the Aboriginal and Torres Strait Islander community. This recommendation may complement the strategy, however, as the Steering Committee is not aware of the specific content of the strategy, we need to be explicit about our requirements in these recommendations.

Community feedback has strongly advocated for the need of services that provide positive support to families, early and during voluntary engagement with the child protection system. These may include parenting programs, child development services, cultural groups and play opportunities, wrap around services that support participation in education. The current services are fragmented and sometimes difficult to access for example Intensive Family Support, through A Step Up for Our Kids Strategy is based on meeting specific entry requirements that effectively exclude families from accessing assistance early and on their own initiative.

Early support is the name preferred by the community as intervention holds a more intrusive and damaging meaning.

Progress of previous recommendations

Our initial recommendations were presented to the Director-General on July 2018. We thank the Directorate for accepting these recommendations and look forward to seeing further evidence of progress and changed outcomes.

We have carefully read and understood the Directorate's progress and were pleased to be able to discuss and pose questions to both the Senior Director, Helen Pappas and Director, Jodie Robinson during our last Steering Committee meeting. The Steering Committee will continue to analyse the updates to ensure that they reflect the full intent, purpose and outcome of the recommendations.

Next Steps

The next phase of the Steering Committee will bring findings from the case reviews together for consideration and recommendations. We expect this will direct our recommendations into more granular aspects of policy, practice and engagement with our community.

I look forward to discussing these new recommendations with you, please do not hesitate to contact me if you have any questions.

Yours sincerely,



Barbara Causon

Chair

Our Booris, Our Way