



**Submission  
Family is Culture  
Independent Review of Aboriginal  
Children and Young People in OOHC**

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## Introduction

### Statement made by a grandmother, Sydney

*“The safety and the strengths are in Aboriginal culture. Aboriginal culture is empowering. A system that doesn’t value our cultural practice and our identity, that pathologises who we are, that targets us, is a system that is dangerous and to be feared.”*

Following is The Benevolent Society’s submission to the *Family is Culture – Independent Review of Aboriginal Children and Young People in Out-Of-Home-Care* (OOHC) (the Review). The Benevolent Society acknowledges the need for this Review and congratulates the NSW Government on its appointment of Professor Megan Davis as the Independent Chair to lead and report on the Review’s findings.

The Benevolent Society recognises that the original deadline for this submission was extended but remains critical of the short timeframe and limited consultation opportunities provided to service providers, advocacy groups and affected Aboriginal families and communities, prior to the submission closing date.

The Benevolent Society notes that submissions to this Review and submissions on the *Shaping a Better Child Protection System* discussion paper on a set of proposed amendments to the *Children and Young Persons (Care and Protection) Act (NSW) 1998* and the *Adoption Act (NSW) 2000* were given similar deadlines, and would like to express strong concern that the short and competing timeframes for these submission processes will impact on organisations’, individuals’ and communities’ ability to respond fully to the complex issues these government processes are charged with investigating.

In preparing this submission, The Benevolent Society spoke with Aboriginal staff and clients within the organisation, as well as Aboriginal people with no formal connection to the organisation who have had involvement with the OOHC sector. This included case workers, OOHC service providers, families with children in OOHC, kinship carers and children and young people both in the OOHC system and those who have exited the OOHC system. The comments and experiences included in this submission are exclusively the voices of Aboriginal people whose experiences and insight have been provided with full permission to be used for the purpose of the Review.

The overwhelming response from the Aboriginal people consulted for this submission was that the NSW statutory child protection system and its administrator, the Department of Family and Community Services (FACS) cause great fear and trauma for Aboriginal children, young people and their families, and have failed over successive decades to understand or provide help to at-risk or families living with complex challenges.

This year marks the 20th anniversary of the *Bringing Them Home* report on Australia’s Stolen Generations.<sup>1</sup> This report documented overwhelming evidence of how the history of forced removal of Aboriginal and Torres Strait Islander children had a brutal and lasting impact on Aboriginal and Torres Strait Islander families and communities, which is exacerbated and perpetuated by today’s current child protection practices and statutory systems.

*“The removals have never stopped. We’ve learned nothing”*- Dr Mick Dodson<sup>2</sup>

There have been more than 40 inquiries into Australia’s child protection systems since the handing down of the *Bringing Them Home* report,<sup>3</sup> including two in the last two years in NSW – The Independent Review of Out-of-Home-Care in NSW chaired by David Tune and the NSW Legislative Council Inquiry into Child Protection. To date there has been limited NSW Government response to the Legislative Council Inquiry report, and a significant lack of transparency regarding the Governments policy response to the Tune

Review, despite the good faith submissions made by the community services sector and other concerned organisations and individuals.

The Benevolent Society acknowledges the leadership of SNAICC and the Family Matters campaign. SNAICC released the *Family Matters Roadmap in 2016*, which outlines the federal and state reforms required to reduce the number of Aboriginal and Torres Strait Islander children and young people entering OOHC.<sup>4</sup> The proposed reforms reinforce recommendations made by previous reviews and inquiries, are evidence-based, research-backed and based on crucial human rights principles outlined in the *United Nations Declaration on the Rights of Indigenous People* and the *United Nations Convention on the Rights of the Child*. In *The Family Matter Report 2017*, it is noted that “the progress of NSW Family and Community Services (FACS) in implementing the Family Matters Principles and Building Blocks overall continues to be an area of significant concern”.<sup>5</sup>

Despite having signed the Family Matters Statement of Commitment, both the *Family Matters Roadmap* and the 2017 report have been met with apathy from the NSW Government.

The Benevolent Society believes the pathway to reform that has been articulated for over 26 years, from the Royal Commission into Aboriginal Deaths in Custody and the *Bringing Them Home* report to the *Family Matters Roadmap*, has been largely ignored by successive state and federal governments to the detriment and trauma of thousands of Aboriginal and Torres Strait Islander children and their families. We urge the NSW Government to listen to the voices of Aboriginal people and commit to equal partnership with Aboriginal Community Controlled Organisations (ACCOs) and Aboriginal communities to reform of the child protection system in NSW.

### **About The Benevolent Society**

The Benevolent Society is Australia’s first charity. We are a not-for-profit and non-religious organisation and we have helped people, families and communities achieve positive change for 200 years. The Benevolent Society aims for a just society where all Australians can live their best life.

#### **Snapshot**

The Benevolent Society is a secular non-profit organisation with 1,615 staff and 658 volunteers who, in 2016-17 worked with 54,038 clients.

We deliver services from 60 locations with support from local, state and federal governments, businesses, community partners, trusts and foundations.

We currently employ 51 Aboriginal staff and deliver services to 3,843 Aboriginal and Torres Strait Islander clients.

We support people across the lifespan, delivering services for children and families, older people, women and people with mental illness, and through community development and social leadership programs.

Our revenue in 2016-17 was \$108,454 million.

The Benevolent Society is a company limited by guarantee with an independent Board.

The Benevolent Society offer a range of services to all families to help them thrive, such as parenting support and coaching, early childhood development programs, and specialist support when challenges arise. Across NSW and Queensland, we provide services to vulnerable families where children have been identified as at-risk, including Brighter Futures, intensive case management programs, Fostering Young Lives, Headspace, Resilient Families, Communities for Kids, Family Mental Health Support Services, family preservation and intervention programs and Family and Child Connect.

Recognising the right to self-determination and that culture underpins and is integral to the safety and wellbeing of Aboriginal and Torres Strait Islander children, The Benevolent Society has made a commitment to transition Aboriginal children and young people currently in our care to the Aboriginal community controlled sector and have begun internal processes to identify and map the required steps to undertake this in a responsive and respectful way that places Aboriginal leadership and decision making at the centre of the transition.

The Benevolent Society is a member of the Family Matters campaign to eliminate the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 2040. The Family Matters campaign is supported by a Strategic Alliance of over 150 Aboriginal and Torres Strait Islander and non-Indigenous organisations, leading academics and prominent educational institutions.

#### **Statement made by a kinship carer, regional NSW, 2017**

*“I’ve got four grandchildren in my care but at this time I only had three. Before they were placed with me they were with my sister. It was Christmas and my family and the paternal family were going to have a meeting with FACS to work out where they would go for Christmas.*

*Both me and the paternal family lived in a small town, so my sister brought them there to have the meeting with FACS.*

*There was me and the extended family and FACS staff and we talked about what was going to happen with the kids over this two-week period. Where they were gonna be. Their father was there, their mother was on the speaker.*

*Basically they said to me, you can have the children from the 21<sup>st</sup> to the 23<sup>rd</sup> and then they’ll go for a week with the paternal family. I didn’t have an issue with the dates, I made Christmas Day the 23<sup>rd</sup> at my place, and then they were to go with the paternal family. Community knowledge, I raised some concerns with FACS about where were the children going to sleep. I know the house, I know who lives there, it’s a one-bedroom house, with one bed and basically some bunks or something. I asked had FACS gone up to do a home visit and check out the situation. I did have concerns, community knowledge, particularly around the people who lived in the house, about the sexual assault of children.*

*I raised that to FACS at the time, the response was from the Acting Manager Client Services and it was: ‘I am letting you know, the children will have access to their paternal family, it will be for week.’*

*And she went so far as to bang her hand on the table.*

*I said ‘ok, that’s fine, alright so you’re saying my grandchildren aren’t at risk’ and I had it minuted and everything.*

*So in that week, my eldest grandchild was sexually assaulted by the 15-year-old at the house. My sister had to bring them back to the small town for the JIRT [Joint Investigation Response Team] interview. The first*

*interview that happened wasn't counted because JIRT had forgotten to tape it. So, the children had told their story, but they had to tell it again in the small town, they were staying at a motel but something happened with that interview too. The kids then shut down so the next time, about 6 months later they went to a bigger town to tell it.*

*The boys disclosed all the information and said whatever. My grandchildren then came to live with me in the small town, the placement had broken down with my sister. At the time, I had a job, had just bought a house.*

*The 15-year-old, who assaulted my grandson, had gone to jail for 12 months, I've got the kids, he was out of jail, and I just really feared for my grandchildren. It's a small place, the access, he could get to the children.*

*We used to see him, at the supermarket, he was standing there with his arms over the doors looking at us and he'd say 'oh hello there my uncles rah rah rah' and I'd tell the kids not to talk to him.*

*Anyway, the case worker from a bigger town come up, my children had started complaining to FACS about me because I wouldn't give them access to the grandchildren, I wouldn't give them money. [The grandchildren had been removed from their parents because of drug use.]*

*My case worker said if you get out of town that's the only way you can keep the kids. So I left and went to a regional city, put the kids in Catholic school, because they'd been in Catholic school at the small town. FACS won't support that because it's not public, we had limited support, it was hard, for 12 months so I moved to a big regional centre.*

*I haven't been able to get a job, I've tried, choosing my grandchildren. I've now lost my house in the small town, I'm unable to afford to pay it off and I'm renting.*

*But in terms of support for my grandson, they've not given me any support at all. He was eight when he was assaulted, and my sister got him to a paediatrician, but he placed him on a heavy medication and when I got him I had to wean him off that, because he was falling asleep, he wasn't responsive at school - nowhere.*

*But when your grandchild says to you 'Nan, what do I do, I can't sleep, all I can see, I just want to hurt my brothers and sisters' and so I'm the last person to go to sleep in my house every night, and we're trying lots of different things but in support from FACS? - no.*

*To the point from coming back here, our relationship is built on respect and our families and people who do the right thing. And he's told me, 'Nan I just want to talk to someone about my story' because he's told me the story and it's absolutely horrific. Horrific. To the point where he was continually sexually abused for the whole week because if he didn't let the uncle do it he was going to do the brother and the sister.*

*So he, you know, he's going to high school next year and he still, he poos his pants, he has nightmares all the time.*

*He was abused in care. He wasn't abused by our family. It was their decision. And they were warned. It was minuted.*

*He has physical internal organ damage. He'll just punch himself, the last time, anyway, they put the kids back with my daughter who was in no state to have them. It's like the kids were just pawns, like they'd do anything to shut my daughter up.*

*I spoke to the Ombudsman. There's actually a two-year record of me telling them everything that happened. The Ombudsman would ring FACS but not much happened.*

*My grandson has opened up about the abuse, and he said 'Nan I want to tell my story' and his case is still open until they go back to court, and I told him he'll have to stand up and tell it in court. And he said, 'you know what Nan, that'll stop him doing it to the little kids down on the reserve'.*

*Possibly, possibly love. And I said 'you tell the caseworker "yes I want to tell my story"'. But we haven't heard anything since then.*

*They haven't supported the placement. I'm almost too scared to say 'what options can you give me'?*

*I'd rather go to an NGO. It's not been a good relationship and I don't think it's ever gonna repair. It's just, none of those options have ever been discussed, even under Guardianship. Can I get the Guardianship? 'No, we think we'll let the placement go a bit longer', they're the responses they give me.*

*And then I think, well do I go to family law and get the kids? But then my daughter will think I'm trying to take them, so it's a vicious circle.*

*In terms of options, why can't I have those options FACS? That's why I feel defeated, any day these bastards are going to turn up at my door and take my grandchildren. I'm absolutely terrified.*

*I told them I was going to my son's Year 12 formal in the regional city. I told them my other daughter was coming down to look after the kids. As soon as I left, they turned up on the doorstep, and said 'Oh no we're just here to check the mail from CREATE has arrived'.*

*After I left, on my doorstep, to check on me. And my daughter is really shy and she was terrified. She's just had a child and she's terrified of FACS.*

*And I've never had respite. Or even. They don't care. And when they've got a decision they just say 'ok, let's just do this. Let's just go in and break this down'.*

*I've got 14 grandchildren. And because of the situation with this four now, I have limited contact with the others. If I had respite I could have contact. If I had respite I could have the others too. My world's just stopped.*

*Every day I just think 'are they coming today, is my world stopped today?' Because that's what they threaten me with."*

### **1. What are the main reasons for the high number of Aboriginal and Torres Strait Islander children and young people entering into and in OOHC in NSW?**

The overwhelming response to this question from the Aboriginal people consulted for this submission was poverty. Aboriginal people constitute some of the poorest people in NSW and across the country,<sup>6</sup> and poverty, and the social determinants that accompany it, contribute to the conditions that provoke a statutory child protection response.<sup>7</sup>

In October 2016, ACOSS released a report revealing that poverty in Australia is growing, with an estimated 2.9 million people or 13.3% of the population living below the poverty line.<sup>8</sup> The report provides the most up-to-date picture of poverty in Australia, finding that 731,300 or 17.4% of all children in Australia were

living in poverty.<sup>9</sup> Whilst only representing 3% of the population, Aboriginal and Torres Strait people represented 19.3% of those living in poverty.<sup>10</sup>

Neglect and emotional abuse are the most commonly occurring primary types of maltreatment for all children, including Aboriginal and Torres Strait Islander children. These two forms of child abuse are strongly correlated with the conditions of poverty.<sup>11</sup>

It is now recognised that poverty and disadvantage can be passed down from generation to generation at a cellular level.<sup>12</sup> Biology changes in response to stress, poverty and other prolonged adverse experiences, and these changes can be passed on to children from their parents and grandparents. When children don't feel safe, calm or protected, the child's brain places an emphasis on developing neuronal pathways that are associated with survival, before those that are essential to future learning and growth.<sup>13</sup>

Aboriginal and Torres Strait Islander people continue to live with the 239-year legacy of invasion, colonisation, child removal, incarceration and racism that have an impact from conception and throughout life.<sup>14</sup> The manifestations of poverty such as overcrowding, unemployment and limited access to services contribute significantly to, and provide an explanation for, the over-representation of Aboriginal and Torres Strait Islander children in child protection system.<sup>15</sup>

#### **Statement made by a case worker, The Benevolent Society, Sydney**

*"Past policies and the legacy of colonisation - there hasn't been any real change, there's still that trauma and that cycle, its ongoing, we haven't been able to fix it. And unless we work with the parents, it will keep happening and the kids will get taken into care, and they're going to go into care with people who are random, who are probably not Aboriginal, and they'll grow up not knowing their culture at all and they'll get into things that they shouldn't, because they're lost and they don't know what their purpose is.*

*Just more adult services for trauma-informed healing – we make them do parenting courses but they need to deal with the issues that have got them to this point. Most of the parents have been in Stolen Generations, have been in foster care, so they need help themselves. The parents are struggling. The cycle needs to be broken, we need to come up with something pretty quick."*

There has been a systematic failure by the NSW Government to provide the type of services and interventions that are needed by Aboriginal and Torres Strait Islander families, and to support the delivery of appropriate services through Aboriginal Community Controlled Organisations (ACCOs).

The current suite of FACS-funded programs, including Intensive Family Based Services, Intensive Family Preservation and Brighter Futures delivered predominately by FACS or non-government organisations (NGOs) seek to support families by addressing risk issues. Aboriginal organisations, including the NSW Aboriginal peak body for children and families - AbSec, have detailed their concerns about these service models and their poor fit with many Aboriginal families and communities. We support the submission made by AbSec in which they have criticised the lack of investment in approaches developed and delivered by Aboriginal families and communities, rigid intake and eligibility rules, and prescriptive service guidelines attached to funding, which limit service flexibility to best meet the needs of individual families.<sup>16</sup>

Services are output and through focused, not outcome-focused, with little attention on the immediate and longer-term outcomes achieved for families. The linking of service contracts to targets or outputs means achievement is measured by the numbers of Aboriginal children or families accessing a service, not the outcomes for Aboriginal children and families.

FACS recently announced a commitment to increasing investment in evidence-based family supports informed by a high level outcomes framework for children and families, as part of the *Their Future Matters* reforms.<sup>17</sup> This has been cautiously welcomed by the sector. However, the two programs purchased by FACS for implementation under the *Their Future Matters* reforms - Multi-Systemic Therapy for Child Abuse and Neglect and Functional Family Therapy through Child Welfare - have no evidence of having been used or been effective in an Aboriginal context.

Rather than imposing an unproven service model on Aboriginal communities, the NSW Government must commit to involving Aboriginal communities and ACCOs in developing an adapted or appropriate model for these new service approaches, that builds a local evidence base, is culturally appropriate and has Aboriginal community ownership.<sup>18</sup>

### **Statement made by a case worker, The Benevolent Society, Sydney**

*"I don't think I've ever seen a really successful case - either in my professional life or my families - where everything has gone right. If it was done right it would look like this – the child protection issues are flagged, someone goes in, preferably an Aboriginal worker, and works with that family to make sure the kids can stay with the family and all the services are in place to help them.*

*And they have a support person who they can call for help with problems, if the kids are behaving badly or whatever. Even if they have an Aboriginal person in the community who can overlook and provide help to the family. Just to keep them in the home, or in the community I guess.*

*There just a huge lack of understanding and I honestly think FACS are terrified to work with Aboriginal people. They worried about what's going to come about, they just don't know how to deal with it.*

*If you walk in calm with a non-judgemental view, don't ask too many questions, just listen, you'll work out pretty quickly what is going on."*

Many Aboriginal people we spoke with believe the continued funding of non-Aboriginal organisations, rather than ACCOs, to deliver services to Aboriginal families is a failed model that has contributed to the increase in volume of children and young people entering the OOHC system. For over forty years, governments at all levels have failed to listen to the voices of Aboriginal people, child protection experts and academics who have advised that investing in the capacity of ACCOs to deliver child and family services is crucial to ensuring culturally embedded service delivery and community accountability, as well as strengthening Aboriginal self-determination within the service system.<sup>19</sup>

Mainstream organisations should not require Aboriginal specific funding to deliver or provide a service to Aboriginal people. The continued flow of this Aboriginal funding into the non-Aboriginal service sector entrenches and perpetuates socio-economic disadvantage in Aboriginal communities.

The bulk of service provision continues to sit with FACS and the bigger NGO providers, who have the system capacity to deliver services in Aboriginal communities but lack the cultural capacity to operate appropriately or effectively. Of the Aboriginal people we spoke with there is a view that many Aboriginal people do not see FACS or the non-Aboriginal NGOs as culturally appropriate or trustworthy and remain reluctant to use or participate fully in their services or programs. This leaves communities without access to appropriate or effective services to prevent children entering the OOHC system or for families to work toward restoration.

Aboriginal communities' reluctance to engage with services is often viewed as obstructive or oppositionist, which triggers a more aggressive and punitive response from the statutory body.

### **Statement made by a case worker, The Benevolent Society, Sydney**

*"There's a lack of understanding of the Aboriginal community, there are hardly any Aboriginal workers, no understanding of what happens in the community – they are just having a judgemental view of the community, 'oh, here's these Aboriginal people, look what they've done'.*

*Even basic things they don't do right. They book a timeslot and say you have to come and meet us then, but Aboriginal people, community, they don't go off time, they don't have a watch, and they don't go to an organisation like that, with white people, and so FACS says 'well, they're not engaging, they're not helping themselves'.*

*And for Aboriginal people, when they go to a service like that, and they're sitting across the table from white people, it's extremely daunting, and they're not going to want to do that, even though they want their kids, they're not going to want to be judged. And the white people are using the big words and that and Aboriginal people are not going to understand what they want them to do. Unless FACS is in the home, working with that family, then it's not going to work and it will become a vicious cycle.*

*They feel a lot of shame and guilt that this is happening, especially when it is not explained to them why this is happening. They feel angry like any other family. Some people don't have mobiles so FACS can't call them and tell this is happening. No one talks to them about restoration and how that works. FACS don't go to the house and say do you need help to get to this appointment, they don't offer them an Opal card, nothing. And that's a huge problem, basic things that would help, are just missed or not done."*

### **Interview conducted with two children currently in kinship care and their kinship carers**

#### **What happened to you?**

##### **The kids:**

*"Our parents were using drugs and alcohol and we were being badly neglected. "*

##### **The kinship carers:**

*"We spent two years begging for help from FACS and they refused to help, telling us the girls were 'progressing well' or that they had other children who were more 'needy'. In the meantime, the girls were not surviving. They attended school only 30 days in their year they came to live with us in the October. We tried hard to provide family support and started caring for the girls for the weekend every month, but we could see they were being badly neglected and [Child A] was very under nourished and could not speak at all at age 6 ½ years. The girls could not count to 10 or read a single letter of the alphabet at age 7 ½ and 6 ½ years.*

*We had to go all the way to the Ombudsman before help was offered."*

#### **What happened at the time of removal?**

##### **The kids:**

*"We understand that police and FACS were involved and came to our home after many reports were made of concern and took us into care. I thought no one would come and get me." [Child B]*

*"I don't remember but I have been told that I asked the policewoman not to forget to bring my bike and she did and I was glad" [Child A]*

*We were collected from the FACS office by my uncle and aunty and came to live with them. We did not know for a long time if we would be going back to our mum and dad or we would be staying with our uncle and aunt. It seemed a long time before we knew we would be staying for sure. That was six years ago."*

#### **The kinship carers:**

*"We were very relieved when the girls were finally taken into care, but this did not happen until an NGO became involved. The Magistrate described their case as 'one of the worst cases of neglect she had ever seen'. The girls came to us with no clothes or shoes or anything except a teddy and a bike."*

#### **What was your experience of child protection and OOHC?**

##### **The kids:**

*"I remember hiding under the bed when mum and dad were throwing glasses and things around. I also remember a time when there was a party and a fight and there was a lot of blood. I remember the house was really dirty and the back yard had grass so long we could not play outside. We had lots of different animals that were not cared for either and were abused by our parents. This was sad." [Child B]*

*"I don't remember anything." [Child A]*

*"We thought coming into care changed our lives and made it better. We remember going to contact many times and our mum did not show up and this was sad and difficult. On another occasion our mum came with our dad, even though they were not supposed to come together because of the domestic violence between them. We saw her upset and angry because she was not allowed in. We were sad that day and when we came home our aunty made us Milo and we had cookies and calmed down.*

*Our mum never came to contact again and our dad stopped after the orders were made. This year we saw mum and dad for the first time since then. It was a bit weird. They have not asked to see us again. I do not feel like we really know them, so we do not feel bad about not hearing from them again. It was also sad seeing how their life turned out and it did not seem very good" [Child B]*

*"I felt conflicted about seeing them because I wanted to see what they looked like (because I did not remember) but when they came it felt weird because they were strangers. I felt sad that our parents did not contact again. We now do not ever know what they are doing or if they will come again" [Child A]*

*"We have only had two caseworkers at the NGO and this has been good as we have been able to get to know each of them and talk to them. Mostly though day to day we live our life in a normal family and do not feel like we are really in care."*

#### **The kinship carers:**

*"Despite the girls coming into care after two years of trying to get help and having very high needs, enuresis, developmental delays, PTSD and a later diagnosis of foetal alcohol and brain injury, FACS refused to acknowledge they needed anything other than general foster care. We were also bullied into accepting PR full after they turned 12 (a situation we later rectified by returning the matter to the Children's Court and seeing FACS to retain medical and education until they are 18 years). The girls have required four years of OT and speech, and 6 years of tutoring."*

#### **Who do you believe made the key decisions about you?**

##### **The kids:**

*"FACS made the decisions about us and the Judge at the court. Since then the NGO have made some decisions and now mostly our aunt and uncle make the decisions about our needs and care."*

#### **The kinship carers:**

*"FACS made what we believe were very poor decision not to act sooner and to let the girls languish in a poor care situation that was dangerous."*

*Later they made more poor decisions by allowing the children to be repeatedly transported 30 minutes to contact even though their parents were not regularly turning up. They were terribly distressed each time this occurred."*

### **Was anything done during your time in OOHC to connect with family, kin and culture?**

#### **The kids:**

*"We were lucky to be placed with family and we have been able to see and spend time with other family members. We spend holidays with our dad's sister and we have met great aunts and other family members at things like family reunions and a big family funeral. We have lots of chances to be involved with our culture including being the Aboriginal member of Parliament in our school and being able to give the acknowledgement of country at school events. We attend Aboriginal events and we talk a lot in our family about what it means to be an Aboriginal person. We know what mobs we are from both our parents. We hear a lot about our dad's grandmother who was very active in the Aboriginal community.*

*We are happy with what has been done to keep us connected with family. This includes efforts by our family and the NGO over the years to encourage our birth parents to attend contact (even though they almost never came)."*

#### **The kinship carers:**

*"We have worked with the NGO to make sure the girls have regular contact with family and kin and we have tried hard to get their parents to attend contact, without success, until one visit a few months ago. At this time, we asked nothing of the parents other than that they came, as the girls are now 12 and 13 and we believed they could cope without the consistency around contact. Despite this they have been out of contact since."*

### **What has this experience meant for you now and into the future?**

#### **The kids:**

*"We understand the impact of our history of neglect and abuse and seeing DV on our lives and we have worked hard to overcome this and to work hard at school and get along with others. We understand that being left at home for so long meant a lot of bad things for us, not going to school hardly ever and not getting an early education, effects on our behaviours such wetting ourselves and yelling at others until we learned new behaviours.*

*We have both come a long way and we try hard and do well at school. We know how to have fun and how to entertain ourselves and we look forward to getting a job and having our own money and places to live in the future. I want to be a police officer" [Child A].*

*"We know that we will live with our aunty and uncle until we are ready to be independent, whatever age that is."*

#### **The kinship carers:**

*"We know as well as anyone the long term impacts of the extended years of neglect and abuse the girls were exposed to. We have actively pursued services and assessments including a recent diagnosis and since then NDIS funding to help them both. Parenting the girls has been a long and difficult - although rewarding - job over the years and the strain on us has been high given we are much older parents. We also now understand the girls will need support long into adulthood due to their disabilities."*

## **2. What are the current strengths and weaknesses of the child protection/OOHC system in NSW, specific to Aboriginal and Torres Strait Islander families?**

The statutory body for child protection in NSW, the Department of Family and Community Services (FACS) is viewed with anger, suspicion and great fear by the Aboriginal people who were consulted for this submission. Despite initially agreeing to speak with The Benevolent Society, a former FACS case worker believed her post-traumatic stress disorder would be triggered if she were to talk about her experience working for FACS. Whilst declining to be interviewed she made the following comment for inclusion.

**Statement made by a former FACS case work manager**

*“They steal children, they hide children, they don’t let families know where the children are living, they cancel visits and tell the children their parents don’t want to see them.”*

FACS is not seen by Aboriginal people as an organisation that assists or helps families. In fact, FACS is viewed as a punitive organisation that judges and punishes Aboriginal children and families, and continues past policies of stealing children from their families and communities.

**Statement made by a manager, Child and Family Services, The Benevolent Society, regional NSW**

*“FACS don’t use or apply the assessment tools properly for Aboriginal kids and families. FACS don’t have enough Aboriginal staff and don’t train their staff to use the tools properly. They don’t have the Aboriginal cultural knowledge to apply tools in the right way and get a proper assessment of risk.*

*They shape their conclusions so that they come to a punitive conclusion.*

*There is no involvement of community in decisions for the child, it’s all the case worker’s decision, and the case workers aren’t trained properly and don’t understand Aboriginal culture and kinship.”*

The lack of cultural training and capacity within FACS and within the wider sector is a recurring theme that came out of discussions with Aboriginal people about the child protection system. The failure of FACS to develop and promote Aboriginal cultural understanding for all staff is reinforced by the failure to provide for self-determination within the system despite the legislative obligation for Aboriginal people to “participate in the care and protection of their children and young persons with as much self-determination as possible.”<sup>20</sup> This failure extends to ensuring the safeguards aligned with the Aboriginal Child Placement Principle, including elements of prevention, partnership, placement, participation and connection, are adequately and consistently implemented.

The sentiment that consultation of recognised Aboriginal agencies and individuals is being implemented as a tick-the-box exercise has been echoed by both mainstream statutory child protection staff and the staff of Aboriginal and Torres Strait Islander organisations for many years, across all jurisdictions,<sup>21</sup> and continues to be an issue in NSW. Aboriginal communities have been clear and consistent about the changes necessary to achieve a more effective child and family system for Aboriginal children and young people, starting with greater Aboriginal community-controlled oversight of decisions about the safety, welfare and well-being of Aboriginal children.

Of the Aboriginal people we spoke to, there was scathing criticism of FACS’ Family Finding practice, which is seen as inadequate and cursory and is blamed for the high number of Aboriginal children and young people who find themselves in mainstream placements. The connection and placement with family or kin is a key element of the Aboriginal Child Placement Principle which FACS is clearly failing to genuinely comply with, reigniting fears that past removal policies of Aboriginal children and their families are continuing.

There is a strong belief in Aboriginal communities that FACS deliberately keeps families and community at arm's length to protect the department and minimise accountability for the failure to place children with family or kin.

### **Statement made by a case worker, The Benevolent Society, regional NSW**

*"I work in the child protection sector but I don't directly deal with out-of-home care. But as a community person, I see the effects of the system on our kids and families.*

*FACS doesn't do enough homework around the family of the kids they are placing in out-of-home care. They just place them with carers without finding out all the possibilities in the family, and extended family.*

*They need to set up advisory groups through the women's groups, the AMS [Aboriginal Medical Service], working parties, people with knowledge of the families, and people with child protection knowledge. The advisory group needs to be independent so that the right advice is given. The advisory groups need to be brought culturally back down to community. They can find the right person in the family for the child to go to.*

*We know the families and we can find the family for them to go to."*

The failure of FACS to understand the cultural needs and practice of Aboriginal children and families is also manifest in the inadequacy of cultural care plans which should accompany Aboriginal children through their time in the OOH system. Cultural care plans are a key tool to ensure children and young people maintain their culture and connection to community as set out in the Aboriginal Child Placement Principles. Cultural care is often addressed by non-Aboriginal case workers as an add-on in planning for children's well-being and is seen as less important than health, education or other areas of their lives that are more obviously measured.<sup>1</sup>

There is a widespread view from Aboriginal people and organisations that FACS fails to fully apply the Aboriginal Child Placement Principles, reducing the Principle to a simple placement hierarchy, rather than recognising its role in safeguarding Aboriginal children and recognising that Aboriginal people themselves are best placed to make decisions about the safety, welfare and wellbeing of Aboriginal children.<sup>2</sup>

While elements of the Principle are reflected in legislation and policy in NSW, Aboriginal people and organisations have significant concerns about its implementation practice.

The quality and cultural strength of the plans is widely divergent, inconsistent and sometimes non-existent. This lack of positive reinforcement and connection is a further means by which the OOH system severs an Aboriginal child or young person from their identity, and sets them adrift in a system that provides neither safety nor security.

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<sup>1</sup> Libesman, T., SNAICC (2011) *Cultural care for Aboriginal and Torres Strait Islander children in out of home care*, p.12. Viewed at: <http://www.snaicc.org.au/cultural-care-for-aboriginal-and-torres-strait-islander-children-in-out-of-home-care-report-2011/> (15 December 2017).

<sup>2</sup> Tillbury, C., Burton, J., E., Boss, R., and Louw, T., (2013) *Aboriginal and Torres Strait Islander Child Placement Principle: Aims and core elements*. Melbourne, Secretariat of National Aboriginal and Islander Child Care (SNAICC).

**Statement made by an after-care service provider**

*“FACS don’t have the training or the cultural knowledge to work with our kids. They call us for help with the kid’s culture care plan, as part of the leaving care plan, because they don’t know what to do. They also don’t always do plans for the kids, especially for kids who’ve self-placed back with family. They just kind of dump them, wipe their hands of them.”*

FACS are not transparent about the services and financial support available to children and young people in care or those leaving care and make decisions on who will get support or access to support based on personal and arbitrary judgements.

**Statement made by an after care-service provider**

*“The services for Aboriginal kids leaving care are really limited, particularly in regional or remote communities. As a service, trying to get access to the funding kids are entitled to, is really difficult. FACS make it difficult. They don’t call back, they stall, they don’t do the work.*

*They are noticeably less helpful for kids with high needs, or kids who’ve have been in trouble. If the kid has finished their HSC or is doing a course they’ll respond and even help, but if they’re kids in JJs [Juvenile Justice], or jail or they have high needs they’re more likely to just get dropped by FACS.*

*And kids who have left care, even if they know they’re entitled to help, don’t know who to ask because they just don’t want to deal with FACS again. They’re so traumatised by being in care, by being abused in care, by not being cared for, listened to.”*

**Statement made by young person who has left OOHC, regional NSW**

*“When I first went into OOHC, oh, I went to probably 15 different homes, but it wasn’t really OOHC. I was seven, I have 37 siblings all together and 10 of us went into care in one go. 12 directly from my mum. 10 of us went into care, she’s got two more now. She handed them to care straight away.*

*At the time, when they came to get us, two of my older brothers jumped out of the window and a massive SWAT team was out the front, the people with the helmets, barricades. To get us kids. I was only seven and the younger kids were three and two. We all got put into DOCS and they separated us into twos and they promised us that would put us all in the same placement but we never saw each other for about three months.*

*Well - we did - but only when we went to school or we went somewhere and we’d run away together and hide in the bush. We all went to the same school, so we’d run away from there. We’d have a spot in the bush that we’d meet and we’d all sort of run to there and they wouldn’t be about to find us and we’d hide for hours and they’d come to find us eventually and they’d separate us and take us back to our placements.*

*That’s one thing that they stuffed up on us, they promised us things and then didn’t do it, so we were like: ‘stuff you’. It was like, it just hurt us in many different ways, some worse than others. It made us angry and they put us in danger. I remember my sister got put out at a bigger town, and I got put at a small place, and I walked for four hours, with my baby sister on my back, she was about five at the time, to meet my other sister who walked from the bigger town. We were on our own, walking for hours on the highway. They put us in danger, they take us from there and put us back in care, so it’s constant running away, and running around. DOCS thought the further they took us from our family, the better it would be for us because we couldn’t get back.*

*So they ended pulling us out of school at one stage, so we never had any education through the system because we were too much of a risk, of being in danger, at school. We weren't allowed in town or anything like that. I ended getting put with about 15 different homes before I got a good one. And me and my youngest sister we went through hell sort of. We got taken from the other homes, because of sexual harassment, you know, older men who like touching young girls, we were put with other kids who were abused as well. The first paedophile they put us with, they ended up leaving us there, for him to drop us back to DOCS the NEXT day after school. I remember him telling us why we couldn't be there, DOCS didn't want us to be there, and it's not his fault, he wanted us to be there but DOCS decided we couldn't be out there anymore.*

*He got locked up, for molesting his own daughter, she didn't have a tongue and me and my sister used to help feed her. The carers used to make us feed her, we didn't mind, we felt sorry for her. But her and the older sister managed to get their story out and he got done. It all came out. But nothing's really been done about what happened to us, no follow through for us. My younger sister has damage down there, she has a scar over her uterus, damage from what happened to her. She has the uterus of a three-year-old because of what was done to her. She was going through the system and I felt bad for her.*

*We went to this one house, and we were put into two different rooms, which was very unusual, I mean we're Aboriginal, we all love being together. We used to sleep on the one mattress in the lounge room, in front of the TV, 10 of us, we loved it. And this carer used to lock us in separate rooms and he used to try and do things to me but I used to click on that it wasn't right but my younger sister, he used to get her, and I think that's when it happened to my sister. I remember telling one of the caseworkers at Maccas and we just never went back there. But nothing was done about it.*

*I remember seeing him a few months later when I was with my new carers and nothing had happened to him. Nothing was ever explained. They'd just take you somewhere else and not tell you anything. Nothing at all, not where we're going next, not anything, not where other siblings were or anything. They'd tell us we'd be going home one day, because we'd scream the house down I guess, but they'd tell us nothing really. We'll go back, we'll go back.*

*I went to a very Aboriginal school so I wasn't held back from my family or culture, I had a lot of family there, but my dad didn't want me with my Aboriginal family. He didn't trust them, or they weren't children-safe, I don't know, I still don't know. I remember going out to one place, in a small town, and the carer's son was an alcoholic and she used to give all of the money to her son, all of the money she got for us was given to her son and we never had any toys, any toys for Christmas, we never got anything at all. I went to run away, and I couldn't get my little sister out of class to come with me, and I ended up taking off without her and I ended up back at my mum's and DOCS came and got me and they took me back to the carer even after I'd told them everything, and she belted me and locked me in the room and it wasn't till a few more days that they took us away from there.*

*I'd told DOCS what she did, that she wouldn't give us anything, that she hits us and DOCS went back and told her and she got so angry, belted me and locked me in the room.*

*Our carers told us the same story about our parents so I assume it came from DOCS. That, like, we were starved and our parents didn't love us. That's why they didn't feed us. But I didn't believe it. My dad used to steal us food if I needed it. He used to get it for me if I needed. He got it.*

*I don't know of any caseworker I had for the first 15 homes. Then I got to nan's [a carer] and I asked if all my siblings could come to her, and she ended up extending the house and they all came. She had a farm and we*

*had lots of experiences. We learned how to ride bikes, we learnt how to work, she put us into sport, into culture camps, she extended the house, and she had us all. We had a caseworker with her. But then they tried to get her to adopt us, I'm assuming so they don't have to pay, but nan didn't. She asked us if we wanted to be adopted, but none of us did so she didn't do anything about it. They left it at that.*

*My last caseworker was at 13. I ran away, because I couldn't have a boyfriend, stuff like that. Going through a phase, never had a caseworker after that. When I ran away, I lived with my boyfriend's mum for about three years, she helped me do some courses and stuff and then at 15 I got my own place.*

*I got kicked out of school. My dad passed away when I was 13 and DOCS didn't tell me because they said they didn't want to disrupt my school, so my dad passed away, and they didn't tell us for about two weeks after, they didn't tell us while he was in hospital so we didn't get to see him. It was DOCS idea. So we didn't get disturbed at school.*

*So like after he passed away I ran away, lived with my boyfriend and his mum for three years. DOCS never came out. Never called or anything. The only way I got back in contact was when I wanted to get my own place, I was in a new relationship, I was 15 and I wanted to get support. I was getting mentally abused and there was violence and I wanted some help.*

*I ended up getting placed with an ACCO who weren't helping me so I moved to the city. I got really physically beaten by my partner. I just got to the point where I couldn't handle it. I was having suicidal thoughts. I got in contact with DOCS, I know they should help me, they'd taken everything away from me and they had to give me something back. They told me I had no caseworker, that I had nothing to do with them anymore (I was 18). I can't remember how, it wasn't DOCS but someone gave me a number for an NGO and I called them and they helped me with my lease, my mental state, the real estate were taking advantage of me, but the NGO helped me with that.*

*I'm 22 now. My brothers and sisters are doing quite well. My older sister is a FACS worker back where we are from. She's quite disgusted by it, and has to take time off to recover, but she wants to help other kids not go through it. My older brother has a drug problem, he couldn't handle what happened to us all, especially my dad passing away. The others are good and we're all in contact with my cousins and family. What got me through was when I got kicked out of school and I realised if I didn't get an education and get a job I wouldn't get anything. I didn't want to be like my parents. So I went to TAFE when I was 14, they thought I was 18, and I got a higher qualification than the HSC, I got a certificate from the Prime Minister, because I was the youngest highest qualified woman in Australia and I ended up getting a job in the hospital. Just worked my way up slowly."*

### **3. What can be done to reduce the high number of Aboriginal and Torres Strait Islander Children and Young People in OOH in NSW?**

*"Children must be removed when there is danger. But you then have to remove the danger, so the children can go home." - Dr Mick Dodson<sup>22</sup>*

#### **Statement made by a grandmother, Sydney**

*"Even when there is violence or danger in an Aboriginal community it is still safer for most Aboriginal people than being in the white world."*

#### Other Jurisdictions

Both Victoria and Queensland provide examples of collaboratively working with Aboriginal communities and ACCOs that offer useful and effective models for NSW.

Aboriginal services (ACCO's) in Victoria provide Early Intervention and Family Services (EI&FS) for Aboriginal children, families and communities to strengthen a child or young person's cultural connection, and to find ways of nurturing and supporting the family's cultural experience.

ACCO's provide a range of Aboriginal-designed integrated family services that are delivered at the critical point of intervention when a child or young person is at risk of entering the OOHC system. Programs such as Cradle to Kinder, Stronger Families, Integrated Family Services, Aboriginal Family Led Decision Making, Family Mental Health Support Services and Family Violence programs work to keep the family intact and provide step-down services for the family to continue functioning positively. These prevention and restoration services have been evaluated and shown to have long-running success.<sup>23</sup>

The commitment to self-determination is central to the success of Victorian ACCOs. One of the primary functions of the prevention programs is to facilitate an integrated approach to service delivery that is both holistic and therapeutic. Victorian ACCOs adopt the 'Aboriginal service first' principle, where services for Aboriginal children and families are delivered by Aboriginal organisations and decisions about Aboriginal children are made by Aboriginal organisations. On occasions when services cannot be delivered by Aboriginal organisations, ACCO's aim to ensure those service agencies are culturally respectful and Alliance sector partners with ACCOs.<sup>24</sup>

The integrated family services programs with a suite of intensive services are government programmatic funded services that sit in mainstream organisations and ACCOs across Victoria.

Recent amendments to the Queensland *Child Protection Act 1999* have included a new power to enable functions and powers of the Chief Executive in relation to a child who is subject to a child protection order to be delegated to an Aboriginal and Torres Strait Islander agency. These amendments follow the successful trial (2013-15) and adoption of a Guardianship role for VACCA in Victoria in 2015.

The success in Victoria was in part enabled by a staged and planned investment by the Victorian Government to build the capacity of Aboriginal organisations to assume and exercise functions and powers in relation to Aboriginal children.<sup>25</sup>

Both the Queensland and Victorian models are consistent with the principles of Aboriginal self-determination and cultural authority that have been articulated by Aboriginal people as the key steps to preventing Aboriginal children and young people from entering into OOHC and provide a model for implementation by the NSW Government.

### Family Matters

The Family Matters campaign is a national campaign to eliminate the over-representation of Aboriginal and Torres Strait Islander children in OOHC by 2040. In 2016, the campaign released the *Family Matters Roadmap*, which contained an evidenced-based vision and strategies for fundamental policy and practice change that call on governments and NGOs to work with Aboriginal communities to deliver fundamental change to Australia's child protection systems.<sup>26</sup>

The Roadmap's building blocks and change priorities have been identified through research, best practice, sector leaders' guidance and the knowledge of Aboriginal and Torres Strait Islander communities. The Roadmap was formulated through an extensive research and consultation process - including seven community-level, state-wide and national forums, input and review of leading academics, literature

reviews, and a policy development process with governments and NGOs on priority actions under the *National Framework for Protecting Australia's Children 2009-2020*.<sup>27</sup>

The following are the change priorities set out in the *Family Matters Roadmap*:

1. A COAG target to eliminate the over-representation of Aboriginal and Torres Strait Islander children in Out-of-Home Care
2. Increased investment in Early Intervention to support families and prevent children being placed at risk in the first place
3. Government investment in Aboriginal and Torres Strait Islander family and community participation in child protection decision-making
4. Prioritisation of Aboriginal and Torres Strait Islander Community Controlled Services
5. Reform of permanency planning measures across all jurisdictions towards stability, ensuring adequate mechanisms to strengthen families and to protect children's rights to families and culture.<sup>28</sup>

There is widespread belief that the intent of the current system is to punish Aboriginal families and destroy Aboriginal culture. Whether accurate or not, the belief is real and the fear of the system and of FACS is strong.

Aboriginal communities have been clear and consistent about the changes necessary to achieve a more effective child protection system and change to the system is long overdue.

Aboriginal people expect the NSW Government to respond genuinely and actively to the case for systematic change to the interaction of the child protection system with Aboriginal families and communities.

The policy and legislative tools for positive change have been clearly articulated by SNAICC, AbSec and Aboriginal sector and community leaders. The solutions are known. The NSW Government must now do its job and respond in the best interests of Aboriginal children their families and communities.

#### **4. What are the barriers to change in NSW and how can these be remedied?**

##### **Statement by Senior Child Protection Professional**

*"We live in a state where a very inexperienced and young workforce are the foot soldiers of removal of Aboriginal children and young people. This youthful workforce has enormous power and are making decisions far beyond the readiness of their mental maturity. A workforce that does not have emotional intelligence or maturity to be given such responsibilities adds to the wickedness of this failed system.*

*Notwithstanding Magistrates' role in making the decision to seal Aboriginal children's and young peoples' fate by agreeing to what has been handed to them from, more often than not a young inexperienced case worker with limited senior practitioner guidance. Where does this workforce receive its advice from about decision making for Aboriginal people? If this system or process of decision making was working, we wouldn't be having this inquiry and saying the same things. Its absolute insanity.*

*This ill equipped workforce and system dominated by the white privileged state remains the biggest risk to Aboriginal children/young people, families and communities. The wickedness of this intrusive adversarial system including the Children's Courts and the Magistrates determining the orders and not returning children continues to be a blight on this nation.*

*There are solutions to this and it should start with removing the irresponsible powers of decision making, taking it out of the hands of the dominant non-Aboriginal 'public service' workforce that is ill equipped and is solely responsible for the current situation that we are trying to respond to in these reports and constant inquiries.*

*We have a state government that is talking about adoption and expediting permanent care orders. The drift in care is created by statutory decision making. When a placement breaks down, children and young people are moved from foster care placement to foster care placement, little work is done to return children home or to community. Furthermore, in the residential care environment children and young people are cared for by agency workers who are only required to have minimum qualifications and this is not policed. Most agency workers are not qualified and there is no line of sight to their conduct when responsible for the children in residential care environments (motel rooms, caravan parks, granny flats). Its abusive.*

*We know about the recent suicide of one of our young people after being continually sexually abused in residential care. This is not in the past, this is not history, this now for Aboriginal people. It has been continual entrenched practice in a system that has been designed to expunge us as a Nation of people."*

#### **Statement made by young person who has left OOHC, regional NSW**

*"They don't understand, they take the kids away from family, from their culture, their everything. They take everything away from them, and they expect them to live from there on with people who don't give them anything. And then, they turn 18 and they just drop you. You don't have your real family, they've ruined it, and your foster family doesn't want you anymore because you're 18 and they don't get paid for you anymore, so they don't want you."*

#### **Statement made by young person who has left OOHC, regional NSW**

*"Even though I was only seven, they could have told me, what was happening."*

There must be a collective approach shared by Aboriginal and non-Aboriginal people to make better decisions about the child protection system and its interaction with Aboriginal children and their families. Children must not be removed unless there is a better place for them to be, and family must come first in all considerations between government, NGOs and communities.

The Family Matters campaign produces annual public reports documenting progress towards meeting the objectives outlined in the Roadmap. In this year's report, it was noted that "the progress of NSW Family and Community Services (FACS) in implementing the Family Matters Principles and Building Blocks overall continues to be an area of significant concern".<sup>29</sup>

The concerns detailed by the report include:

- FACS' limited level of commitment to working with ACCOs
- policy that is contrary to the Family Matters principles
- legislative proposals that further erode the rights of Aboriginal people, including the right to self-determination, and place Aboriginal children at risk of disconnection from families, communities, culture and country
- resourcing decisions prioritising the FACS agenda over and above Aboriginal community priorities and approaches.

This is most obvious in the NSW Government's permanency planning agenda, with proposed amendments to the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* and the *Adoption Act 2000 (NSW)* outlined in the *Shaping a Better Child Protection System* discussion paper. The amendments and the approach is strenuously opposed by Aboriginal organisations, peak bodies and communities and is in direct opposition to the principles and building blocks of the Family Matters campaign.

The *Family Matters Roadmap* provides the strategies to arrest the increase in Aboriginal children entering OOHC in NSW. FACS' failure to work in good faith with the NSW Family Matters Collective, ACCOs and Aboriginal communities to implement the Roadmap is an abrogation of their responsibility to uphold the principle of self-determination for Aboriginal people and fully implement the core elements of the Aboriginal Child Placement Principle: prevention, partnership, placement, participation and connection.

### **Statement made by young person who has left OOHC, regional NSW**

*"I'm just reading my files, so everything I've known in the past has been told but now I'm reading my files and it's all very different.*

*I believe I went into care at the age of six but reading my files - it's - my mum would have to go into hospital so then we'd be put with a person. I don't really understand. I guess its respite. So reading my files we were always like that. My mum was involved in domestic violence and drugs and always in trouble and we used to go to my grandparents and I have a vague memory of picking my mum up after she'd been out. There's also a story my mum had been out and left me and my sister in a caravan for a couple of days, while she went out partying. She left with a guy but didn't come back for us and then she rang my grandparents and asked them to go get us.*

*So from my files I probably had child protection on me from when I was born. My case worker and I are trying to work out, its looks like something happened when I was three and also my birth year. I was born in 1997.*

*What I remember is being taken from my grandparents' house – it was all very hysterical. I was one of four, and a car had just rocked up at our house. My older brother and sister were quite hysterical and punching people and stuff. I was upset, I had a rough idea but I was too young to really understand. My younger sister was too young. Me and my younger sister got put in the car and taken away to a house somewhere for the night.*

*We didn't get told anything. Their excuse was that we were too young. I think their excuse was they took us for ice cream. My older siblings stayed at my grandparents. They couldn't get them. I remember sleeping on a floor with my younger sister and a blanket for a couple of days and then we were taken to a house where beds were being made. That was my first foster carer. All four of us got put in the one home but it didn't happen for a while.*

*In the beginning she was really friendly, it's like the honeymoon period I guess. I think they're all like that, they're really nice and it pisses me off, they're nice around caseworkers and DOCS.*

*It was good for a few weeks but when my other siblings came it got weird. We'd get punished for weird things, like if we didn't eat our breakfast she'd pour it on our head before school. We had a list of chores to do and I didn't mind it but we'd be silly, make fun out of it, but if we didn't do it we'd get hit. I remember sleeping on a dog's bed one time because I got locked out side.*

*Then the son and the grandson moved in to the carers. They used to take us fishing and I always wanted to go night fishing. And one night, the son said he'd take me but no one else could come, just me. I thought nothing of it – I think I was eight. So we went night fishing. But we really didn't go night fishing. He had a boat and he took me to an island, pulled me out of the boat and basically sexually assaulted me, very detailed and full on.*

*We went back and I was pretty distraught, and I didn't say anything, but I told my little sister and we kept it a secret. But it kept on happening. The son - he was probably about 30 - he was the one doing it to me, he would get me grounded, so that everyone would go out to bingo and I would be left at home and he would babysit. It was found to be true, what he was doing, but it didn't go to court.*

*I don't think I'd take it to Court today because I'm too scared to go back to the past and face that.*

*We did have a case worker – they rarely come out and see you. The carers have a case worker, and she would come out and they would always have secret conversations and that was annoying.*

*They (DOCS) don't communicate with you. The sexual abuse went on for months and months and then the grandson moved in and he was 16 and 18 and he started sexually assaulting me with the son, but then I later found out that my little sister was also being sexually assaulted by the grandson so then it would be like a group thing.*

*I'm the only Aboriginal child in my family – we all have different fathers and my father was the Indigenous one. The carers were white.*

*I ended up telling my older sister's mum and she told the carer and my carer just went off. She was chucking pots and stuff. She locked me in a room, they all called DOCS, I wasn't allowed food or to come out or anything. DOCS came and had a meeting and then they took me away and left my little sister there. I went to several temporary placements because they couldn't find anyone who wanted me.*

*None of the siblings were being moved, it went slowly. They did get moved but we weren't allowed to be together or we would talk about what happened. I was all by myself and quite scared about going to these houses. I was still young. I went on for two to three years so was probably 11 at the time. I went to so many houses and schools.*

*Years went by and I was probably about 14 and I'd had temporary placements - probably months at a time, very unstable. I think trust is a very important thing and if you don't know a person and don't know what's happened it's very hard to establish trust.*

*Moving all the time. I've never met my dad's family. DOCS said they tried to find him, when I was about 16 but they said they couldn't find him. They said he was in jail or something and they couldn't find him or his family. I asked for a photo but they said they couldn't find any information. I didn't mind because I didn't have any connection to him.*

*Then I finally moved in with a carer and my younger sister moved in which was really lovely. I hadn't had any communication for years with her. I'd had heaps of JIRT investigations for all the stuff and they'd make different timeslots so we couldn't see each other.*

*We were close when we were little - we would run away at our first carers – we'd run away to the bush, we had lounges, we hid out.*

*Once we walked for miles late at night, looking for our mum, we were young, and this guy saw us and took us back to his house for a feed, and then called the Police and DOCS came and took us back to our carer.*

*A few days later, we stole all this money our carers had and we bought heaps of lollies at the servo and we went back to the bush, a new spot and we were going to hide out there.*

*Our carer was into drugs - marijuana. Her brother would come over, and he pinned me against the wall and sexually assaulted me in the garage. There was months of grooming. He'd always get me to sit on his lap, or he'd hit me on the bum.*

*I told someone, I can't remember. So I was moved away into temporary homes but my sister was left there for months. And she still had contact with the brother. I still had my JIRT interviews.*

*I used to be with this NGO and I would seriously yell at them because they hadn't moved my sister.*

*Lots of guilt when something happens to your siblings especially a younger sibling. I was told they were moving her but they didn't.*

*We weren't allowed Facebook or phones so we couldn't contact our families. We try and use payphones. I hadn't heard from my older siblings either. I didn't hear from any of my siblings and I just kept getting moved from house to house to house.*

*I was moved to a longer temporary house and I got my first job. But the boss started sexually abusing me, in the cool rooms, lied to my carers about what was happening. I didn't want to go but my carers would make me work for money. I left there, nothing happened about it, I didn't tell anyone, because his wife was pregnant and I didn't want him to get in trouble and leave his baby behind. I'm a feelings person.*

*DOCS made me do lots of sessions about appropriate contact with men, with case workers, appropriate talk with men because they thought it was me leading men on. I was upset because they were saying like it was my fault.*

*I was moved to another carer, which was temporary and then I moved again. I was 16. She was quite horrible. Verbally aggressive, and she would hit us a bit. She would push and hit my little sister who was there for respite.*

*She would buy me cigarettes and alcohol as well. But I ran away, I was sick of foster care, so I ended up homeless. I was homeless for 3 months. I would go from park to park, I would buy a tent. I ended up leaving school and I went to TAFE. I always found it difficult to make friends with kids my own age, it was easier with adults or teachers. And then I would get in trouble for hugging a teacher, it would be inappropriate. I met this girl at TAFE and she was drug dealer and a stripper and I got into drugs, marijuana. It led me down a bad path and I lived with her for a month, but I got in a lot of trouble - always putting myself in risk, chasing money, the Police after us.*

*All this time, homeless and living with this girl, not at school, DOCS didn't contact me much to see where I was. They contact me twice in three months but they didn't ask where I was living, what I was doing, did I need anything. Nothing.*

*I went to weekend church camp and I met a lady there who was lovely and the leader of the place. I'd left the drug dealers and I was living in the park around the corner from this lady's house - it was near the train station. She saw me one night in the park with a whole heap of men around me, they were all drunk and*

*pushing me around. She picked me up and took me home and I stayed there and they got an idea of what I'd been doing. They started taking me to church.*

*But the lady called me and said I wasn't allowed to stay with them anymore because DOCS had said they weren't authorised. They were youth workers. DOCS said because they were unauthorised I couldn't stay there - but I could be homeless in the park. I'd self-placed at the park.*

*The lady went through the process and they made DOCS authorise them. The lady, I call her mum now, called and said we want you to live with us and I just literally lost it.*

*To have someone say they want you. And when I moved in there it was the best day of my life. I went shopping, and got a new bed suite, biggest bedroom, new furniture, new clothes, they painted the wall for me, they bought me a cat. They enrolled me in school, private school, and I finished year 11 and 12. They couldn't have kids and I felt like I was the centre of a dream. I was snooping and found IVF paperwork and I lost it because I felt they didn't want me they wanted their own biological child.*

*I went downhill. Mum knew I was drinking and they gave me a talk about how disappointed they were and I realised I'd hurt them and something snapped.*

*Then they got pregnant and that was worst day of my life. I felt like they wouldn't want me. I went back to my mum's for a week. It was the worst decision I've made. She was into drugs and boys were coming around every night. She lives with my Nan, who was lovely.*

*I was very suicidal. I've had a few attempts. I jumped off a bridge and I ended up in hospital. From the drugs I ended up psychotic and I had to take a few medications and I overdosed on that one day. I ran away a couple of times, would sleep in my car at school. I ended up in hospital after getting hit, I don't remember. I had a concussion.*

*When they had the baby, I moved out, into a flat of one of mum's friend. It's really pretty. It was traumatic for me, I was doing my HSC. Then I got referred to this NGO who have helped with everything since leaving care. Helped me set up house and vouchers for food. I got a car, then a job, got engaged and now I'm married.*

*I don't see my siblings. I don't trust my older sister and brother, they're both really unstable. My mum has had three new kids, they're all in care, her new boyfriend sexually assaulted her daughter.*

*My little sister is, we've drifted, we're on and off. She's different, I give her lectures, but she's been diagnosed with something and she's traumatised. Nothing was ever done her for. No after-care plan, no accommodation, no support whatsoever."*

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