

**Rachel Stephen-Smith MLA**

Minister for Health

Minister for Families and Community Services

Minister for Aboriginal and Torres Strait Islander Affairs

Member for Kurrajong

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**RESPONSE TO QUESTION ON NOTICE**

**Questions on Notice Paper No 1**

**4 December 2020**

**Question No. 55**

**MRS KIKKERT:** To ask the Minister for Families and Community Services:

- (1) The 'Our Booris Our Way Final Report' (December 2019) recommends that the Aboriginal and Torres Strait Islander Child Placement Principles are 'explicitly designed into policy and practice' (p 75) and 'explicitly enshrined in legislation' (p 77). These principles include 'The participation of Aboriginal and Torres Strait Islander community representatives, external to the statutory agency, is required in all child protection decision making, including intake, assessment, intervention, placement and care, including judicial decision making processes'. As the Government has formally agreed to this recommendation, and Minister Stephen-Smith signed up to the Family Matters commitment in September 2017, which includes the application and implementation of these principles, are any Aboriginal and Torres Strait Islander community representatives, external to Child and Youth Protection Services, currently participating in decision making as noted in this principle; if so, who, how, how often, and in what areas (intake, assessment, intervention, placement and care, including judicial decision-making processes, etc.); if not, why not and when will the commitment to implementing this principle be fulfilled.
- (2) When will the ACT Government amend the Children and Young People Act to include these principles, as recommended.

**Minister Stephen-Smith:** The answer to the Member's question is as follows:

- (1) The ACT Government is increasing the participation of Aboriginal and Torres Strait Islander community representatives in child protection decision making — a critical component of the Aboriginal and Torres Strait Islander Child Placement Principle. This is being delivered through training, development of policy and

practice guides, Family Group Conferencing (FGC), Functional Family Therapy – Child Welfare (FFT) and the development of a unified internal and external merits review model.

*Our Booris, Our Way* recommended the Aboriginal and Torres Strait Islander Child Placement Principle be designed into policy and practice (recommendation 3) and to ensure that the full intent of the Child Placement Principle is reflected in the *Children and Young People Act 2008* (recommendation 5).

To give immediate effect to recommendation 3, Child and Youth Protection Services (CYPS) engaged Curijo Pty Ltd, a local Aboriginal-owned organisation, certified with Supply Nation, to commence development of a Practice Guide. Curijo staff attended a two-day SNAICC seminar on embedding the Child Placement Principle before undertaking workshops, consultation and drafting the Practice Guide to ensure consistency with SNAICC policies, procedures and resources. To further inform the Practice Guide, Curijo provided a draft Practice Guide to SNAICC and the *Our Booris, Our Way* Steering Committee for feedback. The Practice Guide titled *Working with Aboriginal and Torres Strait Islander Families: Providing Culturally Responsive Practice* was finalised in September 2019.

Aboriginal and Torres Strait Islander community members and organisations are regularly engaged in child protection processes for individual children, young people and families. For example, they may be advocates, members of a care team or service providers working collaboratively with CYPS to support families to keep their children safe. The importance of engaging cultural expertise and support services is emphasised in the Practice Guide.

The Ngura Naraganabang (Safety in the Pouch) Advisory Group was established in July 2019, to provide advice and feedback to CYPS on policy and resources to support practice when working with Aboriginal and Torres Strait Islander children, young people, families and communities. The advisory group comprises representatives from Gugan Gulwan Youth Aboriginal Corporation, Aboriginal Legal Service ACT/NSW, OzChild, Winnunga Nimmityjah Aboriginal Health and Community Services, Red Cross, ACT Together, ACT Health and the Justice and Community Safety Directorate.

The ACT Government supports Aboriginal and Torres Strait Islander families to participate in decisions that affect their children and young people through restorative practices and intensive services, including FGC and FFT.

FGC continues to be guided and supported by an Advisory Committee that includes independent representation from a range of external organisations, with knowledge and skills that support the continued delivery and evaluation of FGC. These organisations include the Aboriginal and Torres Strait Islander Elected Body, Curijo and Professor Morag McArthur, Australian Catholic University.

The FFT Program is delivered in partnership with OzChild and Gugan Gulwan. The partnership delivers a culturally responsive model proven by research to support families and is underpinned by the principle of self-determination.

- (2) The ACT Government will commence work to amend the *Children and Young People Act 2008* to enshrine the Aboriginal and Torres Strait Islander Child Placement Principle, as agreed in the Government Response to the *Our Booris, Our Way* Final Report (in July 2020). Preparatory work will commence in the first half of 2021 and will be informed by engagement with the Aboriginal and Torres Strait Islander community.

Approved for circulation to the Member and incorporation into Hansard.



**Rachel Stephen-Smith MLA**  
Minister for Families and Community Services

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This response required 3hrs 20mins to complete, at an approximate cost of \$315.40