

New South Wales

Progress in realising the Family Matters Principles and Building Blocks remains concerning, despite ongoing advocacy from Aboriginal organisations and Family Matters partners. Positive steps outlined by NSW Family and Community Services last year – including commitment to more equitable funding in the Targeted Earlier Intervention (TEI) and the implementation of the Aboriginal Industry Development Strategy (IDS) – have not yet been carried forward. Further, commitment to transition case management of Aboriginal children in out-of-home care to accredited Aboriginal agencies continues to stall, and has been undermined by Government revisions to program guidelines.

Concerns identified in last year's Family Matters report persist.

In addition, Aboriginal communities and organisations remain deeply concerned about the Government's promotion of adoption of Aboriginal children, and the imposition of permanent care orders more broadly. These orders lack safeguards to uphold the rights and best interests of Aboriginal children and young people, including their right to safety, to meaningful connections to family, community and culture, and to ongoing periodic review of their placement and treatment. This approach suggests that little has been learned from past reviews, including the Royal Commission into Institutional Responses to Child Sexual Abuse and *Bringing Them Home*, about promoting the safety, welfare and wellbeing of Aboriginal children and young people through Aboriginal community-controlled approaches. AbSec, the peak NSW Aboriginal organisation in the sector continues to advocate for greater self-determination of Aboriginal communities in establishing the types of orders relevant for Aboriginal children and families and their administration, greater participation by Aboriginal families and community representative bodies in child protection decision-making, and greater accountability and oversight of these systems. This remains a critical area for reform.

The NSW Government has reported a reduction in the number of Aboriginal children and young people entering out-of-home care, which it attributes to practice changes and the implementation of intensive family preservation models. However, there is scepticism that these changes explain the reported reduction. It is worth noting that the reduction is lower for Aboriginal children and young people than their non-Indigenous peers, demonstrating that a tailored approach, rather than a mainstream one, is needed to overcome enduring disparities.

Overall, two key trends have emerged with respect to the NSW Government's current approach to the sector: a lack of transparency, and rhetoric rather than action.

Since noting the lack of transparency evident in the government's refusal to publish the *Tune Report*, continued advocacy finally achieved its release. However, transparency remains an issue. It is embarrassing that NSW is the only jurisdiction that did not provide data for this report. Similarly, proposed legislative reforms have recently been introduced to parliament, with only extremely limited consultation, reinforcing permanency and failing to strengthen safeguards for Aboriginal children and families – a unilateral approach that marginalises Aboriginal community voices.

Where the NSW Government has engaged with Aboriginal communities to develop shared ways forward, we often see only limited or piecemeal engagement, suggesting rhetoric rather than action. Examples include the piecemeal approach to the agreed Aboriginal IDS, limited investment in implementation of the co-designed *Plan on a Page for Aboriginal Children and Young People 2015-2021*, limited implementation of the Guiding Principles, failure to articulate how the 30 per cent TEI funding target will be achieved, and delays to the endorsement and implementation of the Aboriginal Case Management Policy.

It seems the NSW Government lacks either the capacity, the commitment, or both, to partner with Aboriginal communities to deliver on the Building Blocks required to overcome the systemic inequities impacting Aboriginal children and families. There is reluctance to divert decision-making to ACCOs, despite a strong and growing safety net of them across NSW.

Structural change is needed. To achieve this, AbSec has outlined four key pillars for reform that reflect the Family Matters Principles and Building Blocks (AbSec, 2018):

- Establish an empowered Aboriginal Child and Family Commission
- Build a strong, holistic Aboriginal child and family services sector
- Invest in responsive, Aboriginal-led supports for Aboriginal children and families, and
- Rebuild the system around Aboriginal-led design and delivery

We encourage the NSW Government to engage with these proposals and work in partnership with AbSec and Aboriginal communities to achieve their intent of better outcomes for Aboriginal children and young people, their families and communities. Ultimately, action, not rhetoric, is the appropriate measure of commitment to new ways of working.