

# Australian Capital Territory

The Australian Capital Territory has one of the highest rates of over-representation in the country. Aboriginal and Torres Strait Islander children were 12.9 times more likely to be in out-of-home care than non-Indigenous children in 2018-19. This is well above the national average of 9.6 times.

These numbers reflect the fact that the ACT Government has failed to address entrenched issues including systemic racism within the Community Services Directorate (Directorate), to provide self-determination to our families and communities, and to focus on prevention and reunification.

The Directorate continues to focus on complying with their policies and practice guidelines in a tokenistic way rather than engaging respectfully with our families and communities. Aboriginal and Torres Strait Islander community leaders and families have said they have lost hope, feel disempowered and that practitioners are continuing to assess families through a biased, Western lens. There needs to be more skilled and trained Aboriginal and Torres Strait Islander staff doing statutory work. Further, many of our families are unaware of their rights and not adequately supported to challenge the government's decisions, including before courts. The Directorate is not being held accountable for their decisions to remove children from their families when they have used intervention as a first, rather than a last resort.

There have been limited steps taken to embed self-determination within the child protection system. The Aboriginal and Torres Strait Islander Elected Body plays an important advocacy role. However, this body must be a statutory one with full independence to ensure its work fully benefits our communities on the ground. There remains no dedicated Aboriginal and Torres Strait Islander children's commissioner to provide systemic oversight of the child protection system.

The government has established an oversight body to oversee the implementation of the final recommendations made by the Our Booris, Our Way Steering Committee, an Aboriginal-led body that reviewed the child protection system as it relates to our children. However, community leaders have stated that lack of action to implement the recommendations has been extremely disappointing.

In a positive step, the government has committed to funding Functional Family Therapy – Child Welfare managed by Gugan Gulwan Youth Aboriginal Corporation (Gugan Gulwan) and OzChild for the next four years. The program works specifically with Aboriginal and Torres Strait Islander families with children and young people aged from birth to 17 years who are at risk of entering the out-of-home care system. Gugan Gulwan has worked hard to develop trusting relationships with families, which has resulted in positive outcomes. However, this organisation is the only ACCO in the Australian Capital Territory that is funded to provide child protection services. Just 6% of expenditure on child protection was granted to Gugan Gulwan, despite 29% of children in the system being of Aboriginal and Torres Strait Islander descent. There has been no improvement on this funding front since the 2018-19, 2017-18 and 2016-17 reporting periods.

The government has continued to fund family group conferencing. Preliminary data provided by the government indicates that between November 2017 and May 2019, family group conferences were held in relation to 65 Aboriginal and Torres Strait Islander children – 44 of those children were successfully prevented from entering care. We are encouraged by these

results but note that this is not a truly Aboriginal and Torres Strait Islander family-led process as government leads the work.

Finally, the government continues to spend the majority of child protection funding on the pointy end of the system and has taken little action to reunify children with their families. Just 12% of funding to the child protection system went to family support and intensive family support services in 2018-19, a decrease from the previous year when the rate was 13.1% and below the national average at 15.9 %. The Australian Capital Territory had the lowest reunification numbers compared to other states and territories: 24 Aboriginal and Torres Strait Islander children were reunified in 2018-19. There is no evidence that reunification is being actively pursued.

The Directorate continues to look for government-led and overseas solutions to the issue of over-representation rather than investing in our solutions. The Directorate must relinquish control and funding so that we can implement the solutions that work for our children and families. The solutions to our problems are within our communities.