

Driving better outcomes for Aboriginal and Torres Strait Islander families

Creating a more equitable, transparent and accountable child protection system

The ACT Government is reforming child, youth and family services to ensure we strengthen families and keep children and young people safe and connected. Legislative change is a foundational element of this plan for reform. Proposed changes to the *Children and Young People Act 2008* will deliver significant, tangible, positive change for children, young people, families, carers and workers who intersect with the child protection system. A significant focus is to address the over-representation of Aboriginal and Torres Strait Islander children and young people involved in the statutory system.

Our commitment

The ACT Government is committed to working with Aboriginal and Torres Strait Islander families, communities and organisations to address the unacceptable over-representation of Aboriginal and Torres Strait Islander children and young people in the ACT's child protection system. Our work in this space is guided by the recommendations of the *Our Booris, Our Way* Review and its ongoing Implementation Oversight Committee.

We are committed to working in partnership to create safer and more culturally appropriate environments for Aboriginal and Torres Strait Islander children and young people, and to ensure their families have a stronger voice in decisions.

We also acknowledge and condemn the past practice of forcibly separating Aboriginal and Torres Strait Islander children from their families, kinship groups and communities. This is a painful chapter in our history and we are dedicated to working towards a more inclusive and respectful future.

The proposed changes to the *Children and Young People Act 2008* (CYP Act) will make significant, positive change in the lives of

Aboriginal and Torres Strait Islander families in our community with experience of child, youth and family services.

Delivering systemic change of this scale takes time, but equally this change cannot come soon enough for many.

These legislative reforms set a framework for 2 things:

- > Change now, for areas where immediate action is warranted and the system is ready to support the change.
- > Legislative foundations for further change in practice when the support system is ready.

Why are we making these changes?

The *Our Booris Our Way Final Report* made it clear Aboriginal and Torres Strait Islander children and young people involved with the ACT child protection system experienced:

- > a lack of active efforts
- > inconsistent experiences and decision-making
- > discrimination
- > disconnection from their culture.

The Report specifically recommended including the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) in legislation as part of a bigger plan to reduce over-representation.

In support of this, the ACT Government asked SNAICC – National Voice for Our Children to provide a report on how to embed the ATSICPP into the CYP Act. This report played a major role in driving these changes.

What are we reforming?

Changes to the CYP Act are occurring in two stages. Stage 1 took initial steps to insert the ATSIPP, with stage 2 focused on more significant reform and fully embedding the intent of ATSIPP.

Stage 2 (the *Children and Young People Amendment Bill 2024*) has 5 key objectives intended to work together to bring positive change to children, young people and families. They are:

- > Address the over-representation of Aboriginal and Torres Strait Islander children and young people in the statutory child protection system.
- > Promote shared responsibility of looking out for children by updating the rules for sharing information and reporting concerns.
- > Give children and young people more say by strengthening their rights in decision-making that is about them.
- > Provide support services earlier, so families can get help outside of the child protection system.
- > Ensure a more equitable, transparent and accountable decision-making process where decisions are fair, clear and everyone is held accountable.

Addressing over-representation and keeping families together

Many of the proposed changes are designed to support families and relatives in working together to keep their children and young people safe and to stay with their families and

communities. They are based on fully embedding the intent of the ATSICPP into law.

These changes are spread throughout the legislative reform. They show the Government's commitment to a child protection system that is fair, respects cultures and cares about every child. They especially focus on making up for the past unfair treatment of Aboriginal and Torres Strait Islander communities.

Through the proposed changes, child protection workers will have more ways to make sure children stay safe at home with their parents. Additionally, child protection workers will also now need to:

- > demonstrate how they have ensured family-led decision-making processes have been applied prior to legal proceedings
- > provide evidence of active efforts to support a family to keep a child in their care prior to a court application
- > provide evidence of active efforts towards family reunification prior to a final order.

If out of home care is necessary, workers will give more importance to keeping Aboriginal and Torres Strait Islander children with kin and must ensure appropriate and good quality cultural plans are made and followed.

More family members will also be able to be part of decisions, speak up or ask for changes to court orders.

Through these changes there will be increased efforts to keep families together, and everyone's input will be valued and considered.

Promoting shared responsibility and updating information sharing and reporting rules

Keeping children and young people safe is a shared responsibility. The new rules proposed for information sharing and reporting concerns aim to enable all people and groups involved with helping children and young people to be better equipped to provide the right help at the right time before things escalate.

The new information sharing model will enable greater, more proactive exchange of

information directly between agencies involved with the safety and wellbeing of children and young people. This will enable services to collaborate more freely and together coordinate tailored supports to meet individual needs. We know as part of this, it is also important to make sure the information is kept private and safe.

The proposed changes to how people report concerns about children and young people aim to help families who don't need statutory involvement get help earlier outside of the system. These changes will also help child protection workers better identify those children and young people who might need extra support.

Giving children and young people more say

Children and young people should be supported to actively shape their own futures. The proposed changes will make sure children and young people have a stronger say in things that affect them. It means they will have lots of chances to share their thoughts, and the people in charge will make sure it's done in a way that works best for each child or young person, making sure everyone feels included, listened to and can easily take part.

Providing support services earlier

The new legislation will introduce important principles that make sure families get support before they need official child protection help, or to ensure connection to family where more intensive involvement occurs. These principles are about keeping children safe, healthy and connected to their family and culture.

We believe in helping families stay together and giving children and young people a stable and lasting home. This means making efforts early to keep families strong so their children and young people are safe.

Ensuring fairer decision-making

We want to make sure families are supported in the best way possible. This means creating clear

and fair rules about keeping families together, helping them come back together if they've been apart and making sure children and young people have a stable and permanent home.

The proposed changes will see the ACT Childrens Court and the ACT Civil and Administrative Tribunal (ACAT) play important roles in making sure child protection decisions are made in a fair and transparent way. The ACT Childrens Court will also ensure active efforts have been made with families and care plans are appropriate for the individual child or young person.

These changes will make sure children and young people are always looked after in the best way, keeping them with family or community and connected to their culture always.

Current vs proposed future system

Take a look at the diagrams at the end of this factsheet to see the different focus the proposed future system intends to have compared to how the system currently works.

How can you get involved?

The ACT Government wants to know your views on areas of the proposed Children and Young People Amendment Bill 2 2024. This feedback will build on extensive consultation to date. We want to ensure those who have already participated in relevant conversations about legislative reform feel they have been heard and this next stage is progressing the conversation into new areas.

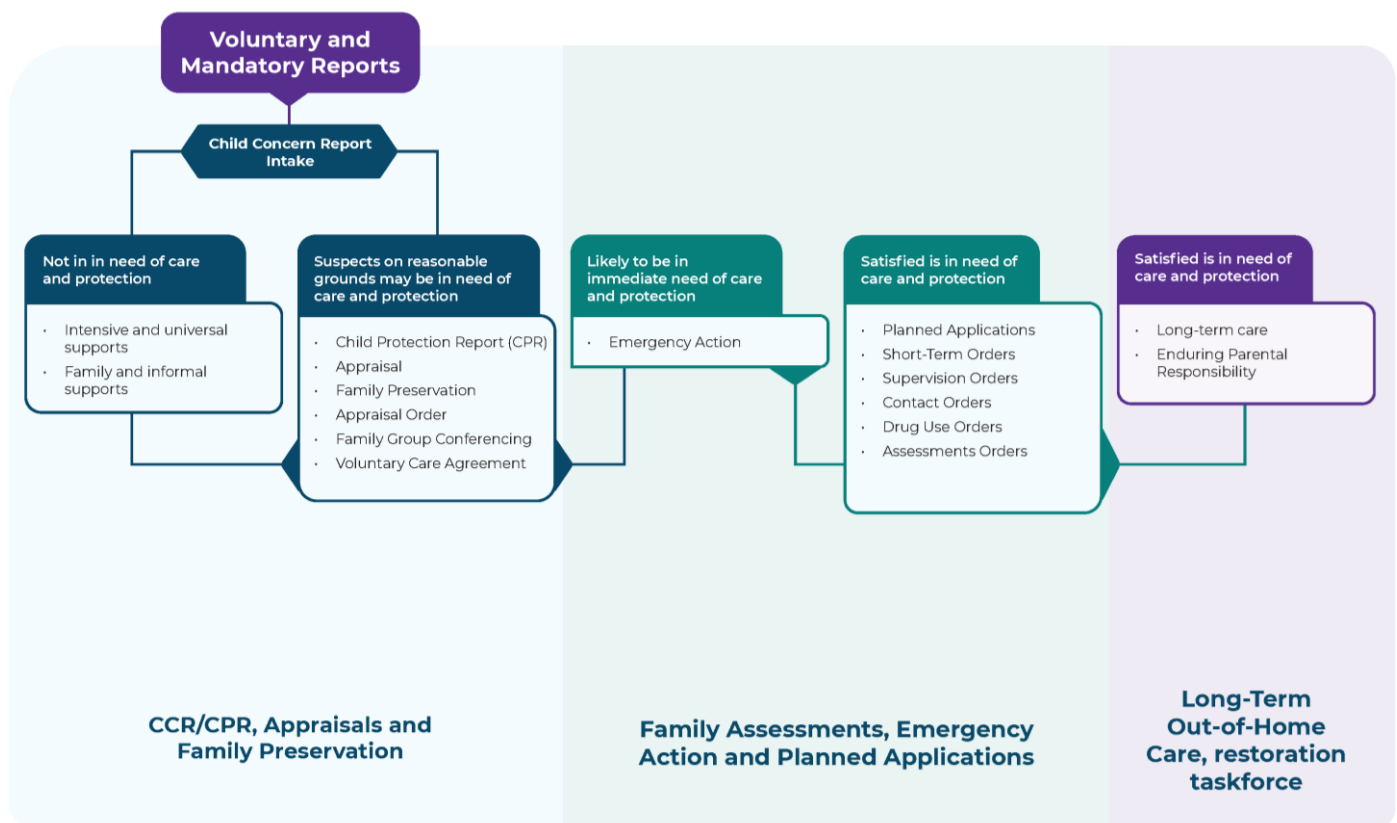
Next steps

Learn more about the changes the ACT Government wants to make to the ACT's child protection system and join the conversation. Our information paper has all the details about the proposed changes.

Visit [YourSay Conversations: Changing the Children and Young People Act 2008](#).

Current state:

repeated use of 'In Need of Care and Protection' threshold



Proposed future state

