




# ACTIVE EFFORTS, COLLABORATION & PRACTICE IN THE CHILDREN'S COURT

Presented by Zoe De Re, Managing Solicitor – Care & Protection, ALS (NSW/ACT)



Their stories are confronting, and highlight the importance of having a culturally capable service system focussed on walking alongside Aboriginal families and communities to keep their children safe and connected to culture.

One of the ways in which workers conform to a culture is through adopting the comfort of rituals or 'ritualism'. Ritualism is a useful lens to understand the decision-making culture in the Department of Communities and Justice (formerly known as 'FACS') as it relates to Aboriginal people. Ritualism is never more valid than when it comes to the implementation of the Aboriginal Child Placement Principle (ACPP). The ACPP was recognised in the primary child protection statute by our democratically elected legislators as a commitment to keeping Aboriginal children with family. Yet this Review has found it is poorly implemented and misunderstood. The commitment, the language, the implementation of the ACPP is replete with ritualism. Ritualism takes the form of *compliance* manifest in endlessly changing policies espousing departmental commitment to ACPP, meetings (where minutes are more important than substance), glossy brochures, tick-a-box forms etc. Despite this, the outward appearance of compliance—formal participation in a system of regulation—shields a culture of non-compliance, as this Review has found.



*The decision to remove a child without a proper risk assessment applied or even recorded, the decision to not find family, the decision to not return the call of anxious, loving and willing Aboriginal family carers, the decision to allocate disempowered and struggling parents restoration goals of Sisyphean proportion; these and many more that we uncovered in our deep dive, have had an irreversible impact upon the Aboriginal child or young person.*

*– Family is Culture, review, Professor Megan Davis' Introduction, p. XVII*



**In their initial response, the Department committed to:**

- Creation of a new Deputy Children's Guardian for Aboriginal Children and YP
- Commissioning an independent review into matters identified by Professor Davies
- Establishment of an Aboriginal Knowledge Circle
- Establishment of an Aboriginal Outcomes Taskforce within DCJ
- Improved data collection and reporting
- Stronger casework policy and practice
- Enhanced services and supports for Aboriginal families

AND

- A commitment to a focused review of the *Children and Young Persons (Care and Protection) Act 1998*, to commence in 2024



Questions?

