

Preliminary response: Senate Hearing on Measuring Outcomes for First Nations Communities

Hearing Details

Date: 19 February 2025

Committee Members Present:

- **Chair:** Senator Dorinda Cox
- **Deputy Chair:** Senator Jana Stewart
- **Member:** Senator Jacinda Nampajinpa Price
- **Participating Member:** Senator Kerryne Liddle
- **Secretary:** Jane Thomson

Questions Taken on Notice

1. **Key Measures Not Currently Being Collected:** Senator Stewart requested a list of indicators that should be measured but are not currently included in reporting frameworks.
2. **Data on Kinship Placements:** Senator Nampajinpa-Price requested statistics on whether kinship placements have increased since the Placement Principle.
3. **Sexual Assault and Removals:** Senator Nampajinpa-Price asked if sexual assault was a major reason for the removal of Aboriginal and Torres Strait Islander children.

1. What measures should be included in reporting frameworks?

Hansard

Senator Stewart: Are there things that aren't being measured now that you think should be measured? Or maybe there are things that should be removed. Maybe there are things that just need to be tweaked to more accurately reflect the aspirations and challenges of the community.

Mr Leha: Absolutely. Accountability of government agencies and/or service providers in the supposed outcomes that they're providing to Aboriginal peoples is essential. An example is the need to measure transition. How are those service providers actively supporting the shift of investment to Aboriginal community-controlled organisations and acknowledging the cultural responsiveness and expertise that they provide? How we are making them contractually obliged to shift that investment into work with Aboriginal communities to support the growth of the Aboriginal community-controlled sector, which is a priority of reform? I don't think this iteration of the Closing the Gap agreement forces or asks the NGO sector to really

get behind closing the gap. In fact, they're relying on good intent, and it's the same with government agencies. Sometimes, we're relying on leadership.

Senator Stewart: Suicide is a really concerning trend that we're seeing, particularly amongst our young people. What is it that you're seeing on the ground that's making a difference?

Mr Leha: I'll take it on notice, and I'll come back. I want to make sure that we don't miss that opportunity to provide you with that information, so we'll do that. In terms of the measures that we think aren't being attributed or aren't being counted under Closing the Gap, I think there's an opportunity there for us to provide you with further information.

Senator Stewart: I've got a particular view that we should be measuring the strengths and aspirations of our community too, because I think it's so deficit focused, but I feel like I could go on forever about that.

Mr Leha: Yes, absolutely. That's why I didn't want to miss it. We'll take that on notice and provide you with further information. In regard to suicide, I think what makes a difference is investing into Aboriginal community-controlled organisations and their responses to those communities directly. That's probably an opportunity that's being missed in some parts of the country. In short, I'll say that because I'm getting the feeling I'm going too long.

Response

AbSec acknowledges that there have been significant improvements in data collection and reporting. However, current measurement frameworks do not fully reflect the aspirations and challenges of Aboriginal children, families, and communities.

1. What Should Be Measured That Currently Isn't?

a) Connection to Culture and Community

On target 12, current measures focus primarily on placement outcomes. However, they do not adequately track the strength of cultural connections. We need data that assesses:

- Whether children in care have regular, meaningful engagement with their kin, culture, and community.
- If cultural support plans are of good quality and are actively implemented and monitored.
- Outcomes relating to the strengthening of cultural identity and self-determination for Aboriginal children and young people.

b) Family Preservation and Reunification

- There is a significant data gap on the extent to which families are supported **before** children enter the child protection system and the extent to which children that have been placed in out-of-home care are reunified with their families. Measures should include:
 - Access to Aboriginal-led early intervention services.
 - Rates of successful family reunification and factors influencing reunification outcomes.
 - Support services for families' post-reunification to contribute to the long-term stability of children with their families.

c) Aboriginal-led Decision-Making and Self-Determination

Current data does not measure the extent to which Aboriginal communities have **decision-making power** in child protection processes.

New indicators should track:

- The proportion of decisions led by ACCOs.
- The impact of Aboriginal family-led decision-making models on child protection outcomes.
- The implementation of Transition Plans from NGOs and state government departments responsible for child protection, such as DCJ in NSW, to ACCOs.
- Barriers to transition from NGOs to ACCOs such as carer unwillingness, changes in permanency plans, ACCO capacity and other relevant factors.

d) Wellbeing of children in OOHC

Numerous reports set out how the current system in NSW does not adequately measure the wellbeing of children in the NSW OOHC system. However, reports point to growing levels of substantiated abuse of Aboriginal and Torres Strait Islander children in OOHC ¹. This is highlighted in the 2024 NSW Ombudsman report *Protecting Children at Risk* which found that “DCJ does not report on any measure of safety for children in OOHC generally, or in any type of OOHC placement specifically.” What data is available from the Productivity Commission’s Report on Government Services (ROGS) found that for 2018-19 to 2022-23 there was a 142% increase in the number of children in residential OOHC who were subject of a substantiation of abuse ¹.

We recommend the co-design of indicators with the Aboriginal and Torres Strait Islander community and representative bodies to measure:

- The wellbeing of children in OOHC.

¹ [NSW Ombudsman](#), Protecting children at risk: an assessment of whether the Department of Communities and Justice is meeting its core responsibilities, July 2024

- The safety of children in OOHC.
- The quality of life of children in OOHC.
- Connection to culture, community and kin.
- Family connectedness.

Aboriginal and Torres Strait Islander children in care should also have meaningful input on indicators that matter to them.

e) Strengths-based measures

Instead of focusing solely on deficits and risks data should capture:

- Family strengths
- Aspirations of children and families
- Resilience
- Successful interventions
- Community connectedness

We also need the collection and reporting of data that contrasts service delivery, outcomes and children and families' experiences of ACCOs with non-Indigenous services.

2. Has there been an increase in kinship placements since the introduction of the Aboriginal and Torres Strait Islander Placement Principle (ATSICPP)?

Hansard

Senator Nampijinpa Price: Has there been an increase in terms of children being put into kinship placements since that principle (ATSICPP) came into play?

The total number of Aboriginal Children and Young People who were placed with an Aboriginal or non-Aboriginal relative or kin rose steadily until 2021 but has since declined. Despite sometimes significant increases in the total number of Aboriginal children in relative and kinship care over time the percentage of Aboriginal children in out-of-home care who were living with Aboriginal or non-Aboriginal relatives or kin, or other Aboriginal carers has been steadily declining for the last decade.

Mr Leha: I don't know. I haven't got the numbers, but we can take that on notice and probably provide you with an answer in terms of whether there has been an increase. My assumption, without having seen the data, would be yes, because, fundamentally, if a child is removed, they should be placed with their families.

Response

Background

AbSec as the NSW Peak Aboriginal Corporation for Children, Young People, Families and Communities welcomes Senator Nampijinpa Price's question about the

impact of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) on kinship placements for Aboriginal children in out-of-home care (OOHC).

The ATSICPP was established in 1984 after years of advocacy from Aboriginal and Torres Strait Islander people and ACCOs. The aim was to address growing overrepresentation of Aboriginal and Torres Strait Islander children in OOHC. The ATSICPP comprises five elements: prevention; partnership; placement; participation; and connection ².

The ATSICPP is a critical framework for upholding the rights of Aboriginal children to be raised in family, community, and culture and to ensure that Aboriginal and Torres Strait Islander people are making decisions about their children's care and protection. The principle outlines a hierarchy of preferred placement options for carers of Aboriginal and Torres Strait Islander children in OOHC. This hierarchy recognises placement with Aboriginal and Torres Strait Islander or non-Indigenous relatives or extended family members (kin) as the most preferred placement option. Within this first placement option, it is understood that placing a child with their Aboriginal or Torres Strait Islander kin is preferred over non-indigenous kin due to the greater opportunities for connection to community, culture and country this provides.

Next in the hierarchy is placing the child or young person with Aboriginal or Torres Strait Islander members of their community, followed by Aboriginal or Torres Strait Islander family-based carers. The principle identifies other care arrangements such as with non-Indigenous, non-kin carers or residential settings as the option of last resort. The fundamental goal of the ATSICPP is to enhance and preserve Aboriginal and Torres Strait Islander children's connection to family and community, and sense of identity and culture ³.

The Data

DCJ's publicly available data is at figure 1. Senator Nampijinpa Price is correct to identify that Aboriginal and Torres Strait Islander children in kinship placements has not increased, since at least 2015, following the legislation of the principles in NSW in 1997.

² [SNAICC](#), Embedding the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle in Legislation, 2022

³ [AIFS](#), Enhancing the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle, 2015

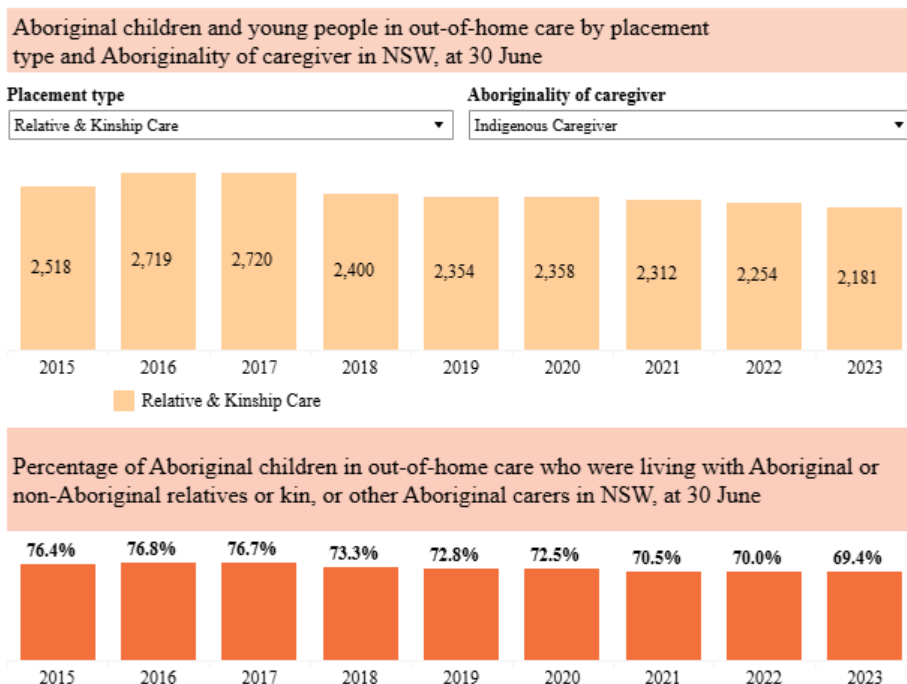


Figure 1 Aboriginal-led Data Sharing Child Protection and Out-of-home Care Statistics, [DCJ](#), 2023

There have been well known challenges in compliance, implementation and monitoring of the ATSICPP for several decades. For example, the Australian Human Rights Commission found in 2021 that despite strong statements of commitment to the ATSICPP by various Australian governments, the principle was not fully translated into child welfare legislation, and, where implementation occurred, emphasis was largely placed on the placement hierarchy to the exclusion of the other elements ⁴.

These issues remain unaddressed with the NSW Audit Office report in June 2024. For example, the NSW Audit Office reports that “DCJ has not established effective governance arrangements with related accountabilities to ensure compliance with the principles across the child protection and out of home care system. DCJ holds districts accountable against administrative activity only. There are no performance and accountability measures, and none that relate specifically to Aboriginal children. DCJ does not report on, or monitor, compliance with the principles, nor has it established any targets or measures aligned to the principles. Consequently, there is limited accountability to deliver improved outcomes for Aboriginal children, their families and communities”⁵.

Despite the ATSICPP’s prioritisation of kinship care, structural issues such as inadequate funding and support for Aboriginal community-controlled organisations (ACCOs), lack of culturally safe assessment processes, and systemic biases in child protection decision-making have continued to limit its effective implementation. This includes how many Aboriginal children are placed with non-Aboriginal carers due to

⁴ [Australian Human Rights Commission](#), The rights of the child and family reunification, 2021

⁵ Safeguarding the rights of Aboriginal children in the child protection system, [NSW Audit Office](#), 2024

a lack of investment in identifying, supporting, and resourcing kinship carers. See also:

- [SNAICC](#) – Reviewing Implementation of The Aboriginal and Torres Strait Islander Child Placement Principle New South Wales 2021-23.
- [NSW Ombudsman](#) – Protecting Children at Risk Report.
- [Department of Communities and Justice](#) – System review into out-of-home-care – final report.
- [ACYP](#) – Final Report of the Special Inquiry into Children and Young People in Alternative Care Arrangements.
- [IPART](#) – Out-of-home-care costs and pricing Interim Report.

AbSec continues to advocate for a reformed child protection system that is led by Aboriginal communities and ACCOs. Strengthening the role of Aboriginal-led services in case management and placement decision-making is essential to increasing the number of children placed with kin.

To strengthen implementation of the ATSICPP and increase the rate of Aboriginal children in OOHC in kinship placements, increased investment in ACCOs for kinship finding and support programs, increased financial support for kinship carers and reforms to mandate Aboriginal-led decision-making in placement determinations are needed ⁶⁷. AbSec is presently undertaking work to support contribute to this work. For example, pilots related to Aboriginal-led commissioning and Aboriginal Community Controlled Mechanisms (ACCMs) (initiatives which directly contribute to these recommendations. ACCMs are a way Aboriginal communities can oversee case management processes for Aboriginal children and families within their communities and ensure local casework practice and processes are culturally appropriate and meet the best interests of children and their family.

3. Is sexual assault a major driver of the removal of Aboriginal Children and Young People?

Hansard

Senator Nampijinpa Price: Okay. If you could take that on notice, I'd appreciate that. What I haven't heard so far is the correlation between—we know that there are disproportionate rates of sexual abuse that our Indigenous children experience in comparison to the national rates, or the rates experienced by non-Indigenous children. I have heard the argument around the effects of colonisation. But, going back to Senator Liddle's point, the immediate cause for children entering out-of-home care—is that a significant priority in terms of overcoming this problem of children going into out-of-home care?

⁶ Child Protection and Aboriginal and Torres Strait Islander Children, [AIFS](#), 2021

⁷ Family Matters Report, [SNAICC](#), 2024

Mr Leha: I think there were two questions in that. Can I ask you to clarify the questions—

Senator Nampijinpa Price: Yes; sorry. I've just not heard, in any of this, the causes—and I would expect that one of the main causes for children being placed into out-of-home care is their circumstances, in that Indigenous children do experience high rates of sexual abuse. Is it a priority to address those causes in order to improve the circumstances for these children—to reduce the rates, if you like?

Response

AIHW data (2022-23) reports approximately 13,600 Aboriginal and Torres Strait Islander children were the subject of an assessment of substantiated maltreatment. Of these substantiated maltreatment assessments, Emotional abuse was the most prevalent accounting for 52.4% of reports. This is followed by:

- Neglect at 28.7%
- Physical abuse at 11.9% and
- Sexual abuse at 7.1%.

AIHW data shows that non-indigenous children have a greater proportion of reports for sexual abuse than Aboriginal and Torres Strait Islander children; the percentage of notifications regarding Aboriginal or Torres Strait Islander children with sexual abuse as the primary type of abuse or neglect identified is 7.1% compared with 9.6% for non-indigenous children.⁴

Additionally, Productivity Commission data indicates that the rate of substantiations of child protection notifications regarding sexual abuse of Aboriginal and Torres Strait Islander children in NSW has fallen by 14% since 2021 ⁸.

⁸ Closing the Gap data dashboard, [The Productivity Commission](#), 2025