



**Aboriginal  
Legal Service**  
(NSW/ACT) Limited

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### **Aboriginal children bear the brunt of ‘protection’ system failures**

In response to recent public scrutiny of the NSW child protection system, Aboriginal organisations are reissuing their calls for reform to support Aboriginal and Torres Strait Islander families and prevent more children from entering out-of-home care.

Aboriginal children make up 44 per cent<sup>1</sup> of those living in the out-of-home care system, with the NSW Department of Communities and Justice removing Aboriginal and Torres Strait Islander children from their families at over 10 times the rate of non-Indigenous children<sup>2</sup>.

The roadmap to effective change is clearly laid out in the 2019 *Family Is Culture* report, which remains the most comprehensive review ever undertaken into Aboriginal children in the NSW child protection system. Its recommendations point the way to achieving the Closing the Gap target of reducing the over-representation of Aboriginal children in out-of-home care by 45 per cent before 2031.

“The system remains geared towards removing children rather than investing in early intervention services that could support them to live safely at home with their families. This flies in the face of *Family Is Culture* report recommendations as well as those put forward by the Auditor-General<sup>3</sup> and the department itself in their 2015 *Tune Report*<sup>3</sup>. Aboriginal communities disproportionately bear the brunt of this misbalance,” said John Leha, CEO of AbSec (NSW Child, Family and Community Peak Aboriginal Corporation).

The NSW Government continues to rely on a controversial algorithm-based ‘Structured Decision-Making’ (SDM) tool to evaluate children’s risk of coming into contact with the system. A similar tool was found to be racially biased and discontinued in Queensland in 2022<sup>4</sup>.

“We need the NSW Government to honour the commitments they’ve made to close the gap in child protection. There are things they could do right now to make a difference, like scrapping SDM tools and reforming the way caseworkers respond to prenatal reports. When expectant parents are flagged in the system, they should get the culturally appropriate support they need to safely birth their babies and bring them home. It’s the most horrific injustice when the system rips newborns from their mothers’ arms in the hospital, and it happens far too often,” said Karly Warner, CEO of the Aboriginal Legal Service (NSW/ACT) Limited (ALS).

Both the ALS and AbSec want the NSW Government to recognise the key role of Aboriginal community-controlled organisations in supporting families – through action, not just lip service.

“Racism in the so-called child protection system remains rife. Non-Indigenous caseworkers are too often conflating poverty with neglect and failing to appreciate the effects of intergenerational trauma, including the challenges facing parents who were themselves stolen from their families. When does the cycle end?” Mr Leha said.

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**References:**

<sup>1</sup> Australian Institute of Health and Welfare, Report on Government Services 2023: data table 16A.2

<https://www.pc.gov.au/ongoing/report-on-government-services/2023/community-services/child-protection>

<sup>2</sup> Family Matters Report 2023: <https://www.snaicc.org.au/wp-content/uploads/2023/11/Family-Matters-Report-2023.pdf>

<sup>3</sup> Tune Report 2015: <https://www.acwa.asn.au/wp-content/uploads/2018/06/TUNE-REPORT-indepth-review-out-of-home-care-in-nsw.pdf>

<sup>4</sup> <https://www.9news.com.au/national/child-safety-nsw-indigenous-organisation-calls-for-racist-child-safety-tool-to-be-scrapped/15f2d936-4b5d-473a-92c9-8bb2009bcc4c>