



MEDIA RELEASE

Aboriginal peaks condemn NSW Government's failure to deliver crucial child protection reforms

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Two years after a landmark report revealed widespread deficiencies in the NSW child protection system, the peak bodies for Aboriginal children and legal services are calling out the NSW Government's failure to work with Aboriginal communities to reform a broken system.

Data revealed in last week's Budget estimates showed that the NSW Government's rate of removing Aboriginal children from their homes has worsened, with Aboriginal kids now 11 times more likely to be in out-of-home care than non-Indigenous children.

The 2019 Family is Culture Independent Review of Aboriginal Children and Young People in Out-of-Home Care uncovered an out-of-home care system that lacks accountability and maintains a resonance with historical practices of child removal used against Aboriginal communities.

The NSW Government claims it has completed or is in the process of completing 94 of the Review's recommendations – yet analysis by Aboriginal organisations indicates that the majority of these are still being scoped, are under review, or there is no progress report available. The two substantive changes that have been implemented – the establishment of the Aboriginal Deputy Children's Guardian and the Aboriginal Knowledge Circle – were not changes recommended by the Family Is Culture Review.

The NSW Government's failure to implement the structural changes recommended by the Family Is Culture Review is evidenced by recent increases in both the overall number and proportion of Aboriginal children in out-of-home care. In Budget estimates, the NSW Government confirmed there are 6,829 Aboriginal children in out-of-home care as at 30 June 2021, representing a 4% increase since 2018 and making up 43% of all children in the system.

Marking the second anniversary of the Family Is Culture report, AbSec – NSW Child, Family and Community Peak Aboriginal Corporation and the Aboriginal Legal Service (NSW/ACT) Limited have published an accountability framework

to track the Government's future progress in implementing Family Is Culture's 126 recommendations. They are calling for the Government to work with Aboriginal communities to develop a shared plan for reforms to uphold Aboriginal children's rights to family and culture.

Quotes from John Leha, CEO of AbSec:

"If the NSW Government is serious about meeting their Closing the Gap target and reducing the number of Aboriginal children in out-of-home care by 45% before 2031, they will come to the table and meaningfully engage with Aboriginal communities.

"Business-as-usual is not good enough when it comes to improving the lives of Aboriginal children. For every year the Government delays action, the state will remove around 900 Aboriginal children and young people from their families. The sector is demanding reform through the full implementation of all 126 Family Is Culture recommendations to create a brighter future for Aboriginal children and their families."

Quotes from Nadine Miles, Acting CEO of the Aboriginal Legal Service:

"The Family Is Culture report exposed unethical practices of removing Aboriginal newborns from their mothers' arms in hospitals. It found that concerned family members were frantically contacting the department to offer care for their nieces, nephews and grandchildren, but their calls weren't being returned. It found an increasing number of children are 'graduating' from out-of-home care to incarceration – the state relinquishing its role as parent and becoming jailer.

"Aboriginal children and families are incredibly strong. They have survived many decades of child removal and attempted cultural erasure, but enough is enough. It's well past time for the NSW Government to admit its out-of-home care system is failing the Aboriginal children it claims to protect. The Government cannot continue to sideline its own commissioned report."

Quotes from Vanessa Turnbull-Roberts, Bundjalung woman, survivor of statutory out-of-home care, children's rights advocate, law and social work student and recipient of a 2019 Australian Human Rights Award:

"The day I was born, Mum was welcomed with case workers and my father racially profiled. I would never deny the fundamental rights for our children to feel nourished, loved and protected, however the current agenda that exists in both legislation and practice is a false narrative that blak families and communities cannot provide this. When in fact, it's who we are and where we come from.

"I was removed the same year Kevin Rudd gave his national apology to the Stolen Generations. In this moment, I felt confused, because I knew my mum and dad were fighting for my custody, were fighting for my culture, were fighting for me to come home.

"The state care system did not give me a better life. It provided more harm than good, and the goal must always be to do no harm. Child protection has a lot to be accountable for, in particular the failure to amplify community organisations and voices and ensure the rights of First Nations children."



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