CREATE's Position

CREATE would like to acknowledge the widespread trauma experienced by First Nations children, families, and communities resulting from harmful colonial child welfare policies; institutional racism; and practices of child removal in Australia. The historical removal of children from their families during the Stolen Generations era (1910-1970s) continues to impact individuals and communities today both through intergenerational trauma and the ongoing surveillance, intervention, and over-representation of First Nations young people in statutory care (Liddle et al., 2021)—referred to as a second Stolen Generations (Campbell et al., 2020; Krakouer et al., 2018).

CREATE believes that such over-representation of First Nations young people in the Out-of-Home Care (OOHC) sector is completely unacceptable and urges state and territory governments to set as their highest priority actions that promote truth telling, redress, and healing; prevention and early intervention; cultural safety and connection; and empowerment and self-determination.

Bringing Them Home; *Black Lives Matter*; *Closing the Gap*; *Reconciliation*; and a V*oice to Parliament* (*Uluru Statement from the Heart*) are not just hashtags or statements of political correctness but declarations of change in our contemporary world. Change involves listening to what First Nations communities want, as expressed by the young people themselves, Elders, Aunties and Uncles, family, Kin, and other knowledge holders. Change involves supporting self-determination and the transferral of child welfare authority to Aboriginal Community Controlled Organisations (ACCOs).

Change involves early intervention and prevention to strengthen families and curb the increasing number of First Nations children entering statutory care. Change involves conceptualising child welfare and wellbeing in a culturally sensitive manner; centring First Nations knowledge systems and cultural practices and removing the "Western lens" (Krakouer, 2018, p. 266). For First Nations young people, healthy identity formation is interlinked with the Kinship System and its network of relationships; totems; ceremony; lore; language; song lines; family stories; healing circles; spirituality; governance; and communal "intermittent flowing care"

child rearing practice (Hermeston et al., 2016; Krakouer et al., 2018).

Change also involves governments doing the hard work of confronting structural barriers (social inequity, cultural incompetence), and systemic racism (Tilbury in Krakouer, 2018), as well as the "historical trauma and unresolved grief passed over generations," known as intergenerational trauma (Roy in Liddle et al., 2021, p. 65). Importantly, many of the factors that lead to First Nations people coming into OOHC today, such as socioeconomic disadvantage, family violence, drug/alcohol abuse, and poor mental health (Campbell et al., 2020) are actually by-products of colonisation (child removal, loss of land, stolen wages, denial of legal rights) (The Healing Foundation in Liddle et al., 2021).

The Wiyi Yani U Thangani (Women's Voices) Report (Campbell et al., 2020) calls for "systems and services to be preventative, place-based, culturally safe, healing-orientated, and trauma-informed," and focused on addressing structural issues (Campbell et al., 2020, p. 213). The *Family Matters 2021* Report also adds the importance of cultural support planning, family finding, return to Country, and placement support programs (Liddle et al., 2021). Within out-of-home care, best practice can be achieved through compliance with the Aboriginal and Torres Strait Islander Child Placement Principle (SNAICC, 2017). Recently, Life Without Barriers in NSW has partnered with SNAICC in an alliance that will see the complete transfer of OOHC services for First Nations young people to ACCOs within the next ten years (Life Without Barriers, 2021). Importantly, governments need to provide strong networks of resources and funding to ensure these ACCOs are well supported to become the primary welfare providers for First Nations young people.

Evidence

- First Nations young people make up 5.2% of all Australian children 0–19 years whose culture was stated (ABS, 2022).

- However, according to the Australian Institute of Health and Welfare (2022), as at 30 June 2021, 19,480 First Nations young people made up 42% of the OOHC population. This means that 1 in 17 First Nations children were in OOHC; over 11 times the rate for non-Indigenous children. Their rate of child

protection substantiations was seven times that for non-Indigenous children in 2020–21.

- Victoria has the highest rate of admissions of First Nations young people into OOHC, increasing over the last five years with Tasmania showing the greatest decrease in admissions (Liddle et al., 2021). The rates of First Nations reunification with family ranged from 7% in South Australia to 31% in Victoria (Liddle et al., 2021).

- In CREATE's 2018 report, *Out-of-home care in Australia: Views of children and young people* after *five Years of National Standards*, First Nations respondents reported having more placements (and greater instability) than those in other cultural groups; 30% felt they had little connection to culture; and only 18% claimed to know of the existence of their personal cultural plan (McDowall, 2018).

- First Nations young people also have been involved in a greater number of attempts than non-Indigenous young people to abscond (run away or go missing) from OOHC placements (McDowall, 2020), with some highlighting they were running back to family.

Actions

As a signatory to the United Nations Convention on the Rights of the Child (UNCROC) and an endorser of the United Nations Declaration on the Rights of Indigenous Peoples (UNCRIP), Australia has recognised both the individual and collective rights of First Nations young people and communities to have autonomy over their own lives, live with family, and practice their culture, language, and religion (SNAICC, 2017). However, the over-representation of First Nations young people in statutory care demonstrates that current approaches to ensuring their safety and wellbeing are not working. Governments must therefore take responsibility for:

- Strengthening prevention and early intervention services by increasing the number and capacity of services and offering targeted family support and out-of-home-care services. Part of this involves governments tackling structural barriers such as social inequity and systemic racism while another part involves a strengths-based and trauma-informed human rights approach that promotes cultural safety and the development of strong families and individuals.

- Rectifying a history of underinvestment in community-led decision making (Liddle et al., 2021) when it comes to the safety and wellbeing of First Nations children by providing funding and resources to support the transition to ACCOs.

- Ensuring First Nations ACCOs have data sovereignty so they can have control and ownership over their own data to shape policy, agendas, and practices that work best for their communities (Liddle et al., 2021).

- Supporting First Nations young people who remain in the statutory OOHC system by prioritising cultural support planning, adherence to the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP), ongoing connection to culture, and reunification with family/community/kin.

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Date Reviewed: June 2022