



Wuchopperen Health Service Ltd

**SUBMISSION TO THE CHILD
PROTECTION INQUIRY**

October 2012

"Keeping Our Generations Growing Strong"

Acknowledgements

Sincere thanks is extended to Wuchopperen Health Service Ltd staff and partners who contributed to this submission and who continue to join in the pursuit of a community controlled and culturally based system that protects the wellbeing of Aboriginal and Torres Strait Islander children

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Foreword

As a community-controlled Aboriginal and Torres Strait Islander organisation, Wuchopperen Health Service welcomes the opportunity to contribute to the review of a child protection system where Aboriginal and Torres Strait Islander children and young people are significantly over-represented.

Wuchopperen responds to the health needs of individuals, families and community through the delivery of integrated, holistic services focussing on physical, social, emotional and cultural wellbeing. The transfer of this philosophy to a model of service to ensure the safety and protection of our children and young people is the basis of our contribution to this review.

An effective model of service must focus on the cultural connection of our children and young people by ensuring that Aboriginal and Torres Strait Islander individuals, families and community are able to make decisions about how to keep our children safe and protected. We recognise that early intervention and prevention must be the primary focus so that involvement in the statutory system is not inevitable.

There have been a number of significant changes in the child protection system over the past decade, yet our children and young people continue to be represented at a much higher rate than non-Indigenous children and young people.

It is time to recognise that a system developed and implemented by non-Indigenous people will not effectively respond to the safety and protection needs of our children.

It is our premise that Aboriginal and Torres Strait Islander individuals, families and communities must be equal partners in determining the best way to keep our children safe and protected and our submission demonstrates how we believe this can be achieved.



Debra Malthouse

Chief Executive Officer

Executive Summary

This submission contributes to the Queensland Child Protection Commission of Inquiry by articulating an alternative child protection system for Aboriginal and Torres Strait Islander children in response to the call for strategies to reduce the over-representation of Aboriginal and Torres Strait Islander children in the child protection system.

A new child protection system is considered necessary as continuing to modify a system that is deficient from an Aboriginal and Torres Strait Islander perspective will continue to fail Aboriginal and Torres Strait Islander children.

Legislative jurisdiction, governance and a new service system are each discussed, culminating in four key messages being delivered to government.

1. To move away from mainstream legislation that attempts to be culturally sensitive and towards Aboriginal and Torres Strait Islander specific legislation that is culturally based
2. To move away from state and territory child protection legislation and towards national legislation that standardises the legal and administrative framework of child protection across Australia
3. That regardless of legislative jurisdiction, an Aboriginal and Torres Strait Islander Department, staffed by an Aboriginal and Torres Strait Islander workforce be created to take responsibility for delivering services to Aboriginal and Torres Strait Islander children and families
4. To move away from the current mainstream tertiary approach to child protection for Aboriginal and Torres Strait Islander children and towards an ***Aboriginal and Torres Strait Islander Child Wellbeing System*** that is holistic, culturally based and community controlled

The proposed service system for protecting the wellbeing of Aboriginal and Torres Strait Islander children is described in terms of its two tiered structure, flexible configuration, multiple referral pathways, legislative basis and core functions.

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ABOUT US

Wuchopperen Health Service is a community controlled organisation that delivers holistic health services to address the physical, social, emotional and cultural wellbeing of Aboriginal and Torres Strait Islander families.

Our vision is *"Improving Quality of Life for Aboriginal and Torres Strait Islander Peoples"*

Established since 1979, today Wuchopperen Health Service delivers a comprehensive suite of primary clinical and non-clinical health across Cairns and surrounding areas with offices situated in Cairns and Atherton. Core programs we provide include:

- General Medical Clinic services
- Child Wellbeing
- Women's, Child & Maternal Health
- Healthy Lifestyles
- Counselling & Support and
- Child and Family Centre




Wuchopperen Health Service is licensed under the *Child Protection Act 1999* (the Act) to provide foster and kinship care services to Aboriginal and Torres Strait Islander children in Cairns and surrounds.

As a legislative Recognised Entity, Wuchopperen Health Service is also recognised under the Act as having the authority to speak on behalf of Aboriginal and Torres Strait Islander children in the Cairns area in matters involving their protection.


ABOUT OUR SUBMISSION

The *Queensland Child Protection Commission of Inquiry* was established on 1 July 2012 to review Queensland's child protection system. In doing so, the Commissioner has been asked to include recommendations regarding:

- any reforms to ensure that Queensland's child protection system achieves the best possible outcomes to protect children and support families
- strategies to reduce the over-representation of Aboriginal and Torres Strait Islander children in the child protection system, and
- legislative reforms



...This submission contributes...by articulating an alternative child protection system for Aboriginal and Torres Strait Islander children...



...A new child protection system is...necessary...as continuing to modify a system that is deficient from an Aboriginal and Torres Strait Islander perspective will...continue to fail Aboriginal and Torres Strait Islander children...



This submission contributes to each of the abovementioned points; however responds specifically to the second point by articulating an alternative child protection system for Aboriginal and Torres Strait Islander children.

A new child protection system is considered necessary as the numerous and costly reforms of the current system have each failed to reduce the over-representation of Aboriginal and Torres Strait Islander children. In our view and from a cultural perspective, the current system is fundamentally flawed and continuing to modify a system that is deficient from an Aboriginal and Torres Strait Islander perspective will regardless of well meaning intention, continue to fail Aboriginal and Torres Strait islander children.

Failure to produce outcomes for Indigenous children is not unique to Queensland or Australian child protection systems. Internationally, New Zealand, Canada and the United States each have a documented history of poor outcomes when delivering mainstream child protection services to Indigenous children and families.

Through the ongoing efforts of Indigenous political demand, some countries have begun to respond to the call for fundamental change and today legislative models are seen to range from¹:

- *complete autonomy with the recognition of jurisdiction over legislative, judicial and administrative matters pertaining to children*
- *shared jurisdiction with the transfer of some functions to communities*
- *delegated authority with jurisdiction over child protection matters retained by the state but delegation of some child protection functions to communities and*
- *mainstream legislation which integrates input into existing structures*

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The Queensland child protection system provides child protection services to Aboriginal and Torres Strait Islander children through mainstream legislation that integrates Aboriginal and Torres Strait Islander input into existing structures. The Queensland child protection system is therefore at the beginning of the path of fundamental change, paved by other countries.

This submission draws on the works of others both nationally and internationally; however it does not critique the Queensland Child Protection System, nor does it review what is being done elsewhere.

Our submission does however recognise the similarities in the failure of

...(there are)...similarities in the failure of child protection systems worldwide in achieving outcomes for Indigenous children ...

... Aboriginal and Torres Strait Islander Australians consider the protection of a child to extend beyond mainstream legislative concepts of physical, emotional and psychological safety to include social, spiritual and cultural safety...

¹ Libesman, T. (2004). *Child welfare approaches for communities: International perspectives*. National Child Protection Clearinghouse Issues Paper no.20, Australian Institute of Family Studies, Melbourne.

child protection systems worldwide in achieving outcomes for Indigenous children. We also acknowledge the ongoing plight of Indigenous communities to gain legislative authority for the wellbeing of their children.

Within this context, our submission draws on cultural knowledge and child protection expertise, to articulate an alternative way to conceptualise and deliver child protection services to Aboriginal and Torres Strait Islander children in Queensland.

RECOMMENDED LEGISLATIVE JURISDICTION

Aboriginal and Torres Strait Islander Legislation

Legislation guides policy, procedure and practice.

Mainstream legislation, despite its well meaning attempts to be culturally sensitive through the use of Recognised Entities, the Child Placement Principle and cultural support plans, remains inherently mainstream in practice.

Decisions that impact Aboriginal and Torres Strait Islander children continue to be made by a mainstream workforce, using mainstream decision making processes within mainstream structures and systems. Aboriginal and Torres Strait Islander culture appears little more than something that sits to one side to be considered from time to time.

Legislation that treats Aboriginal and Torres Strait Islander culture as something that can be added from time to time, fails to understand the significance of how the cultures define, assess and address the needs of children.

Aboriginal and Torres Strait Islander Australians consider the protection of a child to extend beyond mainstream legislative concepts of physical, emotional and psychological safety to include social, spiritual and cultural safety. For Aboriginal and Torres Strait Islander wellbeing to exist, social, spiritual and cultural safety must be present as these are fundamental to physical, emotional and psychological functioning. Without being socially, spiritually and culturally safe, an Aboriginal or Torres Strait Islander child cannot be physically, emotionally or psychologically safe.

From an Aboriginal and Torres Strait Islander perspective social, spiritual and cultural wellbeing is associated to one's connection with community. An Aboriginal or Torres Strait Islander child will be socially, spiritually or culturally unwell (or unsafe) if they are isolated from their community or if they live within a community that is unwell (e.g. due to community issues such as poverty, lack of housing, misuse of alcohol or family violence). In this context, the wellbeing of each member of the



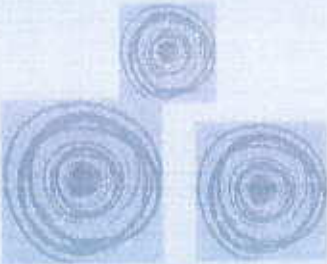
...Mainstream child protection believes that an Aboriginal or Torres Strait Islander child's need for physical, emotional and psychological safety should override concerns for the preservation of cultural links, affiliation and identity; whereas Aboriginal and Torres Strait Islander child wellbeing believes a child will never experience physical, emotional and psychological safety if their cultural links, affiliation and identity are compromised...



...Each perspective prioritises the best interests of the child; however they differ on how they define what is in a child's best interests and how they go about ensuring these interests are met...



...The inextricable link between culture and child rearing...casts doubt over the validity of mainstream legislation that integrates Aboriginal and Torres Strait Islander input into a mainstream system...



...Our message to government is to move away from mainstream legislation that attempts to be culturally sensitive and towards Aboriginal and Torres Strait Islander legislation that is culturally based...



...child protection is a national concern and national legislation is required to raise its priority and standardise its legal and administration frameworks across Australia...

community, including each child, cannot be considered in isolation of their connection to, or the wellbeing of, their community.

Mainstream child protection believes that an Aboriginal or Torres Strait Islander child's need for physical, emotional and psychological safety should override concerns for the preservation of cultural links, affiliation and identity; whereas Aboriginal and Torres Strait Islander child wellbeing believes a child will never experience physical, emotional and psychological safety if their cultural links, affiliation and identity are compromised.

The former takes the position that the best of interests of the community needs to be forsaken in order to realise the best interests of the child; whereas the latter believes the child's best interests needs to be considered within the context of the community because the two are inherently linked. Each perspective prioritises the best interests of the child; however they differ on how they define what is in a child's best interests and how they go about ensuring these interests are met.

The inextricable link between culture and child rearing including child protection, casts doubt over the validity of mainstream legislation that integrates Aboriginal and Torres Strait Islander input into a mainstream system. As the statistics continue to show, culturally sensitive legislation and its associated practices are ineffective in addressing the over-representation of Aboriginal and Torres Strait Islander children in the child protection system.

Our message to government is to move away from mainstream legislation that attempts to be culturally sensitive and towards Aboriginal and Torres Strait Islander legislation that is culturally based.

National Legislation

Australia has eight child protection Acts, as the delivery of child protection services is the responsibility of state and territory governments.

A National comparison of child protection legislation has identified significant variance in how each state and territory defines their target group and guides their child protection practice². Significant similarity however, was found in the core activities undertaken by each state and territory's child protection system.

This comparative study defuses the often held argument that state and territory legislation is required to accommodate local difference.

From our perspective, child protection is a national concern and national legislation is required to raise its priority and standardise its legal and administrative frameworks across Australia.

² Bromfield, L. & Higgins, D. (2005) [National comparisons of child protection systems](#), National Child Protection Clearinghouse Issues Paper no.22, Australian Institute of Family Studies, Melbourne.

A national framework would enable local differences to be accommodated by the policies, procedures and localised practices designed to implement the legislation.

National legislation would also enable children subject to statutory intervention to move between the states and territories more freely and without compromising their statutory intervention.

Our message to government is to move away from state and territory child protection legislation that varies significantly in how it defines its target group and how it guides its child protection practice and towards national legislation that standardises the legal and administrative frameworks of child protection across Australia whilst accommodating difference through policies, procedures and localised practices.

RECOMMENDED GOVERNANCE

Aboriginal and Torres Strait Islander specific legislation, regardless of whether it is state or national, is desirable because it is culturally based.

However regardless of whether the legislation is mainstream or Aboriginal and Torres Strait Islander specific, it is essential that it is implemented by an Aboriginal and Torres Strait Islander workforce.

An Aboriginal and Torres Strait Islander workforce has an inherent understanding of the culture and therefore is best placed to deliver appropriate and meaningful child protection services through the use of practices that are culturally acceptable. The use of a cultural workforce negates the need for the layers of structure currently in place to integrate Aboriginal and Torres Strait Islander input into a mainstream system implemented by a mainstream workforce.

To ensure Aboriginal and Torres Strait Islander child protection and in particular over-representation is given the priority it deserves, the cultural workforce needs to be governed by an Aboriginal and Torres Strait Islander Department.

Aboriginal and Torres Strait Islander over-representation in the child protection system was recently ranked sixth in a national survey that asked state and territory government departments to rank the challenges they face in delivering child protection services³. This sixth challenge together with the five challenges considered greater than Aboriginal and Torres Strait Islander over-representation are listed below:

1. Responding to the pressure of demand at the "front end" of child protection services

...Our message to government is to move away from state and territory child protection legislation...and towards national legislation...



... Aboriginal and Torres Strait Islander issues in child protection need to be given greater priority than they currently receive...

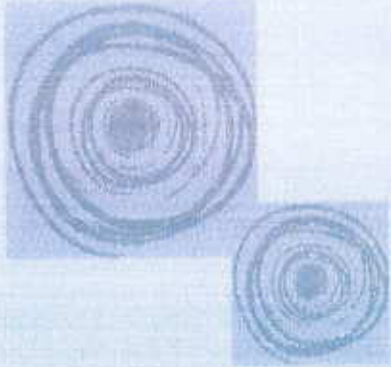


... Aboriginal and Torres Strait Islander over-representation ranked sixth in a national survey that asked state and territory governments to rank the challenges they face in delivering child protection services...



³ Bromfield, L. & Holzer, P. (2008) *Protecting Australian Children – Analysis of challenges and strategic directions from the CDSMC – National Approach for Child Protection Project*, National Child Protection Clearinghouse, Australian Institute of Family Studies, Melbourne.

...Our message to government is that regardless of legislative jurisdiction an Aboriginal and Torres Strait Islander Department be created to take responsibility for delivering Aboriginal and Torres Strait Islander child protection services and that this Department be staffed by an Aboriginal and Torres Strait Islander workforce...



...The Council of Australian Governments...are recognising that “child protection services cannot provide a response to all vulnerable children and families”...(and) are looking to the public health model as an alternative approach to child protection...



2. Building prevention and early intervention services (especially for families in need)
3. Enhancing and monitoring practice framework and the implementing reforms
4. Enhancing and monitoring practice consistency and quality
5. Recruiting and retaining a skilled workforce (including reviewing organisational structures, operating models, job design, specialist roles and supporting staff)
6. Providing interventions to prevent the over-representation of Aboriginal and Torres Strait Islander children and their families in the child protection system and implementing and enhancing culturally appropriate responses for these families

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Aboriginal and Torres Strait Islander issues in child protection need to be given greater priority than they currently receive.

Our message to government is that regardless of legislative jurisdiction, an Aboriginal and Torres Strait Islander Department be created to take responsibility for delivering Aboriginal and Torres Strait Islander child protection services and that this Department be staffed by an Aboriginal and Torres Strait Islander workforce.

RECOMMENDED SERVICE SYSTEM

The Council of Australian Governments in a document titled *National Framework for Protecting Australia's Children 2009-2020*⁴ stated that despite significant increases in family support, child abuse substantiations have “more than doubled over the past 10 years” (page 6).

Due to these results and in conjunction with other data, the Council and others are now recognising that “child protection services cannot provide a response to all vulnerable children and families” (page 8) and those that have reached this conclusion are looking to the public health model as an alternative approach to child protection.

Advocates of the public health model state it would offer child protection “a greater emphasis on assisting families early enough to prevent abuse and neglect occurring...(as) it seeks to involve other professionals, families and the wider community” (page 8) in prevention and early intervention activities.

The move from perceiving child protection as “merely...a response to

⁴ Council of Australian Governments, (2009). *Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009-2020*, www.fahcsia.gov.au Retrieved on 28 Oct 2012

abuse and neglect...(after it has occurred)...to one of promoting the safety and wellbeing of children” (page 7) is consistent with the views of leading practitioners in Australia and overseas.

“Applying a public health model to care and protection will deliver better outcomes for our children and young people and their families...Under a public health model, priority is placed on having universal supports available for all families (for example, health and education). More intensive (secondary) prevention interventions are provided to those families that need additional assistance with a focus on early intervention. Tertiary child protection services are a last resort, and the least desirable option for families and governments.

Just as a health system is more than hospitals so a system for the protection of children is more than a statutory child protection service.”

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As shown in figure 1 below, in pursuit of an alternative approach to child protection, the Council of Australian Governments’ National Framework proposed a four tiered system for protecting Australian children that is delivered by federal, state and territory governments and non-government organisations.

Figure 1. A system for protecting children



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The use of the public health model in conceptualising and responding to child protection as one component of the broader issue of child wellbeing is sound. However, as the national framework’s focus was mainstream child protection, it did not consider how this model might apply to Aboriginal and Torres Strait Islander Australians.

...The public health model undoubtedly has a lot to offer mainstream child protection. However, when considering Aboriginal and Torres Strait Islander child protection, we need to acknowledge the public health system’s failing within a cultural context and look instead, to the community controlled primary health care model...

The Australian Institute of Health and Welfare⁵ found Aboriginal and Torres Strait Islander children to be disadvantaged across Australian child protection systems to the extent that in 2010-11 they were:

- 8 times as likely to be the subject of substantiated abuse or neglect
- 9 times as likely to be on a care and protection order
- 10 times as likely to be in out-of-home care

Despite this level of over-representation, child protection reforms continue to attempt to address the specific and unique needs of Aboriginal and Torres Strait Islander children through mainstream systems and structures.

The public health model undoubtedly has a lot to offer mainstream child protection. However, when considering Aboriginal and Torres Strait Islander child protection, we need to acknowledge the public health system's failings within a cultural context and look instead, to the community controlled primary health care model.

The community controlled primary health care model⁶ emerged as a result of wide acknowledgement that the public health system generally failed to improve the health of Aboriginal and Torres Strait Islander Australians.

“Aboriginal and Torres Strait Islander participation in and control of primary health care services has been identified at both a state and national level as an effective action to improve health outcomes for Aboriginal and Torres Strait Islander people and contribute to closing the gap in health outcomes between Aboriginal and Torres Strait Islander peoples and other Australians”

http://www.health.qld.gov.au/atsihealth/transition_cc.asp

In keeping with the above, and in addition to the system for protecting Australian children proposed by the Council of Australian Governments seen in figure 1, we propose a system specific to protecting Australian Aboriginal and Torres Strait Islander children in figure 2.

This second system aims to close the gap in child wellbeing outcomes between Aboriginal and Torres Strait Islander children and other Australian children by incorporating a community controlled component to an Aboriginal and Torres Strait Islander child wellbeing system.

The proposed system is compatible with Aboriginal and Torres Strait Islander perspectives of holistic wellbeing⁷ and acknowledges the

*...in addition (to the Council of Australian Governments')
...system for protecting Australian children...we propose a system specific to protecting Aboriginal and Torres Strait Islander children...(that)...is compatible with perspectives of holistic wellbeing and acknowledges the importance of community in the wellbeing of its members...*

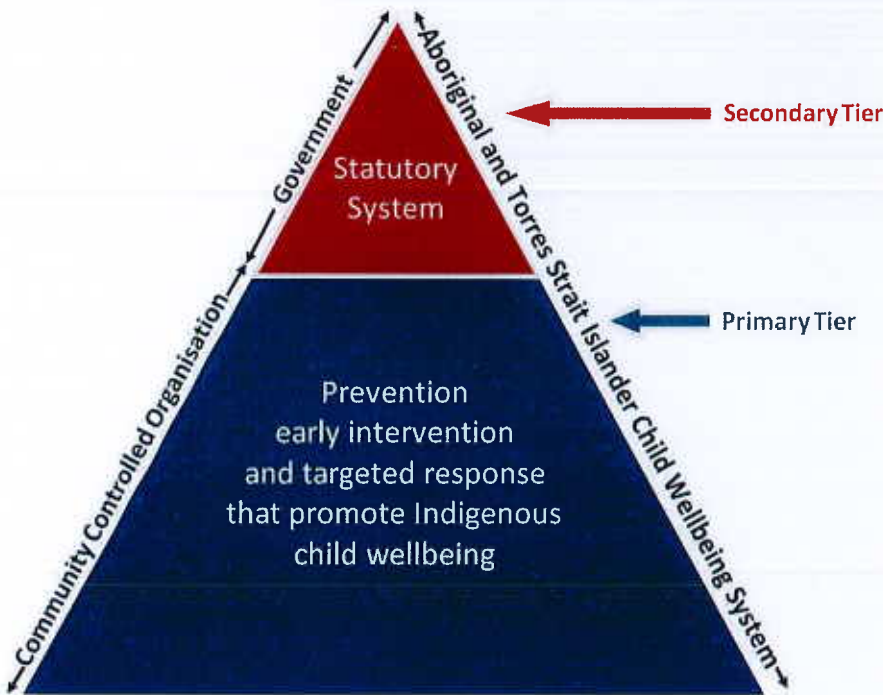
⁵ Australian Institute of Health and Welfare. *Child Protection in Australia*, Australian Government, www.aihw.gov.au Retrieved on 28 Oct 2012

⁶ Queensland Government, (2012). *Transition to Aboriginal and Torres Strait Islander Community Control of Health in Queensland – A Draft Strategic Policy Framework*, www.health.qld.gov.au Retrieved on 28 Oct 2012

⁷ Stanley, J., Tomison, A.M. & Pocock, J. (2003) *Child Abuse and Neglect in Australian Communities*, National Child Protection Clearinghouse Issues Paper no.19, Australian Institute of Family Studies, Melbourne.

importance of the community in the wellbeing of its members.

Figure 2. A system for protecting Aboriginal and Torres Strait Islander children

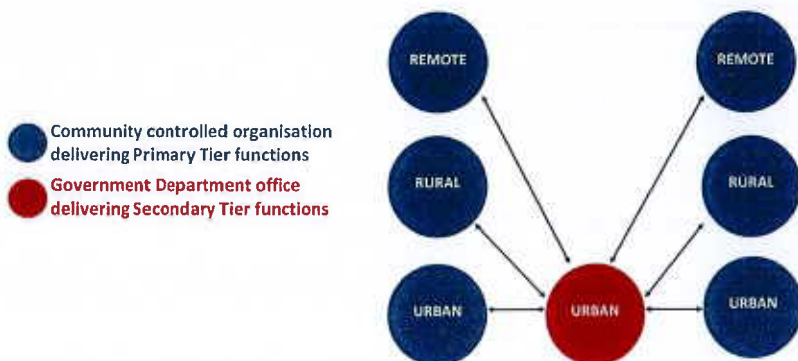


It is proposed the primary tier (prevention, early intervention and targeted response) be staffed by an Aboriginal and Torres Strait Islander workforce and be located within and be controlled by, the community it serves.

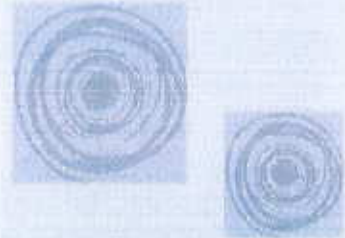
This structure promotes equitable access to child wellbeing services for all Aboriginal and Torres Strait Islander children and families regardless of where they live (e.g. urban, rural or remote community).

It is proposed the secondary tier (statutory system) be governed by an Aboriginal and Torres Strait Islander government department staffed by an Aboriginal and Torres Strait Islander workforce and be located either in or out of the community it serves.

Figure 3. Flexible configuration



...it is proposed the primary tier...be staffed by an Aboriginal and Torres Strait Islander workforce and be located within, and be controlled by, the community it serves...This...promotes equitable access to child wellbeing services for all children and families regardless of urban, rural or remote location...



...it is proposed the secondary tier...be governed by an Aboriginal and Torres Strait Islander government department staffed by an Aboriginal and Torres Strait Islander workforce and be located either in or out of the community it serves...



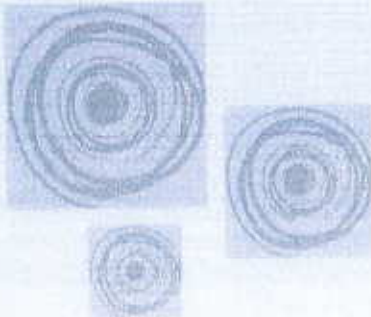
...this structure enables one government department delivering secondary tier functions (to) work collaboratively with several community controlled organisations providing primary tier functions...



...(it is proposed the system) promote open access to each tier enabling families to receive services through multiple pathways...



...whilst...legislation would apply to both tiers of the system, it would have greater relevance and application to the secondary tier...Legislative provisions associated with the primary tier would define its objectives, its functions and how it integrates with the statutory component...

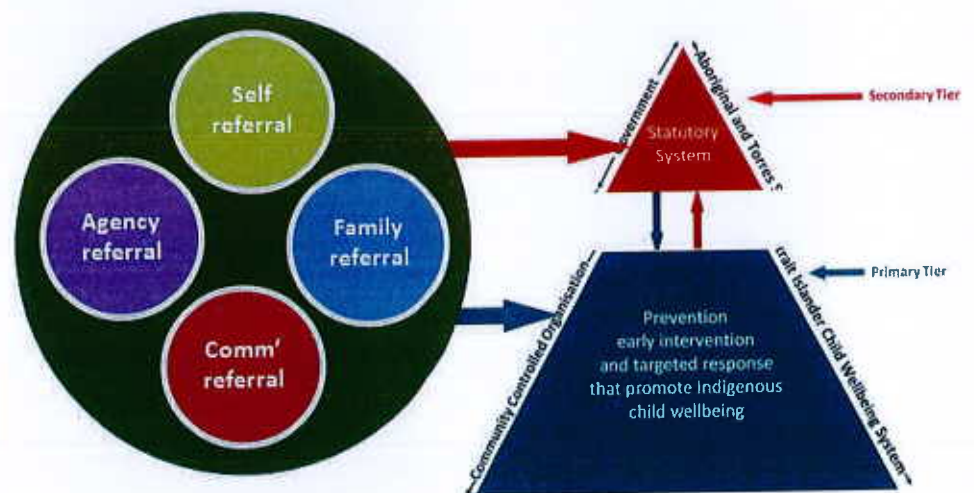


As noted in figure 3, one government department office delivering secondary tier functions could work collaboratively with several community controlled organisations providing primary tier functions within the proposed Aboriginal and Torres Strait Islander Child Wellbeing System.

This enables considerable flexibility in how the Aboriginal and Torres Strait Islander Child Wellbeing System tiers are geographically configured.

As shown in figure 4, it is proposed the Aboriginal and Torres Strait Islander Child Wellbeing System promote open access to each tier enabling families to receive services through multiple pathways.

Figure 4. Referral pathways



Open access enables family members, extended family members, the community and agencies to refer a family to either tier within the Aboriginal and Torres Strait Child Wellbeing System, depending upon the family's circumstances and current concerns regarding the child's safety. The tiers would also refer families to each other, with the primary tier escalating concerns to the secondary tier where required and the secondary tier referring families back to the primary tier as required.

Given the Aboriginal and Torres Strait Islander Child Wellbeing System provides a statutory child protection service, it would be governed by child protection legislation (as noted previously, preferably Aboriginal and Torres Strait Islander specific legislation). However, whilst the legislation would apply to both tiers of the system, it would have greater relevance and application to the secondary tier.

Legislative provisions associated with primary tier would define its objectives, its functions and how it integrates with the statutory component. Figure 5 provides a sample of each tier's core functions.

Figure 5. Core functions



The two tiers that form the Aboriginal and Torres Strait Islander Child Wellbeing System collaboratively respond to the range of child wellbeing needs within a community.

The primary tier contributes to the wellbeing of children within the community by:

- promoting the wellbeing of children through prevention, early intervention and targeted responses
- providing comprehensive information about child and family functioning to enable the secondary tier to make decisions regarding a child and
- addressing the issues within a family of a child on a child protection order sufficiently for them to return home

The secondary tier contributes to the wellbeing of children by working collaboratively with the primary tier when children require court intervention to prevent their wellbeing being compromised to a level that impacts their functioning and development.

Information is freely shared between each tier as the shared objective is the wellbeing of the child.

Given its position in the community, the primary tier is able to respond flexibly to children, family and community needs and issues.

...information (would be) freely shared between each tier as the shared objective is the wellbeing of children...

...the primary tier (would contribute)...by...(1)... promoting the wellbeing of children through prevention, early intervention and targeted responses...(2)... providing comprehensive information about child and family functioning to enable the secondary tier to make decisions regarding a child and...(3)...addressing the issues within a family of a child on a child protection order sufficiently for them to return home...

...The secondary tier (would contribute) to the wellbeing of children by working collaboratively with the primary tier when children require court intervention to prevent their wellbeing being compromised to a level that impacts their functioning and development...



...Given its position within the community, the primary tier is able to respond flexibly to children, family and community needs and issues...



...Our message to government is to move away from the current mainstream tertiary approach to child protection for Aboriginal and Torres Strait Islander children and towards an Aboriginal and Torres Strait Islander child wellbeing system that is holistic, culturally based and community controlled...



Many community controlled child and family services are operating effectively within Indigenous communities internationally⁸.

“Weechi-it-te-win Family Services (WFS) is a regional tribal agency responsible for the delivery of child and family services, including child protection, to ten Ontario First Nations reserves...WFS’s service model emphasises family preservation and community development work to assist in the healing of the whole community, with minimal formal intervention and substitute care. A consensual system of “customary care” was established with a local Tribal worker, a WFS worker and the family and/or other community members drawing up a “Care and Supervision Agreement” together for each case...consensus may be achieved by: (a) agreement between the family and the family services worker; (b) agreement between the committee and the family; and (c) referral to the First Nation’s council...at least 85 per cent of placements were arranged through Agreements rather than through mandatory mainstream methods. Where agreement is not reached, WFS applies for a hearing in a family court...Its principles include a stated focus on tradition, family and extended family and community control and orientation. A review team...concluded that WFS had made considerable progress towards its goals of First Nations participation, creating community awareness and trust, developing a community-tribal partnership in service delivery, and providing support for community members through consensual and customary arrangements for child care and family support...”

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Our message to government is to move away from the current mainstream tertiary approach to child protection for Aboriginal and Torres Strait Islander children and towards an Aboriginal and Torres Strait Islander child wellbeing system that is holistic, culturally based and community controlled.

⁸ Libesman, T. (2004). *Child welfare approaches for communities: International perspectives*, National Child Protection Clearinghouse Issues Paper no.20, Australian Institute of Family Studies, Melbourne

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