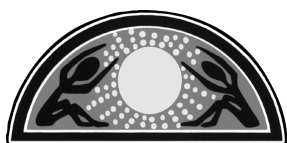




Submission to the Queensland Child Protection Commission of Inquiry March 2013

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A strong voice for our children and families

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SNAICC is the national non-government peak body
that advocates on behalf of Aboriginal and Torres
Strait Islander children and families.

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1. Introduction

The Secretariat of National Aboriginal and Islander Child Care (SNAICC) welcomes the opportunity to comment on the discussion paper released by the Queensland Child Protection Inquiry. SNAICC recognises that the Inquiry provides a critical opportunity to identify new ways of working in a system that is manifestly failing Aboriginal and Torres Strait Islander children and their families.

SNAICC was established as a non-government, not-for-profit organisation in 1981. It is the national peak body in Australia representing the interests of Aboriginal and Torres Strait Islander children and their families. Further information on SNAICC is available online at www.snaicc.org.au. This submission is significantly informed by SNAICC's understanding of approaches to the care and protection of our children nationally, and the potential for cross-jurisdictional learning to inform change.

The Inquiry is well informed of the significant over-representation of our children in Queensland's child protection system and the multiple disadvantages experienced by our families. It is important to understand the factors that contribute to neglect and abuse of Aboriginal children as largely resulting from the inter-generational trauma caused by past policies of assimilation and forced removal of children from their families.

Fifteen years after the *Bringing them Home* report comprehensively detailed the devastating impacts of the Stolen Generations and recommended measures to address the consequences, successive Australian and Queensland governments have failed to respond adequately to support, heal and strengthen our families. A failure to prioritise cultural care for our children persists in Queensland despite broad recognition of the importance of cultural connection to the wellbeing of Aboriginal and Torres Strait Islander children,¹ and legislation requiring compliance with the Aboriginal and Torres Strait Islander Child Placement Principle.²

SNAICC notes with particular concern that Aboriginal and Torres Strait Islander children in out-of-home care in Queensland are placed outside of their families, communities, and cultures at an alarming rate. Queensland has the third lowest rate of placement of Indigenous children with Indigenous carers in the country at only 53.7%, which is 15% below the national average.³ It has the second lowest rate of placing Indigenous children with relatives or kin, at only 21.7%, which is 17% below the national average.⁴ This separation of Aboriginal and Torres Strait Islander children from their families and communities is continuing and exacerbating inter-generational trauma that has been caused by past policies of forced removal, and further threatening the unique cultures of Australia's first peoples.

SNAICC commends the Inquiry for recognising that repeated and continuing systems failure for Aboriginal and Torres Strait Islander children informs '*a critical need to consider*

¹ See for example: Libesman, T. (2011). *Cultural care for Aboriginal and Torres Strait Islander children in out-of-home care*. Melbourne: SNAICC, pp21-22.

² *Child Protection Act 1999* (QLD), s83.

³ Australian Institute of Health and Welfare. (2013). *Child Protection Australia 2011-12*. (Child Welfare Series No. 55). Canberra: Author, p81..

⁴ Ibid.

*innovative and radical approaches to make a difference.*⁵ Piecemeal reforms to Aboriginal and Torres Strait Islander child welfare service delivery that have been undertaken following previous inquiries⁶ have not contributed to either better outcomes for children or significantly to the empowerment of Aboriginal and Torres Strait Islander families and communities to care for and protect their children. A holistic approach is needed that responds to the needs of Aboriginal and Torres Strait Islander families both outside of and within the statutory child protection system.

SNAICC advocates new ways of working with Aboriginal and Torres Strait Islander families that are focused on the following key priorities:

- Empowerment of Aboriginal and Torres Strait Islander communities to care for children through Aboriginal and Torres Strait Islander community-control in service design and delivery;
- Partnerships that build capacity and cultural competence for effective service delivery to Aboriginal and Torres Strait Islander children and families;
- Re-orienting service delivery to early intervention and family support to build on the strengths of Aboriginal and Torres Strait Islander families to care for and protect their own children; and
- Holistic and integrated family support and child protection services that are accessible and appropriate for Aboriginal and Torres Strait Islander families.

This submission focuses particularly on the need for greater participation of Aboriginal and Torres Strait Islander peoples in the child protection system, recognising that initiatives supporting self-determination of Aboriginal and Torres Strait Islander peoples are critical to success in changing long-term outcomes for children, families and communities. Significant attention is given to justifying and presenting evidence supporting the need for dramatically increased levels of Aboriginal and Torres Strait Islander participation in services design and delivery in Queensland. SNAICC supports the recognition of the Inquiry discussion paper that *'Aboriginal and Torres Strait Islander communities and agencies need a more active role in the design and delivery of primary, secondary and tertiary child protection services.'*⁷ This submission strongly advocates the importance that the Inquiry makes recommendations addressing Aboriginal and Torres Strait Islander participation in design and delivery *in each and all* of these phases of child protection and family support service delivery. This is critical to ensure reforms focused on holistic care and support for Aboriginal and Torres Strait Islander children and their families.

2. Participation of Aboriginal and Torres Strait Islander peoples as the key to change

International and Australian evidence has strongly supported the importance of Indigenous participation for positive outcomes in service delivery for Indigenous children and families. In the United States, studies indicate that the best outcomes in community well-being and development for Indigenous peoples are achieved where those peoples have control over

⁵ Queensland Child Protection Commission of Inquiry. (2013). *Discussion Paper*. Brisbane: Author, p183.

⁶ Including significantly: Human Rights and Equal Opportunity Commission. (1997). *Bringing them home: Report of the National Inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*, Canberra: Commonwealth of Australia; Crime and Misconduct Commission. (2004). *Protecting children: an inquiry into abuse of children in foster care*, Brisbane: Crime and Misconduct Commission.

⁷ Queensland Child Protection Commission of Inquiry. (2013). *Discussion Paper*. Brisbane: Author, p183.

their own lives and are empowered to respond to and address the problems facing their own communities.⁸ Numerous reports and inquiries in Australia consistently confirm a lack of robust community governance and meaningful Indigenous community participation as major contributors to past failures of Government policy and highlight the need to build capacity for Aboriginal and Torres Strait Islander community-controlled children and family services.⁹ A recent report of the Australian National Audit Office further highlights that building the role and capacity of Aboriginal and Torres Strait Islander organisations is not only important for effective service delivery, but an important policy objective in its own right in so far as it promotes local governance, leadership and economic participation, building social capital for Aboriginal and Torres Strait Islander peoples.¹⁰ Indeed, the *Bringing them Home* report concludes that community development approaches to addressing child protection needs are required rather than traditional models of child welfare that ‘*pathologise and individualise Indigenous child protection needs.*’¹¹

New ways of working with Aboriginal and Torres Strait Islander families that are community led and managed can have multiple benefits in ensuring that services are culturally appropriate for and acceptable to Aboriginal and Torres Strait Islander families, addressing the myriad of barriers that contribute to their under-utilisation of mainstream services.¹² It is well accepted that service access of Aboriginal and Torres Strait Islander families is supported by service systems and providers that develop cultural competence and service delivery that is culturally appropriate.¹³ Evaluation of child and family service delivery through the federally funded Communities for Children program identifies that ‘*Indigenous specific services offer Indigenous families a safe, comfortable, culturally appropriate environment that is easier to access and engage with.*’¹⁴ The importance of Indigenous-led services to family engagement in child protection is also clearly identified in the *Bringing them Home* report:

Evidence to the Inquiry confirms that Indigenous families perceive any contact with welfare departments as threatening the removal of their child. Families are reluctant to approach welfare departments when they need assistance. Where Indigenous services are available

⁸ Cornell, S., and Taylor J. (2000). *Sovereignty, Devolution, and the Future of Tribal-State Relations*. Cambridge: Harvard University, pp6-7. Retrieved 13 March 2013 from: <http://hpaied.org/images/resources/publibrary/PRS00-4.pdf>

⁹ See for example: NSW Ombudsman. (2011). *Addressing Indigenous Disadvantage: the need to do things differently*. Sydney, NSW Ombudsman, p4; Wild, R., and Anderson, P. (2007). *Little Children are Sacred*. Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse. Darwin: Northern Territory Government. pp142-143; Australian National Audit Office (ANAO). (2012). *Capacity Development for Indigenous Service Delivery*. Audit Report No. 26, 2011-2012. Canberra: Commonwealth of Australia.

¹⁰ Australian National Audit Office (ANAO). (2012). *Capacity Development for Indigenous Service Delivery*. Audit Report No. 26, 2011-2012. Canberra: Commonwealth of Australia, p17.

¹¹ Human Rights and Equal Opportunity Commission. (1997). *Bringing them home: Report of the National Inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*, Canberra: Commonwealth of Australia, pp453-454.

¹² See: SNAICC. (2010). *Towards Aboriginal and Torres Strait Islander access and engagement: overcoming barriers to child and family services*. Melbourne: Author.

¹³ Flaxman, S., Muir, K., and Oprea, I. (2009). *Indigenous families and children: coordination and provision of services*. Occasional Paper No 23. Canberra: Department of Families, Housing, Community Services, and Indigenous Affairs (FaHCSIA), p23; see also: SNAICC. (2010). *Towards Aboriginal and Torres Strait Islander access and engagement: overcoming barriers to child and family services*. Melbourne: Author.

¹⁴ Ibid.

they are much more likely to be used.¹⁵

Increasing participation of Aboriginal and Torres Strait Islander communities is also key to enabling realisation of their human rights. All Australian governments have international legal obligations to ensure the realisation of these rights. Key rights relevant to the participation of Aboriginal and Torres Strait Islander peoples in the Queensland child protection system include:

- the right to self-determination, which requires the empowerment of Indigenous peoples to have control over the decisions that affect their own lives;¹⁶
- the right to pursue self-determination through autonomous decision-making institutions and processes;¹⁷
- the rights of children and communities to the enjoyment of their cultures, requiring their participation in decisions that threaten the connectedness of their cultural groups (including child protection intervention);¹⁸
- the right of Indigenous communities to participate to ensure that decisions include cultural rights in determining the best interests of Indigenous children;¹⁹ and
- the right of Indigenous children to participate in decisions that affect them in line with their age and maturity.²⁰

These rights exist alongside all other rights of children, including, importantly in this context, the right of all children to be free from abuse and neglect.²¹ SNAICC emphasises that collective rights cannot displace individual rights in determining the best interests of children²² and that Aboriginal and Torres Strait Islander controlled services must protect and promote the full range of children's rights. What these services can do strongly, is bring a cultural understanding of what the best interests of an Aboriginal or Torres Strait Islander child are. As Lynch (2001), explains:

To understand the best interests of an Indigenous child necessitates an exploration of the 'fundamental links between culture and identity and the concomitant importance of family and community to the meaningful existence and survival of First Nations and Aboriginal children.'²³

In line with international law, and with respect to the basic human dignity of all peoples, SNAICC asserts that the fulfilment of these and all other relevant human rights should be a core objective of all recommendations made by the Inquiry. SNAICC refers the Inquiry to particularly consider the relevant recommendations of the United Nations Committee on the Rights of the Child in its 2012 review of Australia in making recommendations that align

¹⁵ Human Rights and Equal Opportunity Commission. (1997). *Bringing them home: Report of the National Inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*, Canberra: Commonwealth of Australia, p396.

¹⁶ *Universal Declaration on the Rights of Indigenous Peoples 2007*, art 3 and 4.

¹⁷ *Universal Declaration on the Rights of Indigenous Peoples 2007*, art 4 and 5.

¹⁸ *Convention on the Rights of the Child 1989*, art 30; *International Covenant on Civil and Political Rights 1966*, art 27.

¹⁹ *Convention on the Rights of the Child 1989*, art 3; Committee on the Rights of the Child, *General Comment No. 11, Indigenous Children and their Rights under the Convention*, 2009, CRC/C/GC/11, 12 February 2009, para. 31.

²⁰ *Convention on the Rights of the Child 1989*, art 12.

²¹ *Convention on the Rights of the Child 1989*, art 19(1)

²² See: Committee on the Rights of the Child, *General Comment No. 11, Indigenous Children and their Rights under the Convention*, 2009, CRC/C/GC/11, 12 February 2009, para. 30.

²³ Lynch, P. (2001). Keeping them home: the best interests of Indigenous children and communities in Canada and Australia. *Sydney Law Review*, 23(4), December, pp509-509.

with the human rights obligations of all Australian governments.²⁴ On participation, the Committee noted that to fulfil obligations under the *Convention on the Rights of the Child 1989*, all Australian governments must:²⁵

- ensure participation of Aboriginal and Torres Strait Islander people in policymaking, decision-making and implementation of programs affecting children;
- promote the participation of children at all levels of government and in communities, in particular vulnerable children;
- ensure full respect for Aboriginal and Torres Strait Islander children's rights to their identity, name, culture, language and family relationships throughout the child protection system;
- fully implement the Aboriginal and Torres Strait Islander child placement principle; and
- cooperate with communities to find suitable solutions for children in need of alternate care.

The priority for participation of Aboriginal and Torres Strait Islander peoples in child protection systems is further a commitment of all Australian governments through the national out-of-home care standards that require that '*Aboriginal and Torres Strait Islander communities participate in decisions concerning the care and placement of their children and young people.*'²⁶ SNAICC believes that recommendations of the Inquiry should support and direct the Queensland Government in fulfilling this commitment.

3. Building capacity for community-controlled service delivery

Question 21

What would be the most efficient and cost-effective way to develop Aboriginal and Torres Strait Islander child and family wellbeing services across Queensland?

Question 22

Could Aboriginal and Torres Strait Islander child and family wellbeing services be built into existing service infrastructure, such as Aboriginal and Torres Strait Islander Medical Services?

Question 23

How would an expanded peak body be structured and what functions should it have?

As recognised in the Inquiry discussion paper, measures are needed to increase the participation of Aboriginal and Torres Strait Islander communities and agencies across primary, secondary and tertiary child protection service design and delivery.²⁷ SNAICC strongly supports the proposal in the Inquiry discussion paper for the establishment of

²⁴ Committee on the Rights of the Child, *Concluding Observations: Australia*, 2012, CRC/C/AUS/CO/4, 28 August 2012; SNAICC/NATSILS. (2012). *Aboriginal and Torres Strait Islander Child Rights Report Card: What Australia must do to support the rights of Aboriginal and Torres Strait Islander children*. Melbourne: SNAICC.

²⁵ SNAICC/NATSILS. (2012). *Aboriginal and Torres Strait Islander Child Rights Report Card: What Australia must do to support the rights of Aboriginal and Torres Strait Islander children*. Melbourne: SNAICC.

²⁶ Department of Families, Housing, Community Services and Indigenous Affairs. (2011). *An outline of National Standards for out-of-home care*, Canberra: Commonwealth of Australia, p7.

²⁷ Queensland Child Protection Commission of Inquiry. (2013). *Discussion Paper*. Brisbane: Author, p183.

integrated and holistic Aboriginal and Torres Strait Islander controlled child and family well-being services. The integration of child and family welfare services from early intervention through to statutory functions can assist to ensure continuity of care and support for children and families throughout their engagement with the child protection system.

SNAICC notes that the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QAATSICPP) has provided, in its submission to the Inquiry, a well thought-through and innovative model for how these services could be funded and supported.²⁸ SNAICC asserts that in the context of the Inquiry's recognition of the need for greater participation of Aboriginal and Torres Strait Islander communities in service design, that the recommendations of the state peak body for community-controlled child protection services should be given a strong weight in considering proposals.

As discussed in section 5 below, a funding allocation that is based on the higher needs for support in Aboriginal and Torres Strait Islander communities will be critical to ensure that these services are adequately resourced to fulfil their objectives. The current 15.9% allocation of non-government grant funding to Aboriginal and Torres Strait Islander controlled agencies is grossly inadequate to ensure Aboriginal and Torres Strait Islander leadership in service delivery. The 38% representation of Aboriginal and Torres Strait Islander children in out-of-home care²⁹ is indicative of the level of support Aboriginal and Torres Strait Islander families require.

SNAICC supports the holistic range of functions proposed in the Inquiry discussion paper, noting the importance of an emphasis on preventative family support activities and community driven strategies. These functions should include:

- a broad range of prevention and early intervention activities (including flexibility in funding for the development of community-driven strategies);
- family support services (including intensive preservation and reunification services);
- recognised entity services (including statutory functions and family group meetings); and
- foster and kinship care services.

While these service hubs should ensure integration across the spectrum of family support and child protection activities, they must contribute to a re-orientation of service delivery to primary and secondary support in line with the evidence informed priority to invert service orientation in the *National Framework for Protecting Australia's Children 2009-2020*.³⁰

SNAICC notes that in the short to medium term this will require significant focussed investment in secondary service functions of child and family well-being services, including intensive family support for the preservation and reunification of Aboriginal and Torres Strait Islander families. This recognises the current high levels of disadvantage and breakdown experienced by many Aboriginal and Torres Strait Islander families, and the potential that has been identified for culturally appropriate, strengths-based intensive

²⁸ QATSICPP. (2012). *Submission to Queensland Child Protection Commission of Inquiry*. Retrieved 13 March 2013 from: http://www.childprotectioninquiry.qld.gov.au/__data/assets/pdf_file/0006/168747/Qld_Aboriginal_and_Torres_Strait_Islander_Child_Protection_Peak_Ltd.pdf

²⁹ Australian Institute of Health and Welfare. (2013). *Child Protection Australia 2011-12*. (Child Welfare Series No. 55). Canberra: Author, pp79 and 81.

³⁰ Council of Australian Governments (COAG). (2009). *Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020*. Canberra: Commonwealth of Australia.

support to improve family functioning and reduce the need for tertiary intervention.³¹ It supports the strongly recognised priority in the *National Framework* to intervene in the ongoing breakdown of Aboriginal and Torres Strait Islander families to ensure that children can be safely cared for by their own families and communities.³²

Recommendation 1: *That the Queensland Government invests in the development of Aboriginal and Torres Strait Islander children and family well-being services with state-wide coverage and broad and holistic functions in primary, secondary and tertiary service delivery. Success will depend on a significant shift in non-government grant funding to Aboriginal and Torres Strait Islander controlled agencies.*

The development of child and family well-being services will require dedicated work and resources for building the capacity of Aboriginal and Torres Strait Islander organisations to deliver services. SNAICC draws the attention of the Inquiry to the recent highly promising work of the Aboriginal Community Care Secretariat (AbSec) in New South Wales in supporting the development of state-wide capacity for Aboriginal controlled agencies to deliver out-of-home care services. This work supports the commitment of the NSW Government to transfer out-of-home care service delivery for all Aboriginal children to the Aboriginal non-government sector over a 10 year period.³³ In the first 12 months of implementation the number of out-of-home care placements supported by Aboriginal agencies has increased by 350 to 600, a 71% increase,³⁴ demonstrating that significant capacity and service leadership change can be affected quickly where existing capacity is utilised. It is important to note that the NSW transition has had a more limited focus on out-of-home care service delivery, not the holistic focus of proposed child and family well-being services in Queensland. It does, however, provide learnings for what is required for sustainable capacity growth of Aboriginal and Torres Strait Islander services in a relevant sector.

Key elements of the NSW approach that could inform the development of Aboriginal and Torres Strait Islander child and family well-being services in Queensland include:

- state-wide mapping of community needs, service capacity and development support needed, conducted by the peak body;
- direct peak body support for agencies to build capacity and meet accreditation requirements;
- peak body facilitation of community consultations and development of community-based governance structures;
- peak body involvement in high level service management and policy development forums with government to ensure decisions reflect community service development needs;

³¹ Matthews, G. and Burton, J. (2013). Promising practice in intensive family support for Aboriginal and Torres Strait Islander families. *Developing Practice*, Forthcoming.

³² Council of Australian Governments (COAG). (2009). *Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020*. Canberra: Commonwealth of Australia, p28.

³³ Ministerial Advisory Group on Transition of Out-of-home Care Service Provision in NSW to the Non-government Sector (2011) *OOHC Transition: Implementation Framework*. Retrieved 13 March 2013 from: http://www.community.nsw.gov.au/docswr/_assets/main/documents/oohc_transition_implementation_framework.pdf

³⁴ Approximate numbers provided by AbSec on 14 March, 2013.

- in geographical areas with higher capacity support needs, facilitation of partnerships between mainstream agencies and Aboriginal and Torres Strait Islander organisations to build local capacity and transfer service delivery to local Aboriginal and Torres Strait Islander management;

The role of AbSec as an Aboriginal peak body leading the change process has been critical to its early successes, increasing Aboriginal community trust and engagement. AbSec informs SNAICC that they have experienced high-levels of community support for the new services because communities view the change as a new way that Aboriginal people can care for their own children, rather than another government program like so many that have failed them before.

AbSec has supported three distinct processes for developing Aboriginal agency capacity that recognise and build on existing community and organisational strengths. These are:³⁵

- **Growth:** Peak body support for already accredited agencies to expand service delivery;
- **Accreditation:** Peak body support for existing organisations with other related services to be accredited for out-of-home care service delivery; and
- **Partnerships:** Peak body facilitation of partnerships to seed new Aboriginal and Torres Strait Islander agencies within existing mainstream agencies and transfer service management to Aboriginal community-control over time.

Understanding that a variety of approaches are necessary for capacity building is critical in the Queensland context where a larger number of Aboriginal and Torres Strait Islander agencies have been engaged in delivering child protection related services for a long time.

Partnership approaches to building capacity for Aboriginal and Torres Strait Islander agencies may assist in regions where there is need for significant capacity support in Queensland. SNAICC notes and supports the recommendation of the Benevolent Society in its submission to the Inquiry that:

Partnership models for family support service delivery between Aboriginal and Torres Strait Islander and mainstream service providers be developed where local Aboriginal and Torres Strait Islander organisations struggle to deliver quality services. These models must be resourced and time limited with a clear goal of transitioning the service fully to Aboriginal and Torres Strait Islander organisation management.³⁶

It is vital to note that such an approach will only be relevant in some communities. In many cases where Aboriginal and Torres Strait Islander organisation already have a strong role in child and family service delivery, it will be more appropriate that those organisations have 'lead agency' roles and engage in partnerships with mainstream providers where they identify that partnerships can add value to support for children and families in their community. Where partnership approaches are employed, peak body support to broker and facilitate relationships is critical. AbSec's role in performing these functions has been

³⁵ Ministerial Advisory Group on Transition of Out-of-home Care Service Provision in NSW to the Non-government Sector (2011) *OOHC Transition: Implementation Framework*, p11. Retrieved 13 March 2013 from:

http://www.community.nsw.gov.au/docswr/_assets/main/documents/oohc_transition_implementation_framework.pdf

³⁶ The Benevolent Society Inquiry. (2012). *Submission to the Queensland Child Protection Commission of Inquiry*, p14. Retrieved 13 March 2013 from:

http://www.childprotectioninquiry.qld.gov.au/__data/assets/pdf_file/0010/172693/The_Benevolent_Society.PDF

necessary to address power imbalances in circumstances where mainstream providers have significantly greater capacity and resources.

Without providing a detailed comparison, SNAICC notes that the resources available to AbSec to perform the functions described are considerably greater than those that currently exist within QATSICPP. Dramatically greater resourcing of QATSICPP would be necessary to undertake a similar role.

Recommendation 2: *That QATSICPP lead the process of change required to develop Aboriginal and Torres Strait Islander child and family well-being services. They should be strongly resourced to undertake community consultations, support capacity building for Aboriginal and Torres Strait Islander child and family wellbeing services, and have high level engagement in related policy development at the state level.*

SNAICC also notes the importance that child and family well-being services function in collaboration with other existing service providers. Particularly, attention will be needed to the relationship with existing integrated early childhood and family support service providers including Multi-function Aboriginal Children's Services (MACS), Aboriginal and Torres Strait Islander long day care centres and Aboriginal and Torres Strait Islander Children and Family Centres (ACFS). There is significant opportunity to increase efficiency, and ensure a targeted early intervention focus in the early years of children's lives, by ensuring that all of these integrated service initiatives, which are likely to have significantly overlapped client groups, collaborate in service delivery. The Child and Family Well-being model proposed by QATSICPP would be ideally placed to coordinate service collaboration as a community-controlled service integration initiative. This will require that community members and existing providers have the opportunity to participate in service design to ensure their acceptance and support of the service as a 'hub' that coordinates child and family support activities regionally.

Evaluation of Australian child and family service integration initiatives has consistently identified the critical need for service coordination and partnership facilitation roles within any initiative that seeks to increase collaboration between child and family services. This was identified, for example, in evaluation of Communities for Children nationally,³⁷ and of Integrated Family Services in Victoria.³⁸ In the context of Aboriginal and Torres Strait Islander child and family well-being services, it is critical that such a role is resourced within an Aboriginal and Torres Strait Islander community-controlled organisation to ensure Aboriginal and Torres Strait Islander leadership in service design and delivery.

Recommendation 3: *That existing Aboriginal and Torres Strait Islander community-controlled child and family support services be strongly included in the process of service design and development for new child and family well-being service hubs at the regional level.*

³⁷ Muir, K. et al. (2009). *National evaluation (2004-2008) of the Stronger Families and Communities Strategy 2004-2009*, Occasional Paper No 24, Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), pp20-21, 24-25 and 35-36.

³⁸ KPMG. (2011). *Child FIRST and Integrated Family Services – Final Report*, p36. Retrieved 13 March 2013 from: http://www.dhs.vic.gov.au/__data/assets/pdf_file/0008/646820/childFIRSTandintfamservicesfullreport_09082011.pdf

Recommendation 4: *That a dedicated role to facilitate local service coordination be resourced within Aboriginal and Torres Strait Islander child and family well-being services. This role would focus on supporting relationship development and increasing collaboration between existing services supporting Aboriginal and Torres Strait Islander families in each region.*

4. Recognised entities: a limited scope for participation and the need for a stronger role

Question 24

What statutory child protection functions should be included in a trial of a delegation of functions to Aboriginal and Torres Strait Islander agencies?

Question 25

What processes should be used for accrediting Aboriginal and Torres Strait Islander agencies to take on statutory child protection functions and how would the quality of those services be monitored?

Question 41

What, if any, changes should be made to the family group meeting process to ensure that it is an effective mechanism for encouraging children, young people and families to participate in decision-making?

SNAICC has recently undertaken significant research on participation in statutory decision-making by Aboriginal and Torres Strait Islander community-controlled organisations in Queensland and nationally. As a result this submission takes a particular focus on the implications of SNAICC's understanding of current barriers to genuine participation of Aboriginal and Torres Strait Islander peoples in child protection decision-making.³⁹

The *Child Protection Act 1999* (Qld) contains arguably the strongest requirements in the country for the participation of Aboriginal and Torres Strait Islander peoples in child protection decisions. It requires participation, through a recognised entity, in all significant decisions made for Aboriginal and Torres Strait Islander children under the Act, and consultation in relation to non-significant decisions.⁴⁰ Though consultation itself is a high standard for engagement, requirements for 'participation' suggest a much higher standard for the active engagement of recognised entities in decision-making.

SNAICC consultations reveal that the current recognised entity service model does not appear to align with either formal requirements or the spirit of the legislation to enable participation and promote better outcomes for Aboriginal and Torres Strait Islander children and families. SNAICC identifies key barriers in relation to specific components of a genuine approach to enabling participation. These components are grounded in the human rights of Aboriginal and Torres Strait Islander children, families and communities to participate in the decisions that impact their lives.⁴¹ The recommendations below reflect a national

³⁹ The SNAICC Participation Project is a component of ongoing research funded by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs. A report of this research is scheduled for release in mid-2013.

⁴⁰ *Child Protection Act 1999* (QLD), s6.

⁴¹ For a detailed account of relevant rights, refer to: SNAICC. (2012). *Genuine participation of Aboriginal and Torres Strait Islander peoples in child protection decision-making for Aboriginal and*

understanding of participation enablers and barriers, but are focussed to be relevant to reforms needed in Queensland. The specific opportunities for transfer of statutory decision-making authority are identified and highlighted as critical to genuine participation, and ultimately to reduce the over-representation of Aboriginal and Torres Strait Islander children in the Queensland child protection system.

These recommendations must be read in the context of the need to build capacity and leadership of Aboriginal and Torres Strait Islander controlled child and family well-being services, as described above. A focus only on statutory decision-making roles will fail to address the causes of statutory intervention and ensure holistic care that strengthens Aboriginal and Torres Strait Islander families.

4.1 Representative participation

Representative participation in decision-making requires that Aboriginal and Torres Strait Islander peoples participate in decisions through their own institutions and procedures. The funding of a state-wide network of Aboriginal and Torres Strait Islander community-controlled organisations to perform the recognised entity function supports this in Queensland and should be maintained. It contributes to multiple beneficial goals including: independent cultural input; family engagement with trusted community organisations; community leadership in service delivery; and employment for Aboriginal and Torres Strait Islander people.

Ideally, representative participation would enable the many different Aboriginal and Torres Strait Islander communities and cultures across Queensland to be independently represented in decision-making. However, resource and capacity constraints mean that a degree of service regionalisation is likely necessary. Nonetheless, consultation with communities is essential to ensure that child protection decisions are informed by specific and detailed community and cultural knowledge and that those communities have some control over decisions. SNAICC identifies that recognised entity services are limited in their capacity to consult with communities because of large regional coverage areas and an absence of resourced structures for community-level participation. The need for well-structured processes with training and support for community input is especially critical in child protection decision-making where confidentiality requirements restrict information sharing more broadly.

Recommendation 5: Recognised entities should be resourced to undertake functions in community consultation. This would include the establishment of appropriate community child protection groups; the training of community members in the provision of confidential input in child protection processes; and the facilitation of consultations. Such a function could be linked to broader community consultation of a child and family well-being service, but would require distinct elements considering confidentiality requirements in statutory decision-making.

Representative participation requires a significant level of independence from government to ensure that decisions are made based on the perspectives and priorities of Aboriginal and Torres Strait Islander peoples. The common practice in many Australian jurisdictions of government departments funding the Aboriginal and Torres Strait Islander organisations that they consult with significantly limits their independence for reasons including that:

- they are restricted in their critique of government because disagreement could threaten continuance or renewal of their funding agreement; and
- their participation is directed by the demands and priorities of government, rather than the independent priorities of the service to achieve outcomes for Aboriginal and Torres Strait Islander children and families. This is particularly so for recognised entities as their participation in individual cases can only be enabled by request of the Department.

There is a need for greater independence to ensure Aboriginal and Torres Strait Islander organisations provide independent input that represents their unique cultural and community knowledge and priorities.

Recommendation 6: *An alternate funding stream is developed that severs the direct link between the government child protection service and the recognised entity function to ensure independent operation. An independent body would provide funding for the recognised entity, monitor performance, and monitor and report on the performance of the government child protection service in supporting and enabling recognised entity participation. The subsidiary company recommended for establishment by QATSICPP in its submission to the Inquiry could perform this function.*

Critical to representative participation is enabling the participation of the family, including extended family in decisions about the care of their own children. SNAICC identifies that recognised entities are not enabled to support this, with a role focussed on the provision of information to the Department and no direct family support functions.

Aboriginal and Torres Strait Islander organisations are well positioned to support the involvement of Aboriginal and Torres Strait Islander families in child protection processes. Their strengths in doing so, include:

- communicating with families in culturally appropriate ways to support their understanding of child protection processes and their agency within those processes;
- engaging families through their acceptance as an Aboriginal and Torres Strait Islander organisation with Aboriginal and Torres Strait Islander employees that families trust; and
- ability to understand the input of families from a cultural perspective and translate that understanding for the Department.

There are multiple stages of child protection within which there is scope for the recognised entity to perform these roles. Indeed, SNAICC notes that similar roles have been a key feature of service design for similar cultural advice and support services in Victoria and New South Wales.⁴² SNAICC consultation in these states has indicated that direct family support functions are considered a strength in ensuring that the family has a voice in decision-making.

A critical stage at which recognised entities could have a strengthened role is in family group meetings. Their cultural knowledge and family engagement strengths could assist to ensure the participation of appropriate family members, including extended family. They could also have a role to identify culturally appropriate service supports for families at this, and earlier stages of decision-making. Their ongoing involvement in the case would assist to ensure

⁴² Higgins, J.R. and Butler, N. (2007). *Indigenous responses to child protection issues*. 'Promising practices in out-of-home care for Aboriginal and Torres Strait Islander carers, children and young people' (booklet 4). Melbourne: Australian Institute of Family Studies.

that the input of family members is carried through and represented in later stages of decision-making. This process should occur independently of the Department to reduce stigma and fear of child removal that can limit Aboriginal and Torres Strait Islander families' open engagement in discussing options for the care and protection of their children.

Recommendation 7: *That additional family support functions of the recognised entity be clearly identified and included throughout the child protection process. Further, that the role of recognised entities be extended to include the coordination and facilitation of family group meetings.*

4.2 Good faith negotiations and influence in decision-making

The clearest weakness of the recognised entity function in enabling Aboriginal and Torres Strait Islander participation is an apparent lack of any significant mechanisms of accountability for or review of the use and consideration of cultural advice and support provided. This, combined with the absence of any formal authority of input or decisions made by recognised entities, leaves their influence entirely dependent on the willingness of the Department and individual Child Safety Officers to seek, consider and utilise their advice.

The current absence of authority and accountability is reflected, for example, in the lack of:

- requirements for decision-makers to consider, use and justify departure from advice given;
- feedback mechanisms to inform recognised entities of how their advice is considered and utilised in decision-making;
- recording of the participation of recognised entities and how their advice is used by Child Safety Officers;
- outcomes focussed program evaluation at all, let alone with participation of recognised entities to define evaluation measures and objectives and conduct evaluations; and
- processes for two-way negotiation in decision-making, or joint review of decisions made, and rather one-way expectations for information provision by recognised entities.

SNAICC is aware that in some limited locations stronger working protocols have been established between recognised entities and Child Safety Service Centres that have enabled processes of relationship building, stronger negotiation, individual case review and overall greater influence for the recognised entity. However, without broader system support and accountability such outcomes are inconsistent, fragile and highly relationship dependent.

The lack of any guaranteed influence of recognised entity advice indicates a service system that is not designed to fulfil the requirements or spirit of the *Child Protection Act 1993* (Qld) in enabling Aboriginal and Torres Strait Islander participation. Services commonly identify that a lack of actual influence reflects, unsurprisingly, a service system that is not functioning to enable participation. SNAICC asserts that to address these significant shortcomings, the Inquiry will need to make detailed recommendations on measures that significantly relocate power and authority with recognised entities in the decisions that are made for Aboriginal and Torres Strait Islander children.

The cultural and community knowledge, connection, understanding and commitment of Aboriginal and Torres Strait Islander agencies to the care and protection of their children puts them in the position that they are best placed to lead decision-making. These strengths are likely to contribute to better decisions based on a stronger understanding of family and

community strengths, risks and opportunities for safe care. They are also likely to contribute to stronger engagement of families and communities in identifying and working towards caring solutions and alternatives. Ultimately, this would contribute to the outcome that more children are cared for in their families and communities, and reduce the over-representation of Aboriginal and Torres Strait Islander children in the child protection system.

The delegation of statutory functions would be in line with international developments, particularly in Canada where delegation of statutory child protection functions to First Nations peoples living 'on reserve' has been happening since the mid-1980's.⁴³ Canada provides a context for comparison in Indigenous child welfare because of similar histories of colonisation and forced child removal and similar impacts and continuing trauma for children and families.⁴⁴ More recently Canadian authorities have extended delegation beyond reserves to urban areas including Toronto and Vancouver, and also province-wide in Manitoba.⁴⁵ Benefits of delegated models identified in the Canadian context include that:

- they enable '*development of more responsive community-based services that allow for incorporation of Aboriginal values, beliefs and traditions, including more culturally appropriate practices*';⁴⁶ and
- they are more likely to lead to community capacity building initiatives and community caring models of service delivery that shift the focus from removal of children from family, community and culture.⁴⁷

The funding of delegated authorities based on costs of statutory intervention with limited scope for preventative family support activities has been recognised as a significant weakness of delegation in Canada.⁴⁸ In Queensland there is an opportunity to begin with a stronger model that places delegated authority within the context of child and family well-being services that are holistic and strongly prevention focussed.

SNAICC recommends that the below measures be taken to progressively delegate authority to Aboriginal and Torres Strait Islander agencies for statutory child protection functions in line with capacity developments over a 2-10 year period. This aligns with the period of transition identified as necessary for other processes of capacity building and transfer of control to Aboriginal and Torres Strait Islander agencies in similar sectors in New South Wales and Victoria.⁴⁹ The lower limit of the delegation period (2 years), is critical to recognise that in many regions there is adequate capacity to take on functions almost immediately after appropriate change management processes have been established at the state level. The dramatic recent increases in Aboriginal and Torres Strait Islander agency

⁴³ McKenzie, B. & Shangreux, C. (2011) From Child Protection to Community Caring in First Nations Child and Family Services, ch22 in Kufeldt, E. & McKenzie, B. (eds.) (2011). *Child Welfare: Connecting Research, Policy and Practice*, 2nd ed, Waterloo: Wilfrid Laurier University Press.

⁴⁴ Lynch, P. (2001). Keeping them home: the best interests of Indigenous children and communities in Canada and Australia. *Sydney Law Review*, 23(4), December, p502.

⁴⁵ McKenzie, B. & Shangreux, C. (2011) From Child Protection to Community Caring in First Nations Child and Family Services, ch22 in Kufeldt, E. & McKenzie, B. (eds.) (2011). *Child Welfare: Connecting Research, Policy and Practice*, 2nd ed, Waterloo: Wilfrid Laurier University Press.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Cummins, P., Scott, D., and Scales, B. (2012) *Report of the Protecting Victoria's Vulnerable Children Inquiry*. Melbourne: State of Victoria, p310; Ministerial Advisory Group on Transition of Out-of-home Care Service Provision in NSW to the Non-government Sector (2011) *OOHC Transition Plan: Stage 1 – The 'who' and the 'when'*, p8. Retrieved 13 March 2013 from: http://www.community.nsw.gov.au/docswr/_assets/main/documents/oohc_transition_plan.pdf

capacity in NSW, described above, indicate the pace of change that is possible in Queensland where there has been an even stronger history of Aboriginal and Torres Strait Islander agencies providing child protection related services.

SNAICC disagrees with the suggestion to frame the delegation of functions as a 'trial', as the imperative should exist for full delegation in line with capacity development. Of course, service quality must be supported, measured and reviewed, and delegation should only occur in line with the readiness of Aboriginal and Torres Strait Islander agencies to take on functions. However, SNAICC believes the Inquiry should make clear that participation in child protection decision-making is not optional or 'trial dependent', and show trust that Aboriginal and Torres Strait Islander peoples can, through an appropriately supported transition process, develop the necessary organisational capacity to perform statutory functions. The national evaluation of Communities for Children found that the willingness of Aboriginal and Torres Strait Islander families to engage with child and family services has been damaged by a history of short-term or incomplete programs. Flaxman et al describe the impact of trial approaches on family and community engagement:

The cycle of aborted programs and 'unfinished promises' had damaged the sustainability of successive initiatives...and fuelled resentment and mistrust.⁵⁰

The evaluation clearly identifies the need for long-term and sustainable approaches to child and family service delivery.⁵¹ There is a significant danger that a trial delegation of statutory functions could threaten not only future trust of communities for initiatives, but current community engagement where the initiative may be viewed as another program likely to be discontinued.

Another significant and complex issue to be addressed in the delegation of statutory authority to Aboriginal and Torres Strait Islander agencies is ensuring cultural distinctiveness of services; that is, a genuinely independent Aboriginal and Torres Strait Islander mode of service delivery, while operating within legal frameworks for child protection in Queensland. This will be a complex process of service development and needs to happen differently for different communities. SNAICC believes that a key supporting feature of culturally unique service design would be the development of a more independent funding stream for agencies administered through a non-government authority. That authority would develop and negotiate outcomes-based evaluation processes in partnership with individual agencies. QATSICPP has put forward a strong model for how such an authority could be structured in its submission to the Inquiry.⁵²

The following recommendation refers specifically to the delegation of statutory authority, however many of the processes described would also be those supporting the broader development of Aboriginal and Torres Strait Islander child and family well-being services.

Recommendation 8: That a full delegation of statutory functions to Aboriginal and Torres Strait Islander child and family well-being services be phased in over a 2-10

⁵⁰ Flaxman, S., Muir, K., and Oprea, I. (2009). *Indigenous families and children: coordination and provision of services*. Occasional Paper No 23. Canberra: Department of Families, Housing, Community Services, and Indigenous Affairs (FaHCSIA), p39.

⁵¹ Ibid.

⁵² QATSICPP. (2012). *Submission to Queensland Child Protection Commission of Inquiry*. Retrieved 13 March 2013 from: http://www.childprotectioninquiry.qld.gov.au/__data/assets/pdf_file/0006/168747/Qld_Aboriginal_-and-_Torres_Strait_Islander_Child_Protection_Peak_Ltd.pdf

year period in line with agency capacity. The transition process should include a strongly resourced capacity building component. Features of the delegation should include:

- (a) establishment of a non-government authority to administer funding and monitor service quality;*
- (b) a leadership role for QATSICPP to manage the transition process;*
- (c) initial state-wide scoping of Aboriginal and Torres Strait Islander community need, agency capacity and service development priorities;*
- (d) strong capacity development functions resourced within QATSICPP to support individualised capacity development plans for each agency with the full participation of Aboriginal and Torres Strait Islander communities.*

Recommendation 9: *That delegation of statutory functions should not be proposed as a trial because of the threat that this would pose to community acceptance of, and engagement with, the initiative. Non-continuation of a trial could also undermine trust of future initiatives to reduce the over-representation of Aboriginal and Torres Strait Islander children in the Queensland child protection system.*

4.3 Prioritising Aboriginal and Torres Strait Islander culture

The entirety of this submission addresses measures that contribute to prioritising, promoting and protecting Aboriginal and Torres Strait Islander culture in the Queensland child protection system. Additionally, SNAICC wishes to draw the attention of the Inquiry to two core concerns in supporting the strength and continuation of Aboriginal and Torres Strait Islander cultures where child protection intervention is necessary:

1. That greater compliance with the Aboriginal and Torres Strait Islander child placement is needed.
2. That all Aboriginal and Torres Strait Islander children in care require a cultural support plan that is implemented to ensure their ongoing connection to family, community and culture.

Both of these are already strongly recognised priorities within legislation and Queensland Government policy, however implementation is poor. As noted above, Queensland sits at over 15% below the national average for placement of children with their Aboriginal and Torres Strait Islander families or other Aboriginal and Torres Strait Islander people and this rate has dropped approximately 12% in the last six years.⁵³ The last child placement principle audit of the Commission for Children and Young People showed that assessment of the commitment of non-Indigenous carers to maintaining cultural connections for the child could only be demonstrated in 38% of relevant cases.⁵⁴

SNAICC believes that these are two outcomes areas where the cultural expertise of Aboriginal and Torres Strait Islander organisations could drive fast and sustainable change. Through holistic child and family well-being services, Aboriginal and Torres Strait Islander organisations can address core barriers to good cultural care for our children by:

- increasing the number of Aboriginal and Torres Strait Islander carers available through culturally appropriate carer assessment and support;
- supporting the identification of safe caring options within families and communities through coordination of open and solutions focussed family group meetings;

⁵³ Australian Institute of Health and Welfare. (2013). *Child Protection Australia 2011-12*. (Child Welfare Series No. 55). Canberra: Author, p81; ACPP Audit, p23.

⁵⁴ Commission for Children and Young People and Child Guardian. (2012). *Indigenous Child Placement Principle Audit Report 2010/11*. Brisbane: Author, p38.

- undertake quality and detailed assessment of children's individual cultural needs to ensure they are reflected in cultural support plans;
- provide culturally appropriate support to carers to fulfil cultural care responsibilities and implement cultural support plans for Aboriginal and Torres Strait Islander children.

A core function and key outcome of the proposed child and family well-being services should be to maintain connection to family and culture for Aboriginal and Torres Strait Islander children in out-of-home care.

4.4 Supporting participation of Aboriginal and Torres Strait Islander children

As noted above, children have a right to participate in decision that affect them in line with their age and maturity.⁵⁵ Recognised entities have no specified role to work with and directly support Aboriginal and Torres Strait Islander children. SNAICC is informed that in the absence of this, Aboriginal and Torres Strait Islander children in Queensland lack culturally appropriate support for understanding and contributing to child protection processes that concern them, including in family group meetings. Encouragingly, the Queensland Government has taken positive steps towards enhancing the participation of children in the system through the development of a strategy for children's participation in partnership with Create Foundation and the youth led G-Force group.⁵⁶ The strategy identifies that Aboriginal and Torres Strait Islander children may need specialist assistance for participation from someone who understands their culture and can communicate effectively with them.⁵⁷ SNAICC identifies a critical opportunity that the recognised entity role could be extended to include consultation with children at key points to inform decision-making processes. This should include directly providing information and assistance to Aboriginal and Torres Strait Islander children in their preparation for family group meetings.

Recommendation 10: *That the role of recognised entities be extended to include information provision and consultation directly with Aboriginal and Torres Strait Islander children to support their participation in child protection processes, including family group meetings.*

5. Funding differentiated child protection service delivery for Aboriginal and Torres Strait Islander children and families.

Question 46

Where in the child protection system can savings or efficiencies be identified?

SNAICC is concerned that the chapter of the Inquiry's discussion paper addressing funding of the child protection system does not specifically address the implications of funding differentiated approaches to meeting the needs of Aboriginal and Torres Strait Islander children and families. Indeed, it has been a continuing feature of child protection systems reform across Australia that while the need for Aboriginal and Torres Strait Islander participation in child protection has been identified, under-resourcing of community-led

⁵⁵ *Convention on the Rights of the Child 1989*, art 12.

⁵⁶ G-Force. (2012). *Children and young people's participation strategy*. Retrieved 13 March 2013 from: <http://www.communities.qld.gov.au/resources/childsafety/foster-care/youth/cyp-participation-strategy.pdf>

⁵⁷ *Ibid*, p6.

services and approaches have consistently undermined a principled commitment to self-determination.

This is especially critical remembering that Aboriginal and Torres Strait Islander children represent nearly 40% of all children in out-of-home care in Queensland.⁵⁸ It can thus be concluded that a commensurate amount of funds is required to respond both to the needs of those children and to the family support needs that contribute to their coming to the attention of the child protection system.

A majority of child protection and family support funding in Queensland is directed to mainstream services and non-differentiated approaches for Aboriginal and Torres Strait Islander children and families. This is evidenced by the current 15.9% allocation of NGO funding to Aboriginal and Torres Strait Islander agencies,⁵⁹ noting that even for these services, Aboriginal and Torres Strait Islander peoples have had little input into service model design. Any genuine efforts to enhance Aboriginal and Torres Strait Islander participation in Queensland's child protection system will require a significant shift in the way services are funded. In particular, it will require a shift in funding allocation for the provision of services to Aboriginal and Torres Strait Islander families from mainstream providers to the Aboriginal and Torres Strait Islander community-controlled sector in line with capacity development activities described above. SNAICC strongly supports the recommendation of PeakCare in its submission to the Inquiry that there is a need to:

Quarantine funds for responses, programs and services to Aboriginal and Torres Strait Islander children and families for disbursement to Aboriginal and Torres Strait Islander community controlled and led organisations. The proportion of funds should be commensurate with the level of over-representation of children in contact with the tertiary system and reflect the high priority that should be assigned to the development of innovative prevention and early intervention services that are culturally relevant to Aboriginal and Torres Strait Islander peoples.⁶⁰

It is critical that the current Inquiry takes a long-term view that recognises the benefits of differentiated investment, rather than a short-term outlook on immediate efficiencies that can be created through mainstream approaches that have consistently failed Aboriginal and Torres Strait Islander families.

Recommendation 11: *That there is a significant shift in allocation of non-government grant funding for service delivery to the Aboriginal and Torres Strait Islander community-controlled child and family service sector, commensurate with the over-representation of Aboriginal and Torres Strait Islander children in the child protection system.*

SNAICC strongly advocates an overall shift in funding allocation to early intervention and prevention activities, which would be a core focus of the proposed Aboriginal and Torres Strait Islander child and family well-being services. While SNAICC applauds the Inquiry's

⁵⁸ Australian Institute of Health and Welfare. (2013). *Child Protection Australia 2011-12*. (Child Welfare Series No. 55). Canberra: Author, pp79 and 81.

⁵⁹ Queensland Child Protection Commission of Inquiry. (2013). *Discussion Paper*. Brisbane: Author, p174.

⁶⁰ PeakCare Queensland. (2012). *Preliminary Submission to Queensland Child Protection Commission of Inquiry*, p74. Retrieved 13 March 2013 from: http://www.childprotectioninquiry.qld.gov.au/__data/assets/pdf_file/0011/167591/PeakCare_Wege ner_Lindsay.pdf

attention to early intervention initiatives such as Helping out Families, recommendations for broader roll-out need to strongly consider the suitability of this program for Aboriginal and Torres Strait Islander families and its connection to other initiatives. It is vitally important that any investment in early intervention service delivery is integrated with investment in the proposed Aboriginal and Torres Strait Islander child and family well-being services, and that competing or duplicated service responses are not pursued.

6. Summary of Recommendations

SNAICC recommends the following actions to reduce the over-representation of Aboriginal and Torres Strait Islander children in the Queensland child protection system:

Recommendation 1: That the Queensland Government invests in the development of Aboriginal and Torres Strait Islander children and family well-being services with state-wide coverage and broad and holistic functions in primary, secondary and tertiary service delivery. Success will depend on a significant shift in non-government grant funding to Aboriginal and Torres Strait Islander controlled agencies.

Recommendation 2: That QATSICPP lead the process of change required to develop Aboriginal and Torres Strait Islander child and family well-being services. They should be strongly resourced to undertake community consultations, support capacity building for Aboriginal and Torres Strait Islander child and family wellbeing services, and have high level engagement in related policy development at the state level.

Recommendation 3: That existing Aboriginal and Torres Strait Islander community-controlled child and family support services be strongly included in the process of service design and development for new child and family well-being service hubs at the regional level.

Recommendation 4: That a dedicated role to facilitate local service coordination be resourced within Aboriginal and Torres Strait Islander child and family well-being services. This role would focus on supporting relationship development and increasing collaboration between existing services supporting Aboriginal and Torres Strait Islander families in each region.

Recommendation 5: Recognised entities should be resourced to undertake functions in community consultation. This would include the establishment of appropriate community child protection groups; the training of community members in the provision of confidential input in child protection processes; and the facilitation of consultations. Such a function could be linked to broader community consultation of a child and family well-being service, but would require distinct elements considering confidentiality requirements in statutory decision-making.

Recommendation 6: An alternate funding stream is developed that severs the direct link between the government child protection service and the recognised entity function to ensure independent operation. An independent body would provide funding for the recognised entity, monitor performance, and monitor and report on the performance of the government child protection service in supporting and enabling recognised entity participation. The subsidiary company recommended for establishment by QATSICPP in its submission to the Inquiry could perform this function.

Recommendation 7: That additional family support functions of the recognised entity be clearly identified and included throughout the child protection process. Further, that the role of recognised entities be extended to include the coordination and facilitation of family group meetings

Recommendation 8: That a full delegation of statutory functions to Aboriginal and Torres Strait Islander child and family well-being services be phased in over a 2-10 year period in line with agency capacity. The transition process should include a strongly resourced capacity building component. Features of the delegation should include:

- (a) establishment of a non-government authority to administer funding and monitor service quality;
- (b) a leadership role for QATSICPP to manage the transition process;
- (c) initial state-wide scoping of Aboriginal and Torres Strait Islander community need, agency capacity and service development priorities;
- (d) strong capacity development functions resourced within QATSICPP to support individualised capacity development plans for each agency with the full participation of Aboriginal and Torres Strait Islander communities.

Recommendation 9: That delegation of statutory functions should not be proposed as a trial because of the threat that this would pose to community acceptance of, and engagement with, the initiative. Non-continuation of a trial could also undermine trust of future initiatives to reduce the over-representation of Aboriginal and Torres Strait Islander children in the Queensland child protection system.

Recommendation 10: That the role of recognised entities be extended to include information provision and consultation directly with Aboriginal and Torres Strait Islander children to support their participation in child protection processes, including family group meetings.

Recommendation 11: That there is a significant shift in allocation of non-government grant funding for service delivery to the Aboriginal and Torres Strait Islander community-controlled child and family service sector, commensurate with the over-representation of Aboriginal and Torres Strait Islander children in the child protection system.