**United Nations Expert Mechanism on the Rights of Indigenous Peoples**

Item 6: Country engagement: Panel Discussion on Australian country visit

Tuesday 9 July 2024, 10:00 – 13:00, Palais des Nations, Geneva

Thank you Chair

I would firstly like to acknowledge Indigenous Peoples in this room, pay respects to Elders past, present and emerging. I am privileged to live and work on Kariyarra country in the north of Western Australia.

I recognise the strength and resilience of Indigenous people and their enduring cultures, and the responsibility required to work in partnership with Indigenous communities.

I would like to thank the Expert Mechanism for its visit to Western Australia (WA) in October 2023.

The Country Engagement Mission and the Advisory Note provide valuable observations about the state of affairs in WA relating to Aboriginal children and families engaged in the child protection system.

I want to also acknowledge the Aboriginal community members, Elders and Aboriginal Community Controlled Organisations (ACCOs) who participated in the discussions throughout EMRIP’s visit.

I acknowledge the role and expertise of Dr Hannah McGlade as a member of the Noongar Family Safety and Wellbeing Council and requestor of this visit.

The Department of Communities values its strong relationship and partnerships with the Council and with key reform activities relating to the over-representation of Aboriginal children in care.

The State Government recognises that the over-representation of Aboriginal children and families in the child protection system is a significant issue. I would also like to acknowledge the harm caused by past legislation and policies of forced child removals that created the legacy of the Stolen Generations across Australia.

We are committed to addressing this through Aboriginal-led approaches that empower families and communities. We value this opportunity to learn more about how we can better do this.

At the outset, I would like to explain that in Australia, the primary responsibility for child protection and out of home care lies with individual state and territory governments.

While recognising the role that all levels of government have in addressing the over-representation of Aboriginal children and families in the child protection system, in my capacity I can only speak to Department of Communities led matters and initiatives.

Since Australia endorsed the UN Declaration on the Rights of Indigenous Peoples in 2009, and in line with Australian Governments’ commitments under the National Agreement on Closing the Gap, the State Government has taken significant steps to implement the Declaration and promote Aboriginal people’s enjoyment of rights on an equal basis.

Chair, we welcome the opportunity to be here today, to engage with the United Nations, with Member States and with the EMRIP experts, to listen, to respond to the report, consider the recommendations and outline what we are doing to improve the outcomes of Aboriginal people.

**POLICY SETTINGS**

I note EMRIP’s acknowledgement of areas where Australia is doing well, including policy at the national level such as Closing the Gap which includes a target to reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent by 2031.

The WA Government is committed to achieving this target and eliminating the gap in life outcomes for Aboriginal and non-Aboriginal Australians.

Aligned to the Closing the Gap, the WA Government’s Aboriginal Empowerment Strategy 2021-2029 and Whole-of-Government Aboriginal Community-Controlled Organisation (ACCO) Strategy commits the WA Government to increasing the proportion of services to Aboriginal people delivered by ACCOs.

The WA Government is committed to ACCO sector strengthening activities through the establishment of a new peak body to represent and build the capacity of the ACCO sector in WA – the Council of Aboriginal Services WA (CASWA).

The Department has developed its own ACCO Strategy and is focused on building genuine partnerships with ACCOs.

Since the initial request for EMRIP was made in 2018, we have seen a significant increase in ACCO involvement in child protection service delivery, and a dedicated focus on active efforts to improve outcomes for Aboriginal families in partnership with Aboriginal people and communities.

Safe and Supported: the National Framework for Protecting Australia’s Children 2021-2031 and its respective action plans are the National policy framework guiding these efforts.

Safe and Supported brings together the Australian, State and Territory Governments, and First Nations representatives under a formal partnership agreement to work together towards reducing the over-representation of Aboriginal families in child protection systems; and reduce the rate of child abuse and neglect and it’s intergenerational impacts.

The Partnership Agreement outlines our commitment to fundamentally changing the way governments and Aboriginal and Torres Strait Islander people work together, recognising that progressive system transformation is required.

To support this, we commissioned SNAICC to develop a 10 Year Roadmap to Reduce the Number of Aboriginal Children in care which is currently being considered across Government.

The Roadmap has been developed with Aboriginal communities across WA and will build on a number of existing initiatives being delivered to support the future direction of WA’s child protection strategy.

**ADDRESSING SOCIAL DETERMINANTS OF CHILD PROTECTION**

The WA Government is committed to addressing the social determinants which increase the risk of Aboriginal families interacting with the Child Protection system.

In 2018 the WA State Government announced the Early Years Partnership, to improve early years outcomes for children aged 0-4 years across four WA Communities. Priorities include access to early learning and early intervention, parent health, family safety and family financial well-being.

The State Government has also recently significantly invested in family and domestic violence prevention and responses, noting that family domestic violence is a key driver of involvement with the child protection system.

The WA Aboriginal Family Safety Strategy led by Aboriginal people across WA is a priority action of the ‘Path to Safety’, WA’s 10 Year Family and Domestic Violence Strategy.

This initiative aims to address family violence impacting Aboriginal women, children, families and communities. We know better outcomes are achieved when there is recognition of the important role of Aboriginal people and ACCOs in delivering services in the prevention and response to FDV.

The WA State Government’s Earlier Intervention and Family Support (EIFS) Strategy seeks to provide early, culturally responsive supports for families engaged with or at risk of contact with the child protection system through programs such as Family Support Networks, Aboriginal In-home Support Services, Target 120 and a new Regional Service Model.

These programs include a significant number of ACCOs working with families and young people, connecting them with services and supports and working to keep kids safely at home.

**FAMILIES IN CHILD PROTECTION**

When families become known to the child protection system there are a range of targeted initiatives to work with families to reduce the likelihood of children entering care. .

This includes the Pre-birth Planning Program which promotes the safety, wellbeing, and health of at-risk unborn infants and, where possible, preventing newborn infants from entering care at birth through multi-disciplinary collaboration, particularly with health services.

Since the Pilot initiated in 2018-19 the number of infants entering care within the first seven days since birth has more than halved.

The WA Government’s priority is that wherever possible when Aboriginal children do enter out of home care, they are placed in care arrangements in accordance with the Aboriginal and Torres Strait Islander Child Placement Principle.

The EMRIP report acknowledged the legislative amendments made to the Children and Community Services Act 2004, which included the introduction of Aboriginal Representative Organisations.

ACCO led initiatives such as AROs, Aboriginal Family Led Decision Making programs, and other early intervention services are supporting WA’s efforts to promote Aboriginal self-determination in the Child Protection system.

Importantly, the WA Government is making a significant investment to reform WA’s Out of Home Care system. Since EMRIP were in WA we have had five additional ACCOs commence providing out-of-home services , meaning 6 out of 16 providers across the state are now Aboriginal led which is a significant milestone for WA.

ACCOs involved in care arrangements, means the State can provide more culturally responsive care and improved opportunities for early reunification.

Communities is also focused on creating and sustaining a therapeutic, healing and stable care environment through the Residential Care Reform program.

The principles for this reform are to better embed culturally appropriate safety, stability, and high-quality care for children in residential settings all the while improving cultural connection to family, community and country.

I would like to recognise the acknowledgement in EMRIPs report of the benefit of initiatives such as the Dandjoo-Bidi-ak, Therapeutic Court in WA, which is improving outcomes for Aboriginal families in care and protection legal proceedings.

Since EMRIP’s visit, the WA State Government has committed to expanding Dandjoo Bidi-Ak from two to five days per week, while an evaluation of the program is completed.

**WORKFORCE**

The Department remains committed to increasing the number of Aboriginal services and staff in the Child Protection workforce, to improve culturally responsive practice.

Importantly, in frontline child protection services, culturally responsive practice, decision making, and advice is provided by Aboriginal Practice Leaders and Aboriginal Regional Coordinators.

In regional and remote locations, where the population of Aboriginal people is higher, the percentage of Aboriginal staff doing direct service delivery is also higher.

The Department remain committed to improving outcomes for Aboriginal children, and families, communities and employees, through recognising the need to improve cultural responsiveness, capability and safety in the organisation as a whole.

To do this, in 2021 the Department established an Aboriginal Outcomes Division, to lead key priorities and initiatives impacting Aboriginal people and Communities.

In 2022 we also established an Aboriginal Strategic Advisory group to guide Senior Departmental Leadership and Minister’s on strategic policy directions.

The Department’s Aboriginal Cultural Capability Reform Program includes the development of an Aboriginal Cultural Framework and Cultural Learning Strategy.

This is anticipated to increase the cultural responsiveness of systems, policies, and practices to enable improved outcomes for Aboriginal children, families and communities in WA.

We have an Aboriginal Workforce Support program to increase opportunities for Aboriginal staff career progression, including through mentoring, development of career pathways and targeted leadership opportunities. We strive to support our Aboriginal staff to become key leaders across the child protection sector.

I’ve shared with you today some of the key programs underway, however the WA State Government, and Australia more broadly recognises that there is still much work required to deliver on Closing the Gap.

However, ambitious targets for the Priority Reforms and socio-economic outcomes will enable all of us to focus efforts on collectively achieving these as they are so important for our country.

With state and territory governments working together with the Australian Government and with First Nations people, learning from each other, and engaging in conversations such as this, Australia can move towards a more just and equitable future for all its citizens.