Report snapshot

About this report

The Department of Communities and Justice (DCJ) is responsible for safeguarding the rights of Aboriginal children, families, and communities when they encounter the child protection system. These rights are known as the Aboriginal and Torres Strait Islander Principles (the Principles), which are set out in legislation.

DCJ provides early intervention, prevention and out of home care services and also subcontracts non-government organisations to provide these services.

This audit assessed whether DCJ, and five funded non-government organisations that provide out of home care services, are effectively safeguarding the rights of Aboriginal children in the child protection system.

Findings

DCJ cannot demonstrate its compliance with the Principles. DCJ has not embedded the Principles in its governance, accountability arrangements, policy and day-to-day casework practice.

Insufficient governance and accountability arrangements have contributed to DCJ's failure to deliver on Aboriginal strategies and reforms in the last five years.

DCJ has not developed holistic family preservation models based on Aboriginal ways of healing.

DCJ is aware that its structured decision-making tools, used to make significant casework decisions, adversely affect Aboriginal children and their families. However, DCJ continues to use the tools.

DCJ has no quality assurance mechanisms over its child protection system and casework practice.

As system steward, DCJ has not provided non-government organisations with means to satisfy the Principles.

Recommendations

The audit recommends that DCJ:

- establish governance and accountability arrangements that provide oversight of the safeguards and outcomes for Aboriginal children and families
- develop and implement a quality assurance framework to ensure compliance with safeguards for Aboriginal children at all points in the child protection system
- fulfil its commitment to develop and implement a healing framework for child protection services
- commission family preservation services consistent with the principles of self-determination and participation set out in the Principles.

Fast facts

7%

of children in New South Wales are Aboriginal

1 in 8

Aboriginal children seen by caseworkers enter out of home care

65%

average per cent of Aboriginal children who entered out of home care via emergency removal powers over the last five years

45%

of children in out of home care were Aboriginal as at June 2023

6,500

Aboriginal children were in out of home care as at June 2023

57 years

estimated time it will take DCJ to transfer case management of Aboriginal children in out of home care to Aboriginal Community Controlled Organisations