

SEPTEMBER 2023

# FIC REPORT CARD



# Family Is Culture

Community Report Card 2023



**Aboriginal  
Legal Service**  
(NSW/ACT) Limited



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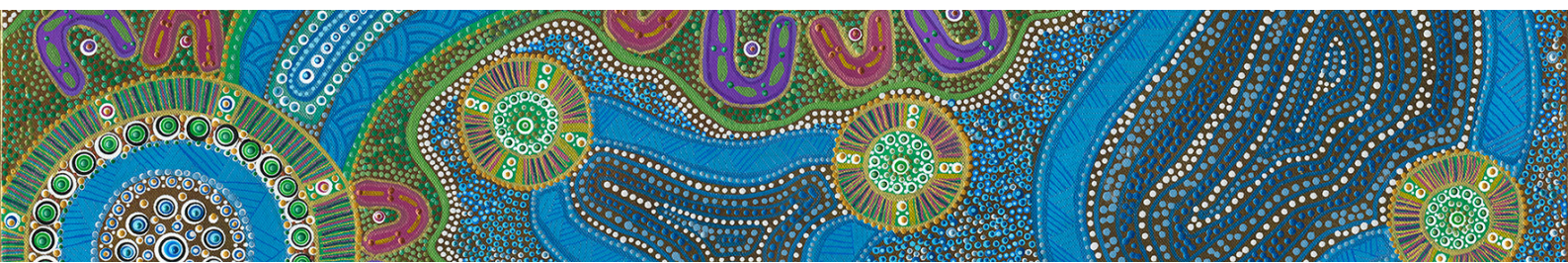
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# 01. INTRODUCTION

AbSec and the Aboriginal Legal Service (NSW/ACT) Limited (ALS) have developed an annual Family Is Culture Report Card to provide an independent, Aboriginal community perspective on the NSW Government's implementation of the 2019 Family Is Culture (FIC) Review Report recommendations.

This September 2023 edition has a particular focus on shared decision-making and partnership with Aboriginal communities. This report card will also examine how the NSW Government has fared in terms of its engagement with AbSec and ALS as the peak bodies representing Aboriginal children, families, communities and care providers across NSW.

Other key updates and commentary included in this report card are the NSW Government's declared attempts to progress FIC implementation during 2023. Particularly this will focus on currently inoperative 'active efforts' provisions which passed NSW Parliament in late 2022 as well as the announcement of the **Better Decisions for Children** project by the Department of Communities and Justice (DCJ) in August 2023.

This report card is based on our FIC implementation framework, **Honouring Family Is Culture: NSW Aboriginal Community Monitoring and Reporting Framework**. Honouring Family Is Culture considers both the substance of what the NSW Government has implemented and the means of implementation itself.

We note that the lack of a DCJ progress update on FIC implementation since their last update was provided in 2021 has made reporting on NSW Government progress in 2023 more difficult than it has previously been.

**In NSW, Aboriginal children are being removed from their families at over**

**11x**

**of non-Aboriginal children**

In the absence of an update to the NSW Government's Family Is Culture Progress Report (August 2021), our analysis is informed by our experiences as the peak Aboriginal child protection and legal services engaging in the implementation processes of DCJ.





# INTRODUCTION



**As we and countless other reports, inquiries and reviews have previously noted, Aboriginal families have been raising strong, healthy children for millennia. We are experts in bringing up happy, healthy and resilient Aboriginal children, who are made stronger by the richness of their culture. Aboriginal children, families and communities have the right to live in thriving communities, connected to culture and Country.**

The United Nations Declaration on the Rights of Indigenous Peoples' and the United Nations Convention on the Rights of the Child are both international human rights frameworks which underpin all the work of AbSec and ALS. These frameworks both uphold and protect rights to [collective] self-determination, as well as the fundamental human right for a child to live with their family and community. This report card aims to hold Government to the standards set out in these instruments, to their commitment to international human rights and to the children and families who are at the heart of all the work we do.

We repeat our call in Honouring Family is Culture for the NSW Government to hear and respect our expertise and rights as provided in the FIC Review Report. The 2019 FIC Review was the largest, most comprehensive, independent, Aboriginal-led review of Aboriginal children in the NSW child protection system.

The Report provides a roadmap to transforming the child protection system in NSW for Aboriginal families. FIC findings and recommendations address the disproportionate impact on Aboriginal children and families through reforming our child protection system to improve outcomes for Aboriginal children and young people and supporting families.

The Report provides the actions needed to achieve the Closing the Gap target of reducing the over-representation of Aboriginal children in out-of-home care by 45% by 2031.



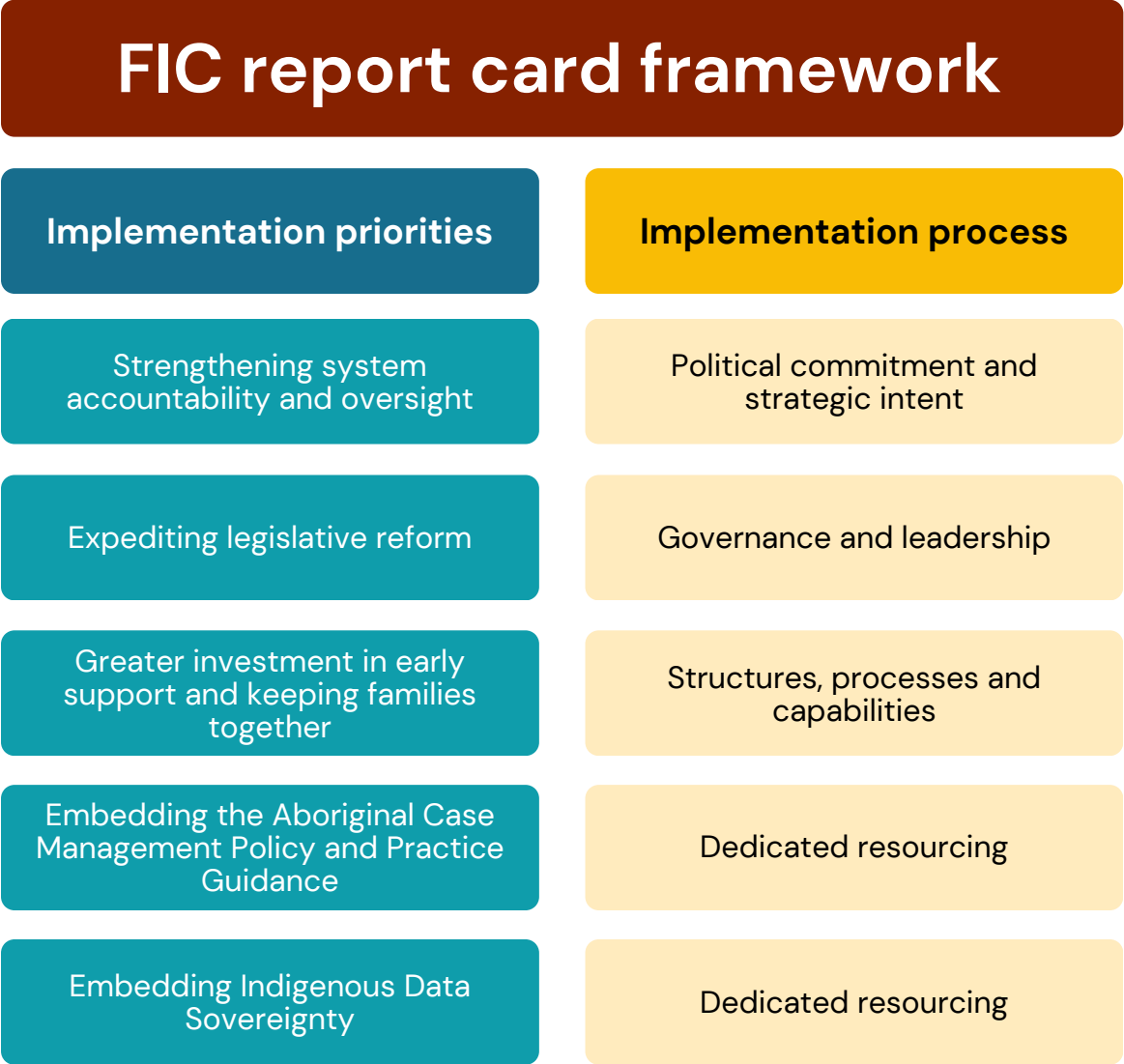
# 02. OUR FIC IMPLEMENTATION REPORT CARD FRAMEWORK

Honouring Family is Culture outlined our framework for assessing the NSW government’s implementation of FIC, focused on two main dimensions (see Figure 1):

- Implementation priorities (the ‘what’)
- Implementation processes (the ‘how’)

This approach is informed by our communities’ identified priorities for implementation of FIC and our analysis of the key requirements and enablers for implementing systemic change.

**FIGURE 1. FIC REPORT CARD FRAMEWORK**





# IMPLEMENTATION PRIORITIES (THE ‘WHAT’)

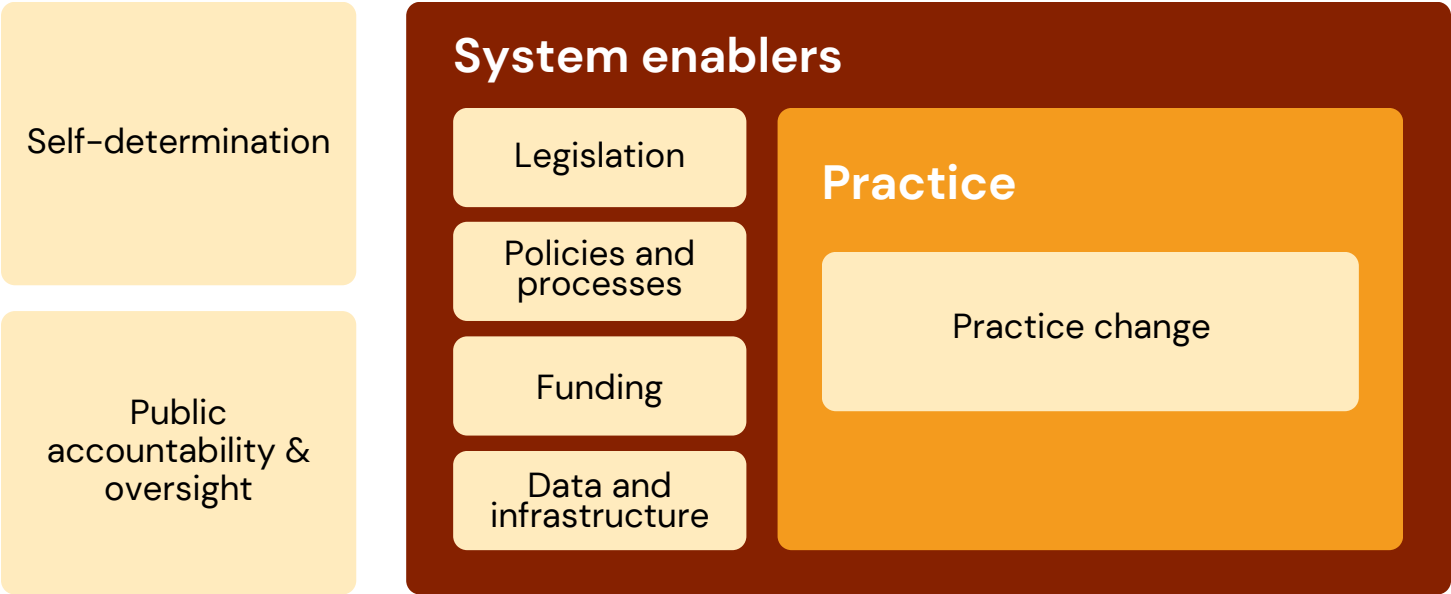


## Implementation priorities must be determined by Aboriginal people and communities

Aboriginal people and communities must determine the priorities for improving outcomes for Aboriginal children and their families if reform efforts are to be successful. Through our engagement with Aboriginal communities and stakeholders, AbSec and the ALS have identified five community led priority areas for implementation. Underpinning these priorities is the need for the NSW Government to take a holistic view of the FIC Review Report findings and recommendations to transform child protection systems and practice.

This requires an organised approach centred on the critical reform pillars called for by the FIC Review – self-determination, and public accountability and oversight, while recognising that systems change is needed to create the enabling environment for impactful and sustained practice change. This organising approach is illustrated in Figure 2.

**FIGURE 1. FIC REPORT CARD FRAMEWORK**





# IMPLEMENTATION PRIORITIES

## IMPLEMENTATION PRIORITIES ('THE WHAT')

The following table provides our analysis of progress organised according to the Honouring Family is Culture framework against the five community-led priority areas for implementation as of September 2023, four years after the release of the FIC Report.

PRIORITY AREA:	STATUS:	COMMENTARY:
<p><b>Strengthening system accountability and oversight,</b> including establishing an independent commission with at least one Aboriginal Commissioner and an Aboriginal Advisory Body appointed in consultation with the Aboriginal community.</p> <p><i>(FIC recommendations: 4, 5, 9, 10-14, 16, 18, 62, 68, 75, 79, 83, 100, 102)</i></p>		<ul style="list-style-type: none"><li>• We have not seen progress from the NSW Government on establishing a new, independent Child Protection Commission and an Aboriginal Child and Family Commissioner. This remains a critical gap in providing the level of system accountability and oversight envisioned by FIC and is consistent with other commitments under the Safe and Supported Aboriginal and Torres Strait Islander Action Plan.</li><li>• We note the Deputy Children’s Guardian role previously filled by Richard Weston at the Office of the Children’s Guardian (OCG) has been vacant since his departure in 2022. The Deputy role was not a recommendation of FIC despite being advertised previously as ‘a key component of the NSW Government’s response to the Family is Culture report’[1]. Moreover, this role continues to situate Aboriginal leadership beneath non-Aboriginal leadership in a hierarchical power structure. This fundamentally undermines the impact of the role and contradicts the principles of shared decision-making agreed to under the Closing the Gap National Agreement.</li><li>• We also note the recent appointment by the Advocate for Children and Young People (ACYP) of the Aboriginal Children’s Advocate, and that this is therefore not a NSW Government response to the FIC Review. This role is also not a sufficient substitute for an Aboriginal Child and Family Commissioner.</li></ul>

[1] (Office of the Children’s Guardian, 2021)  
<https://ocg.nsw.gov.au/news/check-empowerment-guide-news-story>

# IMPLEMENTATION PRIORITIES

**PRIORITY AREA:**

**Expediting legislative reform**  
to strengthen  
safeguards for  
Aboriginal children and  
young people and their  
families.

*(FIC recommendations:  
8, 9, 11, 15, 17, 19, 20, 25,  
26, 48, 54, 64, 65, 71,  
76, 94, 102, 112, 113, 117,  
121, 122, 123)*

**STATUS:**



**COMMENTARY:**

- There was a limited suite of legislative changes that were made at the end of 2022, as a direct result of the advocacy of AbSec and ALS. The Government process of reform was inadequate – our voices were marginalised in a government-led process. This is not an acceptable way to develop impactful policy for Aboriginal communities.
- We have not seen progress on any additional legislative changes recommended by FIC since the above amendments. This is particularly concerning in relation to the legislative changes previously advocated by AbSec and ALS as requiring urgent and immediate implementation. We are committed to working with Minister for Families and Communities and Minister for Disability Inclusion Kate Washington and the Minns government to see this achieved.
- Most disappointingly, we have yet to see proclamation of the ‘active efforts’ provisions which were the centrepiece of the November 2022 amendments. Although the wording used for these provisions was not in the form recommended by AbSec or ALS, we are cautiously optimistic these provisions will have real impacts for our children and families if they are implemented as intended.
- In circumstances where the proportion of children who are Aboriginal within the NSW Out-of-Home-Care (OOHC) system is likely to pass 50% by the end of 2024, and in some locations close to 100%, community has called for the immediate commencement of the Active Efforts provisions.



# IMPLEMENTATION PRIORITIES

PRIORITY AREA:	STATUS:	COMMENTARY:
<p><b>Early support and keeping families together,</b></p> <p>at least equal to the proportion of Aboriginal children in the child protection system and directed through an Aboriginal commissioning framework.</p> <p><i>(FIC recommendations: 21, 22, 23, 24, 27-34, 36-38, 40, 42-47, 50-53, 55, 56-58, 105, 107-111)</i></p>		<ul style="list-style-type: none"><li>• There is an urgent need for early support funding for Aboriginal families at least equal to the proportion of Aboriginal children within the child protection system. In August 2023, Minister Washington hosted the Aboriginal Child Safety and Wellbeing Reform Forum with key stakeholders in Sydney. The intention of the forum to develop a roadmap for reform to reduce the number of Aboriginal children in care, should be recognised. Yesterday’s Budget did not provide for any new investment in prevention or early intervention, and again fails to implement the transformational change towards the front end of the system called for by FIC.</li><li>• During the Minister’s Forum we again saw repeated calls for direction of funding through an Aboriginal commissioning framework. We are yet to see whether the new NSW government and DCJ are willing to commit to establishing such a framework.</li><li>• The NSW Government has already committed to delivering 30% of early intervention funding to ACCOs by 30 June 2021. Despite this, the ACCO share of Targeted Early Intervention funding is currently below 15%.</li><li>• The recently released evaluation of the Permanency Support Program (PSP) in NSW and the most recent Productivity Commission report examining progress in terms of Closing the Gap have both been scathing in terms of the value of government-led initiatives not designed, delivered and evaluated in true partnership with Aboriginal Community-Controlled Organisations (ACCOs) and families.</li></ul>

# IMPLEMENTATION PRIORITIES

PRIORITY AREA:	STATUS:	COMMENTARY:
<p><b>Embedding the Aboriginal Case Management Policy and Practice (ACMP) Guidance,</b> including the establishment of Aboriginal Community Controlled Mechanisms, Community Facilitators and Aboriginal Family Led Decision-Making.</p> <p><i>(FIC recommendations: 27, 39, 56, 72, 73, 77, 81, 85, 86, 93, 97 - 101, 103, 104, 107)</i></p>		<ul style="list-style-type: none"><li>• The ACMP was developed by AbSec in 2018 and despite this, has yet to be implemented state-wide. As part of FIC recommendation 56, government committed to commission an independent review of the Structured Decision-Making (SDM) tools. AbSec was subsequently contracted by DCJ to complete a comprehensive review.</li><li>• In late 2022, AbSec withdrew from the contract as initial community consultations gave a clear directive to abolish the SDM and design new assessment processes and tools through an Aboriginal-led process. This recommendation reiterated the views of many community members who have long called for the abolition of the SDM.</li><li>• Despite this, DCJ proceeded with an internal review of the SDM tools. In August 2023, DCJ published the 'redesign' of the Structured Decision-Making tools. These new 'Aboriginal family-led assessments' were launched as part of the Better Decisions for Children project. However, the process of design and execution has taken place with negligible transparency or meaningful community engagement.</li><li>• We are particularly disappointed that on the release page for Better Decisions for Children, AbSec have been listed as a close consultant. As AbSec actively pulled out of any consultation process, this raises concerns regarding the level of engagement with the other Aboriginal 'consultants' listed and on the overall transparency of the consultation process. At the Minister's Forum, we clearly heard community concerns about the SDM tools and the newly created community panels, suggesting DCJ are consulting, but still not listening.</li><li>• As a part of the reform agenda presented at the Minister's Forum, DCJ framed the establishment of Safeguarding Decision-Making Panels for Aboriginal children as an opportunity for Aboriginal consultation to ensure that decisions about Aboriginal children are culturally informed and meet statutory requirements. There has been no engagement or consultation with Aboriginal communities on the purpose of the panel nor the ways in which it impacts the lives of Aboriginal children. This is a further example of the Government's failure to embed shared decision-making in the reform process.</li></ul>



# IMPLEMENTATION PRIORITIES

PRIORITY AREA:	STATUS:	COMMENTARY:
<p><b>Embedding Indigenous Data Sovereignty,</b></p> <p>at least equal to the proportion of Aboriginal children in the child protection system and directed through an Aboriginal commissioning framework.</p> <p><i>(FIC recommendations: 1, 2, 3, 23, 35, 41, 49, 63, 69, 70, 74, 75, 79, 83, 84, 96, 106)</i></p>		<ul style="list-style-type: none"><li>• We acknowledge the work of the Pathways of Care Longitudinal Study (POCLS) Reference Group in this area. This is a positive development, and something supported by FIC.</li><li>• However, despite Indigenous Data Sovereignty and Governance (IDS/G) featuring heavily in NSW Government commitments under CtG, DCJ and other departments with relevant information continue to maintain a culture of secrecy and gatekeeping in relation to core data about the rate, nature and journey of Aboriginal children through the child protection and OOH system.</li><li>• We continue to point to the government’s commitments under frameworks such as CtG and Safe and Supported, as well as the ample evidence provided by numerous reports including the Productivity Commission CtG review, in advocating for commitment to IDSG.</li><li>• The Government’s efforts to progress IDS/G in a DCJ-centred way and led by DCJ through their internal Ngaramanala unit is conceptually flawed and reflects the ritualism referred to in the FIC report</li></ul>

# IMPLEMENTATION PROCESS

## IMPLEMENTATION PROCESS ('THE HOW')

How the FIC review recommendations are implemented is equally as important as what gets implemented. This is why FIC’s recommendations were founded in its two key pillars of change: self-determination, and public accountability and oversight. Aboriginal stakeholders and communities must be empowered and engaged as key decision-makers in implementation processes and these processes must be transparent and accountable.

The following table details our assessment of how the NSW Government is implementing FIC in collaboration with Aboriginal stakeholders and communities, against the key process elements identified in Honouring Family is Culture.

PRIORITY AREA:	STATUS:	COMMENTARY:
Political commitment and strategic intent		<ul style="list-style-type: none"><li>• The March 2023 change in the NSW Government created the opportunity for new political will and commitment to implementing the 126 FIC recommendations.</li><li>• Some political will was demonstrated by the incoming Minister Washington who publicly stated her commitment to ‘co-creating a legacy of progress and positive outcomes’[2]. Political will has also been demonstrated by Minister for Aboriginal Affairs David Harris who has publicly stated that ‘Aboriginal families and culture (must be) at the heart of policies for the best outcomes for Aboriginal children’[3].</li><li>• In August 2023, Minister Washington hosted the Aboriginal Child Safety and Wellbeing Reform Forum with key stakeholders in Sydney. The intention of the forum to develop a roadmap for reform to reduce the number of Aboriginal children in care, should be recognised. However, yet again, the forum was DCJ led and only after significant effort and intervention from peak bodies, was there any sense of input from Community. Furthermore, this intention completely overlooks the already existent roadmap for reform: the 2019 FIC Review report and its 126 recommendations.</li><li>• Overall, we have seen a continued failure to develop an agreed comprehensive implementation plan, and a lack of whole of government commitment to improving systems, evidenced by the absence of a budgeted commitment to structural/systemic change.</li><li>• Governments have committed to a new way of working with Aboriginal communities through CtG, however work on FIC has not reflected the priority reforms.</li></ul>

[2]  
<https://www.nsw.gov.au/media-releases/reshaping-outcomes-for-aboriginal-families>

[3]  
<https://www.nsw.gov.au/media-releases/reshaping-outcomes-for-aboriginal-families>



# IMPLEMENTATION PRIORITIES

PRIORITY AREA:	STATUS:	COMMENTARY:
Governance and leadership		<ul style="list-style-type: none"><li>• In terms of governance and leadership, we have continued to see a lack of agreed governance structures and a failure to establish high level governance embedding shared-decision making. Instead, we have seen Government-led arrangements, for example the initial Aboriginal Knowledge Circle established by the previous Minister, which were not recommendations of the FIC report.</li><li>• In November 2021, the NSW Government created the Transforming Aboriginal Outcomes (TAO) division at DCJ. In addition to driving DCJ to meet CtG targets for child protection, one of the key aims of TAO was to improve the way DCJ engages with Aboriginal communities. TAO cannot be understood to be a substitute for meaningful engagement with Aboriginal families and communities. Our stakeholders report frustration with meetings and approaches that do not reflect true partnership with community, and the siloing of Aboriginal outcomes does not reflect the intent of the national agreement, or the need for a whole of government response to CtG. Again, this was not a recommendation of FIC.</li><li>• Similarly, AbSec and ALS remain frustrated by the progress of action from the Executive Working Group, presently the decision-making body for FIC implementation. Meetings continue to be postponed by DCJ, and when meetings do happen, they consistently lack a genuine partnership approach.</li><li>• At the end of the August 2023 Forum, Minister Washington announced the creation of a Minister’s Aboriginal Partnership Group who will oversee the planned reform process. Despite the intention of the group, its announcement and early development still demonstrates a government-led approach rather than genuine partnership and co-design.</li><li>• AbSec and ALS continue to support the urgent formation of a body that is Aboriginal-led, to oversee system design. We are also advocating for the appointment of an Aboriginal Child and Family Commissioner with power to conduct individual and systemic advocacy.</li></ul>

# IMPLEMENTATION PRIORITIES

PRIORITY AREA:	STATUS:	COMMENTARY:
Structures, processes and capabilities		<ul style="list-style-type: none"><li>• The NSW Government has made disappointing progress on implementing the FIC recommendations. Implementation has been piecemeal and DCJ processes have failed to partner with Aboriginal communities regarding project design and implementation.</li><li>• Despite continued calls from AbSec, ALS and other key stakeholders, there has been no agreement about the process of endorsement of the FIC recommendations in partnership with the peaks.</li><li>• In the absence of reporting on the implementation framework, there is virtually no transparency regarding DCJ’s approach to implementation.</li><li>• In August 2023 DCJ published information about it’s Better Decisions for Children (Better Decisions) project. The project purports to ‘review and improve the decision-making tools, practices, and processes in the NSW child protection and out of home care system across six key areas.’[4] There has been no input from Aboriginal community-controlled organisations and peak bodies into the design and structure of the Better Decisions project. Disappointingly, information regarding the project on the DCJ website states that DCJ is ‘listening and learning from the people and communities who matter the most’[5]. This reflects a failure of the department to move from a ‘ritualistic’ process of ‘consulting’ with Aboriginal people and organisations to genuine partnership and co-design with community</li></ul>

[4]  
<https://www.dcj.nsw.gov.au/children-and-families/better-decisions.html>

[5]  
<https://www.dcj.nsw.gov.au/children-and-families/better-decisions.html>



# IMPLEMENTATION PRIORITIES


PRIORITY AREA:	STATUS:	COMMENTARY:
Dedicated resourcing		<ul style="list-style-type: none"><li>• Data recently presented at the Minister's Forum suggests that discriminatory funding practices continue, with Aboriginal communities underfunded relative to the identified need. Dedicated, needs-based funding is needed, including investment in Aboriginal communities and their organisations and peak bodies to progress the FIC recommendations</li><li>• The Federal government's Improving Multidisciplinary Responses Program will give \$44million over 4 years in grants to Aboriginal and Torres Strait Islander organisations to help families navigate early support services. Details regarding the recipients of the grants will be made available in October 2023.</li><li>• DCJ's implementation of Strong Families Our Way is in its nascent stages. However, at this point AbSec and ALS are cautiously optimistic that this is a promising step towards embedding self-determination at a community level. DCJ has currently allocated \$8.67M over 4 years (2022-26) to roll out this program across NSW. Under this funding allocation AbSec has been able to establish 5 community engagement officers operating in different regions, with another 2 roles in the recruitment phase. Community feedback on this project raised that Indigenous Data Sovereignty and Indigenous Data Governance must be foundational to this process, it is yet to be seen how this will be implemented.</li><li>• There is a general lack of transparency around funding commitments regarding the Aboriginal commissioning framework. Although the Indigenous Expenditure Report was due to be published in July 2023, the report was delayed by NSW Treasury. This continual delay inhibits the progress of Aboriginal-led commissioning.</li><li>• AbSec and ALS continue to support the urgent formation of a body that is Aboriginal led, to oversee needs based investment, to address the current discriminatory investment processes that under fund Aboriginal communities.</li></ul>

# IMPLEMENTATION PRIORITIES

PRIORITY AREA:	STATUS:	COMMENTARY:
Monitoring and reporting		<ul style="list-style-type: none"><li>• DCJ has developed a monitoring and evaluation framework to assess implementation of FIC recommendations. While this framework has been updated to reflect the priorities identified by AbSec and the ALS, it remains a DCJ-led approach. This is inconsistent with the principles of the FIC recommendations and the Priority Reforms within CtG</li><li>• Progress reports were published biannually in November 2020, May 2021, and August 2021. Disappointingly, there has been no progress report released since the August 2021 report, two years ago.</li><li>• In March 2023, the NSW Ombudsman published a report on the Aboriginal Outcomes Strategy focus area 2 (out-of-home care). The report was heavily critical of the failure of DCJ to be transparent about the ending of the Aboriginal Outcomes Strategy 2017-2021 as well as the disappointing failure of the department to reduce the number of Aboriginal children in OOHC. In sum, there was an abject failure of appropriate governance and reporting against the targets.</li></ul>

### 03. SPOTLIGHT ON SHARED DECISION-MAKING AND SELF-DETERMINATION

Through the National Agreement on Closing the Gap, all governments have committed to implementing the Priority Reforms, which means working in partnership and sharing decision-making authority with Aboriginal and Torres Strait Islander people through their community controlled peaks. Disappointingly, the development and implementation of the Family Is Culture Report has to date not lived up to this commitment.



**In our November 2022 report card AbSec and ALS stated:**  
***2023 will clarify if the NSW Government and DCJ will demonstrate genuine political commitment and put in place a strategic approach to implementation in partnership with Aboriginal communities.***

We continue to believe that the FIC review's reform pillars of self-determination and accountability should guide not only what is implemented, but also how it is implemented. Aboriginal stakeholders and communities should be empowered and engaged as key decision-makers in the implementation process and that these processes are transparent and accountable.

Unfortunately, while we have seen some positive developments towards implementing FIC in genuine partnership Aboriginal communities and organisations, we have yet to see a public commitment to this from the incoming NSW Government.

#### EXECUTIVE WORKING GROUP

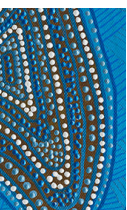
The FIC Executive Working Group is another example of a positive development being undermined by the 'ritualism' highlighted in the FIC report. This group has been further undermined by the bureaucratic nature of DCJ interactions with Aboriginal peak bodies.

The EWG, run by DCJ, with AbSec and ALS representatives in attendance, has consistently run contrary to commitments to shared decision-making by DCJ and NSW Government. From January 2022 until December 2022 the EWG met monthly. However, since our last report card in November 2022, it has only met once in 2023. Even recognising the 4 weeks that the Group operated under caretaker conventions in the lead up to the NSW election and the change of government; a single meeting in 10 months indicates that FIC, and the Aboriginal children and young people at its centre, is not a priority. Moreover, agenda setting has been consistently delayed and there has been no opportunity for input into the agenda provided. This is a clear example of how bureaucracy is utilised by DCJ to silence Aboriginal peak bodies.



# ABORIGINAL CHILD SAFETY AND WELLBEING REFORM FORUM

Another example where shared decision-making has broken down was the recent Aboriginal Child Safety and Wellbeing Forum. This was hosted by Minister Washington and took place on 15 and 16 August 2023. The forum was described by the NSW Government as follows:



*The 2-day forum will develop a strong roadmap for reform to reduce the number of Aboriginal children in care, focus on the wellbeing of Aboriginal families and their children, and put Aboriginal families in control of their future.*

Despite the stated intention of the forum to put 'Aboriginal families in control', AbSec and ALS were given limited to no input into the initial draft of the agenda. Together we pushed back and suggested changes to agenda items to allow for increased discussion, prioritisation of actions, and to avoid long and technical presentations from DCJ.

## MINISTER'S ABORIGINAL PARTNERSHIP GROUP

The key announcements of the August 2023 Minister's forum were the formation of a Minister's Aboriginal Partnership Group and the announcement of the Better Decisions for Children (Better Decisions) project, led by DCJ.

There are high expectations that the Minister's Aboriginal Partnership Group will be led and designed by Aboriginal people and organisations. Furthermore, it is important to note that this group is at risk of duplicating the work conducted by the gradually declining FIC Executive Working Group and the FIC Steering Committee as well as the now lapsed Closing the Gap Target 12 Officer Level Working Group.

While some of AbSec and ALS's input was eventually accepted, the fact the first draft of the agenda was sent out without input from AbSec and ALS reproduced old tensions between DCJ and ACCOs. In particular, the 'ritualism' displayed in government approaches toward collaboration with Aboriginal people seemed to demonstrate a lack of will to shift away from previous government approaches to partnership and consultation.

Furthermore, attendees at the Forum reported frustration and fatigue at the stated need for 'solution' hunting. It was highlighted that there is already a very clear set of solutions that have been developed. Namely, the comprehensive roadmap to reform set out in the 126 recommendations of the FIC report.

Community feedback has reiterated that avoiding consultation-fatigue is vital to continuing to meaningfully implement the roadmap to reform mapped out in Family is Culture. As a result of this feedback, we welcome the formation of a new group with the assurance that it will operate as a genuine partnership between government and the Aboriginal community. We expect the Group to embrace the principles of shared decision-making laid out by the Closing the Gap National Partnership Agreement.

## SPOTLIGHT ON PRODUCTIVITY COMMISSION'S REPORT ON CLOSING THE GAP

We note the recently released Productivity Commission's Draft Report on Closing the Gap which found, amongst other things, that:

- government commitment to shared decision-making is rarely achieved in practice;
- there has been limited progress in transforming government organisations to ensure accountability for Closing the Gap, cultural safety and responsiveness;
- significant challenges to the design and implementation of performance reporting arrangements have impacted on the transparency and public accountability for progress against Socio-Economic Outcomes and Priority Reforms; and
- changes to government data policy and access in relation to Priority Reform 4 of IDSG have been limited, with ACCOs having difficulty accessing government held data, and limitations within the data that is collected.

## WHERE TO FROM HERE?

We are now looking to the new Minister and DCJ to genuinely demonstrate a commitment to shared decision-making and self-determination, particularly in relation to the Aboriginal Partnership Group and the FIC Executive Working Group.

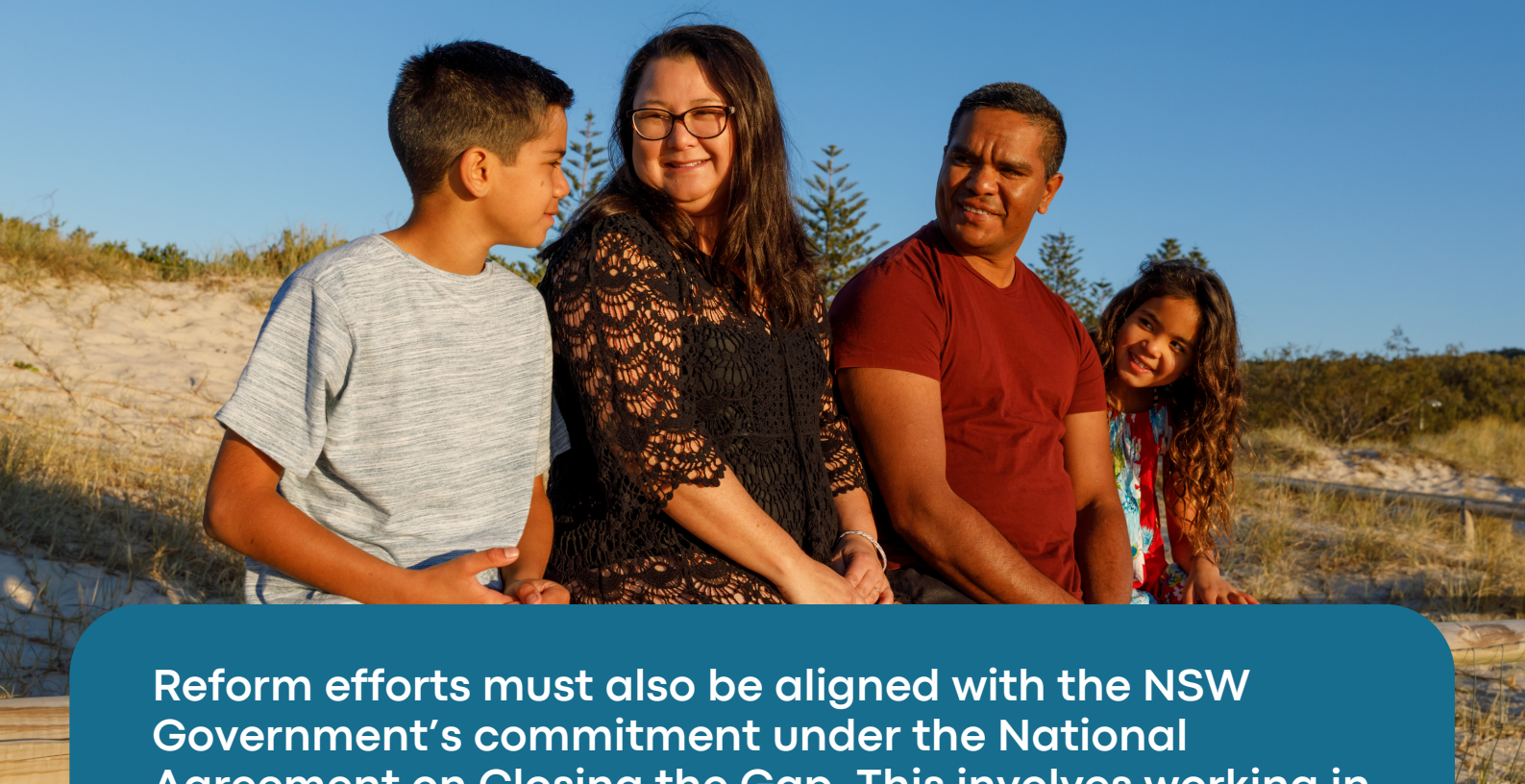
We are also looking to the next stage of FIC-driven legislative reforms and seek firm commitments from the NSW Government regarding timeframes and a comprehensive partnership process. This needs to be supported by a considered, strategic, Aboriginal community-led community and stakeholder engagement plan. The NSW Government and parliament have the opportunity to do better.

In our view, the lack of action and obfuscation on the FIC reforms and recommendations exemplifies these failings and illustrates poor practice in how government is not honouring its commitments under the National Agreement. This is to the continuing detriment of our strong families.



We continue to advocate for DCJ and the NSW Government to align the way they work with the FIC pillars of reform: self-determination, and public accountability and oversight.





Reform efforts must also be aligned with the NSW Government's commitment under the National Agreement on Closing the Gap. This involves working in partnership and fully sharing decision-making with Aboriginal communities, families and peak organisations. Aboriginal communities must lead this work for it to effectively create genuine change.

#### AS IMMEDIATE PRIORITIES, ABSEC AND ALS ARE CALLING FOR:



Development of a mutually agreed FIC implementation plan between AbSec, the ALS and the NSW Government with clear targets, timeframes, and accountabilities. This plan should reflect community priorities for implementation.



Resourcing of AbSec and ALS to engage with and represent community views in relation to FIC implementation.



The abolition of the Structured Decision Making (SDM) tool and commitment to an Aboriginal-led design process for a new suite of tools.



The establishment of an Independent Commission and appointment of an Aboriginal Child and Family Commissioner through a transparent process.



## 04. REFERENCES

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## 05. ACKNOWLEDGEMENTS

AbSec - NSW Child, Family and Community Peak Aboriginal Corporation (AbSec) and the Aboriginal Legal Service (NSW/ACT) Limited (ALS) acknowledge the Traditional Custodians of the lands on which we work and we pay our respects to Elders past, present and emerging. We acknowledge the Stolen Generations and the impacts of colonisation on Aboriginal and Torres Strait Islander peoples. We are committed to assisting them on their journey towards healing and we recognise the resilience, strength and pride of the Aboriginal and Torres Strait Islander communities.

## 06. SUPPORTERS

The ALS and AbSec would like to thank all of those who have supported our work on this report card, particularly the University of Technology Sydney Jumbunna Institute for Indigenous Education and Research, and the Public Interest Advocacy Centre (PIAC).



Jumbunna  
Institute for Indigenous  
Education and Research







# Aboriginal Legal Service


(NSW/ACT) Limited


## WHO WE ARE


The Aboriginal Legal Service has been fighting for justice and equity for our peoples for more than 50 years. Born out of a protest movement, we are the primary legal service for Aboriginal people in New South Wales and the ACT. We deliver free, culturally appropriate legal advice, representation, information and referrals for thousands of people each year.

Yet we are more than a direct legal services provider. As a peak body and proud Aboriginal community-controlled organisation, we speak out to combat injustice, reform discriminatory laws, and demand accountability from public institutions. We are recognised nationally for our strong advocacy and law reform work.

For more information and to stay connected with our work, please visit our website, and follow us on social media:

 <https://alsnswact.org.au/>

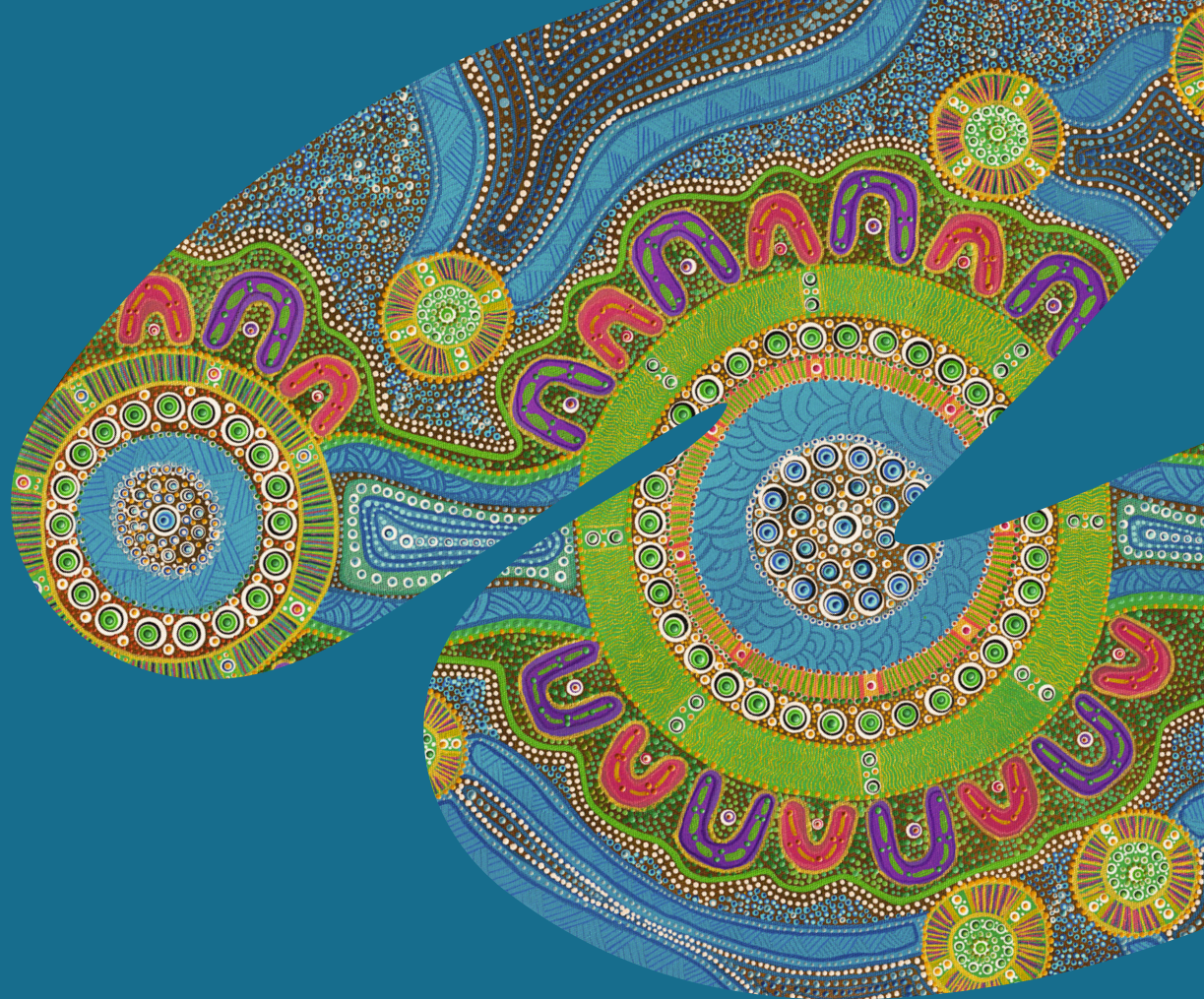
 <https://au.linkedin.com/company/aboriginal-legal-service/>

 <https://facebook.com/ALSNSWACT>

For media inquiries and further details, please contact: [policy@alsnswact.org.au](mailto:policy@alsnswact.org.au)







AbSec NSW is a leading organisation that champions the rights and well-being of Aboriginal children and families. Our vision is that all Aboriginal children and young people are looked after in safe, thriving Aboriginal families and communities, raised strong in spirit and identity, with every opportunity for lifelong wellbeing and connection to culture, and surrounded by holistic supports.

Established in 1999, AbSec has evolved into a robust peak organisation. We provide policy advice on child protection and out-of-home care for Aboriginal children, families, and carers. We support the delivery of quality services across the state, focusing on Aboriginal community control and self-sufficiency.

As a prominent peak organisation, we prioritise self-determination, cultural integrity, and transparency in all our endeavours. Our work brings Aboriginal voices, government entities, and non-Aboriginal supporters together to create a brighter future, driven by Aboriginal leadership and solutions.

For more information and to stay connected with our work, please visit our website, and follow us on social media:

 <https://absec.org.au/>

 <https://au.linkedin.com/company/absecnsw>

 <https://www.facebook.com/AbSecNSW/>

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**Aboriginal  
Legal Service**  
(NSW/ACT) Limited