



AbSec

NSW Child, Family & Community
Peak Aboriginal Corporation

MEDIA RELEASE

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NSW Ombudsman exposes systemic failures in the NSW Government 's ability to protect children at risk of significant harm

AbSec NSW Child, Family and Community Peak Aboriginal Corporation is deeply concerned by the NSW Ombudsman's recently released report *No Capacity to Allocate*, which finds the NSW Department of Communities and Justice (DCJ) is routinely closing child protection reports without investigation. AbSec says the findings expose systemic failures that place vulnerable children at risk and reinforce the urgent need for an independent *Child Safety and Wellbeing Commission* in New South Wales.

The Ombudsman found the DCJ is failing to meet its statutory duties under the Children and Young Persons (Care and Protection) Act when responding to Reports of Risk of Significant Harm (ROSH). Between 60 and 65 per cent of ROSH reports screened in each year are closed due to "no capacity to allocate", often without a caseworker assessment and without resolving safety concerns. This is literally tens of thousands of ROSH reports every year being closed with no or limited assessment. The practice is "business as usual", with capacity constraints used as justification for leaving risk unaddressed.

These failures have direct and serious consequences for all children and families, and Aboriginal and Torres Strait Islander children and families particularly who do not receive the early support they need to build resilience, wellbeing and connection to culture. Instead, the DCJ waits for problems to escalate to the point where Aboriginal children are removed from their families at ever growing levels.

The Ombudsman concluded that closing ROSH reports due to lack of capacity, without resolving risk concerns, constitutes maladministration and can amount to a failure to meet legal responsibilities. The same concerns about this practice have been raised for more than two decades by oversight bodies, yet the failures persist.

AbSec CEO John Leha says the report shows a system unable to provide even basic safeguards for children at risk. "These findings make clear that children are being left in unsafe situations because the system cannot respond. When reports of significant harm are closed without assessment, these are families that are not having the early support they need. The DCJ cannot be left to monitor itself in regard to poor practice. We urgently need a trusted, independent body to set and enforce standards, monitor and report on performance and that is empowered to investigate complaints from families who do not fear complaining to the same organisation, the DCJ, which removes their children," Mr Leha said.

Mr Leha said the findings demonstrate that internal reforms and existing accountability mechanisms are failing, and are critically insufficient. "These are systemic failures in how risk is identified, assessed and responded to. When risk identification and decision-making are shaped by tools and practices

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that disadvantage Aboriginal and Torres Strait Islander children it deepens over-representation rather than preventing harm,” he said.

AbSec continues to call for the immediate establishment of a *Child Safety and Wellbeing Commission* in New South Wales. An independent Commission would provide oversight of child safety decisions, including ROSH closures, monitor compliance with legal duties, identify systemic risks early, and deliver strong, culturally informed oversight to protect Aboriginal and Torres Strait Islander children.

“The Ombudsman’s findings are clear and indisputable – NSW lacks an effective, independent mechanism to ensure children are safe, before harm escalates. The DCJ cannot resolve these problems on its own and children are continually being placed at risk because the system is allowed to close serious harm reports without independent scrutiny. Without an independent Child Safety and Wellbeing Commission, these failures will continue, risks will remain hidden, and our children will keep falling through the cracks,” Mr Leha said.

The report, including the key findings in full, can be read in full on the [NSW Ombudsman website](#).

About AbSec

AbSec is the peak Aboriginal organisation in NSW dedicated to empowering Aboriginal and Torres Strait Islander communities by advocating for the rights, safety, and wellbeing of our children, young people and families. We build strength and resilience by supporting community-led solutions, shaping policy, and driving reforms that ensure every Aboriginal and Torres Strait Islander child and young person grows up strong in culture and identity.

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