

**AbSec**

NSW Child, Family & Community  
Peak Aboriginal Corporation

# Guardianship orders for Aboriginal children and young people in NSW

---

**Policy Position Paper**

March 2026

## Acknowledgement of Country

AbSec acknowledges the Traditional Custodians of Country throughout New South Wales and their continuing connections to land, waters, and communities. Our head office is located on the land of the Gadigal People of the Eora Nation, in Redfern, and AbSec operates statewide.

We acknowledge and pay our respects to the Traditional Owners of all lands and waters across New South Wales, honouring Elders past, present, and future.

We recognise and respect their enduring connection to Country, their ongoing care for community, and the preservation and practice of their culture for generations uncounted.

We acknowledge the Elders, leaders and advocates within our sector and pay our respects to them as knowledge holders within this space and every space.

AbSec also acknowledge the Stolen Generations who never came home and the ongoing impact of government policy and practice on Aboriginal and Torres Strait Islander children, young people and families.

Aboriginal and Torres Strait Islander readers are warned that the following study report may contain images of deceased persons.



# AbSec

NSW Child, Family & Community  
Peak Aboriginal Corporation

AbSec is the peak organisation advocating for the rights, safety, and wellbeing of Aboriginal and Torres Strait Islander children, young people, families, and communities in New South Wales.

As an Aboriginal-led organisation, we champion self-determination and work towards a child and family system that is culturally safe, community-driven, and responsive to the needs of Aboriginal and Torres Strait Islander peoples.

AbSec leads policy reform, strengthens the capacity of Aboriginal Community-Controlled Organisations (ACCOs), and ensures that Aboriginal and Torres Strait Islander children and young people remain connected to family, community, and culture. We are a key member of the NSW Coalition of Aboriginal Peak Organisations (NSW CAPO) and the primary organisation responsible for Target 12 under Closing the Gap.

Through advocacy, research, and sector leadership, AbSec works to address the disproportionate representation of Aboriginal and Torres Strait Islander children in out-of-home care and promote holistic, community-led approaches to child and family wellbeing. Our commitment is to ensuring that Aboriginal and Torres Strait Islander children and young people grow up strong in culture, identity, and connection.

Our vision is that all Aboriginal and Torres Strait Islander children and young people are looked after in safe, thriving Aboriginal and Torres Strait Islander families and communities, raised strong in spirit and identity, with every opportunity for lifelong wellbeing and connection to culture, and surrounded by holistic supports.

In working towards this vision, we are guided by these principles:

- Acknowledging and respecting the diversity and knowledge of Aboriginal and Torres Strait Islander communities.
- Acting with professionalism and integrity in striving for quality, culturally responsive services and supports for Aboriginal and Torres Strait Islander families and communities.
- Underpinning the rights of Aboriginal and Torres Strait Islander people to develop our own processes and systems for our communities, particularly in meeting the needs of our children, young people, families and carers.
- Being holistic, integrated and solutions-focused through Aboriginal and Torres Strait Islander control in delivering outcomes for Aboriginal and Torres Strait Islander children, young people, families and communities.
- Committing to a future that empowers Aboriginal and Torres Strait Islander families and communities, representing our communities, and the agencies there to serve them, with transparency and drive.

# Table of contents

Purpose .....	5
Permanent placement principles vs first principles for AbSec and community .....	6
The more things change, the more they deteriorate .....	8
Permanency Reforms	8
Discriminatory assessments	9
Troubling numbers – a review of recent data	9
Implications of guardianship orders for Aboriginal children and young people .....	11
Misunderstanding Aboriginal conceptions of permanency and abrogating rights	11
The need to focus on restoration	12
Absence of – or inadequate – oversight mechanisms	13
Inadequate financial and casework support	14
Creating an alternative – AbSec’s Aboriginal Guardianship Support Model (AGSM)	14
The quality and implementation of cultural care and support plans	15
The timely and accurate identification of Aboriginal children	16
Strengthen accountability for Aboriginal and Torres Strait Islander children, young people and families .....	17
AbSec’s position on guardianship orders .....	19
Conclusion .....	21
References .....	22

## Disclaimers

---

### Data privacy and protection

We are committed to protecting the privacy and confidentiality of individuals involved in our studies and consultations. Any personal data included in this report has been used with consent and in accordance with applicable privacy laws.

### Intellectual property rights

All content, unless otherwise stated, is the property of AbSec. Unauthorised use of this material without express written consent is prohibited.

## Purpose

In 2015, AbSec published a Position Paper on the appropriateness of guardianship orders as a form of permanent care order for Aboriginal children and young people. Permanency reforms in the NSW out-of-home care (OOHC) system meant it was important for AbSec to assess these reforms and their potential impact on Aboriginal children, families and communities. The introduction of guardianship orders demanded consideration of the potential risks and benefits such orders posed for Aboriginal children and young people in OOHC from a position which had the best interests of the child as our paramount consideration to ensure meaningful connection to culture.

In 2025, AbSec has undertaken a thorough review of this 2015 Position Paper on guardianship orders. There is no change in the purpose and core principles that underpin both papers, which:

- Define a clear and reasoned position on guardianship orders and other permanent orders for Aboriginal children and young people.
- Include a vision for meeting the developmental needs of Aboriginal children and young people in OOHC.
- Provide unambiguous advice to government regarding the expectations of the Aboriginal community-controlled sector when making decisions about the lives of Aboriginal children and families that reflects both our right to self-determination and our obligations to care for our communities, particularly our young people.
- Reaffirm the importance of effective community-controlled universal child and family supports and targeted family preservation services to promote child-centred communities and reduce the need for children to enter OOHC.
- Assert that adoption is not an appropriate placement option for Aboriginal children and young people in OOHC, given the devastating lasting impacts on the child losing their identity and belonging.

However, reviewing our Position Paper, ten years after significant changes in how 'permanency' has been considered for Aboriginal children and young people enables new material to inform our thinking. This includes additional and/or new data, literature and research on the application of the Aboriginal and Torres Strait Islander Child Placement Principle (SNAICC, 2019) and permanency outcomes; further revisions to the Replace with Children and Young Persons (Care and Protection Act) 1998 (NSW); the piloting and evaluation of AbSec's Aboriginal Guardianship Support Model (AGSM); and the juxtaposition of guardianship orders with the commitment of all governments to reduce the over-representation of Aboriginal children and young people in OOHC - through reducing entries to care or restoring children from care - under the National Agreement on Closing the Gap (2020). Analysis of this new material enables AbSec to strengthen and advance the positions we set out in 2015.

# Permanent placement principles vs first principles for AbSec and community

The Permanent Placement Principles, included as s.10a of the Replace with Children and Young Persons (Care and Protection Act) 1998 (NSW) (the Care Act), establish the preferred order of placement for children and young people entering care with no realistic possibility of restoration. The thinking which underpins the Permanent Placement Principles is at odds with notions of permanence for Aboriginal and Torres Strait Islander children “...identified by a broader communal sense of belonging; a stable sense of identity, where they are from, and their place in relation to family, mob, community, land and culture” (Yeo, 2003 cited in SNAICC 2016: 7).

For Aboriginal children, this preferred order of placement is shown in Table 1.

Table 1: Permanent Placement Principles and Parental Responsibility for Aboriginal children and young people

Preference	Court Order	Long-term Parental Responsibility
1	Family Preservation/ Restoration	Retained by parent(s)
2	Guardianship	Relative, kin, or other suitable person
3	Foster Care	Minister/DCJ
4	Adoption	Adoptive parent

Source: AbSec (2015)

The Permanent Placement Principles operate within the context of the Care Act, including the general order for placement set out in the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP, s.13); that children and young people receive the care and protection necessary for their safety, welfare and well-being (s.8 Object a); and the principle that in the administration of the Care Act: “If a child or young person is temporarily or permanently deprived of his or her family environment, or cannot be allowed to remain in that environment in his or her best interests, the child or young person is entitled to special protection and assistance from the State, and his or her name, identity, language, cultural and religious ties should, as far as possible, be preserved” (s.9.2 (d)).

We will discuss AbSec’s concerns about the implications of guardianship orders in more detail in Section 4. When a guardianship order is made under the Care Act, all aspects of parental responsibility (including responsibility for the child’s cultural and religious upbringing) for a child with a “relative, kin or other suitable person” who is then responsible for the ongoing care and wellbeing of the child until they reach the age of 18. It should be noted that “suitable person” is not defined by the legislation but does not have to be a member of the child’s family or kinship group. Minister Kate Washington advised in an answer to a Supplementary Question that as at 30 June 2024, there were 1,243 Aboriginal children and young people on guardianship orders, of whom 753 (60.8%) had Aboriginal guardians. As at 30 June 2025, the number of Aboriginal children and young people on guardianship orders fell to 1,193 with 700 (58.7%) having Aboriginal guardians (Washington 2025: Response to Q144). Prior to 2024, DCJ did not collect data on whether guardians were Aboriginal or non-Aboriginal people, making it difficult to understand how they monitored the application of the ATSICPP.

A Supplementary Question was also asked about the extent to which the NSW Children’s Court made an Order for Contact with a member of a child or young person’s Aboriginal family in conjunction with a guardianship order which placed an Aboriginal child or young person with

a non-Aboriginal Guardian. Minister Washington advised that this information is not held by DCJ (2025: Response to Q145). AbSec believes it is critical for DCJ to collect and analyse this information to understand the implications of judicial decisions.

As was the case in 2015, AbSec's opposition to permanent care orders, such as guardianship and adoption, for Aboriginal children and young people is grounded in a rights-based set of first principles. Permanent Placement Principles do not uphold the rights of Aboriginal children and young person to remain connected to their family, community and culture. This is reflected in the limited use of family restoration; the absence of processes and safeguards to ensure the safety and wellbeing of children and young people; and the limited involvement of Aboriginal communities in designing and administering alternative care settings, systems and ongoing supports that uphold principles of self-determination and enable our children to thrive.

AbSec affirms the three key aspects of Aboriginal and Torres Strait Islander concepts of permanence: "relational permanence (positive, caring, stable relationships), physical permanence (stable living arrangements), and legal arrangements" (Tilbury and Osmond, 2006 cited in SNAICC 2016). We share the view that while governments claim permanency reforms are intended to promote stability for children, they are rightly and strongly criticised for "...conflating legal and relational aspects of permanency, and compromising children's enduring connections with their parents and family, community and culture that underpin lifelong wellbeing and identity formation for Aboriginal and Torres Strait Islander children, with reduced transparency and accountability" (Turnbull-Roberts et al. 2022 cited in Newton, Gray et al. 2025: 2).

# The more things change, the more they deteriorate

## Permanency reforms

AbSec's 2015 Position Paper was written as the design of the Permanency Support Program (PSP) took place. These changes, which aimed to achieve permanency for children within two years, began from 1 October 2017. The findings of the three-year evaluation of the PSP, completed in April 2023, revealed the PSP to be an unambiguous and expensive failure in system reform. The conclusion drawn by the researchers was damning:



*“PSP has not resulted in the positive, transformative change envisaged for children at the beginning of the reform effort. We acknowledge the efforts of PSP service providers, and their DCJ district partners, in building capacity for permanency support but the significant implementation challenges experienced, failure to demonstrate a sizeable positive impact on children and the substantial costs of the funding and operational model suggest that the design of PSP should be substantially overhauled and specific components of the reform discontinued. The opportunity cost of continuing to implement PSP in its current form is likely to prevent NSW from investing in more effective reform” (Rose et al. 2023, p.31).*

AbSec is also concerned by amendments to the Care Act in 2019 which expanded the authority of DCJ to permanently remove children and young people from their families:

- The Children's Court will now set a strict two-year limit (from the time a child or young person is removed) to determine if restoration is possible before a child is automatically transitioned to a permanent care pathway. Only in "special circumstances" (set out in s.79AA) can the allocation of parental responsibility to the Secretary be extended beyond 24 months to support restoration.
- The Supreme Court can now approve a child's adoption by authorised carers and guardians, without the consent of parents in certain circumstances.

These amendments are both likely to lead to increased numbers of Aboriginal and Torres Strait Islander children being subject to permanent out-of-home care placements through guardianship, third party parental responsibility and adoption orders (SNAICC 2024: 16).

## Discriminatory assessments

Jenkins and Tilbury (2024) have demonstrated that the Structured Decision Making (SDM) tools used to assess whether a child or young person was at Risk of Significant Harm (ROSH) were racially biased against Aboriginal and Torres Strait Islander families. Discriminatory assessments potentially contribute to the over-representation in OOHC by unjustly assessing Aboriginal and Torres Strait Islander families as unsafe, leading to unnecessary statutory removals and preventing reunification (Newton and Gray et al. p.2) in the more restrictive timelines discussed in Section 4.1. We recognise that following extensive lobbying from AbSec, Aboriginal Legal Service NSW/ACT, the Justice and Equity Centre and other partners, the NSW Government NSW ceased to use SDM tools as of September 2024. An assessment approach based on professional judgement has been implemented in the interim and a Partnership Agreement has been signed which will see AbSec, ALS NSW/ACT and DCJ co-design a new approach to child protection assessment.

## Troubling numbers – a review of recent data

An important change in the policy context for AbSec's 2025 Position Paper is that in July 2020, all Australian Governments became signatories to the National Agreement on Closing the Gap. The Agreement establishes 17 socioeconomic outcome targets. Target 12 is to reduce the rate of overrepresentation of Aboriginal and Torres Strait Islander children in OOHC by 45% by 2031. Sadly, as the figures in Table 2 illustrate, the over-representation of Aboriginal children and young people in OOHC or on third-party parental responsibility orders in NSW has continued to rise since the Agreement was signed.

Australian Institute of Health and Welfare (AIHW, 2025a) data cited in Table 2 show that while the number of Aboriginal children in OOHC or on third-party parental responsibility orders fell slightly (by 82 or from 57.5 to 55.0 per 1,000 children and young people) in the five years from 2020 to 2024, Aboriginal children and young people continue to be over-represented within the NSW OOHC population. At 30 June 2024, Aboriginal children and young people in NSW were in OOHC or on third-party parental responsibility orders at 9.2 times the rate of their non-Aboriginal peers. In simple terms, this means approximately 1 in 18 Aboriginal children in NSW are in OOHC or on third-party orders, compared to approximately 1 in 167 non-Aboriginal children. The risk ratio (that is, the rate at which Aboriginal children are over-represented in OOHC or on third-party orders) in NSW rose from 8.2 in 2020 to 9.2 in 2024 in NSW.

Table 2: Children in OOHC or on a third-party parental responsibility order by Indigenous status at 30 June 2020 to 2024 (number and per cent)

Year	Aboriginal children in OOHC or on third-party orders		Non-Aboriginal children in OOHC or on third-party order		Rate of over-representation: Aboriginal to non-Aboriginal children in OOHC or on third-party orders
	Number	Number per 1,000	Number	Number per 1,000	Ratio
2020	7,771	57.5	6,001	7.0	8.2
2021	8,189	60.1	6,190	7.0	8.6
2022	8,053	58.5	6,217	6.7	8.7
2023	7,959	57.3	6,292	6.4	9.0
2024	7,689	55.0	6,341	6.0	9.2

Source: AIHW Child Protection 2024–25, Table T3

In their review of the ATSI CPP in NSW for the period 2021–23, SNAICC (2024b) points to the incompatibility of permanent care orders, including guardianship orders, with the recognition that an Aboriginal child’s wellbeing is rooted in a strong connection with culture, community and family. SNAICC calculated that NSW had the third highest rate among all jurisdictions for Aboriginal children and young people being placed on long-term third party parental responsibility orders and finalised guardianship and custody orders. By contrast, the reunification rate for Aboriginal children and young people on all orders including long-term third party parental responsibility orders and finalised guardianship and custody orders was a paltry 2.1 per cent in 2021–22 (SNAICC, 2024a: 18). Replicating this methodology using the latest AIHW data shows that the reunification rate has only risen to 2.3 per cent in 2024–25 (AIHW, 2025b: Table 10.15).

AbSec urges the NSW Government and DCJ to understand how poor its record on restoration is in comparison with other states and territories. AIHW data for 2023–24 looked at Aboriginal and Torres Strait Islander children and young people who were discharged from OOHC in the reporting period by their exit pathway. NSW was the jurisdiction with the lowest proportion (just 15.4 per cent) of children and young people exiting through restoration to their family. This compared to a high of 75.8 per cent of exits to reunification (the term used in most other jurisdictions) in Victoria and 35.3 per cent of exits nationally. Our earlier calculation of a 2.3 per cent restoration rate for Aboriginal children and young people on all orders is the lowest rate by a significant margin. It pales against a reunification rate of 17.6 per cent in Victoria and a national reunification rate of 6.9 per cent. The conclusion that SNAICC drew in their review of the implementation of the ATSI CPP in NSW between 2021 and 2023 is that the data “...reflects a systemic preference towards long-term placement and permanent care orders for Aboriginal and Torres Strait Islander children” (SNAICC, 2024b: 18) has only been strengthened in the last two years.

# Implications of guardianship orders for Aboriginal children and young people

AbSec and its members acknowledge the importance of promoting stable care for children and young people for whom restoration is not a realistic possibility, and the benefits conferred by stable, supportive relationships with caring adults in their community.

However, AbSec continues to see permanent care orders such as guardianship and adoption, administered “on” Aboriginal communities (rather than by communities through their own robust governance structures) as a return to past practices broadly referred to as the Stolen Generations. That is, it represents the ongoing permanent removal of Aboriginal children from their families, communities, culture and Country by non-Aboriginal systems in the name of providing better outcomes for our children. As with the Stolen Generations, there is no evidence that outcomes for Aboriginal children are promoted through these approaches.

In this section, we provide additional research that reinforces our 2015 position about the instability experienced by many children and young people in OOHC. That is, that the instability is a result of a child protection system that does not provide the necessary supports to empower families and communities to meet the changing needs of children and young people in OOHC. This includes monitoring that the rights of children are protected and realised in their alternate care – including their right to safety, culture, care and dignity – and a failure to support the restoration of children and young people to their families.

## Misunderstanding Aboriginal conceptions of permanency and abrogating rights

The experiences of Aboriginal children and young people in the NSW child protection system are too often characterised by disconnection, instability and placement changes, which make it difficult for already vulnerable children and young people to develop the strong, supportive relationships that promote resilience. However, seeing guardianship orders as a means of providing Aboriginal children and young people in OOHC with permanence and stability assumes that investing parental responsibility in the guardian – and creating a formal legal relationship between the child and their caregiver – will result in a more stable “normal family” arrangement for the child and their family. In a new paper, Libesman, Gray, Gray and Hermeston (2025: 1) look at how child protection concepts, including permanency in care arrangements, implicitly embed colonial understandings and values with respect to family and community relations. If laws are to strengthen rather than undermine Aboriginal and Torres Strait Islander family and community relationships, it will be essential to conceptualise children’s rights in relational and distributional terms.

The authors point out that legal conceptions of permanency, which in Australia are built around the ideal of the nuclear family, are at odds with Aboriginal and Torres Strait Islander notions of permanency grounded in culture, kin, and country. AbSec is citing the following material from Libesman, Gray, Gray and Hermeston (2025: 10–11) in full because it draws on an Australian studies involving community members and a significant body of research. This fleshes out the discussion we commenced in Section 2 on the implications of guardianship orders which do not align with how Aboriginal people consider permanency.

“An Australian study found that Aboriginal community members conceptualise permanency as tied to children’s needs and rights, and incorporated elements of their safety, best interests, wellbeing, and care over the long term. Permanency is a fundamentally emotional, spiritual, and cultural way of being, which engenders wellbeing, healthy development, and nurtures children’s Aboriginal identity. Permanency requires a continuity of familial and cultural ties, as it produces a place for children and young people to belong. Legal status has little to no bearing on achieving permanency, a finding supported by international research (de Finney and di Tomasso 2015, pp.

63, 77; Quash–Mah et al. 2010). Community members believe that permanency and placement stability is best achieved through children being able to take their rightful place within their extended Aboriginal family and community. This was because it was seen as crucial for children to live within these networks, immersed and surrounded by their own culture in everyday settings. It is these systems that strengthen the attachment of children; these ties help children form “stepping stones” to their Aboriginal identity (Hermeston 2022, p. 168) and support their long-term safety, wellbeing, and healthy development (Bamblett 2014; Krakouer et al. 2018, p. 270; Mendes et al. 2016; Simard and Blight 2011, pp. 28, 33, 40; Long and Sephton 2011).



“The research supports the notion that the many and complex ties commonly available in extended Aboriginal families can provide strong networks of support and nurture the development of Aboriginal children and youth into healthy adults with a strong sense of cultural identity. Determining children’s best interests requires knowledge of their community’s conceptualisations of best interests and Aboriginal child-rearing beliefs and practices (Geia 2012; Hermeston 2022, p. 235).”

“These approaches and beliefs differ markedly from those of care systems that favour Western nuclear family models that have been repeatedly found to be problematic and harmful to Aboriginal children (SNAICC—National Voice for our Children 2024; SNAICC 2025; Davis 2019; Hermeston 2022).”

The ACT Government Community Services Directorate commissioned SNAICC to undertake this type of consultation in 2022. Like SNAICC (2022, p.5), AbSec would not be aiming to provide a universal definition of Aboriginal and/or Torres Strait Islander kinship or kinship carers and would start our engagement with an understanding that community will have diverse experiences, descriptions and ways of defining kinship. The goal of our paper will be to advise the NSW Government on how they should approach the identification of Aboriginal kinship carers for children in OOHC based on the views of Aboriginal people in NSW, and on best practice that aligns with the ATSICPP.

## The need to focus on restoration

NSW compares poorly in reuniting Aboriginal children with their families compared with other jurisdictions (see Section 3.3). This is particularly so when the latest AIHW data shows that even though NSW restores a much smaller number of Aboriginal children and young people than other states and territories they realise better outcomes. That is, NSW has the highest proportion of Aboriginal and Torres Strait Islander children who exit OOHC to restoration (reunification) and who do not return to OOHC for the next 12 months. For 89.8 per cent of Aboriginal children in NSW who were restored in 2022–23 these restorations held for at least 12 months compared to a national average of 84.5 per cent (AIHW 1025b, Figure 9). Restoration works yet the NSW Government devotes meagre resources to it.

In an environment where restoration is at the top of the ATSICPP hierarchy but where government continues to frame the child protection system as a space centred on ‘child rescue and removal’, a cultural focus on family preservation and restoration is an essential buffer to what may be intentional or unintentional growth in guardianship orders for Aboriginal children and young people.

## Absence of – or inadequate – oversight mechanisms

The absence of appropriate oversight mechanisms to protect the cultural rights of Aboriginal children, and ongoing challenges in the implementation of those parts of the Care Act that emphasise the participation and self-determination of Aboriginal communities in making decisions about the safety, welfare and wellbeing of Aboriginal children, raise significant concerns for the dispossession and disconnection of Aboriginal children from their family, community and culture.

For example, in a scathing report, the NSW Auditor General (2024a: 5) found that “The Department of Communities and Justice (DCJ) is not effectively safeguarding the rights of Aboriginal children in contact with the child protection system, as required in the Replace with Children and Young Persons (Care and Protection Act) 1998 (NSW), the United Nations Convention on the Rights of the Child and the Declaration on the Rights of Indigenous Peoples.” One example cited was DCJ commissioning AbSec to design the Aboriginal Case Management Policy (ACMP) in 2018 in order to translate the Aboriginal and Torres Strait Islander Principles into practice. Published in 2019, the ACMP was not implemented anywhere in NSW when the audit was undertaken (2024a: 15). In 2012, the NSW Government committed to transferring case management of all Aboriginal children and young people in OOHC to Aboriginal Community Controlled Organisations (ACCOs) within ten years. DCJ did not achieve this. However, in September 2022 DCJ inserted an obligation into the Service Level Agreements of NGOs to the transition of Aboriginal children in OOHC to ACCOs. As at, July 2023, ACCOs managed approximately 20% of Aboriginal children in out of home care and DCJ estimated that at the current pace it will take 57 years to transition the case management of Aboriginal children to ACCOs.

The failure of existing ‘safeguards’ for Aboriginal children have been comprehensive. For this reason, permanent care orders such as guardianship and adoption, administered by non-Aboriginal systems and imposed on Aboriginal children, families and communities, represent a contemporary analogue of the policies of forced removal associated with the Stolen Generations, and may be contrary to the child’s best interests.

While we know most kinship and foster carers do an exemplary job in often challenging circumstances to promote the safety, welfare and wellbeing of children in OOHC, too many children remain exposed to experiences of abuse and neglect in care. We also know that due to their previous experiences of maltreatment and relationship dysfunction, children in OOHC are more vulnerable to abuse, including sexual abuse and exploitation. Children in OOHC are also more likely to be isolated from protective networks (for example being disengaged from school and/or having troubled relationships with protective adults). This reduces the likelihood of disclosures or harm being discovered.

Recent oversight reports and inquiries (NSW Audit Office 2024b, Office of the Children’s Guardian, NSW Advocate for Children and Young People) consistently found that children and young people in OOHC in NSW face elevated risks of harm while in care. The key findings of the Audit Office of NSW – Oversight of the child protection system Report (June 2024 released on the same day as the Audit Office of NSW – Safeguarding the rights of Aboriginal children in the child protection system Report) are instructive:

- DCJ oversight and system planning were found to be ineffective and unsustainable.
- Major data, monitoring and performance measurement gaps were identified, which reduce the system’s ability to identify, track and respond to risks to children in OOHC.
- Follow-the-dollar examination of NGO performance under DCJ contracts found inconsistent service delivery and weak performance assurance.
- In 2022–23, 654 children were recorded as physically, sexually or emotionally abused while in OOHC (NSW Audit Office 2024a).

Weak oversight and poor data collection mean patterns of abuse or exploitation can go undetected. The Audit Office (2024a and 2024b) concluded that systemic failings are placing children, who are supposedly under state protection, at ongoing risk. It is critical that we partner in designing and implementing features that provide vulnerable Aboriginal children and young people with a safety net essential to protecting children in alternate care from ongoing abuse and neglect, recognising potential risks early and responding appropriately where harm has occurred. We feel that the absence of these elements from current models of guardianship and adoption place children in OOHC at unacceptable risk of possible future harm. It is a failure in the State's responsibility to ensure the safety, welfare and wellbeing of children and young people taken from their families by the State for the duration of their time in statutory OOHC.

## Inadequate financial and casework support

Once a guardianship order is made, Guardians receive an allowance, known as a guardianship allowance, to enable them to meet the needs of the child or young person. It is based on the individual needs of the child or young person as outlined in their care plan, and on the age of the child or young person. The guardianship allowance is the same rate as the DCJ statutory care allowance (DCJ, 2024). A significant concern for AbSec raised in our 2015 Position Paper was that while DCJ administers the guardianship allowance, it does not provide any case work or ongoing support. Instead it relies on guardians having sufficient means, and being able to access 'help, support and advice' from local services including child and family support, family counselling, health services, youth programs, disability and child care services. For guardians in regional and remote locations many of these services are not available and where a child or young person has had access to tailored or crisis-intervention supports, these are often excluded when a child is transitioned to a permanent guardianship arrangement.

Most importantly, the absence of access to case work and specialised supports means that the current model of guardianship arguably is not well suited to meeting the developmental needs of children and young people in care. Inquiries cited by AbSec in 2015 emphasised the importance of providing ongoing practical supports to children and young people in OOHC and those that care for them (Australian Senate Community Affairs References Committee, 2015). This is in recognition of the specialised therapeutic care required to support children and young people to recover from their early traumatic experiences and develop resilience. In particular, caseworkers provide a critical layer of support for both children and young people and their carers to proactively manage the changing therapeutic and developmental needs of children and young people in OOHC, providing trauma-informed therapeutic supports as well as supporting young people and their carers to navigate the often fragmented systems that young people in OOHC may interact with (such as the education, health and justice systems) to achieve positive outcomes for those in OOHC. This is further informed by the voices of children and young people in OOHC who have consistently emphasised the importance of consistent positive relationships, particularly the role of caseworkers in providing support and advocacy for children and young people and those that care for them (CREATE, 2015).

## Creating an alternative – AbSec's Aboriginal Guardianship Support Model (AGSM)

To provide Guardians with access to support services that could help address the ongoing, and frequently complex, needs of the Aboriginal children and young people in their care, AbSec received funding from DCJ to pilot the Aboriginal Guardianship Support Model (AGSM). The AGSM was established and implemented using an Aboriginal-led Commissioning approach in two pilot sites – in the Hunter and the South West Sydney regions – between January 2022 and December 2023. DCJ commissioned KPMG to evaluate the extent to which the AGSM met the overall needs of guardians and Aboriginal children and young people.

The key evaluation findings were very positive and form the basis for AbSec recommending that DCJ resource Aboriginal commissioned AGSM models that can collaborate with District Offices and provide the supports that Aboriginal children and young people and their guardians need.

Key findings:

- AGSM engaged Aboriginal children and young people through culturally relevant services that enabled meaningful participation.
- Service providers have effectively adapted their approaches to build trust, tailoring support to meet the unique needs of the participants. This adaptability has been instrumental in improving the support system for Aboriginal children and young people and their guardians.
- The implementation of the AGSM effectively engaged with community and incorporated community feedback. Community's voices were heard and integrated into service delivery and demonstrated the commitment to, and success of, being community-driven.
- A key enabler of AGSM is strong relationships with DCJ District Offices. This collaboration has been pivotal in effective service delivery.
- Participants in the AGSM reported enhanced connections and confidence engaging with their culture, peers and families. This outcome highlights the program's effectiveness in reinforcing cultural identity among Aboriginal children and young people. Guardians gained knowledge and capacity to support cultural connections for the children and young people in their care. This is a significant need met by the AGSM.
- Financial support provided through the AGSM has increased access to resources for Aboriginal children and young people under guardianship, meeting essential financial and support needs. The evaluation did identify a need for improving the understanding of and access to brokerage funds. (KPMG 2024: 5)

## The quality and implementation of cultural care and support plans

Guardianship orders must comply with the ATSI CPP and include a care plan that outlines how a child's important connections with family, community and culture will be retained and promoted. Compliance with the broader intent of the ATSI CPP moves beyond compliance with a simple placement hierarchy to consider whether a jurisdiction has worked with Aboriginal people and community to establish an appropriate process that will be followed to identify Aboriginal children and engage relevant family and community members in decision-making about the placement of Aboriginal children and their ongoing connection to family, community and culture. NSW has not developed a process of this kind and any procedures followed remain opaque.

Similarly, AbSec retains the significant concerns expressed in 2015 about the quality and implementation of cultural care and support plans for Aboriginal children in OOH, including the extent to which they retain and build on the child's connection to family, community and culture. Again, existing evidence suggests that the implementation of cultural support plans can be as low as 10 per cent or, where they are present, be of poor quality that does not provide a meaningful cultural connection for Aboriginal children (Commission for Children and Young People and Child Guardian, 2013). Similarly, while care plans include a commitment to maintaining a child's connection to their family, community and culture through cultural care and support plans, there is no clear mechanism to monitor or ensure compliance once a guardianship order is finalised, leaving Aboriginal children vulnerable to cultural dispossession.

While the ACYPPP and care plans, including maintaining the child's connection to their family, community, culture and Country, are a prerequisite for guardianship orders, existing evidence raises many significant concerns about their implementation in practice and the ongoing monitoring and support role once legal permanence is established. As noted above, a feature of permanent care orders such as guardianship orders is that there is no legal mechanism to ensure compliance or to address practice issues regarding the ACYPPP or cultural care and support plans. Together, this emphasises the significant risks these orders present for Aboriginal children, families and communities, including the very real risk of disconnection and cultural dispossession.

## The timely and accurate identification of Aboriginal children

Another significant concern for Aboriginal people are the ongoing challenges in timely and accurate identification of Aboriginal children which open the possibility that Aboriginal children may unknowingly be placed for adoption or guardianship prior to being identified as Aboriginal. In a small number of cases, we are also aware of requests being made to correct a 'misidentification' of a child or young person as Aboriginal without adequate time and cultural consultations being undertaken to determine whether this was the case.

It has been pleasing to see the Minister and her Department responding seriously to these concerns. In March 2024, the Minister, ordered a temporary pause on changes to the Indigenous Status of children and young people in OOHC identified as Aboriginal by the DCJ, until DCJ has an approved Aboriginal Identification Policy in place, which will also cover the process for correcting a misidentification.

While this work is underway, the Minister has agreed to an interim process for reviewing urgent requests for changes to Indigenous Status (i.e. to correct a misidentification of a child or young person as Aboriginal), where there is sufficient evidence that a child or young person has been misidentified. Additional safeguards have been applied. For instance, information is sought from ACCOs and senior Aboriginal leaders in DCJ and the ACCO sector are involved in recommendations to correct potential misidentification (DCJ 2024).

FACS research in 2015 found that "in the majority of NSW cases where Aboriginal children in OOHC care have been adopted since 2011, their Aboriginal heritage became known after placement and during the adoption process and/or the children were of an age to give consent to their own adoption". FACS research also found two significant issues relevant to cultural dispossession. First, given the absence of a reliable process to accurately identify Aboriginal children at entry to the child protection system, permanent placement decisions may be made without due diligence and proper consideration of the child's cultural needs.

Second, but related to this, the issue of consent may be compromised with respect to children asked about guardianship and adoption where they have not been placed in accordance with the ACYPPP, and whose cultural rights and needs have been neglected throughout their time in OOHC. While AbSec respects the rights of young people to make decisions about their own lives, we are concerned about decisions being made in a child protection system that has failed to protect the cultural rights of Aboriginal children in its care. Aboriginal children and young people who have been systematically denied their cultural rights cannot make an informed decision regarding a permanent legal order that may deny them important cultural connections and safeguards. In this context, guardianship orders can be viewed as introducing an inappropriate forced choice between a child's individual rights to belonging and connection to those providing their daily care, and their cultural rights and identity.

Evidence suggests that cultural connection is essential for identity formation and promotes resilience for children and young people exposed to adversity. However, permanent care orders such as guardianship provide no functioning mechanism to ensure that Aboriginal children and young people have their cultural rights respected and grow up with meaningful connections to their family, community and culture.

AbSec emphasises the critical importance of appropriately identifying Aboriginal and Torres Strait Islander children within the child protection system and placing strong safeguards around any "de-identification." Early and accurate identification enables culturally appropriate supports, connection to kin and community, and full application of the Aboriginal Child Placement Principles, which are essential for a child's wellbeing and cultural rights.

AbSec policy is that any process to de-identify a child previously recorded as Aboriginal and/or Torres Strait Islander should be treated with utmost seriousness. It must include written authorisation by a relevant Aboriginal Community Controlled Organisation or similar independent Aboriginal-led organisation, district director oversight, and transparent evidence to ensure accountability and cultural integrity.

Overall, AbSec advocates that identification and de-identification be carefully governed, culturally sensitive and always grounded in community engagement.

# Strengthen accountability for Aboriginal and Torres Strait Islander children, young people and families

The risks that guardianship orders present to the rights, interests and wellbeing of Aboriginal and Torres Strait Islander children and young people within the current child protection system can only be addressed if we strengthen accountability for Aboriginal and Torres Strait Islander families in New South Wales. A model for strengthening accountability has been prepared for AbSec by the Jumbunna Research Child Protection Hub at UTS (hereafter Jumbunna). The report was published in August 2025 and we acknowledge all our partners in the Family is Culture (FIC) Advocacy Working Group<sup>1</sup> for their contributions.

AbSec asked Jumbunna to explore the nature and structure of accountability that would serve the rights, interests and wellbeing of Aboriginal and Torres Strait Islander children and young people, both within the child protection system, and more broadly (2025: 6). The paper draws on the foundations for reform identified by the Family is Culture Review Report 2019: Independent Review of Aboriginal Children and Young People in OOH (FIC, 2019) and pays particular attention to Recommendation 9, which calls for the establishment of a new, specialised New South Wales Child Protection Commission (Jumbunna 2025: 6). The paper also draws on the commitments made by all Australian governments through the National Agreement on Closing the Gap and Safe and Supported: National Framework for Protecting Australia's Children (2021–2031), to actively strengthen accountability of government systems to Aboriginal and Torres Strait Islander communities, particularly as applied to the rights and wellbeing of children and young people. Increased transparency and accountability are a central pillar for improving outcomes for Aboriginal and Torres Strait Islander children and young people, both in child protection and across intersecting systems such as youth justice, housing, education, disability and health (Jumbunna, 2025: 7).

Jumbunna recommends that two complementary accountability mechanisms be established:

1. A New South Wales Child Protection Commission – to improve oversight and coordinated regulation of the child protection system for all children, and
2. A New South Wales Commissioner for Aboriginal Children and Young People, with a mandate to promote and protect the rights of Aboriginal and Torres Strait Islander children and young people (Jumbunna, 2025: 7).

Jumbunna is not pretending these offer some kind of quick fix to significant structural and intergenerational inequities. However, by enabling greater inclusion of community in accountability mechanisms that have a disproportionate impact on their children and which enable a reorientation of accountability mechanisms, “they offer a critical first step in transforming governments and systems to better represent Aboriginal and Torres Strait Islander people and enhance accountability to Aboriginal and Torres Strait Islander communities” (2025:7).

---

<sup>1</sup> The NSW Family is Culture Advocacy Working Group (FICAWG) comprises staff from the Jumbunna Institute for Indigenous Education and Research



In developing accountability mechanisms, Jumbunna (2025: 34) provides important context about the essential attributes of any accountability framework in the context of child protection reform:

“Regardless of the model adopted, and whether done separately or together, this comprehensive reform package, like any accountability framework, must be independent, have statutory authority, be able to exert systemic and individual influence in a way that is responsive to the rights of children, and the expectations of the broader public that children are safe, well cared for, and supported to thrive. This means that accountability mechanisms must be empowered to provide culturally grounded analysis of decisions being made about Aboriginal and Torres Strait Islander children and be accountable to Aboriginal and Torres Strait Islander communities. It must have direct influence on key policy areas such as the implementation of Active Efforts and the Aboriginal and Torres Strait Islander Child Placement Principle as well as having a mandate to conduct both systemic reviews and qualitative case file reviews. This includes a remit to make an application to the Children’s Court for a Section 90 for the rescission or variation of a care order. The scope of focus must be wide enough to include the prevention of care entries and contribute to strategy that refocuses the system from one based on colonial logics to one founded on human rights principles. Importantly, any reform must reach all corners of the State with a commitment to decentralise funding decisions, bringing them closer to Aboriginal and Torres Strait Islander communities. The oversight body should have the power and platform to challenge the harmful public narratives espoused about Aboriginal and Torres Strait Islander children and families.”

## AbSec's position on guardianship orders

A human rights framework provides an important foundation for an OOHC system operating as part of a broader child protection system aimed at realising the rights of children as outlined in the Convention on the Rights of the Child (the Convention). The Convention outlines the rights of all children, including the right to safety, family, community, identity and culture. Central to the Convention is the principle of "best interests of the child". This principle requires a systematic consideration of how children's rights and interests may be affected by decisions or actions taken by others and affirms rather than overrides all other rights guaranteed by the Convention (Article 8) including the right of Aboriginal children to their community and culture (Article 30). Culture is of critical importance to the resilience of children and young people faced with adversity, with cultural rights considered to underlie the meaningful enjoyment of all other rights and freedoms for Aboriginal children (Jackamos, 2014). As such, any consideration of the best interests of Aboriginal children must include consideration of how their cultural rights will be realised, in partnership with the child's family and community.

A human rights framework also emphasises the principles of participation and self-determination for Aboriginal families and communities in making decisions about the care and protection of Aboriginal children. These principles are also reflected in the Care Act (s.11), which states that "Aboriginal and Torres Strait Islander people are to participate in the care and protection of their children and young persons with as much self-determination as possible". These principles emphasise the importance of Aboriginal families and communities making decisions about and developing appropriate systems for the ongoing care and protection of Aboriginal children.

Aboriginal communities remain distrustful of government in the child welfare space. Too often, and despite the legislative commitments to Aboriginal participation and self-determination, significant decisions with wide-reaching impacts on the lives of Aboriginal children, families and communities (including the identification of Aboriginal children and families, decisions about safety, welfare and wellbeing, and placement decisions) continue to be made for, rather than by, Aboriginal families and communities, despite recent efforts to promote 'consultation'. As such, AbSec and our member agencies remain opposed to permanent care orders being made through non-Aboriginal controlled processes and imposed on Aboriginal families and communities and see such processes as failing to provide Aboriginal people with the opportunity to act "with as much self-determination as is possible" (s.11) in child welfare matters. Rather, guardianship orders are viewed as a "quasi-adoption" order that may see Aboriginal children dispossessed of their connection to family, community and culture, with significant impacts on the child's current and future wellbeing.

These concerns are exacerbated by the ongoing concerns of the Aboriginal community regarding the ability of DCJ to adequately implement the ACYPPP; to invest in restoration and particularly Aboriginal-led community-based restoration initiatives; to develop and implement quality cultural care and support plans that provide Aboriginal children and young people with a meaningful connection with their family, community and culture; or to accurately identify the cultural background of children and families coming into contact with the child protection system or entering care in a timely fashion. This final point is particularly concerning, as Aboriginal children may be placed on permanent legal orders before they are identified as Aboriginal, potentially denying Aboriginal children their cultural rights and providing no avenue for the Aboriginal community to ensure these rights are recognised and respected.

Additionally, AbSec argues that such orders do not represent the best interests of Aboriginal children and young people in need of alternate care given the lack of ongoing practical support provided to children and young people themselves and those that care for them, the lack of monitoring for safety, and the absence of effective mechanisms to ensure their rights to family, community, culture and Country are respected. In these ways, permanent care orders such as guardianship orders represent the closest contemporary analogue of past policies associated with the Stolen Generations in their failure to ensure the safety and wellbeing of children in

alternate care and their capacity to contribute to the disconnection of Aboriginal children from their family, community, culture and Country. In particular, AbSec is critical of the implication that, having determined a child needs care and protection, guardianship orders represent DCJ deferring their responsibility to ensure the best interests of the child. As Aboriginal community-controlled organisations, AbSec and our members take our responsibility to our children and young people seriously and oppose guardianship orders on the grounds that they deny Aboriginal communities any effective legal mechanism to ensure that our children are safe and strong in culture.

As Libesman, Gray, Gray and Hermeston (2025: 15) state powerfully and eloquently, “..the aim of enabling Aboriginal and Torres Strait Islander children to grow up in their own community and culture should be at the forefront of how we interpret concepts such as best interests and permanency for those subject to child protection interventions...A relational understanding of human rights not only challenges the primary focus of rights as individual but also illuminates the interconnectedness of individual and collective rights. Children’s rights—including core concepts foundational to child protection decision making, such as the best interests of the child and the stability of relationships through permanency—cannot be meaningfully understood as individual rights in isolation from the relationships that children and young people have with their family and community. We argue that the unjust and harmful colonial exercise of sovereignty is at the foundation of the overrepresentation of Aboriginal and Torres Strait Islander children in child protection systems. The right to self-determination requires a redistribution of child protection responsibilities between colonial governments and Aboriginal and Torres Strait Islander peoples. A distributive view of self-determination requires that resources are used to support and redress the disadvantages that underpin child protection concerns, particularly poverty, and support the maintenance of relationships that strengthen safety and community ties.

Finally, it is not AbSec’s role to intervene in the decisions of families and communities regarding the care of their children. AbSec acknowledges a variety of approaches to child-rearing in our communities, including relying on family members. Rather, if direct members of the child’s family wish to become the child’s legal guardian, including through the Care Act or Family Court processes, AbSec views that as a family matter. In such cases, it is important that family members, particularly the child’s parents, can participate in and agree to placement decisions, and that appropriate, Aboriginal designed and controlled, rigorous assessment of prospective family guardians is followed to promote child safety. Rather, AbSec’s position is that additional safeguards should be included to ensure that Aboriginal families and communities are empowered to determine the appropriate placement types for their children and young people.

Further, AbSec acknowledges that kinship carers, and particularly Aboriginal kinship carers, may often require significant support, either at specific times or events or generally over the course of the child’s life, to meet the specific care needs of the child or young person. As such, ongoing active monitoring and support of long-term placements by skilled and capable Aboriginal community controlled organisations, including cultural support, is considered essential to promoting positive outcomes for Aboriginal children in OOH, regardless of their placement type. This is consistent with AbSec’s commitment to supporting the development of a comprehensive safety net of Aboriginal community-controlled services providing culturally appropriate services to children and families in their communities.

## Conclusion

AbSec and our members are committed to providing the highest quality support to Aboriginal children and young people who cannot remain safely at home, built on a human rights foundation that respects a child's need for stability, consistent care, positive relationships, opportunity for restoration, and their right to remain connected to their family, community and culture.

Further, AbSec and our members assert the sovereignty of Aboriginal peoples in New South Wales, and the rights of Aboriginal people to make decisions regarding the care and protection of Aboriginal children and young people. We believe that where children are deemed unable to remain safely at home and require the intervention of the community and alternate care, the obligation to ensure their ongoing safety, welfare and wellbeing requires an active commitment to provide ongoing support within the new or extended environment. As such, we remain opposed to permanent care orders including guardianship for Aboriginal children as they currently exist, being administered by non-Aboriginal people without appropriate assurances of Aboriginal participation and self-determination, and in the absence of ongoing casework support for children and their families.

AbSec asserts that legislative changes are required to protect Aboriginal children from being permanently disconnected from their Aboriginal family, community and culture through permanent care orders, including additional safeguards to ensure that Aboriginal families and communities participate in decision making regarding the placement of Aboriginal children in care (including the most appropriate legal orders), and that their decisions are respected.

Additionally, it is important for Aboriginal children and young people placed in statutory care to receive specialised therapeutic care and ongoing casework support delivered through accredited Aboriginal community-controlled organisations to promote positive outcomes for this vulnerable population. This specialised support is critical and should be provided regardless of the type of order as part of our obligation to Aboriginal children and young people.

Ongoing support should include:

- Financial support for carers while Aboriginal children are in care.
- Casework support related to the ongoing implementation of each child's care plan, including positive relationships with the children themselves and the carers to support the therapeutic care of children and young people in care.
- Resources for local Aboriginal Guardianship Support Models to provide Aboriginal commissioned support to Aboriginal children and young people on guardianship orders.
- Support relating to the implementation of cultural care and support plans, including retaining a child's connection to family, community and culture.
- Support relating to the transition from statutory care, to prevent homelessness and other inappropriate outcomes for children and young people.

In submitting this position, AbSec considers a system that is designed by and driven by Aboriginal families and communities upholds the true sense of self-determination, and allows us to ensure the safety, wellbeing and outcomes for Aboriginal children and young people. It is through this that we maintain a holistic Aboriginal child and family service system can ensure better outcomes for Aboriginal children and young people and ensure ongoing and necessary supports for vulnerable or 'at risk' Aboriginal children and young people regardless of their placement type. Decisions regarding child upbringing and developmental growth need to be informed by their cultural, community and family history to inform their lifelong identity and sense of belonging.

## References

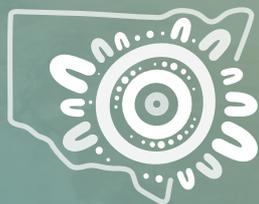
- AbSec, 2024, *Policy Brief: Identity*, AbSec – NSW Child, Family and Community Peak Aboriginal Corporation, Sydney.
- AIHW, 2025a, *Child Protection Australia 2023–24*, Australian Institute of Health and Welfare, Cat. No. CWS 99, Australian Government, September 2025.
- AIHW, 2025b, *Child Protection Australia 2023–24. Data tables: Aboriginal and Torres Strait Islander Children 2023–24*, Australian Institute of Health and Welfare, Cat. No. CWS 99, Australian Government, September 2025.
- Australian Senate Community Affairs References Committee, 2015, *Out of Home Care Inquiry Report*.  
[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/out\\_of\\_home\\_care/Report](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/out_of_home_care/Report)
- Children and Young Persons (Care and Protection) Act 1998 No. 157, NSW legislation.  
<https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157>
- Commission for Children and Young People and Child Guardian (2013) *Indigenous Child Placement Principle: Audit Report 2012/13*, The State of Queensland
- Convention on the rights of the child, 1989. Treaty no. 27531. *United Nations Treaty Series*, 1577
- CREATE Foundation, 2015, 'Hear our Voice' Forum. Ministerial Out-of-home care forum, 19 October, Australian Technology Park, Redfern NSW.
- DCJ, 2024, *Factsheet for guardians Guardianship: what financial support is provided?* NSW Department of Communities and Justice, November.  
<https://dcj.nsw.gov.au/documents/children-and-families/guardianship/pces-guardian-fact-sheet-financial-guidelines.pdf>
- DCJ, 2025, *Policy Statement – Requesting a change to an Aboriginal or Torres Strait Islander child or young person's Indigenous Status on ChildStory*. NSW Department of Communities and Justice, July.
- FACS, 2015, *Issues Paper – Establishing an Institute of Open Adoption*, NSW Department of Family and Community Services.
- Jackomos, A. 2014, International Human Rights Day Oration: 'Linking our past with our future: How cultural rights can help shape identity and build resilience in Koori kids. Published in *Indigenous Law Bulletin*, Vol 8(17).
- KPMG, 2024. "Evaluation of the Aboriginal Guardianship Support Model and AbSec's Commissioning Framework." *Final Report for the NSW Department of Communities and Justice*, December.
- Libesman, T., P. Gray, K. Gray, W. Hermeston. 2025. "Self-Determination Within a Reconceptualised Relational Human Rights Framework to Attain Equality for Indigenous Peoples in Child Protection." *Genealogy*, 9(3), August.
- National Agreement on Closing the Gap in Partnership*. July 2020.  
<https://www.closingthegap.gov.au/sites/default/files/2021-04/ctg-national-agreement-apr-21.pdf>
- Newton, B. J., P. Gray, K. Falster, I. Katz, K. Cripps. 2025. "Realising Aboriginal Community Controlled Approaches to Child Reunification." *Australian Journal of Social Issues* 2025: 1-12.
- Newton, B. J., I. Katz, P. Gray, et al. 2024. "Restoration From Out-of-Home Care for Aboriginal Children: Evidence From the Pathways of Care Longitudinal Study and Experiences of Parents and Children." *Child Abuse & Neglect* 149: 106058.
- NSW Auditor General's Report, 2024a, *Oversight of the Child Protection System*, Performance Audit, 6 June.
- NSW Auditor General's Report, 2024b, *Safeguarding the rights of Aboriginal children in the child protection system*, Performance Audit, 6 June.
- Rose V, Jacob C, Roberts J, Hodgkin L, Shlonsky A, Kalb G, Meekes J, Etuk L & Braaf R. 2023. *Evaluation of the Permanency Support Program: Final Report for NSW Department of Communities and Justice*, Centre for Evidence and Implementation, Sydney.
- SNAICC, 2016. National Voice for Our Children. (2016). *The Family Matters Roadmap*. Family Matters.  
<https://www.familymatters.org.au/the-way-forward/>
- SNAICC, 2019, *The Aboriginal And Torres Strait Islander Child Placement Principle: A Guide To Support Implementation*, SNAICC – National Voice for our Children.
- SNAICC. 2022. Supplementary paper: Defining Kinship Carers for Aboriginal and Torres Strait Islander Children in the ACT, October. [https://www.act.gov.au/\\_data/assets/pdf\\_file/0006/2383890/Defining-Kinship-Carers-for-Aboriginal-and-Torres-Strait-Islander-Children-in-the-ACT.pdf](https://www.act.gov.au/_data/assets/pdf_file/0006/2383890/Defining-Kinship-Carers-for-Aboriginal-and-Torres-Strait-Islander-Children-in-the-ACT.pdf)
- SNAICC. 2024a. *The Family Matters Report 2024*. SNAICC. <https://www.snaicc.org.au/wp-content/uploads/2024/11/241119-Family-Matters-Report-2024.pdf>

SNAICC, 2024b. *Reviewing Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle New South Wales 2021–23*. SNAICC. [Reviewing-Implementation-of-the-Aboriginal-and-Torres-Strait-Islander-Child-Placement-Principle-New-South-Wales-2021-23.pdf](#)

Washington, Hon. Kate MP (2025) Answers to Supplementary Questions submitted following *Families and Communities, Disability Inclusion – Budget Estimates Hearing*, 19 August 2025: [2. ASQ – Hon Kate Washington MP – Budget Estimates 2025-2026 – Received 15 Sep 2025.pdf](#)

## Glossary of acronyms

AbSec	Aboriginal Child, Family and Community Care State Secretariat
ACCO	Aboriginal Community-Controlled Organisation
ACCM	Aboriginal Community-Controlled Mechanism
ACMP	Aboriginal Case Management Policy
ALS	Aboriginal Legal Service (NSW/ACT)
AFLDM	Aboriginal family-led decision-making
BTHR	Bringing Them Home Report
CA	Canada
CtG	Closing the Gap
DCJ	NSW Department of Communities and Justice
FICAWG	Family is Culture Advocacy Working Group
FIC Review	Family is Culture Review Report
FGC	Family Group Conferencing
HREOC	Human Rights and Equal Opportunity Commission
ICWA	Indian Child Welfare Act
NSW	New South Wales
OOHC	Out-of-home care
SDMAC	Safeguarding Decision-making for Aboriginal Children
UNDRIP	United Nations Declaration on the Rights of Indigenous People
US/USA	United States of America
UTS	University of Technology Sydney
VACCA	Victorian Aboriginal Child and Community Agency



**AbSec**

NSW Child, Family & Community  
Peak Aboriginal Corporation

**AbSec – NSW Child, Family and Community Peak Aboriginal Corporation (ICN 8926)**

C301-3-2, Level 3, 104 Eveleigh Street, Redfern NSW 2016  
(02) 9559 5299 | [admin@absec.org.au](mailto:admin@absec.org.au) | [absec.org.au](http://absec.org.au)