



AbSec

NSW Child, Family & Community
Peak Aboriginal Corporation

Self-Determination in Action: Lived Organisational Experiences of Delegated Authority in Australian Child Protection Systems

Policy Paper

June 2026

Acknowledgement of Country

AbSec acknowledges the Traditional Custodians of Country throughout New South Wales and their continuing connection to land, waters and community. We recognise that sovereignty was never ceded. Our head office is located on the land of the Gadigal People of the Eora Nation, in Redfern, and AbSec operates statewide. We pay our respects to the Traditional Owners of all lands and waters across New South Wales, honouring Elders past, present and future.

This paper has been developed with the generous knowledge and experience of stakeholders across Queensland, Victoria and Tasmania. We are deeply grateful for their time, honesty and commitment to sharing what they have learned so that others may benefit. We would also like to thank Candice Butler for her generous contributions and guidance throughout the development of this paper.

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 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 peoples. AbSec leads policy reform, strengthens the capacity of Aboriginal Community Controlled Organisations (ACCOs) and ensures that Aboriginal 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.

For more information, visit www.absec.org.au or contact media@absec.org.au.

Document Disclaimer

The views expressed in this document are those of AbSec and do not necessarily reflect the official policy or position of any other agency, organisation, employer or company. These are intended to contribute to discussion and understanding of issues affecting Aboriginal and Torres Strait Islander children, young people, families and communities.

All quotes included in this paper have been drawn from semi-structured interviews conducted between February and May 2026. To protect the privacy and confidentiality of participants, where requested these quotes are anonymised and attributed by jurisdiction only. All participants have given informed written consent for the use of their contributions to in this research.

A Note on Terminology

This paper uses three related but distinct terms. **Delegated authority** refers to the formal delegation of one or more statutory child protection functions or powers by a state or territory government to the chief executive officer of an ACCO, as exists in Queensland under the Child Protection Act 1999 (Qld). **Lawful authority** is a broader term encompassing any formal legal basis by which an ACCO holds and exercises statutory powers in relation to children – not limited to delegation from government, and encompassing authorisation, co-jurisdiction and other mechanisms. **Transfer of authority** describes the aspiration toward First Nations peoples holding genuine decision-making power over the futures of their children and families, as distinct from a more limited administrative delegation within a government-controlled system.

In Victoria, the Children Youth and Families Act 2005 uses ‘authorise’ rather than ‘delegate’, reflecting a stronger conceptual framing. As a Victorian stakeholder observed: “Authorise is definitely a stronger word than delegate.” In Tasmania, the Tasmanian Aboriginal Centre peak body (TAC), has articulated a preference for a model that more closely resembles a genuine transfer of authority that is without government oversight and key performance indicator structures, while acknowledging that current legislative frameworks limit what is immediately achievable. Throughout this paper, ‘delegated authority’ is used as an umbrella term encompassing both delegation and authorisation, while acknowledging the meaningful distinctions between them.

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Foreword

This paper has been developed by AbSec to facilitate information sharing and stimulate discussion. AbSec recognises that the question of whether to pursue delegated or transferred authority is one that ACCOs and their communities must answer, guided by their own values, priorities and readiness.

Our purpose is to explore the experiences of Aboriginal organisations in other jurisdictions as they have navigated this complex terrain: the preparation required, the supports that made a difference, the challenges that tested them and the lessons they wish they had known sooner. We hope this paper enables NSW ACCOs and communities to engage in more informed conversations about what this particular avenue in self-determination in child protection could look like for our people.

As a peak body, AbSec can advocate alongside ACCOs and communities on this journey. We cannot assume delegated authority ourselves. What we are here to do is yarn honestly about the landscape because if communities and organisations decide to assume delegated authority, they must do so with every possible advantage.

This paper draws on a mixed-methods research design, combining a structured literature review with qualitative interviews that apply a yarning methodology. It sits alongside our 2025 research paper, [Self-Determination and Aboriginal Child Protection: Considerations for Implementation in NSW](#), and must be read in that context: as part of our ongoing commitment to the long-term work toward genuine self-determination for Aboriginal and Torres Strait Islander children, young people and families.

Executive Summary

Purpose and Context

Aboriginal and Torres Strait Islander children continue to be removed from their families, communities and cultures at rates that represent both a national crisis and a continuing expression of colonial harm. As at June 2025, Aboriginal and Torres Strait Islander children were 3.3 times more likely to be subject to a child protection notification, and 11.2 times more likely to be in out-of-home care (OOHC), than non-Indigenous children – representing 47 percent of all children in care despite comprising only 6 percent of the child population.¹

In NSW, recent reform plans continue to offer no meaningful indication that self-determination is positioned as a necessary foundation for change.² At the same time, governments across Australia have committed through [Safe and Supported: The National Framework for Protecting Australia's Children 2021-2031](#) to the progressive transformation of child protection systems with self-determination at the centre (Department of Social Services [DSS], 2021). Action 1 of the [Aboriginal and Torres Strait Islander First Action Plan 2023-2026](#) specifically commits to delegated authority (DA) as a mechanism for this transformation. Queensland and Victoria are the only jurisdictions to have embedded DA through legislative reform, with Tasmania currently in progress towards this goal. This paper documents what that experience has looked like in practice, told through the voices of those who built it.

Approach

This paper uses a mixed-methods research design. A structured literature review was conducted across domestic and international sources. Semi-structured qualitative interviews using a yarning methodology were conducted between February and May 2026 involving stakeholders from Queensland, Victoria and Tasmania and national experts in Aboriginal child protection decision-making. All quotes are anonymised where requested and attributed by jurisdiction only.

What Delegated Authority is, and What it is Not

Delegated authority (DA) is one pathway towards self-determination, not an end in itself. It transfers state government's statutory powers to ACCOs and enables genuinely different outcomes for children, young people and families. It is not, however, the fulfilment of self-determination, or the sole means to addressing the over-representation of Aboriginal and Torres Strait Islander children and young people in OOHC systems. AbSec's previous research with the Jumbunna Institute for Indigenous Education and Research describes DA as a transitional step, ensuring that the state remains accountable for the legacy of decisions that define current circumstances.

Communities must have the genuine opportunity to determine when and in what circumstances they use this tool, and have the right to say no or not yet without penalty. In undertaking DA, Aboriginal and Torres Strait Islander communities cannot be solely accountable for reducing

¹ See Department of Communities and Justice. (2025). Aboriginal-led Data Sharing Child Protection and Out of home care statistics

² See AbSec and Jumbunna Institute for Indigenous Education and Research, 2025

the numbers of children and young people in OOHC. They do not control funding or statutory requirements and have a wider role, including supporting children and families to create stronger, deeper connections and a sense of identity.

What We Heard

Delegated Authority must be child-centred. The voices of Aboriginal and Torres Strait Islander children and young people lead the journey of DA, at a pace that is comfortable and informed by them. Systems that support DA must stay grounded in the intent of being child-centred, and prioritise the wellbeing of children and young people over bureaucratic needs.

Readiness must be built, not assumed. Across all jurisdictions, organisations that accepted some DA without adequate preparation time, governance frameworks, flexible funding or workforce capacity and capabilities faced serious operational difficulties. Victoria's decade-long pathway (including the 'As If' pilot from 2013, a collaborative project team in 2016 and progressive legislative amendments) stands as the strongest available template.

Communities must lead the pace. Some ACCOs have chosen not to assume DA, or some elements of DA, and this is also an act of self-determination. ACCOs must have sufficient time and tools to make informed decisions within their own communities. Any NSW framework must embed genuine community consent and the right to step back at any time.

Funding must match responsibility. Underfunding DA can be a trap for ACCOs. They carry responsibilities without the means to fulfil them. Sufficient funding is required for governance, legal expertise, data systems, workforce development and community engagement, in addition to service delivery.

Peak bodies are essential enabling infrastructure. The Victorian Aboriginal Children and Young Peoples Alliance (VACYPA)– Senior Advisor for Aboriginal Children in Aboriginal Care (ACAC) described the role of the peak body as providing collective leadership and sector coordination to support ACCOs to implement DA in ways that reflect their own communities, governance, and practices: “to be the collective lead and ensure that ACCOs can do it their way... it's that little tap, tap, hey, this is coming, we will be that extra support to walk with you on this so you can run with it.” Participants emphasised that this coordination, advocacy, and sector development role is critical to the sustainability and growth of DA and requires ongoing and adequately resourced funding support.

Workforce development must honour cultural expertise. Cultural knowledge holders have essential and irreplaceable expertise. Settler-colonial legal systems do not always recognise this cultural expertise. For instance, when ACCOs give evidence in court. Victoria has applied a workforce pipeline approach, from entry-level case support roles through funded traineeships to qualified practitioners. This offers a model worth consideration. In-house legal expertise was also consistently identified as essential across all jurisdictions.

Legislation must be flexible and include sub-delegation. The inability of ACCO chief executive officers in Queensland to sub-delegate powers to other staff limits scale and sustainability. This experience tells us that sub-delegation to appropriately qualified staff must be a non-negotiable feature of any NSW legislative framework.

Accountability must run to community, not just government. DA models accountable only to government replicate the colonial power dynamics they seek to disrupt. Before DA commences, community consent processes, culturally grounded data frameworks and independent oversight mechanisms must be in place.

Sustainable frameworks are necessary. Legislative provisions are important steps forward but can be politically vulnerable. The partial repeal of self-determination provisions in Aotearoa New Zealand following a change of government demonstrates that legislative gains can be reversed. Any NSW framework must be designed with sufficient robustness to survive political change.

Immediate Actions

These actions do not require DA legislation and can be pursued now.

- AbSec will conduct DA policy development through work with ACCOs and community members including to understand their aspirations, thoughts and worries. AbSec will share the experience of DA from other jurisdictions to inform these conversations.
- AbSec will work with communities to develop a clear definition of self-determination in child protection and to articulate a vision for the design and administration of Aboriginal child protection approaches in NSW. This is consistent with Immediate Action 1 of AbSec and the Jumbunna Institute for Indigenous Education and Research (2025).
- AbSec will begin building DA understanding and capacity, including through facilitating direct peer connections between NSW ACCOs and their counterparts in Queensland, Tasmania and Victoria.
- AbSec will encourage the NSW Government to invest in ACCO sector capacity for undertaking DA now. Workforce development, governance support, legal infrastructure and data systems require sufficient funding and lead time.
- AbSec and the Aboriginal Legal Service (NSW/ACT) to work with the Department of Communities and Justice to agree improved information-sharing frameworks that support communities access to relevant information for their meaningful participation in decisions about our children.

1. Introduction and Context

1.1 Why this Paper, and Why Now

The removal of Aboriginal and Torres Strait Islander children from their families, communities and cultures continues at rates that are simultaneously a national crisis and a continuing expression of colonial harm. As at June 2025, Aboriginal and Torres Strait Islander children were 3.3 times more likely to be subject to a child protection notification, and 11.2 times more likely to be in out-of-home care (OOHC), than non-Indigenous children – representing 47 percent of all children in OOHC despite comprising only 6 percent of the child population.

In NSW, AbSec and the Jumbunna Institute for Indigenous Education and Research (2025) found that recent government reform plans continue to offer “no indication that self-determination is positioned as a necessary foundation” for change (p. 3). The Family is Culture Review (Davis, 2019) made clear that weak forms of self-determination are unlikely to achieve substantive change, and that strong forms (involving autonomous arrangements in which Aboriginal communities design and administer their own systems) are necessary.

Against this backdrop, governments across Australia committed through Safe and Supported: The National Framework for Protecting Australia’s Children 2021–2031 (DSS, 2021) to the progressive transformation of child protection systems with self-determination at the centre. Action 1 of the Aboriginal and Torres Strait Islander First Action Plan 2023–2026 specifically commits state and territory governments to advance DA as a mechanism for this transformation. This paper explores what that experience has looked like for ACCOs in Queensland, Victoria and Tasmania.



“Delegated Authority is one way to achieve the goal of reducing over-representation, as well as providing opportunities for Aboriginal and Torres Strait Islander communities to reclaim child protection decision-making, in accordance with self-determination and First Peoples’ cultural ways of knowing, being and doing – developed and refined over many millennia of successful child-rearing.

Delegated Authority is an important step towards self-determination, although it does not achieve a relinquishment of child protection authority by settler-colonial governments.”

Candice Butler and SNAICC, (no date)

1.2 Self-Determination: Strong and Weak Forms

In previous research with the Jumbunna Institute for Indigenous Education and Research, AbSec identified that self-determination in child protection exists on a spectrum from ‘weak form’ – characterised by participation and consultation within government-administered systems – to ‘strong form’, which involves autonomous arrangements that enable Aboriginal communities to design and administer systems for the care and protection of their children. The historic Bringing Them Home Report³ articulated that self-determination “requires more than consultation because consultation alone does not confer any decision-making authority or control over outcomes” (p. 276).

3 Human Rights and Equal Opportunity Commission, 1997

DA must be understood within this framework. It is a meaningful mechanism, one that transfers real statutory powers to ACCOs, but does not realise self-determination. Rather, DA is “a transitional step in this process for the transfer of authority”⁴ ensuring the state remains accountable for the legacy of decisions that define current circumstances. This is reinforced by the Yoorrook Justice Commission (2023) which recommended the “transfer of decision-making power, authority, control and resources to First Peoples, giving full effect to self-determination” (p. 26), a vision that DA alone does not fulfil but can meaningfully advance.

1.3 Research Questions

This paper is organised around three research questions:

- How did ACCOs prepare for the assumption of delegated or transferred authority, and what organisational, governance and strategic factors enabled them to do so effectively?
- What structural, resourcing, legislative and relational supports do ACCOs identify as necessary to exercise delegated authority effectively across different jurisdictions?
- What internal organisational challenges did ACCOs navigate, and how did they engage with and remain accountable to their communities throughout the transition?

1.4 Methodology

Literature Review

A structured literature search was conducted using Google Scholar, applying Boolean logic to combine terms related to delegated authority, transfer of authority and jurisdictional transfer with terms for child protection and Aboriginal and Torres Strait Islander peoples.⁵ Five primary sources were selected from 15 initial results; additional sources were identified through citation chaining. There was also review of the draft jurisdictional scan prepared by Butler and SNAICC for the Aboriginal and Torres Strait Islander Leadership Group.

Qualitative Interviews

Semi-structured qualitative interviews using a yarning methodology were conducted between February and May 2026 with stakeholders from Queensland, Victoria and Tasmania and national experts in Aboriginal child protection decision-making. All quotes are anonymised where requested and attributed by jurisdiction only. All participants were engaged to review, contribute edits and approve their contributions for the final report prior to publication.

4 AbSec and Jumbunna Institute for Indigenous Education and Research, 2025, p. 14

5 Date range: 2015 to 2026, with exceptions for foundational texts

2. Organisational Readiness and Preparation

Readiness is central to any ACCO consideration of DA. This is one of the most consistent findings across every jurisdiction. Moreover, readiness is frequently assessed too late, by the wrong parties and without adequate support. This section examines four interconnected domains.

2.1 Governance Reforms

Effective governance arrangements are essential for ACCOs capacity to assume DA responsibilities.

In Queensland, the legislative requirements for DA established a minimum baseline: the ACCO Chief Executive Officer must be Aboriginal and Torres Strait Islander, hold a Working with Children clearance, and have leadership experience of a child and family services organisation. However, the broader organisational preparation required was substantial and rarely adequately supported before contracts commenced. One stakeholder observed the importance of assessment processes for capability and capacity occurring in partnership with Aboriginal and Torres Strait Islander communities to ensure that contracts are adequate for those communities. As the same stakeholder put it “the core has to be the child’s experience and voice. If we are ticking KPIs instead, what are we doing it for?”

The critical lesson from the early adopter organisations in Queensland was the compounding effect of knowledge. Organisations that performed well had strong knowledge-holders with deep understanding of the child protection system. As one Queensland stakeholder notes, “There needs to be staff development and internal processes developed in order for those programs to succeed.” Involvement of Aboriginal and Torres Strait Islander communities and their peak bodies in contract negotiations from the outset was vital for quality insights into organisational capacity, and to support capacity and capability building across the ACCO sector.

In Victoria, VACCA’s preparation was more methodical. Following a Canadian study tour in approximately 2012, VACCA and statutory partner representatives undertook an ‘As If’ pilot from 2013, operating as though section 18 authorisation⁶ was in place. VACCA used departmental tools alongside VACCA’s own culturally grounded decision-making approaches. This process identified two legislative deal-breakers: the inability of the Chief Executive Officer to sub-delegate powers, and the prohibition on information sharing between the Department and ACCOs. Both were resolved through legislative amendments in 2015. In 2016, the Victorian Government made available funding to establish a collaborative project team of three senior VACCA positions and three departmental positions to work together for 18 months.

The first formal authorisation occurred in 2017. One stakeholder reflected on this journey across generations: “It is a multi-generational piece of work. My Pop went on the study tour to Canada, and now I am working on the program.”

VACYPA described Victoria’s journey towards DA as one led by ACCOs and supported through sustained investment, formal agreements and constructive engagement with government. Progress was underpinned by clear and well understood governance arrangements, shared commitments to self-determination and a willingness to work through challenges within the complexities of a statutory system. The VACYPA advisor reflected, “You have to be able to discuss the pain points and be able to move through it together.” Additionally, while a statewide framework is important, ACCOs need the flexibility to make decisions and work in ways that reflect the needs, strengths and aspirations of their own communities.

⁶ In Victoria, Section 18 of the Children, Youth and Families Act 2005 (Vic.) relates to powers of the Secretary of the responsible department (currently the Department of Families, Fairness and Housing) to authorise an approved ACCO to perform specified functions and powers in relation to a Children’s Court protection order for an Aboriginal child or young person.

Over the past decade, the ACAC (Aboriginal Children in Aboriginal Care) program in Victoria has expanded from a single ACAC team to 22 teams across Victoria. This has created the capacity to support more than 500 Aboriginal children and young people through culturally informed, community-led decision-making.

2.2 Workforce Development

Workforce capacity is the most frequently cited challenge across all jurisdictions. An effective statutory child protection workforce requires extensive knowledge of legislation, policy, family dynamics, cultural and community context and risk assessment. The scale and scope of this expertise cannot be quickly acquired.

VACYPA described the importance of investing in long-term workforce development. For instance, by creating pathways from traineeships and case support roles through to qualified practitioner positions. Alongside this, funding must recognise the critical role of Cultural Advisors, Practice Leads and Community knowledge holders to provide cultural guidance, strengthen accountability to community, and ensure practice remains aligned with ACCO values and ways of working. This approach enables ACCOs to build a skilled workforce where culture is at the centre of practice, supported by the community knowledge, relationships and expertise that are critical to achieving positive outcomes for Aboriginal children and families.

VACYPA also highlighted the importance of having strong Aboriginal leadership at both senior and middle management levels. “Leaders need to be connected to community and culture so they can help shape frameworks, policies and practice in ways that reflect community priorities and ACCO values”. This is consistent with what researchers find is necessary for genuine Indigenous self-determination: institutions that combine technical capacity with cultural authority.⁷

Another ACCO emphasised that in-house legal expertise is essential: “internal legal is vital.” VACCA’s legal team work alongside practitioners who understand the legal framework and the cultural practice approach. Victorian stakeholders recommended that AbSec consider offering a centralised legal resource to NSW ACCOs. This aligns with international experience.⁸

The QATSICPP Readiness Tool (2025) identifies necessary key staff capabilities. These are: understanding of child safety systems; ability to assess risk; capacity to build external partnerships; and relevant qualifications. For management roles, clear supervision frameworks and role definition are also necessary. Tasmania’s TAC highlighted the additional challenge of unsuitable case management systems, and the difficulty of building appropriate systems within service-delivery-focused funding: “You need the principles and guides but in the end you need people on the ground pushing it forward.”

2.3 Financial and Risk Management Systems

Enabling systems required to exercise DA are substantial and the jurisdictional experience is that these are consistently underestimated by government. These include case management databases, risk assessment frameworks, critical incident policies, referral pathway systems, data sovereignty arrangements and supervision frameworks.

Stakeholders agree that insufficient government-provided data systems was one of the most significant operational barriers. Stakeholders across jurisdictions advised that the development of Aboriginal community-controlled data systems lead to better outcomes and streamline information sharing.

In Victoria, one ACCO spent considerable time developing a culturally grounded practice framework, risk assessment framework and program manual. These reflect the ACCO’s own

⁷ Cornell and Kalt (2010)

⁸ Butler’s (2023) in assessing the experience of First Nations organisations in Canada found that they unanimously identified in-house legal counsel as indispensable.

cultural approach and are protected through an Aboriginal community-designed rights-based assessment.

VACYPA described the peak body's role as providing collective leadership, support and sector coordination to help ACCOs understand what is happening across the DA sector. This includes sharing lessons learned and creating opportunities for ACCOs to learn from one another. Stakeholders emphasised the importance of equipping ACCOs with information, education and support so they can make informed decisions about whether DA is the right fit for their community. The role of the peak body is not to promote a single approach, but to support ACCOs to implement DA in ways that reflect their own community priorities, culture and practice approaches: "to be the collective lead and ensure that ACCOs can do it their way..." (VACYPA). Participants emphasised that this coordination, education and sector development role is essential to the sustainability and growth of DA and must be adequately resourced. This is consistent with international practice.⁹

2.4 Strategic Decision-Making and Timing

The research reveals consistently that government timelines must align with the time genuinely required for ACCOs and communities to prepare. One stakeholder said the Victorian journey took approximately a decade from the Canadian study tour to the first formal authorisation.

"Ten years seems a long time to consider DA. Do we want it? Can we take hold of this law and change things for our children? Are we ready? What do we need?" Extensive coordination and planning, from legislation, governance, partnerships, community consultation, sector capacity building and practice ways are to be considered. This takes time and funding." (VACYPA, 2026). Extended timeframes such as this are consistent with Victoria being the first jurisdiction in Australia to progress DA, a process which has laid a foundation for jurisdictions such as NSW.

One stakeholder was explicit that some ACCOs have chosen not to assume DA. DA must recognise the sovereignty of communities in its design process. This includes the capacity for communities to make decisions about the nature and the extent of the parts of DA they assume. Communities reserve the right to engage in DA, as well as to withdraw from DA. This tells us that any NSW framework must also make this genuinely possible, without financial and/or reputational penalty for ACCOs that do not engage with or withdraw from DA.

A stakeholder described an organisation that communicated clearly that it needed more time for community engagement before committing. This decision was respected.

Looking at examples across jurisdictions, the non-competitive commissioning approach that Queensland developed, yarning through the process with CEOs rather than running a competitive tender, was identified as foundational to enabling genuine community-paced decision-making.

Tasmania's approach illustrates an alternative pathway. Rather than pursuing formal DA legislation immediately, the TAC undertook a 12-month community consultation process with two rounds of questions. They first asked whether the community wanted to assume any DA functions and then asking what they wanted and how much. TAC entered this process without preconceived ideas, letting community define what looking after children meant for them. Workforce and community conversations happened separately. The resulting preferred model, a First Nations first point of contact for notifications, reflects community-led decisions about what self-determination means in the Tasmanian context.

⁹ Hawrys (2022) identifies this same pattern in Canada: prescriptive funding requirements forced many First Nations child welfare organisations to replicate state systems rather than develop their own approaches.

3. What Enables Effective Practice

Even where ACCOs have established DA programs, how these programs function depends on structural enablers. This section examines the five most consistently identified enablers across all jurisdictions.

3.1 Funding Adequacy and Flexibility

Across every jurisdiction and every stakeholder consulted, the adequacy and flexibility of funding was the most foundational enabler or barrier to effective DA. This is consistent with AbSec and Jumbunna Institute for Indigenous Education and Research findings that “proportionate investment directed through Aboriginal commissioning approaches” is a transformational prerequisite.

The structural problem is consistent and stark. Some jurisdictions reported significantly unequal funding arrangements between Government and the ACCO sector, which had implications for partnership work in the design and implementation of DA. Some ACCOs in rural and remote Queensland reported that levels of funding were inadequate to service all communities in their catchment areas. VACCA, as a large ACCO with approximately 1,200 staff, benefits from existing infrastructure that statutory partners do not need to fund separately; a structural enabler that smaller ACCOs entering ACAC do not have, and which need accounting for in any funding model. One stakeholder described the same structural problem from Victoria: “Funding is required, adequate funding.”

The national definition framework is explicit: funding must cover governance, legal expertise, data systems, workforce development, capital infrastructure and system engagement, not just service delivery.¹⁰

Stakeholders identify that brokerage (flexible funding that ACCOs can direct to meet the specific needs of families) is a key enabler. One Queensland stakeholder said that “No one except the organisations fully understands what it [DA] means in terms of resourcing.”

3.2 Legislative Clarity and Scope

Legislation is the enabling foundation of DA. Within that, scope, design and flexibility matter enormously.

The TAC articulated a foundational insight. “So much of this is reliant on how your Act has been written prior to these conversations. The things we need to consider when drafting legislation is the flexibility of different parts of legislation – where is there scope to hold differences?” Looking at second reading speeches for legislation was recommended to aid understanding of legislative intent and identify where flexibility exists.

The VACYPA Senior Advisor articulated the need to commence legislative reform early, consider progress toward full DA, and establish legislative opportunities to enable ACCOs to determine which delegations they are comfortable to exercise. This allows for the prospect of growth and change, led by community. This mirrors SNAICC’s position that delegation is available for any or all

¹⁰ Aboriginal and Torres Strait Islander Leadership Group for Safe and Supported and SNAICC, 2026. This is supported in Butler (2025) who argues that parity in funding must extend to policy development, research and evaluation, and practice support.

relevant functions at any point along the child protection continuum.

The inability of ACCO chief executive officers in Queensland to sub-delegate powers to other staff was consistently raised as the most significant operational constraint, as the inability to sub-delegate limits the number of children ACCOs can assist. This single design feature limits scale and sustainability. The negotiations under Safe and Supported include a provision for sub-delegation to any person or class of person employed by the ACCO. This tells us that sub-delegation must be non-negotiable in any NSW framework.

In NSW, AbSec and the Jumbunna Institute for Indigenous Education and Research identify that sections 11¹¹ and 12¹² of the *Children and Young Persons (Care and Protection) Act 1998*, relating to self-determination, “remain vague” and “have not been meaningfully enacted in more than two decades” (p. 19). These existing provisions offer a potential immediate entry point before any more significant legislative reform.

3.3 Relationships with Government Agencies

Stakeholders consistently identified how crucial the quality of relationships between ACCOs and government counterparts are.

In Queensland, the relationship between ACCOs and their local Child Safety Service Centres was decisive. A Queensland stakeholder was direct: “It is about committing to work differently for the best interest of children.” The importance of individual champions within government was raised across all jurisdictions, alongside the warning that dependence on individuals creates structural vulnerability when those people move on.

Where frontline government staff are not involved in DA preparation from the outset, stakeholders identify material risks to children and families. Experience across jurisdictions has shown that when operational agreements do not specify transition arrangements (including cooling-off periods and clarity about who holds responsibility for ongoing decisions) gaps can emerge that are difficult to detect precisely because both parties are acting in good faith. Clear, jointly developed transition protocols, agreed before authority formally transfers, are essential to ensuring that no child or family falls between systems during the handover period.

A Victorian stakeholder identified the Aboriginal Initiatives team within their relevant government department, as critical in supporting the ACAC journey. Stakeholders described the team as strong advocates, who worked alongside ACCOs, and helped them to navigate government systems while supporting approaches that aligned with Aboriginal ways of working. Another stakeholder described the role of a supportive Departmental Secretary as enabling: “There was a particular Secretary of the Department at the time who was a great advocate.”

One Victorian stakeholder raised the risk of government priorities changing and the risk of DA being repealed. “Accountability and ongoing commitment are required cross government.”

11 s11 of the *Children and Young Persons (Care and Protection) Act (1998)* NSW:

11 *Aboriginal and Torres Strait Islander self-determination*

(1) *It is a principle to be applied in the administration of this Act 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 is possible.*

(2) *To assist in the implementation of the principle in subsection (1), the Minister may negotiate and agree with Aboriginal and Torres Strait Islander people to the implementation of programs and strategies that promote self-determination.*

12 s12 of the *Children and Young Persons (Care and Protection) Act (1998)* NSW:

12 *Aboriginal and Torres Strait Islander participation in decision-making*

Aboriginal and Torres Strait Islander families, kinship groups, representative organisations and communities are to be given the opportunity, by means approved by the Minister, to participate in decisions made concerning the placement of their children and young persons and in other significant decisions made under this Act that concern their children and young persons.

3.4 Data, Systems and Reporting

Operational infrastructure such as data management systems, reporting frameworks and information-sharing agreements is resource-intensive and politically fraught. VACYPA- Advisor raised a structurally important dimension: mainstream data systems are misaligned with what ACCOs do and what communities value. Healing, cultural connection and family strengthening/ connection, do not map onto government reporting frameworks. This requires ACCOs to either contort their practice to suit government commissioning and contract management approaches or to maintain costly parallel systems.

AbSec and the Jumbunna Institute for Indigenous Education and Research identified information-sharing limitations as an immediate priority for NSW, noting that Aboriginal and Torres Strait Islander families and communities are “often denied access to information about the needs or circumstances of our children and young people”, which “actively denies a fair chance of equal participation in decision-making processes.”¹³ One ACCO identified information sharing as one of two legislative deal-breakers that required resolution before the first authorisation could proceed. They developed Memoranda of Understanding with police, courts, hospitals, schools and other key agencies in the 18-month period before operations commenced.

VACCA’s decision to develop its own risk assessment framework represents a principled position on data sovereignty and cultural responsiveness: that culturally grounded assessment requires culturally grounded tools. As one stakeholder noted, this framework is made available to other ACCOs.

3.5 Aboriginal and Torres Strait Islander Community-led Processes

A common predictor of success across all jurisdictions was the degree to which DA was genuinely Aboriginal and Torres Strait Islander community-led, in design, implementation, governance and accountability.

VACYPA Advisor articulated this directly: “ACAC is not a policy reform. It is about having experts at the table in community knowledge, community understanding, but also the two worlds...How do we have the right people at the table to shift decision making back to community safely? How do we resource community and the organisations that represent them to do things their way, be strong to push back, to be able to set up models of care that suit them?”

VACCA’s practice framework, risk assessment tool and court reports are all different from those used by the Department and other ACCOs. These reflect culturally grounded understandings of risk, family and child wellbeing. One stakeholder noted “VACCA’s practice framework is really rights-based, looking at the rights of children and parents. Find real strengths.” It was reinforced by other jurisdictions that risk assessment tools, frameworks and trainings must be Aboriginal and Torres Strait Islander community-led and so apply the appropriate cultural lens.

Across all jurisdictions, DA programs flourished when ACCOs renamed and culturally reframed the program for their communities. In Queensland most organisations renamed DA in language, with the term ‘Delegated Authority’ only used at a systems level. Stakeholders describe this as an affirming process. Central Queensland Indigenous Development’s (CQID) program is called Strong in Family and Culture; VACCA’s is Nugel; Bendigo and Districts Aboriginal Co-operative’s (BDAC) in Victoria is Mutjang Bupuwingarrak Mukman, and TAC’s is Nukara Strategy.

VACYPA Advisor raised the importance of funding culture as a strength, proactively, not in response to crisis. “Fund culture as a strength. Fund organisations, fund communities through their ACCOs to create ways to come together that are not about a service, not about when something has gone wrong. Fund culture and let ACCOs just do it the way they need to do it” The long-term outcomes that flow from this investment are powerful. “I worked with this young person when they were most vulnerable 10 years ago, and now they are going to university. They are living their lives free of welfare and looking forward to their futures. These are ripples of change.”

4. Internal Challenges and Community Accountability

This section examines four dimensions of the internal challenges ACCOs must navigate.

4.1 Internal Change Management

Exercising DA requires ACCOs to change how they work, sometimes fundamentally. Programs that previously operated in isolation must integrate. Staff who have never worked in statutory child protection must develop new skill sets. The chief executive officer, who may previously have had no role in individual case decisions, may become legally responsible for them.

In Queensland, one of the most significant operational discoveries was that there are two entirely distinct process streams within DA: the process for seeking delegation, and the process for making decisions once delegation is granted. Research points to the importance of effective alignment in organisational reform.¹⁴

Butler emphasised the internal communication dimension, stating that “making sure all staff internally understand what is happening is essential. You want teams working together. If teams do not understand what DA is doing, it will not be successful.” Building on this, the VACYPA Advisor noted that as DA continues to expand across Victoria, there is a growing need to: strengthen governance structures, expand sector-wide training, and ensure consistent, ongoing mechanisms for DA updates and implementation. In this way, ACCOs remain actively represented at decision-making tables and in program development, while also supporting shared understanding, reducing siloed approaches, and fostering a responsive, well-informed sector. For instance, this supports sector engagement in emerging policy, practice, and legislative developments.

4.2 Workforce Pressures and Colonial Load

The colonial and emotional load of statutory child protection work in Aboriginal and Torres Strait Islander communities is enormous. Workers often navigate their own connections to community and their own lived experiences, alongside the weight of knowing and making decisions about the lives of children and families in those same communities.

VACYPA Advisor highlighted the particular complexities of family violence within DA work in Victoria. DA providers have found that Aboriginal mothers experiencing family violence have historically been further victimised within mainstream systems through narratives of “failure to protect.” While child safety remains paramount, ACAC practice approaches continue to work alongside parents and carers to strengthen safety and wellbeing outcomes for children within their family and community contexts wherever possible. ACAC providers have reported stronger engagement with parents and mothers, which they attribute to the culturally grounded and relationship-based practice approaches embedded within ACAC service delivery.

VACCA’s evidence on outcomes supports this approach. A 2019 evaluation of the first two years of the Nugel program found a 22 percent reunification rate for Aboriginal children, compared to an average 5 percent reunification rate for Aboriginal children in the Department’s care.¹⁵ A more recent evaluation of VACCA’s Aboriginal-Led Case Conferencing pilot found a diversion rate of 78

¹⁴ For example see Connolly and Smith (2010) who warn of “the potential for well-intentioned new initiatives to have unintended negative consequences” when key elements are misaligned (p. 20).

¹⁵ See Butler and SNAICC, n.d.

percent – meaning almost four out of every five children involved did not return to statutory child protection involvement during the evaluation period.¹⁶

Staff retention is crucial. The skillset required for DA, combining statutory knowledge, cultural competence, relationship skills and risk assessment capacity, takes time to develop. Building professional development, peer support, supervision frameworks and career pathways within DA programs is essential for workforce retention. As noted, Victoria has applied a workforce pipeline approach, from entry-level case support roles through funded traineeships to qualified practitioners.

4.3 Community Leadership and Consent

Across all jurisdictions, community consultation and ongoing consent emerged as both a non-negotiable principle and a logistically complex practice. For a diverse jurisdiction like NSW with multiple language groups, distinct polities and geographies, approaches to DA will need appropriate tailoring.

Tasmania was notable for its approach. As set out at 2.4, TAC undertook a 12-month community consultation process with two distinct rounds: first asking whether the community wanted to assume any DA functions; and then asking what they wanted and how much. Workforce and community conversations happened separately. The resulting model, a First Nations first point of contact for notifications, reflects community-led determination of what self-determination means in that context.

A VACYPA Advisor described genuine community consultation as providing communities with the information they need to make an informed choice about DA. The Advisor explained: “Do you still want government to make decisions for your children? This is what some other ACCO/Communities are doing and the outcomes they are seeing. Or would you consider stepping in and keeping kids safe your way?” The intent is not to lead communities toward a predetermined decision, but to ensure they understand the opportunities, responsibilities and potential outcomes associated with delegated authority.

The VACYPA Advisor also emphasised the importance of recognising many Aboriginal communities’ history and experiences with child welfare interventions and what this law represents to them in respecting each community’s right to determine its own path forward. Participants highlighted the need for communities to have a clear understanding of what DA could mean in practice, including greater authority in decisions that help children remain safely connected to family, community and culture, and where appropriate, support children to return home safely. This theme was consistently raised by participants across jurisdictions.

In Queensland, the requirement that the child and parents must agree to the transfer of decision-making authority as per Child Protection Act 148BB(4A) created a formal consent process at the case level. Both CQID and REFOCUS described a process of starting the DA conversation with families gradually and in a culturally safe way, not exceeding the pace with which families are comfortable, and inviting extended kin into the decision-making process. Butler emphasised that this engagement must be ongoing: “Community being on board with the decision that the ACCO is going to take on it is not a one-off.”

¹⁶ Ibid

4.4 Accountability to Community

The question of accountability in DA is multi-layered. There is accountability to government and the wider legal system through funding agreements, reporting requirements and statutory obligations. For ACCOs exercising DA there is more fundamental accountability to community.¹⁷ However, accountability to community is frequently underweighted relative to accountability to government, particularly in the design of operational agreements and funding contracts.

In Queensland, QATSICPP's Readiness Tool (2025) identifies community feedback mechanisms as baseline accountability practices. These include community events, information sessions, surveys and newsletters, as baseline accountability practices.

VACYPA Advisor discussed that in Victoria there is a formal agreement of priorities between ACCOs and government; *Wungurilwil gaggapduir*. Representatives and sector leaders meet formally to track, prioritise and plan for implementation at the Aboriginal Children's Forum (ACF) for ACCOs held quarterly. Their experience is that sector wide, Aboriginal-led governance and accountability frameworks must be developed early.

Another Victorian stakeholder pointed to the transformative potential of structural change in accountability arrangements. The appointment of an Aboriginal chief executive officer to a governance group within Victoria's Aboriginal Children's Forum, established in 2015, was described as producing "a complete shift in the dynamic." This points to the importance of structural, not just relational, mechanisms for community accountability.

TAC's approach to accountability reflects a preference for community-defined standards rather than government-imposed accountability mechanisms. "It is relational change, it is process change, it is changes in accountability." This offers learning for how NSW approaches DA model design.

¹⁷ AbSec and Jumbunna Institute research found that "reforms must establish meaningful accountability to Aboriginal and Torres Strait Islander communities, rather than solely to non-Indigenous governments that have designed all care and protection systems since colonisation." (p. 28) 2025.

5. Cross-Jurisdictional Insights

5.1 Jurisdiction Profiles

Queensland

DA was legislated in October 2018 through amendments to the Child Protection Act 1999 (Qld), inserting Chapter 4, Part 2A, section 148BB. This section enables the Chief Executive (Child Safety) to delegate specified functions and powers to an ACCO Chief Executive Officer. Implementation began in December 2020 through two early adopter sites: CQID on Darumbal Country | Rockhampton and REFOCUS on Gubbi Gubbi and Jinibara Country | Sunshine Coast. Both commenced with sections 82(2), 87 and 88 which covers reunification, family contact and cultural connection. Case planning under Part 3A is also available.

At the time of writing, 14 ACCOs hold operational agreements for DA throughout Queensland. The model is permissive in scope where any section of the Child Protection Act can in principle be delegated. However, this is constrained by the requirement that the chief executive officer personally exercise all powers, with no sub-delegation available.

A non-competitive commissioning approach has been developed; replacing competitive tendering with a yarning process between the relevant department, QATSICPP and CEOs. Implementation has been supported by QATSICPP's 10-year blueprint (developed with the sector and government in 2023) and the QATSICPP Readiness Tool (2025).

Key outcomes from the Queensland programs include:

- a 40 percent increase in family contact time for Aboriginal and Torres Strait Islander children receiving services from REFOCUS
- children reconnecting with family members they had never previously met, and
- children returning to full-time school after previous disengagement.¹⁸

Victoria

Victoria leads Australia in the progressive transfer of authority to ACCOs. Section 18 of the Children Youth and Families Act 2005 enabled since 2005 but not operationalised until 2017, enables the Secretary of the relevant department to authorise ACCOs to undertake specific functions and powers in relation to Aboriginal children on Children's Court protection orders. The Children and Health Legislation Amendment Act 2023 broadened authorisations to include the receipt and investigation of child protection reports, through the Community Protecting Boorais program.

Victoria's model is characterised by broader scope, sub-delegation capacity and a longer institutional history. This builds on VACCA's advocacy dating to the late 1970s which directly led to the then Victorian Social Welfare Department adopting the principle that removal of an Aboriginal child from family or community should be a last resort.

Multiple ACCOs are currently authorised under the ACAC program. These include VACCA, BDAC, and Rumbalara Aboriginal Cooperative. Several more are in pre-authorisation. In ten years, the

¹⁸ See Butler and SNAICC, n.d.

ACAC program has grown from one team to 22 across Victoria, with capacity to work with more than 500 children. The VACY Alliance, with 15 ACCO members, supports ACCOs across the state on their journey to ACAC.

The Nugel program's 2019 evaluation found a 22 percent reunification rate for Aboriginal children compared to an average 5 percent for Aboriginal children in mainstream statutory care. VACCA's Aboriginal-Led Case Conferencing pilot achieved a diversion rate of 78 percent.¹⁹

Tasmania

Tasmania has not yet progressed to legislative amendment for DA. The TAC undertook a 12-month, two-round community consultation process and is developing a model that differs from conventional DA, preferring a First Nations first point of contact for notifications, closer to shared jurisdiction than formal delegation.

Tasmania and South Australia, whose Children and Young People (Safety and Support) Act 2025 includes DA provisions coming into effect in 2027, are significant to watch for NSW.

5.2 The Role of Peak Bodies

A theme that emerged strongly across all jurisdictions is the critical and consistently under-resourced role of Aboriginal peak bodies in supporting DA implementation.



“Fund a peak to collectively lead and do the overarching policy, governance and systems work in a culturally safe way, so ACCOs are supported to keep up with reforms and accountability requirements. It’s that little tap, tap – hey, this is coming, we’ll do the groundwork with you, and then you can run with it. It’s really about having that trusted support there ready.”

Victorian stakeholder, 2026

In Victoria, the VACY Alliance has funded roles dedicated to walking alongside ACCOs, including policy support and project roles. Other jurisdictions did not receive funding for similar design, implementation and ongoing support roles. All jurisdictions identify that Aboriginal and Torres Strait Islander communities deserve and need fully funded infrastructure to ensure the success of DA, including in its establishment, to properly engage with and succeed at DA.

5.3 International Comparisons

The international literature identifies common themes across Canada, Aotearoa New Zealand and the United States of America that have applicability to Australian jurisdictional experiences.

Canada's Act Respecting First Nations, Inuit and Métis Children, Youth and Families (Bill C-92, 2019) is the most advanced legislative framework, enabling First Nations, Inuit and Métis communities to create their own child and family services laws that prevail over provincial laws in cases of conflict. This incorporates a staged, consent-based model for the progressive transfer of different

¹⁹ See Butler and SNAICC, n.d.

levels of responsibility. However, critiques of the Act are directly applicable to Australian DA frameworks. For example, that it does not adequately fund communities to deliver on their own legislation. Canadian First Nations organisations unanimously identified in-house legal counsel as indispensable, and each advised that such roles need establishment in ACCOs in Australia.²⁰

The Indian Child Welfare Act 1978 (USA) provides tribes with exclusive jurisdiction over child welfare cases on reservations and shared jurisdiction off-reservation. The Act's dual purpose in promoting the best interests of First Nations children and the stability and the security of tribes, is a conceptual model of interest to Australia. As AbSec and Jumbunna Institute for Indigenous Education and Research found Australia tends to position individual child welfare and community self-determination as separate rather than interdependent concerns.

Aotearoa New Zealand offers a cautionary tale about the vulnerability of DA within colonial legal systems. Provisions embedding Treaty obligations in child protection were repealed following a change of government. The VACY Alliance stakeholders specifically raised this. They observed that it is crucial to "have a yarn with some of the ACCOs in New Zealand" to understand what they would do differently."

5.4 Common Enablers and Barriers

Common enablers across jurisdictions

- Legislative change at state/territory level with genuine flexibility for communities to choose scope and pace
- Strong, sustained partnerships between ACCOs, peak bodies and government based on shared values of self-determination and where peaks have funded roles dedicated to walking alongside ACCOs
- First Nations leadership at every level, including culturally safe workforce pipelines
- Processes are led by Aboriginal communities and Elders, making sure there is involvement in program design from the outset, with ongoing consent
- An 'As If' or preparatory phase before formal delegation, to enable practice learning and build community and workforce ownership and understanding
- In-house legal expertise or access to shared legal support through peak bodies
- Adequate, flexible, proportionate funding covering governance, legal, data, workforce and community engagement
- Community-led program naming and cultural reframing, with DA as a systems-level term only
- Long-term investment in early intervention and culture as a strength.

Common barriers across jurisdictions

- Inadequate and inflexible funding that replicates colonial service structures
- Competitive commissioning processes that undermine collaboration and trust
- Insufficient preparation time and limited information sharing before contracts commence
- Government staff not adequately trained in or informed about DA before rollout
- Sub-delegation restrictions limiting system and service capacity
- Assessment frameworks are not developed through a cultural lens
- Dependence on individual champions within government, creating vulnerability
- Mainstream data systems misaligned with ACCO practice and community values
- Legislative frameworks politically vulnerable to changes in government
- Peak bodies excluded from contract negotiations and governance processes.

²⁰ Butler, 2023

6. Implications and Recommendations for NSW

This paper does not advocate for a specific DA model for NSW ACCOs. That decision belongs to ACCOs and Aboriginal and Torres Strait Islander communities in NSW. What the research indicates is a set of structural, legislative, relational and resourcing conditions that enable the effective, equitable and safe pursuit of DA, if that is the choice of our Aboriginal communities in NSW.

6.1 NSW Context

AbSec's research with the Jumbunna Institute for Indigenous Education and Research provides an assessment of the NSW starting position. The Family is Culture Review recommendations for self-determination and public accountability and oversight are also relevant, albeit that these remain largely unimplemented almost seven years since publication of this landmark Aboriginal-led review of the child protection system in NSW. The NSW Government has made commitments to the Commonwealth and the ACCO sector to progress DA under Safe and Supported.

As noted, the self-determination provisions in the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (sections 11 and 12) have not been meaningfully implemented in nearly three decades. Without self-determination as a foundational principle, reform efforts will almost certainly reproduce the structural determinants that continue to drive the over-representation of Aboriginal and Torres Strait Islander children in the child protection and OOHC systems.

6.2 For NSW ACCOs and Communities

- Engage in community conversations about what self-determination in child protection looks like for your community, on your own terms, prior to and independently of any government-driven process.
- Connect directly with ACCOs in Queensland, Tasmania and Victoria who are undertaking this work to understand lessons learned.
- Consider what organisational readiness for DA will require across governance, workforce, financial systems, data and legal capacity, and, as much as is practicable, begin building toward it even without a DA framework in NSW.
- Engage with AbSec in advocating for the structural enablers to make DA viable.
- Retain the right to say no, or not yet, as a genuine expression of community self-determination.

6.3 For AbSec

- Work with communities to develop a clear definition of self-determination in child protection and articulate a vision for the design and administration of Aboriginal child protection approaches in NSW, consistent with Immediate Action 1 of AbSec and the Jumbunna Institute for Indigenous Education and Research.
- Work with the Minister for Families and Communities to enliven sections 11 and 12 of the Children and Young Persons (Care and Protection) Act 1998 as an immediate, achievable step for greater community participation in decision-making.
- Work with the Aboriginal Legal Service (NSW/ACT) and the Department of Communities and Justice to advance effective information sharing approaches that enable communities to access the information they need to participate meaningfully in decisions about our children.
- Build AbSec's own DA capacity and knowledge base, including facilitating direct peer connections between NSW ACCOs and their counterparts in Queensland and Victoria. This includes exploring the types of resourcing that will support sector development, readiness and engagement with DA, including making available legal assistance.

6.4 For NSW Government

- Commit to genuine partnership with AbSec, ACCOs and communities in developing a shared definition of self-determination and a roadmap for its realisation in NSW child protection, consistent with Family is Culture Review Recommendation 6.²¹
- Invest in ACCO sector capacity and readiness in advance of any legislation that gives effect to DA. For instance, investing in workforce development, governance support, legal infrastructure and data systems that all have substantial lead times to realise the benefits of.
- Support sustained and scaled-up implementation of Aboriginal-led commissioning in any future DA program. This includes ensuring adequate funding for ACCOs and peak body support.
- Develop internal DA literacy across the Department of Communities and Justice at all levels (particularly among frontline caseworkers and team leaders) as a precondition of any DA rollout.
- In preparing for DA legislation, apply lessons from cross jurisdictional experience. For instance, about designing legislation in genuine partnership with ACCOs and communities, ensuring flexible scope and the availability of sub-delegation, that community consent requirements are genuine and that provisions are robust enough to survive changes in government.
- Commit to adequate, flexible and proportionate funding that covers governance, legal support, workforce development, data systems and community engagement to support DA readiness.

²¹ Davis, 2019.

Conclusion

The transfer of child protection decision-making authority to Aboriginal communities is not a new idea. It is the demand of every major inquiry that has engaged honestly with the experiences of Aboriginal and Torres Strait Islander children, families and communities – from Bringing Them Home in 1997, to the Family is Culture Review in 2019, to the Yoorrook Justice Commission in 2023. What is new is the growing body of lived organisational experience from within Australia about what is involved to make that transfer meaningful and effective.

NSW needs legislation that genuinely transfers power, not just responsibility. ACCOs need adequate resourcing to support Aboriginal ways of knowing, doing and being; and peak bodies require resourcing to walk alongside ACCOs with knowledge and capacity to support their vision. It takes relationships built on trust and shared purpose. Underpinning all of this are communities at the centre, determining the pace, the scope and the shape of change, with the genuine right to say not yet.

NSW is well placed to advance DA. We have strong ACCOs, an engaged and knowledgeable peak body, a national policy framework that provides real momentum, and now, through this paper, an account of what actual development and implementation looks like from the ACCOs who built it in Queensland, Victoria and Tasmania.



“Collectivist First Nations values differ markedly from the presumed whiteness that imbues contemporary state child protection systems. The transfer of child protection authority to First Nations institutions is necessary to develop child protection services that embed First Nations values.”

Libesman et al., 2025, p. 53

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Appendix A: Interview questions

The following questions guided the semi-structured interviews. The yarning methodology meant conversations were not limited to these questions.

- Can you tell me about your organisation and your role, and how you came into this delegated authority space?
- Can you talk me through how the decision was made for your organisation to assume delegated or transferred authority?
- What did your organisation need to do to get itself ready for this shift?
- What part of that work took the most time or energy?
- From where you sit now, what helps ACCOs be effective when they are exercising this kind of authority?
- If another jurisdiction was starting this tomorrow, what would you tell them they must get right from the start?
- Every big shift brings challenges. What were the hardest things internally for your organisation?
- How did your organisation work with community as this change was happening?
- How does accountability to community differ from how accountability is understood by government?
- If policymakers were sitting here listening, what would you want them to truly understand about ACCOs taking on delegated authority?

Appendix B: Jurisdictional legislation summary

Jurisdiction	Relevant Legislation
NSW	<i>Children and Young Persons (Care and Protection) Act 1998</i>
Victoria	<i>Children Youth and Families Act 2005</i>
Queensland	<i>Child Protection Act 1999</i>
South Australia	<i>Children and Young People (Safety) Act 2017</i> <i>Children and Young People (Safety and Support) Act 2025</i>
Tasmania	<i>Children, Young Persons and Their Families Act 1997</i>
Western Australia	<i>Children and Community Services Act 2004</i>
ACT	<i>Children and Young People Act 2008</i>
Northern Territory	<i>Care and Protection of Children Act 2007</i>

Appendix C: Glossary of key terms

Aboriginal Children in Aboriginal Care (ACAC):

Victoria's program for ACCOs authorised under section 18 of the Children Youth and Families Act 2005 (Vic) to exercise statutory functions in relation to Aboriginal children on Children's Court protection orders.

Aboriginal Community Controlled Organisation (ACCO):

An organisation initiated by and based in a local Aboriginal community, governed by an Aboriginal community-controlled board or council, and established to deliver holistic and culturally appropriate services to the community.

Community Protecting Boorais (CPB):

Victoria's program enabling authorised ACCOs to conduct child protection investigations, introduced following 2023 legislative amendments.

Delegated authority (DA):

Used throughout this paper as an umbrella term encompassing both delegation (as in Queensland) and authorisation (as in Victoria), while acknowledging the meaningful distinctions between these concepts.

Family is Culture Review (FIC Review):

The 2019 Aboriginal-led review of the NSW child protection system, authored by Professor Megan Davis.

Lawful authority:

A broader term encompassing any formal legal basis by which an ACCO holds and exercises statutory powers in relation to children – not limited to delegation from government.

Out-of-home care (OOHC):

Formal care arrangements for children unable to live with their parents, including family-based care with relatives, kin or foster carers, and residential care.

Safe and Supported:

The National Framework for Protecting Australia's Children 2021–2031, including the Aboriginal and Torres Strait Islander First Action Plan 2023–2026.

Self-determination:

Used consistently with the framework in the Bringing Them Home Report (HREOC, 1997) and the Family is Culture Review (Davis, 2019):

Indigenous decision-making carried through to implementation, not limited to consultation or participation within government-administered systems.

Transfer of authority:

The aspiration and direction of travel toward First Nations peoples holding genuine decision-making power over the futures of their children and families – going beyond administrative delegation within a government-controlled system.



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