

**National Justice Project  
Position Statement**

**Systemic Neglect  
and Child Removals**

**2025**

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The National Justice Project acknowledges that we live and work on unceded sovereign Aboriginal land, with our office on Gadigal Country. We pay our respects to Elders past and present and celebrate First Nations' continuation of a living spiritual, cultural and social connection with the land, sea and sky.

Always was, always will be, Aboriginal land.

The National Justice Project is committed to embracing diversity and eliminating all forms of discrimination in the provision of its services. We welcome all people irrespective of ethnicity, disability, faith, sexual orientation and gender identity.

# Executive Summary

Australia is in the grip of a national crisis: First Nations children are being removed from their families at rates that are staggeringly and persistently disproportionate. Despite apologies, inquiries and promises of reform, the systems of child protection across states and territories continue to inflict deep and long-lasting harm.

This crisis is not accidental. It is the result of systemic racism, government inaction, and the deliberate maintenance of dysfunctional structures that unjustly penalise socioeconomic disadvantage, cultural difference and health and social needs.

The consequences are devastating; children are separated from family, community, culture and Country, often placed in unsafe environments, and denied their identity and belonging.

These removals fracture families, compound intergenerational trauma, and undermine the very fabric of First Nations communities. There is no more time to wait. This is a call for urgent, structural action to end the injustice and a commitment to contribute to much needed change.

At the National Justice Project, our mission is to fight for justice, fairness, and inclusivity by eradicating systemic discrimination. The systemic neglect and discrimination driving child removals demands urgent, holistic, and structural change to shift the power, decision-making, systems design and delivery to community. We are committed to working with community to create change, and to address the injustice experienced by First Nations communities in contact with these systems.

**'Culture, land and spirit are tied together so closely that you can't have one without the other, but it's not a complete story without family – it's like building a house without mortar, it makes it the right shape but there's nothing to hold it together.' (SNAICC, 2012)<sup>1</sup>**

The rights of First Nations families are routinely denied. Two interconnected forces are at the centre of this crisis: systemic neglect and discriminatory intervention.

## I. Systemic Neglect

Under the guise of care, governments fail to provide families with the support and resources they need to thrive, while punishing them for structural disadvantages created by the very same State. The result is a system that neglects its responsibilities, then uses that neglect as justification for intervention.

While policies and rhetoric often claim to act 'in the best interests of the child', in practice, governments routinely fail to provide the most basic supports that would allow families to thrive. These include access to safe housing, income stability, health services, culturally safe maternal care, disability supports, and therapeutic assistance – all of which are critical to family preservation.

Rather than investing in prevention and early intervention, state and territory systems have designed frameworks that prioritise surveillance and risk assessment over support and restoration. When a family falls into hardship – often the result of intergenerational trauma, poverty, or systemic discrimination – the child protection system does not step in with help, but with punishment. Families are scrutinised rather than supported, and judged through a lens of deficit rather than strength. The 'neglect' the system claims to intervene on is too often a reflection of governmental neglect, not parental failure.

### II. Discriminatory Intervention

Discriminatory intervention reflects the systemic, racialised patterns by which First Nations families are subjected to greater surveillance, harsher intervention, and disproportionately high rates of child removal. This is not incidental bias — it is the result of a long history of colonisation and state control over Aboriginal and Torres Strait Islander lives, which continues in contemporary policy frameworks and frontline practices. The forcible removal of children from First Nations families has been recognised internationally as an act of genocide and violence<sup>2</sup>

States wilfully ignore the strength of First Nations families and communities in raising strong and resilient children for tens of thousands of years. The system reflects Western, middle-class, nuclear family ideals as the default standard, marginalising alternative family structures which are frequently misjudged or pathologised. First Nations families are subjected to incomprehensible levels of surveillance and intervention, inflicted by non-Indigenous systems, based on non-Indigenous standards, in ways that continue to threaten the integrity and future of First Nations families and communities.

Rather than a last resort, intervention into First Nations families is routine, invasive, and racially biased, causing irreparable damage. Children are removed on the basis of structural factors such as poverty, housing instability, or non-Western parenting norms. The enduring over-representation of First Nations children in out-of-home care (OOHC) is often a result of deep-seated systemic racism, not parental failure.

The trauma inflicted by removal is profound and long-lasting — not only for the children taken, but for parents, extended families, and entire communities. It undermines cultural continuity, severs identity, and in many cases, leads to worse outcomes for the children placed into care. In fact, children in out-of-home care are at greater risk of abuse, mental health issues, education disruption, and criminalisation. These are not protective interventions — they are systemic violations.

Until the system confronts and dismantles its racial bias, until it centres First Nations voices in decision-making, and until removal is truly treated as a last resort, discriminatory intervention will remain entrenched and devastating.

At the National Justice Project, our mission is to fight for justice, fairness, and inclusivity by eradicating systemic discrimination. The systemic neglect and discrimination driving child removals demands urgent, holistic, and structural change to shift the power, decision-making, systems design and delivery to community. We are committed to working with community to create change, and to address the injustice experienced by First Nations communities in contact with these systems.

### Recommendations Summary

1. Resource and implement recommendations from prior reviews, inquiries, and peak bodies.
2. Enforce compliance with the ATSICPP in legislation and practice including prevention, placements, participation and decision-making.
3. Embed culturally safe, community-led and responsive law, policy and practice.
4. Introduce automatic legal referrals to ensure support at the time of any child protection notification.
5. Immediately cease newborn removals without family notification and support.
6. Expand access to legal and advocacy supports.
7. Establish independent oversight with investigative, data, and enforcement powers.
8. Hold governments accountable for duty of care failures and systemic discrimination.

# The Imperative for Change

## I. Historical Context

One of the most significant and traumatic areas of government intervention was the forcible removal of between 10 and 30% of First Nations children from their families, communities, and Countries over a period spanning more than a century.<sup>3</sup> These practices were described as 'protection', but carried the intent of separating families, controlling parents, and assimilating children into white society.<sup>4</sup> Hundreds of thousands of people, known collectively as the 'Stolen Generations,' experienced the loss of their family connections and cultural identity, and frequently suffered abuse, forced labour, and deprivation of educational opportunities.<sup>5</sup>

Despite the National Apology in 2008, reparation schemes, and promises to ensure that the injustices of forced child removals never happen again, the number of First Nations children removed from their families has more than doubled in the years following. Child removal practices continued into the 1990s, long after the official end of assimilationist policies, and have morphed into the contemporary policies operating today.<sup>6</sup>

**Victoria's Yoorrook Justice Commission reported that contemporary child protection is 'still exhibiting signs of the systemic racism inherent in its genesis as a tool of colonisation'.<sup>7</sup>**

The Family Is Culture Review likened the use of police in removals, racially-motivated pre-natal notifications, separation of siblings, failure of authorities to engage with families and unachievable conditions for restoration as having 'historical continuity' from the Stolen Generations to today.<sup>8</sup>

## II. Socio-Political Context

While some Commonwealth legislation provides guidance on child protection, each state and territory maintain its own child protection laws, regulations and policies. First Nations children are over-represented in the OOHC systems in every state and territory in Australia, and at every stage of the removal process, with lower rates of reunification.

The overarching cause of the systematic targeting of First Nations families by authorities is systemic discrimination, with racist perceptions of parenting, failure to address structural inequalities and an ongoing legacy of assimilationist policies being the central pillars of policy and practice. The system operates to effectively criminalise disadvantage, for example, removing children on the basis of housing instability, family violence and poverty, rather than supporting families to overcome these challenges.<sup>9</sup>

**'Systems that have differentiated impacts on racial groups, even when unintentional, are systemically racist.' (Jacyntha Krakouer, 2023)<sup>10</sup>**

Systemic racism operates by 'privileging whiteness.'<sup>11</sup> This is manifested within the child protection system through 'demonising other cultural ways of parenting that do not accord with Western, middle-class cultural norms.'<sup>12</sup>

Simply being a First Nations parent is a key risk factor prompting intervention.<sup>13</sup> First Nations families are understandably fearful of intervention and distrustful of public services due to the historical risks and contemporary consequences of engaging with services such as health and police. Disengagement is often the safest choice for families experiencing systemic injustice, which can impact the perceptions of families by the State.

**'This Aboriginal family did nothing wrong but be Aboriginal. They had their own ways which was deemed by the state to be not good enough. But all the state provided was neglect and trauma.' (SNAICC, 2024)<sup>14</sup>**

Rather than working towards reunification, the trend towards permanent placements eliminates any hope of families ever being reunited in direct contravention of the rights of children and families. Contrary to commitments from all governments to address the over-representation of First Nations children in OOHC, this gap is expected to grow exponentially over the next decade.<sup>15</sup>

## The Imperative for Change

### I. Best Practice

The United Nations Convention on the Rights of the child<sup>16</sup> (1989) (UNCRC) and the United Nations Declaration on the Rights of Indigenous Peoples<sup>17</sup> (2007) (UNDRIP) contain rights and responsibilities related to the care and protection of children, including maintenance of connection to family, culture and community, and the requirement of States to take active measures to protect the rights and improve conditions, especially for women, children, Elders and persons with disabilities.<sup>18</sup> Despite an obligation to protect, promote and respect these rights, domestic implementation is failing.

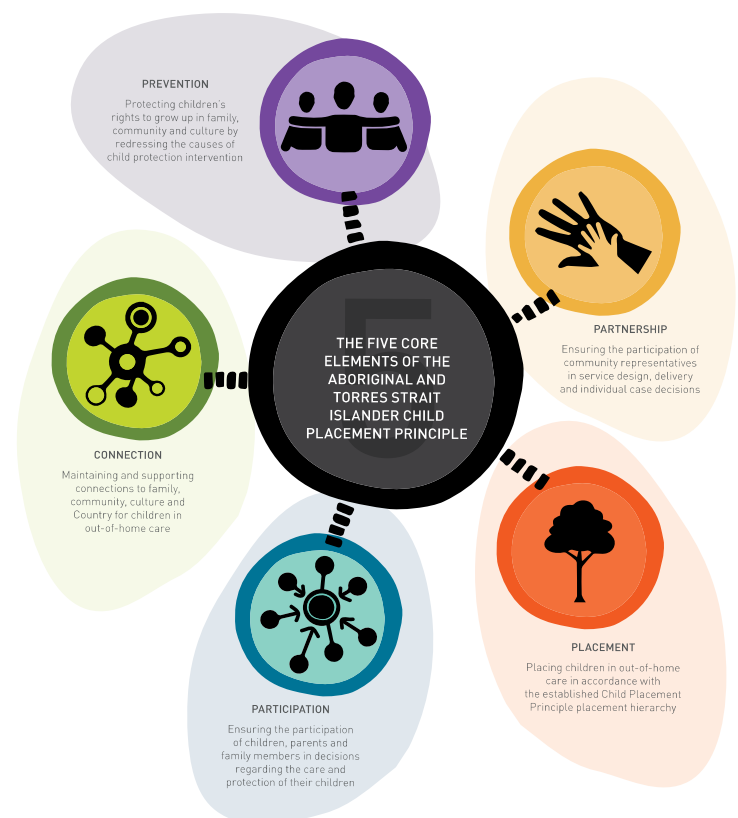
The Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) provides a framework for legislation, policy and practice to safeguard the rights and best interests of First Nations children and promote systemic change to counter the embedded racism that caused the Stolen Generations.<sup>21</sup> The ATSCIPP is not only a theoretical model but required to be implemented with demonstrated intentional efforts to meet each of the standards,<sup>22</sup> to ensure that removal is an intervention of last resort.

Despite the ATSICPP being enshrined into legislation and policy in each jurisdiction, in practice, the Principle is not being adhered to consistently, as well as blatant attempts to diminish its application by the institutions responsible for administering it.

**In order to achieve 'full implementation and maximise the benefits of all five [ATSICPP] elements, governments need to confront institutional racism, ritualism, and continuously apply active efforts.' (SNAICC, 2021)<sup>23</sup>**

**UNDRIP Article 7(2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.<sup>19</sup>**

**UNCRC Article 18(2): States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.<sup>20</sup>**



Source: [Family Matters Report \(2022\)](#)



# System Failures

Despite representing only 6.9% of children aged 0–17 years of age in Australia, in 2024, First Nations children comprised 44.5% of the total number of children in OOHC.<sup>24</sup> First Nations families are grossly over-represented at every stage of the removal process, causing irreparable harm to children and families across the country. Removal from family significantly increases risks to children by disconnecting them from kin and culture, as well as placing children into unsafe, unsupportive environments, with little accountability of the State to protect children from harm or provide them with adequate opportunities or necessary supports.

**'There is no single reform that will solve the many problems with the lack of accountability and oversight of the child protection system.'**  
(Family Is Culture, 2019)<sup>25</sup>

Extensive research, reviews and inquiries into child protection have consistently recommended that the most effective way to decrease risk is for state and territory governments to redirect resources to an early intervention therapeutic model of care, that proactively addresses risks by providing effective supports for families.<sup>26</sup> Despite mounting evidence to the contrary, Australian jurisdictions continue to rely on statutory intervention.



## I. Consequences of Intervention

The impacts of removals and surveillance on families and children are interconnected, far-reaching and cause multigenerational harm to the whole community. The stark reality is that the system is not working and is only further entrenching harm. Notwithstanding an inherent obligation to protect children from further harm and to support their wellbeing, governments are failing to discharge their duties to children, adhere to guiding principles and invest in prevention.

### Fear of Intervention Cycle

The decades-long legacy of public policy seeking to dismantle and destroy First Nations community structures and ways of being has led to a cycle of fear of intervention by child protection authorities for First Nations families, which perpetrates risks of harm.

First Nations mothers and carers are understandably apprehensive about accessing health and wellbeing services, including maternal care, as well as engaging with police or other social services in times of need for fear of triggering intervention.<sup>27</sup> The reliance on police to conduct removals, including from birthing suites soon after birth, expose families and children to trauma and cause further apprehension and distrust of police.<sup>28</sup>

**'[One] of the most consistently identified barriers to families accessing support was fear of an interventionist system that drives towards the removal of children without offering sufficient supports to families, even when they are actively reaching out for help.'** (SNAICC, 2022)<sup>29</sup>

The unrelenting and violent cycle of intervention can span generations. Once a child is flagged as being at risk, the system holds all the power and can create impossible hurdles for families to overcome. Intervention leads to complex legal processes that too often set families up to fail, hindered by structural barriers that make it difficult for families to effectively participate.

## System Failures

### Separation

The forcible separation of children from their families goes against all sense of humanity.

**Separation is linked with psychiatric disorders and with trauma and loss. Separation from the primary carer may render a person less secure and create later difficulties in forming relationships. Those who have been separated may carry with them a fear concerning the loss of their own children.<sup>30</sup>**

Childhood is a critical period in the formation of a child's sense of belonging, identity and their social and emotional wellbeing. In considering what is in the best interests of a child, insufficient weight is given to the benefits of growing up with the people bonded to you through family, community and culture, who share your stories and bloodlines, as well as the protective factors of growing up with a strong network of caregivers, cultural mentors and teachers.

**'Family is seen as a strength because it provides children with a wide group of people who care about them... [with] multiple sources of guidance from people who are considered responsible for that child. The wider Aboriginal community is also seen as providing children with a sense of belonging, connection and relationships based on common experiences and historical connections.' (Healing Foundation, 2021)<sup>31</sup>**

### Rights Violations

Compounding the urgency for reform is the failure of the system to provide a safe environment and discharge their duty of care obligations. The tragic irony is that children who are allegedly removed on the basis of requiring 'protection' by the State are forced into a system that perpetuates further harm and neglect. While the interconnected nature of humanity makes it impractical to isolate rights, it is important to consider some of the key consequences of State intervention for children.

**Culture & Identity:** Removing children and failing to facilitate culturally appropriate placements can sever ties to community and culture, and impair a sense of belonging and identity, which are central to First Nations children's wellbeing. Authorities fail to acknowledge and prioritise these protective factors as key elements that should be relevant to decision-making.<sup>32</sup>

**Safety:** Various inquiries, legal cases and investigations have highlighted the horrific abuse of trust and power that occurs when children experience abuse within state care. Children in OOHC face the highest levels of vulnerability with higher risk of sexual exploitation, violence and abuse. Evidence indicates at least 35% of children experienced sexual abuse while living in care.<sup>33</sup>

**Health & Wellbeing:** Children in OOHC typically have greater needs and are underserved across all health domains. Child protection systems fail to routinely assess and address the healthcare and disability support needs of children in care.<sup>34</sup> Complex and chronic health conditions often remain untreated for children in OOHC due to misdiagnosis, lack of care and support, and reporting failures.<sup>35</sup>

It is also well established that institutionalisation and forced removal has adverse effects on children's social and emotional health and wellbeing. Living in OOHC can increase stress and anxiety, which can be exacerbated by the trauma of placement instability.<sup>36</sup>

Evidence suggests that children in OOHC are almost five times more likely to display suicidal behaviour than peers with no OOHC involvement, resulting in trauma-related outcomes including depression, anxiety, drug/alcohol use, psychiatric disorders and self-harm.<sup>37</sup>

## LESS THAN %1

**of children had attended the recommended health services in the first year of entering OOHC according to a 2022 study in Victoria.<sup>38</sup>**



## System Failures

**Education:** Despite education being a key foundational pillar of successful life outcomes, access to education is hindered for children in state care. The dysfunction of the system causes student disengagement and poorer educational outcomes through overworked caseworkers with a high turnover rate, placement instability, higher rates of suspension and expulsion, excessive use of restrictive practices,<sup>39</sup> lack of adequate support and encouragement,<sup>40</sup> and a failure of schools to adequately support children with traumatic and complex backgrounds.<sup>41</sup>

**Longterm Impacts:** Young people who 'age out' of state care have been described as 'one of the most vulnerable and disadvantaged social groups'<sup>42</sup> in Australia, experiencing negative outcomes across all indicators, including in their social and psychological functioning, financial status, and educational and vocational pursuits. And yet at this critical juncture, the State relinquishes all responsibility with no accountability for supporting the child to transition into adulthood and independence.<sup>43</sup>

Young people transitioning from OOHC experience higher rates of homelessness than young people in the general population.<sup>44</sup> Approximately one in three young people experience homelessness in their first year after leaving care, with 37% remaining homeless for over six months.<sup>45</sup>

**In 2022, almost three-quarters of First Nations children in custody had contact with child protection services in the previous 5 years.<sup>46</sup>**

Involvement in OOHC increases the chances of children becoming involved in the criminal justice system. These risks are exacerbated for children with disability and children who have a longer, and therefore more unstable, involvement with the system. 'Care criminalisation'<sup>47</sup> and the array of similarly devastating indicators for children involved in OOHC is stark evidence of a system failing to uphold its duty to protect young people from harm.

## III. Key Priorities

As a strategic organisation, our objective is to create scalable impact through legal, advocacy, and innovative responses to systemic issues. Notwithstanding a system that is broken at every stage, we have identified the systemic issues of accountability, removal of infants, intersections with disability discrimination, identification failures and carer recognition as focus areas.

### Accountability

All possible measures must be taken to promote oversight and accountability of the State in discharging their domestic and international obligations to support families effectively with the intention of keeping families together, to take all steps to prevent the forced removal and assimilation of First Nations children and to keep children that are in out-of-home care safe and supported. Accountability can only be achieved through independent oversight and a transfer of power and decision-making to community, courageous advocacy and strategic litigation, and by responding to the calls for change from inquiries, peak bodies and community.

### Removal of Infants

Intervention by authorities can occur during pregnancy or soon after birth, causing newborn babies to be forcibly removed from mothers. These interventions are driven by racial bias of health and social services workers, causing genuine fears in First Nations mothers who are over-represented.<sup>48</sup>

Many pre-birth reports are being made without notification. First Nations families are subject to ongoing surveillance with little reprieve, experiencing starkly disproportionate rates of pre-birth notifications, only worsening as children grow. In some states, emergency removal powers and single-party applications designed to be used in urgent and high-risk circumstances are being regularly relied on to remove children. This denies families the opportunity to access supports, participate in the legal proceedings and defend their right and capacity to care for the child. These processes effectively bypass the statutory requirements designed to protect due process and the rights of individuals, including the ATSICPP, and any attempts to mitigate the need for removal.

## System Failures

**In 2018–19, First Nations infants were placed in OOHC at almost six times the national rate.<sup>49</sup>**

**In 2020–2021 in South Australia, Aboriginal pregnant mothers are 10 times more likely (1 in 3) to be subjected to a pre-birth notification.<sup>50</sup>**

**In NSW, 1 in 10 Aboriginal children are the subject of a report before they are born.<sup>51</sup>**

**In 2022 in Victoria, 76% of First Nations mothers with one or more pre-birth notification were not made aware of the report.<sup>52</sup>**

**In NSW, between 2018–19 and 2022–23, an average of 65% of removals of First Nations children were performed using emergency powers.<sup>53</sup>**

### Children and Parents with Disability

First Nations children and parents with disability are over-represented and under-supported in the OOHC system. Parents with disability are discriminatorily targeted and under-supported by the system leading to removals,<sup>54</sup> and children with disability who are removed also often go unsupported, both facing intersecting discrimination based on race and disability. These circumstances result in the systematic failing of both parents and children with disability leading to egregious human rights violations.

**First Nations people with 'severe and profound disability' are 50% more likely**

**to be removed as children, or having a close family member removed.<sup>55</sup>**

Many First Nations children enter or remain in OOHC with an undiagnosed disability, with a lack of access to timely and culturally appropriate disability assessments systemic across every jurisdiction,<sup>56</sup> with departments being slow to arrange, or reluctant to pay for, disability assessment or diagnosis for children.<sup>57</sup>

### First Nations Identity Discrimination

When children lack prompt and accurate cultural identification, they risk being deprived of opportunities for engagement with community and culture. It can also enable authorities to avoid upholding the statutory rights designed to protect First Nations families, such as the ATSCIPP.<sup>58</sup> The ramifications of de-identification have been described as 'profound ... effectively dislocating these children from accessing and engaging with their culture.'<sup>59</sup>

### Carer Recognition

For First Nations children, connection to First Nations relatives or kin is critical to maintaining their identity and connection to culture and community.<sup>60</sup> Numerous studies have identified kinship care as a protective factor against placement breakdown and providing higher rates of stability than those in non-relative care.<sup>61</sup>

The participation of First Nations people in decisions about their children's care and protection is essential and mandated under the ATSCIPP.<sup>62</sup> However, evidence indicates systemic problems with adherence to the ATSCIPP requirement to prioritise placement with First Nations family and kin members. Nationally as of June 2022, an average of less than one third (31.8%) of First Nations children were living with a relative or kin, with low rates across all jurisdictions.<sup>63</sup>

**'...there needs [to be] more openness to a range of caregiving and less judgement about 'safe care' (which is usually a very 'white' assessment).' (SNAICC, 2024)<sup>64</sup>**

Barriers to placing children with First Nations kin include distrust and fear of consequences from engaging with child welfare authorities,<sup>65</sup> discriminatory assessments and arbitrary rejection of family members as potential carers by the department,<sup>66</sup> socio-economic disadvantage, overcrowding, experiences of domestic violence, previous contact with the child protection system,<sup>67</sup> and prior involvement with the criminal justice system – including completely irrelevant and low-risk matters.<sup>68</sup> Similar to removals, structural inequalities are being used to prevent placements rather than providing appropriate supports.

### III. The Way Forward

Law and policy vehemently denies and discriminates against First Nations child protection practices across all policy areas. However, when the power dynamic shifts - placing culture, kinship and Country as central protective factors, children are able to flourish in community.<sup>69</sup>

There are an abundance of community-led programs that already demonstrate the power of First Nations practices to create positive and safe outcomes for children and families. The Waminda Birthing on Country initiative reflects cultural ways of caring for mothers and babies that have continued for tens of thousands of years.<sup>70</sup> Waminda's model provides holistic, wrap-around care, designed and led by Elders and Aunties.

Waminda has birthed over 70 babies providing safe, continuous maternal care without intervention. This program reflects over a decade of advocacy to recognise culturally safe maternal care as a vital service for First Nations mothers.

Community has been calling for a dramatic overhaul of the OOH system to Indigenous-led models for decades. Fighting for structural change of the systemic inequities inflicted on First Nations families within these systems is a shared responsibility. The National Justice Project is proud to join a chorus of advocates demanding change. We acknowledge the work of First Nations leadership, including the written publications that have been relied on in this paper.

**The National Justice Project acknowledges the ongoing resistance to enduring assimilationist policies and the powerful advocacy of voices seen and unseen who have fought for generations to pave the way forward.**

# Recommendations for Change

The discriminatory and systematic removal of First Nations children require urgent practical, policy, structural, and legislative reforms. The National Justice Project is calling on responsible governments to work with peak representative bodies to:

**1.** Resource and implement all recommendations for law and policy reform from relevant investigations, reports, coronial inquests and inquiries, the calls of community-organisations and the national First Nations peak body, SNAICC.

**We echo and support the calls for:**<sup>71,1</sup>

- a)** Access to quality, culturally safe and targeted prevention and early intervention, participation and control of decisions relating to children;<sup>72</sup>
- b)** Culturally safe and responsive law, policy and practice; and
- c)** Accountability to community.

**2.** Introduce a child protection notification referral system to automatically refer families to culturally safe and free legal advice and advocacy supports as soon as a pre-birth report or child notification is made to ensure that families are aware and able to access timely review, oversight and access to supports.<sup>73,2</sup>

**3.** Immediately cease the removal of infants at or soon after birth without prior notification, support provision and involvement of families in decisions.<sup>3</sup>

**4.** Increase access to legal representation and advocacy by increasing resources for community legal services and service providers, in particular Aboriginal Legal Services, First Nations Advocates Against Violence legal services and family advocates, to provide critical support to families at any time – not only at times of crisis or upon removal of children.

**5.** Transfer decision-making power, authority, control and resources to First Nations People, with meaningful self-determining power to facilitate structural change.<sup>4</sup>

**6.** Establish independent oversight to promote transparency, equity and accountability, including the power to:

**a)** Investigate individual or systemic complaints by children and their families, providing timely review of decisions and intervention.

**b)** Collect, monitor and publish data on:

- i.** Intervention, including removals, placements, pre-birth reports, removal of newborns, the use of emergency removal powers, family circumstances impacting on removals including disability, violence and socioeconomic disadvantage and support provision.
- ii.** The outcomes of children, including criminalisation, abuse, education, health and exiting-care transitions.
- iii.** Government response and compliance with key reviews and recommendations.

**c)** Hold departments accountable for their statutory and policy obligations, including by investigating and ensuring recourse for:

- i.** Enforcing the ATSI CPP, including prioritising support, prevention, participation of families in decision-making and appropriate placements;
- ii.** Enforcing the right of children and young people to participate and be heard in matters that affect them, including efforts to reform the child protection system;
- iii.** Duty of care and protection of children within State care;
- iv.** Discrimination of families based on socioeconomic disadvantage, race or disability;
- v.** Prioritising support and reunification rather than permanent separation;
- vi.** Mandating disability and health screening, and support for parents and children; and
- vii.** Recognising kinship carers and removing discriminatory barriers to placement..

<sup>1</sup>As advocated for by SNAICC. (2024). [Family Matters Report 2024](#).

<sup>2</sup>As advocated for by Djirra (2023). [Yoorrook Justice Commission – Djirra Submission](#); and Davis M. (2019). [Family is Culture: Independent review of Aboriginal children and young people in OOHC](#). New South Wales.

<sup>3</sup>As advocated by the Commissioner for Aboriginal Children and Young People South Australia in [Holding on to our Future \(2024\)](#) and SNAICC. (2024) [Family Matters Report 2024](#).

<sup>4</sup>As advocated for by the Yoorrook Justice Commission. (2025). [Yoorrook Justice Commission Recommendations](#).



# End Notes

- <sup>1</sup>SNAICC – National Voice for our Children (SNAICC). (2012). [Healing in Practice](#). Page 8.
- <sup>2</sup>United Nations General Assembly, [United Nations Declaration on the Rights of Indigenous Peoples](#), GA Res 61/295, UN Doc A/RES/61/295 (13 September 2007). Article 7(2).
- <sup>3</sup>Australian Human Rights Commission (AHRC). (1997). [Bringing them Home](#). National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families.
- <sup>4</sup>Newton B, Katz I, Gray P, Frost S, Gelaw Y, Hu N, Lingam R, Stephensen J. (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 and Neglect*, 149, Article 106058. Page 2.
- <sup>5</sup>SNAICC. (2024). [Family Matters Report 2024](#). Page 54.
- <sup>6</sup>Krakouer, J. (2023). [Over-representation is Not Accidental: Systemic Racism in Australian Child Protection and Out-Of-Home Care Systems](#). *Advances in Social Work Welfare and Education: Social Work in a Climate of Change*, 24(2), 107–112. Page 108-109.
- <sup>7</sup>Yoorrook Justice Commission. (2023). [Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems](#). Victoria. Page 146.
- <sup>8</sup>Davis M. (2019). [Family is Culture: Independent review of Aboriginal children and young people in OOHC](#). New South Wales. Page XVI.
- <sup>9</sup>SNAICC. (2022). [Family Matters Report 2022](#). Page 45.
- <sup>10</sup>Krakouer, J. (2023). [Over-representation is Not Accidental: Systemic Racism in Australian Child Protection and Out-Of-Home Care Systems](#). *Advances in Social Work Welfare and Education: Social Work in a Climate of Change*, 24(2), 107–112. Page 109.
- <sup>11</sup>Krakouer, J. (2023). [Over-representation is Not Accidental: Systemic Racism in Australian Child Protection and Out-Of-Home Care Systems](#). *Advances in Social Work Welfare and Education: Social Work in a Climate of Change*, 24(2), 107–112. Page 109.
- <sup>12</sup>Krakouer, J. (2023). [Over-representation is Not Accidental: Systemic Racism in Australian Child Protection and Out-Of-Home Care Systems](#). *Advances in Social Work Welfare and Education: Social Work in a Climate of Change*, 24(2), 107–112. Page 109.
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