



COMMISSIONER FOR ABORIGINAL CHILDREN & YOUNG PEOPLE

INQUIRY

Inquiry into the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children in South Australia

Terms of Reference

Being satisfied that the matter of the removal and placement of Aboriginal children and the application of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) raises an issue of particular significance to Aboriginal children and young people, is of a systemic nature and that is in the public interest to conduct an inquiry, by reason:

- that Aboriginal children are now, and have historically, been over-represented as a group of those in Out of Home Care in South Australia;
- that at present only about three in ten Aboriginal children who are removed are placed with Aboriginal family or kin;
- that reunification of Aboriginal children with their family or kin has declined in South Australia, and in comparison with other jurisdictions, South Australia has the lowest rate of reunification of Aboriginal children;
- the aspirations reflected in the five pillars of the Aboriginal and Torres Strait Islander Child Placement Principle are not being fulfilled nor applied to all decisions affecting Aboriginal children;
- that, notwithstanding the legislating of part of the Aboriginal and Torres Strait Islander Child Placement Principle in s 12 of the *Children and Young People (Safety) Act 2017*, the rate of children being placed with Aboriginal family or kin has been decreasing;

I, the Commissioner for Aboriginal Children and Young People, have determined pursuant to s 20M of *Children and Young People (Oversight and Advocacy Bodies) Act 2016* (the Act), to conduct an Inquiry into the policies, practices and procedures of State Authorities as they relate to the rights, development and wellbeing of Aboriginal children and young people, being:

To inquire into the recent past and current policies, practices and procedures of State Authorities relating to the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children in South Australia and how the wider ATSICPP formulated by the



Secretariat for National Aboriginal and Islander Child Care (SNAICC) can be used to reform the child protection system.

The Inquiry will examine the application of the ATSICPP (including systemic barriers to its application) and its five pillars of:

- **prevention**
- **participation**
- **placement**
- **partnership**
- **connection**

as they relate to:

a. removal of Aboriginal children (including the provision of support to family and kin prior to removal and for reunification)

b. placement of Aboriginal children once removed (including connection with family, community and culture).

The Inquiry will report and make recommendations (including under s 200 of the Act) about reforms to the system with the object of reducing the removal of Aboriginal children from their families, increasing the rates at which Aboriginal children if removed are then placed with Aboriginal family or kin, and to improve the fulfillment of the objectives and the application of the Aboriginal and Torres Strait Island Child Placement Principle, and any other relevant matters.

The Inquiry commenced on 30 June 2022. It will be completed by 31 December 2023 with the report to be delivered in early 2024.

The *'Aboriginal and Torres Strait Islander Child Placement Principle'* incorporates both: the principle legislated in s 12 of the *Children and Young People (Safety) Act 2017*; and, the principle formulated by SNAICC in its Family Matters Campaign which has been adopted by the South Australian Government as part of its 'Safe and Well' strategy.

April Lawrie

Commissioner for Aboriginal Children and Young People

30 June 2023

