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**JUDGE'S CHAMBERS  
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8 November 2022

Commissioner for Aboriginal Children and Young People  
Ms April Lawrie  
GPO Box 1152  
Adelaide SA 5001

By Email: [cacyp\\_submissions.atsicpp@sa.gov.au](mailto:cacyp_submissions.atsicpp@sa.gov.au)

Dear Commissioner Lawrie

**RE: Inquiry into the application for the Aboriginal and Torres Strait Islander Child Placement Principle**

Thank you for your letter dated 1 September 2022 inviting the Youth Court to make a submission to the Inquiry into the Application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children and young people in South Australia.

As you are aware, the proportion of care and protection matters involving Aboriginal children and young people is significant and increasing, and the Youth Court finds the trend most concerning.

As a general rule, in applications under s 53 of the *Children and Young People (Safety) Act 2017* (the *Safety Act*) involving Aboriginal children and young people, information is contained in the Department for Child Protection (DCP) reports about their placement and how the Placement Principle has been implemented. Case plans are required to be filed in relation to each child or young person and the Case Plan includes a section addressing the issue of placement and cultural issues generally. From the perspective of the Youth Court, it appears that in the majority of cases, DCP does try to implement the Placement Principle. Nevertheless, there do seem to be many cases where children are placed with carers other than with Aboriginal families and, as a consequence, are unable to maintain their connection with their family, communities and culture.

We would recommend that the requirements of the Placement Principle in the *Safety Act* be strengthened. At present an order can only be made under s 53 if the Court is satisfied it is 'appropriate' to make the order sought. We would submit that in an application under s 53 involving an Aboriginal child or young person, the Court should be required to make a finding

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that 'reasonable efforts' have been made by DCP to comply with the requirements of the Placement Principle before an order is made.

It is also recommended that s 12(3)(c) of the *Safety Act* be strengthened to ensure that the Chief Executive or the Court **must** have regard to submissions of a recognised cultural authority who can endorse placements for Aboriginal or Torres Strait Islander children. Presently the Chief Executive or the Court must, where reasonably practicable, consult with such an authority.

It is also suggested that there is a move to a model where there are local cultural authorities with experts who can provide advice on such issues. Furthermore, it is strongly recommended that the Safety Act is amended to ensure all Aboriginal and Torres Strait Islander families are given an opportunity to attend a Family Group Conference at an early stage.

By way of information, the Youth Court has a dedicated list in the Reunification Court for Aboriginal parents who are being assessed for reunification with their children. This has resulted in several children being reunited with their parents and, where reunification is deemed not viable, it has resulted in timely decisions being made in respect of the care arrangements for such children.

Please let me know if you would like to discuss any of the matters raised in this letter.

Yours Sincerely



**Judge Eldridge**  
**Youth Court of South Australia**