

Submission to the Inquiry into Racism, Hate and Violence Directed at Aboriginal and Torres Strait Islander People

May 2026



Victorian Aboriginal
Children & Young
People's Alliance

Artist's Note

Tarsha Davis is a Kuku Yalanji and Palawa woman and multidisciplinary artist. “This artwork represents the Victorian Aboriginal Child and Young People’s Alliance as an interconnected system, a network of organisations that are both distinct and mutually reinforcing, working together to support Aboriginal children, young people, and families across Victoria. The design acknowledges both the diversity and collective strength of VACYPA’s 15 members. Each solid- fill circle in the base layer represents one of these organisations and their unique contributions to education, wellbeing, and cultural continuity.”



Acknowledgment of Country

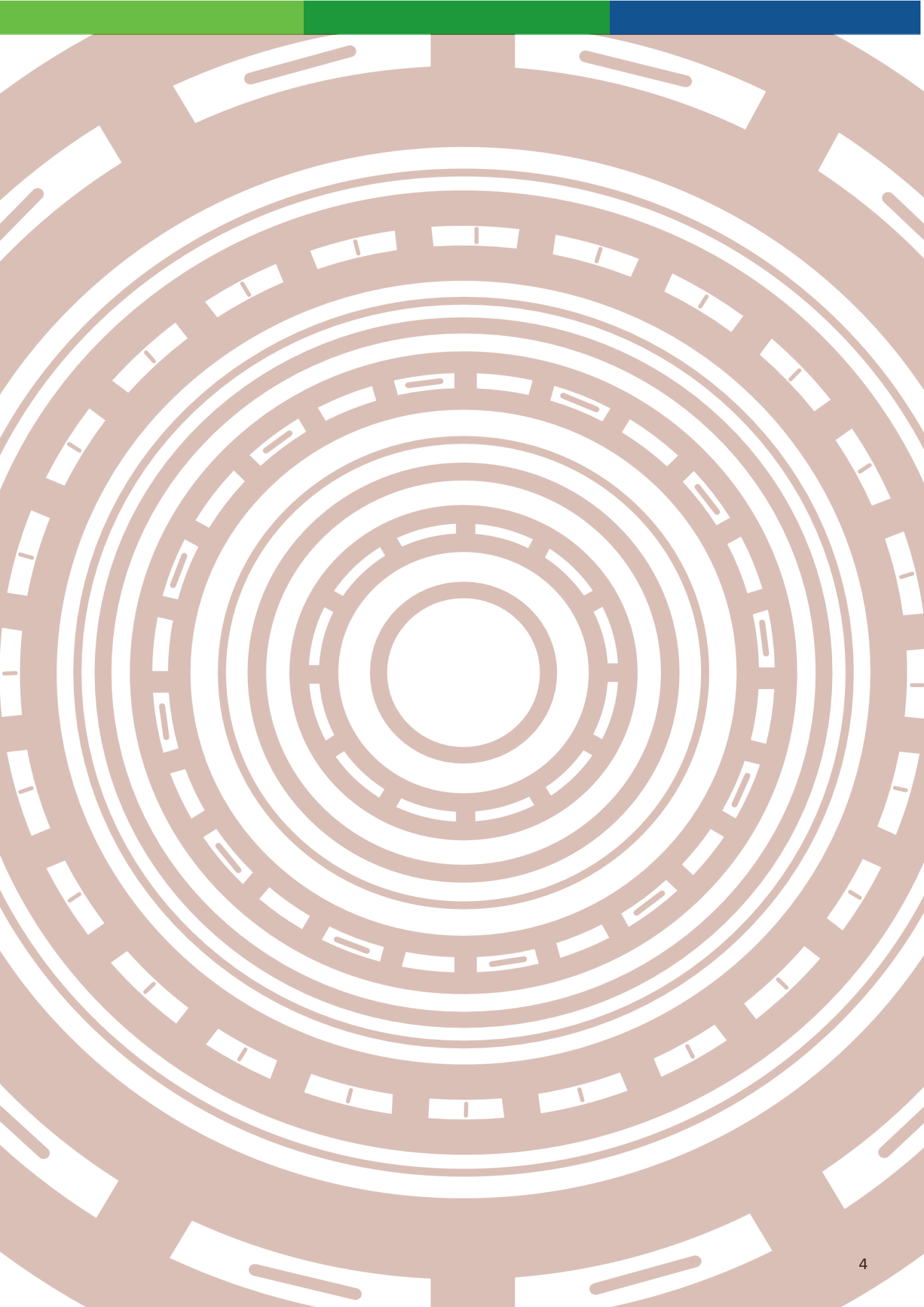
The Victorian Aboriginal Children and Young People’s Alliance (VACYPA) acknowledge the Traditional Owners of the lands on which we have prepared this submission, the Djaara (Dja Dja Wurrung People) and Wurundjeri Woi-Wurrung peoples of the Kulin Nations, as well as the traditional custodians of the lands where VACYPA’s members reside and provide their services. Sovereignty was never ceded, and these will always be Aboriginal lands.

Dedication and thanks

VACYPA gives warm thanks to the 15 Aboriginal Community Controlled Organisations (ACCOs) members of VACYPA and acknowledges their ongoing connection to Aboriginal communities, advocating and supporting the rights of Aboriginal children and young people in the place we now call Victoria. We have attempted to represent their views and aspirations as much as possible and do hope this submission will be true to those. We thank Members who consented to us using their case studies within this submission.

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About VACYPA

The Victorian Aboriginal Children and Young People's Alliance (VACYPA) is the collective voice of Victorian Aboriginal communities working together to positively influence the future of Aboriginal children and young people. We are the Victorian peak body for 15 Aboriginal Community Controlled Organisations (ACCOs) providing child and family services to Aboriginal communities under the *Children, Youth and Families Act 2005* (Vic) (CYFA).

Our organisation is member-controlled and underpinned by a robust Aboriginal governance structure. Our program support, policy and advocacy functions focus on expanding the outreach and voices of VACYPA's Member ACCOs as they strive to provide every opportunity to Aboriginal children and youth to thrive and be raised safely in Aboriginal families and communities. VACYPA is a Child Safe organisation and is compliant with the Commission for Children and Young People's Child Safe Standards.

VACYPA's members provide child and family services across 97.5% of Victoria, working in 75% of local government areas, with a combined annual revenue above \$250 million and over 2,000 employed staff. In total, 72% of Aboriginal children in Victoria, 76% of Aboriginal children on Protection Orders and 73% of Aboriginal children in out-of-home care live in areas covered by VACYPA's members.

VACYPA Members

- Ballarat and District Aboriginal Cooperative
- Bendigo & District Aboriginal Co-Operative
- Dandenong and District Aborigines Co-Operative Limited
- Dhauwurd Wurrung Elderly & Community Health Service
- Gippsland & East Gippsland Aboriginal Cooperative Ltd
- Goolum Goolum Aboriginal Co- Operative
- Gunditjmara Aboriginal Cooperative Ltd
- Njernda Aboriginal Corporation
- Mallee District Aboriginal Services
- Murray Valley Aboriginal Cooperative
- Mungabareena Aboriginal Corporation
- Ramahyuck District Aboriginal Corporation
- Rumbalara Aboriginal Co-Operative
- Wathaurong Aboriginal Co-Operative
- Winda-Mara Aboriginal Corporation

Purpose of this submission

We appreciate the opportunity to provide a submission to the Federal Inquiry into racism, hate and violence directed at Aboriginal and Torres Strait Islander People. The wellbeing of Aboriginal children, young people and families is central to VACYPA's work and their experiences in child welfare systems is relevant to the terms of reference of the inquiry. Whilst it is impossible to outline in full what racism is or means in relation to Aboriginal people, this submission highlights some of the ways racism occurs and presents across child welfare systems to impact Aboriginal people across the lifespan. The submission will go some way to explaining what racism is and how it relates to dominant systems of power, control, and Western paradigms. The submission will highlight the racism associated with data collection and reporting in Child Welfare contexts and how this perpetuates racism. It will also look at the Child Protection system in general, before going into specific issues relating to different stages of childhood development. We acknowledge that racism is deeply embedded across systems and therefore have chosen to contain our submission to focus on key issues associated with each stage of a young person's life. We are also happy to be able to highlight some current Aboriginal-led alternatives being provided by VACYPA Member ACCOs, that are leading to better outcomes for Aboriginal children, young people and families.

Authorship

This submission has been prepared by Aboriginal Staff within VACYPA's Policy and Advocacy team, with input from our broader staff and under the oversight of Jason Kanoa, strong Gunditjmara / Boandik and Bunitj man and CEO of VACYPA. We thank all those that have contributed to this piece internally and externally and Member ACCOs.

Any views or new evidence presented in this paper is the intellectual property of VACYPA and member ACCOs and should be referenced as such. Where applicable, references are provided to provide source of the information provided. Where no reference is provided, it can be assumed that findings have emanated from VACYPA's engagements and its internal knowledge of sector issues.

Introduction

A note before we start

Given the content of this submission, it is important to provide clarity to what is being discussed. For the purposes of this submission:

- Aboriginal refers to Aboriginal and/or Torres Strait Islander people.
- White or Whiteness refers to the dominant anglo-settler culture in so-called Australia. It refers to systems of power, control and privilege that benefit White people. This term has been chosen instead of non-Aboriginal as when discussing this sector there are Non-Aboriginal people from marginalised groups who have shared experiences with Aboriginal people and it is not their culture or people who are being referred to. The importance of differentiating this is further discussed in the section of the submission discussing data.
- This submission provides just some examples of where this exists and how this can occur. Racism is deeply embedded across all colonial systems and structures, and this occurs in several ways, often not recognised for what it is. Therefore it is not possible to provide a complete overview of this in the context of a single submission.

Setting the Scene

The ongoing colonisation of so-called Australia causes significant harm in the lives of Aboriginal people and communities from conception and is ongoing even after they have passed into The Dreaming. Aboriginal people experience racism on an individual, systemic and structural basis, having a detrimental impact on all aspects of life. Racist systems act in both isolation and collaboratively to negatively impact Aboriginal lives and this is further compounded by racism experienced on an individual and direct level both within and external to those systems.

So-called Australia is built on colonial structures, systems and attitudes stemming from the concept of Terra Nullius and designed for White settler populations deemed to be the dominant, superior members of society who operate in a culture framed as the 'norm'. This process, enabled by legislation such as Aboriginal Protection Acts and the White Australia policy, has created a national identity and culture, built in 'Whiteness', and this is where power and privilege is maintained and perpetuated to this day. These systems do not recognise the sovereignty of Aboriginal people and whilst they have been modernised, the initial intent to control and erase Aboriginal people is still present. For Aboriginal people, structures and systems constructed to provide support to settlers operate in silos that put up barriers to access, at other times, systems act together to perpetuate harm.

This inquiry submission itself is another example of Aboriginal people being expected to explain what the problem is and how to solve it, despite many inquiries being undertaken in relation to Aboriginal Affairs over

the years with little to no action in response. This reflects Australia's determination to uphold White Innocence¹. The enquiry terms of reference also fail to specifically acknowledge systemic racism, which is a fundamental issue relating to the information supposedly being sought. This is deeply concerning given the number of previous federal enquiries that have highlighted issues of systemic racism. Aboriginal people are repeatedly asked to do the work, often unfunded and inadequately supported or resourced to do the work and then are ignored and no action is taken.

The rising threat of Aboriginal people being targeted in an organised fashion by other groups, is an issue that has been ongoing for some time but is currently escalating and needs urgent and serious attention from government. It should also be noted that throughout the timeframe since submissions have been called for, there have been multiple high-profile examples of racism targeting Aboriginal people that are allegedly being formally organised, co-ordinated and/or sponsored for example cancellation of authors² and booing at ANZAC day services³. Instances such of these have wellbeing impacts on Aboriginal communities as a whole, but also serve to reduce the aspirations of Aboriginal children and restrict the environments where they may view themselves as belonging. It is concerning that instances such as these are becoming more public and framed in a manner where Aboriginal rights become the centre of a debate, while there is no interrogation of the organisation behind it. There is currently nowhere to report these issues in a manner for them be investigated and addressed adequately. Instances such as these are a direct threat to Aboriginal people and how they are responded to continues to highlight how Aboriginal people are viewed by governments and the broader community. The Federal Government should act to immediately implement all recommendations stemming from this inquiry.

This submission will examine the racism that underpins Child 'Welfare' systems, systems supposedly designed to safeguard children, but in fact cause further harm in relation to Aboriginal children and families. This will be contextualised through an outline of what racism is and how this is reflected in data reporting. The overrepresentation of Aboriginal children in the Child Protection system is well reported. This submission will attempt to explain how racism can present itself as well as its impacts. It will look at the current available data relating to the Victorian Child Protection system and interrogate *how* racist systems cause both overrepresentation and contribute to further, ongoing harm to Aboriginal children, families and communities. The submission will also highlight alternatives - current programs delivered by Aboriginal Community Controlled Organisations (ACCOs) that are actively improving outcomes for Aboriginal children, families and communities. In sourcing these alternatives, there continue to be very few truly self-determined examples available due to factors at play through both funding (amount and manner it is spend is determined by government) and legislative structures (mandatory accreditation, safety and reporting frameworks) and broader dispossession that have prevented Aboriginal people from developing and delivering their own approaches at scale in the service system.

Racism-what it is and how it impacts

The Australian Human Rights Commission⁴ states that 'racism often takes the form of actions, attitudes, systems and policies that treat people unfairly. Racism can be interpersonal, expressed as individual thoughts, beliefs or actions. It can come in the form of harassment, abuse or humiliation, violence or intimidating behaviour. However, racism also exists in systems and institutions where laws, policies, and

¹ <https://newdiscourses.com/tftw-white-innocence/>

² <https://www.abc.net.au/news/2026-04-23/authors-quit-university-of-queensland-press-jazz-money-matt-chun/106596326v>

³ <https://nit.com.au/28-04-2026/23938/ugly-nonsense-more-police-call-after-anzac-day-boos>

⁴ <https://humanrights.gov.au/know-your-rights/rights-of-individuals/race-discrimination/guides,-tools-and-resources/what-racism>

barriers create inequality for people based on their race. Systemic racism is what often gives license to interpersonal racism. Aboriginal and Torres Strait Islander peoples have borne the brunt of European colonisation and have a unique experience of racism. The process of colonisation, and the beliefs that underpin it, continue to shape our society today.’

There is a lack of understanding and wilful ignorance of what racism is and how it presents itself on individual and systemic levels, which makes it hard to address. This is compounded by White innocence or presumption of neutrality and the failure to recognise Whiteness or White culture as being racialized. Harm caused by racist systems includes but is not limited to devaluing the knowledge of Aboriginal people, inadequate or inappropriate care provision, mental health impacts, child removal and death. Racism is a significant health and wellbeing concern for Aboriginal people. The concept of racism to many people who do not experience it (White Australians may be subject to discrimination, but not racism) is quite narrow such as calling someone a derogatory term, and therefore they will often deny that an issue is racist. This narrow view is applied to individual behaviours and systems and structures in operation. Racism is often viewed as something that occurs overtly while covert racism goes unrecognised. Insidious forms of racism can be just as harmful, if not more harmful, than overt racism and are more challenging to address. Further to this, racism is also often framed in terms such as ‘lack of cultural awareness’ or ‘unconscious bias’, which minimises the impact on Aboriginal people and positions the perpetrator as innocent.

The response to issues around racism often focuses on centring the comfortability of the perpetrator as the primary concern. The burden is then left to Aboriginal people to manage their own response to the incident in a manner deemed acceptable by the perpetrating person or system, this is tone policing and is an act of racism. The Aboriginal person is also left to manage the behavioural response of the perpetrator (often the presenting behavioural responses are weaponised to avoid accountability and further accuse the target⁵), as well as fulfill the expectation that they explain or justify that what occurred was racist, provide further education to the perpetrator and ensure that they regulate their own behaviour to avoid being stereotyped or having their response framed as a racist trope eg. ‘angry black woman’ (noting that there are rules around what is an acceptable way for Aboriginal people to express emotions, as dictated by white culture)⁶. In doing this they also risk being labelled as ‘divisive’, which further acts to dismiss the issue. It is also often the case that if a particular situation does happen to be adequately addressed, that those perpetrating the racism or working within the systems are not then able to apply the same theory to identify and address the same or similar presentations of racism in a different context and so the process is to be repeated every time an instance of racism occurs. This causes further, repeated and cumulative harm to Aboriginal people on top of the harm already caused by the initial instance of racism.

Attempts to address structural racism often result in piecemeal or minor amendments to racist systems and structures with the primary intent being to placate Aboriginal people instead of addressing the problem. These changes are often offered from a place holding power and rarely fully reflect the request that has been made to address the issue. This minimises self-determination, undervalues Aboriginal knowledge and causes harm as the required change usually needs to be implemented in full to function correctly. The ongoing impact of colonisation and assimilatory policies mean that often Aboriginal people accept these changes in good faith that it is a step forward, but the structural reform never comes. It is then Aboriginal people who are blamed when things are not working, when their advice was never actually implemented. An example of this is the implementation of the Uluru Statement from the Heart. The Federal Government took the Voice element to an unsuccessful referendum and failed to pursue the other elements of the statement. This has left Aboriginal people subjected to ongoing escalation of racism as in

⁵ <https://www.theguardian.com/commentisfree/2018/may/08/how-White-women-use-strategic-tears-to-avoid-accountability>

⁶ <https://pubmed.ncbi.nlm.nih.gov/24188294/>

doing this the broader population was given permission to debate Aboriginal rights and provided with the power to make decisions about Aboriginal people that would not affect them. After the failed referendum, the Federal Government chose not to pursue the other elements of the statement, legitimising the perspective that white people's views matter more than Aboriginal views on matters that affect Aboriginal rights. The Federal Government failed to support Aboriginal people through this process and the White 'yes' campaign self-appointed allies in the broader public also disappeared. We also see this in Closing the Gap, with a government-based top-down approach and commitments made that are barely funded and poorly co-ordinated, demonstrating no real will or effort to undertake the fundamental transformation of systems required to achieve the proposed outcomes.

Whilst culture is key to creating systems free from racism, there is less of a focus on what culturally appropriate care means and looks like in practice, nor how it can be achieved. It is often viewed as an add on or extra within a mainstream (White) context, which can be applied simply through training or applying particular policies and procedures to uphold 'cultural safety'. This in itself is a reflection of the dominant Australian culture which is predominantly low-context⁷ (individualistic, reductionist, rely on direct communication, focus on specific task and prioritise written language) and doesn't reflect the ways that Aboriginal cultures, which are predominantly high-context cultures⁸ (relational, contextual, implied communication, focus on interconnected variables and prioritise oral and body language), operate. Attempts to address individual racism take a fundamentally flawed anthropological approach in the form of training, with an aim gain an understanding of Aboriginal cultures to become 'culturally safe'. Whilst these trainings may speak to some elements of colonisation or colonial policies, these are often framed as historical and fail to recognise that colonisation is ongoing and colonial policies remain the foundation of the systems still in place today. The focus is often on a few elements of Aboriginal cultures or stereotypes and encourage appropriation and implementation of Aboriginal cultural practices into practice with zero consideration of cultural protocol. Training becomes an academic exercise that provides a superficial understanding of Aboriginal cultures and gives permission for White people to deem themselves competent to interfere with Aboriginal lives when they have no business doing so. These trainings provide no imperative for White people to gain insight into and an understanding of how it is White culture that is underpinning racism. This leaves no space for accountability as it becomes about the emotions of White people in relation Aboriginal affairs, self-benefit and positioning oneself as a White saviour. These trainings also provide a tool to deflect to other people or systems as the problem, rather than the racialized White culture and personal conduct within that being problematic.

Understanding Whiteness as a system of power and challenging White innocence is critical to understanding racism and how to address it. Whiteness and White culture is not neutral and is racialised, however it is rarely framed as such and this allows for racism to occur. It is not only that White (specifically British or Anglo) culture has been upheld as the standard in so-called Australia causing harm, but also that many elements of the dominant culture are low-context that is often in direct opposition to Aboriginal cultures, which are high-context cultures⁹, a function that compounds the impact of colonisation on Aboriginal people. This is further exacerbated when elements of the cultures are identified as being consistent with the dominant culture by Western evidence frameworks (which are viewed as high value) and can then be appropriated in the form of an 'ad on' into Western colonial systems, which only further benefits the dominant culture.

When the dominant culture has no point of reference for the alternative, nor any insight to its own racialisation, it results in a resistance to comprehend Aboriginal ways and a lack of insight into what racism

⁷ <https://nationaltraining.edu.au/bridging-the-cultural-divide/>

⁸ Aboriginal Pedagogy: Integrity in Academic and Cultural Practice, Yunkaporta, 2023

⁹ Aboriginal Pedagogy: Integrity in Academic and Cultural Practice, Yunkaporta, 2023

is and how it may present. This results in real-life consequences for Aboriginal people if their behaviour, knowledge and ways do not align with the dominant culture. It also places a significant burden on Aboriginal people to identify and attempt to address racism to a cohort that is oblivious and incapable as well as unwilling and often actively hostile when concerns are raised.

Work needs to be undertaken by those upholding the dominant culture (organisations, individuals and governments) to genuinely act in relation to Aboriginal determined concepts of thriving children and families. Governments, institutions and other authoritative bodies have repeatedly been given the information they need to understand this, but no action has been taken. For Aboriginal people to engage in this process they need to be adequately funded and resourced in a meaningful way. Too often Aboriginal people are treated as a 'tick box' exercise for organisations and governments. They are not adequately resourced or compensated for their time or knowledge and the standard expectation is that this labour is provided for free. Often Aboriginal people are requested to provide feedback on constructs that are already formed, rather than participating in the establishment of those constructs that would allow Aboriginal ways to be meaningfully embedded within them. Those in authority seek information and feedback at short notice, which does not allow for culturally appropriate levels of consideration to be provided in response. It is also often the case that when information or feedback is provided, those seeking the information select which elements they take on board or try to debate or dilute the advice provided. This reflects the low context cultural approach described above but has real world implications for Aboriginal people as the outcome does not reflect what was intended by the direction they provided. At best these processes mean that there is no change achieved for Aboriginal people, at worst they cause further harm. There is currently no accountability mechanism in place to address these issues.

Racism and Data Reporting

Whilst the impact of child protection intervention on Aboriginal children, families and communities is the outcome of racist systems and structures initially implemented to establish the colony, these systems are maintained (often more covertly in modern times) to facilitate continued colonisation. To do this, these systems are underpinned by assimilation, maintenance of power and control and centring the dominant (white) world views that fundamentally cause harm to Aboriginal people. This is often claimed to be justified by data, however the racism demonstrated in reporting of data is rarely acknowledged. Further to this, the presentation of data often acts to dehumanise Aboriginal people by being reduced to a statistic. To address racism within systems and structures, it is important to identify where racism exists in the data reporting that informs how these systems operate, how decisions are made and where funding and resources are prioritised. In speaking to data, it should also be acknowledged that some Aboriginal people can choose whether to identify themselves within systems and may choose not to do so to avoid experiencing racism and further harm. This can occur when Aboriginal people determine that the risk of harm caused by the system is greater than the potential to receive culturally appropriate care from that system.

In the instances of both Closing the Gap and Child Protection data in so-called Victoria much of the information is reported in the context of overrepresentation as an outcome measure. A particular action is measured by comparing an Aboriginal cohort to a 'non-Aboriginal' cohort. To address racism, it is critical to acknowledge that the 'non-Aboriginal' cohort referred to is a predominantly White cohort¹⁰. Whilst a non-Aboriginal cohort is predominantly white, there are non-Aboriginal people included in that data set that are from marginalised populations who have some shared experiences with Aboriginal people, including being over-represented in child welfare systems. Placing these communities in a non-Aboriginal cohort minimises their experiences and allows the data to be framed in a manner that minimises the impact of White culture. Data framed in the context of outcome measures comparing Aboriginal cohorts to 'non-

¹⁰ <https://www.abs.gov.au/articles/cultural-diversity-australia>

Aboriginal' (predominantly White) cohorts continue to uphold White culture as the norm, standard and aspiration. The data is a tool that shifts the focus onto disparity, rather than the cause, which is the expectation that Aboriginal people live their lives in a manner that aligns with White cultural norms or risk being subjected to interference via colonial systems. The view of the colony that it is important that White cultural norms are met is further highlighted when neither cohort is meeting a prescribed, evidence-based target (eg. immunisation rates, or timely health checks for children who have been removed), therefore making the data redundant. The process of reporting in this manner demonstrates a modern attempt at assimilation, where Aboriginal determined priorities are ignored.

Whilst significant and urgent action needs to be undertaken to address the racist systems and structures that contribute significantly to overrepresentation, action needs to be undertaken to facilitate what success looks like to Aboriginal communities beyond being compared to a cohort ultimately framed as 'the norm'. Overrepresentation data fails to acknowledge the racism within the systems Aboriginal people are expected to engage with that supposedly reduce the risk of child protection intervention and lead to 'better' outcomes. An example of this is overrepresentation data measuring education attendance and outcomes whilst failing to act on the racism experienced by Aboriginal children in schools¹¹ and throughout the education sector¹².

Aboriginal people have a right to determine whether outcome measures continue to remain solely related to data speaking to overrepresentation in outcome measures determined by government, or if there are other measures more meaningful to them that would result in better outcomes. The focus on prioritising the reporting on overrepresentation data is an example of colonial assimilation policies being covertly modernised. ACCOs regularly speak to the lack of capacity and resourcing to capture evidence and outcomes that are meaningful to them, this evidence does not speak to overrepresentation rates, but outcomes that are meaningful and impactful to Aboriginal people. The overrepresentation data also fails to acknowledge the racism that exists in every system (schools¹³, healthcare¹⁴, workplaces¹⁵ etc.) that Aboriginal people are expected to participate in to meet the prescribed outcomes.

VACYPA would like to acknowledge our use of and reliance on overrepresentation data throughout this submission, however this is the quantitative information that is made available to us. In writing this submission, the limitations of this data in terms of usefulness and meaning have been spotlighted, highlighting the need for resourcing of Aboriginal-led models of evidence capturing, whilst maintaining Aboriginal data sovereignty rights.

Child Protection Intervention Processes

A key example of the harm done to Aboriginal people via the upholding of White cultural norms is the impact of child welfare systems who often underpin assessments based on attachment theory in relation to the primary caregiver, but the theory they are working from does not reflect Aboriginal child rearing practices¹⁶ and may result in decision making that has devastating impact. The rights of Aboriginal children are universal; they are not optional. These are enshrined in international documents like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the United Nations Convention on the Rights

¹¹ <https://ccyp.vic.gov.au/assets/Publications-inquiries/let-us-learn/CCYP-Education-inquiry-report-FINAL.pdf>

¹² <https://humanrights.gov.au/about-us/media-centre/media-releases/race/landmark-study-finds-racism-is-widespread-and-systemic-at-australian-universities>

¹³ <https://ccyp.vic.gov.au/inquiries/systemic-inquiries/education-inquiry/>

¹⁴ <https://humanrights.gov.au/about-us/media-centre/media-releases/media-releases/new-report-reveals-racism-in-healthcare-is-costing-lives>

¹⁵ <https://www.uts.edu.au/about/faculties/business/research/centre-for-indigenous-people-and-work-cipw/gari-yala-speak-the-truth>

¹⁶ Aboriginal Pedagogy: Integrity in Academic and Cultural Practice, Yunkaporta, 2023

of the Child (UNCRC). In Victoria, these obligations are reinforced through the Victorian Charter for Children in Out-of-Home Care, which confirms the state government's duty to uphold these rights for children on child protection orders, amongst which we know Aboriginal children are greatly overrepresented. The Child Safe Standards add to the responsibilities and highlight the importance of cultural safety for Aboriginal children (Standard 1), and of equity being upheld and diverse needs respected (Standard 5). These responsibilities are not abstract; they are legally and morally binding obligations for both the State and Federal governments that require active implementation to enable access to quality and culturally empowering services for Aboriginal children, young people and families. Frameworks at the Federal level also recognise these rights. *Safe & Supported: The National Framework for Protecting Australia's Children 2021–2031* and its Aboriginal and Torres Strait Islander First Action Plan 2023-2026 and the National Agreement on Closing the Gap place clear responsibilities on governments to ensure the wellbeing of Aboriginal children, young people and families.

Aboriginal children in so called Victoria are reported to Child Protection at 4 times the rate of non-Aboriginal children, subject to 7 times the rate of investigations, 9 times the rates of substantiations and, 22 times more likely to enter Out-of-Home Care (OoHC) (as opposed to a national rate of 11 times more likely, showing Victoria's 'eagerness' to put children in care). Nationally, Aboriginal and Torres Strait Islander children represent 41% of children in out-of-home care, and this number is projected to rise.

In so-called Victoria, Aboriginal children and families are overrepresented across all phases of the Child Protection (Child Protection) system and this overrepresentation continues to increase across the majority of phases over time. Aboriginal children are thirteen times more likely than non-Aboriginal children to have an open Child Protection case and 23 times more likely to be in care¹⁷. As of December 2025, there were 2992 Aboriginal children in care, representing over 250 more children than the projected June 2026 Closing the Gap target of 2740¹⁸. To meet the 2031 Closing the Gap target, the number of children in care needs to reduce by 1647 (55%)¹⁹. In order to achieve the Closing the Gap target, a concerted effort needs to be made to understand the cause of the overrepresentation and a willingness to resource self-determined, Aboriginal-led responses focusing on early intervention and prevention, particularly those delivered by Aboriginal Community Controlled Organisations (ACCOs).

In documents provided to the Yoorrook Commission, the Department of Families, Fairness and Housing shared research from linked data about risk factors in child protection assessment. Known risk factors account for 55% of reports to child protection and 35% of entries to care. But, as the department's analysis notes, those known risk factors do not fully explain the level of over-representation. 45% of reports and 65% of entries to care are not explained by known risk factors. The analysis makes the distressing finding that, "even if Aboriginal and non-Aboriginal children presented with equivalent known risk factors, Aboriginal children would likely still be over-represented²⁰." In other words, the reporting public, faced with the same risk factor, are more likely to make a report if the child is Aboriginal. Similarly, child protection practitioners, confronted with the same risk factors, are more likely to remove a child from parental care. Treating someone differently because of their race is racism.

Currently in so-called Victoria 33% of children in care are Aboriginal, yet only 18% of the Department of

¹⁷ Victorian Government (2026), Aboriginal Children's Forum Data Pack April 2026- Data to end of December 2025 (Not publicly available)

¹⁸ Victorian Government (2026), Aboriginal Children's Forum Data Pack April 2026- Data to end of December 2025 (Not publicly available)

¹⁹ Victorian Government (2026), Aboriginal Children's Forum Data Pack April 2026- Data to end of December 2025 (Not publicly available)

²⁰ Yoorrook for Justice, pp. 148

Families Fairness and Housing (DFFH) funding is directed to ACCOs²¹. To both reduce the number of Aboriginal children and families experiencing intervention from Child Protection systems and ensure culturally appropriate care is provided to those who are experiencing intervention, it is critical that ACCOs are sufficiently funded and resourced to provide early intervention and prevention as well as care services.

ACCOs in Victoria have demonstrated some success via the implementation of Aboriginal Children in Aboriginal Care (ACAC). This program sits under section 18. of the Children, Youth and Families Act (2005) and provides ACCOs guardianship authority and decision-making powers in relation to Aboriginal children within their care. Whilst this program results in demonstrably better outcomes for Aboriginal children and families, speaking to the efficacy of Aboriginal-led decision making, it is still somewhat restricted in the respect that it is still required to operate in the context of the rest of the Act, which has not been designed for Aboriginal people.

In relation to service delivery, the focus is on whether the organisation is operating to an appropriate standard, rather than if the service is meeting the cultural needs of the service user. In mainstream organisations the concept of culture is superficially applied, meaning a critical factor achieving wellbeing outcomes, does not meet the needs of Aboriginal service users and at worst can act detrimentally and result in further harm. Sometimes Aboriginal ways are deemed to be efficacious (in alignment with Western knowledge frameworks) but then are appropriated and misapplied in mainstream contexts. The challenges can be exacerbated further as important aspects of Aboriginal ways, such as relationality, may be viewed as in direct conflict with what has been framed as 'best practice'. Further to this, Aboriginal ways of knowing, such as Aboriginal attachment theory, does not reflect Western attachment theory, theory which underpins child protection legislation, decision-making and governance processes.

Culture is an inherent guiding principle within ACCOs, embedded in day-to-day work and often practiced informally rather than being treated as an extra add-on for organisational accreditation purposes. Aboriginal pedagogical approaches, ways of Knowing, Being and Doing, fundamentally underpin the way services are delivered to communities. This is a stark contrast to highly professionalised, Western models of service delivery often that are often framed as best practice within highly professionalised, Western models of research and evaluation methodology. It is critical that self-determined, place-based, Aboriginal-led services are funded and resourced to provide appropriate supports, as assessed by them, to meet population need, as they provide a level of care that can never be fully achieved in mainstream organisations.

ACCO alternative

Organisation: Goolum Goolum Aboriginal Co-operative

Model: Njerna Gap Gap Dyir

An Aboriginal-led Family Conferencing approach which has been integrated across both Family Services and Family Violence programs. It operates by bringing together the broader community, Elders, and support systems around the family to co-develop a case plan that is community-owned and culturally grounded.

Njerna Gap Gap Dyir places Aboriginal families at the centre of decision-making. This model does not speak for families; it centres their voices and supports them to lead their own solutions. Families are active participants, not passive recipients, in the process of keeping their children safe and connected to community.

²¹ Victorian Government (2026), Aboriginal Children's Forum Data Pack April 2026- Data to end of December 2025 (Not publicly available)

Through this approach, families:

- Shape their own case plans, ensuring their knowledge, strengths, and aspirations guide the process.
- Build stronger advocacy skills, equipping them to navigate systems and engage with service providers on their terms.
- Receive support within a culturally safe space, where their lived experiences and cultural responsibilities are respected and prioritised.
- Experience decision-making as a shared responsibility, reinforcing the strength of collective action and community-led solutions.

The model creates deep trust between families, community organisations, and service providers, reducing fear and uncertainty around child safety interventions. Families have expressed that, for the first time, they feel truly heard, respected, and included in decisions about their children's wellbeing.

The Njerna Gap Gap Dyr program has had a profound impact on the lives of Aboriginal children and families in the Wimmera. This is evident in the substantial reduction in Child Protection referrals for Aboriginal children in the Wimmera, reaffirming its effectiveness in safeguarding children while keeping them connected to culture, kin, and Country.

In October 2024, a notable milestone was achieved for the first time, no Aboriginal children were referred into Child Protection in the Wimmera region. This demonstrates the power of Aboriginal-led solutions in keeping children safe while strengthening family and community bonds.

The program measures its success in multiple ways:

- Keeping children safe at home: More Aboriginal children remain with their families, reducing unnecessary separation and the trauma of Child Protection involvement.
- Building family confidence: Families report greater confidence in advocating for themselves and engaging with support services.
- Strengthening cultural identity: The model ensures cultural knowledge and community connections remain central to every intervention.
- Promoting early engagement with culturally safe services: Goolum Goolum uses assertive outreach to connect families with support before crises escalate.
- Increasing family leadership in decision-making: Families are supported to take an active role in shaping the solutions that work best for them.
- Enhancing collaboration between ACCOs and Child Protection: Aboriginal voices and cultural considerations are embedded in every stage of decision-making.
- Reducing repeat involvement in Child Protection: Long-term stability is achieved as families receive the right support at the right time.

By ensuring that families receive culturally grounded, strengths-based support, Goolum Goolum has created a system where Aboriginal children and families are not just surviving but thriving. Goolum Goolum's leadership in designing and implementing Njerna Gap Gap Dyr showcases the power of Aboriginal community-controlled solutions in ensuring better outcomes for Aboriginal children and families. Their work is a testament to the strength, wisdom, and resilience of our communities and stands as a model of excellence in self-determined child protection practice.

Unborn Reports

Given the historical and ongoing role Child Protection undertakes in relation to policing Aboriginal communities, the risk of Child Protection intervention is a significant cause of anxiety during pregnancy. Aboriginal women are closely monitored by systems they engage with whilst pregnant. This is often justified by classing them as ‘vulnerable’ or ‘high risk’ without acknowledging the elements of the systems themselves that create vulnerability. ACCOs hear that Aboriginal women are fearful of identifying as Aboriginal in health settings due to concerns that they will be treated unfairly or with racism in relation to any concerns. Consequently, they are also not offered culturally appropriate care. Parents who have been in the child protection system as children are deemed a risk and may experience child protection intervention despite no other concerns being raised.

Unborn reports are notifications made to Child Protection or The Orange Door (TOD) prior to birth, where there is significant concern for the wellbeing of the child after birth. “The intent of the legislation is to enable support in the community for prevention of future harm, and to reduce the likelihood of Child Protection intervention after the child's birth by working earlier and in partnership with the mother and appropriate support services to address the need or risk factors. The guiding practice principle is one of supportive intervention, rather than interference with the rights of the pregnant woman²²”.

In the two years leading up to 31st March 2024, 37% of unborn reports pertaining to Aboriginal children were substantiated within six months of birth in comparison to 23% for non-Aboriginal children. Further to this, 21% of Aboriginal children subject to an unborn report entered care within 12 months of birth in comparison to 12% of non-Aboriginal children²³. Health settings account for a total 27% of Aboriginal unborn reports to Child Protection, with hospitals accounting for 21% of total reports and the rest coming from other health settings such as maternal child health services, community health services, mental health services and private practice²⁴. Hospitals account for the same percentage of Aboriginal unborn reports as Child Protection. Data disparity indicates there are differences in how Aboriginal and Non-Aboriginal mothers are treated whilst pregnant, however the data does not interrogate the cause of the disparity. It is critical to understand the premise on which a report is being made. Limited data is provided about this beyond very specific data points (eg. more reports in relation to emotional abuse are closed than proceed to investigation²⁵). To understand why Aboriginal people are overrepresented, we need to understand how notifiers are undertaking their assessments and concluding that the concerns are significant enough to justify proceeding with a report, including the capacity of the assessor to apply a cultural lens to their process in determining risk. This type of information is not currently captured via data collection.

Racism increases the risk of Aboriginal women being subject to an unborn report. This can be individualistic and due to direct racism eg. the presumption that Aboriginal women cannot be ‘good’ mothers. It can also be caused by racist systems and structures that not only lead to the initial report but cause the report to remain open and intervention to take place once the baby is born. Aboriginal women may be subject to one or both forms of racism concurrently. Modern technologies and systems of information sharing limit the ability of Aboriginal women to take measures to protect themselves from intervention in ways they have done in the past and increase the risk of intrusive and excessive monitoring throughout pregnancy. There is some conjecture as to whether Aboriginal identification is deemed a risk factor in and of itself when it

²² <https://www.ChildProtectionmanual.vic.gov.au/advice-and-protocols/advice/intake/unborn-child-reports-advice>

²³ Victorian Government (2026), Aboriginal Children's Forum Data Pack April 2026- Data to end of December 2025 (Not publicly available)

²⁴ Victorian Government (2025), Aboriginal Children's Forum Data Pack October 2025- Data to end of August 2025 (Not publicly available)

²⁵ Victorian Government (2025), Aboriginal Children's Forum Data Pack October 2025- Data to end of August 2025 (Not publicly available)

comes to Child Protection decision-making. The fact that decision-making frameworks are not willingly shared reflects how Child Protection hold power over Aboriginal people seeking accountability from those making decisions about them. Child Protection workers making assessments are expected to do so within White frameworks that state they must act in a ‘culturally safe way’ but are not trained in a manner that adequately facilitates a level of competence that allows them adequately or appropriately assess and respond to risk in Aboriginal cohorts. Examples of this include presentation of culture bound syndromes being assessed as poor mental health²⁶ or Aboriginal attachment being viewed as disordered²⁷ when what is being observed fails to reflect what the assessor expects to see within the White Western paradigm that underpins their entire world view. This leads to incorrect decision-making, inappropriate response, monitoring, intervention and child removal. This process highlights that the system is not designed to protect the safety of Aboriginal children and instead is a tool for policing families and perpetuating further harm

When an unborn report is made, Child Protection and other organisations must gain consent from the mother to provide support through the remainder of the pregnancy. This requires the mother to be informed that the report has been made, which is currently not always happening. Non-Aboriginal (specifically White) women subject to an unborn report are likely to be responded to by someone from their own culture, who is therefore easier for them to engage with, and they can trust to undertake appropriate needs and risk assessments in the context of their culture. As it stands, it is not a requirement for Child Protection to inform an ACCO when a pregnant mother identifies as Aboriginal or identifies that they will be having an Aboriginal baby. The way an unborn child report is discussed with the pregnant woman is therefore critical. If this is badly handled, women and babies are put at further risk of harm. The best outcomes occur when ACCOs can provide consistent supports, however there is no way for them to do this without being informed of the report, and currently they are receiving most of this information via community rather than organisations. The current processes limit the ACCOs ability to engage with the mother to identify and implement appropriate supports. This often results in the baby being removed by child protection at birth. Failure to ensure that the mother is appropriately supported is a failure to safeguard the baby from both protective concerns and the child protection system, which causes additional harm to Aboriginal children and families.

ACCO alternative

Organisation: Bendigo and District Aboriginal Co-operative (BDAC)

Model: Garinga Bupup

Background and Rationale

BDAC was part of the initial Aboriginal Rapid Engagement and Diversion (ARED) pilot program, which aimed to support Aboriginal Community Controlled Organisations (ACCOs) to design and deliver early intervention models that prevent or reduce Child Protection (Child Protection) involvement.

Through this pilot, BDAC identified a critical gap in service access for Aboriginal mothers during pregnancy and early parenting. Many women at risk of Child Protection involvement were either not engaged with services at all or were receiving fragmented, crisis-driven support that failed to address the underlying social, emotional, and cultural needs.

In response, BDAC developed Garinga Bupup—a culturally responsive, perinatal-focused model grounded in Aboriginal ways of working and focused on walking alongside mothers during this vulnerable time.

²⁶ <https://indigenoupsychservices.com.au/wp-content/uploads/2021/03/Culture-bound-syndromes-in-Aboriginal-Australian-populations.pdf>

²⁷ <https://www.tandfonline.com/doi/full/10.1080/13218719.2023.2280537#d1e344>

Model in Practice

Garinga Bupup (meaning “growing Babies” in Djaara language) is a specialised, Aboriginal-led case management program that walks alongside expectant mothers through their pregnancy and into the early months of their child’s life. A dedicated Case Manager provides intensive, consistent support throughout the journey, including:

- Developing a culturally grounded care plan that incorporates the mother’s goals and needs
- Facilitating access to antenatal health care and hospital services
- Supporting engagement with AOD, mental health, housing, and financial assistance services
- Promoting connection to kin, Culture, and Community
- Providing practical assistance, transport, advocacy, and emotional support
- Acting as a key contact in multidisciplinary meetings, especially with Child Protection

This approach is deeply relational and grounded in trust, recognising the importance of healing relationships over transactional service delivery. Case Managers build strong, respectful partnerships with mothers, which in turn enhances their confidence, strengthens their parenting journey, and improves outcomes for babies.

Insights and Reflections

- **Strong Client Outcomes:** Mothers reported feeling empowered, supported, and more connected to their identity and community. Several avoided statutory intervention entirely due to early, proactive engagement.
- **Service Gap Highlighted:** This model fills a service gap that was not being met through standard Family Services pathways. Mothers at risk of removal often had minimal support prior to this engagement.
- **Reporting Framework Misalignment:** The ARED reporting system—designed around quantifying service hours—does not reflect the depth and intensity of this model. The current framework underrepresents the sustained relational work being delivered.
- **Need for System Flexibility:** Programs like Garinga Bupup demonstrate the importance of flexible, Aboriginal-led design. Systems need to adapt to recognise the effectiveness of Cultural support models that don’t fit standard metrics.
- **Sustainability and Expansion:** There is a clear need and demand to expand this model, particularly in regions where women face complex barriers to accessing culturally safe prenatal care.

Garinga Bupup has a 63% success rate in diverting a Child Protection investigation following birth²⁸.

Infants and Early Years

The first 1000 days (from conception until 2 years old) are considered critical for forming the trajectory of a person’s life²⁹. For Aboriginal infants to be set on the best path, they need safe access to services grounded in an understanding of their culture across all systems involved with determinants of health and wellbeing. Children in so-called Australia do not have equitable chances to reach their full potential. Aboriginal and

²⁸ <https://www.yoorrook.org.au/submissions/witness-statement-of-argiri-alisandratos>

²⁹ <https://www.ccch.org.au/our-work/project/the-first-1000-days/>

Torres Strait Islander children are less likely to have the resources and support they need to thrive. Whilst the considerations relating to development of infants encompasses all systems and aspects of their lives, given the recent allegations of abuse and safety concerns raised in relation to child-care, this submission will focus on Early Childhood Education and Care (ECEC).

Research supports that Aboriginal ways of child rearing, including practices such as storytelling, lifelong learning, and collective education with multiple care givers, are uniquely supportive of best practice in Aboriginal child development, and well suited to high-quality Early Childhood Education and Care (ECEC) settings. *Safe & Supported: The National Framework for Protecting Australia's Children 2021–2031* and its Aboriginal and Torres Strait Islander First Action Plan 2023-2026, the National Agreement on Closing the Gap and the Victorian Implementation Plan, alongside the Early Childhood Care and Development Policy Partnership (ECCDPP), place clear responsibilities on both levels of governments to ensure the wellbeing of Aboriginal children in their early years through culturally safe, community-led, not-for-profit approaches, and to continuously invest in ACCO-led services that work best for young Aboriginal children and their families.

More than half of reports to Child Protection are made when the children are aged 2 years or under, during those years of early childhood care and education. Only one-third of Aboriginal and Torres Strait Islander children are developmentally on track (per Western childhood development frameworks) by the age of 5. This means that two-thirds of Aboriginal and Torres Strait Islander children are experiencing developmental vulnerability at a critical stage of life. These outcomes are not accidental but reflect the impact of successive policy failures³⁰. ACCO-led early childhood services would considerably assist to reduce this disadvantage and give Aboriginal children a true capacity to thrive.

In so-called Victoria as in other parts of the country, the current mainstream ECEC system is still largely profit-driven, a model of care that clearly conflicts with the idea of embedding universal rights. Profit-based models are made to prioritise efficiency and reduce operating costs (including workforce costs such as training) at the expense of quality education and supportive care. They are not designed to provide care in a manner that meets the needs of Aboriginal children, do not actively consider different needs that Aboriginal children may have to meet developmental milestones and do not understand how these milestones may present differently for Aboriginal children (eg. Western attachment theory focuses on attachment to a primary carer in a manner that does not reflect Aboriginal cultural ways). Profit driven models do not incentivise providers to prevent or address racism, or consider models of care that differ from Western pedagogical approaches.

VACYPA members are of the view that profit-based ECEC services do not enable high-quality, passionate care services in the same way that Aboriginal-led and community-led models do, as they are efficiency-based and transactional and underpinned by White cultural norms and child rearing practices. A focus on profit does not allow for service delivery amendment to meet the needs of Aboriginal children. Government has limited capacity to address this issue while for-profit providers are the predominant agencies delivering the services. Children are at the heart of every community, including Aboriginal communities. Utilising their education and care for private businesses to profit from, and continually invest in more private independent ventures, drives early learning costs up and reduces the quality of care. This is inconsistent with the universal rights of Indigenous children to be safe and to be able to access education without discrimination (UNDRIP, Article 14.2)³¹.

³⁰ Australian Research Alliance for Children and Youth (ARACY) (2025) *Summary report: State of Australia's Children 2025*. Canberra: ARACY.

³¹ https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

ACCO alternative

Model: ACCO-led ECEC services

ACCOs adopt very different approaches to delivering childcare and kindergarten services to children in their communities. ACCOs delivering these programs are duly recognised as strengthening Aboriginal and Torres Strait Islander children's school readiness and have been shown as a preferred model of care for Aboriginal and Torres Strait Islander families and communities³². They do not seek profit, look after children as if they were family or kin, and place high levels of scrutiny and accountability on themselves as custodians. They deliver culturally grounded, community-led services that adopt a whole-of-family approach to strengthen children's connection to culture and develop their identities as Aboriginal people.

Programs like the *bupup balak wayipungang* initiative (formerly the Koorie Preschool Assistant, or KPSA, program), Koori Supported Playgroups (KSP, a dual parenting and early education support program), and Koori Families as First Educators (KFFE) demonstrate that ACCOs best integrate education with family support and culture. They go above and beyond to ensure that children can participate in early education and care, addressing known access barriers specific to Aboriginal families, such as transport to make their services accessible. ACCOs know the children and families using their services in a manner that mainstream providers cannot and families trust that ACCOs are a space where their children will be educated in an environment where their cultural identity will be celebrated and strengthened, and they will not be exposed to racism. Most of the evidence relating to the outcomes ACCOs can achieve in ECEC and how they go about this cannot currently be formally captured in service delivery systems as these do not prioritise the needs of Aboriginal people in their reporting requirements.

VACYPA's members who deliver early learning services for Aboriginal children environments that nurture identity and wellbeing from a young age. By embedding culture and local ways of knowing, being, and doing, they enable children to develop a strong sense of identity at a foundational stage of their life. This identity is essential for their future wellbeing and is presently not developed in mainstream services. Cultural identity and wellbeing act as protective factors, facilitate wellbeing and their impact on the life of a child cannot be understated. Aboriginal families trust ACCOs to provide ECEC services as they understand there are cultural responsibilities associated with looking after Aboriginal children and therefore are subject to community accountability that mainstream services are not.

Children Subject to Child Protection Intervention

The Yoorrook Justice Commission found that more Aboriginal children are currently being removed in Victoria than during the Stolen Generations³³. For families, these removals mean deep losses, as children are separated from parents, kin, culture, and Country. This disrupts family and cultural ties and harms social and emotional wellbeing across generations. According to the Victorian Government Aboriginal Affairs Report³⁴, 80.6% of Aboriginal children in care in Victoria are placed in kinship care, with around 41% placed with Aboriginal kin; the remaining children are placed with extended non-Indigenous family. This

³² SNAICC – National Voice for our Children (2023) *Evidence review on optimal hours of early childhood education and care (ECEC)*. Melbourne: SNAICC.

³³ Yoorrook Justice Commission. (2025). *Yoorrook – Truth be told*. https://cdn.craft.cloud/06ad3276-b3d9-4912-bcbb-37795aade9a8/assets/documents/Yoorrook_Official-Public-Record_Accessible.pdf

³⁴ Victorian Government. (2024). *Victorian Government Aboriginal Affairs Report 2024*.

<https://www.firstpeoplesrelations.vic.gov.au/sites/default/files/2025-08/Victorian-Government-Aboriginal-Affairs-Report-2024.pdf>

means that Aboriginal children are being removed from their primary culture into another with minimal supports. Cultural plans are required to be completed for Aboriginal children who have been in care for longer than 19 weeks, but as of December 2025 only 68% of these had been completed³⁵. Cultural plans are supposed to build and maintain cultural identity whilst children are not in the care of their parents, however they are often of poor quality and can only ever speak to elements of their Aboriginal culture or ad-hoc activities. They do not make up for the loss of cultural immersion (ie. normal day to day living as an Aboriginal person) in the form of being raised by Aboriginal family.

Consultations with ACCOs and community yarns revealed that while statistics suggest a functioning system, the reality is different³⁶. The current system fails to recognise kinship as a cultural practice deeply tied to wisdom, connection to Country, and collective responsibility, and restricts community authority and ACCO expertise. This highlights the pressing need for service delivery that aligns with the United Nations Declaration on the Rights of Indigenous Peoples³⁷ and the United Nations Convention on the Rights of the Child³⁸. Victoria has the highest rate of Aboriginal and Torres Strait Islander children and young people on care and protection orders nationally, resulting in significant over-representation in out-of-home care³⁹. This over-representation has driven strong calls for Aboriginal Community Controlled Organisations (ACCOs) to have increased responsibility and decision-making in child protection, aiming for better outcomes.

The statutory definitions of kinship are narrow, shaped by Western frameworks that fail to recognise Aboriginal cultural law, obligation, and collective responsibility. Reports by The Yoorook Justice Commission⁴⁰ the Victorian Auditor-General's Office⁴¹, multiple SNAICC Family Matters Reports⁴², and the Victorian Ombudsman⁴³ highlight persistent inequities, including carers being locked into the lowest allowance level and voluntary kinship care going unsupported. Community consultations confirmed these systemic issues, showing how the current model undermines carers, staff, and children⁴⁴. Voluntary kinship arrangements in Aboriginal communities are not just a care arrangement but a cultural practice and responsibility. The lack of support and resourcing provided to these arrangements is an imposition of white colonial expectations where kinship is framed as a solution to a problem rather than inherent cultural practice key to caring for children. This cultural practice means that the burden of care is shared beyond a primary carer and is essential to Aboriginal child rearing and development of identity as children are naturally building relationships with several relevant knowledge holders per Aboriginal cultural protocols rather than learning everything from one or two 'primary carers'.

By failing to adequately resource voluntary kinship arrangements it also means that Aboriginal families do

³⁵ Victorian Government (2026), Aboriginal Children's Forum Data Pack April 2026- Data to end of December 2025 (Not publicly available)

³⁶ https://www.vacypalliance.org/_files/ugd/c93c0a_06139a864c2b45aa91d4eb9a8a0823c0.pdf

³⁷ United Nations. (2007). *United Nations Declaration on the Rights of Indigenous Peoples*.

<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

³⁸ United Nations. (1989). *Convention on the Rights of the Child*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

³⁹ SNAICC. (2024). *Family Matters Report*. <https://www.snaicc.org.au/wp-content/uploads/2024/11/241119-Family-Matters-Report-2024.pdf>

⁴⁰ Yoorook Justice Commission. (2025). *Yoorook – Truth be told*. https://cdn.craft.cloud/06ad3276-b3d9-4912-bcbb-37795aade9a8/assets/documents/Yoorook_Official-Public-Record_Accessible.pdf

⁴¹ Victorian Auditor-General's Office. (2022). *Kinship care: Meeting the needs of vulnerable children* [PDF]. Victorian Government.

⁴² SNAICC. (2024). *Family Matters Report*. <https://www.snaicc.org.au/wp-content/uploads/2024/11/241119-Family-Matters-Report-2024.pdf>

⁴³ Victorian Ombudsman. (2017). *Investigation into financial support for kinship carers* [Report]. <https://assets.ombudsman.vic.gov.au>

⁴⁴ https://www.vacypalliance.org/_files/ugd/c93c0a_06139a864c2b45aa91d4eb9a8a0823c0.pdf

not receive financial support for children in their care and are required to seek it from Child protection. Child protection often fail to adequately fund formal kinship arrangements and will dictate how funding is used within a White paradigm. Seeking support from Child Protection comes with the risk associated with further harm as this is conditional welfare where Child Protection will monitor and intervene with the family, making sure they are compliant with the white concepts of safety. This shifts the terms of the kinship arrangements from community to Child Protection. ACCOs have raised the need for flexible funding to appropriately support voluntary kinship arrangements. This would also reduce the risk of child protection intervention as the ACCO is able to work with the family and make a culturally appropriate assessment of risk and address this if need be.

ACCO alternative

Model: Aboriginal-led model of Kinship care

VACYPA recently undertook a project with ACCO Members to develop an Aboriginal-led model of kinship care grounded in cultural practices and principles, directly informed by regional ACCOs⁴⁵. The project aimed to reimagine what kinship care service delivery could look like if it were truly grounded in Aboriginal ways of knowing, being, and doing. This co-designed approach placed cultural authority, deep listening, and relational accountability at the centre of the project, ensuring it was led by the priorities of Member ACCOs and grounded in the communities they serve. At its core, the objective of the project was to develop a theory of change model informed by the stories, knowledge, and lived experiences of ACCOs and their communities; capturing not only what needs to change but also recognising and strengthening what is already working well. Together, they underscore the importance of Aboriginal children remaining connected to their family, community, and Country, all of which are central to the development of their cultural identity.

This approach positioned kinship and cultural connection as foundational to the care model, rather than supplementary or secondary considerations. In doing so, the project challenged the current child protection system, which remains largely governed by statutory risk-based approaches that often disrupt family and cultural bonds. Rather than following a deficit-based approach, this model focused on the rights of Aboriginal children to be raised by those who love them, connected to culture — both of which are central to their wellbeing, learning, and future outcomes. By embedding Aboriginal knowledge systems at every level, the model visualises what culturally safe, community-controlled, strengths-based care looks like in practice. It integrates community-led knowledge and aligns with what ACCOs are already delivering, both formally and informally, while amplifying what works and identifying what support is still needed. The model also reflects a shared vision across the ACCO sector for what safe, supported, and trauma-informed kinship care should look like: grounded in care, connection, and cultural belonging.

Young People and Care Leavers

Young people are at a very vulnerable developmental age. It is often this time where the impacts of experiences that have occurred up until this time start to become more obvious, risky and externalised compounded by reduced impulse control and higher pressures from outside influences. This age group is at considerable risk of experiencing life changing or life ending events including social disconnect via engagement in or being subject to anti-social behaviours, exploitation, homelessness, incarceration, poor mental health and suicide. A significant area of concern and risk in relation to this age group criminalisation

⁴⁵ https://www.vacypalliance.org/_files/ugd/c93c0a_06139a864c2b45aa91d4eb9a8a0823c0.pdf

and the child protection to prison pipeline is of particular concern.

Young people in Out of Home Care (OOHC) are particularly vulnerable to criminalisation as the system fails to meet their needs at this developmental age. This is particularly highlighted in residential care settings, which are tasked with caring for the most vulnerable of young people. Aboriginal children are more likely to be placed in residential care, which is the least preferred placement option under the Aboriginal Child Placement Principles⁴⁶. Often young people in residential care have experienced significant complex traumas that the OOHC system is not equipped to support. In residential care settings, this is compounded as multiple traumatised young people are housed together creating an environment that is not safe with rotating staff who are not adequately trained or equipped to meet the needs of the young people they are supposed to be supporting. These settings do not reflect a normal family household environment with locks on doors, those who are acting as parents able to disengage from young people and the ability to undertake normal activities of daily living restricted, for example by locking cutlery in the staff office. Staff often spend a significant amount of their shift time (sometimes at the direction of organisations to avoid Worksafe claims) in the staff office, while the young people are left inadequately supervised and unsupported to regulate their behaviour.

Police are often called to residential care settings for several reasons. There is evidence of young people in residential care being criminalised for behaviour that, if it occurred in a family home, would not be reported⁴⁷. The behaviour may be deemed too dangerous for staff to manage; however this is often due to lack of adequate training and support for staff or concern that a response may be viewed as against organisational policy or restrictive practice. Often if the behaviour of one young person is attempted to be addressed the consequences extend to the rest of the young people in the house. This may be relatively minor, for example none of them may be able to watch television, or more seriously they may all have to temporarily reside in a hotel (with agency staff) or even moved into a different 'placement', sometimes even in a different region if it is determined that one young person needs to be moved on and the rest need to be reshuffled to make space. The consequences for young people in residential care do not reflect actions that a 'normal' parent would undertake if the same behaviour or issue presented at home, for example if a window is broken or other property damage occurs in a residential care centre, rather than fixing it as a parent usually would, a police report is often made in order for the organisation to make an insurance claim and the young person is criminalised in the process. Few ACCOs currently choose to deliver residential care services in Victoria and this is due to the Western model of so-called care that is delivered in this program. Residential care does not reflect Aboriginal ways and cultural identity is poorly supported, if not actively undermined in this model.

These behaviours can extend beyond the residential care into other settings young people are supposed to engage with to support their development. This includes schools who are also ill equipped to manage behavioural presentations and Aboriginal young people are particularly vulnerable in this situation as the behaviour is more likely to be triggered by the racism they experience at school and results in timetable modification, suspension or expulsion.

Aboriginal people are also significantly overrepresented in custodial settings. Aboriginal people are also at higher risk of death in both prison and police custody. Data is unavailable relating to deaths of Aboriginal people subject to a custodial order in other settings such as community, hospital and rehabilitation centres. The statistics on the criminalisation of young Aboriginal people in care are stark: First Nations young people were 26 times as likely as non-Indigenous young people to have been under youth justice supervision during 2022–23 and to have had an interaction with the child protection system in the last 10

⁴⁶ <https://www.snaicc.org.au/wp-content/uploads/2026/01/Family-Matters-Report-2025-v3.pdf>

⁴⁷ <https://www.snaicc.org.au/wp-content/uploads/2026/01/Family-Matters-Report-2025-v3.pdf>

years (211 per 10,000 compared with 8.1 per 10,000, respectively)⁴⁸. Some of these children offend at an earlier age (for example, when they are aged 10 to 14 years of age) than the rest of the population⁴⁹. Aboriginal young people and girls and young women are also consistently overrepresented among those who have experienced both child protection and Youth Justice intervention⁵⁰.

Overrepresentation of Aboriginal young people subject to the criminal justice system, particularly those who have also been subject to child protection involvement highlight the impact of racist systems interacting. The incarceration of a young person will likely have lifelong implications, restricting access to housing, education and employment opportunities as well as increasing the risk of ongoing engagement with the criminal justice system throughout adulthood. These issues are further compounded for young care leavers. There are also significant impacts on families and communities as connections are difficult to maintain in a custodial setting.

Some research has shown dual-system children are often subject to compounded vulnerabilities as they experience both the systemic shortcomings of the child protection and OOHHC systems in conjunction with punitive approaches to juvenile justice. This dual exposure is exacerbated by siloed systems of support that treat children as “hot potatoes”, which perpetuates a cycle of trauma and instability. Addressing the unique experiences of these children requires moving beyond punitive approaches and toward co-designed solutions that recognise the impacts of this complex ecosystem for each child. Ultimately, effective support for dual-system youth hinges on a holistic ecosystem that prioritises support, prevention, and socio-emotional development over criminalisation to break the damaging cycle of surveillance and control for children and families involved in these systems.

Aboriginal young people are also at high risk of homelessness, with the largest cohort of people presenting to Specialist Homelessness Services (SHS) being aged between 20-39 years (leaving care age) and the fastest growth being children under 14 (17%)⁵¹. The main reason for Aboriginal children on a child protection orders presenting to SHS is due to domestic and family violence, which accounts for over 50% of cases. There is a lack of clarity in the data as to why so many Aboriginal children subject to child protection orders are seeking homelessness services. This is a rising concern and deserves clarity given that issues pertaining to domestic and family violence also account for a significant number of child protection notifications and substantiations. The role of child protection should ensure that exposure to family violence and risk of homelessness is reduced, and the current data suggesting that SHS supports are being sought predominantly due to family violence could suggest that family violence related Child Protection interventions are not effectively protecting young people from exposure to family violence.

Young people leaving care are also extremely vulnerable to experiencing homelessness and the number of Aboriginal young people seeking SHS support who had left care the week prior continues to grow. It is critical that child protection ensure that care leavers have access to safe and secure housing once their orders have ceased. Care leavers may be able to stay in their current living arrangement after an order has ceased, but often there are concerns regarding these arrangements raised whilst the child is still in care that go unaddressed by Child Protection. These issues can escalate further when there is no longer Child Protection involvement resulting in the care leaver being left extremely vulnerable in terms of both housing, but also financially, socially and emotionally. There are also situations where a young person is due to exit

⁴⁸ Australian Institute of Health and Welfare, *Young People under Youth Justice Supervision and Their Interaction with the Child Protection System 2022-202*

⁴⁹ <https://www.justice.vic.gov.au/youth-justice-strategic-plan-2020-2030-supporting-children-and-young-people-with-a-child-protection>

⁵⁰ <https://www.justice.vic.gov.au/youth-justice-strategic-plan-2020-2030-supporting-children-and-young-people-with-a-child-protection>

⁵¹ <https://www.aihw.gov.au/reports-data/health-welfare-services/homelessness-services/shs-client-groups/young-clients>

care and Child Protection have not established an alternative arrangement. This is particularly common for young people in residential care, who are expected to leave on their 18th birthday (often as early as possible in the morning so that the agency can move another young person into the house). Last year 94 Victorian Aboriginal care leavers were homeless at the start of SHS engagement, another 220 were at risk of homelessness⁵². These numbers are unacceptable and a concerted effort needs to be made to address this issue, particularly for Aboriginal care leavers who are viewed as high risk in the rental market due to their age, care history and racism.

ACCO alternative

Model: ACCO-led youth supports

ACCOs emphasise the need to prioritise early intervention and prevention programs which are self-determined, Aboriginal-led and are underpinned by culture. These programs are critical help to develop and strengthen the identities of young people, maintain their connection to community and reduce the risk of them being subjected to further harm. Whilst ACCOs deliver youth justice programs, it is the non-statutory, preventative programs that often go unrecognised and unfunded. There is a consistent issue of non-statutory responses being under-recognised and undervalued by the broader sector. Even non-statutory programs that DFFH is obliged to fund, such as those related to leaving care are not adequately resourced to address the often complex needs of young people who have been raised by systems, which is compounded by the required shift in thinking that comes with adulthood and its associated responsibilities. Worries relate to access to basic needs, such as food and housing, which children who have not experienced child protection intervention are less likely to need to concern themselves with. Of the programs delivered in VACYPA Member ACCOs, most youth programs that focus on early intervention and prevention are funded from sources external to DFFH and Department of Justice and Community Safety Victoria (DJCS). Where they can, ACCOs will often self-fund these programs, but funding limitations restrict the capacity of these programs to reach their full potential. Examples of programs delivered by VACYPA Member ACCOs that are not funded by the relevant state departments include youth hubs, youth groups, Koori engagement officers, youth leadership programs, school holiday programs, homework centres and Koori night patrol.

Another example is Village 21, an Aboriginal-led accommodation and support model, developed in partnership between GEGAC and Kids Under Cover. The objective of the model is to ensure Aboriginal young people have a positive future, remain strong in culture, and are equipped to live independently when they leave the service. It is a village model that has been adapted to meet the needs of young Aboriginal people aged between 18 and 21 years, who are experiencing homelessness or at risk of homelessness. The village will feature a communal area along with private spaces for young people and live-in mentors. Young people will also be supported by a Key Worker to provide case management and support the development of independent living skills along with strengthening connections to family and community as well as culture. Young people have been included in the development of this model.⁵³

Whole of Community Impacts

The impact of child protection intervention on Aboriginal families extends to the broader Aboriginal community. Ongoing child protection intervention leaves people fearful that they or someone they love will

⁵² <https://www.aihw.gov.au/reports-data/health-welfare-services/homelessness-services/shs-client-groups/young-clients>

⁵³ <https://gegac.org.au/village-21-project/>

be subject to intervention, and/or worry about intervention that is currently active. Communities understand the racism of systems itself as well as across broader society that lead to child protection intervention in their lives and must consciously consider this in their daily conduct, to avoid being reported in relation to issues that White families would not be reported for. This is a heavy burden to carry and contributes to the trauma experienced by communities.

Child protection systems often intervene due to issues such as poverty or housing insecurity, but rather than addressing these causes families become further marginalised and the cycle is compounded, exacerbated and continued, evidently for generations. Child protection systems and the impacts associated with intervention contribute to the morbidity and early mortality of Aboriginal people through poor health and mental health outcomes. This is a cycle that compounds as Aboriginal communities spend a lot of time in Sorry Business which further impacts wellbeing. Aboriginal people also carry the burden of trying to manage this within Western Frameworks of education and employment and the implications of not attending these, further contributing to and perpetuating the cycle. Premature death can also lead to further disconnect within and between communities, including loss of cultural knowledge. It has been reported that in some instances of deaths in custody that the person was the last knowledge holder in relation to aspects of culture. It is not just the person dying, but culture that goes with them.

Aboriginal culture is further threatened by separation caused by Child Protection and so-called justice systems where children and young people are separated from their communities on a day-to-day basis. It is not sufficient to just apply ad-hoc cultural elements or Aboriginal cultural activities to Western Frameworks and hope that this is sufficient to meet cultural need or form strong identities, when the rest of the time that child or young person is expected to exist and assimilate to a White societal norm.

ACCOs understand these issues as a whole, how they are related and how Aboriginal ways can be upheld as the primary focus within all these challenges to improve outcomes for Aboriginal people. ACCOs understand the critical role of culture and identity, and naturally operate within Aboriginal cultural paradigms, just as mainstream services naturally work within Western paradigms. It would not be deemed sufficient to tack activities pertaining to White culture on to a non-Western framework for White service-users, yet settlers have deemed this an acceptable approach to Aboriginal people since colonisation. This is the key reason why it is critical that ACCOs are fully resourced, funded and authorised to work in a self-determined manner, they inherently know what's best, because fundamentally, that is who they are.

Recommendations

- Federal Government systems need to understand *what* racism is to address it on a systematic and structural level. This includes shifting the focus of what culturally safe systems look like from Aboriginal cultural safety and competency, to include understandings of dominant cultural norms (Whiteness) that detrimentally impact others.
- The Federal government should urgently implement National Anti-Racism Framework⁵⁴, including where they are working cross jurisdictionally with other Governments as well as other plans and strategies. This should include consideration in relation to decision-making, funding and accountability of other governments and organisations which may receive federal input.
- Agreements such as Closing the Gap must allow for Aboriginal people to develop action plans that reflect their needs and aspirations in a genuinely self-determined manner.
- Data should reflect outcomes meaningful to communities rather than focus on comparison between cohorts.

⁵⁴ https://humanrights.gov.au/__data/assets/pdf_file/0026/33974/NARF-Report-Summary-2024_6pp_DIG_ACCESS-1.pdf

- ACCOs need to be adequately funded, resourced and authorised to provide supports to Aboriginal children and families across the child welfare system.
- The Federal Government should review existing recommendations from previous inquiries and take action to implement them.

