



ANNUAL STATEMENT 2024

OFFICE OF THE ACT ABORIGINAL & TORRES STRAIT ISLANDER
CHILDREN & YOUNG PEOPLE COMMISSIONER



Office of the ACT Aboriginal & Torres Strait Islander
Children & Young People Commissioner

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ACKNOWLEDGEMENT OF COUNTRY

The Office of the ACT Aboriginal and Torres Strait Islander Children & Young People Commissioner acknowledges the Ngunnawal people, the custodians of the lands of the ACT region which were never ceded. We pay respect to Elders past, present and emerging. The Office also acknowledges all Aboriginal families, ties, songlines and stories connected to the ACT region.



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COMMISSIONER'S MESSAGE



Jingiwalla, I am delighted to share the first Annual Statement for the Office of the Aboriginal and Torres Strait Islander Children and Young People Commissioner. I have been honoured to serve in this role as the Inaugural Commissioner since late February 2024. I come from a long line of activists, defenders and healers. I am a proud Bundjalung woman, and I acknowledge being a visitor to these lands. I acknowledge the strength and power that sits within this place, a place where community continue to fight for human rights, cultural rights, children's rights and safety. My people are saltwater and freshwater people, and navigators, we have always moved through the lands, and one thing we continue to practice with, is respect. I share this introduction with my heart in paying homage and respect to the lands of Ngunnawal people and any other families who share a traditional connection to this land.

I would like to express my gratitude to the Elders and community members who have welcomed me here to Ngunnawal country so warmly. I would also like to thank the Community Panel and the Aboriginal and Torres Strait Islander community-controlled organisations, individual community members and stakeholders who have continued to support me and my office. The support does not go unnoticed and has been a pillar to our resilience as we establish the Commission and its primary functions. I would also like to thank Ms Barb Causon who served as the Children and Families Advocate while my role was being established and recruited.

COMMISSIONER'S MESSAGE

I would like to thank Ministers who I engaged with, particularly former Minister for Children and Young People Ms Rachel Stephen-Smith, and Minister for Human Rights Ms Tara Cheyne, who understood the crucial importance of Aboriginal children and young people, and continued to work with me when matters were raised. Leadership matters on all levels, and this is recognised. I look forward to ensuring the new Ministers for the new year are well-informed as the Commission continues to do all it can to protect the rights and interest of children and young people.

I would also like to acknowledge the frontline Aboriginal community-controlled organisations who work directly with children and families when it comes to the statutory systems that continue to impact our children and young people, this can never go unnoticed or recognised. When our children are subject to severe disconnection and State harms, the one thing we know is, they will try and find connection when they can, our children and young people run, run home to people, to country, to place, and I believe we all have a duty in ensuring upon our children returning home, that we do so with full support and love. It means we defend this through the process, and it means we do not stop advocating for the rights and interest of all children and young people and our greatest strength – our culture. Aboriginal community-controlled organisations are crucial to the future of black safety, sovereignty, and liberation. A warm thank you to Yerrabi Yurwang for sharing a special welcome during my first moments, this created safety and a warm connection to the common goal we share - to ensure children and young people are connected with family and wholeheartedly advocated for. And a warm thank you to Gugan Gulwan for all that you do for children and young people, we have worked closely with you on matters and have seen positive outcomes achieved.

If we are serious about healing and recovery, we must centre, support and grow the organisations that are prepared to do this work. We must support new community organisations who are filling the gaps, and we must ensure we come together stronger than ever to ensure that the focus comes back to children and young people.

I am also grateful to our staff who provided dedicated service to my office over this first year. Like many areas, staffing is an area of ongoing focus and building for our office. I am so very excited for the next few years in growing the Commission and providing statutory oversight the best way we can. I acknowledge we are in the early stages of our development and for things to be sustainable and successful, we must continue to do our due diligence to make the Commission a long-term success. During my appointment I have had the immense privilege of establishing firm positions on best practice and policy when it comes to family policing (child protection) and youth incarceration. I have had the privilege to work directly with young people impacted by youth incarceration and systemic issues, as well as undertake systemic engagement and advocacy.

My delegates of the Commission have continued to represent the strongest core value and practice I can ask for as a leader guiding the Commission, that is-knowing our children and young people cannot wait, and that justice must prevail. I am thankful to work with colleagues who uphold values to protect the rights and interest of children and young people, and who continue to be representatives of the Commission in a way that ensures we never remain silent on the issues that matter.

My Elders have and continue to teach me, that the only way forward, is together and with connection. As a survivor of child removal and professional myself, it is my vision to see all our Aboriginal and Torres Strait Islander children and young people safe and strong and reaching their potential, and that their protective factors are part of their strengths. We know that our children and young people are stronger when they are connected to their family, their kin, their culture and community. It is the cultural community that has the deep knowledge of what our families and our children and young people need to thrive.

Alarming issues such as child removal, youth incarceration, racism, child sexual exploitation and sexual abuse have and will remain my key priorities as Commissioner. I have witnessed alarming concerns in these areas in my first year as Commissioner and will remain dedicated to addressing these key concerns. The intersectional discrimination faced by Aboriginal and Torres Strait Islander children and young people cannot be ignored.

We need our Government in the Territory to be prepared to take the rights of Aboriginal and Torres Strait Islander children and young people seriously, whilst also ensuring there are fair, just and equitable processes for community organisations to do their work with long term support and sustainability.

Our children do not have time to wait, and collectively our power remains together. One of my greatest cultural teachers shared with me “there is no silver bullet, there is no perfect formula, there is just effort.” I know our efforts together will be so much more powerful than our efforts alone. I know that coming together is a strength, and that when it comes to the shared horizon of representing children and young people, that it requires serious commitment to coming back to them and their needs.

Finally, I would like to acknowledge and thank all of the children and young people we have met and worked with over this first year. It has been a true privilege to get to know you and to see the amazing people you are and who are becoming. I have met young people in prison who dream of being a lawyer, a real estate agent, a builder, a teacher and who dream of having the simple connection of love and reminders. It is in these moments, the conversations and eyes on our most strategically impacted and harmed- children / young people in custody, that you learn what really matters. The safety of our children is on all of us, and requires community to have eyes on our children, not the State.



**To the young people and children, I have met – thank you.
To the ones I am yet to meet, I can't wait. You have every right to not just survive,
but to thrive. You are loved, cared for and your rights matter.**

BACKGROUND

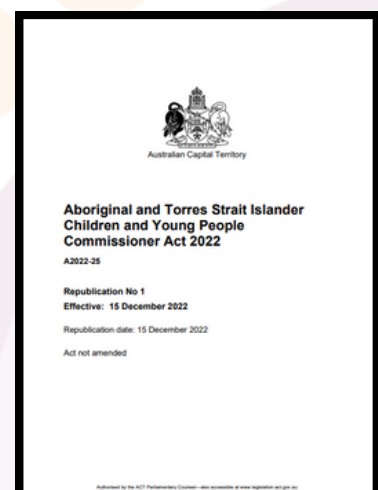
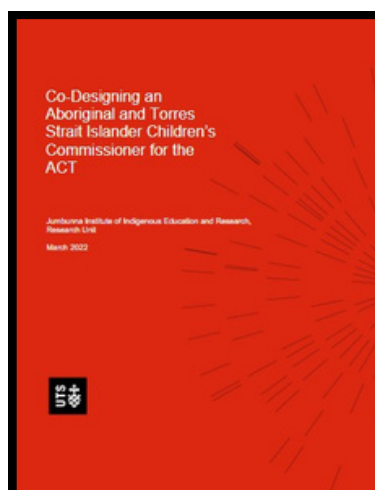
The Office of the Aboriginal and Torres Strait Islander Children and Young People Commissioner is an independent statutory agency dedicated to advocating for the rights and interests of Aboriginal and Torres Strait Islander children and young people in the ACT.

This role was established following years of staunch advocacy from the Our Booris Our Way Implementation Oversight Committee and the ACT Aboriginal and Torres Strait Islander community. It followed a process of community co-design facilitated by the Jumbunna Institute.

Prior to the Commissioner's commencement, Ms Barbara Causon served as the Aboriginal and Torres Strait Islander Children and Families Advocate. Ms Causon provided much needed advocacy while the Commissioner was recruited.

The Inaugural Aboriginal and Torres Strait Islander Children and Young People Commissioner in the ACT was appointed after recruitment process involving the community. The Commissioner commenced her role on 26 February 2024 for a five-year term.

The Commissioner's powers, functions and responsibilities are set out in the *Aboriginal and Torres Strait Islander Children and Young People Act 2022* (the Act).



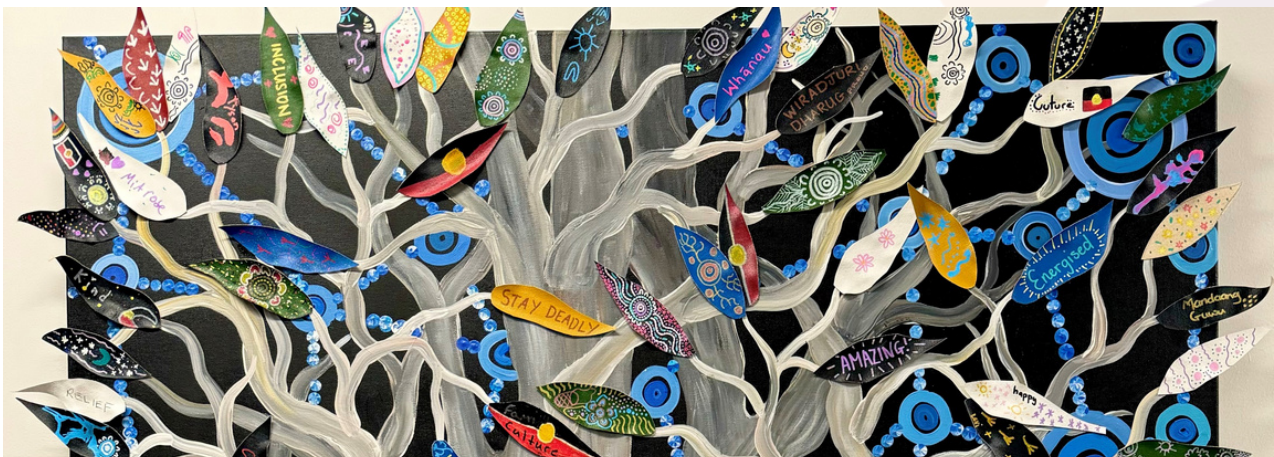
FUNCTIONS OF THE COMMISSIONER

Under the Act (section 11) the Commissioner has the following functions:

- to advocate on behalf of Aboriginal and Torres Strait Islander children and young people, individually and collectively;
- to intervene on behalf of Aboriginal and Torres Strait Islander children and young people in relation to decisions that will affect their rights or interests, including in relevant court proceedings;
- to inquire into matters relating to the rights, development, safety and wellbeing of Aboriginal and Torres Strait Islander children and young people;
- to promote the enjoyment by Aboriginal and Torres Strait Islander children and young people, and their families, of their rights;
- to advise the government about policy, services and other matters affecting Aboriginal and Torres Strait Islander children and young people, and their families;
- any other function given to the commissioner under this Act or another territory law.

The Act also provides that in exercising her functions, the Commissioner must:

- consult Aboriginal and Torres Strait Islander children, young people and their families in ways that promote their participation in decision-making; and
- listen to and seriously consider the views of Aboriginal and Torres Strait Islander children and young people; and
- ensure the commissioner is accessible to Aboriginal and Torres Strait Islander children and young people; and
- engage regularly with the Aboriginal and Torres Strait Islander community.



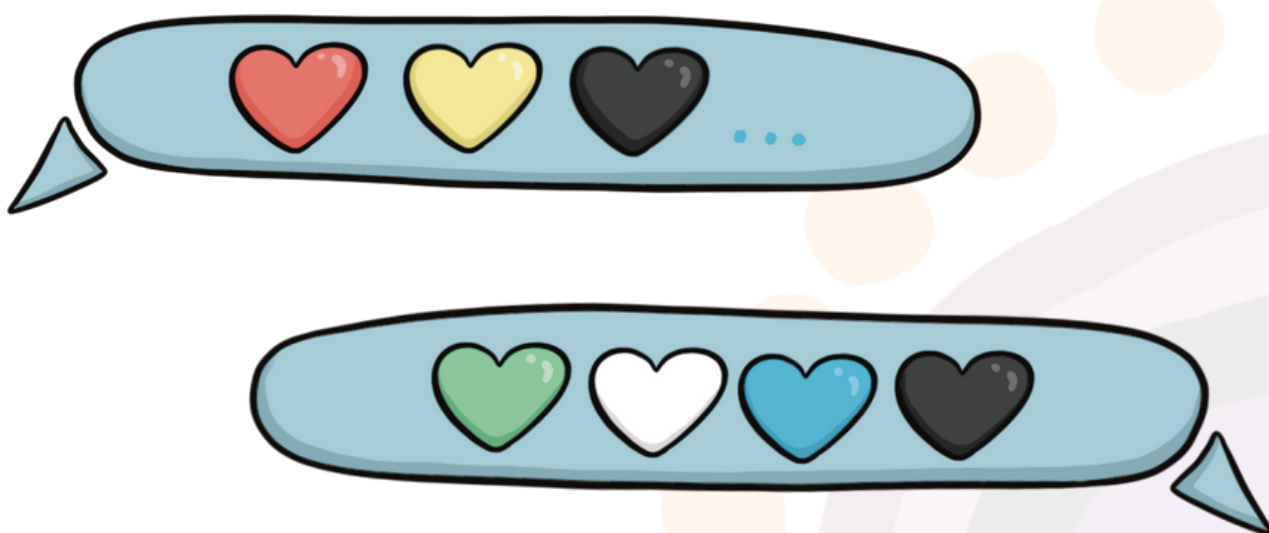
ANNUAL STATEMENT REQUIREMENT

Section 12 of the Act requires that the Commissioner must prepare an Annual Statement each calendar year about the operation of the Commissioner's Office including:

- the number and kinds of advocacy matters the Commissioner's office engaged in during the year;
- a summary of the inquiries the Commissioner conducted during the year;
- a summary of the activities of any advisory committee assisting the Commissioner during the year;
- a summary of the community engagement undertaken by the Commissioner's office during the year;
- anything else the Commissioner considers appropriate; and
- anything else prescribed by regulation.

The Annual Statement is required to be provided to the Speaker of the Legislative Assembly and the Community within three months of the end of the calendar year.

This Annual Statement reports on the activities of the Commissioner for the Calendar year 2024.



INDIVIDUAL ADVOCACY

In 2024 the Commissioner's office provided individual advocacy for 55 Aboriginal and Torres Strait Islander children and young people in the ACT. In most cases our advocacy is ongoing, and we continue to support and advocate for these children and young people while taking on new referrals.

Because these matters are very sensitive and confidential this work can go unseen except to those directly involved. We have included some de-identified general case studies below to show some examples of our individual advocacy.

The Commissioner's office does not currently have access to case database software which limits our ability to easily and accurately obtain data from our files and case notes. The figures below are based on manual review and may be an underestimation.

Family Policing (Child protection)

The Commissioner's role arose from the seminal Our Booris Our Way Review of the child protection system, and this is a key focus of the Commissioner's work. The majority of our individual advocacy matters for 2024 involved Aboriginal and Torres Strait Islander children and young people who had been removed from their birth families or who were at risk of removal.

The Commission receives notifications of all Aboriginal and Torres Strait Islander children and young people who are subject to emergency action (this is where a child is removed) by Children, Youth and Families (CYF). We can attend Children's Court proceedings to support families and provide our views about what is in the best interests of the children and their cultural needs. The Commission also receives referrals from the Aboriginal Legal Service and from families who contact us directly.

While the documents we receive and review are important, they do not tell the whole story and often paint a bleak and deficit-focused picture of families. It is by talking directly with children, young people and families that we can see their strengths and fully understand their advocacy needs and support them in a system that can be incredibly disempowering.

In 2024 the Commissioner's office attended Court regularly and participated in care conferences conducted by the Court. The Commissioner advocates for the rights of children and young people in these proceedings, recognising that Aboriginal and Torres Strait Islander children and young people need strong connections with culture, family, Elders, communities and Country to develop and thrive and to be protected from harm. These rights are best served when Aboriginal and Torres Strait Islander families are able to fully participate in proceedings.

The Commission can play an important role in liaising with families to try to ensure that they understand what is happening, that they have legal representation and that they are aware of their rights. Parents in care proceedings are often faced with a significant power imbalance. The presence of the Commissioner or her delegate can help to redress this balance and provide support in one of the scariest settings for parents (the court process).

Case study: The Commissioner's office attended Court and met with an Aboriginal parent whose child had been removed. Our office helped the parent to apply for ongoing legal representation for this matter and related legal issues. We continue to advocate for the child in proceedings and with CYF.

The Commissioner can also request information and assistance from CYF under section 879 of the *Children and Young People Act 2008*. The Commissioner exercised this power formally on 24 occasions in 2024 to gather information to assist in effective advocacy. This is an important power to ensure transparency and oversight of the hidden workings of the child protection system.

The Commissioner's office also attends regular care meetings held by CYF where we form the view that our advocacy is required. In 2024 we attended care meetings for 15 Aboriginal and Torres Strait Islander children and young people who are in out of home care. These meetings allow CYF to share information with us and we can advocate directly with case workers and other professionals to meet the needs of children and young people in care. We can also escalate concerns where needed.

Case study: An Aboriginal parent came to us because they were having problems with CYF and the agency arranging contact visits with their child. Although the parent had turned their life around, doing everything they had been asked to do by CYF, they didn't feel they were being supported to get their child back, and contact visits were constantly being cancelled due to miscommunication. We helped them to make a complaint about what was happening and they were allocated a new case manager. Our office also attended care meetings. Contact is now going more smoothly and the parent's efforts are being recognised.

Youth Incarceration

Another significant focus for the Commissioner's individual advocacy is for Aboriginal and Torres Strait Islander young people involved in the youth justice system. Tragically, there is a strong crossover between Aboriginal children and young people who have been subject to child removal and those in youth prison, with child protection intervention creating additional vulnerabilities for children through the compounding of trauma, disconnection and the over-policing of young people in residential care facilities.

The Commissioner or her delegate visited Aboriginal and Torres Strait Islander young people incarcerated at Bimberi Youth Prison each week to provide support and assist them to resolve concerns. Incarceration is a time of high risk for vulnerable Aboriginal and Torres Strait Islander young people and can further disconnect them from family and culture. These regular visits help the Commissioner's office to better understand the issues facing these young people and to advocate for the interventions they need. It further allows for greater consistency and support where Aboriginal children in custody know that there is someone in their corner ready to advocate for them, and their needs. When it comes to incarceration, this is life or death for Aboriginal people, and the Commissioner considers this an urgent priority to ensure their rights and safety. This is also a significant opportunity to build relationships with young people. As the commission grows we aim to build on recruitment where the commission can maintain longer term oversight, as a method to prevent recidivism.

Case Study: The Commissioner's office heard from an Aboriginal young person that they hadn't been able to speak to their Aunty since they came into detention despite their requests, and were really missing them. We advocated with Bimberi management to put the Aunty on the young person's phone list and this happened by the next week.

The Commissioner also advocates for Aboriginal and Torres Strait Islander young people in Court when they are seeking bail or being sentenced. We support young people in Court and can provide the Court with a more detailed picture of the young person and their cultural and rehabilitation needs.

The Commissioner's office attended Court and provided written submissions/or letters of support for at least 6 Aboriginal or Torres Strait Islander young people in 2024, often on multiple occasions.

Case Study: The Commissioner was contacted by a young person who had left their residential care placement which was a breach of their bail conditions. The Commissioner supported the young person to hand themselves in to Court and advocated to get their bail conditions changed to allow them to stay in a more culturally supportive placement.

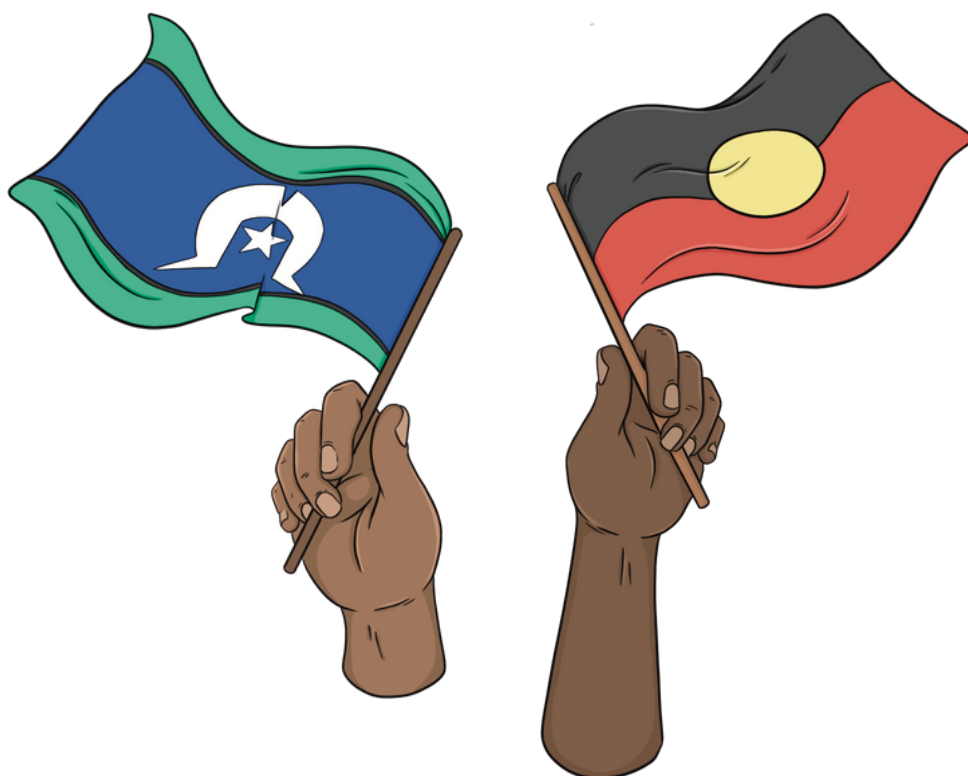
Other matters

The Commissioner has a very broad remit can advocate for Aboriginal and Torres Strait Islander children and young people in any matter that affects their rights in the ACT. There are some limitations on what we can do where services are provided by federal agencies or are subject to Commonwealth laws but we provide warm referrals and support in these cases.

Areas where the Commission has provided individual advocacy have included issues relating to housing, health, education, policing and disability services.

Case study: The Commissioner's office provided advocacy for a young person in care and attended their team meetings each fortnight. The young person told us that they wanted to attend school full time but their hours were being restricted. We wrote to the Education Directorate about this raising our concerns about a limitation on their right to education. A commitment was made to support a return to full time school.

Case study: The Commissioner's office provided advocacy for an Aboriginal child placed with kinship carer, who faced challenges with their housing situation and was at risk of violence. The Commissioner made a formal recommendation to CYF that support be provided and provided a letter of support to Housing ACT for an application for public housing.



SYSTEMIC ADVOCACY

Inquiries

In the first year of operation, the Commissioner's focus has been on the establishment of the Office, recruitment of staff, strategic planning, community engagement and meeting the high demand for individual advocacy, which has provided great insight into the systemic issues facing our children and young people. The Commissioner did not undertake a formal inquiry during this first year as it was important to spend time listening to young people, families and community to inform systemic priorities. The Commissioner intends to commence a formal inquiry in 2025.

The Commissioner has undertaken a range of systemic advocacy work to promote the rights of Aboriginal and Torres Strait Islander children and young people in this first year.

Enduring Parental Responsibility

In December 2024 the Commissioner's Office released a position paper on Enduring Parental Responsibility (EPR) provisions in care orders. These provisions provide full parental responsibility to carers until a child turns 18, so that children are no longer subject to case management by the Director-General. While they don't go as far as adoption orders, in severing the legal relationship with birth parents, they are premised on the assumption that children will not be restored to their birth families.

The Commissioner has been alarmed to see how these provisions have been used in the past to give full parental responsibility to non-Indigenous foster carers, which can completely remove children from their families and culture contrary to the SNAICC Child Placement Principles. Even where children and young people are placed with Aboriginal or Torres Strait Islander carers there are risks of disconnection from family and cultural kinship lines.

This paper sets out the background and rationale for Commissioner's principled position not to support EPR provisions in care orders for Aboriginal and Torres Strait Islander children and young people. In our view any benefits of these provisions for First Nations children and young people are outweighed by the significant risks of cultural disconnection and loss of contact with birth families, kin, culture, and community.

While we share concerns about the lack of cultural sensitivity and intrusiveness of current case management, this can be better addressed by transitioning case management for Aboriginal and Torres Strait Islander children and young people to ACCOs who can continue to support connection and communication between carers and birth families.

Submission to the Senate Inquiry into Australian's Youth Justice and Incarceration System

In October 2024 the Commissioner's office provided a detailed submission to the Senate Legal and Constitutional Affairs Committee Inquiry into youth justice and incarceration.

Our submission emphasises the responsibility that our Commonwealth Government has to ensure that Australia complies with human rights obligations in our treatment of our most vulnerable children and young people, including obligations under the Convention on the Rights of the Child and the Optional Protocol to the Convention against Torture (OPCAT) as well as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

It details the positive reforms that have been made in the ACT including our Human Rights Act, raising the minimum age of criminal responsibility and establishing an OPCAT NMP inspection body. These reforms can serve as models for other States and Territories. However, it also goes into our concerns about the pipeline from child protection to youth justice and risks faced by young people in residential care.

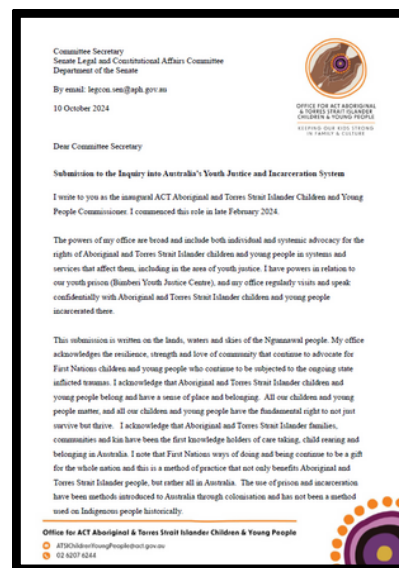
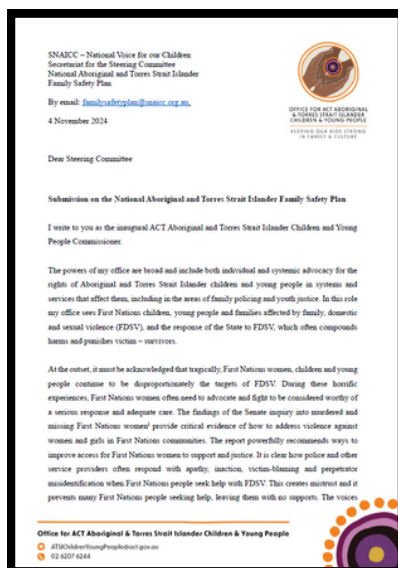
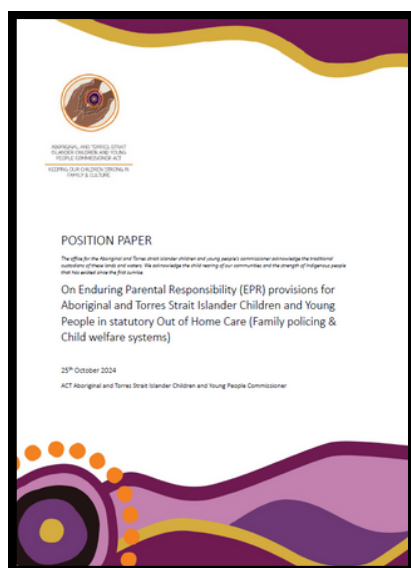
Importantly, our submission also details particular concerns that the Australian Federal Police when acting as ACT Policing have not agreed to be bound by ACT discrimination laws and human rights complaints mechanisms. We have heard from many young people and families about their experiences of discrimination in policing and it is important that there be an accessible and local complaints process for this. We ask the Inquiry to recommend that the Commonwealth amend the Self Government Act to ensure that ACT Policing are bound by our local human rights and anti-discrimination laws.

Submission on the Aboriginal and Torres Strait Islander Family Safety Plan

In November 2024 the Commissioner's office provided a detailed submission to the Steering Committee for the National Aboriginal and Torres Strait Islander Family Safety Plan based on our work with children and young people and parents who are victims of Family Domestic and Sexual Violence (FDSV). Too often we see a lack of understanding of the lived reality of Aboriginal and Torres Strait Islander women who are victims of family violence, and responses which punish them by removing their children rather than addressing the behaviour of perpetrators.

The Commissioner made recommendations that the Family Safety Plan should:

- have specific provision for services focused on the needs of First Nations children and young people affected by FDSV, distinct from the needs of their parents. These should be informed by consultation with the children and young people themselves.
- require child protection services to make active efforts to support First Nations families with FDSV and fund ACCOs to provide intensive and culturally appropriate supports for First Nations parents navigating violent relationships.
- include requirements for police training on the history of over-policing of First Nations communities and how to respond appropriately and sensitively to FDSV in First Nations families in ways that help and build trust rather than create further harm.
- address the services gaps for First Nations families and mandate additional funding from Commonwealth and State and Territory Governments for existing and new programs based on identified local community need.
- focus on mandating effective evidence-based and culturally appropriate justice responses and interventions for perpetrators while supporting victim-survivors and keeping them safe.



Reports and submissions can be found on the Commission's website
AboriginalandtorresstraitislanderCYPC.com.au

Input into the Review into over-representation of First Nations people in the ACT justice system

The Commissioner met with the Jumbunna Institute to provide insight and feedback to the review into the over-representation of Aboriginal and Torres Strait Islander people in custody in the ACT. The Commissioner's input included

- insight into some of the causal factors we see in the pipeline from child protection to youth prison to adult incarceration.
- discussion of the Commissioner's concerns of racism within the justice system, and use of force by policing
- the need for alternative options for Australia's most vulnerable children and young people.

National Domestic, Family and Sexual Violence Roundtable

The Commissioner was invited to attend the national round table on domestic, family and sexual violence where she advocated for ACT victim survivors to have their voices heard. The Commissioner advocated for greater support and efforts to support victim survivors in their parenting roles rather than removing their children, recognising that strategic approaches that survivors, in particular mothers take to protecting their children can often be misunderstood by child protection agencies. This event was also attended by Yeddung Mura.

Australia and New-Zealand Children's Commissioners, Guardians and Advocates

A key priority for the Commission is maintaining ongoing dialogue and shared communication and advocacy with our allies fighting for First Nations children's rights. The Commissioner is a member of the ANZCCGA which brings together Commissioners from across Australia and New Zealand to provide updates on jurisdictional matters and concerns and to stay informed together on matters affecting the rights and interest of children and young people. We meet both in person and online to capture each state and territory in the country and overseas. Our strength in working together leads to powerful collaboration and progress towards the common goal we all share-protecting the rights and interest of children and young people, together.

COMMUNITY ENGAGEMENT

No Advisory Committees were appointed in 2024, as the Commissioner was focused on recruitment and establishing her office. Establishing a Commissioner's Advisory Council will be a focus for 2025.

The Commissioner undertook a range of community engagement activities in 2024 including ongoing informal yarns with many individuals and stakeholders. Key community engagement events are discussed below.

Youth Forum

In March 2024, the Office of the ACT Aboriginal and Torres Strait Islander Children and Young People Commissioner held a Youth Forum in conjunction with the Aboriginal children and families Advocate Barb Causon.

The purpose of this forum was to meet with our young people and to gather their insights and perspectives. The youth forum held at Boomanulla was attended by 88 young people from a mixture of public and private schools, ranging from Year 7 through to year 10. The forum aimed to understand their experiences, challenges, and aspirations across various aspects of their lives, including education, employment, health and wellbeing, and cultural identity.

The forum involved a range of fun and creative activities and speakers. The forum also provided an opportunity for participants to complete a detailed survey to share their views and experiences. This survey covered a wide range of topics, including education, employment, physical and mental health, youth-related issues, the environment, support services, culture, community, racism, discrimination, and future concerns.



The survey results indicated that our young people have concerns about their future, shaped by systemic barriers and social challenges. Key concerns raised were about the difficulties they might face getting employment and housing, and the cost of living. They were aware of the impact of technology on their mental health and the challenges this poses for them. They also raised concerns about climate change and loss of biodiversity and talked about the need to protect country.

Sadly, a high proportion of young people reported experiencing racism in a range of settings, and particularly at school where they spend much of their time. This was also linked to some young people saying that they avoided going to school and were at risk of disengaging from education.

Despite these obstacles, their resilience, cultural pride, and hope for positive change was clear with many young people expressing a strong connection to culture and community while others would like to be more connected. This is a reminder of the cultural protective factors in the lives of Aboriginal and Torres Strait Islander Children and young people. Empowering these young people to take an active role in shaping their own futures is critical. Their insights emphasise the need for stronger support systems that prioritise cultural safety, connection, and engagement.

The Commission is listening to our young voices and will continue to advocate for systemic changes to address their concerns.

Beautiful artwork created at the Youth Forum by ACT artist Leah Brideson with the young participants



Community Roundtable Yarn

In August 2024 the Commissioner invited representatives from Aboriginal Community Controlled Organisations (ACCOs) and Our Booris Our Way Implementation Oversight Committee for a full day discussion to work through critical issues facing First Nations children and young people and provide input into the systemic advocacy and strategic planning of the Commissioner's Office.

The Roundtable was attended by representatives from Gugan Gulwan; Yeddung Mura; Yerrabi Yurwang; Sisters in Spirit; Clybucca Dreaming and the Our Booris Our Way Oversight Implementation Committee.

The Commissioner facilitated the roundtable discussion, which included sharing from each agency about key issues they are seeing in their work with children and families, an overview of the Commissioner's legislative powers and framework and then discussion of key issues and priorities.

Key recommendations and focus areas that emerged from the discussion included:

- A need to fully implement Our Booris Our Way recommendations.
- Government must learn from past reports and focus on shifting power back to the community and ACCOs to support self-determination. They must reduce requirements that are unnecessarily prescriptive to allow services to be truly community controlled.
- More early intervention and support for families led by ACCOs would prevent family breakdown and removal
- ACCOs need to be properly involved in decision making about placements of Aboriginal and Torres Strait Islander children and young people.
- There are real concerns about 18 year orders and enduring parental responsibility provisions for Aboriginal children. It discourages families from working towards restoration,
- There is a lack of a joined-up system between housing and CYF even though in the same directorate so it can be hard for families to get housing so they can have their children restored,
- Relatives willing to be kinship carers can be deemed unsuitable due to outdated criminal history checks, affecting the placement of children in proper kinship care. Becoming a kinship carer is so difficult, there are so many hoops to jump through and it is hugely invasive of privacy. It discriminates based on irrelevant history and health issues.
- In care there is a need for more cultural connection. Need to do more to allow connections with Aboriginal families and remove barriers that deprive young people of this.

- Residential care doesn't work for our children, there is no love in residential care facilities. We need to make it easier for young people to have normal friendships when they are in care reducing stigma. We need to address children self placing in unsafe placements.
- Young people need more supports while in Bimberi to connect to culture and services and stop young people coming back.
- They could use the time at Bimberi to work on reconnection with families and education so there are things in place when young people leave. They must use time on remand, not waiting until sentencing. Must ensure our children have access to their rights to education, resources, and preparation for returning to their communities and greater supports
- There is an urgent need for more supports for children and young people with behavioural issues and learning difficulties– ADHD, ASD, FASD etc. There are such long waiting times for assessments and paediatric supports, families are missing out and not able to cope without support and treatment that is needed.
- Vulnerable families need better supports to avoid children being removed at birth – there is a lack of trust in CYF, ACCOs could provide this support.
- For all directorates there should be KPIs for leadership and meeting human rights standards
- Models from other countries and jurisdictions don't always work here, we need to develop our own models based on culture.

The Commissioner's office is very grateful for the insights and deep knowledge shared at this roundtable which guide the Commissioner's work and priorities for systemic advocacy.



NAIDOC Family and Community Day

In November 2024 the Commissioner's Office hosted a stall at the NAIDOC Family and Community Day at Boomanulla Oval.

This was a wonderful event and a great opportunity to talk with community members about the work we do and share our brochures and resources.

The Commissioner's Office offered an art activity for children and families to paint boomerangs which was a hit. We were so impressed with the beautiful and detailed designs the young ones worked on!

Thanks to the organisers for having us at this great event!



Other Events

The Commissioner attended the ACT Family Law Pathways Network conference in April 2024 to speak on the Child Protection panel. Her talk was addressed to the ACT legal and frontline community on the rights and protections of Aboriginal children subject to family policing. Key points related to:

- The role of lawyers in child protection and family law – including ICL and child representative
- How the family law system and child protection can focus on keeping children (and victim-survivors) safe
- Interactions and issues – where family law and child protection both focused on keeping children (or a specific child) safe
- Avenues for ensuring cultural and kinship connection for Aboriginal and Torres Strait Islander children using the law
- Key protective factors and safeguarding of Aboriginal and Torres Strait Islander children and young people in the context of welfare, revitalisation and cultural rights upheld.

The Commissioner spoke at the national Free and Equal Human Rights Conference on Activating Equity: Participation as a right in June 2024. The Commissioner's advocacy focused on children and young people being able to participate as a right and have their voices heard, raising awareness of the importance of Aboriginal children being able to have their voices heard, and responded to, including Aboriginal and Torres Strait Islander children and young people in custody and family policing systems such as foster care and child protection. The talk highlighted how often children and young people face the brunt of inequity and exclusion in Australian society and shed light on the law and policy reforms being recommended by the AHRC and others to ensure every individual can contribute and thrive.

The Commissioner was also delighted to speak at the launch of the Yerrabi Yurwang Health Hub in December 2024



Website and resources

The Commissioner's Office has established a website at **aboriginalandtorresstraitislandercypc.com.au**

The Commissioner has also created posters brochures on family policing (child protection) and the work of the Commission which can be downloaded from our website.

We will continue to expand these resources and welcome community feedback on resources that you would like to see.



OUR OFFICE

Staffing

The Commissioner's Office is funded for four full time staff members. Our staffing budget presents challenges in performing the wide range of functions within the Commissioner's statutory remit as well as the administration and reporting required of an independent statutory office.

During 2024 the Commissioner was fortunate to employ a number of dedicated Aboriginal staff members. The Commissioner thanks all staff members who worked with the office in 2024.

In 2025 we are delighted to welcome on board William (Bill) Bashford as Senior Advocate and look forward to continuing to build our team.

Office Space

One of the ongoing challenges is the accessibility of the Commissioner's current short term office space on Level 5 of Nara House. This office space does requires security access and is not accessible for Aboriginal and Torres Strait Islander children and young people.

The Commissioner has been working with ACT Property Group to secure more accessible premises and we are pleased to have found ground floor office space at 221 London Circuit. We will be taking over this space when the Public Trustee and Guardian move out in mid 2025. This large accessible space will provide us with the ability to host meetings and collaborate with community as well as being open to the public to come and visit us. Look out for a launch in 2025!

CONTACT US

The Commissioner's Office is here for all Aboriginal and Torres Strait Islander children and young people and their families.

We can speak up for you, or help you to find support or advice.

We would also love to hear from you if you have ideas about how we can do things better for our children and young people.

Phone us on: 0422 284 840

Or email us on: atsichildrenyoungpeople@act.gov.au

You can also check out our website:

AboriginalandtorresstraitislanderCYPC.com.au

