



Inquiry into Annual and Financial Reports 2024-25

Answer to question on notice

Asked by: Ms Chiaka Barry MLA

Addressed to: Aboriginal and Torres Strait Islanders Children and Young Persons

Commissioner

Redirected to:

In relation to: Out of home care issues

Hearing: 13/11/2025

Answer Due: 11/12/2025

(1) What are the challenges you are facing getting access to and supporting
young people in out of home care?

The answer to the question is:

The Office has considerable powers to compel information from a number of sources and systems within the ACT but these powers are often only useful, in individual matters, once we have identified that there may be an issue impacting on a young person. The Office has not recently encountered any issues gaining access to information when we ask for it but would welcome a shift to a more proactive approach of being advised when an issue emerges that may be impacting on our young people.

While the Office continues to offer advocacy for and support to Aboriginal and Torres Strait Islander young people across a broad range of issues, there are some examples of identified priority areas in relation to the child protection system as below.

Aftercare for our young people leaving the out of home care system, continues to be problematic with lack of adequate planning and support arrangements being put in place well before a child turns 18. This is often compounded if the young person has been detained in Bimberi prior to aging out of the system. The idea that a young person can leave care at age 18 and be able to live independently with no job, accommodation and minimal life skills is simply not an acceptable practice.

While there are now legislative requirements for the Director-General to provide assistance to young people leaving care until 21 and the ability to provide assistance until 25, in practice this assistance is not sufficient for young people who have experienced trauma and may have real educational and developmental gaps which mean that they are less equipped to live independently than their peers.

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There is no clear requirement for the Director-General to ensure that the young person has stable and secure housing or ongoing financial support. Transitional cases management may also be ceased where it is perceived that a young person is not engaging with services. Lack of engagement rarely means that the young person does not need support, rather they may be dealing with a range of complex issues and the services may not have the cultural skills to develop strong relationships with them.

Access to mental health support within the community are problematic, with long wait times to even get a proper diagnosis or ongoing treatments. As many children in care have experienced significant trauma or live with undiagnosed conditions such as ADHD, FASD etc mental health supports are critical to their long-term well-being.

Enduring Parental Responsibility Orders (EPRs) have been granted in the ACT to non-Aboriginal carers in relation to a number of Aboriginal children, resulting in disconnection for our children from their Aboriginal parents, siblings (who may be in a separate placement), culture and community. EPRs grant full decision-making responsibility to the carers and with no oversight from the child protection system and very little avenue for biological family to insist on connection or appeal such decisions.

Contracted out of home care providers have historically demonstrated that their priority is for the child and their carer/s with no focus given to the biological family that are left behind. They support carers, in our view to the detriment of our children and their connection to family, community and culture. It is often difficult for the Office to engage with children in these settings as carers often form the view that an Aboriginal child placed with them is now their child and may not welcome any oversight from the Office.

Cultural plans for children, particularly those being case managed by non- Aboriginal providers, require constant monitoring to ensure that the child's Aboriginal family is consulted and involved in developing them. We continue to see cultural plans that are copied and pasted from others and lack integrity and appropriate information to support the cultural needs and rights of our children in care.

(2) What issues are you experiencing with kinship care placements?

The answer to the question is:

Kinship care placements for Aboriginal children are often understood to be where a child is placed with an Aboriginal family member/s e.g. grandparents, aunties, older siblings etc, but the reality is quite different. Kinship carer definitions in the ACT can include Aboriginal family, non-Aboriginal family, Aboriginal community members and non-Aboriginal community members e.g. school teacher of neighbour. This very broad definition of Kinship care can lead to some common misconceptions when looking at data around placement and presumed cultural connection for our children in the care system. There is a need to progress further legislative reforms to the Children and Young People Act to ensure that this definition is clarified and aligns with the SNAICC Placement Principle.

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The Office and the Our Booris Our Way strongly advocates for the need to provide kinship data that is broken down to clearly show how many of our children are actually placed with their Aboriginal biological kin.

Even when our children are placed with their biological Aboriginal Kin, there may still be issues, including but not limited to broader family breakdown, restrictions on parental access to the child which must be enforced by the kinship carer and when both parents of a child are Aboriginal there may be conflict between families that impact on the child and their connections.

Significant work has been undertaken by Child, Youth and Family (CYF) team in the Health and Community Services Directorate to improve supports for Aboriginal kinship carers following a recommendation made in the Our Booris Our Way final report, but there are still reports of inadequate responses to the needs of our kinship carers, including therapeutic and respite services, financial hardship and lack of trauma training. Aboriginal kinship carers continue to report feeling culturally unsafe in dealing with the child protection system and afraid of asking for help as they are concerned that they will be judged and risk losing the children that they care for.

There are also a number of kinship carers in the ACT Aboriginal community who are caring for children outside of the child protection system, commonly referred to as 'informal kinship carers'. These carers are not supported financially or otherwise and often struggle with exactly the same issues as other kinship carers without any recourse back to government for assistance.

(3) What issues are you facing with cross-border issues?

The answer to the question is:

When an Aboriginal child enters care, every effort must be made to find their family through genograms, family tracing and research and family group conferences. This must include every effort to locate the child's community and not only take the path of using Aboriginal cultural knowledge and practices that are local to the ACT. It is important to have specific cultural knowledge and connection for our children and young people to their own country and communities.

When a child transfers in or out of the ACT whilst on a care order, we have witnessed considerable delays in transferring case management responsibilities. This often results in a loss of momentum in supporting the child in their new location.

Each jurisdiction has its own child protection legislation and processes for working with vulnerable people checks, police checks and home inspections. These issues also cause delays in getting a child placed back with family who reside interstate.

The Office does not have powers to compel information from interstate systems even in relation to a child who may belong to the local Aboriginal community.

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Approved for circulation to the Standing Committee on Social Policy

Signature: 

Date: 11/12/2025

By Barbara Causon, Acting ACT Aboriginal and Torres Strait Islander Children and Young People
Commissioner