

**Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation
Amendment Bill 2022**

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Submission for Child Safety Legislation

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Over-Representation with Indigenous Children in Child Protection, Culture Proposal/Submission

By

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Table of Contents

Contents

Contents.....	2
Summary.....	3
Child Protection History with the Indigenous Population	4
What was done about this?	5
The Keating government launched an inquiry in 1988 about regarding the stolen generation which the report was “Bring them Home Report”. The Howard government received the report. Howard’s government was sceptical of the report’s findings, and largely ignored its recommendations. Today we need to change this for a better future for Indigenous children.....	5
The Over-Representation in Indigenous population.....	5
The Department of Child Safety.....	7
The Community Justice Roles	8
Youth Justice Flow Chart.....	9
Child Protection Procedures Flow Chart.....	10
Conclusion	11
Reference List	13

What was done about this? 6

The Keating government launched an inquiry in 1988 about regarding the stolen generation which the report was “Bring them Home Report”. The Howard government received the report. Howard’s government was sceptical of the report’s findings, and largely ignored its recommendations. Today we need to change this for a better future for Indigenous children’s.....	6
The Over-Representation in Indigenous population	6
The Department of Child Safety.....	8
Youth Justice Flow Chart.....	10
Child Protection Procedures Flow Chart.....	11
Conclusion.....	11
Reference List.....	15

Summary

In this proposal I will explain the history from the past to present of the Indigenous children removal from their family and culture. This proposal will go into details of the over-representation in the child protection which is accumulating into Youth Justice then to Adults with the over-representation in the prison system in the Indigenous populations. I have researched a lot of resources, articles, books and google Australia Bureau Statistic's access to attain information about the Indigenous people of Australia. This proposal is for the Community Justice Groups to be included as an Independent Group with an amendment to the current Child Protection Recognise Entities.

Child Protection History with the Indigenous Population

This submission is to show that the history of the problems that starts with the *Child Protection Act* 1999 Section 6 (1) (2) and the Recognise Entities. This Act should be amended for the Community Justice Groups and Murri Courts, being implemented into this Act to help reduce the Indigenous over-representations in the child protection system.

In the past history to the present day is the problem with Indigenous families in regarding their children to be forcibly removed and place into a non-indigenous family. This has happened for the last 200 years since the British invasion. Since then the aboriginal people had loss all the culture and their identity of the sense of belonging to their land. The British introducing their laws that took a big impact on the aboriginal people. All aboriginal children were taken by the government Law. The aboriginal children were put on mission with white priest, nuns, place with non-indigenous families or put into institutions, which was common for abuse in these Indigenous children. The British thought aboriginal people were natives and were not civilised. It wasn't until then the white people were breeding with aboriginal women and produce half-cast children. The government thought of breeding out the aboriginal people and their culture to demolish all existence. This was called the 'Assimilation' were based on the assumption of black inferiority and white superiority, which proposed that Indigenous people should be allowed to "die out" through a process of natural elimination, or, where possible, should be assimilated into the white community. All half cast children were removed and place under the Act until they were older enough to forcibly learn to live and adopt white culture because white society refused to accept Indigenous people as equals, regardless of their efforts to live like white people. Their names were changed and they weren't allowed to speak their language and learn their traditional culture, because authorities thought these children could be assimilated more easily into the white community due to their lighter skin colour.

This has been ongoing issue for the Indigenous people to this very day on the removal of Indigenous children that has impacted on the Indigenous children and families is still felt today.

Between 1910-1970, many Indigenous children were forcibly removed from their families as a result of various government policies. It estimated that between 10 per cent and 33 per cent of all Indigenous children were separated from their families between 1910-1970. The generations of children removed under these policies became known as the Stolen Generations. Till this present day there are still stolen generations people that tell their story. These procedures of policies have left the Indigenous children with a history of trauma and loss that continues to affect Indigenous communities, families and individuals today.

Through all this, there is high rate of many Indigenous children's that have been affected by psychologically, physically, and sexually abused while living in state care or with their adoptive families.

What was done about this?

The Keating government launched an inquiry in 1988 about regarding the stolen generation which the report was "Bring them Home Report". The Howard government received the report. Howard's government was sceptical of the report's findings, and largely ignored its recommendations. Today we need to change this for a better future for Indigenous children.

The Over-Representation in Indigenous population

To this present day there is a continuing to increase of the over-representation of Indigenous children's statistics. Between 1 July 2016 and 30 June 2017, the rate of substantiations of abuse, neglect or risk of harm was 46 per 1,000 Aboriginal and Torres Strait Islander children in Australia. This means that Aboriginal and Torres Strait Islander children were almost seven times more likely than non-Indigenous children to be the subject of substantiated reports of harm/risk of harm.

Table 1: Children aged 0–17 years who were the subjects of substantiations of notifications received during 2016/17, by Indigenous status, states and territories (number per 1,000)

State/territory	Indigenous (per 1,000 children)	Non-Indigenous (per 1,000 children)	All children (per 1,000 children)	Rate ratio Indigenous/non-Indigenous
NSW	58.8	8.1	10.9	7.2
Vic.	85.9	10.1	11.3	8.5
Qld	22.6	3.3	5.0	6.9
WA ^a	53.3	4.7	7.8	11.2
SA	28.6	2.7	4.2	10.5
Tas. ^a	12.2	4.4	6.7	2.8
ACT	34.5	2.6	3.5	13.1
NT	62.5	6.7	30.5	9.4
Total population	46.0	6.8	9.0	6.8

The statistics are high. Can we make a change of this over-representation? Because of this the **system** isn't working its **failing**. Child protection data tells us how many Aboriginal and Torres Strait Islander children come into contact with child protection services. There are several problems with this data that result into the data that are not measure of child abuse and neglect experienced by Aboriginal and Torres Strait Islander children while being under the Act. This will continue to rise if we don't have early intervention and strategies to prevent this from increasing by 2030.

This news article refers to comments made by a United Nations official who has blasted Australia for the "disturbing" number of Aboriginal children behind bars, saying the Federal Government needs to drive down Indigenous imprisonment rates. Aboriginal and Torres Strait Islander young people are about 17 times more likely to be involved in the justice system than are their non-indigenous peers. Many of them have come from child protection systems which

means that the child protection systems are not working effectively.

Despite making up just 3 per cent of the general population, about a quarter of Australia's prison population is Aboriginal or Torres Strait Islander. There should be a justice target that will look into the high levels of Indigenous people and the funds that are provided to be used for prevention, reintegration and diversion programs. If the system was working effectively there wouldn't be over representation in child protection. Approximately 17,000 Indigenous child/ren's were taken away from family. The report from the Independent Australia culminate to 50,000 by 2030. How can this be. It continues to increase. This is an abomination.

The Department of Child Safety

The Department has been making decisions about the placement of Indigenous children since the beginning. In the past the decisions that make by the department have caused the over-representation. Even though the Government department has form and introduce different kind of various Strategies for example: CQID Centre Queensland Indigenous Development. Which there roles are to provides services to Aboriginal and Torres Strait Islander communities across Central Queensland and surrounds. Manage and coordinate the family led decision making meetings process including identifying and coordinating participants, facilitating meetings and referral to support services, as required.

- Ensure the family led decision making process is facilitated in accordance with legislative principles and funding agreement requirements.
- Prepare people to participate in family meetings, including ensuring that all participants have a clear understanding of the purpose of the family led meeting.
- Obtain the views of persons who are unable to attend the family meeting.
- Manage conflict that may occur within the family led decision making process.
- Liaise with relevant internal staff and the department

- Assist families in developing family led plans for submission to the department.
- Maintain accurate records of case plans and other relevant information in accordance with departmental guidelines.
- Build respectful and professional relationships with service users, agencies, partners, community, colleagues, elders and clients

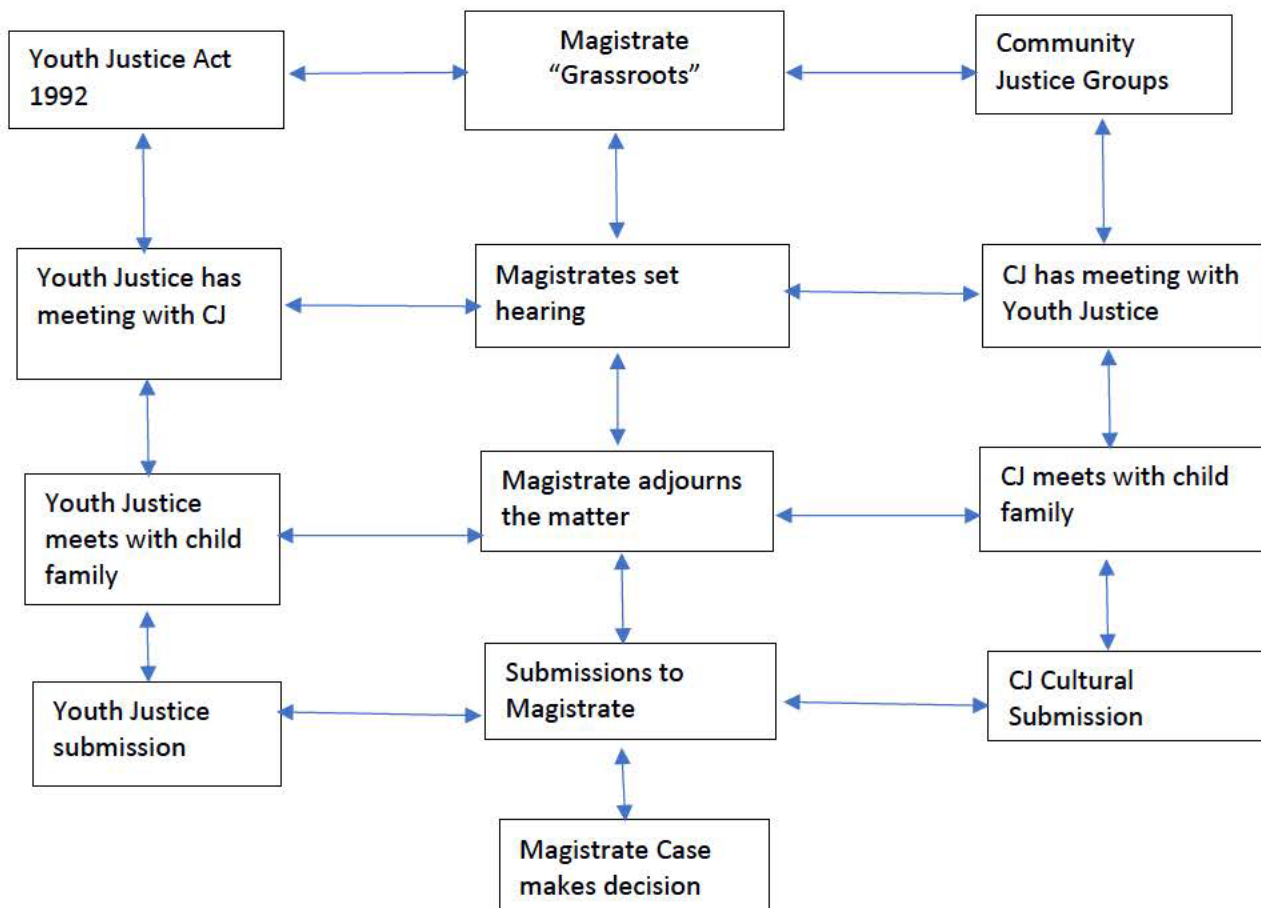
Work at all times to advance the reputation of CQID and undertake additional relevant duties as required. The CQID roles sets out in the last paragraph build respectful relationship with service users, agencies, partners, community, colleagues, elders and client. This is a good opportunity for the community justice groups as being one the recognizing groups to be a part of family led meetings, upon making a decision regarding that Indigenous Child/ren's. There is also the Aboriginal and Torres Strait Islander Child Placement Principle, this procedure outlines the process for decision-making about Aboriginal and Torres Strait Islander children and informs practice in relation to the key principles and concepts that underpin departmental intervention with Aboriginal and Torres Strait Islander children. The Community Justice Groups can work with these government agencies and participant when making a decision.

The Community Justice Roles

The community justice roles are to support Indigenous Offenders and Victims. The Justice groups are legislated into the *Youth Justice Act 1992* which gives the group a cultural say of what is the best punishment of Indigenous Youth when committing an offense and fronting the court system. The community justice is made up from, are volunteers and include Elders, traditional owners, Respected Persons and community members of 'good standing'. Elders are needed for a major key role for the justice group. This would be great if Community Justice group can be amended into Child Protection entities as one of the independent groups. The group can also

participate with meetings with CQID. Down below is a flow chart on community justice group involved in the process of a court room of Youth Justice case. The chart shows you the process of the community justice groups where they can assist in the magistrate to make the appropriate cultural decision base on the report from the community justice groups cultural submissions.

Youth Justice Flow Chart.

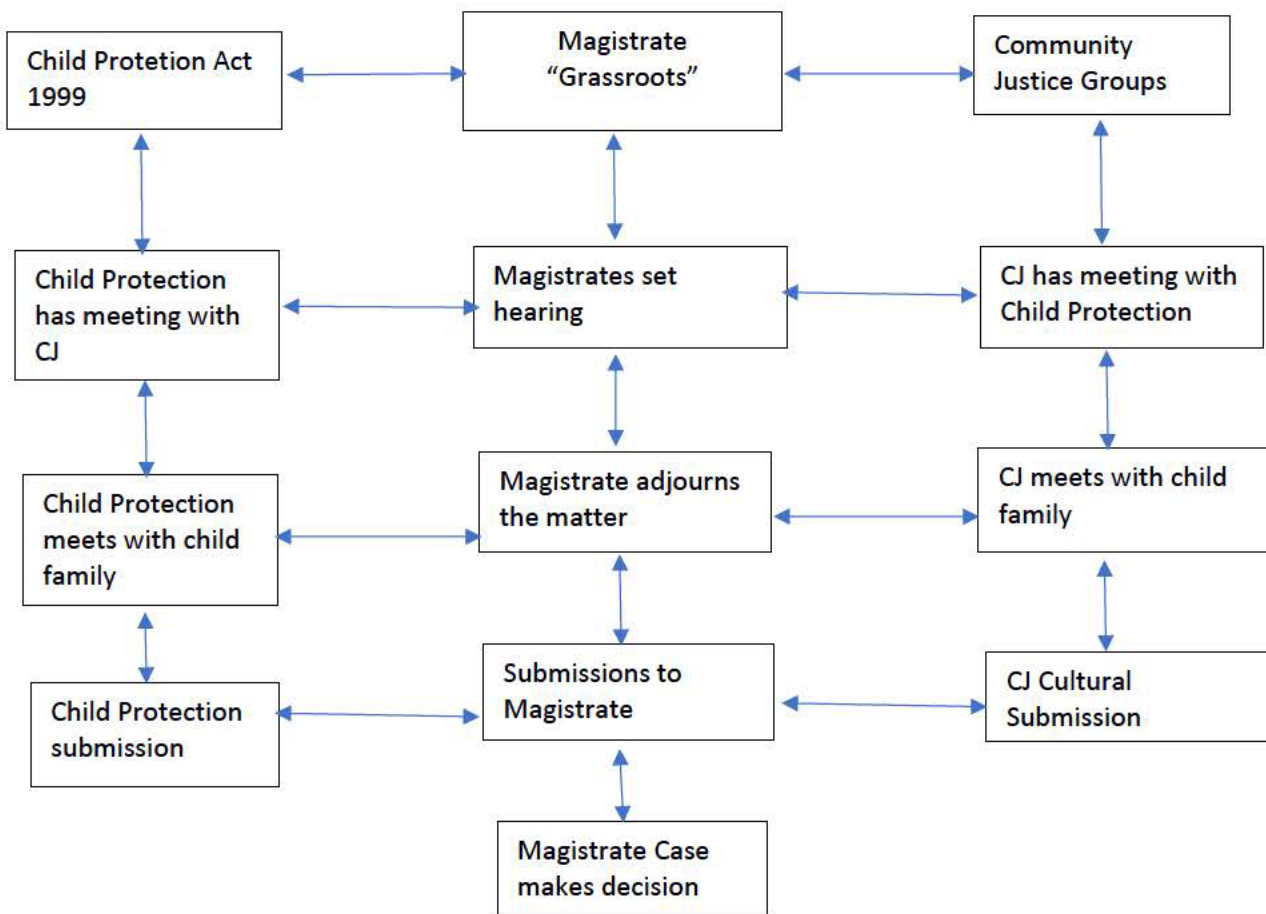


This Flow chart below can work for the Child Protection Recognised Entities as Community Justice Groups being an option for the CQID

to make a report and work with the community justice groups and other agencies. We can all work together to make sure what is the best way to ensure the safety of our future children or next generation.

Down below I have made a flow chart similar to the Youth Justice flow chart.

Child Protection Procedures Flow Chart



As you can see clearly the implementation of the flow chart shows you how the courts procedure can assist the magistrate, when making a decision regarding that Indigenous Child/ren's.

The legislation *Recognised Entities* 10.1 Decision-making about Aboriginal and Torres Strait Islander children needs to be amended to reduce the over-representation.

Conclusion

There are three levels of the Indigenous over-representation, you have Child Protection, Youth Justice, then Adults.

The government has amended the Penalties and Sentences Act 1992; Bail Act 1980; and Youth Justice Act 1992 with the Community Justice Groups.

The Indigenous people of this country is the most incarcerated people on the planet. Why? Is it because we are different, have different cultural ways, different views and way of life? Is it because of poverty or life expand?

How can Australia fix this problem? If the government can amend the Child Protection Legislation with the Community Justice Groups as one of the recognise entities, this could make a change and address the issues. With this the Community Justice Groups can work with CQID and participant in family meetings.

The Community Justice Groups can work with the government as a support group regarding the concerns with an Indigenous child/ren's. The Group can meet with the families, elders and other government agencies to bring out the appropriate culture decisions for everyone.

The community justice group is working for the Youth Justice and Indigenous Adult offenders. Why won't it work for the Child Protection? If we give it a fair go this can work. This will help bring 'Closing the Gap'. This will make Australia look good to Human Rights and the United Nations. This will show that the Australia Government is addressing this issue to help bring the statistics down. It would highlight 'The Reconciliation' of this country.

I know we have to look at true carer's or guardianship, is there not enough Indigenous foster care parents available. If not, we have to consider the options of a Non- Indigenous family. For this to happen the Non-Indigenous carer would have to consider the child aboriginal culture heritage and families. The Community Justice Groups can participant in this case to meet with the carer's and guide them to be more educated on the child's culture. For example, bring the children to Indigenous events like N.A.I.D.O.C week. This would be great opportunity for the Non-Indigenous carers to understand aboriginal culture. We have to consider this if, we can't find suitable Indigenous carers. Firstly, the Indigenous families could have first preference when deciding of where to place that Indigenous Child/ren's. The children should be remaining with their Indigenous families.

I know this is the first time in Australian History that Indigenous people will have a say where their children will be placed.

I know it won't please everyone including The Department of Child Safety because the Department has had all the say and control when making a decision on an Indigenous Child/ren's and where to place them.

I have growing up all my life and have heard hundred stories of Indigenous Adults being removed and not knowing their aboriginal heritage or where they come from. They feel lost and not belonging to anyone. That's why there is a high rate of suicide, alcohol, drugs, mental illness and crime in the Indigenous population.

I know from my personal experience going through the system is traumatic. It has been Twenty-one years on from the *Bringing Them Home report*, government data shows Australia has failed to curb the rate of child removal. at least 100,000" children were removed from their parents. This figure was estimated by multiplying the Aboriginal population in 1994 (303,000), by the report's maximum estimate of "one in three" Aboriginal persons separated from their families.

This is why the Community Justice Group/Murri Courts could be implemented into the Child Protection to reduce the rate of child over-representation.

I am asking the Australian Government to make these changes to amend and include the Community Justice Groups into the *Child Protection Act 1999*, Recognise Entities. This will work, because it is working with Youth Justice and Adults. This will be the first time in Australian History that Indigenous people will have a sense of feeling the power of being involved, when deciding the placement of their Indigenous Child/ren's.

I am very passionate about making a change to assist and help my Indigenous people of Australia with the assistance from Australia Government. If it's working for the other 2 levels. What wouldn't you say if it works for all 3 levels?



The Children of today is our future to lead all children.

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