



12 November 2018

Joint Statement from national Aboriginal and Torres Strait Islander peak agencies on proposed legislative reforms to the NSW statutory child protection system

In a deeply troubling and regressive move, the NSW government will this week consider legislation that would allow for the forced adoption of Aboriginal children. The proposed amendment to the *Adoption Act 2000* would remove the requirement for consent of a child's parent/s to adoption where applications are made by the child's guardian. Further proposed amendments to child protection legislation will pave the way for adoption, by fast-tracking permanent child removals, imposing a restrictive two year time limit to achieve family restoration.

Our children have the right to live in safety, and in stable and supportive family and community environments. **For Aboriginal and Torres Strait Islander children who are harmed or at risk of harm and in need of alternative care, their protection is our priority.** However, we are deeply concerned that the NSW government views adoption as a solution to the crisis in the child protection system. The move runs counter to key recommendations of the *Bringing them Home* report that called for building a system that provides adequate and appropriate support to Aboriginal and Torres Strait Islander families to ensure that our children grow up connected to their family, community, culture and country.

The proposed legislation is based upon a misguided understanding of what stability means for Aboriginal and Torres Strait Islander children. It assumes that a permanent legal arrangement can generate a sense of safety and belonging for children in out-of-home care. Rather, **permanence for Aboriginal and Torres Strait Islander children is developed from a communal sense of belonging; experiences of cultural connection; and a stable sense of identity including knowing where they are from, and their place in relation to family, mob, community, land and culture.**

Given that one in three children in out-of-home care in NSW is Aboriginal and/or Torres Strait Islander, our children and families will be enormously disproportionately impacted by these reforms. Implications of adoption are life-long and sever a child's legal ties to his or her birth family. Adopted Aboriginal and Torres Strait Islander children may never know about, or experience, their cultural rights and heritage if an adoptive parent determines this is not important.

The permanent removal of Aboriginal and Torres Strait Islander children from their families presents harrowing echoes of the Stolen Generations for our communities. This regressive legislative change would further deepen the mistrust of families for a service system that has caused great harm to our communities in the past. Trust for our families takes time and dedication to build – and we are deeply concerned that these reforms will result in families being less likely to ask for support when they need it for fear that their children will be permanently removed.

While we stand in opposition to inflexible time limits on restoration of children to their parents, we also believe that any such measures should be balanced with clear obligations for the government to provide quality and culturally safe support services to the family prior to and after removal of children, and following restoration. This would reflect the Government's position that the first preference is to keep families together wherever possible.

Aboriginal organisations and communities in NSW, including AbSec, Aboriginal Legal Services NSW/ACT and Grandmothers Against Removals, have been clear that adoptions will never be appropriate for Aboriginal and Torres Strait Islander children in out-of-home care.

The lack of transparency and public dialogue over the Bill is deeply troubling. Our communities and representative agencies must be provided with opportunities to design policies that promote stability and wellbeing for Aboriginal and Torres Strait Islander children.

We call upon the NSW Government to urgently reconsider the progress of these amendments and urge them to undertake meaningful and substantive consultations with Aboriginal and Torres Strait Islander organisations and communities.

Quotes:

“Instead of introducing policies which would fast track permanent child removals, the NSW Government should be held accountable for implementing the recommendations of the Bringing Them Home Report and other landmark reports, including Family Matters, to offer support to families and for community led solutions which ensure our kids are safe and thriving in community and in culture.”
Ms Cheryl Axleby, Co-Chair, NATSILS

“We need greater safeguards and investment in prevention, early intervention and restoration, with proactive efforts to engage families and communities in the safety, welfare and wellbeing of children. Speeding up adoptions through artificially imposed timeframes will undermine rather than uphold the best interests of vulnerable children.”

Mr Tim Ireland, SNAICC Director and CEO, Aboriginal Child, Family and Community Secretariat, New South Wales

“Family violence is the primary driver for the removal of Aboriginal and Torres Strait Islander children into out of home care. Aboriginal and Torres Strait Islander women who experience violence must be able to step forward and seek support for their safety and their children's safety, without the additional fear of permanent and devastating removal of their children via forced adoption.”

Ms Antoinette Braybrook, National FVPLS Convenor

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