



# MEDIA RELEASE

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Tuesday 8 November 2022

## **Co-design and proper engagement must exist to Close the gap and adequately address the over-representation of Aboriginal Children in Out-of-Home-Care:**

The Upper House has passed the [NSW Government's Children and Young Persons \(Care and Protection\) Amendment \(Family is Culture\) Bill 2022](#). The Bill as we view it has been introduced in the 11<sup>th</sup> hour without co-design, proper engagement, or good faith with Aboriginal Communities. As a result, we believe that the Bill is inadequate and is a watered-down version of the legislative recommendations for change made by the 2019 [Family is Culture Independent Review of Aboriginal Children and Young People in Out-of-Home Care](#) (FIC Review).

We believe that development of the Bill should have been co-designed with Aboriginal Peak Bodies and Aboriginal Controlled Community Organisations in NSW. We believe that the failure of NSW government to engage properly is a perpetuation of systemic injustice that does not allow for Aboriginal people to participate fully in the adoption and implementation of legislation that affect Aboriginal people. A right which is affirmed by international standards. Whilst we welcome the NSW Government's commitment to bring forward legislation amendment, we urge the NSW Government to instead adopt a co-design approach.

It has been almost (3) years since the publication of the FIC Review led by Indigenous lawyer Professor Megan Davis. A comprehensive review that shines a light on the systemic failings of the NSW Care and Protection system for Aboriginal children, young people and their families. The review provides 126 recommendations to address the over-representation of Aboriginal children and young people in out-of-home-care. However, as of June 2021 Aboriginal children continue to be removed and placed in out-of-home-care at a rate **12x higher** than non-Aboriginal Children in NSW.

We are frustrated with what we perceive as a lack of real commitment by the NSW Government to honour the FIC review. We fear that processes of consultation by Government, including the Local Central Coast Aboriginal Knowledge Circle, is seen only as a tick a box process with little regard to strong principles of self-determination for Aboriginal people. We fear that unless there is an appreciation for the need, an understanding of the purpose, and a real engagement with the issues faced for Aboriginal children, young people, families, and communities by all those involved, and in particular those tasked with responsibility for undertaking, funding, or delivering it, then the commitment to reduce over-representation of Aboriginal children in out-of-home-care will fail. In June 2022, the Barang Regional Alliance regretfully informed our local Department of Community and Justice (DCJ) that we could no longer participate in the Local Aboriginal Knowledge Circle. Our

rationale was that in theory the box was ticked, but in practice without actual change our children will continue to suffer. We refuse to participate in such processes without challenge. To date, we have not received an adequate response.

With the fastest growing Aboriginal population in Australia, we on Darkinjung Country want to see the rights of Aboriginal children fully upheld; especially the right to be safe and to thrive with strong family and cultural identity. Barang Regional Alliance will remain committed to care and protection reform and change. But we want change that is informed by local Aboriginal community and within local decision-making processes.

We want Government to ensure co-design and proper engagement with all Aboriginal communities in NSW.

Urgent action is needed to end the wrongful removal of Aboriginal children in NSW. We call for government to impact change that reflects realistic and achievable commitments to Closing the Gap and to give a public commitment to properly consider implementation of all 126 recommendations of the FIC Review.

**For interview and photograph opportunity**

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**Supported by:**

