

CHILD PROTECTION — CHILDREN — ABORIGINAL — PLACEMENT

4708. Ms J. Farrer to the Parliamentary Secretary representing the Minister for Child Protection:

I refer to the Department's obligations under the *Children and Community Services Act 2004*, and I ask:

- (a) how does the Department implement its obligation under the Act regarding consultation with Aboriginal organisations and communities for the placement of children, in particular:
  - (i) the process steps of consultation currently in practice; and
  - (ii) how the process is implemented in the Kimberley region;
- (b) does the Department currently have a cultural plan or strategic framework for child placement in the Kimberley region, and if so,:
  - (i) how is the cultural plan determined;
  - (ii) how is the cultural plan implemented;
  - (iii) how is the cultural plan assessed and reviewed; and
  - (iv) if not, why not; and
- (c) does the Department enforce participation from potential and current foster carers to undertake cultural awareness training:
  - (i) if yes, list the organisations that deliver this training; and
  - (ii) if no, why not?

**Ms A.R. Mitchell replied:**

- (a) (i) The Department for Child Protection and Family Support (the Department) has detailed practice guidance on the legislative requirements regarding the Aboriginal child placement principle and consultation before the placement of an Aboriginal child.

Cultural plans are best developed in consultation with a child's family/extended family if appropriate to do so.

Child protection workers must consult with an Aboriginal practice leader (APL) or other relevant Aboriginal officer in their district when making a decision to place an Aboriginal child in out of home care. The role of the APL is to provide cultural advice about the child and ways to maintain connection to their 'country'.

In some instances, sensitivity and kinship relationships may influence the involvement of the APL. In these situations, it may not be culturally appropriate for the APL to be involved in the placement of the child. In these circumstances, it is advised that child protection workers consult and seek advice from other relevant Aboriginal officers. The Department's Aboriginal Engagement and Coordination Directorate provides support from Senior Aboriginal Consultants to all service delivery units across the State as needed. In addition to this appropriate Aboriginal staff are available after hours to provide assistance and consultation.

In consultation with the APL, an Aboriginal organisation may be identified for consultation and advice. The consultation process provides child protection workers with information related to:

  - the child's family
  - extended family
  - kinship relationships
  - the child's cultural identity and skin group
  - local culturally sensitive supports and services, and
  - other important information. Consultation must occur at the time of the initial placement and any placement change.
- (ii) The process is the same in the Kimberley region.
- (b) (i)–(iii) The process for cultural plans in the Kimberley is as the rest of Western Australia as outlined in my response to (a)(ii). The cultural plan is developed and reviewed through the care planning process, implemented by the child protection worker in consultation with the Aboriginal Practice Leader.

Child placement in the Kimberley is outlined in the *Children and Community Services Act 2004*, section 12: Aboriginal and Torres Strait Islander child placement principle:

- (1) The objective of the principle in subsection (2) is to maintain a connection with family and culture for Aboriginal children and Torres Strait Islander children who are the subject of placement arrangements.
- (2) In making a decision under this Act about the placement under a placement arrangement of an Aboriginal child or a Torres Strait Islander child, a principle to be observed is that any placement of the child must, so far as is consistent with the child's best interests and is otherwise practicable, be in accordance with the following order of priority —
  - (a) placement with a member of the child's family;
  - (b) placement with a person who is an Aboriginal person or a Torres Strait Islander in the child's community in accordance with local customary practice;
  - (c) placement with a person who is an Aboriginal person or a Torres Strait Islander;
  - (d) placement with a person who is not an Aboriginal person or a Torres Strait Islander but who, in the opinion of the CEO, is sensitive to the needs of the child and capable of promoting the child's ongoing affiliation with the child's culture, and where possible, the child's family.

*Children and Community Services Act 2004*, section 81: Consultation before placement of Aboriginal or Torres Strait Islander child

Before making a placement arrangement in respect of an Aboriginal child or a Torres Strait Islander child the CEO must consult with at least one of the following —

- (a) an officer who is an Aboriginal person or a Torres Strait Islander;
    - (b) an Aboriginal person or a Torres Strait Islander who, in the opinion of the CEO, has relevant knowledge of the child, the child's family or the child's community;
    - (c) an Aboriginal or Torres Strait Islander agency that, in the opinion of the CEO, has relevant knowledge of the child, the child's family or the child's community.
    - (iv) Not applicable
- (c) Attendance is strongly encouraged and supported. When placing a child the Department assesses that the cultural plan can and will be supported by the foster carer and they have knowledge of the child's cultural needs.
  - (i) Not applicable.
  - (ii) The Department's Learning and Development Centre provides Aboriginal Cultural Appreciation courses specifically designed for foster carers. Foster carers are supported by Departmental staff to identify their individual learning needs and supported to access appropriate learning opportunities.

Staff participation in local learning networks facilitates the ongoing professional development of staff including cultural awareness specific to the local area.