



# ABORIGINAL CONSULTATION GUIDE

ABORIGINAL CHILD, FAMILY AND  
COMMUNITY CARE STATE SECRETARIAT







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Aboriginal Housing Office

Aboriginal Legal Service

Allira Aboriginal Child Care Centre

Anglicare Sydney

Association of Children's Welfare Agencies

Barnardo's

Biripi Aboriginal Medical Corporation (G.L.M.A.C.S.)

Burnside

Burrin Dalai

Create Foundation

Department of Aboriginal Affairs

Family Link – Link Up (NSW) Aboriginal Corporation

Hunter Aboriginal Children's Service

Life without Barriers

Link Up (NSW) Aboriginal Corporation

Miyagan Aboriginal Development Association Inc.

Myimbarr/Illawarra Aboriginal Corporation

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NSW Aboriginal Lands Council

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South Coast Out-of-Home-Care

Stretch-A-Family

Wundarra Services









# ACRONYMS

ACRONYM	PHRASE/MEANING
AbSec	Aboriginal Child, Family and Community Care State Secretariat
CS	Community Services
CSC	Community Services Centre
FaCS	Family and Community Services
NGO	Non-Government Organisation
OOHC	Out-of-Home-Care
LALC	Local Aboriginal Land Council
AMS	Aboriginal Medical Service



## IMPORTANT POINTS TO NOTE

The Aboriginal Child, Family & Community Care State Secretariat (AbSec) recognises Aboriginal people as the original inhabitants of NSW and in this document, the term “Aboriginal” refers to the First Nations people of NSW.

AbSec also acknowledge that Torres Strait Islander people are among the First Nations of Australia, however for the purposes of this guide, the focus is on Aboriginal communities.

Representatives of the Torres Strait Islander community should be sought out and consulted in regard to the appropriate cultural practices for Torres Strait Islander children, young people, their families and community.







# SECTION 1 — INTRODUCTION

## 1.1 Purpose of the Guide

This guide provides a practical framework to assist Non-Government Organisations (NGO) to work consistently, effectively and sensitively with Aboriginal children, families and communities when providing out-of-home-care (OOHC) services.

The guide highlights the legislative requirements of the *Children and Young Persons (Care and Protection) Act 1998* that specifically relate to Aboriginal and Torres Strait Islander people including self-determination, participation in decision making and the placement principles and provides practical advice to assist NGO's to apply these requirements in their day to day work with Aboriginal children and families.

This guide supports a standard and practical approach to Aboriginal identification, Aboriginal consultations and cultural support planning to assist the NGO sector to improve outcomes for Aboriginal and Torres Strait Islander children and young people in OOHC.

We hope that agencies and workers use the guide when they are consulting with Aboriginal families and communities to ensure that Aboriginal and Torres Strait Islander children receive the best culturally appropriate outcomes.



## 1.2 Transition of Out-of-Home-Care to the Non-Government Sector

### 1.2.1 Placement and transfer of Aboriginal children and young people

When placing Aboriginal children and young people in OOHC and transferring existing Community Services (CS) carers and Aboriginal children and young people to OOHC agencies refer to the Ministerial Advisory Group (MAG) approved policy *Transfer and placement of Aboriginal children and young people*. The principle of the policy is that all new entries and transfers of Aboriginal children and young people must be placed with an Aboriginal agency or an agency that is currently in partnership with an Aboriginal agency.

Partnership is between the Aboriginal agency that plans to provide OOHC placement services and an agency that is already accredited to do so. Each partnership must have an aim of developing the capacity of the Aboriginal agency to become independent and accredited. Other collaboration and consultation processes will take place between agencies to meet the needs of the children and young people in care, but these are not classed as partnerships in this context. This might occur when an Aboriginal agency assists in the development of a cultural care plan for a child or young person placed with a non-Aboriginal agency. Please note this procedure does not apply to Torres Strait Islander children and young people, however it is recognised that some children and young people identify as both Aboriginal and Torres Strait Islander.

When applying the policy and procedure caseworkers must ensure that sections 11 to 13 of the *Children and Young Persons (Care and Protection) Act 1998* are also applied.

Section 11 of the *Children and Young Persons (Care and Protection) Act 1998* requires that Aboriginal and Torres Strait Islander people are to participate in the care and protection of their children and young persons with as much self-determination as possible.

- Section 12 of the *Children and Young Persons (Care and Protection) Act 1998* states that Aboriginal people, including communities and community groups, are to be given the opportunity to participate in decisions that concern the placement of their children and young persons.
- Section 13 of the *Children and Young Persons (Care and Protection) Act 1998* provides for a general order of placement for Aboriginal and Torres Strait Islander children. The aim is to ensure that wherever possible and where it is assessed as safe, Aboriginal children and young people are placed within their family, extended family, local Aboriginal community or wider Aboriginal community and culture.



## 1.2.2 Order of placement for Aboriginal children and young people is:

1. Placement with an Aboriginal carer in an accredited Aboriginal agency.
2. Placement with a carer in a non-Aboriginal agency that is in a partnership with an Aboriginal agency. The placement will move to the Aboriginal agency in the partnership, once it becomes accredited. Carers must agree that the placement will transfer to the Aboriginal agency.
3. Placement with a CS carer with support from a CS Aboriginal caseworker or a local Aboriginal OOHC agency (whether accredited or not) or other local child and family Aboriginal agency if there is no Aboriginal OOHC agency. This placement would be on a temporary basis until options (1) or (2) are available. If it is a long term placement, carers must agree that the placement will transfer to an Aboriginal agency.
4. Placement with a non-Aboriginal agency, with support from local Aboriginal OOHC agency (accredited or not) or a local child and family Aboriginal agency if there is no local Aboriginal OOHC agency. This placement must be arranged in consultation with the local Aboriginal placement panel. This placement would be on a temporary basis until options (1) or (2) are available. If it is a long term placement, carers must agree that the placement will transfer to an Aboriginal agency.
5. Placement with an accredited Aboriginal agency or an Aboriginal agency in a partnership with an accredited non-Aboriginal agency in another region. The placement will transfer to a local Aboriginal agency once options (1) or (2) are available. The placement must be undertaken in consultation with the local Aboriginal placement panel.
6. Long term placement with a non-Aboriginal agency is outside the policy. This option is highly undesirable and must be arranged in consultation with the local Aboriginal placement panel and approved by the regional director.
7. Placement outside the OOHC service sector is outside the policy. This option is highly undesirable, last resort, time limited and must be approved by the regional director.

## 1.2.3 Exceptions for new placements

The exceptions to this order of new placements are:

1. If an intensive foster care or residential placement is required and there is no capacity in an appropriate Aboriginal agency or partnership. In these cases placement may be in a non-Aboriginal agency that has cultural care planning processes developed in conjunction with AbSec or a local OOHC Aboriginal agency.
2. If a carer already has both Aboriginal and non-Aboriginal children or young people in their care and it is in the best interest of the family to be transferred to a non-Aboriginal agency.
3. If a sibling is already placed with a non-Aboriginal agency. However, in such cases the sibling's carer should be encouraged to move to an Aboriginal agency.

## 1.2.4 Placement Process

Consult widely with family, extended family, community and relevant organisations to identify an Aboriginal relative/kinship care placement as per section 13 (Aboriginal and Torres Strait Islander child and young person Placement Principle) of the *Children and Young Persons (Care and Protection) Act 1998*.

## 1.3 NSW Standards for Statutory Out-of-Home-Care

The *NSW Standards for Statutory Out-of-Home Care* are used by the Children's Guardian for the accreditation and quality improvement of statutory out-of-home care services in NSW.

The *Standards* establish minimum requirements for accreditation as a designated agency and also provide a framework for continuous improvement in the quality of statutory out-of-home care services.

A copy of the *NSW Standards for Statutory Out-of-Home-Care* can be found on the Children's Guardian website at [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

## 1.4 History

### 1.4.1 Stolen Generation

Historically, NSW government agencies had statutory decision-making control over almost every aspect of Aboriginal peoples' lives. Aboriginal people were regarded as second-class citizens and were not consulted or allowed to participate in making decisions that related to their own lives and the lives of their children. Previous government agencies had wide-ranging powers over the day-to-day lives of Aboriginal people, from controlling movements of Aboriginal people on and off reserves, giving permission to marry, permitting social contact with relatives or other Aboriginal people and the forcible removal of Aboriginal children from their families and communities.

The forced removal of Aboriginal and Torres Strait Islander children from their families was official Government policy from 1909 to 1969. The Aborigines Protection Board (APB) removed children without parental consent and placed them in institutions or mission dormitories and many were fostered or adopted. The generations of children who were taken from their families became known as the Stolen Generations. Many parents whose children were taken never saw them again and today many Aboriginal people still do not know who their family is or where they came from.

The *Bringing Them Home Report 1997* was the result of a national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families. The report outlined the devastating impact that child removal policies had on children and their families. The report found that the practice of forced removal was highly traumatic not only for the children but also for their families. The policy broke important cultural, spiritual and family ties which crippled not only individuals, but whole families and even whole communities. Many Aboriginal and Torres Strait Islander people who were placed with non-Aboriginal families did not find out about their background until late in life. Disconnection from their land and language meant a loss of culture for many.<sup>1</sup>

Taking children from their families was one of the most devastating practices of European settlement and for many Aboriginal people the impact of this practice is still felt today.





## 1.4.2 Timeline - Separation of Aboriginal and Torres Strait Islander children from their families

<b>1788</b>	The First Fleet lands in Port Jackson and British settlement in Australia begins with clashes between Aboriginal people and settlers.
<b>1837</b>	British Select Committee examines the treatment of Indigenous people in all British colonies and recommends that 'Protectors of Aborigines' be appointed in Australia.
<b>1869</b>	The <i>Aborigines Protection Act (Vic)</i> establishes an Aborigines Protection Board in Victoria to manage the interests of Aboriginal people. The Governor can order the removal of any child from their family to a reformatory or industrial school.
<b>1883</b>	The NSW Aborigines Protection Board is established to manage the lives of 9000 Aboriginal people.
<b>1897</b>	The <i>Aboriginal Protection and Restriction of the Sale of Opium Act (Qld)</i> allows the chief Protector to remove local Aboriginal people onto and between reserves and hold children in dormitories. Until 1965 the Director of Native Welfare is the legal guardian of all 'Aboriginal' children whether their parents are living or not.
<b>1901</b>	Australia becomes a Federation. The Constitution states that Aboriginal people will not be counted in the census, and that the Commonwealth has the power to make laws relating to any race of people in Australia with the exception of Aboriginal people. The states therefore retain exclusive power over Aboriginal affairs until the Constitution is amended in 1967.
<b>1905</b>	The Aborigines Act (WA) is passed. Under this law, the Chief Protector is made the legal guardian of every Aboriginal and 'half caste' child under 16 years old. In the following years other states and territories enact similar laws.
<b>1908</b>	Bomaderry Aboriginal Children's Home operated into the 1980's. The home was the first of its kind in New South Wales and played a significant role in the government's assimilation policy of the time. As the children grew older they were sent to training homes such as Cootamundra Aboriginal Girls Training Home or Kinchela Aboriginal Boys Home, where they were apprenticed to work as servants for non-Aboriginal families.
<b>1909</b>	The <i>Aborigines Protection Act (NSW)</i> gives the Aborigines Protection Board power to assume full control and custody of the child of any Aboriginal person if a court found the child to be neglected.
<b>1911</b>	The Aborigines Act (SA) makes the Chief Protector the legal guardian of every Aboriginal and 'half caste' child with additional wide-ranging powers to remove Aboriginal people to and from reserves.  The <i>Northern Territory Aborigines Ordinance (Cth)</i> gives the Chief Protector the power to assume the care, custody or control of any Aboriginal child if in his opinion it is necessary or desirable in the interests of the Aboriginal child for him to do so.  The Cootamundra Aboriginal Girls Training Home was established in 1911. Aboriginal girls were removed from their families, and trained as domestic servants, then sent to work for non-Aboriginal families, sometimes for no payment at all. The Home was first occupied by Aboriginal girls in 1912.
<b>1915</b>	The <i>Aborigines Protection Amending Act (NSW)</i> gives power to the Aboriginal Protection Board to separate Indigenous children from their families without having to establish in court that they were neglected.
<b>1924</b>	Kinchela Aboriginal Boy's Training Home was established in 1924. The boys were cut off from their families and communities and were taught to be farm workers and labourers.
<b>1940</b>	The NSW Aborigines Protection Board loses its power to remove Indigenous children. The Board is renamed the Aborigines Welfare Board and is finally abolished in 1969.
<b>1967</b>	A national referendum is held to amend the Constitution. Australians confer power on the Commonwealth to make laws for Aboriginal people. Aboriginal people are included in the census for the first time.
<b>1969</b>	By 1969, all states had repealed the legislation allowing for the removal of Aboriginal children under the policy of "protection". In the following years, Aboriginal and Islander Child Care Agencies (AICCAs) are set up to contest removal applications and provide alternatives to the removal of Indigenous children from their families.
<b>1980</b>	Link-Up (NSW) Aboriginal Corporation is established it provides family tracing, reunion and support for forcibly removed children and their families.  It is followed by Link-Up (Brisbane) in 1984, Link-Up (Darwin) in 1989, Link-Up (Tas) in 1991, Link-Up (Vic) in 1992, Link-Up (SA) in 1999, Link-Up (Alice Springs) in 2000, and Link-Up (WA – seven sites) in 2001.
<b>1981</b>	The Aboriginal Child Placement Principle, developed principally due to the efforts of Aboriginal and Islander Child Care Agencies (AICCAs) during the 1970s, is incorporated in NT welfare legislation.  This is followed in NSW (1987), Victoria (1989), South Australia (1993), Queensland and the ACT (1999), Tasmania (2000) and Western Australia (2006).
<b>1997</b>	The Human Rights and Equal Opportunity Commission presents <i>Bringing Them Home</i> , its report on the findings of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families to the Commonwealth Government.  The parliaments and governments of Victoria, Tasmania, ACT, New South Wales, South Australia and Western Australia all issue statements recognising and publicly apologising to the Stolen Generations. The Northern Territory apologises in 2001

<b>1998</b>	HREOC releases the <i>Social Justice Report</i> which includes a summary of responses from churches, and the non-Indigenous community to the Inquiry's recommendations, and an Implementation Progress Report.  The National Sorry Day Committee is formed to organise an annual National Sorry Day on 26 May to commemorate the history of forcible removals and their effects. It becomes an annual event.
<b>2000</b>	Over 250,000 people participate in the Corroboree 2000 "Sorry" Walk across Sydney Harbour Bridge on 28 May. Similar walks are held in the other State and Territory capitals.
<b>2008</b>	Prime Minister Kevin Rudd, on behalf of the Australian Parliament, makes an historic national apology to the Stolen Generations. The apology acknowledges the past mistreatment of Indigenous peoples and recognises the grief, suffering and loss inflicted on the Stolen Generations.
<b>2009</b>	The Australian Government formally endorses the UN Declaration on the Rights of Indigenous Peoples. Article 8 requires governments to prevent and provide remedies for forced assimilation, forced population transfers and dispossession from lands. <sup>2</sup>

### 1.4.3 State and National Apologies

In 1995, the Commonwealth Attorney General established a National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. The inquiry was conducted by the Human Rights and Equal Opportunity Commission (HREOC) and the *Bringing them home* Report was tabled in the Commonwealth Parliament on 26 May 1997.

On 18 June 1997, former NSW Premier the Hon. Bob Carr MP, issued a formal apology in response to *Bringing them home*. Premier Carr moved that NSW 'apologises unreservedly to the Aboriginal people of Australia for the systematic separation of generations of Aboriginal children from their parents, families and communities' and 'acknowledges and regrets Parliament's role in enacting laws and endorsing policies of successive governments whereby profound grief and loss have been inflicted upon Aboriginal Australians'.<sup>3</sup>

On 13 February 2008 the then Prime Minister, the Hon Kevin Rudd MP, issued a formal apology to Aboriginal and Torres Strait Islander people, with particular reference to the mistreatment of the Stolen Generation: "For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry".<sup>4</sup>

For further information including a copy of the full apology go to the Department of Families, Housing, Community Services and Indigenous Affairs website at [www.fahcsia.gov.au](http://www.fahcsia.gov.au)

## 1.5 Children's Court NSW

The Children's Court is a specialist court that deals with cases involving children. The Children's Court deals with criminal cases, applications for apprehended violence orders, applications for compulsory schooling orders and cases involving the care and protection of children.

When concerns have been raised about the care and protection of a child or young person under the age of 18 years the Children's Court has jurisdiction to make court orders to ensure their safety, welfare and well-being.

The Department of Family and Community Services (FaCS) is the main NSW government agency responsible for implementing the laws to keep children safe from harm under the *Children and Young Persons (Care and Protection) Act 1998*.

For more information about the Children's Court please go to [www.childrenscourt.lawlink.nsw.gov.au](http://www.childrenscourt.lawlink.nsw.gov.au)

## 1.6 Aboriginal and Torres Strait Islander Principles

Sections 11-14 under chapter 2, part 2 of the *Children and Young Person (Care and Protection) Act 1998*, is an important section you need to take into considering when making decisions for an Aboriginal and Torres Strait Islander children and young people.

For more information in regards to sections 11-14, please go to <http://www.legislation.nsw.gov.au/fullhtml/inforce/act+157+1998+FIRST+0+N>

<sup>2</sup> Australian Human Rights Commission, *The history of the separation Aboriginal and Torres Strait Islander children from their families* at [www.hreoc.nsw.gov.au](http://www.hreoc.nsw.gov.au)  
<sup>3</sup> *Working with Aboriginal People and Communities - A Practice Resource* at [www.community.nsw.gov.au](http://www.community.nsw.gov.au)  
<sup>4</sup> Department of Families, Housing, Community Services and Indigenous Affairs - Apology to Australia's Indigenous People [www.fahcsia.gov.au](http://www.fahcsia.gov.au)









# SECTION 2 — ABORIGINALITY

## 2.1 Definition

The legal definition of Aboriginality is drawn from the *Aboriginal Land Rights Act 1983*<sup>5</sup>, and has been adopted in full by the *Children and Young Persons (Care and Protection) Act 1998*.

An Aboriginal person means a person who:

- (a) *Is a member of the Aboriginal race of Australia; and*
- (b) *Identifies as an Aboriginal person; and*
- (c) *Is accepted by the Aboriginal community as an Aboriginal person*

Similarly, Torres Strait Islander means a person who:

- (a) *Is descended from a Torres Strait Islander, and*
- (b) *Identifies as a Torres Strait Islander, and*
- (c) *Is accepted as a Torres Strait Islander by a Torres Strait Islander community.*

The Children's Court may determine that a child or young person is an Aboriginal or Torres Strait Islander if it is satisfied that the child or young person is of Aboriginal or of Torres Strait Islander descent.

### 2.1.1 Terminology

Out-dated terms such as full-blood, half-caste, quarter-caste and quadroon are extremely offensive and should never be used when referring to Aboriginal and Torres Strait Islander people. Acronyms such as ATSI, TI, TSI or abbreviations such as 'Abos' should never be used as they are offensive to Aboriginal and Torres Strait Islander people.

Do not use the words Aborigine or Aborigines as many Aboriginal people feel it is linked back to the terminology used in the periods of colonisation and assimilation. Instead, use Aboriginal or Aboriginal and Torres Strait Islander.

Indigenous is still commonly used to refer to Aboriginal and Torres Strait Islander people however be aware that many Aboriginal and Torres Strait Islander people dislike being referred to as Indigenous as it is a generic term that does not take into consideration the fact that Aboriginal and Torres Strait Islander people are culturally, linguistically and ethnically different and identify as either an Aboriginal person OR a Torres Strait Islander (unless they are from a blended family).

The first letters of Aboriginal and Torres Strait Islander are always capitalised. Not doing so may be regarded by Aboriginal and Torres Strait Islander people as being offensive, belittling and a way of negating their identity and nationality. It can be seen as similar to misspelling a person's name (Gail or Dianne) or another country's inhabitants (Chinese, European) by not capitalising'.

It is important to remember that Aboriginality is not defined by a person's skin tone, what they look like, or where they live. A person's Aboriginality should never be judged by their skin tone, it is inappropriate to comment on the colour of a person's skin or their appearance in reference to their Aboriginality. For example, if an Aboriginal person has a fair complexion you would not comment that they 'do not look Aboriginal'.

Aboriginal people both individually and collectively as a community, define themselves by their culture or kinship connections — not the colour of their skin.



## 2.1.2 Confirmation of Aboriginality

**It is important to remember that you do not require a legal form of Confirmation of Aboriginality to be an Aboriginal person. There is no legal requirement for Aboriginal children and young people to have a confirmation of Aboriginality.**

It is important to note that only Aboriginal people can determine who is Aboriginal, although as noted previously the Children's Court can also make that determination if satisfied that the child or young person is of Aboriginal descent.

Confirmation of Aboriginality is normally done through incorporated Aboriginal organisations using the *Aboriginal Land Rights Act 1983* definition for Aboriginality.

There is no single process that these organisations adopt, so each process may be different. Generally, the person wanting a confirmation needs to approach the organisation; however children and young people will most likely need some help and require enquiries to be made on their behalf.

A confirmation of Aboriginality may be of assistance in accessing some services or programs, particularly later in a child's life; however it is important to remember that it is not essential to have a confirmation and if one cannot be obtained this is okay.

**PLEASE NOTE:** Aboriginal community organisations operate as autonomous bodies and have the right to determine their own procedures for confirming Aboriginality. They also have the right to refuse to provide a confirmation to those people that do not satisfy their organisations requirements.



**The types of information or action that organisations may ask for or require when confirming Aboriginality include:**

- Where the family are from;
- Known family members;
- Any links or anyone that can provide a reference;
- Some may need the applicant to join the organisation and attend a certain number of meetings;
- Most will require the applicants to address the Board of Directors
- If the applicant is unable to obtain sufficient proof or references it is suggested that they contact their home community or where their relatives come from and approach them for help. Even if they are no longer living in the community their family name may be known or they may have relatives still residing there.

If children or young people and families have been separated or lost contact with their families and do not know their families or kin there are a number of organisations and agencies that may be able to assist or provide information in tracing family history:

- Link Up (NSW) Aboriginal Corporation at [www.linkupnsw.org.au](http://www.linkupnsw.org.au)
- Family Records Unit – NSW Office of Aboriginal Affairs at [www.daa.nsw.gov.au](http://www.daa.nsw.gov.au)
- Family History Unit – The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) at [www.aiatsis.gov.au](http://www.aiatsis.gov.au)

### 2.1.3 Office of the Registrar

The Registrar of the Aboriginal Land Rights Act (the Registrar) and the New South Wales Aboriginal Land Council (NSWALC) agree that LALCs have no function to confirm that a person is an Aboriginal person other than by way of a LALCs consideration of an application for membership (with the exception of minors – see below).

Once a person is accepted as meeting the criteria for membership of a LALC and entered on the membership roll; a LALC may issue a letter to the person or any other person, saying that the person is a member of the LALC and therefore the LALC is satisfied that they are an Aboriginal person.

If a person is not a member of a LALC no letter or other evidence can be provided to them or any other person by a LALC asserting that they are an Aboriginal person.

There is one acceptable exception to this rule; being a person who is under 18 years of age. A person under 18 years of age cannot be a member of a LALC.

In this case the Registrar and the NSWALC agree that it is fair and reasonable that a LALC may confirm that the young person is related to a member and how (son, sister, niece, uncle...) and state that the LALC member is an Aboriginal person.

A LALC will need to be reasonably satisfied that the relationship they refer to in any letter for a young person between the young person and a LALC member is correct

Such a letter for a minor must be approved by a LALC Board resolution.

Questions to assist in learning more about a child/young person or family's Aboriginality can be found at Appendix C.

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**Whether the child or young person has a confirmation of Aboriginality from an Aboriginal organisation or not, it is important that the OOHC agency complete a genogram and record the child or young person's cultural information (country or nation, communities of belonging and language groups, etc.) in their cultural support plan. This information will support their Aboriginal identity and connection to their communities.**

**If a child or young person has a sibling in care, you may like to contact Family and Community Services (FaCS) to source any additional information in regards to the child or young person's family history or in determining whether a child or young person should be recognised as Aboriginal.**

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# SECTION 3 — GUIDING PRINCIPLES

## 3.1 Self Determination

**Section 11 of the *Children and Young Persons (Care and Protection) Act 1998* requires that Aboriginal and Torres Strait Islander people are to participate in the care and protection of their children and young persons with as much self-determination as possible.<sup>6</sup>**

Self-determination for Aboriginal people means that Aboriginal communities are able to take charge of their own lives and make important decisions about their future. This includes making decisions about Aboriginal children and young persons in the statutory child protection system and/or who are entering or at risk of entering out-of-home care. It also means making decisions and having input into the design of policies and programs that affect Aboriginal people.

The principle of self-determination is aimed at safeguarding, recognising and respecting Aboriginal people's right to make decisions about their lives and the lives of their children.

### 3.1.1 Facilitating Self-Determination

**Organisations can help self-determination by observing culturally informed and effective practices in the care of Aboriginal children.** These practices include:

- Observing the requirement for ongoing consultation throughout the period of contact that the child/young person and/or family has with the OOH agency
- Engaging with the child and family, including parents and step parents who may or may not live at home, grandparents, aunts, uncles, cousins etc.
- Seeking the support and assistance of community Elders, Aboriginal foster care and carer support groups, Aboriginal peak and locally based organisations
- Seeking the support and help of agencies that may be providing, or can potentially provide support to the family
- Setting up an open and transparent relationship with the child/young person and/or family
- Giving financial help to the extended family to travel to case meetings

Aboriginal social and interagency networks are a valuable resource for information about birth or extended families, kinship relationships and community dynamics. Recognising the role played by such networks has the capacity to:

- Reduce racial and cultural stereotyping
- Ensure culturally-appropriate responses and an increased willingness of the client, family and community to accept a decision made with consultation rather than one imposed without consultation
- Improve remedial support where systematic disadvantages, such as access to health, housing and education have resulted in the removal of a large proportion of Aboriginal children due to neglect
- Improve case planning and decision-making



## 3.2 Participation in Decision-Making

**Section 12 of the *Children and Young Persons (Care and Protection) Act 1998* states that Aboriginal people, including communities and community groups, are to be given the opportunity to participate in decisions that concern the placement of their children and young persons.<sup>7</sup>**

Participation in decision-making can enhance the protection of Aboriginal children and young people. Aboriginal families, communities and organisations can offer different information, perspectives and values and their knowledge and skills should be respected. Working together will support actions to improve outcomes for Aboriginal children and young people.

Involving Aboriginal family and community can influence effective and positive change within the Aboriginal family you are working with. Participation of Aboriginal people can assist in:

- Determining culturally appropriate strategies so that Aboriginal families can get appropriate support. For example, talk to the local Aboriginal Medical Service (AMS) or other local community organisations where the client can access a range of culturally appropriate support services
- Supporting the child and family to address various issues (engage with Aboriginal support people in the community, such as - Aboriginal Education Officers, Aboriginal Health Workers)
- Identifying placement options for an Aboriginal child or young person in out-of-home care. For example, talk about options with the family and extended family and arrange a relative or kinship care placement
- Developing a restoration plan for the Aboriginal child or young person, once again talk to Aboriginal support people from within the family, extended family and community to identify and gain access to culturally appropriate services to support the restoration plan
- Finding out what the needs are of the child or young person and their family and suggesting effective options to address these needs.

### 3.2.1 Facilitating Participation in Decision-Making

**Supporting Aboriginal people to have maximum participation in decision-making requires respectful and culturally competent personal communication, openness and transparency, and opportunities for input from significant people in a child's life.**

**Respectful and culturally competent personal communication** helps people take part in decision-making at a one-on-one level. It takes into account literacy levels and cultural protocols, and helps ensure all parties have maximum opportunity to focus on the best interests of the child or young person. Examples of respectful and culturally competent communication include:

- Asking participants how they would like to be addressed
- Talking to people to arrange meetings before writing to them
- Ensuring that unless the matter is urgent, home visits are scheduled with details known in advance – it is not alright to turn up without notice
- Paraphrasing to ensure you understand what the client/and or supports are saying
- Using jargon-free “plain English” so everyone has the same level of understanding
- Checking throughout the consultation that the participants fully understand how decisions will affect them and the child or young person
- Adopting a supportive role with a focus on practical skill building

Finding and providing opportunities for input from significant people in a child's life or social network also helps them to take part in decision-making. It is important to make families and communities aware of the legislative obligations around Aboriginal consultation, and let them know you are committed to giving them the best chance to participate fully in the decision-making process.



**Ways to maximise constructive input into the process include:**

- Ensure both parents or previous care giver (aunty, uncle, grandparent etc.) are engaged in the process and the views of the mother, father, step-parents or previous care giver are considered
- Check with clients and support people before a meeting to see if any help is needed in getting their messages or views across to others at the meeting
- Consider holding meetings in neutral locations
- Complete and review a genogram to identify significant people in the child's life
- Ask the child and/or parents for the names and contact details of someone they trust who would be prepared to participate in the consultation
- Ask young people and families if they have received assistance from any other welfare or support agencies that may be able to give additional input
- Have a debrief afterwards to check if the client or support people have any unresolved questions or issues as a result of the meeting.
- Consider if there are issues that need to be followed up and set realistic timeframes. You may need to schedule another meeting to resolve any outstanding issues.

**If consultation is to succeed it should be run openly and at a pace that is comfortable for participants.**

The following practices can assist:

- Convene consultations or meetings at appropriate times and ensure they do not clash with significant cultural events or a funeral
- Ensure that the participants fully understand the issues to be discussed
- Contact parents/carers early. If they do not return a call, fail to keep an appointment or are not at home, keep trying to contact them or check with other family members
- To build a trusting and respectful relationship, provide feedback about the outcome and thank those who took part in the consultation.



## 3.3 Placement Principles

Section 13 of the *Children and Young Persons (Care and Protection) Act 1998* provides for a general order of placement for Aboriginal and Torres Strait Islander children. The aim is to ensure that wherever possible and where it is assessed as safe, Aboriginal children and young people are placed within their family, extended family, local Aboriginal community or wider Aboriginal community and culture.<sup>8</sup>

The purpose of the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles is to enhance and preserve Aboriginal children's sense of their Aboriginal identity. The objective of the Principles is to ensure an Aboriginal and/or Torres Strait Islander child's right to be raised in their own culture. They also recognise the importance and value of family, extended family, kinship networks, culture and community in raising Aboriginal and Torres Strait Islander children.

This general order of placement aims to ensure that, where possible, children and young people are placed within their family, their community or other Aboriginal or Torres Strait Islander community to stay connected to their Aboriginal and/or Torres Strait Islander culture. This reflects the NSW Government's determination to avoid a repetition of past practices which had a devastating impact on so many Aboriginal families.

Effective application of the Principles requires Aboriginal and Torres Strait Islander families, extended family and Aboriginal and Torres Strait Islander community representatives to be consulted and involved in decision making about care arrangements for Aboriginal and Torres Strait Islander children and young people.

The Principles also support the importance of Aboriginal and Torres Strait Islander people having increased and ongoing involvement and control in Aboriginal and Torres Strait Islander child and family welfare and child protection matters.

### 3.3.1 Application of the Placement Principles

**Practice approaches that take account of Aboriginal culture, family relationships and parenting arrangements will better protect Aboriginal children's safety, welfare and wellbeing while complying with the legislation.**

This general order of placement aims to ensure, where possible, that children and young people are placed within their family, their community or other Aboriginal community so they can stay connected to their Aboriginal culture. When applying the principles it is important to remember the following practice points:

- The safety of a child must always be paramount.
- All options for placement within the child or young person's family should be explored, even if that family is some distance away from where they are currently living. The opportunity of moving to that area and being placed with family should be considered, along with all other options to provide for the safety and wellbeing of the child.
- Where a child or young person belongs to, or has connections with, more than one community, organisations should acknowledge that all these communities will be important to the child or young person and encourage relationships with all of them.
- It is recognised that sometimes Aboriginal children or young people may need to be placed in a non-Aboriginal placement. In such cases it is **critical** that all avenues for support to keep the child connected to their family, community and culture be explored and recorded *before* a child is placed with a non-Aboriginal carer.
- A child or young person who comes from a mixed cultural background will always be considered as Aboriginal, and any other cultural background they come from is just as important and should also be recognised.
- Where a child or young person has an Aboriginal and non-Aboriginal parent, and is placed within the non-Aboriginal parents' family or community, arrangements should be made to ensure they have the opportunity for ongoing contact with their Aboriginal family, community and culture.
- Similarly if the child is placed within their Aboriginal family or community arrangements should be made to ensure that the child or young person has the opportunity for continuing contact with his or her non-Aboriginal family, community and culture.

<sup>8</sup> Section 13 of the *Children and Young Persons (Care and Protection) Act 1998* can be found at [NSW Legislation](#)

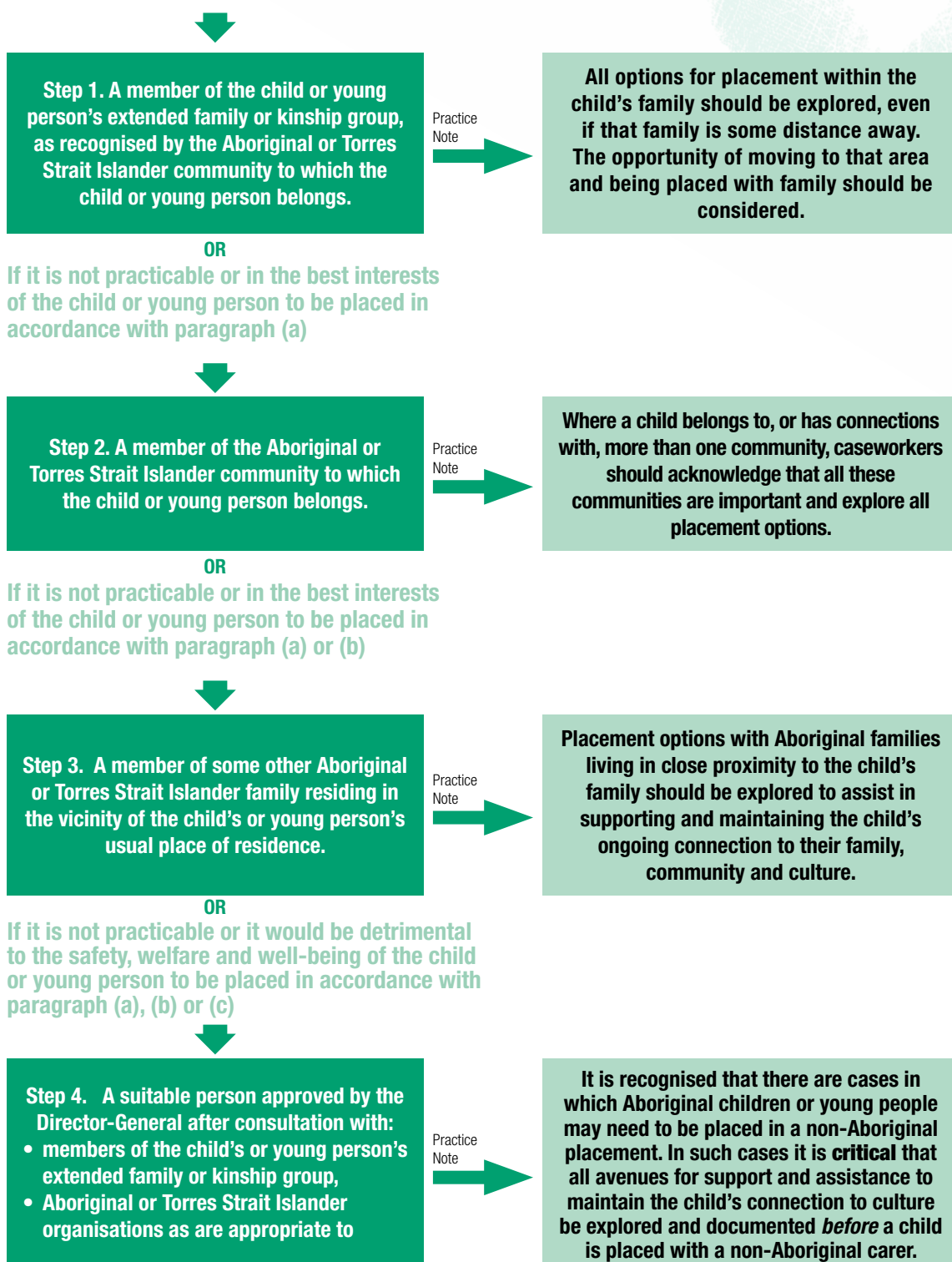
The Placement Principles do not take away the rights of the parents to express an opinion about placement decisions of their own children. It does, however, take into account the inherent right of an Aboriginal child to be raised in an environment that allows him or her access to their culture, extended family and community.

The views of the child or young person should also be considered if they are at an appropriate age to express an opinion on placement decisions.

The best interest of the child or young person needs to always be considered. For example moving a child out of Country to be with an Aboriginal family, instead of staying in their community with a non-Aboriginal family could be more detrimental to the child or young person. Consultation is very important while applying the Placement Principles.

### 3.3.2 Placement Principles – The General Order of Placement

**A child or young person who needs to be placed in statutory out-of-home-care is to be placed with:**





## 3.4 Records

**Section 14 of the *Children and Young Persons (Care and Protection) Act 1998* requires that records about Aboriginal children and young persons, who have been placed in out of home care, be kept permanently.<sup>9</sup>**

It is important that records be kept for the following reasons:

- It can be difficult to recall the history and life experiences of a child or young person in out-of-home care if there is no care record
- A child or young person is entitled to expect that their care records accurately reflect their life story
- It can give them a sense of who they are and what happened to them, and may help them find their family or extended family if for some reason there has been little contact

### 3.4.1 Record-Keeping

**It can be helpful to place a sticker of the Aboriginal flag on the front of the file of Aboriginal children so they can be clearly identified to ensure records are permanently kept.**

Information to note in the file of an Aboriginal child or young person should include:

- The communities, country and nation to which they belong or identify with
- Family names that bear some relationship to the child whether they be by blood, marriage or community
- The names, ages and whereabouts of all close family members
- Genogram
- Their language group
- Aboriginal consultation recommendations and outcomes
- Reasons why a child has been placed or not placed with a carer, this is especially important for children who are not placed with family and community
- Cultural support plans



<sup>9</sup> Section 14 of the *Children and Young Persons (Care and Protection) Act 1998* can be found at [NSW Legislation](#)

## 3.5 Information Exchange and Confidentiality

Chapter 16A in the *Children and Young Persons (Care and Protection) Act 1998* authorises agencies and NGOs to share information that helps deliver services and supports to promote the safety, welfare and wellbeing of a child or young person.<sup>10</sup>

**Prescribed bodies can exchange information relating to a child or young person's safety. Welfare or wellbeing, whether or not the child or young person is known to Community Services. Chapter 16A allows for the exchange of information between prescribed bodies without any Community Services involvement. Up until now information exchange has generally only been possible where the information was sent to or received from Community Services<sup>11</sup>**

A key reform of the *Report of the Special Commission of Inquiry into Child Protection Services in NSW* (the Wood Report) was to strengthen interagency collaboration and acknowledge that the care and protection of children and young people is a shared responsibility. For more information on the Wood Report please go to <http://www.dpc.nsw.gov.au/publications/news/stories/?a=33794>

*Keep Them Safe* – the Government's response to the Wood Report states “Caring for children is a shared responsibility. It is first and foremost the obligation of parents, families and communities. When government does need to step in, it is not just Community Services but all of government that needs to respond.”<sup>12</sup>

*Keep Them Safe* encourages families and communities, government agencies and non-government organisations (NGOs) to work together to support children, young people and families. In a child wellbeing context information exchange involves providing details about services, individual clients or client groups and their needs to another practitioner or agency and communicating with other practitioners to provide the best service possible to children and families in need.

Chapter 16A in the *Children and Young Persons (Care and Protection) Act 1998* allows freer exchange of information between “prescribed bodies” (government agencies and non-government organisations) relating to a child's or young person's safety, welfare or wellbeing.

While consent of the child, young person's parent/carer is not necessary for the exchange of information under Chapter 16A, best practice case management is to keep the client informed about information exchange so as to maximise client engagement.<sup>13</sup>

Further information is available at [Keep Them Safe Guidelines - Information Exchange](#).

<sup>10</sup> Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* can be found at [NSW Legislation](#)

<sup>11</sup> Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* can be found at [NSW Legislation](#)

<sup>12</sup> *Keep Them Safe* – A shared approach to child wellbeing

<sup>13</sup> *Information Exchange – Long fact sheet for human services workers*







# SECTION 4 – CONSULTATION IN PRACTICE

## 4.1 What is Aboriginal Consultation and Why is it Important?

**The safety, welfare and wellbeing of the child or young person ALWAYS remain the paramount consideration and goal of Aboriginal consultation.**

Aboriginal consultation is an exchange or two-way flow of information. It is an important method that empowers Aboriginal families and communities to help make decisions on matters that affect the care and protection of their children and young people.

Respectful Aboriginal consultation is important as it helps build a strong foundation for good policy development and project design and delivery, and it is the cornerstone of best-practice casework. Effective consultation allows organisations to develop a cultural understanding of Aboriginal families and communities, and supports engagement with the family, extended family, kinship network or relevant Aboriginal organisations and services to inform casework planning and decision making.

Consultation must be at the centre of all casework if we are to overcome generations of history in which Aboriginal people were treated as second class citizens and given no control over their own lives, or those of their children.<sup>14</sup> Historically, NSW government agencies had statutory decision-making control over almost every aspect of Aboriginal peoples' lives. Aboriginal people were not consulted or allowed to make decisions about their own lives and the lives of their children.

The Special Commission of Inquiry into Child Protection Services in NSW<sup>15</sup> commented on the importance of adopting a consistent approach to Aboriginal consultations and the need to improve how they are undertaken and recorded.

## 4.2 Consultation in Practice

### 4.2.1 Conflict of Interest

**If an Aboriginal staff member feels they have a conflict of interest in a case that they are being asked to consult on, they should declare it prior to discussing the case and have it recorded**

Declaring a conflict of interest does not automatically mean that the staff member should not be involved in giving advice and information in the consultation. It is common in Aboriginal communities for Aboriginal staff to know or have a connection with the child or family being consulted on (particularly if the staff member is working in their home community).

A decision on whether the staff member should be involved in the consultation needs to be discussed openly and a collective decision made amongst the managers casework, the Aboriginal staff member and allocated caseworker.

<sup>14</sup> Refer to the *Working With Aboriginal People and Communities - A Practice Resource* for a historical overview

<sup>15</sup> Report of the Special Commission of Inquiry into Child Protection Services in NSW,





## 4.2.2 Who should be consulted?

**Consultation with Aboriginal families and communities should occur in all stages of out-of-home-care.**

**OOHC providers should engage and consult with:**

- The child or young person and their family;
- The extended family;
- The Aboriginal community; and
- Aboriginal organisations (Appendix B provides details of some organisations)

**A good source of information and advice can also come from professionals such as:**

- Aboriginal education officers and Aboriginal teachers employed within schools
- Aboriginal community liaison officers employed by NSW Police
- Aboriginal health workers employed in area health services, Aboriginal medical services or community health centres
- Aboriginal staff working in local, State and Commonwealth government
- Significant people within the community

**It is vital to consult with Aboriginal people who are knowledgeable about the issues of their culture and community dynamics. Although it is a sensitive issue, there are many people that identify as Aboriginal later in life; this can be for several reasons.**

**Newly identified Aboriginal people, may have limited knowledge and connections to the Aboriginal culture and way of life and may feel uncomfortable providing consultations. As a result they may not be the best person to consult with on Aboriginal-specific issues at this time. Use best judgement and sensitivity in these circumstances.**

## 4.2.3 Information provided in consultations

Consultations may provide information about such things as:

- Extended family and community networks to involve in decision-making
- Family and community dynamics
- Locating family members who may be potential carers and/or respite carers
- Community support services available to the child, young person or family
- Cultural support planning
- Aboriginal parenting practices



#### 4.2.4 Practice points to assist effective Aboriginal consultations

- There is no single Aboriginal culture, so Aboriginal people you consult with may not have all of the answers to your questions
- All participants need to be treated with dignity and respect
- Effective consultation with Aboriginal people is an essential ongoing process
- The issues to be discussed should be clearly defined and ensure adequate time for a response
- As members of their community, Aboriginal workers have cultural obligations and responsibilities that extend beyond the workplace and sometimes conflicts of interest may occur. These pressures on Aboriginal workers need to be considered
- Consultations with Aboriginal people should be conducted respectfully and professionally
- It is inappropriate to have a casual conversation in a corridor or in a lunch room with an Aboriginal worker and then write this up as an Aboriginal consultation. No informal consultation should occur, all consultations should be documented and considered a formal process at all times.

#### 4.2.5 Engaging with Aboriginal Organisations and Peak Bodies

**It is important to remember that it may take some time to develop a good working relationship with individuals and organisations.**

**It is critical that NGOs providing Out Of Home Care services work collaboratively with Aboriginal organisations and professionals who may offer different information, perspectives and values. Follow these practice tips when seeking to engage External Aboriginal Organisations and Peak Bodies:**

- Talk to Aboriginal staff in your organisation, use websites or local directories to obtain phone numbers and ring and speak to the Manager or person who it has been advised to contact
- Explain where you are from and what you would like to discuss with them
- Advise of confidentiality and privacy issues
- Explain how the information they provide will be used and seek their permission to report the source of information if necessary
- Arrange a time to meet face to face
- When working with families who may not originally be from the local community, seek to engage individuals and organisations from those other communities.

**When engaging with Aboriginal Organisations it is important to be respectful of the knowledge and skills of others by:**

- Offering choices in communication and consultation methods that is reflective of Aboriginal cultural needs
- Using decision making approaches that are culturally appropriate
- Using culturally appropriate resources
- Not using disrespectful terms, phrases or acronyms in records of consultations (see section 2 on terminology)
- Ensuring all parties understand the purpose of the consultation
- Providing a comfortable environment to undertake the consultation.

Names of autonomous Aboriginal organisations and peak bodies that may be available to consult with are provided at Appendix B.



## 4.2.6 Consultations with Aboriginal Organisations: Step-by-Step

### STAGE 1

#### IDENTIFY KEY STAKEHOLDERS

- ✓ Who are the Aboriginal people you wish to consult?
- ✓ Who are the appropriate organisations to contact and how?
- ✓ Are they part of a formal elected group and can they make decisions or do they need to go back to their organisation and consult?
- ✓ Are all the leadership groups and significant people going to be represented and consulted?

### STAGE 2

#### GATHER AND REVIEW RELEVANT INFORMATION

- ✓ Check if you can share information with the organisation, are they a prescribed body?
- ✓ Get information on the ways the community organises formal discussions.
- ✓ Meeting invites should be done by phone and followed up with a written invitation. A call back the day before the meeting is a good idea to confirm attendance and check if there are any issues.
- ✓ Get an understanding of community dynamics and the important issues for the community.

### STAGE 3

#### PREPARE THE CONSULTATION AGENDA

- ✓ Ensure all interested parties have access.
- ✓ Provide opportunities for all parties to have input.
- ✓ Send the agenda out in advance.
- ✓ Check meeting protocols.

### STAGE 4

#### THE CONSULTATION

- ✓ Welcome to or acknowledgement of country.
- ✓ Clarify procedural rules – roles and responsibilities.
- ✓ Be open about the purpose of the consultation.
- ✓ Negotiate use of information.
- ✓ Ask for any conflict of interest to be declared.
- ✓ Discuss confidentiality and privacy uses.
- ✓ Proceed at a pace set by the group and allow sufficient time for all views to be heard.
- ✓ Be open, honest and sincere.
- ✓ Understand that Aboriginal views on a particular subject may be different to your own views. Have an open mind.
- ✓ Be aware that Aboriginal communities generally operate on consensus, so consultations may go longer than expected.
- ✓ Don't assume silence to mean agreement.
- ✓ Avoid leading questions. In many interactions Aboriginal people may not express a firm opinion until they gauge others views, then express their own.

### STAGE 5

#### ENDING THE CONSULTATION

- ✓ Wrap up meeting and discuss the outcomes/findings/issues.
- ✓ Advise of what the next steps will be and how their input will be used.
- ✓ Advise/decide future engagement.
- ✓ Write and thank participants and keep in contact!
- ✓ If there is any follow up to do, ensure all participants are clear about who is doing the follow up



# SECTION 5 – CULTURAL SUPPORT PLANNING IN PRACTICE

## 5.1 What is cultural support planning?

*"Cultural care/support plans need to be living documents, rather than records which are updated from time to time, because cultural identity is formed out of ongoing experiences."<sup>16</sup>*

Aboriginal cultural support planning is aimed at maintaining a child/young person's cultural identity, connection and sense of belonging to family and community while they are in OOHC. An Aboriginal cultural support plan has two components:

- **Cultural Information** (recording country/nation, communities of belonging etc.)
- **Developing a plan to support and maintain a child's connection to family, community and culture**

Cultural support planning starts by identifying the child or young person's connection with their culture and significant relationships with family, extended family, kin and communities and putting plans in place to ensure these relationships and links to their culture are maintained on an ongoing basis.

When beginning to develop a cultural support plan it is important to explain at the outset to birth parents and other family or community members why cultural information is being sought. Explain that the information is being gathered for the purpose of identifying the child/young person's cultural needs while in care, and assisting the child/young person to maintain a connection to their culture and heritage. It is essential to try and understand the child/young person's relationship with their culture, family and community(ies) at the point of removal from their birth family. Each child's relationship to their culture will be unique.

It is important to note that some children or young people may have mixed cultural backgrounds (parents from different backgrounds) or parents from different Aboriginal communities/country's/nations. It is important in these cases to identify their links and support needs in relation to both culture and/or communities/country's/nations.

**Cultural support planning is about more than participating in cultural activities and attending cultural events, it's about knowing where you come from and maintaining a sense of belonging to communities and families and sustaining those relationships.**

### 5.1.1 Legislation

Section 9 of the *Children and Young Persons (Care and Protection Act) 1998* outlines a set of principles that are required to be applied in the care and protection of children and young people. Contained within these principles is the requirement to assist children and young people to maintain relationships with their parents, siblings, extended family and community and be afforded the right to the protection and preservation of their identity, language and cultural ties.

- S.9(2)(b) stipulates that in all actions and decisions made under this Act (whether by legal or administrative process) that significantly affect a child or young person, account must be taken of the culture, disability, language, religion and sexuality of the child or young person and, if relevant, those with parental responsibility for the child or young person.
- S.9(2)(d) stipulates a child or young person is temporarily or permanently deprived of his or her family environment, or cannot be allowed to remain in that environment in his or her own best interests, the child or young person is entitled to special protection and assistance from the State, and his or her name, identity, language, cultural and religious ties should, as far as possible, be preserved.
- S.9(2)(f) stipulates if a child or young person is placed in out-of-home care, the child or young person is entitled to a safe, nurturing, stable and secure environment. Unless it is contrary to his or her best interests, and taking into account the wishes of the child or young person, this will include the retention by the child or young person of relationships with people significant to the child or young person, including birth or adoptive parents, siblings, extended family, peers, family friends and community.



## 5.1.2 Standard 4 and Standard 5 of the NSW Standards for Out-of-Home-Care – Identity and Family and Significant Others

As previously noted in Section 1 of the Guide, Out-of-Home-Care Service providers must meet a set of requirements for accreditation. Two of these standards in particular relate to supporting the cultural needs of a child and underpin cultural support planning.

**Standard 4 - Identity:** *Children and young people have access to information and experiences which assist them to develop a positive sense of identity.*

The key messages identified are:

- A positive sense of identity contributes to the overall wellbeing of children and young people.
- Developing a positive sense of identity requires the opportunity to explore relationships, personal history, culture and language.
- Being valued as a unique individual is a significant way in which identity is positively reinforced.

**Standard 5 – Family and Significant Others:** *Children and young people have placements which facilitate the involvement of their families, communities and significant attachments.*

The key messages identified are:

- Maintaining contact with family and significant others is an extremely complex and sensitive matter requiring skilled case work, time and resources.
- The rights of families and significant others to be involved in the child or young person's life should not be undervalued.
- Children and young people experience feelings of loss and grief when important connections are diminished.

## 5.1.3 Consultation

In the development of a cultural support plan consultation must occur with family, extended family, communities and relevant organisations and services. These people will know the child and will be able to identify the relationships and connections that should be maintained and the cultural support activities that the child/young person should participate in.

Prior to and during these consultations it is important to also consult with Aboriginal or Torres Strait Islander workers as they can assist you to understand the child/young person's needs, family and community dynamics and culturally appropriate support activities and events.

Aboriginal and Torres Strait Islander workers can provide advice on:

- Engaging with the family, child/young person, significant others or communities
- Family dynamics, expectations and practices and norms within specific communities
- Appropriate strategies to maintain relationships and connections to the child's family and community
- Services, family and community contacts and networks within communities
- Appropriate strategies for meeting specific cultural needs
- Aspects of culture pertaining to different communities



## 5.1.4 What if the child/young person is disconnected from their culture

Some children and young people may be disconnected from their birth culture and community(ies) of belonging. This could be due to their identification or connection with other cultures, their rejection of their birth culture, and/or growing up with parents/care givers who did not actively encourage involvement with their culture and community. Where this is the case, identify connections that could be beneficial to the short and long term wellbeing of the child/young person.

In some cases, the birth parents may not be supportive of the child/young person maintaining contact with their culture or community. This can also apply to the children themselves. In these cases:

- Explore the reasons/motivations behind parental/child reticence
- Address concerns and fears
- Explain why maintaining connections is beneficial for the child/young person
- Explore past/current positive experiences with their culture
- Explain the negative impacts of loss of cultural connections

## 5.1.5 All cultural connections should be maintained

As much as possible all cultural connections identified through consultation should be maintained, however in some cases not all the child/young person's cultural connections can and will be maintained for different reasons. It is important to focus on those connections that are assessed as being in the best interest of the child/young person. In assessing this you must consult with the child's family, extended family, community, relevant organisations and Aboriginal or Torres Strait Islander workers.

In some cases, there may be significant differences in the views of the birth parents, child/young person and caseworker as to which needs should be supported in the placement. For example, the birth parents may want needs to be addressed that are not supported by the child/young person or vice versa.

There may also be cases where the expressed views of the birth parents and/or child are considered to not be in the best interest of the child. It is important that significant differences in views are documented as well as why certain needs will be addressed and not others. In managing differences in views and priorities, consider the following:

- That the safety of the child/young person is paramount
- What decisions will be in the best interest of the child/young person
- The short and long term benefits of addressing particular needs
- The short and long term impacts of not addressing particular needs
- The agencies' legislated responsibility to address cultural maintenance
- The child/young person's age and developmental stage
- The age of the child/young person and their capacity to form informed views
- The reasons/motivations for particular views being held
- The importance of working through concerns, anxieties and fears
- The importance of creating avenues for future exploration of cultural connections.

## 5.1.6 Monitor and Review

It is important that the child's cultural needs and strategies to support these needs are monitored and reviewed. This will enable the plan to reflect changes in the child/young person's needs with age and development and with any changes in their care arrangements. Always ensure that consultation is undertaken with family, community and Aboriginal or Torres Strait workers when making significant changes to a cultural support plan.



## 5.2 Cultural Support Planning Steps

### IDENTIFICATION

Is the child Aboriginal and/or Torres Strait Islander?

*(See section 5.3.1 for more details and consult with family, extended family, community, Aboriginal or Torres Strait Islander caseworkers, Aboriginal or Torres Strait Islander organisations)*



### CULTURAL IDENTITY

Identify and record the child's:

1. Country/nation(s)
2. Language group(s)
3. Communities of belonging

*(See section 5.3.2 for more details and consult with family, extended family, community, Aboriginal or Torres Strait Islander caseworkers, Aboriginal or Torres Strait Islander organisations)*



### GENOGRAM

Complete a genogram

Complete a genogram so that the child/young person knows where they fit within their family and community. Completing a genogram will also assist in the application of the placement principles and the further development of the cultural support plan.

*(See section 5.3.3 for more details and consult with family, extended family, community, Aboriginal or Torres Strait Islander caseworkers, Aboriginal or Torres Strait Islander organisations)*



### MAINTAIN FAMILY, EXTENDED FAMILY, KINSHIP AND COMMUNITY RELATIONSHIPS

Identify the relationships to be maintained

Provide details of the task(s) to be undertaken to maintain the relationship including whose responsibility it is as well as the frequency and/or date(s) the task(s) are to occur.

*(See section 5.3.4 for more details and consult with family, extended family, community, Aboriginal or Torres Strait Islander caseworkers, Aboriginal or Torres Strait Islander organisations)*

### PARTICIPATION IN COMMUNITY AND CULTURAL ACTIVITIES AND EVENTS

Identify the general activities/events the child/young person will participate in (e.g. art/crafts/painting)

Following this identify the specific activity or event (e.g. local Elder to teach Aboriginal artwork) and the tasks to be undertaken to achieve this including whose responsibility it is and the frequency and/or date(s) the task(s) are to occur.

*(See section 5.3.5 for more details and consult with family, extended family, community, Aboriginal or Torres Strait Islander caseworkers, Aboriginal or Torres Strait Islander organisations)*



### ABORIGINAL AND TORRES STRAIT ISLANDER/ORGANISATIONS

Identify Aboriginal and/or Torres Strait Islander Services/Organisations the child will access. Provide details of the service to be provided and the frequency and/or date(s) the child will access the service.

Did the child access any culturally specific services prior to entering OOHC that can be maintained or what local services or organisations will they now access (e.g. Aboriginal pre-school)

*(See section 5.3.6 and consult with family, extended family, community, Aboriginal or Torres Strait Islander caseworkers, Aboriginal or Torres Strait Islander organisations)*



### CONSULTATION

Identify the people/organisations that have been consulted in the development of this plan.





## 5.3 Cultural Support Planning Steps in Practice

### 5.3.1 Identification

Planning to support a child or young person maintaining a connection to their family and culture should start as soon as the child is identified as being Aboriginal and/or Torres Strait Islander. Information around Aboriginality and identification is provided in section 2. Appendix C outlines questions which will help agencies to learn more about a child, young person or family's Aboriginality.

### 5.3.2 Child or young person's cultural identity

It is important to identify all the communities to which a child has a family and cultural connection with and feels a sense of belonging. An Aboriginal child or young person may identify with, belong to or be accepted by different Aboriginal communities:

- The traditional community/ country/nation of one or both parents
- The community where the parent/s or the child was born
- The community where the child was raised or lived most of their life
- The community where they currently reside

It is important for a child or young person to be connected to the community of **both** parents if they are from different communities or cultures; to be able to maintain family, and cultural connections and to have an understanding of both their traditional Aboriginal communities and the community they now live in or feel a sense of belonging to.

Today many Aboriginal people do not live on their own country/nations land but it is important that a child or young person knows where their traditional country is and where their family came from so they can learn about the unique culture of that community and area. There may be several different ways of spelling a country/nation's name, so if you come across a different spelling, do not automatically think it is an error.

There may be occasions where parents and children are Aboriginal but for different reasons do not have a connection with their Aboriginal community(ies). The impact of past forced removal policies and the separation of children from their families are still felt by many Aboriginal communities today. As a consequence some families may have difficulty in providing information about their traditional country/nation as their connection to their family and country has been lost. In these circumstances, organisations such as Link Up may be able to provide assistance.



See Appendix D for the NSW Aboriginal Languages Map.

#### **Practice tips – Questions to ask in the development of a cultural support plan:**

Explore the following issues with birth parents, family and extended family, community members and the child or young person (if age appropriate)

- What culture(s) does the child/young person identify with?
- What Aboriginal community/country/nation do they belong to?
- What is their language group? (they may not necessarily be able to speak this language)
- What language(s) do they know or use to communicate with other family members?



### 5.3.3 Genogram

Completing a genogram provides the child with a clear picture and record of where they fit within their family and community. It will also assist in maintaining the child's sense of belonging by providing family links while in care and when they exit care. Completing a genogram will assist in the application of the placement principles and the further development of the cultural support plan.

It is likely that the genogram will be extensive, as it should include extended family. It also helps to identify which relatives are Aboriginal or Torres Strait Islander.

Completing a genogram will require the co-operation of the child's extended family and advice from other sources. It is important that you thoroughly explain to families and community members why you are gathering this information and why a genogram is needed.

### 5.3.4 Maintain family, extended family, kinship and community relationships

Maintaining relationships with Aboriginal and/or Torres Strait Islander family and community while in care is important and having contact with significant people in the child's life that can support their cultural needs is crucial. Attending a couple of cultural events isn't enough to keep a child connected to their culture, a child needs to spend time with their family and Aboriginal or Torres Strait Islander community so they can live and learn about their culture.

It is important to understand that Aboriginal people have an extended family structure as opposed to the nuclear or immediate family structure. This broader view of family should be explored and may provide additional sources of cultural information as well as support for maintaining connections to culture and or providing cultural support. Extended family can include:

- Blood related (mum, dad, brother, cousin, aunty, grandmother etc.)
- Marriage (aunty, uncle)
- Community or non-related family (elder, neighbour, friend, organisation)
- Kinship system and acceptance and knowledge of kinship ties (elder, aunty, uncle, cousins, not necessarily blood related).

#### ***Practice tips – Questions to ask in the development of a cultural support plan***

Explore the following issues with birth parents, family and extended family, community members and the child or young person (if age appropriate):

- Which members of the family/extended family does the child have a close relationship with?
- Which members of their community do they have a relationship with?
- What contact do they or did they have with members of their cultural community(ies)?
- Who would you like to see the child/young person have contact or a relationship with to maintain their cultural connections?

### 5.3.5 Participation in community and cultural activities and events

It is important for Aboriginal and Torres Strait Islander children to experience the culture of their community and/or country by attending community cultural events and activities. Attending these events or participating in cultural activities also provides an opportunity to maintain or establish connections with Aboriginal family and community.

Within the cultural support plan there is a general list of suggested activities and events (this is not an exhaustive list) that the child may have either participated in or attended before they came into care. Where possible the child should continue to attend these activities and events.

Alternatively the child may not have participated in or attended these activities before. Family and community should be consulted about the type of activities or events the child could participate in within their community.

See Appendix E for more information on community and cultural events.

**Practice tips – Questions to ask in the development of a cultural support plan**

Explore the following issues with birth parents, family and extended family, community members and the child or young person (if age appropriate):

- What were the cultural influences on their lives?
- What cultural activities were they involved in?
- What family activities were they involved in?
- What general community or sporting activities were they involved in?
- What are their interests?
- How did they spend their time outside of school?
- What food formed a key part of their diet? What do they like to eat?

There are many ways NGOs and carers can support a child or young person's Aboriginal identity and assist them to maintain their connection to family and community. Remember the child, family, extended family and Aboriginal community are the best sources of information when developing cultural support plans. Here are a couple of ideas about ways to keep children and young people connected and proud of the Aboriginality:

- Life Story Book
- Gather information about the child's "mob" country/nation, including significant family members
- Visit or learn about areas of significance to the child's community
- Attend family gatherings
- Interact and participate with the Aboriginal community – attend community events, shows, concerts
- Visit the child's land/country and meet with Aboriginal community
- Attend local Aboriginal services
- Participate in annual NAIDOC and other Aboriginal and/or Torres Strait Islander events
- Attend cultural camps
- Promote Aboriginal role models such as community leaders, sports people, artists, actors etc.
- Access Aboriginal learning materials such as story books, games etc.
- Listen to or participate in Aboriginal music
- Talk to family members or Elders about telling stories about what they did when they were children or tell traditional stories
- Understand the importance of funerals as significant events in the life of Aboriginal communities. Funerals will often involve the whole community, not just immediate family and friends.



### 5.3.6 Aboriginal and Torres Strait Islander Services and Organisations

Engagement with Aboriginal and Torres Strait Islander organisations and services assists to support a child's cultural needs and helps to maintain a child's connection to the Aboriginal community. It is important to investigate what services or organisations the child accessed prior to entering OOHC and where possible make arrangements for the child to continue their involvement with those services or organisations.

If the child did not have involvement with any Aboriginal or Torres Strait Islander services prior to entering OOHC or the child has moved to a different area, it is important to investigate what services the child may be able to access e.g. attend an Aboriginal pre-school.

#### **Practice tips – Questions to ask in the development of a cultural support plan**

Explore the following issues with birth parents, family and extended family, community members and the child or young person (if age appropriate):

- What culturally specific services did the child attend before entering OOHC?
- What services or organisations are available for the child to attend?
- What are the child's needs and could these be addressed through an Aboriginal and or Torres Strait Islander Service?

## 5.4 Life Story Work

Encouraging a child or young person to keep a life story book is a great way for a child or young person to record their life in words, pictures, photos and documents. The Life Story Book belongs to the child or young person and is their personal record which documents the history of the child or young person's life from birth to the present time. The Life Story Book can include anything that helps the child or young person understand why they came into care and their past and present life.

Section 160 of the *Children and Young Persons (Care and Protection) Act 1998* requires that's NGOs with case management responsibility for a child or young person must maintain written, photographic and other records relating to the development, history and identity of a child or young person in OOHC including Life Story Work.

Life Story Work is an important process for the child or young person as it:

- Creates a source of information about cultural heritage and the past
- Provides an opportunity to document their formation of cultural identity as they grow
- Validates cultural connections and the role of significant people in the child or young person's life
- Provides an opportunity for carers to be engaged with the child's culture and increase their understanding of the child's cultural needs
- Contributes to building a positive cultural identity that will increase their ability to deal with life's difficulties

### 5.4.1 Things to be included in Life Story Work

The life story materials will help a child or young person, when they are ready, to understand why they came into care and to express their feelings in their own personal way. It is an important tool in helping to child or young person explore their cultural heritage and formulate their identity.

Material to include will depend on a number of factors, including the child's wishes and the availability of information. Essential information that should be included is:

- A copy of the birth certificate
- Any education, medical and birth history
- Genogram or family tree
- Any placement history
- Any relevant court orders



In addition to the contents of the My Life Story Book, the child or young person may choose anything else that they may want to incorporate including:

- Drawings and photos
- Report cards, awards and certificates
- Letters to the child from birth parents, siblings and carers
- Maps of significant areas, such as places the child has lived
- Favourite games, activities, foods
- Postcards, photographs and pictures of:
  - The place the child or young person was born
  - Significant events such as time with their family, taking their first step, losing their first tooth, first day at school, with friends
  - Holidays or special outings
  - Cultural events attended
  - The child with significant people or leaders from their community
  - Pets

Children that have been in care for some time may already come with their own life story book which should be maintained and built upon. Children that have only recently entered OOHC will need assistance in starting their Life Story Book.

Organisations may have developed their own Life Story Book format which can be used. Alternatively NSW Community Services has an Aboriginal Life Story Book which can be downloaded at [www.community.nsw.gov.au](http://www.community.nsw.gov.au)



## 5.5 Leaving Care

### 5.5.1 Things to be included in a Leaving Care Plan

Most young people in care move out by the time they are 18. Generally young people in care aged between 15 & 18 stop being involved with child protection at some stage. What that means is the child or young person no longer is on a child protection order and will no longer be a child protection worker. The child or young person may have a leaving care worker but either way it's time for the child or young person to get ready to leave care and become independent. Every child or young person is entitled to a leaving care plan.

There are things that a child or young person may need when they are older. They may include a copy of their birth certificate, information about their parents, brothers, sisters or other people in their family. Having this information is very important for Aboriginal and Torres Strait Islander children and young people as it is part of their identity.

Below is a list of some services that a child or young person can access:

#### Leaving Care:

- Link-Up NSW – Helps Aboriginal adults who were separated from their families as children through hardship, adoption, fostering or institutional care, as well as Aboriginal families who were separated from their children
- Create – connects and supports children and young people in care through activities and programs

#### Health and Medical

- Medicare – has an Aboriginal and Torres Strait Islander Access Line which is a free call telephone service to support Aboriginal and Torres Strait Islander people
- Aboriginal Community Controlled Medical Services (AMS) – these services provide primary health care to local Aboriginal and Torres Strait Islander communities

#### Education and Training

- Aboriginal Education Council – information about educational scholarships for Indigenous young people
- Centrelink – administers for AbStudy, a living allowance to help Indigenous secondary, tertiary or full-time apprentices with cost of attending school
- NSW Aboriginal Education Consultative Group (AECG) – provides advice on behalf of Aboriginal communities on issues relating to education and training
- NSW Department of Education and Training – Aboriginal Education and Training
- TAFE NSW – Aboriginal programs provide advice and support for Aboriginal and Torres Strait Islander students
- Tranby Aboriginal College – providing an alternative and independent learning environment for adult Aboriginal and Torres Strait Islander people

#### Financial

- Centrelink Indigenous call centre – provides Aboriginal and Torres Strait Islander staff member to help with Centrelink questions
- Indigenous Debt Recovery – provides information about repayment of a Centrelink debt

#### Employment

- Aboriginal Employment Strategy (AES) - The AES is a 100% Indigenous managed, national, not-for-profit Recruitment Company.
- Centrelink – provides help with job choices and referrals to the Job Network service

#### Housing

- Aboriginal Hostels Limited – provides temporary hostel accommodation
- Aboriginal Tenancy Information – provides advice for people having trouble with rental accommodation
- NSW Aboriginal Housing Office – provides information on access to safe affordable housing for Aboriginal people

#### Legal

- Aboriginal Legal Service NSW/ACT (ALS) – ALS gives legal advice and court representation to Aboriginal and Torres Strait Islander men, women and children in NSW and ACT.





# SECTION 6 – CULTURAL PROTOCOLS AND PRACTICES

## 6.1 Welcome to Country and Acknowledgement of Country

Aboriginal people are the original owners of this land and it is important that this special position is recognised and incorporated into official activities. This enables the wider community to pay respect to Aboriginal people, share in Aboriginal culture and build better relationships.

When organising a meeting, event or conference, it is respectful and good practice to recognise the original custodians of the land in which you are meeting on by arranging a:

- Welcome to Country; and/or
- Acknowledgement of Country

A **Welcome to Country** ceremony is performed by an Aboriginal Elder, leader or person who is a descendant from the nation of the community in which you are meeting.

You can organise a Welcome to Country through your Local Aboriginal Land Council. If you are unsure of the correct Land Council for your area go to the NSW Aboriginal Land Council website at [www.alc.org.au](http://www.alc.org.au) which has links to all NSW Local Aboriginal Land Councils.

An Aboriginal person or group delivering a Welcome to Country or giving a cultural performance for an event must be remunerated accordingly. For further information refer to the NSW Office of Aboriginal Affairs' *Aboriginal Cultural Protocols and Practices Policy - Cultural Practices and Performances Fee Schedule*<sup>17</sup>

An **Acknowledgment of Country** is a way that non-Aboriginal people can show respect for Aboriginal and Torres Strait Islander heritage and the ongoing relationship of traditional owners with the land. A Chair or Speaker begins the meeting by acknowledging that the meeting is taking place in the country of the traditional owners, for example:

*'I would like to acknowledge the original custodians, the Bundjalung people, on whose land we are meeting today. I would also like to pay my respects to Elders past and present, and welcome all Aboriginal people here with us today.'*

### Additional Resources

The NSW Aboriginal Education Consultative Group Inc. (AECG) have published on their website ([www.aecg.nsw.edu.au](http://www.aecg.nsw.edu.au)) the *Welcome to Country and Acknowledgement of Country - Guidelines and Protocols for NSW Public Schools and TAFE Institutes*. This resource provides additional information which may be of assistance.

## 6.2 Protocols to consider before you engage with an Aboriginal family or community

Aboriginal colleagues or Aboriginal people from a local community will be able to assist you in finding out which specific protocols you need to consider. If there is an Aboriginal organisation/s within in the community you will be engaging with, contact them and ask who you should be talking to and what the appropriate protocols are.

However the following are generally agreed in Aboriginal communities across NSW:

- Introductory protocols are important – who you are, where you are from
- Be patient when asking questions
- Remember that different families may have different values and cultural beliefs, even if they are from the same community
- In some communities, direct eye contact may be excepted, however in other communities it may be considered offensive
- The use of silence should not be misunderstood. It may mean that people do not want to express an opinion at that point in time, or they could be listening and reflecting on what you have said
- Do not force a point of view. Aboriginal people and communities have knowledge that may differ from yours. Remember you are consulting them to seek their knowledge and opinions
- Use language that respects the integrity and beliefs of the family or community members with whom you are meeting.
- Avoid jargon and do not use acronyms
- Consult with a variety of community people <sup>18</sup>

17 Protocol can be found on Aboriginal Affairs website at [www.daa.nsw.gov.au](http://www.daa.nsw.gov.au)

18 Working with Aboriginal Communities – A guide to Community Consultation and Protocols, Revised edition 2008



## 6.3 Language

### 6.3.1 National terms

There is not one Aboriginal and Torres Strait Islander language word that refers to all Aboriginal and Torres Strait Islander peoples in Australia.

“Aboriginal” is a Latin term that means ‘from the beginning’. The term does not include Torres Strait Islander peoples; therefore reference is made to both if applicable.

The term Aboriginal person or peoples is preferred over the term ‘Aborigine/s’, which can have negative connotations.

Some Aboriginal people and Torres Strait Islander prefer the term “Aboriginal and Torres Strait Islander” to the term “Indigenous”, as it is more specific and better reflects their cultural heritage<sup>19</sup>

### 6.3.2 Language groups

Before colonisation, Australia was rich in 250 languages and approximately 500 dialects. Language connects people to their land and sea areas, family, culture, traditions, community, foods, heritage and self-identity.<sup>20</sup>

### 6.3.3 Examples of words used throughout Australia

There are many words and phrases in ‘general’ use by Aboriginal people and Torres Strait Islanders across the breadth of Australia. For example the people of Far North Queensland have their own variations, as do mobs in the top end of the Northern Territory and Western Australia.

**Business** Generally has a cultural meaning such as ‘Sorry Business’ (mourning period) or ‘Men’s/Women’s Business (secret ceremony)

**Camp** Home, person’s house

**Country** The place in which a person was born/comes from

**Deadly** Excellent, really good, impressive

**Gammon** Joking, pretending

**Gubba** White person/government

**Lingo** Language

**Mob** “My people” family/extended family/language

**Moom** Bottom

**Shame** Embarrassed/humiliated

**Sis/Bruz** The use of the terms ‘uncle’, ‘aunty’, ‘sis’ (sister), ‘bruz’ (brother), ‘cuz’ (cousin) have wide and varied meanings for Aboriginal and Torres Strait Islander communities across Australia. These terms are generally used as a mark of respect, or as a term of endearment. They do not necessarily mean the person referred to is literally a brother etc.

**True** Is that right? Really?

**Unna** Isn’t it?

**Yarn** Talk, friendly chat<sup>21</sup>

19 Respecting and Valuing Aboriginal and Torres Strait Islander Peoples Cultures – Hippy Australia’s Cultural Awareness Handbook 2012  
 20 Respecting and Valuing Aboriginal and Torres Strait Islander Peoples Cultures – Hippy Australia’s Cultural Awareness Handbook 2012  
 21 Respecting and Valuing Aboriginal and Torres Strait Islander Peoples Cultures – Hippy Australia’s Cultural Awareness Handbook 2012



# SECTION 7 – FORMS AND TEMPLATES

## 7.1 Templates

### 7.1.1 Aboriginal Consultation

Meeting Date:

Name of Child/Young Person	
Cultural Background	
Age	
Legal Status	
Caseworker	
Casework Manager	
Current Placement is with	
Cultural Background of Carers	
Genogram (Please Attach)	

**CASE HISTORY:** *(include sibling information and any health and education issues)*

**CONSULTATION HISTORY:** *(Please record who was consulted, date and outcome of those consultations)*





**PLACEMENT HISTORY:** *(include advice of any placement of other siblings)*

**FAMILY STRENGTHS:**

**ISSUES TO BE CONSULTED ON:**

1.

2.

3.

**DISCUSSIONS:**

1.

2.

3.

4.



**RECOMMENDATIONS:**

1.

2.

3.

4.

5.

**Review Date:** \_\_\_\_\_

**PRINT NAME AND SIGN**

**Allocated Caseworker:**

\_\_\_\_\_

**Aboriginal Consultant:**

\_\_\_\_\_

**Aboriginal Consultant:**

\_\_\_\_\_

**Other (NGO representative etc.):**

\_\_\_\_\_



## 7.1.2 Cultural Support Plan

CHILD OR YOUNG PERSONS DETAILS			
First Name:			
Surname:			
Preferred/Other Name(s):			
Date of Birth:		Age:	
Sex:	<input type="checkbox"/> Male <input type="checkbox"/> Female		

CHILD OR YOUNG PERSONS CULTURAL IDENTITY
Is the child/young person Aboriginal and/or Torres Strait Islander? <input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal & Torres Strait Islander <input type="checkbox"/> Other (please specify):
Does the child or young person identify? Yes/No
Is the child known and accepted by their Aboriginal community? Yes/No
Known and accepted by their extended family? Yes/No
Language group
Additional information:
Cultural information provided by:



## PARENTS INFORMATION

Does the mother identify as:

- ☐ Aboriginal
- ☐ Torres Strait Islander
- ☐ Both Aboriginal and Torres Strait Islander
- ☐ Neither Aboriginal nor Torres Strait Islander
- ☐ Unsure/unable to confirm

Does the father identify as:

- ☐ Aboriginal
- ☐ Torres Strait Islander
- ☐ Both Aboriginal and Torres Strait Islander
- ☐ Neither Aboriginal nor Torres Strait Islander
- ☐ Unsure/unable to confirm

Does the child or young person have contact with their Aboriginal parent?  
Yes/No/Unknown

## LIST ANY INFORMATION OR PERSPECTIVES THE PARENT CAN PROVIDE REGARDING:

- A) Names and contacts of other potential suitable, safe relative/kinship carers located possibly to be able to provide respite, emergency or long term care in the event of placement breakdown.
- B) Who else can contribute to the cultural upbringing of the child/young person and in what way
- C) Any important cultural information the agency and carers need to be aware of?
- D) Where can more information be found about the child/young person's identity and family history and who can provide it?





E) What can the parent/s tell us about the child's existing connection with their culture and/or extended family?

Parent information provided by:

**WHICH COMMUNITY GROUP/S DOES THE CHILD IDENTIFY WITH AND/OR BELONG? (may include traditional community, community of birth or community that child, young person or their mother or father has lived)**

Birth community:

Current residential community:

Traditional Nation/s/Country e.g. Wiradjuri:

Town/s:

State:



## SIBLING KEY INFORMATION

### SIBLING KEY INFORMATION

#### Sibling 1

Name of sibling:

Male ☐

Female ☐

Date of birth:

Age:

Place of birth

Sibling/s contact details

Address:

Phone no:

Mobile:

Email:

Does sibling identify as:

Aboriginal ☐

Torres Strait Islander ☐

Both Aboriginal and Torres Strait Islander ☐

Neither Aboriginal nor Torres Strait Islander (please specify) ☐

Unsure/unable to confirm ☐

Sibling/s birth community/traditional nation:

Sibling/s current residential community:

Is the child/young person in contact with this sibling? Yes ☐

No ☐

Any additional information re sibling/s culture and identity?

Current identity information provided by:





Sibling 2		
Name of sibling:		
Male <input type="checkbox"/> Female <input type="checkbox"/>		
Date of birth:	Age:	Place of birth
Sibling/s contact details		
Address:		
Phone no:	Mobile:	
Email:		
Does sibling identify as:		
Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/>		
Both Aboriginal and Torres Strait Islander <input type="checkbox"/>		
Neither Aboriginal nor Torres Strait Islander (please specify)		
Unsure/unable to confirm <input type="checkbox"/>		
Sibling/s birth community/traditional nation:		
Sibling/s current residential community:		
Is the child/young person in contact with this sibling? Yes <input type="checkbox"/> No <input type="checkbox"/>		
Any additional information re sibling/s culture and identity?		
Current identity information provided by:		

## GENOGRAM

Has the child/young person's genogram been completed? Yes/No

A genogram must be completed and attached so that the child/young person knows where they fit within their family and community. Completing a genogram will assist in the application of the Aboriginal and Torres Strait Islander Placement Principles and the development of the cultural support plan. It will also assist the child or young person when required to provide proof of Aboriginality as they can determine their Aboriginal connection and blood line.

### Who can assist you when doing a genogram?

- The child or young person and their family
- The extended family
- The Aboriginal community
- Aboriginal organisations
- Respected Elders within the Aboriginal community
- Aboriginal Education officers
- Aboriginal community liaison officers

Who was involved in the development of the genogram? List names:







## MAINTAINING ABORIGINAL AND TORRES STRAIT ISLANDER FAMILY, EXTENDED FAMILY, KINSHIP AND COMMUNITY RELATIONSHIPS

Does the child have extended family? Yes/No

The child/young person should maintain:

Relationships with: e.g. Grandparent/aunty/uncle, Elders etc.

\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact number: \_\_\_\_\_

Does this family member identify as Aboriginal? Yes/No/Unknown

Tasks to assist child or young person maintain relationships

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Responsibility: \_\_\_\_\_

Frequency/date (s): \_\_\_\_\_

Progress/comments \_\_\_\_\_

Follow up date: \_\_\_\_\_

# MAINTAINING ABORIGINAL AND TORRES STRAIT ISLANDER FAMILY, EXTENDED FAMILY, KINSHIP AND COMMUNITY RELATIONSHIPS

Does the child have extended family?    Yes/No

The child/young person should maintain:

Relationships with: e.g. Grandparent/aunty/uncle, Elders etc.

\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact number: \_\_\_\_\_

Does this family member identify as Aboriginal?    Yes/No/Unknown

Tasks to assist child or young person maintain relationships

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Responsibility: \_\_\_\_\_

Frequency/date (s): \_\_\_\_\_

Progress/comments \_\_\_\_\_

Follow up date: \_\_\_\_\_



## PARTICIPATION IN ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY AND CULTURAL ACTIVITIES AND EVENTS

Identify the activities/events the child/young person will participate in here and provide specific details in the next section.

The child/young person will participate in the following activities:

<input type="checkbox"/> Family functions <input type="checkbox"/> Dancing <input type="checkbox"/> Food/bush tucker <input type="checkbox"/> Life story book (photo)s	<input type="checkbox"/> Language <input type="checkbox"/> Arts/Craft/Painting <input type="checkbox"/> Cultural Camps <input type="checkbox"/> Sorry Business (funerals)	<input type="checkbox"/> Music <input type="checkbox"/> Reading/Story telling <input type="checkbox"/> Fishing
<input type="checkbox"/> Other:		

The child/young person to participate in/attend the following events:

<input type="checkbox"/> NAIDOC <input type="checkbox"/> Yabun/Survival Day	<input type="checkbox"/> Sporting Carnivals (e.g. Knockout) <input type="checkbox"/> Coming of the Light festival	<input type="checkbox"/> Sorry Day <input type="checkbox"/> Local events
<input type="checkbox"/> Other:		



# DETAILS OF PARTICIPATION IN ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY AND CULTURAL ACTIVITIES AND EVENTS

The child/young person to participate in:

Activity/Event:

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Task(s):

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Responsibility: \_\_\_\_\_

Frequency/Date(s): \_\_\_\_\_

Progress/comments:

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#### ABORIGINAL AND TORRES STRAIT ISLANDER SERVICES/ORGANISATIONS

What Aboriginal and/or Torres Strait Islander services/organisations will the child access? (E.g. Aboriginal Medical Service, Aboriginal pre-school etc.)

Name:

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Details of service to be provided:

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Frequency/Date(s):

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#### CARER'S KEY INFORMATION

First Name

Surname:

Does the carer have any connection to the child or young person? E.g. child's Aunty, Grandmother

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Does the carer identify as:      Aboriginal ☐      Torres Strait Islander ☐      Both ☐      Other ☐

Any additional information re carer:

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## CONSULTATION

Who has been consulted in the development of the cultural support plan? E.g. Family, extended family, community, Aboriginal or Torres Strait Islander organisations, caseworker etc.)

1.	_____ (Name/organisation)	_____ (Relationship/connection to child)	_____ Date consulted
2.	_____ (Name/organisation)	_____ (Relationship/connection to child)	_____ Date consulted
3.	_____ (Name/organisation)	_____ (Relationship/connection to child)	_____ Date consulted
4.	_____ (Name/organisation)	_____ (Relationship/connection to child)	_____ Date consulted
5.	_____ (Name/organisation)	_____ (Relationship/connection to child)	_____ Date consulted
6.	_____ (Name/organisation)	_____ (Relationship/connection to child)	_____ Date consulted





## FOLLOW UP AND REVIEW

When will the Cultural Support Plan be reviewed? 6 months ☐ 12 months ☐

Additional comments:

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Please list any information that requires follow up:

1. 

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Due date for completion:

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2. 

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Due date for completion:

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3. 

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Due date for completion:

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## SIGNING THE CHILD/YOUNG PERSON'S CULTURAL SUPPORT PLAN

### CARER/CASEWORKER

I have participated in and am committed to the development and implementation of this child/young person's Cultural Support Plan

Carer signature: \_\_\_\_\_ Date: \_\_\_\_\_

Caseworker signature: \_\_\_\_\_ Date: \_\_\_\_\_

Aboriginal caseworker signature: \_\_\_\_\_ Date: \_\_\_\_\_

### ORGANISATIONS/AGENCIES

I have participated in and am committed to the development and implementation of this child/young person's Cultural Support Plan

Agency name: \_\_\_\_\_ Date: \_\_\_\_\_

Worker name: \_\_\_\_\_ Date: \_\_\_\_\_

Worker signature: \_\_\_\_\_ Date: \_\_\_\_\_

Agency name: \_\_\_\_\_ Date: \_\_\_\_\_

Worker name: \_\_\_\_\_ Date: \_\_\_\_\_

Worker signature: \_\_\_\_\_ Date: \_\_\_\_\_

Agency name: \_\_\_\_\_ Date: \_\_\_\_\_

Worker name: \_\_\_\_\_ Date: \_\_\_\_\_

Worker signature: \_\_\_\_\_ Date: \_\_\_\_\_

Agency name: \_\_\_\_\_ Date: \_\_\_\_\_

Worker name: \_\_\_\_\_ Date: \_\_\_\_\_

Worker signature: \_\_\_\_\_ Date: \_\_\_\_\_





PARENT/GUARDIAN

I have participated in and am committed to the development and implementation of this child/young person's Cultural Support Plan:

Mother name: \_\_\_\_\_

Mother signature: \_\_\_\_\_ Date: \_\_\_\_\_

Father name: \_\_\_\_\_

Father signature: \_\_\_\_\_ Date: \_\_\_\_\_





# APPENDIX A – LEGISLATION



## The Children and Young Persons (Care & Protection) Act 1998

**Section 5** of the *Children and Young Persons (Care & Protection) Act 1998* specifies the definition used within this act for Aboriginal or Torres Strait Islander children and young people.

**Section 8** The objects of this Act are to provide:

- a) That children and young person's receive such care and protection as is necessary for their safety, welfare and well-being, having regard to the capacity of their parents or other persons responsible for them, and
- b) That all institutions, services and facilities responsible for the care and protection of children and young person's provide an environment for them that is free of violence and exploitation and provide services that foster their health, developmental needs, spirituality, self-respect and dignity, and
- c) That appropriate assistance is rendered to parents and other persons responsible for children and young persons in the performance of their child-rearing responsibilities in order to promote a safe and nurturing environment.

**Section 9** of the Act outlines a set of principles that are required to be applied in the care and protection of children and young people. These include the requirement to assist children and young people to maintain relationships with their parents, siblings, extended family and community and be afforded the right to the protection and preservation of their identity, language and cultural ties.

**Sections 11-14** of the Act provide a framework of Aboriginal and Torres Strait Islander principles that promote the best interests of Aboriginal children in out-of-home care. **These principles are:**

- Aboriginal and Torres Strait Islander self-determination;
- Aboriginal and Torres Strait Islander participation in decision-making;
- Aboriginal and Torres Strait Islander child and young person placement principles;
- Records relating to Aboriginal and Torres Strait Islanders.

**Chapter 16A** of the Act relates to the exchange of information with NSW Agencies and NGOs to help deliver services and supports to promote the safety, welfare and wellbeing of a child or young person.

**Section 32** of the Act refers to the initial identification of Aboriginal and Torres Strait Islanders and the role of the Director-General in enquiries concerning identification.

**Section 78A(3)** A permanency plan for an Aboriginal or Torres Strait Islander child or young person must address how the plan has complied with the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles in section 13.

**Section 78A(4)** If a permanency plan indicates an intention to provide permanent placement through an order for sole parental responsibility or adoption of an Aboriginal or Torres Strait Islander child or young person with a non-Aboriginal or non-Torres Strait Islander person or persons, such an order should be made only:

- a) If no suitable permanent placement can be found with an Aboriginal or Torres Strait Islander person or persons in accordance with the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles in section 13, and
- b) In consultation with the child or young person, where appropriate, and
- c) In consultation with a local, community-based and relevant Aboriginal or Torres Strait Islander organisation and the local Aboriginal or Torres Strait Islander community, and
- d) If the child or young person is able to be placed with a culturally appropriate family, and
- e) With the approval of the Minister for Community Services and the Minister for Aboriginal Affairs.



**Section 87** Making of orders that have a significant impact on persons:

- a) The Children's Court must not make an order that has a significant impact on a person who is not a party to proceedings before the Children's Court unless the person has been given an opportunity to be heard on the matter of significant impact.
- b) If the impact of the order is on a group of persons, such as a family, not all members of the group are to be given an opportunity to be heard but only a representative of the group approved by the Children's Court.
- c) The opportunity to be heard afforded by this section does not give the person who is heard the status or rights of a party to the proceedings.

**Section 139** of the Act relates to who is a designated agency.

**Section 167** of the Act relates to the recording of relevant dates for Aboriginal children in the out of home care placements. This includes entry, the period of time spent in care and plans for the child or young person leaving out-of-home care.

**Section 245A** of the Act relates to agencies that have responsibilities regarding the safety, welfare or well-being of children or young persons and the need to provide and receive information that promotes the safety, welfare or well-being of children or young persons and taking precedence over confidentiality and privacy.

**Section 248 (6)** of the Act relates to the provision and exchange of information by "prescribed bodies".







# APPENDIX B — ABORIGINAL COMMUNITY ORGANISATIONS

There are many Aboriginal organisations within NSW. Each of these organisations operates as autonomous units, although some are associated with a peak body. These peak bodies are a good source of information and may be able to assist and/or provide some direction on Aboriginal issues. These organisations include:

## The Aboriginal Health and Medical Research Council (AHMRC)

The AH&MRC works closely with a number of other bodies including Commonwealth and NSW government departments and non-government agencies in addition to AH&MRC member Services. Its aim is to improve health outcomes for Aboriginal people in NSW. In many areas, the AH&MRC works together under formal partnership agreements or memoranda of understanding.

Aboriginal Community Controlled Health Services (ACCHSs), also known as Aboriginal Medical Services (AMS), provide specialist health services in keeping with the Aboriginal holistic definition of health.

Website: [www.ahmrc.org.au](http://www.ahmrc.org.au)

## The New South Wales Aboriginal Land Council (NSWALC)

The New South Wales Aboriginal Land Council aims to protect the interests and further the aspirations of its members and the broader Aboriginal community.

The NSWALC is committed to ensuring a better future for Aboriginal people by working for the return of culturally-significant and economically viable land, pursuing cultural, social and economic independence for its people and being politically proactive and voicing the position of Aboriginal people on issues that affect them.

The principal client of NSWALC is a network of 120 Local Aboriginal Land Councils which collectively manage the range of support services delivered at local level to their communities. These services include housing, legal affairs, employment, training and property acquisition and management. Local Aboriginal Land Councils are autonomous bodies which are governed by boards elected by local Aboriginal community members, every 2 years.

Website: [www.alc.org.au](http://www.alc.org.au)

## NSW Aboriginal Education Consultative Group (AECG)

The NSW AECG Inc. is an Aboriginal community-based organisation made up of volunteer members who are involved in Local and Regional AECG's throughout NSW. The NSW AECG Inc. is recognised as the main source of advice on behalf of Aboriginal communities on issues about education and training.

The NSW AECG is the recognised peak body and voice on behalf of Aboriginal communities on issues relating to Aboriginal education and training in New South Wales. The NSW AECG seeks to ensure educational policies and programs are developed to meet the needs of Aboriginal people and their communities. The AECG is committed to ensuring Aboriginal people have a voice in self-determining their educational future which will impact on the future prosperity of Aboriginal communities. The NSW AECG strives to empower Aboriginal communities through active involvement in education and training and is focused on increasing contribution by communities in Aboriginal education at the local level, so that Aboriginal people are the key participants in improving outcomes in Aboriginal education and training.

Website: [www.aecg.nsw.edu.au](http://www.aecg.nsw.edu.au)





## The Aboriginal Child, Family & Community Care State Secretariat (NSW) (AbSec)

AbSec is an incorporated not-for-profit community organisation, mainly funded by Community Services. It is recognised as the peak NSW Aboriginal body providing child protection and out-of-home care (OOHC) policy advice to the government and non-government sector on issues affecting Aboriginal families involved in the child protection and OOHC system.

AbSec advises on funding decisions related to service provision by local Aboriginal community controlled organisations that deliver, or seek to provide, Aboriginal child protection and associated services.

AbSec auspices the Aboriginal Statewide Foster Care Support Service (ASFCSS). This service provides a free telephone advice and advocacy service for carers of Aboriginal children and also assists in local communities in establishing Aboriginal foster carer support groups.

AbSec is the lead agency in the development of the memorandum of understanding with Community Services and in developing the PACT.

Website: [www.absec.org.au](http://www.absec.org.au)

## Aboriginal Legal Service (NSW/ACT)

In New South Wales and the ACT, the Aboriginal Legal Service provides a service for those Aboriginal and Torres Strait Islander families dealing with Family and Community Services (used to be known as DoCS).

As an Aboriginal community controlled organisation, the Aboriginal Legal Service has a strong commitment to culturally appropriate delivery of high quality services that ensure just and equitable treatment for Aboriginal and Torres Strait Islander people and communities. Our Care and Protection staff comprise a dedicated and professional group of people from a diverse range of social, cultural and educational backgrounds.

In having this service, the Aboriginal Legal Services recognises the gravity and seriousness of the facts known about Aboriginal and Torres Strait Islander children in the area of child protection:

- Aboriginal children are being taken away from their families at a rate faster than at any other time during the Stolen Generation.
- One in six Aboriginal children are in State care.
- The number of Aboriginal children in out-of-home care is nine times higher than the rate for non-Aboriginal children.
- Aboriginal children taken from their homes are the most vulnerable children in our society.

The Aboriginal Legal Service currently has care and protection solicitor's working out of four offices – **Parramatta** (our regional head office), **Wollongong**, **Canberra** and **Lismore**. We also have two administration officers and field officers based in Parramatta. Our Care and Protection Service has run as a separate and distinct service within the Aboriginal Legal Service since early 2007.

In addition to **providing referrals and legal information**, our solicitor's provide **legal advice** in relation to all aspects of a family's involvement with Community Services. We **represent parents, children and family members in the Children's Court**, as well as providing advice in relation to Community Services' early intervention and post-intervention contact with Aboriginal and Torres Strait Islander families. We have a State-wide advice line in order to provide legal advice at any time in relation to Family and Community Services intervention.

We currently have staff at our offices in:

### Parramatta

Suite 2 Level 8 33 Argyle St  
Parramatta NSW 2150  
Phone: (02) 8836 3444

### Lismore

3/15 Molesworth Street  
Lismore NSW 2480  
Phone: (02) 6622 7088

### Canberra

7/9 Moore Street  
Canberra ACT 2601  
Phone: (02) 6249 8488

### Wollongong

Ground Floor, 62a Market Street  
Wollongong NSW 2500  
Phone: (02) 4225 7977

It is part of our service's core business to ensure that the Aboriginal Child Placement Principles that are contained in the New South Wales legislation are complied with by Community Services and adhered to by the Children's Court. The legislation also contains provisions about Aboriginal and Torres Strait Islander self-determination and provides that Aboriginal and Torres Strait Islander families, kinship groups, representative organisations and communities are to be given the opportunity to participate in decisions made concerning the placement of their children and young persons, and decisions made that concern their children and young persons. Where our service is able to assist this to happen, we will.

One of the guiding principles of our service is to work hard to prevent another Stolen Generation. As part of working towards this goal, we work tirelessly with families to ensure that children are kept in safe families and where this is not possible, that they are able to stay in their communities. Part of the work we do is to ensure that Community Services' is kept accountable for the decisions that they make and that children who cannot be with their family and community are able to maintain a connection to their culture, community and family.

Where children have been in out-of-home care or foster care for a period of time, we are able to assist families to re-establish contact, or set goals with the aim of reconnecting and reunifying their families. We are able to provide professional legal advice in relation to how to best achieve these things.

Website: [www.alsnswact.org.au](http://www.alsnswact.org.au)

## Multifunctional Aboriginal Children's Services and Aboriginal Housing Organisations

Multifunctional Aboriginal Children's Services also operate in numerous regions across the state as do local housing organisations.

Local Aboriginal caseworkers, LAAP or even local directories can assist in locating these.

## Link Up (NSW) Aboriginal Corporation

Link Up (NSW) Aboriginal Corporation was founded in 1980 to assist all Aboriginal people who have been fostered, adopted or raised in institutions to find their way home. Link-Up also provide information for people who wish to trace their family tree. There are Link Up services in each state and territory in Australia, so for clients that are originally from other states these services can assist.<sup>22</sup>

## Family Link – Link UP (NSW) Aboriginal Corporation

The Family Link service aims at finding possible kinship (relative) carers for Aboriginal children and young person's entering or within the OOH system in NSW. The Family Link service provides this to children and young persons of Aboriginal descent aged between 0-17 years of age. Priority is given to children and young persons at risk of self-harming, depression, placement or family breakdown and those who are in non-Aboriginal placements.

Website: [www.linkupnsw.org.au](http://www.linkupnsw.org.au)

## The Secretariat of National Aboriginal and Islander Child Care (SNAICC)

has published a directory of Indigenous family and children's services, health and legal services, government departments, peak bodies and resources agencies from across Australia. The SNAICC Connecting Communities – National Aboriginal and Torres Strait Islander Children's Services Directory can be used to look up services that work with Aboriginal and Torres Strait Islander children and families in specific areas.

Website: [www.snaicc.asn.au](http://www.snaicc.asn.au)

## Aboriginal Affairs is an agency within NSW Department of Human Services.

The Family Records Unit within Aboriginal Affairs can help Aboriginal people in NSW to access records about themselves and their families, particularly members of the Stolen Generations who lost contact with their families as a result of past government policies and practices.

Website: [www.daa.nsw.gov.au](http://www.daa.nsw.gov.au)

## Office of the Registrar of Indigenous Corporations

The Registrar supports and regulates about 400 Aboriginal corporations registered in NSW.

Corporate functions are diverse; from providing services such as health care and power supply to simply holding land, and many corporations have multiple functions.

Website: [www.oric.gov.au](http://www.oric.gov.au)



## Other community resources – Aboriginal Organisations

There are also Aboriginal organisations incorporated with the Corporations Act 2001 – details for these can be found on the NSW Fair Trading Site.

Website: [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

### Aboriginal Early Childhood Support & Learning Inc. (AECSL)

is a peak advisory body on early childhood for Aboriginal children, families and the Aboriginal community.

The AECSL five year strategic plan promotes all Aboriginal children and their families engagement in the design and delivery of early years programs and have equal access to services that promote child and family welfare, safety and wellbeing. AECSL will provide support for **OUR KIDS**, and will promote culturally appropriate development and learning approaches for the early childhood sector **OUR WAY**, and will value the importance of community capacity building and community engagement for **THEIR FUTURE**. With the recognition that local Aboriginal communities are best placed to understand the local needs of their families and children.

AECSL works to ensure that Aboriginal communities have a strong and ongoing voice in how early years programs and services are designed and delivered, with all programs focusing on the diverse strengths of the child, family and community. AECSL works in partnership with other early years stakeholders, community partners and all levels of government, Aboriginal parents and researchers.





# APPENDIX C — QUESTIONS TO HELP LEARN MORE ABOUT A CHILD, YOUNG PERSON OR FAMILY'S ABORIGINALITY

- To help agencies in providing the appropriate support to a family, child or young person that has identified as Aboriginal, or if there is information to suggest they may be Aboriginal, caseworkers can ask the following questions to learn more:
  1. Are you Aboriginal?
  2. Where do you come from or where is your area/s of belonging?
- It is important to remember that an Aboriginal child or young person may identify with, belong to, or be accepted by different Aboriginal communities:
  - The traditional community/country/nation of one or both parents
  - The community where the parent(s) or the child were born
  - The community where they were raised or lived most of their life
  - The community where they live.
- 3. Who are your family/kinship ties?
  - It is important to understand that Aboriginal people have an extended family structure as opposed to the nuclear or immediate family structure. Extended family is based on:
    - Blood related (mum, dad, brother, grandparent, cousin, aunty)
    - Marriage (aunty, uncle)
    - Community or non-related family (Elder, neighbour, friend, organisation)
    - Kinship system (Elder, aunty, uncle, cousins)
    - Acceptance and knowledge of kinship ties
    - Mutual respect
    - A sense of belonging.
  - Have you had any Aboriginal service involvement (Local Aboriginal Land Council, Aboriginal medical service, Aboriginal education assistant in school, Aboriginal community liaison Officers, Link-Up and other community organisations)?

These agencies may be able to provide knowledge on the Aboriginality of a client. Organisations can ask these following questions:

  - To your knowledge does the family identify as Aboriginal?
  - Do you have any knowledge of any other family/kinship ties?
  - Does the family access your services?
  - Are you aware if any family members were part of the stolen generation?

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**Some Aboriginal families may not have accessed Aboriginal Services nor had any involvement with Aboriginal organisations or community workers; however, this does not mean that they are not strong in their Aboriginal identity. Many Aboriginal families may choose not to engage with these services, organisations or workers for any number of reasons.**

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# APPENDIX D – ABORIGINAL LANGUAGES MAP



Source – Aboriginal Languages Research and Resource Centre at [www.alrrc.nsw.gov.au](http://www.alrrc.nsw.gov.au)

\*Note: This map is currently in DRAFT form. The Languages Centre is seeking community/linguist input about the spellings and placement of language groups on the map. Once sufficient community consultation time has occurred, the Centre plans to print hard copies of the Languages map which will then be available from the Centre at the NSW Department of Aboriginal Affairs.





# APPENDIX E — CALENDAR OF SIGNIFICANT CULTURAL EVENTS

JANUARY	FEBRUARY	MARCH	APRIL
<b>Survival Day</b> celebrated on Australia Day 26 January	<b>National Apology</b> 13 February		
MAY	JUNE	JULY	AUGUST
<b>National Sorry Day</b> 26 May  <b>Reconciliation Week</b> 27 May-3 June	<b>Mabo Day</b> 3 June	<b>NAIDOC Week</b> first full week in July  <b>The Coming of the Light</b> 1 July	<b>National Aboriginal and Islander Children's Day</b> 4 August
SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
<b>Deadly Awards</b> no set day in September	<b>NSW Aboriginal Rugby League Knockout Carnival</b> October long weekend		

## Survival Day

January 26 is not a day of celebration for Aboriginal and Torres Strait Islander people. The date marks the landing of the First Fleet in Sydney Cove, the beginning of invasion and dispossession. But it is not a day of sadness. Survival Day has been named for very good reason — despite the injustices of the past, Aboriginal people have survived.

The Yabun Survival Day concert is one of the biggest Survival Day celebrations in the country and draws people from all over NSW to Sydney.

For more information visit [www.gadigal.org.au](http://www.gadigal.org.au)

## National Apology

On February 13 2008, Prime Minister Kevin Rudd apologised to the Stolen Generations. The Apology Speech formally recognised and condoned the terrible loss and pain caused by successive Australian Governments when children were stolen from their families and communities were torn apart.



## National Sorry Day

The *Bringing them home* report recommended (Recommendation No 7.a) that a National Sorry Day be held each year on 26 May 'to commemorate the history of forcible removals and its effects'. As a result of this recommendation the community-based organisation National Sorry Day Committee was formed. In 2005 the National Sorry Day Committee renamed Sorry Day as a National Day of Healing for all Australians.

For more information visit [www.nsd.org.au](http://www.nsd.org.au)

## Mabo Day

On the third of June 1992 the High Court of Australia rejected the notion of "Terra Nullius", that this land was not occupied before European colonisation. Eddie Mabo, a Torres Strait man born on Mer in the Torres Strait and living in Townsville in Queensland and four other plaintiffs, Father Dave Passi, Sam Passi, James Rice and Celuia Salee, conducted a ten year battle through the courts that led to this historic judgement.

Although there were 5 plaintiffs, the decision was named *Mabo Judgement* because it was Eddie Mabo's name that appeared first on the legal documents. The *Mabo judgement* states in law that Aboriginal and Torres Strait Islander people have by prior occupation, ownership of land where native title has not been extinguished. The anniversary of Mabo Day is 3 June. This is celebrated by Aboriginal and Torres Strait islander people across Australia.

## Reconciliation Week

At the end of May each year National Reconciliation Week celebrates the rich culture and history of the first Australians. It's the ideal time for all of us to join the reconciliation conversation and to think about how we can help turn around the disadvantage experienced by many Aboriginal and Torres Strait Islander people.

For more information visit [www.reconciliation.org.au](http://www.reconciliation.org.au)

## NAIDOC Week

NAIDOC originally stood for National Aborigines and Islanders Day Observance Committee (NAIDOC). This committee was once responsible for organising national activities during NAIDOC Week and its acronym has become the name of the week itself.

NAIDOC Week is celebrated annually in the first full week of July, not just in Aboriginal communities, but also in increasing numbers of government agencies, schools, local councils and workplaces.

For many years, the Australian Government has been the major funding contributor to national activities. Wherever you live, taking part in NAIDOC Week is a great way to celebrate Aboriginal culture and build bridges between Aboriginal and non-Aboriginal Australians.

For more information visit [www.naidoc.org.au](http://www.naidoc.org.au)

## The Coming of the Light

The Coming of the Light festival marks the day the London Missionary Society first arrived in Torres Strait. The missionaries landed at Erub Island on 1 July 1871, introducing Christianity to the region.

This is a significant day for Torres Strait Islanders, who are predominantly of Christian faith, and religious and cultural ceremonies across the Torres Strait and mainland Australia are held on 1 July each year. Torres Strait Islanders celebrate this day as 'The Coming of the Light', an annual holiday in the Torres Strait.

## National Aboriginal and Islander Children's Day

National Aboriginal and Islander Children's Day (NAICD) is an annual event celebrated on 4 August each year, having been established by the Secretariat of National Aboriginal and Islander Child Care (SNAICC) in 1988.

Each year, SNAICC has a theme for Children's Day to highlight a significant issue, concern or hope for Aboriginal and Torres Strait Islander children. SNAICC encourages all Aboriginal and Torres Strait Islander community organisations, mainstream child and family welfare services, government agencies, schools, preschools, child care services and any organisations with an interest in children to celebrate National Aboriginal and Islander Children's Day.

For more information visit [www.snaicc.asn.au](http://www.snaicc.asn.au)

## Deadly Awards

Since September 1995, Vibe Australia has hosted the Deadly Sounds Aboriginal and Torres Strait Islander Music, Sport, Entertainment and Community Awards — the Deadly's. These awards promote Aboriginal and Torres Strait Islander achievement as a marketable and growing force within Australia. The Deadly's provide a tangible forum where the wider community can learn about Aboriginal and Torres Strait Islander music and culture.

Beginning at Boomalli Artist Co-op in Redfern in 1995, the Deadly's has since been staged at various locations in Sydney, and in recent years at the Sydney Opera House.

For more information visit [www.deadlys.vibe.com.au](http://www.deadlys.vibe.com.au)

## NSW Aboriginal Rugby League Knockout Carnival

For the NSW Aboriginal community, the Knockout is the biggest event of the year attracting up to 60 teams and many thousands of Aboriginal spectators. It is run by and for the Aboriginal community and is funded from government and private sponsorship and community support.

The Knockout is a four-day celebration that sees thousands of Aboriginal people from all over NSW travel to the host town and provides an opportunity for families to gather, re-unite as a community and barrack for their home-towns and mobs. The Knockout is fiercely contested, with world class, tough rugby league football on display.

The Knockout which began in Sydney in 1971 is widely described as a modern day corroboree attracting teams from all over NSW and victory is cited as a lifetime highlight for players and communities.

Traditionally, the Knockout is held in the town of the previous year's winning team, during the October long weekend. For more information search NSW Aboriginal Rugby League Knockout (The hosting team will set up their website leading up to the Knockout carnival).





# APPENDIX F — TIP SHEETS

## Tip Sheet 1: Important Points

### Transition of Out-of-Home-Care to the Non-Government Sector

When placing Aboriginal children and young people in OOHC and transferring existing Community Services (CS) carers and Aboriginal children and young people to OOHC agencies refer to the Ministerial Advisory Group (MAG) approved policy *Transfer and placement of Aboriginal children and young people*. The principle of the policy is that all new entries and transfers of Aboriginal children and young people must be placed with an Aboriginal agency or an agency that is currently in partnership with an Aboriginal agency.

### History - Stolen Generation

Historically, NSW government agencies had statutory decision-making control over almost every aspect of Aboriginal peoples' lives. Aboriginal people were regarded as second-class citizens and were not consulted or allowed to participate in making decisions that related to their own lives and the lives of their children. Previous government agencies had wide-ranging powers over the day-to-day lives of Aboriginal people, from controlling movements of Aboriginal people on and off reserves, giving permission to marry, permitting social contact with relatives or other Aboriginal people and the forcible removal of Aboriginal children from their families and communities.

### Children's Court NSW

The Children's Court is a specialist court that deals with cases involving children. The Children's Court deals with criminal cases, applications for apprehended violence orders, applications for compulsory schooling orders and cases involving the care and protection of children.

When concerns have been raised about the care and protection of a child or young person under the age of 18 years the Children's Court has jurisdiction to make court orders to ensure their safety, welfare and well-being.



## Tip Sheet 2: Aboriginality

### Definition of Aboriginality:

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The legal definition of Aboriginality is drawn from the *Aboriginal Land Rights Act 1983*<sup>23</sup>, and has been adopted in full by the *Children and Young Persons (Care and Protection) Act 1998*.

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An Aboriginal person means a person who:

- (a) *Is a member of the Aboriginal race of Australia; and*
- (b) *Identifies as an Aboriginal person; and*
- (c) *Is accepted by the Aboriginal community as an Aboriginal person*

Similarly, Torres Strait Islander means a person who:

- (a) *Is descended from a Torres Strait Islander; and*
- (b) *Identifies as a Torres Strait Islander; and*
- (c) *Is accepted as a Torres Strait Islander by a Torres Strait Islander community.*

### Terminology

Outdated terms such as full-blood, half-caste, quarter-caste and quadroon are extremely offensive and should never be used when referring to Aboriginal and Torres Strait Islander people. Acronyms such as ATSI, TI, TSI or abbreviations such as 'Abos' should never be used as they are offensive to Aboriginal and Torres Strait Islander people.

Do not use the words Aborigine or Aborigines as many Aboriginal people feel it is linked back to the terminology used in the periods of colonisation and assimilation. Instead, use Aboriginal or Aboriginal and Torres Strait Islander.

### Confirmation of Aboriginality

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**It is important to remember that you do not require a legal form of Confirmation of Aboriginality to be an Aboriginal person. There is no legal requirement for Aboriginal children and young people to have a confirmation of Aboriginality.**

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It is important to note that only Aboriginal people can determine who is Aboriginal, although as noted previously the Children's Court can also make that determination if satisfied that the child or young person is of Aboriginal descent.

Confirmation of Aboriginality is normally done through incorporated Aboriginal organisations using the *Aboriginal Land Rights Act 1983* definition for Aboriginality.



## Office of the Registrar

The Registrar of the Aboriginal Land Rights Act (the Registrar) and the New South Wales Aboriginal Land Council (NSWALC) agree that LALCs have no function to confirm that a person is an Aboriginal person other than by way of a LALCs consideration of an application for membership (with the exception of minors – see below).

Once a person is accepted as meeting the criteria for membership of a LALC and entered on the membership roll; a LALC may issue a letter to the person or any other person, saying that the person is a member of the LALC and therefore the LALC is satisfied that they are an Aboriginal person.

If a person is not a member of a LALC no letter or other evidence can be provided to them or any other person by a LALC asserting that they are an Aboriginal person.

There is one acceptable exception to this rule; being a person who is under 18 years of age. A person under 18 years of age cannot be a member of a LALC.

In this case the Registrar and the NSWALC agree that it is fair and reasonable that a LALC may confirm that the young person is related to a member and how (son, sister, niece, uncle...) and state that the LALC member is an Aboriginal person.

A LALC will need to be reasonably satisfied that the relationship they refer to in any letter for a young person between the young person and a LALC member is correct





## Tip Sheet 3: Guiding Principles

### Self Determination

Self-determination for Aboriginal people means that Aboriginal communities are able to take charge of their own lives and make important decisions about their future. This includes making decisions about Aboriginal children and young persons in the statutory child protection system and/or who are entering or at risk of entering out-of-home care. It also means making decisions and having input into the design of policies and programs that affect Aboriginal people.

The principle of self-determination is aimed at safeguarding, recognising and respecting Aboriginal peoples right to make decisions about their lives and the lives of their children.

### Participation in Decision-Making

Participation in decision-making can enhance the protection of Aboriginal children and young people. Aboriginal families, communities and organisations can offer different information, perspectives and values and their knowledge and skills should be respected. Working together will support actions to improve outcomes for Aboriginal children and young people.

Involving Aboriginal family and community can influence effective and positive change within the Aboriginal family you are working with.

### Facilitating Participation in Decision-Making

**Respectful and culturally competent personal communication** helps people take part in decision-making at a one-on-one level. It takes into account literacy levels and cultural protocols, and helps ensure all parties have maximum opportunity to focus on the best interests of the child or young person. Examples of respectful and culturally competent communication include:

- Asking participants how they would like to be addressed
- Talking to people to arrange meetings before writing to them
- Ensuring that unless the matter is urgent, home visits are scheduled with details known in advance – it is not alright to turn up without notice
- Paraphrasing to ensure you understand what the client/and or supports are saying
- Using jargon-free “plain English” so everyone has the same level of understanding
- Checking throughout the consultation that the participants fully understand how decisions will affect them and the child or young person
- Adopting a supportive role with a focus on practical skill building

Finding and providing opportunities for input from significant people in a child's life or social network also helps them to take part in decision-making. It is important to make families and communities aware of the legislative obligations around Aboriginal consultation, and let them know you are committed to giving them the best chance to participate fully in the decision-making process.

### Ways to maximise constructive input into the process include:

- Ensure both parents or previous care giver (aunty, uncle, grandparent etc) are engaged in the process and the views of the mother, father, step-parents or previous care giver are considered
- Check with clients and support people before a meeting to see if any help is needed in getting their messages or views across to others at the meeting
- Consider holding meetings in neutral locations
- Complete and review a genogram to identify significant people in the child's life
- Ask the child and/or parents for the names and contact details of someone they trust who would be prepared to participate in the consultation
- Ask young people and families if they have received assistance from any other welfare or support agencies that may be able to give additional input
- Have a debrief afterwards to check if the client or support people have any unresolved questions or issues as a result of the meeting.
- Consider if there are issues that need to be followed up and set realistic timeframes. You may need to schedule another meeting to resolve any outstanding issues.



**If consultation is to succeed it should be run openly and at a pace that is comfortable for participants.** The following practices can assist:

- Convene consultations or meetings at appropriate times and ensure they do not clash with significant cultural events or a funeral
- Ensure that the participants fully understand the issues to be discussed
- Contact parents/carers early. If they do not return a call, fail to keep an appointment or are not at home, keep trying to contact them or check with other family members
- To build a trusting and respectful relationship, provide feedback about the outcome and thank those who took part in the consultation.

## Placement Principles

The purpose of the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles is to enhance and preserve Aboriginal children's sense of their Aboriginal identity. The objective of the Principles is to ensure an Aboriginal and/or Torres Strait Islander child's right to be raised in their own culture. They also recognise the importance and value of family, extended family, kinship networks, culture and community in raising Aboriginal and Torres Strait Islander children.

This general order of placement aims to ensure that, where possible, children and young people are placed within their family, their community or other Aboriginal or Torres Strait Islander community to stay connected to their Aboriginal and/or Torres Strait Islander culture.



## Tip Sheet 4: Consultation in Practice

### What is Aboriginal Consultation and why is it Important?

Aboriginal consultation is an exchange or two-way flow of information. It is an important method that empowers Aboriginal families and communities to help make decisions on matters that affect the care and protection of their children and young people.

Respectful Aboriginal consultation is important as it helps build a strong foundation for good policy development and project design and delivery, and it is the cornerstone of best-practice casework. Effective consultation allows organisations to develop a cultural understanding of Aboriginal families and communities, and supports engagement with the family, extended family, kinship network or relevant Aboriginal organisations and services to inform casework planning and decision making.

Consultation must be at the centre of all casework if we are to overcome generations of history in which Aboriginal people were treated as second class citizens and given no control over their own lives, or those of their children.<sup>24</sup> Historically, NSW government agencies had statutory decision-making control over almost every aspect of Aboriginal peoples' lives. Aboriginal people were not consulted or allowed to make decisions about their own lives and the lives of their children.

### Who should be consulted?

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**Consultation with Aboriginal families and communities should occur in all stages of out-of-home-care.**

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### OOHC providers should engage and consult with:

- The child or young person and their family;
- The extended family;
- The Aboriginal community; and
- Aboriginal organisations (Appendix B provides details of some organisations)

### A good source of information and advice can also come from professionals such as:

- Aboriginal education officers and Aboriginal teachers employed within schools
- Aboriginal community liaison officers employed by NSW Police
- Aboriginal health workers employed in area health services, Aboriginal medical services or community health centres
- Aboriginal staff working in local, State and Commonwealth government
- Significant people within the community



## Information provided in consultations

Consultations may provide information about such things as:

- Extended family and community networks to involve in decision-making
- Family and community dynamics
- Locating family members who may be potential carers and/or respite carers
- Community support services available to the child, young person or family
- Cultural support planning
- Aboriginal parenting practices

## Practice points to assist effective Aboriginal consultations

- There is no single Aboriginal culture, so Aboriginal people you consult with may not have all of the answers to your questions
- All participants need to be treated with dignity and respect
- Effective consultation with Aboriginal people is an essential ongoing process
- The issues to be discussed should be clearly defined and ensure adequate time for a response
- As members of their community, Aboriginal workers have cultural obligations and responsibilities that extend beyond the workplace and sometimes conflicts of interest may occur. These pressures on Aboriginal workers need to be considered
- Consultations with Aboriginal people should be conducted respectfully and professionally
- It is inappropriate to have a casual conversation in a corridor or in a lunch room with an Aboriginal worker and then write this up as an Aboriginal consultation. No informal consultation should occur, all consultations should be documented and considered a formal process at all times.



# Tip Sheet 5: Cultural Support Planning in Practice

## What is cultural support planning?

*“Cultural care/support plans need to be living documents, rather than records which are updated from time to time, because cultural identity is formed out of ongoing experiences.”<sup>25</sup>*

Aboriginal cultural support planning is aimed at maintaining a child/young person’s cultural identity, connection and sense of belonging to family and community while they are in OOHC. An Aboriginal cultural support plan has two components:

- **Cultural Information** (recording country/nation, communities of belonging etc)
- **Developing a plan to support and maintain a child’s connection to family, community and culture**

Cultural support planning starts by identifying the child or young person’s connection with their culture and significant relationships with family, extended family, kin and communities and putting plans in place to ensure these relationships and links to their culture are maintained on an ongoing basis.

When beginning to develop a cultural support plan it is important to explain at the outset to birth parents and other family or community members why cultural information is being sought. Explain that the information is being gathered for the purpose of identifying the child/young person’s cultural needs while in care, and assisting the child/young person to maintain a connection to their culture and heritage. It is essential to try and understand the child/young person’s relationship with their culture, family and community(ies) at the point of removal from their birth family. Each child’s relationship to their culture will be unique.

## Consultation

In the development of a cultural support plan consultation must occur with family, extended family, communities and relevant organisations and services. These people will know the child and will be able to identify the relationships and connections that should be maintained and the cultural support activities that the child/young person should participate in.

Prior to and during these consultations it is important to also consult with Aboriginal or Torres Strait Islander workers as they can assist you to understand the child/young person’s needs, family and community dynamics and culturally appropriate support activities and events.

Aboriginal and Torres Strait Islander workers can provide advice on:

- Engaging with the family, child/young person, significant others or communities
- Family dynamics, expectations and practices and norms within specific communities
- Appropriate strategies to maintain relationships and connections to the child’s family and community
- Services, family and community contacts and networks within communities
- Appropriate strategies for meeting specific cultural needs
- Aspects of culture pertaining to different communities



## What if the child/young person is disconnected from their culture

Some children and young people may be disconnected from their birth culture and community(ies) of belonging. This could be due to their identification or connection with other cultures, their rejection of their birth culture, and/or growing up with parents/care givers who did not actively encourage involvement with their culture and community. Where this is the case, identify connections that could be beneficial to the short and long term wellbeing of the child/young person.

In some cases, the birth parents may not be supportive of the child/young person maintaining contact with their culture or community. This can also apply to the children themselves. In these cases:

- Explore the reasons/motivations behind parental/child reticence
- Address concerns and fears
- Explain why maintaining connections is beneficial for the child/young person
- Explore past/current positive experiences with their culture
- Explain the negative impacts of loss of cultural connections

## All cultural connections should be maintained

As much as possible all cultural connections identified through consultation should be maintained, however in some cases not all the child/young person's cultural connections can and will be maintained for different reasons. It is important to focus on those connections that are assessed as being in the best interest of the child/young person. In assessing this you must consult with the child's family, extended family, community, relevant organisations and Aboriginal or Torres Strait Islander workers.

In some cases, there may be significant differences in the views of the birth parents, child/young person and caseworker as to which needs should be supported in the placement. For example, the birth parents may want needs to be addressed that are not supported by the child/young person or vice versa.

There may also be cases where the expressed views of the birth parents and/or child are considered to not be in the best interest of the child. It is important that significant differences in views are documented as well as why certain needs will be addressed and not others. In managing differences in views and priorities, consider the following:

- That the safety of the child/young person is paramount
- What decisions will be in the best interest of the child/young person
- The short and long term benefits of addressing particular needs
- The short and long term impacts of not addressing particular needs
- The agencies' legislated responsibility to address cultural maintenance
- The child/young person's age and developmental stage
- The age of the child/young person and their capacity to form informed views
- The reasons/motivations for particular views being held
- The importance of working through concerns, anxieties and fears
- The importance of creating avenues for future exploration of cultural connections.



## Identification

Planning to support a child or young person maintaining a connection to their family and culture should start as soon as the child is identified as being Aboriginal and/or Torres Strait Islander. Information around Aboriginality and identification is provided in section 2. Appendix C outlines questions which will help agencies to learn more about a child, young person or family's Aboriginality.

## Child or young person's cultural identity

It is important to identify all the communities to which a child has a family and cultural connection with and feels a sense of belonging. An Aboriginal child or young person may identify with, belong to or be accepted by different Aboriginal communities:

- The traditional community/ country/nation of one or both parents
- The community where the parent/s or the child was born
- The community where the child was raised or lived most of their life
- The community where they currently reside

It is important for a child or young person to be connected to the community of **both** parents if they are from different communities or cultures; to be able to maintain family, and cultural connections and to have an understanding of both their traditional Aboriginal communities and the community they now live in or feel a sense of belonging to.

## Maintain family, extended family, kinship and community relationships

It is important to understand that Aboriginal people have an extended family structure as opposed to the nuclear or immediate family structure. This broader view of family should be explored and may provide additional sources of cultural information as well as support for maintaining connections to culture and or providing cultural support. Extended family can include:

- Blood related (mum, dad, brother, cousin, aunty, grandmother etc)
- Marriage (aunty, uncle)
- Community or non-related family (elder, neighbour, friend, organisation)
- Kinship system and acceptance and knowledge of kinship ties (elder, aunty, uncle, cousins, not necessarily blood related).

## Participation in community and cultural activities and events

It is important for Aboriginal and Torres Strait Islander children to experience the culture of their community and/or country by attending community cultural events and activities. Attending these events or participating in cultural activities also provides an opportunity to maintain or establish connections with Aboriginal family and community.

## Life Story Work

Encouraging a child or young person to keep a life story book is a great way for a child or young person to record their life in words, pictures, photos and documents. The Life Story Book belongs to the child or young person and is their personal record which documents the history of the child or young person's life from birth to the present time. The Life Story Book can include anything that helps the child or young person understand why they came into care and their past and present life.

## Things to be included in a Leaving Care Plan

There are things that a child or young person may need when they are older. They may include a copy of their birth certificate, information about their parents, brothers, sisters or other people in their family. Having this information is very important for Aboriginal and Torres Strait Islander children and young people as it is part of their identity.



## Tip Sheet 6: Cultural Protocols and Practices

### Welcome to Country and Acknowledgement of Country

Aboriginal people are the original owners of this land and it is important that this special position is recognised and incorporated into official activities. This enables the wider community to pay respect to Aboriginal people, share in Aboriginal culture and build better relationships.

When organising a meeting, event or conference, it is respectful and good practice to recognise the original custodians of the land in which you are meeting on by arranging a:

- Welcome to Country; and/or
- Acknowledgement of Country

A **Welcome to Country** ceremony is performed by an Aboriginal Elder, leader or person who is a descendant from the nation of the community in which you are meeting.

An **Acknowledgment of Country** is a way that non-Aboriginal people can show respect for Aboriginal and Torres Strait Islander heritage and the ongoing relationship of traditional owners with the land. A Chair or Speaker begins the meeting by acknowledging that the meeting is taking place in the country of the traditional owners, for example:

*'I would like to acknowledge the original custodians, the Bundjalung people, on whose land we are meeting today. I would also like to pay my respects to Elders past and present, and welcome all Aboriginal people here with us today.'*

### Protocols to consider before you engage with an Aboriginal family or community

Aboriginal colleagues or Aboriginal people from a local community will be able to assist you in finding out which specific protocols you need to consider. If there is an Aboriginal organisation/s within in the community you will be engaging with, contact them and ask who you should be talking to and what the appropriate protocols are.

However the following are generally agreed in Aboriginal communities across NSW:

- Introductory protocols are important – who you are, where you are from
- Be patient when asking questions
- Remember that different families may have different values and cultural beliefs, even if they are from the same community
- In some communities, direct eye contact may be excepted, however in other communities it may be considered offensive
- The use of silence should not be misunderstood. It may mean that people do not want to express an opinion at that point in time, or they could be listening and reflecting on what you have said
- Do not force a point of view. Aboriginal people and communities have knowledge that may differ from yours. Remember you are consulting them to seek their knowledge and opinions
- Use language that respects the integrity and beliefs of the family or community members with whom you are meeting.
- Avoid jargon and do not use acronyms
- Consult with a variety of community people <sup>26</sup>

## Examples of words used throughout Australia

There are many words and phrases in 'general' use by Aboriginal people and Torres Strait Islanders across the breadth of Australia. For example the people of Far North Queensland have their own variations, as do mobs in the top end of the Northern Territory and Western Australia.

<b>Business</b>	Generally has a cultural meaning such as 'Sorry Business' (mourning period) or "Men's/Women's Business (secret ceremony)
<b>Camp</b>	Home, person's house
<b>Country</b>	The place in which a person was born/comes from
<b>Deadly</b>	Excellent, really good, impressive
<b>Gammon</b>	Joking, pretending
<b>Gubba</b>	White person/government
<b>Lingo</b>	Language
<b>Mob</b>	"My people" family/extended family/language
<b>Moom</b>	Bottom
<b>Shame</b>	Embarrassed/humiliated
<b>Sis/Bruz</b>	The use of the terms 'uncle', 'aunty', 'sis' (sister), 'bruz' (brother), 'cuz' (cousin) have wide and varied meanings for Aboriginal and Torres Strait Islander communities across Australia. These terms are generally used as a mark of respect, or as a term of endearment. They do not necessarily mean the person referred to is literally a brother etc.
<b>True</b>	Is that right? Really?
<b>Unna</b>	Isn't it?
<b>Yarn</b>	Talk, friendly chat <sup>27</sup>



## Tip Sheet 7: Step-by-Step Guide

### STAGE 1

#### IDENTIFY KEY STAKEHOLDERS

- ✓ Who are the Aboriginal people you wish to consult?
- ✓ Who are the appropriate organisations to contact and how?
- ✓ Are they part of a formal elected group and can they make decisions or do they need to go back to their organisation and consult?
- ✓ Are all the leadership groups and significant people going to be represented and consulted?

### STAGE 2

#### GATHER AND REVIEW RELEVANT INFORMATION

- ✓ Check if you can share information with the organisation, are they a prescribed body?
- ✓ Get information on the ways the community organises formal discussions.
- ✓ Meeting invites should be done by phone and followed up with a written invitation. A call back the day before the meeting is a good idea to confirm attendance and check if there are any issues.
- ✓ Get an understanding of community dynamics and the important issues for the community.

### STAGE 3

#### PREPARE THE CONSULTATION AGENDA

- ✓ Ensure all interested parties have access.
- ✓ Provide opportunities for all parties to have input.
- ✓ Send the agenda out in advance.
- ✓ Check meeting protocols.

### STAGE 4

#### THE CONSULTATION

- ✓ Welcome to or acknowledgement of country.
- ✓ Clarify procedural rules – roles and responsibilities.
- ✓ Be open about the purpose of the consultation.
- ✓ Negotiate use of information.
- ✓ Ask for any conflict of interest to be declared.
- ✓ Discuss confidentiality and privacy uses.
- ✓ Proceed at a pace set by the group and allow sufficient time for all views to be heard.
- ✓ Be open, honest and sincere.
- ✓ Understand that Aboriginal views on a particular subject may be different to your own views. Have an open mind.
- ✓ Be aware that Aboriginal communities generally operate on consensus, so consultations may go longer than expected.
- ✓ Don't assume silence to mean agreement.
- ✓ Avoid leading questions. In many interactions Aboriginal people may not express a firm opinion until they gauge others views, then express their own.

### STAGE 5

#### ENDING THE CONSULTATION

- ✓ Wrap up meeting and discuss the outcomes/findings/issues.
- ✓ Advise of what the next steps will be and how their input will be used.
- ✓ Advise/decide future engagement.
- ✓ Write and thank participants and keep in contact!
- ✓ If there is any follow up to do, ensure all participants are clear about who is doing the follow up