

# Child Safety POLICY

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**Title:** Aboriginal and Torres Strait Islander peoples' participation in decisions about the development and delivery of services

**Policy No:** 650-1

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## Policy Statement:

The Department of Children, Youth Justice and Multicultural Affairs (Child Safety) recognises the importance of delivering services that are safe, accessible and culturally sensitive for the needs of Aboriginal and Torres Strait Islander peoples.

Child Safety is committed to upholding Aboriginal and Torres Strait Islander peoples' right to participate in decisions Child Safety makes about the development and delivery of services that support Aboriginal and Torres Strait Islander families and/or services provided to support the safety, belonging and wellbeing of Aboriginal and Torres Strait Islander children (*Child Protection Act 1999* (the Act), section 5C(2)).

Child Safety is also committed to upholding the right of Aboriginal and Torres Strait Islander peoples to self-determination.

Facilitating and supporting participation to ensure Aboriginal and Torres Strait Islander peoples' voices are heard in decision making is an ongoing process which includes consultation and broader strategies.

Consultation is an important tool that can be used to facilitate participation. However, Child Safety will ensure participation is also facilitated by including views that are voiced by Aboriginal and Torres Strait Islander people and organisations in other ways. This will include listening to the voices of Aboriginal and Torres Strait Islander peoples expressed in previous engagement processes, published reports, research articles, service and program reviews, forums, stakeholder and community meetings, client feedback and complaints and other processes where it is relevant, practical and appropriate in the circumstances.

The privacy of individuals whose express views or participate in decision making will be protected.

In circumstances where it is not possible to initially undertake formal consultation about proposed service design or delivery due to confidentiality or other constraints, views voiced by Aboriginal and Torres Strait Islander people and organisations in other ways will be considered in decision making. Direct consultation, if required, will subsequently be undertaken at the earliest possible opportunity.

Child Safety is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, Child Safety has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. Child Safety recognises and respects the distinct cultural rights of Aboriginal and Torres Strait Islander people.

### Principles:

- Culture underpins and is integral to the safety and wellbeing of Aboriginal and Torres Strait Islander children.
- Aboriginal and Torres Strait Islander people have the right to self-determination (section 5C(1)(a) of the Act).
- Services provided for Aboriginal and Torres Strait Islander families and children will be more culturally responsive if Aboriginal and Torres Strait Islander peoples participate in decisions about their development and delivery.
- Aboriginal and Torres Strait Islander peoples' participation in decisions about the proposed design and/or delivery of services will be facilitated in a respectful, inclusive, safe and accessible way and undertaken in a space where Aboriginal and Torres Strait Islander peoples feel comfortable to share their views.
- The safety, wellbeing and best interests of a child, both throughout childhood and the rest of the child's life, are paramount.
- Child Safety staff will act and make decisions in a way that is compatible with human rights and obligations under the *Human Rights Act 2019*.
- Active efforts must be made to apply the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle (section 5F(2) of the Act), when making a significant decision in relation to an Aboriginal or Torres Strait Islander child.

### Objectives:

This policy aims to ensure that:

- Aboriginal and Torres Strait Islander peoples' right to participate in decisions about the development and delivery of services that support Aboriginal and Torres Strait Islander families and children is upheld (section 5C(2) of the Act).
- The design and delivery of services Child Safety provides for Aboriginal and Torres Strait Islander children and families are culturally responsive and positively contribute to reducing the over-representation of Aboriginal and Torres Strait Islander children in the child protection system.

### Scope:

This policy refers to the development and delivery of services, provided by Child Safety, that support Aboriginal or Torres Strait Islander families or provide for the care or protection of Aboriginal or Torres Strait Islander children.

## **Roles and Responsibilities:**

### *Senior executives in each region or directorate*

- Senior executives in each region or directorate will ensure Aboriginal and Torres Strait Islander peoples' right to participation in decisions about the proposed design or delivery of a service that supports Aboriginal and Torres Strait Islander families or children is upheld.
- Prior to approving a proposal, senior executives will ensure proposed service design and delivery are consistent with, or address views or issues raised by, Aboriginal and Torres Strait Islander peoples.
- When seeking the Director-General's approval for the proposed design or delivery of a service for Aboriginal and Torres Strait Islander families or children, the relevant senior executive will provide the Director-General with advice about Aboriginal and Torres Strait Islander peoples' participation in decisions, for consideration.

### *All staff*

- All Child Safety staff will genuinely and respectfully engage, collaborate and partner with Aboriginal and Torres Strait Islander peoples, organisations and communities to facilitate their participation in decisions when designing, developing and delivering services.

## **Authority:**

*Child Protection Act 1999*

Child Protection Regulation 2011

## **Delegations:**

Refer to instruments of delegation for information on delegations for decision-making under the Act.

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**Records File No.:** Not applicable

**Date of approval:** 21 May 2023

**Date of operation:** 21 May 2023

**Date to be reviewed:** 21 May 2026

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**Office:**

**Contact:**

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**Links:**

**Procedures**

Child Safety Practice Manual

**Related policies**

Decisions about Aboriginal and Torres Strait Islander children (641)

Delegating authority for Aboriginal and Torres Strait Islander children (647)

**Related legislation or standard**

*Human Rights Act 2019*

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Deidre Mulkerin

Director-General