

The Aboriginal and Torres Strait Islander Child Placement Principle

The Aboriginal and Torres Strait Islander Child Placement Principle grew from a grassroots community movement initiated by Aboriginal and Islander Child Care Agencies (AICCAs)¹ during the 1970s. AICCAs strongly advocated for the best interests of Aboriginal and Torres Strait Islander children, and aimed to abolish the harsh practices and policies of forced removal. Inspired by the success of the *Indian Child Welfare Act 1978* for Native American Indians in the United States during this period, the Aboriginal and Torres Strait Islander Child Placement Principle similarly sought to establish distinct national child welfare legislation and policy focused on reducing rates of child removal, and enhancing and preserving children's connections to family and community as well as their sense of cultural identity (Tilbury, Burton, Sydenham, Boss, & Louw, 2013). Over time, the Principle has been introduced into legislation and policy across all Australian states and territories.

The fundamental goal of the Principle is to enhance and preserve Aboriginal children's connection to family and community and sense of identity and culture. In child protection legislation, policy and practice, the Principle has often been conceptualised as a placement hierarchy "guide" for Aboriginal children who are not able to remain in the care of their parents. In general, placement priorities in descending order start with:

- within family and kinship networks;
- non-related carers in the child's community; then
- carers in another Aboriginal community.

If no other suitable placement with Aboriginal carers can be sought, children are placed with non-Indigenous carers as a last resort, provided they are able to maintain the child's connections to their family, community and cultural identity. However this demonstrates a limited understanding and only partial application of the Principle across Australia.

As Tilbury et al. (2013, p. 7) explained, there is:

a misperception that the Principle is only about a placement hierarchy for out of home care, the [Principle], however is not just about where or with whom an Aboriginal child is placed. Placement in out of home care is one of a range of interventions to protect an Aboriginal or Torres Strait Islander child at risk of harm. The history and intention of

the Child Placement Principle is about keeping Aboriginal and Torres Strait islander children connected to their family, community, culture and country.

Furthermore, fundamental to the Principle is the recognition that Aboriginal and Torres Strait Islander people have the knowledge and experience to make the best decisions concerning their children (Tilbury et al., 2013):

Our families are essential to our children's experience of, and connection with, their culture and thus their healing. Aboriginal and Torres Strait Islander people learn and experience our culture and spirituality through our families: whether through our knowledge, stories, and songs from parents, grandparents, Elders, and uncles and aunts, and through everyday lived experience of shared values, meaning, language, custom, behaviour and ceremonies. (Williams in SNAICC, 2012, p. 8)

The Secretariat for National Aboriginal and Islander Child Care (SNAICC), Australia's peak body in Aboriginal and Torres Strait Islander child care, suggests that the aims of the Principle must be conceptualised in broad terms; that is to:

1. recognise and protect the rights of Aboriginal and Torres Strait Islander children, family members and communities in child welfare matters;
2. increase the level of self-determination for Aboriginal and Torres Strait Islander people in child welfare matters; and
3. reduce the disproportionate representation of Aboriginal and Torres Strait Islander children in the child protection system (Tilbury et al., 2013).

From these three broad aims, five inter-related elements of the Principle flow: *prevention, partnership, placement, participation and connection* (see [Table 1](#); Tilbury et al., 2013). The child placement hierarchy is only one of these elements.

Table 1: Core elements of the Aboriginal and Torres Strait Islander Child Placement Principle

	Element	Description
1	Prevention	

Source: Tilbury et al., 2013, p. 7.

Element	Description
	Each Aboriginal and Torres Strait Islander child has the right to be brought up within their own family and community.
2	<p>Partnership</p> <p>The participation of Aboriginal and Torres Strait Islander community representatives, external to the statutory agency, is required in all child protection decision-making, including intake, assessment, intervention, placement and care, and judicial decision-making processes.</p>
3	<p>Placement</p> <p>Placement of an Aboriginal or Torres Strait Islander child in out-of-home care is prioritised in the following way:</p> <ol style="list-style-type: none"> 1. with Aboriginal or Torres Strait Islander relatives or extended family members, or other relatives or extended family members; or 2. with Aboriginal or Torres Strait Islander members of the child's community; or 3. with Aboriginal or Torres Strait Islander family-based carers. <p>If the preferred options are not available, as a last resort the child may be placed with</p> <ol style="list-style-type: none"> 4. a non-Indigenous carer or in a residential setting. <p>If the child is not placed with their extended Aboriginal or Torres Strait Islander family, the placement must be within close geographic proximity to the child's family.</p>
4	<p>Participation</p> <p>Aboriginal and Torres Strait Islander children, parents and family members are entitled to participate in all child protection decisions</p>

Source: Tilbury et al., 2013, p. 7.

Element	Description
	affecting them regarding intervention, placement and care, including judicial decisions.
5 Connection	Aboriginal and Torres Strait Islander children in out-of-home care are supported to maintain connection to their family, community and culture, especially children placed with non-Indigenous carers.
Source: Tilbury et al., 2013, p. 7.	

¹ While specific roles of AICCAs vary from jurisdiction to jurisdiction, AICCAs generally provide support to families including family support and family preservation services which aim to keep families together and prevent child removal, advocacy for children and families, as well as keeping children connected to family and culture if they are to be removed (SNAICC, 2005).
