

|  |
| --- |
| Aboriginal Children in Aboriginal Care and Community Protecting Boorais |
| Frequently asked questions |
|  |

# About the programs

### Aboriginal Children in Aboriginal Care

Under section 18 of the *[Children, Youth and Families Act (CYFA) 2005](http://classic.austlii.edu.au/au/legis/vic/consol_act/cyafa2005252/s18.html)* <http://classic.austlii.edu.au/au/legis/vic/consol\_act/cyafa2005252/s18.html> the Aboriginal Children in Aboriginal Care (ACAC) program gives authorised Aboriginal Community-Controlled Organisations (ACCOs) legal responsibility for Aboriginal children or young people who have been placed on a Children’s Court protection order.

Under this program, an authorised ACCO will actively work with the child’s family, community, and other professionals to develop a case plan to address protective concerns and achieve long-term objectives in a way that is culturally appropriate and in the best interests of the child.

### Community Protecting Boorais

In June 2023, the *Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Act 2023* passed Parliament.

The passing of the Act enables the Community Protecting Boorais program to progress by broadening the authorisation under Section 18 of the CYFA. This allows designated ACCOs to assume legal responsibility for the investigation of reports made to child protection for Aboriginal children.

This change enables authorised ACCOs to become involved with Aboriginal children and families earlier with the aim of diverting them from the child protection system.

Bendigo District Aboriginal Cooperative (BDAC) and Victorian Aboriginal Child Care Agency (VACCA) are the ACCOs delivering this program, starting in October 2023.

## Why are these programs needed?

Aboriginal children and families are overrepresented in the child protection and out of home care systems. The ACAC and Community Protecting Boorais programs are key initiatives delivered by ACCOs with a strong cultural practice approach to reduce this overrepresentation. The department recognises that ACCOs are best placed to step in, support and partner with Aboriginal children, families, and communities to understand their story and increase safety for Aboriginal children.

These programs use Aboriginal-led approaches in strengthening families and promoting safety and wellbeing. They promote Aboriginal children’s cultural identity and their connection to family, community, and culture which is fundamental to supporting the safety and identity of Aboriginal children.

ACCOs have developed their own practice approach designed to ensure Aboriginal families are engaged in a way that is culturally appropriate and feels safe.

We know from the evaluation of the ACAC program, when ACCOs hold decision making responsibilities for their own community, children and families better engage, and feel stronger in culture. ACCOs have been able to achieve high rates of Aboriginal children returning home to their families. They have also kept children connected to their culture and demonstrated an increase in parental involvement in decision making.

## Which ACCOs deliver the ACAC and Community Protecting Boorais programs?

### Victorian Aboriginal Child Care Agency (VACCA)

The VACCA Nugelprogram will continue to deliver the ACAC program and will commence Community Protecting Boorais. VACCA will continue to work with children and families subject to a protection order – with the aim of reunification where possible. With the establishment of Community Protecting Boorais, VACCA will begin to respond to child protection reports involving Aboriginal children and young people.

The Nugel ACAC program currently operates in the DFFH areas of Hume Merri-bek, North East Melbourne and Inner Gippsland. Further expansion is expected in 2024.

The Nugel Community Protecting Boorais program will respond to child protection reports involving Aboriginal children who reside in the North East Melbourne Area and the Hume Merri-bek Area.

### Bendigo and District Aboriginal Cooperative (BDAC)

The BDAC ACAC program is the Mutjang bupuwingarrak mukmanprogram and the BDAC Community Protecting Boorais program is the Wartaka program.

The BDAC Mutjang bupuwingarrak mukmanprogram will continue to deliver the ACAC program and will commence Community Protecting Boorais with their Wartaka program. BDAC will continue to work with children and families subject to a protection order – with the aim of reunification where possible. With the establishment of Community Protecting Boorais, BDAC will begin to respond to child protection reports involving Aboriginal children and young people.

The BDAC Mutjang bupuwingarrak mukman program currently operates in parts of Dja Dja Wurrung country, within the Loddon Area. The BDAC Wartaka program will respond to child protection reports involving Aboriginal children who reside in these same areas.

### Ballarat and District Aboriginal Cooperative (BADAC)

The BADAC ACAC program is the Gobata Burron program. Gobata Burron is currently in a pre-authorisation stage of the program. It is expected to become fully authorised in late 2023. Gobata Burron will deliver the ACAC program in the Central Highlands Area for children on a protection order, they will not be undertaking the Community Protecting Boorais program, at this time.

### Other

Njernda Aboriginal Cooperative Wala Yarka Program and Rumbalara Aboriginal Cooperative Galyna Yarka Program are currently operating in the pre-authorisation stage of the ACAC program. Further information will be communicated about ACCOs progressing to authorisation.

## How does an ACCO become authorised to deliver ACAC?

For ACAC, as set out in section 18 of the CYFA, the Secretary of the Department of Families, Fairness and Housing (the department) can authorise an ACCO’s Chief Executive Officer to assume specific functions and powers in relation to a Children’s Court protection order for an Aboriginal child or young person.

For Community Protecting Boorais, this extends to functions and powers relating to investigating a report made to child protection.

This means that once a decision to investigate a report has been made by child protection, or a protection order for an Aboriginal child or young person has been made by the Children’s Court, an approved ACCO may be authorised to take on all authorised statutory responsibility and decision making for the child’s case management and case plan.

### What do ACCOs need to do?

To become fully authorised, an ACCO will need to complete a period of pre-authorisation for a minimum of 12 months.

This period of pre-authorisation includes meeting certain program requirements that will allow ACCOs to administer child protection orders. While the program requirements will include legislative and policy conditions, authorised ACCOs will develop their own Aboriginal practice approach in line with the ACAC program. This approach allows ACCOs to connect Aboriginal children and families to culture, where there has been a disconnection, and to make decisions about the child in line with self-determination and from a cultural lens. Part of this approach is to develop and use language to promote change; both within the family and the broader service system.

The program requirements are co-designed by ACCOs, the department and the Commissioner for Aboriginal Children and Young People. A dedicated team in the department works with ACCOs to assist in the implementation of the Aboriginal Children in Aboriginal Care program.

### What are the key responsibilities for the ACAC program?

If the Children’s Court makes a protection order in respect to an Aboriginal child, an authorised ACCO may take on the responsibility of developing and implementing the child’s case plan.

The ACCO will be responsible for managing the child’s protection order and any court ordered conditions.   
They will also oversee all day-to-day decision making for the child and be responsible for their safety.

### What are the key responsibilities for the Community Protecting Boorais program?

The Community Protecting Boorais program will be responsible for stepping in with families where a report is made to child protection, which requires an investigation. Community Protecting Boorais will work alongside the child, young person and family with key stakeholders, such as police, schools, health and support services to understand the family’s story and determine if a child is in need of protection.

The Community Protecting Boorais program is authorised to issue a Protection Application, if they assess that a child is in need of protection.

## What is the role of stakeholders in working with ACAC and Community Protecting Boorais?

As a stakeholder working alongside an Aboriginal child and their family authorised to an ACAC or Community Protecting Boorais program, you will interact with ACAC and Community Protecting Boorais staff in the same way as you would with child protection. This includes engaging in a care team, sharing information and working to support the child and family.

### Police and Community Protecting Boorais

With the broadening of authorisations under Section 18 of the CYFA, designated ACCOs can now assume legal responsibility for the investigation of reports made to child protection for Aboriginal children. Police may be required to undertake joint investigations with Community Protecting Boorais programs. This work should be undertaken as it would with child protection.

## Do families have a say about being referred to the Aboriginal Children in Aboriginal Care program?

### ACAC

For children who are eligible for ACAC and who are authorised under section 18 (1)(a),(c) or (d) of the CYFA, the department and ACCO will need to consider any views held by the child and the child’s parents about the child’s participation in the ACAC program. The decision to authorise a child to be part of the program will be based on what is in the best interests of the child.

### Community Protecting Boorais

The Community Protecting Boorais program authorises a child under section 18 (1)(b) of the CYFA. This section does not require the department and ACCO to consider the views and wishes of the child and child’s parents. This will enable the Community Protecting Boorais program to engage with Aboriginal children and families in a timely manner to ensure safety and determine what supports or action may be needed.

## What if the child has a non-Aboriginal sibling?

### ACAC

Under section 18 of the CYFA, non-Aboriginal siblings who are subject to a protection order can be authorised. However, the ACCO will lead the decision on whether to manage the case of a non-Aboriginal sibling. These decisions will be based on the best interests of the child and in most cases, this will involve the ACCO managing the whole sibling group.

### Community Protecting Boorais

Currently, only Aboriginal children are in scope for the Community Protecting Boorais program. This may change in the future and will be communicated.

## What happens if the child’s case plan changes?

There may be times where circumstances change for an Aboriginal child and a new case plan or legal action is required. The authorised ACCO can respond as required to these changes. If a new placement for the child is required, authorised ACCOs will continue to provide children and families with case planning and case management services.

## Why is the Chief Executive Officer of an ACCO directly responsible for Aboriginal children on a protection order?

In the same way that the Secretary of the department is responsible for the management of protection orders, once a child has been authorised to an ACCO, the Chief Executive Officer will be responsible for the management of the child’s protection order. Under the CYFA, the Chief Executive Officer should be an Aboriginal person and they must provide agreement in writing to the authorisation.

The Chief Executive Officer can delegate the functions and powers authorised under section 18 of the CYFA to other employees within the ACCO.

Like the department, the ACCO must demonstrate it has the systems and procedures in place to be able to deliver the program.

## What is the difference between ACAC and case contracting?

ACAC and Community Protecting Boorais have full decision-making responsibility for authorised children, and child protection are no longer involved.

For children contracted to an ACCO or Community Service Organisation, child protection retains case planning delegation, while the contracted agency has day to day case management.

## More Information

If you would like more information about the Aboriginal Children in Aboriginal Care or the Community Protecting Boorais program, please email: aboriginalinitiatives@dffh.vic.gov.au.

|  |
| --- |
| To receive this document in another format, phone 9096 7899, using the National Relay Service 13 36 77 if required, or email aboriginalinitiatives@dffh.vic.gov.au.  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Australia, Department of Families, Fairness and Housing, October 2023.  Except where otherwise indicated, the images in this document show models and illustrative settings only, and do not necessarily depict actual services, facilities, or recipients of services. This document may contain images of deceased Aboriginal and Torres Strait Islander peoples.  In this document, ‘Aboriginal’ refers to both Aboriginal and Torres Strait Islander people. ‘Indigenous’ or ‘Koori/Koorie’ is retained when part of the title of a report, program or quotation.  **ISBN** 978-1-76130-226-8 **(pdf/online/MS word)**) or **ISBN** 978-1-76130-225-1 **(Print)**  Available at the [Aboriginal Children in Aboriginal Care](https://services.dffh.vic.gov.au/aboriginal-children-aboriginal-care) webpage <https://services.dffh.vic.gov.au/aboriginal-children-aboriginal-care>  Printed by Department of Families, Fairness and Housing. |