

A Step Closer to Realising Aboriginal Guardianship for Aboriginal Children in Out Of Home Care in Victoria

In mid-March of this year the Minister for Children and Families, Jenny Mikakos, in partnership with The Victorian Aboriginal Child Care Agency (VACCA) released an evaluation of a two year pilot program that trialled “Aboriginal Guardianship” for Aboriginal children in out of home care. The pilot was the first of its kind in Australia, representing a leap forward in child protection practise. The positive outcome of the pilot provides new benchmarks on the need for self determination to move from legislative aspiration towards an active, operational central pillar of Aboriginal policy.

Self determination was conceptually introduced into the Victorian Children, Youth and Families Act in 2005 via Section 18. It allowed a Secretary to “authorise the principal officer of an Aboriginal agency to perform specified functions and exercise specified powers in relation to a protection order in respect of an Aboriginal child”. Colloquially known as “Aboriginal Guardianship”, this ostensibly allowed for Aboriginal people to look after their own.

However, there were two critical difficulties relating to the practical efficacy and legal provisions of the legislation that rendered it essentially inoperable, VACCA was extremely disappointed with the slow progress of Section 18 being able to come into effect. As the legislative mechanisms ground to a halt, numbers of Aboriginal children placed in out of home care continued to rise.

Following continued advocacy, the realisation of Section 18 gained some vigour, and VACCA operated the Section 18 pilot project from 2013 to 2015, allowing for an Aboriginal controlled organisation to have a pivotal role in assessing children’s safety, stability and development through the specificity of their cultural lens.

While the project worked with a small number of Aboriginal children, the results were highly encouraging. Despite most children being in care for very long periods – most for more than eight years – almost half went ‘home’ from residential or foster care to their parents or extended family members. These are children who were considered to have limited prospects of returning home.

“The most significant learning of this pilot is that through the development of strong and positive relationships with a competent, professional Aboriginal organisation, Aboriginal families who have previously been ‘written off’ have been supported to enable their children to safely return to their care and their communities. Aboriginal community controlled agencies have the intrinsic cultural knowledge to deliver holistic, targeted services” said Prof Muriel Bamblett, VACCA CEO.

VACCA supports the priority given by the Andrew’s Government on the needs of Aboriginal children, and strongly advocates for the full implementation of Section 18 in the upcoming May budget. The legacy of past policies and state interventions in Aboriginal families’ lives underscores the need for an exceptional approach to reducing the number of Aboriginal children in out of home care.

“On the annual Close the Gap day, it’s important that we continue to highlight areas where habitual racism has seeped into service delivery, because the outcome is simply more ineffective policy. Although it’s taken some time, making Section 18 functional highlights the exact process that can redress structural racism – government working with Aboriginal controlled agencies to facilitate the structural implementation of self determination within legislation. This is precisely what we mean as Aboriginal people when we talk about self determination – access to decision making, access to being effective agents of change for our Aboriginal communities” said Prof Muriel Bamblett.

Media contact: [Download the full section 18 evaluation here](#). To coordinate an interview with VACCA CEO, Professor Muriel Bamblett AM, contact Janelle Johnstone on: 0431 901 706 / janellej@vacca.org.
