

First Peoples Child & Family Review

An Interdisciplinary Journal Honouring the Voices, Perspectives, and Knowledges of First Peoples

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Volume 18, Number 1, 2023

URI: <https://id.erudit.org/iderudit/1109653ar>

DOI: <https://doi.org/10.7202/1109653ar>

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Publisher(s)

First Nations Child and Family Caring Society of Canada

ISSN

1708-489X (print)

2293-6610 (digital)

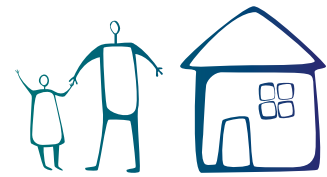
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Cite this article

Swan, D. & Swan, J. (2023). Demanding Change of Colonial Child Protection Systems Through Good Trouble: A Community-Based Commentary of Resistance and Advocacy. *First Peoples Child & Family Review*, 18(1), 28–33. <https://doi.org/10.7202/1109653ar>

Article abstract

Aboriginal and Torres Strait Islander communities, led particularly by Grandmothers and Aunties, have persistently challenged statutory child protection systems and the harms they inflict on our children, families, and communities. Reflecting on our own experiences advocating for Aboriginal families and communities at the practice and systems level, this paper explores a reflective commentary approach concerning opportunities and challenges of community-based advocacy toward substantive sustained change. We note how the voices, experiences, and expertise of Aboriginal and Torres Strait Islander people continue to be marginalised or ignored by non-Indigenous authorities, colonial systems, and practice. Despite the apologies and promises of successive governments, contemporary systems continue to reflect “past” approaches. In this context, we honour the strong women who have, and continue, to stand up for their children, families, and communities, further rallying for ongoing resistance and reform.



Demanding Change of Colonial Child Protection Systems Through Good Trouble: A Community-Based Commentary of Resistance and Advocacy

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Abstract

Aboriginal and Torres Strait Islander communities, led particularly by Grandmothers and Aunties, have persistently challenged statutory child protection systems and the harms they inflict on our children, families, and communities. Reflecting on our own experiences advocating for Aboriginal families and communities at the practice and systems level, this paper explores a reflective commentary approach concerning opportunities and challenges of community-based advocacy toward substantive sustained change. We note how the voices, experiences, and expertise of Aboriginal and Torres Strait Islander people continue to be marginalised or ignored by non-Indigenous authorities, colonial systems, and practice. Despite the apologies and promises of successive governments, contemporary systems continue to reflect “past” approaches. In this context, we honour the strong women who have, and continue, to stand up for their children, families, and communities, further rallying for ongoing resistance and reform.

Keywords: First Nations, child protection, self-determination, advocacy, systemic change

Introduction

The statutory child protection system continues to disproportionately target Aboriginal and Torres Strait Islander families, compounding past harms in Australia. While such systems present themselves as making informed decisions based on the expertise of social workers and other professionals in the best interests of children, outcomes for Aboriginal and Torres Strait Islander children remain poor (Tune, 2018). Aboriginal and Torres Strait Islander people continue to challenge these systems in efforts to safeguard the rights and interests of their children.

Grandmother groups have held an important leadership role in local and systems advocacy, reflecting their cultural role within their families and communities. This paper outlines some of our insights arising from our experience advocating on behalf of Aboriginal families and communities, challenging child protection systems' perspectives about the needs of our children and families.

Making Good Trouble

“Do not get lost in a sea of despair. Be hopeful, be optimistic. Our struggle is not the struggle of a day, a week, a month, or a year, it is the struggle of a lifetime. Never, ever be afraid to make some noise and get in good trouble, necessary trouble.”

—(Lewis, 2018)

Unfair and harmful statutory interventions have been imposed by settler colonial governments in Australia on the lives of Aboriginal children and families for generations. The intergenerational impacts of these traumas play a significant role in the experiences of Aboriginal families today, with serious implications for their wellbeing, and for the wellbeing of subsequent generations. However, we want to draw close attention to inquiries calling for major structural change; change that Megan Davis (2019) confronts. The recent *Family is Culture* review, conducted in part due to sustained advocacy from Aboriginal communities and particularly Grandmothers, including us, outlined the “well-trodden reform landscape... littered with comprehensive and often unimplemented recommendations for reform” (Davis, 2019, p. 9). In particular, and despite being over 20 years old, the landmark report *Bringing Them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* created by the Human Rights and Equal Opportunity Commission (HREOC, 1997), remains a critical touchstone for child protection reform in Australia and is central to our ongoing advocacy. While numerous state and national inquiries and reviews have explored similar themes in the years since, the consistency of the findings serve to reiterate the lack of progress by governments and system administrators in responding to the needs of Aboriginal and Torres Strait Islander families.

This adds to the anger and frustration of Aboriginal communities where it joins with entrenched and rational fears of child welfare intervention. These issues compound to reduce the likelihood that Aboriginal families will seek help when it is needed, engage with services when they are offered, or develop necessary helpful relationships with statutory agencies when interventions begin. The added trauma from unfair processes that families are subjected to, including their experience of arbitrary decision making and removals, further compounds the reluctance of families to seek help when it is needed. Davis' (2019) *Family is Culture* review outlined numerous examples of inadequate practice in their comprehensive file review.

As found in *Family is Culture*, there are unnecessary examples of unnecessary separations, often in the context of failure to provide basic supports, family members being overlooked as placement options, and failure to consider or work towards restoration of children to their family (Davis,

2019). Broader family and community networks of support are not effectively engaged and utilised to prevent removal or enable children to go home in a safe and timely way. Such love and support could warmly embrace children and families during periods of crisis. Far from promoting healing, contemporary systems continue to compound trauma experienced by our families and communities, sapping away their energy and hope for the future. The tunnel created by contemporary child protection systems is so long and so dark that many begin to doubt there is light at the other end.

Our communities have continued to resist by raising our voices to challenge these oppressive systems. We have worked both within and outside of these systems – toward change. Change stirred from public action – marching in the streets, picketing the offices of child protection authorities, and calling out ministers and executives – as well as direct engagement – attending meetings with families, advocating directly on their behalf, and participating in reviews and working groups. At the same time, we have continued working with and supporting Aboriginal communities to engage locally, *good trouble*. But this has been a long and exhausting struggle; the struggle of a lifetime. This ongoing struggle has placed considerable strain on Grandmothers and Aunties, many of whom have their own long histories working against these oppressive systems and policies and who may be re-traumatised in standing against such systems again.

While our efforts initially targeted the statutory child protection agency directly, this has since broadened across systems, seeking strategic opportunities to make change. It was the advocacy and activism of Grandmothers that finally forced the government to commission the Aboriginal-led review, *Family is Culture* (Davis, 2019). This review laid bare the “ritualism” of contemporary systems and their continuity with oppressive past policies and practices of forced removal, and the adverse experiences of too many Aboriginal children, families, and communities. More recently, attention has similarly turned to court systems, who must take a stronger stance to hold statutory agencies to account for their practices and the decisions that they impose on Aboriginal and Torres Strait Islander children and families (Davis, 2019; Libesman et al., in press). We have similarly challenged services that work with Aboriginal children, parents, and families to do better to support and advocate for our families as well as contribute to necessary systems change to improve outcomes for Aboriginal children and families. Central to this advocacy is the importance of recognising the knowledge and expertise of our families and communities by addressing the challenges they face.

What contemporary systems need to hear

Too often, the voices and expertise of Aboriginal and Torres Strait Islander people are marginalised by colonial systems where authority for decision making is positioned outside of our communities. Like the policies and approaches that statutory child protection agencies and governments have apologised for, contemporary systems continue to impose non-Indigenous decision making based on non-Indigenous perspectives. This ignores the mountains of evidence about the harms of this approach. In our public activism, Grandmothers and Aunties have repeatedly insisted that “sorry”

means “you don’t do it again.” Yet governments seem insistent that persisting with broken systems grounded on faulty assumptions will eventually, and perhaps even miraculously, start to achieve the radically different outcomes for Aboriginal children and families.

Our communities have continued to call out contemporary child protection systems as fundamentally broken and biased, pointing to spiralling cycles of intervention as well as increased risk of interactions with criminal justice systems. Communities have continued to push for genuine recognition of our right to self-determination and the transformational potential of this recognition for child protection systems and practices. The importance of this principle has been a cornerstone of every review over more than 20 years, including the recent *Family is Culture* (Davis, 2019) review. The review described recognition of self-determination as one of two foundational reforms with the most potential for addressing the over-representation of Aboriginal children and families in the child protection system (Davis, 2019).

However, governments continue to drag their feet when it comes to understanding and enshrining this right to self-determination in child protection systems. In the meantime, our children and families need our support to stand against these inadequate systems and hold them to account in the ways we can. Our children and families cannot wait for them. Working alongside families, we have challenged child protection practices in agencies and through court processes, focusing on bringing the expertise of our families and communities to the forefront of child protection decision making.

We have endeavoured to educate systems on the importance of cultural identity and connection to Country for the lifelong wellbeing of our children. We have emphasised that connection to culture is more than knowledge about our people, but a deep sense of self and belonging that comes from immersion in a community that claims you and shares values, stories, and history. This immersion celebrates community-based ways of being and seeing in the world and of knowing your place within it. It is this deep sense of connectedness that has been targeted by colonialism and continues to be undervalued and undermined in contemporary systems, despite government rhetoric to the contrary.

Aboriginal families and communities must drive decision making about our children. Aboriginal families, and particularly Grandmothers and Aunties, hold authority in our community for the wellbeing of our children. However, they are too often marginalised or excluded from decision making processes, and particularly court processes, which hold to Western perceptions of the nuclear family as the basis for engagement. Extensive engagement with family networks is critical for Aboriginal families, however this must be carefully supported to ensure families are safe in engaging with oppressive systems, and that their voices are heard and respected.

Aboriginal community-controlled organisations have a role to play in elevating family voices, maintaining and strengthening connections, and reconnecting children and families to community and culture. Aboriginal community-controlled organisations often have extensive knowledge of the families in their communities, their stories, and their relationships across place and time

(Commission for Children and Young People, 2016; Hermeston, 2021; Krakouer et al., 2018). Through these networks, family members can be found and mobilised to support children and families. The networks also serve to share knowledge, provide culturally-grounded services and supports, and contribute to that sense of belonging that we all need.

At the same time, we challenge the theory and evidence constantly used to justify our dispossession and disconnection. Western conceptualisations of family and attachment, and the devaluing of culture and connectedness, continue to take centre stage in decision making processes. These constructs only tell part of the story and are biased against our collected knowledge caring for children and Country for thousands of generations. Western constructs fail to recognise that “attachment” extends beyond “primary” caregivers, and includes relationships to not only family, but kin, community, and Country. Further, these broader relationships and mutual obligations and responsibilities all contribute to the sense of security and belonging that is presented as a focus of child protection systems. By challenging these assumptions, our advocacy seeks to address the subtle and often unconscious or unstated beliefs about children and families, their relationships, and their role in our society, which unfairly bias these systems against us. However the impact of these biases is clear through the evidence of their disproportionate and debilitating impact on our children, families, and communities.

Our engagement with these systems is not intended to “redeem” them, validate them, or to become complicit in their oppression of our communities in any way. Rather our engagement reflects our commitment to every child, even as we continue our struggle against these systems that have and continue to inflict such profound harm. Deprived of these connections that ground them and make them strong, our children suffer. Deprived of their children, who connect them and give meaning and purpose, families and communities suffer. This is a fundamental truth of these colonial systems, and we ought to be elevating our voices within and outside of them. We cannot let history repeat itself and passively perpetuate disconnection. We, therefore, challenge the terrible inevitability of repetition, not just by calling for things to be different, but seeking to demonstrate in the ways that we can, how things might be different, and the difference this makes for children and young people.

Conclusion

Despite the apologies and promises of governments, contemporary child protection systems share many features with their predecessors that devastated our families and communities with the forced removal of our children. The impact of that disconnection continues to be felt by many in our communities. Worse still, this dispossession and disconnection is exacerbated by the ongoing imposition of those colonial systems. Systems that we know do not, and perhaps cannot, truly safeguard the best interests of Aboriginal and Torres Strait Islander children. Our communities continue to resist, with Grandmothers and Aunties leading the way, who are committed to our children. We honour those strong women who stand for their communities, and all those who stand

with them in calling for change in these systems and practice; to centre Aboriginal perspectives and expertise in decision making and recognise the inherent authority of our communities to raise our children and shape our futures. In the face of ongoing oppression and injustice of colonial systems obstinate to change, we continue to organise, to support, to advocate, and to resist. Achieving the necessary changes demands the sustained effort of our communities and allies, working both within and outside systems, to fundamentally reform them, rather than accept passive commitments to change. It demands that we all make noise and get in good trouble.

References

- Commission for Children and Young People. (2016). *Always was, always will be Koori children: Systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria*. <https://ccyp.vic.gov.au/assets/Publications-inquiries/always-was-always-will-be-koori-children-inquiry-report-oct16.pdf>
- Davis, M. (2019). *Family is culture review report – Independent review of Aboriginal children and young people in OOHc*. Department of Communities and Justice (NSW). https://www.familyisculture.nsw.gov.au/__data/assets/pdf_file/0011/726329/Family-Is-Culture-Review-Report.pdf
- Hermeston, W. A. (2021). *Safe, protected... connected? The best interests of Aboriginal children and permanency planning in the NSW care and protection system* [Doctoral dissertation, University of Technology Sydney]. OPUS. <http://hdl.handle.net/10453/161122>
- Human Rights and Equal Opportunity Commission. (1997). *Bringing them home: Report of the national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*. https://humanrights.gov.au/sites/default/files/content/pdf/social_justice/bringing_them_home_report.pdf
- Krakouer, J., Wise, S., & Connolly, M. (2018). “We live and breathe through culture”: Conceptualising cultural connection for Indigenous Australian children in out-of-home care’, *Australian Social Work*, 71(3), 1–12. <https://doi.org/10.1080/0312407X.2018.1454485>
- Lewis, J. [@repjohnlewis]. (2018, June 28), *Do not get lost in a sea of despair* [Tweet]. Twitter. <https://twitter.com/repjohnlewis/status/1011991303599607808?lang=en>
- Libesman, T., Hermeston, W. A., & Chandler, E. (in press). *Aboriginal participation in child protection decision making in NSW*. Law and Justice Foundation.
- Tune, D. (2018). *Independent review of out of home care in New South Wales: Final report*. <https://www.acwa.asn.au/wp-content/uploads/2018/06/TUNE-REPORT-indepth-review-out-of-home-care-in-nsw.pdf>