



# FIRST NATIONS CHILD REMOVAL

# CLASS ACTION



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## Where is it?

As of March 2025, Shine Lawyers have filed class actions against the Departments of Communities in both NSW and WA. Shine Lawyers is also investigating First Nations Child Removal in Vic and SA.

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## What is being alleged?

The class action alleges racial discrimination in child protection policies, including investigations, removals, out-of-home placements, and lack of funding for Aboriginal Controlled Organisations to support families navigating the system.

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## Section 9 of the Racial Discrimination Act

Section 9 covers direct and indirect discrimination. Direct discrimination involves differential treatment based on race, while indirect discrimination occurs when neutral policies disadvantage First Nations families disproportionately.

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## The Aboriginal Child Placement Principle

The ACPP prioritises placing First Nations children with Aboriginal family or community. However, compliance varies across states, with a significant percentage still placed in non-Aboriginal care.

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## Who is eligible to join?

The class action involves three class groups:

- First Nations children who have been removed;
- Parents who have had their children removed or investigated for removal; and
- Willing carers whose applications were unsuccessful or did not receive a response.

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## What are the possible outcomes?

The case seeks compensation, a public apology, and systemic reforms, including cultural competency training, increased involvement of Aboriginal organisations, and better child protection policies aligned with First Nations cultures.



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