



Victorian Aboriginal
Children & Young
People's Alliance

Submission on Child Protection to the Yoorrook Justice Commission

Table of Contents

Executive Summary	2
Recommendations	2
Introduction.....	4
Issue 1 - First Peoples' self-determination in design, decision-making and implementation of law, policies and programs affecting First Peoples children and families	8
Issue 2 - Compliance with legislation and policy, including human rights considerations and the application of the CYFA.....	10
Issue 3 - Adequacy of programs and funding to support prevention and early intervention	14
Issue 4 - Workforce issues in the child protection system including turnover, training, and qualifications.....	17
Issue 5 - Adequacy of support services provided to First Peoples children and families engaged with the system and post 'care'	18
Conclusion.....	19

Submission on Child Protection to the Yoorrook Justice Commission

Executive Summary

Recommendations

1. DFFH should support ACCOs financially and logistically to plan, develop, manage, implement and review child and family service governance processes, policies and programs that concern ACCOs, such as Wungurilwil Gagapduir, the Beyond Good Intentions statement,¹ the Transitioning Aboriginal Children to ACCOs policy.
2. DFFH should commit to supporting the Alliance and VACCA to establish an Aboriginal Knowledge and Practice Centre in the budget year 2023-2024.
3. DFFH should increase cultural brokerage so that it is in line with a child's cultural needs as decided by the local ACCO.
4. Greater responsibility and accountability should be assigned to carers to see that cultural plans are followed, and carers should be supported to feel confidence in the space with funding DFFH should invest in cultural and language programs at local ACCOs and return to Country camps.
5. DFFH should invest in ACCOs to develop and enable the implementation of cultural support plans for every Aboriginal child and young person in out of home care which includes:
 - A plan for child's return to country that is developmentally appropriate, and trauma informed
 - Cultural support persons/Aboriginal mentors
 - Access to genealogy records and services
 - Cultural activities that are developmentally appropriate and led by Aboriginal community
 - Transfer of resources for cultural activities from CSOs.
6. The incoming government should continue to embed Aboriginal self-determination relating to child and family services in legislation including the Charter and the CYFA.
7. The incoming government should introduce the *Children and Health Legislation Amendment (Statement of Recognition and Other Matters) Bill 2022 (Vic)* to the Victorian Parliament as a matter of priority.
8. Funding should be proportionate to need – the alarmingly high numbers of Aboriginal children in out-of-home care relative to the number of Aboriginal people in Victoria demands a commensurate financial commitment from the Victorian government.
9. Funding should be flexible, long-term, outcomes focussed and be provided in block funding.
10. The enablers and supports of an Aboriginal-led early help model identified by Alliance members must be incorporated by DFFH and RIMAG as not doing so would undermine self-determination.
11. ACCOs must be financially supported to co-design an Aboriginal-led early help model, to fully utilise ACCO success stories, practice wisdom and knowledge.
12. DFFH must support ACCOs to enable them to meet the expectations aligned to self-determination and Closing the Gap targets in relation to workforce and workplace supports. Support should include:
 - Enhanced funding to enable ACCOs to improve their operating environments and to extend services to their communities
 - Financial and resource supports to enable them to compete in a jobs market to ensure provisions including remuneration, career development, access to skills development and many other workplace matters. This will allow ACCOs to be promoted as prospective employers of choice.
 - Affirmative measures by government and within the sector to increase opportunity for Aboriginal access to child and family services related employment by improving pathways for school leavers and community members to skills development, qualification and work placement.

¹ Centre for Excellence in Child and Family Welfare, "Beyond Good Intentions: Creating a Fair, Just and restorative Victorian Child and Family Welfare Service System for Aboriginal and Torres Strait Islander Children" (2015) <[Beyond Good Intentions - Centre for Excellence in Child and Family Welfare \(cfecfw.asn.au\)](https://www.cfecfw.asn.au)>.



Submission on Child Protection to the Yoorrook Justice Commission

13. DFFH and the sector must remedy the detrimental effect of cultural load by assisting ACCOs to create workplace environments that cater for these special needs. This includes addressing worker/client ratios and providing forums to discuss best practice models.
14. DFFH should consider its role in reforming tax considerations to raise the capital amount and/or reduce or remove the tax imposition, to give ACCOs an edge as a competitive employer.
15. DFFH should expand and improve programs like Better Futures and Home Stretch to ensure that Aboriginal young people leaving care have the best opportunity to succeed as independent young adults. DFFH should also ensure that continuing research and development of leaving care programs is prioritised.
16. The Alliance recommends resourcing and supporting more ACCOs to deliver Better Futures and ensure funding meets service demand and enables a holistic and culturally robust Aboriginal model of leaving care.



Submission on Child Protection to the Yoorrook Justice Commission

Introduction

Successive Australian Government policies affecting Aboriginal and Torres Strait Islander communities and families which have given rise to ‘Stolen Generations’ have ruptured communities and families, creating a crisis for child ‘protection’, in which Aboriginal and Torres Strait Islander² children in Victoria are 20% of the out-of-home care population. This is despite Aboriginal people making up only 1% of the population in Victoria. The numbers are showing no signs of decreasing, but rather remain on a general upward trend, despite a moderate slowing in the last year.³ Community and governments are acting to combat this trend, with a view to reaching the Closing the Gap target number 12 of reducing the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 2032. All the Closing the Gap targets are interlinked, and achievement in one affect other. If we are to be serious about addressing the issues faced in child protection, a whole of government approach to addressing *all* the Closing the Gap targets is needed. For example, target 9 of housing is closely related to the success of target 12 of having more Aboriginal children in Aboriginal care.

However, the success of Alliance members’ child and family services show that positive outcomes are possible where ACCOs are given control. ACCOs know their communities best and are most in touch with community needs. Being given more control over their destinies and services will lead to increased support for building communities and families that are strong in culture and connection to Country.

Investing in ACCOs and the child and family services that they provide would provide a protective factor that would help identify problems early and connect children and families to the right services and communities. Less would need to be invested in tertiary services if more was invested in ACCOs.

This submission outlines five issues that require urgent attention from the Department of Families, Fairness and Housing (DFFH) and the Victorian Parliament if we are to see any reduction in the

numbers of Aboriginal children coming into contact with Child Protection:

- Self-determination
- Law reform and compliance with law and policy
- Early help
- Workforce
- Post-care supports.

We have attached an analysis of a consultation done with Alliance member staff delivering early help services in the hope that it assists the Yoorrook Justice Commission to make recommendations on early help measures.

Self-determination must underpin every action DFFH, and Parliament undertake regarding Aboriginal children and young people. Crucially it must mean that whether it be ensuring compliance with law and progressing law reform, developing early help policy, promoting, and supporting workforce, or improving post-care and other services, that ACCOs are adequately supported to develop, manage, evaluate and lead processes and program development. If ACCOs are not supported to do this, there can be no self-determination and policy failures will follow. The Alliance’s purpose is to support member ACCOs and amplify their voices in forums including those created by the Yoorrook Justice Commission.

About the Victorian Aboriginal Children and Young People’s Alliance

In 2013, it was recognised that there was a need for a strong, collective voice to drive better outcomes for Aboriginal children and young people. In 2014, an in-principle agreement was formed by fourteen of the Victorian Aboriginal Community Controlled Organisations (ACCOs) providing out of home care, child, youth and family services to form an alliance to advocate for Aboriginal children and young people in Victoria. This became the Victorian Aboriginal Children and Young People’s Alliance (The Alliance). The Alliance now consists of 15 ACCOs and our purpose is to be the collective voice of Victorian

² In this report, “Aboriginal” refers to Aboriginal and Torres Strait Islander peoples.

³ Data from 2021 and up to June 2022 from the Aboriginal Children’s Forum on file with the authors.



Submission on Child Protection to the Yoorrook Justice Commission

Aboriginal Community Controlled Organisations working together empowering Aboriginal children, young people, and families. Together, our members represent the voices of about 50% of the Aboriginal population in Victoria. With the service expertise of our members, we play a crucial role in driving change that achieves better outcomes for Aboriginal children and young people. Further, most of our members are located regionally, providing perspective that contrasts often metropolitan-centric narratives and views.

Our member ACCOs are:

- Ballarat and District Aboriginal Co-operative
- Bendigo and District Aboriginal Co-operative
- Dandenong and District Aborigines Co-operative Ltd
- Dhauwurd-Wurrung Elderly and Community Health Service
- Gippsland & East Gippsland Aboriginal Co-operative Ltd
- Goolum Aboriginal Co-operative
- Gunditjmara Aboriginal Co-operative Ltd
- Mallee District Aboriginal Service
- Njernda Aboriginal Corporation
- Mungabareena Aboriginal Corporation
- Murray Valley Aboriginal Co-operative
- Ramahyuck District Aboriginal Corporation
- Rumbalara Aboriginal Co-operative
- Wathaurong Aboriginal Co-Operative
- Windamara Aboriginal Corporation

Background to child protection and removals

Child removal has a long history in Australia. The child rescue movement, an outgrowth of the Evangelical revival in England, was a driving force in policy the second half of the 19th century, resulting in legislation that introduced an interventionist approach to children perceived as being orphaned, abandoned, abused, or neglected. Through law, the Australian

government was empowered to remove children judged to be at risk of abuse or neglect. By removing children and putting them in institutions or having them adopted into families it was hoped that they would not replicate the failings of their parents.⁴

Aboriginal people have been heavily impacted by these policies and thinking. As the *Bringing them Home report* noted, by the late nineteenth century, the Aboriginal population was decreasing and mixed Aboriginal population was increasing.⁵ The mixed descent population was seen as being in a state of racial and cultural limbo and should be required to form part of the workforce so that they would be self-sufficient and contribute to the needs of the economy. The policy of merging and absorption was a passive process of pushing Aboriginal people into the non-Aboriginal community and denying them assistance in the forms of rations.⁶

Merging and absorption were achieved by distancing Aboriginal children from their families, and it was hoped that they would merge with or be absorbed into mainstream Australian society. More than was the case for white children, great care was taken to ensure that Aboriginal children did not see their families or communities again. Protectionist legislation was used to remove Indigenous children over child welfare legislation so that government officials could order the removal of Aboriginal children without having to satisfy the legal burden of proving neglect.⁷

In Victoria, the definition of Aboriginality in legislation was a method of 'merging'. It was done by changing the definition of Aboriginality in protection legislation to ensure that people who had a certain proportion of European 'blood' were disqualified from living on reserves with their families and from receiving rations. This had the effect of dispersing Aboriginal camps and was replicated in over seven hundred pieces of legislation.⁸

⁴ Shurlee Swain, 'Child Removal in Australia' (web page) <[Child Removal in Australia – Australian Academy of the Humanities](#)> (September 2022).

⁵ Human Rights and Equal Opportunity Commission (HREOC), *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from*

Their Families (Commonwealth of Australia, 1997) (Bringing Them Home Report), chapter 2.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid chapter 4.



Submission on Child Protection to the Yoorrook Justice Commission

Following merging and absorption, the policy of assimilation became dominant from the late 1930s. Assimilation was a process of providing welfare in a way that broke community bonds. It was thought that as Aboriginal peoples' situation improved so that they could participate economically and socially in the non-Aboriginal community, Aboriginal communities and groups would rapidly disappear. States and territories began to shape their Aboriginal child welfare systems according to the assimilationist welfare model from the 1940s. Under general child welfare law, children – and more often Aboriginal children – deemed 'neglected', 'destitute' or 'uncontrollable' were removed from their families and placed in institutions or white families. The security benefits were given to the institutions that housed removed Aboriginal children, not their families. Aboriginal families only began to receive social security benefits from 1966.

During the 1950s and 1960s substantial numbers of Aboriginal children were removed from their families for neglect, to attend school in distant places, to receive medical treatment and to be adopted out at birth. However, it became increasingly clear to policy makers that Aboriginal people were not assimilating, and it began to be recognised that assimilation policy ought to allow Aboriginal people to choose whether to assimilate.

During the 1980s the practice of child removal was reconsidered because of Aboriginal activism and the growing awareness of the discrimination that government social welfare practice and policy discriminated against Aboriginal people

The Aboriginal Child Placement Principle was developed in the late 1970s and has become part of child welfare and adoption legislation across Australia, as well as department and organisational policy. Although its adoption across Australia is positive, the application of the principle has yet to turn the tide on

over-representation of Aboriginal children in out-of-home care, and instead, data shows that the situation is getting worse.⁹ This is due to:

- a lack of nationally consistent standards for implementation and reporting of the principle
- inadequate representation of Aboriginal children, families, and communities at each stage of decision-making processes in legislation, policy and practice, and
- inadequate investment in reunification services, among others.¹⁰

It is impossible to state how many children were removed across Australia: records have not survived, they don't identify children's Aboriginality, and more recent surveys are likely to understate the extent of removal because many children and young people removed during the early periods of the policy (from the 1910s-1930s) are now deceased. Further, although forcible removal took place all over Australia it fluctuated in intensity according to the era, the resources available to remove children and the visibility of children of mixed descent.¹¹

However, the Bringing them Home report concluded that between one in three and one in ten Aboriginal people were removed from approximately 1910 to 1970. Most Aboriginal families have been affected in one or more generations by the removal of one or more children.¹²

The situation today

The disproportionate rate of Aboriginal children in child protection in all Australian states and territories demonstrate that although an explicit removal policy has fallen out of favour,¹³ Aboriginal children continue to be removed through laws, policies and practices at unacceptable rates. This happens through youth

⁹ See e.g., SNAICC Family Matters reports since 2016. SNAICC, *Publications: Family Matters* (web page) <[Publications - Family Matters](#)>.

¹⁰ SNAICC, *Family Matters Report 2020: Measuring Trends to Turn the Tide on the Over-representation of Aboriginal and Torres Strait Islander Children in Out-of-Home Care in Australia* (Sydney: SNAICC, 2021), 10.

¹¹ Bringing Them Home Report (n 4) Chapter 2.

¹² Ibid.

¹³ Australian Institute of Health and Welfare, *Data Tables: Child Protection 2020-2021* (web page) <[Child protection Australia 2020-21, Data - Australian Institute of Health and Welfare \(aihw.gov.au\)](#)> (15 June 2022). One statistic that demonstrates this is the number of children per 1000 that are receiving child protection services. 172.4 in 1000 Aboriginal children are receiving child protection services compared to 21.1 in 1000 non-Aboriginal children.



Submission on Child Protection to the Yoorrook Justice Commission

justice processes and child welfare, including foster care, residential care, family law and adoption.

There have been positive developments that address this issue in Victoria, such as:

- the s18 powers under the *Child, Youth and Families Act 2005* (Vic) that allow ACCOs to undertake functions and powers of the Secretary of the Department of Families, Fairness and Housing in relation to a Children's Court protection order for an Aboriginal child or young person
- Wungurilwil Gagapduir, Australia's first ever tripartite agreement between the Victorian government, ACCOs and Community Service Organisations (CSOs) to address the overrepresentation of Aboriginal children in Victoria. The Aboriginal Children's Forum governs this
- the development of the *Children and Health Legislation Amendment (Statement of Recognition and Other Matters) Bill 2022* (Vic) ('Statement of Recognition Bill') which would have embedded a statement recognising the damage done by past child welfare and protection policies and authorised ACCOs to investigate child protection reports.

However, there are persistent issues that feed into the perpetual child welfare and protection complex which results in the increase of the high numbers of Aboriginal children receiving child protection services or encountering Child Protection services in Victoria.

Firstly, **self-determination is inconsistently supported by the government, legislation, and policy. ACCOs are not sufficiently supported to lead, manage and deliver services and processes. Further, ACCOs lack ownership over their data, which makes it harder for ACCOs to act in a self-determined way about delivering child and family services**, and which contributes to the perpetuation of high numbers of Aboriginal children coming into contact with Child Protection. Examples are lack of funding for an Aboriginal Knowledge and Practice Centre and the lack of self-determined practice in the journey of drafting the *Children and Health Legislation Amendment (Statement of Recognition and Other*

Matters) Bill 2022 (Vic) ('Statement of Recognition Bill'). Departments must continue to relinquish their power in a way that supports ACCOs to deliver what is needed.

Secondly, **the *Children, Youth and Families Act 2005* (Vic) ('CYFA'), and the *Charter of Human Rights and Responsibilities Act 2006* (Vic) ('Charter') contain gaps that must be addressed through further amendment and revisions to policy and practice.** Given the importance of Treaty, the Charter must be updated to include self-determination and the CYFA must be bolstered by amendment that recognises Aboriginal self-determination in multiple facets in child and family service delivery. An example is the now-lapsed Statement of Recognition Bill.

Thirdly, both historically and in contemporary times, **Australia's, and Victoria's, child protection system is characterised by an overemphasis on tertiary, crisis-oriented services and a lack of sustained attention to and funding for improving it through Aboriginal self-determination.** It is promising that the Victorian government has committed funding over the next two years to re-conceptualising the design and delivery of early help services under the *Roadmap for Reform*. However, the government must remain committed to capturing the needs of ACCOs in designing and delivering early help and must provide flexible funding for ACCOs to be able to deliver effective Aboriginal-led early help services.

Fourthly, the Alliance believes that the **lack of support to ACCOs to recruit, nurture and sustain a skilled workforce** is a primary reason that ACCOs have less capacity to address the disproportionately substantial number of Aboriginal children in care. We believe that workforce issues could be alleviated if government supports ACCOs to become competitive employers and to provide employment that accounts for cultural loading.

Fifthly, **Aboriginal children need support to ensure their prospects for a better future** as those who leave care at 18 are not generally equipped to make the sometimes-complex decisions required to enter the world as adults 'going it alone' and they require assistance with life skills like securing housing, pursuing education and managing financial and other affairs.



Submission on Child Protection to the Yoorrook Justice Commission

Issue 1 requiring urgent action - First Peoples' self-determination in design, decision-making and implementation of law, policies and programs affecting First Peoples children and families

Self-determination is often inadequately and inaccurately applied in decision making and design processes and the implementation of Aboriginal children and family law, policy and programs. Self-determination is the right to freely determine political status and economic, social and cultural destiny.¹⁴ In practical terms, this means that “meaningful self-determination is not about the state granting Aboriginal communities the ‘permission’ to develop and implement support services; it is about recognising that Aboriginal families have the right to be free from unwarranted state interference and the right to respond appropriately to issues within their communities.”¹⁵ Further, meaningful self-determination recognises that more than two centuries of colonisation have created negative impacts for Aboriginal people that require financial and other support to develop and implement services to ameliorate the socio-economic disadvantage they face, and the effects of intergenerational trauma.¹⁶

A lack of self-determination is a key reason that numbers of Aboriginal children coming in to contact with the child protection system continue to increase. If self-determination is not given effect in Aboriginal child and family policy in Victoria, any attempt at reform perpetuates disrespect and inequality. It perpetuates the Stolen Generations policy and further delays the unity and healing of Aboriginal children, families, and communities.¹⁷ The importance of giving effect to self-determination cannot be overstated.

Self-determination in design of law, policies, and programs

The current *CYFA* adopts the language of self-determination in relation to decision making

principles regarding Aboriginal children, which merely recognises self-determination by asking decision-makers to listen to the Aboriginal community, the child, the child’s parents, the extended family of the child and any other appropriate members of the Aboriginal community.¹⁸ This single reference has been supplemented in recent years by the Victorian Aboriginal Affairs Framework¹⁹ and developments on negotiating a Treaty.

In line with these developments, a Bill was developed by the Alliance, Alliance members, Victorian Aboriginal Child Care Agency (VACCA) and the Department of Families, Fairness and Housing (DFFH) in 2021-2022 that embedded a Statement of Recognition, acknowledging the importance of self-determination, the injustice of the Stolen Generations policy and its devastating effects on past and contemporary Aboriginal society. It was tabled in Parliament was scheduled to be voted on in 2022, but political circumstances and the 2022 Victorian state election have meant that the Bill has now lapsed. While the development of the Bill is highly positive, the co-design process with DFFH was often disempowering for non-government participants such as the Alliance: consultation frequently lacked transparency and demands that did not display consideration of ACCOs’ and the Alliance’s resources, time and capacity were made. True self-determination will require the Department to let go of control in legislative and policy drafting processes and place it back in the hands of ACCOs, such that these processes are planned, developed, managed, implemented, and reviewed by Aboriginal people and organisations. At the same time, in recognition of the intergenerational trauma of stolen generations compounded by the socio-economic disadvantage that colonisation has imposed on Aboriginal people, government must also support Aboriginal people to lead these processes. Failing to do so would mean that government shirks their responsibility in this regard, thereby putting more burden on ACCOs.

¹⁴ *International Covenant on Civil and Political Rights* opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976), article 1.

¹⁵ Independent Review of Aboriginal Children and Young People in Out-of-Home Care, *Family is Culture: Review Report 2019* (Sydney: 2019), 85.

¹⁶ *Ibid.*

¹⁷ See also, e.g., *ibid* 83-84.

¹⁸ *Children, Youth and Families Act 2005* (Vic), Division 4.

¹⁹ *Victorian Aboriginal Affairs Framework 2018-2023* (2017) (web page) <[VAAF FINAL.pdf \(firstpeoplesrelations.vic.gov.au\)](#)>.



Submission on Child Protection to the Yoorrook Justice Commission

Another example of the need to let go of control and place it back in the hands of the ACCOs is the Transitioning Aboriginal Children to ACCOs policy (TAC policy). This policy is intended to provide a framework for the gradual transfer of Aboriginal children involved with Child Protection to the care of ACCOs from CSOs. The progress and implementation of this policy has stalled over many years, leading to no action to achieve the Closing the Gap target of reducing the rate of over-representation of Aboriginal children in out-of-home care by 45% by 2031. The lack of progress in this area can only be interpreted to be a lack of commitment to self-determination through the desire to maintain funding streams to CSOs. This is another case where DFFH, CSOs and ACCOs must be united in commitment to the goal of self-determination over the need to secure funding for targets for individual organisations. Without alignment on the commitment to self-determination, we will see no progress on Closing the Gap targets.

Self-determination and supporting Aboriginal knowledge and expertise

When ACCOs can control the production, storage, and presentation of their data, they are able to self-determine the design, delivery and evaluation of their services and have a more autonomous and self-determined role in decision-making processes involving government. This places them in a position to be able to focus on their knowledge and practice.

The Alliance's work over the last few years has demonstrated that ACCOs lack ownership over their data, making it harder for them to act in a self-determined way when they deliver child and family services. This contributes to the increase in the numbers of Aboriginal children coming into contact with Child Protection as ACCOs.

There is a lack of culturally aligned research on issues relevant to Aboriginal service provision that draws on and contributes to traditional and cultural knowledge. It is an urgent priority to commit to building the Aboriginal evidence base about what works in child and family services to build and support strong and safe families.

While there is a strong need to develop an Aboriginal evidence base for child and family services,

government has not supported this with a strong financial commitment. To progress work on the Building the Aboriginal Evidence Base project that sought to scope the need and models for an Aboriginal Knowledge and Practice Centre, the Alliance and VACCA have had to source fixed-term funding from grants to progress this crucial work. To ensure that ACCO self-determination is supported, it is crucial that government makes a commitment to continue developing an Aboriginal Knowledge and Practice Centre.

Recommendations

Self-determination in design of law, policies and programs

1. DFFH should support ACCOs financially and logistically to plan, develop, manage, implement and review child and family service governance processes, policies and programs that concern ACCOs.

Self-determination and supporting Aboriginal knowledge and expertise

2. DFFH should commit to supporting the Alliance and VACCA to establish an Aboriginal Knowledge and Practice Centre in the budget year 2023-2024.



Submission on Child Protection to the Yoorrook Justice Commission

Issue 2 requiring urgent action - Compliance with legislation and policy, including human rights considerations and the application of the CYFA

Victoria is the first state in Australia to enshrine human rights into legislation under the Charter. The issue of cultural planning is an area where the human rights of Aboriginal children would benefit from rigorous compliance.

While compliance with law is important, law is a double-edged sword that often reflects the values and vision of those with power. An example is the way that law was used to underpin and legitimise the Stolen Generations.²⁰ Further, it reflects the power dynamics of a society, such that law embodies the values of dominant sections of society. As a sector, we must always be alert to gaps in law and policy, and we must be committed to changing them as we become aware of the injustices that they create. Examples are the amendment of the Charter and the need to pass the *Statement of Recognition Bill* as soon as possible.

Compliance with law – cultural plans

In the Australian context, connection to culture has been found to be the strongest driving force of resilience against trauma, ongoing racism and discrimination. However, the Victorian government continues to fail to uphold its legislative requirements to see a cultural plan developed for Aboriginal children and young people in out-of-home care (OOHC). Andrew Jackomos, the first Commissioner for Aboriginal Children and Young People, found that as of June 2013, cultural plans were being implemented in less than 10 percent of the cases, “with many lacking in substance and meaning.”²¹ The *Always Was, Always Will Be Koori Children* inquiry in 2016 found little improvement, with only 28 percent of Aboriginal children in OOHC having a cultural plan.²²

As of May 2019, the Department of Health and Human Services reported only 32.5 percent of

Aboriginal children in OOHC have a cultural support plan. In early 2019, the Alliance support staff have conducted a series of site visits to our members and have heard reports that: Cultural plans are being developed by predominantly white, female and middle-class departmental staff, with little cultural knowledge or understanding. As a result, incorrect totems, language groups and Country were being included in the child’s plan. It has also been reported that Child Protection workers misunderstand the cultural brokerage funding that ACCOs receive.

It has been reported that the poor quality of plans produced is due to lack of consultation with Senior Advisors and the child and their immediate and extended family. Due to this, the plans are failing to capture the voice of the child and the family resulting in plans being written from the caseworker’s perspective or in a report-like form. Generic and tokenistic activities are included in the plans for the child to undertake to help maintain their connection to culture. Due to a lack of cultural knowledge, information included in the plans are reported to be copied and pasted from unreliable online sources, and have no relevance to the child’s culture, family or community. There have been cases where cultural support plans have been given to the Cultural Advisor to be reviewed and content has been copied and pasted from another child’s cultural plan.

Progress has been made, with the completion of Cultural Plans in the most recent data presented to the Aboriginal Children’s Forum in October 2022,²³ showing that in June 2022, 65% of Aboriginal children in care had a cultural plan within 19 weeks of being in care. However, this completion rate falls well short of the current goal of 78% completion (noting that legislative requirements are 100%). There has been minor change in the percentage of Aboriginal children in care who are either case contracted or authorised to an ACCO, which means that the responsibility for completion of up to 52% of Cultural plans remains

²⁰ See section 2 of this paper.

²¹ Andrew Jackomos, “International Human Rights Day Oration – Linking our Past with our Future: How Cultural Rights Can Help Shape Identity and Build Resilience in Koori Kids” (2014) 8(17) *Indigenous Law Bulletin* 20, 23.

²² Commission for Children and Young People, *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 (Melbourne: Commission for Children and Young People, 2016), 72.

²³ Data on file with authors.



Submission on Child Protection to the Yoorrook Justice Commission

with CSOs or Child Protection Services. These staff do not have the connection to community and culture that is part of the ACCO workforce.

We acknowledge the complexities of self-identification through child protection practice and ACCOs varying levels of acceptance and process in determining Aboriginality but the inadequacy of cultural plans for Aboriginal children in out-of-home care could constitute a breach of the distinct cultural rights that Aboriginal children and young people have under the Charter,²⁴ and their appropriate implementation should be pursued by DFFH as a matter of urgency.

Case study

The following case study highlights the importance of culture to Aboriginal children, families and communities for growing up strong and ultimately reducing the numbers of Aboriginal children in out-of-home care.

Gunditjmara Aboriginal Cooperative - Ngarakeeton Ceremony

The Gunditjmara Child, Youth and Family Services team worked closely alongside their community to reintroduce the traditional Ngarakeeton (family/children) ceremony. These ceremonies welcome Gunditjmara children and infants onto country, bringing community together and supporting families to celebrate and strengthen their cultural identity and sense of self. What began as a passion project for a small committee of staff turned into something much more significant, taking families and staff on a rich cultural journey. The event was planned alongside community, with a committee made up of Aboriginal and non-Aboriginal staff, Traditional Owners of Gunditjmara country and other parts of Australia, community members and organisers from the previous Naming Day Ceremony held on Gunditjmara country.

Community played a vital role in the organizing and running of the event, including: - Local artists designed the invitations - The Elders Activity shed created frames to commemorate the event - The chairman of the Gunditjmara Board performed the Welcome to Country. He spoke of its importance and how special to have it on such a significant cultural site for Gunditjmara people - A local youth group performed traditional dance - Families from the Integrated Family Services and Cradle to Kinder programs helped to set up and

cook the BBQ - A local artist sang traditional songs, including a lullaby that his Mother, an Elder who was in attendance on the day, had sung to him as a baby - Local women painted ochre on communities faces and Gunditjmara staff painted ochre on baby's feet to put on paperbark and keep in frames to commemorate the day The Ngarakeeton ceremony was held on country, at a site of cultural significance for Gunditjmara people.

Over 200 people from across Victoria came together for the Ceremony, with Traditional Owners travelling from Mildura, Geelong and Melbourne- bringing their children and grandchildren back to their country. A profound moment during the smoke ceremony was when a grandmother held her newly born granddaughter amongst the smoke and said, "welcome to our country". The outcomes of this day have been continuous, widespread and overwhelmingly positive. Working alongside community throughout the entire process-built trust, while Traditional Owners and local artists to felt empowered, recognised and appreciated. In addition, families and little ones experienced a positive connection to place and community, while non-Aboriginal family members increased their cultural understanding.

Service providers and clients had an opportunity to positively connect and discuss ideas and feedback on Gunditjmara's programs. As a result, Gunditjmara will begin piloting free parenting education & support sessions for mums, dads and carers. The Ngarakeeton ceremony united community, showing that cultural connectedness is one of the best protective factors to keep children safe and within their families.

Legislative amendment – Self-determination and the Victorian Human Rights Charter and the CYFA

In the last two decades, the *United Nations Declaration on the Rights of Indigenous People*²⁵ and the further systematisation of reporting in the international human rights law system point towards a trend that human-rights-based approaches are being adopted in policy, planning and development, especially when dealing with Indigenous peoples' rights.²⁶ The UN has argued that doing so is the right thing to do, morally and legally; and that it will lead to

²⁴ *Charter of Human Rights and Responsibilities 2006* (Vic), s19(2).

²⁵ *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UN Doc A/Res/61/295 (2 October 2007, adopted 13 September 2007).

²⁶ Ed Wensing, 'Indigenous Peoples' Human Rights, Self-Determination and Local Governance – Part 1' (2021) 24 *Commonwealth Journal of Local Governance* 98, 109.



Submission on Child Protection to the Yoorrook Justice Commission

better and more sustainable human development outcomes.²⁷

The Federal Government's commitment to legislative, including constitutional, reform in Australia continues to fall behind the commitment displayed by other countries. Failure to protect Aboriginal and Torres Strait Islander peoples' rights, including the right of self-determination, could breach Australia's international human rights obligations.

By contrast, the Victorian government is showing a commitment to Aboriginal peoples' right to self-determination by helping to establish the First Peoples' Assembly of Victoria working to negotiate a Treaty with Victoria's First Peoples and inaugurating the Yoorrook Justice Commission. Human rights are important for everyone; they have particular significance for the Aboriginal people of Victoria. Yet this cornerstone right remains glaringly absent from the Charter²⁸ and from the CYFA.

However, Victoria can and should deepen its commitment to Aboriginal self-determination and human rights still further by amending legislation that affects child protection and First Peoples' fundamental human rights. The Charter and the CYFA should enshrine a recognition of Aboriginal self-determination and require decision-makers to give it effect in the course of their duties.

The resistance to self-determination, an internationally recognised human right, is not limited to its absence in the Charter and other Victorian legislation; it is endemic to Australian policy deliberations.²⁹ However, it does not sit well with Australia's obligations under international law to legislate to protect and promote human rights in general.³⁰

This is particularly important when the UN Special Rapporteur on the rights of Indigenous peoples have found numerous disturbing reports on the prevalence

of racism against Aboriginal and Torres Strait Islander peoples.³¹

As Castan and Yarrow argue, there are no convincing grounds on which to distinguish between the right of self-determination and the other rights human rights in relation to the Charter.³² For Aboriginal and non-Aboriginal Victorians, the inclusion of a right to self-determination would promote democratic inclusion and accountability.³³

The recently lapsed Statement of Recognition, which would amend the CYFA, includes an acknowledgement of the right to self-determination and binds decision-makers to take account of the principles that it contains. It also creates the authority for the DFFH Secretary to authorise qualified ACCOs to conduct child protection investigations as they relate to Aboriginal children and young people.

The Bill, if passed, would strengthen the Aboriginal community's ability to combat racism in Child Protection investigations, and the ability to look after their own affairs when it comes to Aboriginal children and young people. In line with the need for Victorian legislation to reflect the right of self-determination, it should be introduced by the incoming Victorian government as soon as possible.

Recommendations

Compliance with law – cultural plans

3. DFFH should increase cultural brokerage so that it is in line with a child's cultural needs as decided by the local ACCO
4. Greater responsibility and accountability should be assigned to carers to see that cultural plans are followed, and carers should be supported to feel confidence in the space with funding
5. DFFH should invest in cultural and language programs at local ACCOs and return to Country camps

²⁷ Finnish Committee for UNICEF, *Introduction to the Human Rights-Based Approach: A Guide for Finnish NGOs and Their Partners* (UNICEF, 2015), 10.

²⁸ Melissa Castan and David Yarrow, 'Charter Rights: Self-Determination for Indigenous Victorians' (2008) 7(9) *Indigenous Law Bulletin* 9.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ See e.g. A/HRC/36/46/Add.2 report of the special rapporteur on the rights of indigenous peoples on her visit to Australia – note by the Secretariat, 2017.

³² Castan and Yarrow (n 26); Wensing (n 24).

³³ *Ibid.*



Submission on Child Protection to the Yoorrook Justice Commission

6. DFFH should invest in ACCOs to develop and enable the implementation of cultural support plans for every Aboriginal child and young person in out of home care which includes:
 - A plan for child's return to country that is developmentally appropriate, and trauma informed
 - Cultural support persons/Aboriginal mentors
 - Access to genealogy records and services
 - Cultural activities that are developmentally appropriate and led by Aboriginal community
 - Transfer of resources for cultural activities from CSOs

Legislative amendment

7. The incoming government should continue to embed Aboriginal self-determination relating to child and family services in legislation including the Charter and the CYFA
8. The incoming government should pass the *Children and Health Legislation Amendment (Statement of Recognition and Other Matters) Bill 2022 (Vic)* as a matter of priority



Submission on Child Protection to the Yoorrook Justice Commission

Issue 3 requiring urgent action - Adequacy of programs and funding to support prevention and early intervention

The ongoing intergenerational trauma and disadvantage arising from the Stolen Generations has created crisis proportions of Aboriginal children becoming involved with Child Protection and entering out-of-home care. Aboriginal children account for more than 20 per cent of all children placed in out-of-home care.³⁴ Many of these children are placed with extended families who may also require support.

By their nature, Child Protection and out-of-home cares are tertiary, crisis-oriented systems and services. However, a true commitment to self-determination and to the reduction of numbers of Aboriginal children coming into care should be reflected in increased investment into services designed and delivered by ACCOs that identify and address potential problems early in their lifecycles. Case studies show that community programs provide capacity building services that can fit under the umbrella term of “early help, and more should be done to explore how ACCOs can deliver these services to reduce the high numbers of Aboriginal children coming into contact with Child Protection and going into out-of-home care.

It should be noted that “early help” is a relatively new term, with more familiar terms being early years and early intervention. These terms indicate different things. Early years refer to the early years of a person’s life and can range between 0-8 years of age. Child and family service providers often assume that early years refers to early education services. It is true that the early signs of problems can appear in this period of a person’s life, but the early identification of problems should remain conceptually separate from the definition of early years. On the other hand, while there is no agreed and uniform definition, “early intervention” often refers to services that attempt to address problems early on, and is often interpreted widely to include services such as Aboriginal Family

Preservation and Reunification Response, Koorie Maternity Services (KMS), Cradle to Kinder etc. While some of these services such as KMS and Cradle to Kinder (designed for ages and stages/point in time), are aimed at helping parents and children and capacity building, a service such as the Aboriginal Family Preservation and Reunification Response is a service that addresses problems only after they have arisen. This points to a conceptual ambiguity within the term “early intervention”. Finally, “early help” is a term that seems to have originated in the Victorian Government’s Roadmap for Reform policy in recent years. The newness of the term means that there is no sector agreement around a definition of this term, and the Roadmap Implementation Ministerial Advisory Group (RIMAG) recently convened a working group to tackle this issue through cross-sector consultation and produce enablers, barriers and supports for what early help and Aboriginal-led early help means.

The Victorian government invested \$335 million in its 2020-21 budget in earlier intervention initiatives under the Roadmap for Reform: Strong families, Safe children policy. It has committed \$16.3million over two years in fixed term funding to embed family services in universal settings. It has also committed to annually funding:

- Supported Playgroups - \$11million
- Regional Parenting Services - \$3million
- Koorie Supported Playgroups \$0.64million

This funding has allowed the RIMAG to convene a working group to identify the characteristics, enablers, barriers and supports for early help models and an Aboriginal-led early help model.

However, it must be noted that Early help funding to ACCOs has recently reduced from an already paltry 3% (\$0.5mil of \$15mil) to 2%.

In 2022, the Alliance consultation with members identified key markers of success of an Aboriginal-led early help model:

- Self-determination is supported

[childhood professionals | Victorian Government \(www.vic.gov.au\)](https://www.vic.gov.au/childhood-professionals)>.

³⁴ Supporting Children Placed in Out-of-Home Care – Information for Early Childhood Professionals (web page) < [Supporting children placed in out-of-home care - information for early](https://www.vic.gov.au/supporting-children-placed-in-out-of-home-care-information-for-early-childhood-professionals)



Submission on Child Protection to the Yoorrook Justice Commission

- Funding is that is sufficient, flexible and appropriate for ACCOs' early help purposes
- ACCOs are supported build and leverage relationships to deliver services
- Data be made accessible and comprehensible so that ACCOs can make self-determined choices about how they deliver services
- Workforce

Self-determination

In any fully self-determined Aboriginal-led early help model, outcomes should be defined by ACCOs, not government. This keeps the goals, delivery, and evaluation of the model anchored in community need. Early help models should be co-designed with ACCOs, so that their local level implementation is appropriate for each community. Further, many ACCO members argued strongly that ACCO use of resources should be entirely within ACCO discretion, rather than dictated by factors such as allocated hours, so that ACCOs can decide how best to help a family when a family's or child's need is identified.

Funding

A consistent theme was that thus far, ACCOs have received inadequate funding for services that could come under early help services. The recent round of funding above still reflects a disparity between the amount of funding that ACCOs and CSOs receive, although there is a disproportionately high number of Aboriginal children involved with Child Protection and in out-of-home care.

In the past and currently, funding agreements remain short-term (1-2 years). Addressing the alarming overrepresentation of Aboriginal children and young people in out of home care requires an urgent review and reconfiguration of funding arrangements so that funding is not allocated per population but rather in-line with community need. The Alliance calls for all funding agreements to be a minimum of five years so that ACCOs can plan for the necessary growth to assume legal guardianship and care and support under Section 18 of the CYFA and provide holistic supports for children and families to prevent child protection measures. Beyond the increase and transfer of resources, ACCOs also need flexible funding agreements to transform the provision of care

to one that is informed by Aboriginal knowledge and accommodates for the provision of holistic supports to prevent, intervene, and heal the complex needs of at-risk Aboriginal communities. There is no- one size fit all approach, and true self-determination will allow Aboriginal communities to decide what supports are needed within the community.

ACCOs building relationships

Effective Aboriginal-led early help requires strong partnerships across the community to government and service providers across the sector with Departments including DJCS, DFFH and DET, and universal services. Having ACCOs and universal services connected, and Aboriginal health practitioners at the table is crucial for Aboriginal-led early help services to be effective and not siloed.

During the consultation, it was noted by ACCO members that both lived experience and data from the Aboriginal Children's Forum showed that police, nurses and teachers are some of the groups that most frequently make reports to Child Protection. Part of building relationships in the early help space must include anti-racism education so that staff of universal services are aware of what ACCOs can offer to Aboriginal children who may be showing early signs of vulnerability, and also how cultural norms of care can differ.

Data

To make informed choices about early help services and funding, ACCOs should be able to access data that is presented in a way that helps ACCOs understand what is happening on the ground. Further, data about cohorts submitting reports and the reasons that they are submitting reports should also be made available as data so that latent racism or bias in the system can be addressed through education.

Workforce

It was noted by members that there should be opportunities for community members to be supported through education to become child and family service workers in ACCOs. Many community members are put off applying for jobs in early help because of literacy requirements.

Case studies



Submission on Child Protection to the Yoorrook Justice Commission

These case studies show what kind of early capacity-building supports that ACCOs can develop and deliver, with the expertise of their knowledge and relationships.

Case study 1 - Mallee District Aboriginal Service (MDAS) Healthy cooking in out-of-home care

Each month MDAS run a healthy cooking session for the Aboriginal and Torres Strait Islander young people in their out-of-home care program, facilitated by their Nutrition and Public Health Advisor. The sessions are led by the young people, who choose the recipes, before working together and with staff to prepare the ingredients, follow the steps and cook a delicious healthy meal. An important part of the process is learning how to make each meal as nutritious as possible, reducing salt content, using low-fat options and adding fruits and vegetables. It is an opportunity for hands-on learning, demonstration and role modelling of healthy eating, as well as food handling practices and cooking skills. It is a positive and supported process for the young people, boosting their confidence and providing them with essential life skills. The sessions are impactful as they are strengths-based, led by the young people and have a strong focus on positive relationships and building confidence. MDAS run similar sessions with their Elders and in their Rehabilitation facility.

Case study 2 – Winda Mara Aboriginal Corporation – Targeted Care Packages healing families

Charlie* is 14 years old and lives with his father and three siblings. Charlie's family has a history of trauma, drug abuse and family violence. They had been well known to the ACCO and the children have had multiple placements in care over the years. Charlie's mother passed away when he was in year 6 and he had not attended school since. Both Charlie and his younger brother were beginning to exhibit anti-social behaviours. As a result, Charlie was at risk of entering residential care and was placed on a Family Strengthening Order. To prevent Charlie from entering out-of-home care, the ACCO worked alongside the family to design a Targeted Care Package that offered a range of in home and therapeutic supports within a cultural healing framework. Charlie and his family decided that through the Targeted Care Package they wanted to increase Charlie's father's parenting skills, re-engage Charlie with school, address his anxiety and depression, address grief and loss within the family, build prosocial behaviours and strengthen intra-family relationships. The practical ways that they decided to do this included: - Home schooling and a tutor to prepare Charlie to return to school - Art Therapy, Equine Therapy and Counselling for the children - In-home support to help dad with routine, structure and to role model parenting, as well as a cleaner 4 hours a week - A smoking ceremony to cleanse the house and create a fresh start - Arranging a plaque and an unveiling ceremony for their mother's grave - Supporting life story work and family history research. Following the Targeted Care Package, the family attended a Cultural Healing camp to culminate the healing journey alongside the family therapist. This involved a range of activities such as cultural tours, dance and possum

skin cloak making. It was followed by returning to their mother's country with the possum skin cloak, for closure as a family. As a result of the Targeted Care Package and the ongoing support provided by the ACCO, Charlie and his family have come a long way. Charlie is regularly attending school, which he enjoys and walks himself there most days. He has grown from being very quiet and depressed to full of life, even taking on more of a big brother role with his siblings. The family remains engaged with the family therapist and child psychologist and the father continues to address his own trauma and healing. The therapies, supports and cultural healing that was included in the Targeted Care Package has been pivotal in preserving the family unit and preventing Charlie and his siblings from entering Residential Care

*Name changed for anonymity

Recommendations

9. Funding should be proportionate to need – the alarmingly high numbers of Aboriginal children in out-of-home care relative to the number of Aboriginal people in Victoria demands a commensurate financial commitment from the Victorian government
10. Funding should be flexible, long-term and be provided in block funding
11. The enablers and supports of an Aboriginal-led early help model identified by Alliance members must be incorporated by DFFH and RIMAG as not doing so would undermine self-determination
12. ACCOs must be financially supported to co-design an Aboriginal-led early help model, so that ACCO success stories and knowledge can be made use of



Submission on Child Protection to the Yoorrook Justice Commission

Issue 4 requiring urgent action - Workforce issues in the child protection system including turnover, training, and qualifications

As small, regionalised organisations, ACCOs face disadvantage with workplace and workforce matters. With cultural safety being a primary consideration for ACCOs, attracting suitably qualified Aboriginal workers is highly sought but availability is limited and ACCOs additionally face intense competition within the sector from larger organisations (including Government) with bigger budgets who can offer better pay, conditions and career development opportunities. Simply put, ACCOs need help to become attractive (preferred) employers with assistance not only with improved funding for employment but also with infrastructure and equipment augmentation.

ACCO sector wide assistance for workforce attraction and retention, skills and career development and workplace enhancement will improve the capacity of ACCOs to provide best service to their communities.

Because Aboriginal social services and health professionals within the ACCO sector are critical to ensuring the cultural approach for the best Aboriginal cultural service provision, positive measures must be enthusiastically pursued to maximise opportunities for Aboriginal study, either for school leavers or more mature persons, to enable them to professionally participate in their community services; to help Close the Gap.

Cultural load is something the Commission could consider for those who are case managers in child protection, Aboriginal Children in Aboriginal Care and foster/kinship care. Many Aboriginal workers experience high levels of cultural load and vicarious trauma as they work closely with their communities. Additional support for the worker and their employer is vital to ensure a therapeutic care environment is available and used by Aboriginal workers. In many cases the vicarious trauma is significant, and the worker and their employer must factor that into their working arrangement and ensure a therapeutic care environment is available and used. Many Aboriginal workers in this sector live the impact of the issues of

their communities in their normal family and community participation well outside of their work hours and environment.

The role of carers, both foster and kinship, within communities cannot be overlooked as a significant increasing workforce factor for child and young people's well-being. Linked into the cultural supporting network and working closely with ACCO professionals their commitment to their areas helps to ensure the holistic community support and positive experience for these children and young people.

Because the nature of work and working in the western style child protection system is inherently different to Aboriginal culturally informed methods, ACCOs face extra workforce difficulties in attracting and retaining suitable workers. With Aboriginal children being so over-represented in the care and justice systems in Victoria it is necessary that Aboriginal culturally informed community approaches be well supported by government and that ACCOs be encouraged and resourced in their efforts towards closing the gap targets and beyond. This should include funding for ACCOs to support carers, considering things like cultural load.

Recommendations

13. DFFH and the sector must remedy the detrimental effect of cultural load by assisting ACCOs to create workplace environments that cater for these special needs. This includes addressing worker/client ratios and providing forums to discuss best practice models.
14. DFFH should consider its role in reforming tax considerations to raise the capital amount and/or reduce or remove the tax imposition, to give ACCOs an edge as a competitive employer.
15. DFFH should expand and improve programs like Better Futures and Home Stretch to ensure that Aboriginal young people leaving care have the best opportunity to succeed as independent young adults. DFFH should also ensure that continuing research and development of leaving care programs is prioritised.



Submission on Child Protection to the Yoorrook Justice Commission

Issue 5 requiring urgent action - Adequacy of support services provided to First Peoples children and families engaged with the system and post 'care'

Whilst systems are in place for the care of Aboriginal children and young people for kinship, foster and residential care, the policy of placing these vulnerable people into culturally safe care environments has fallen behind expectations. Importantly, young people must be well nurtured to overcome the difficulties in which life has placed them and must, as they become increasingly capable as they mature, be encouraged to have an active voice in decisions that affect them. Programs like Better Futures create this opportunity for young people to gain an aptitude for skills for independent living, giving them a voice in their decisions and linking them to pathways to assist them to succeed in independence.

The challenges of adulthood are often complex and overwhelming and for young people leaving care and becoming independent can lead to situations that increase the risk of mental and emotional challenge, social problems, exposure to undesirable elements of society and issues with the justice system.

The programs of Better Futures and Home Stretch, for instance, provide these young people with a chance to better develop attitudes and skills to cope with the new adult world of independence in areas, including housing, health, and wellbeing, living skills, education & employment, and connections (including cultural and community connections).

In line with the Victorian Governments self-determination policy, ACCOs must be the drivers and creators of an Aboriginal Better Futures model. Resourcing and supporting more ACCOs to deliver Better Futures, ensuring funding meets service demand and enabling a holistic and culturally robust Aboriginal model of care will see greater prospects for our young people. Included in this must be funding to continue to build the Aboriginal evidence base and capture the effectiveness of Aboriginal practice and service delivery. To ensure an Aboriginal Better Futures model is effective and sustainable it must be matched by investment in early intervention supports, wrap around cultural supports (such as mentoring

programs, cultural camps and family finding) as well as adequate housing and support to gain independent living skills.

The role of section 18 of the CYFA in the ACCO sector is a critical tool in improving the environment and prospects of these children and young people at risk, and these care programs are bolstered by programs that guide their transition to adulthood and independent living across a range of life skills. Enhancement of the expansion, development, accreditation, and support of section 18 ACCO entities, better gearing of the Better Futures and Home Stretch programs, as well as active and determined analysis of ways to augment, improve and create new approaches to care and leaving care of Aboriginal children and young people is a true investment in ensuring the path to remedying shortfalls in the social determinants of health and wellbeing.

Recommendations

13. The Alliance recommends resourcing and supporting more ACCOs to deliver Better Futures and ensure funding meets service demand and enables a holistic and culturally robust Aboriginal model of leaving care.



Submission on Child Protection to the Yoorrook Justice Commission

Conclusion

It is crucial that governments, DFFH and CSOs support self-determination so that ACCOs and Aboriginal people can lead governance, deliver, and evaluate services and produce, store, and use Aboriginal child and family service knowledge. Self-determination requires recognition of the impacts of intergenerational trauma because of colonisation and demands that those currently with power and authority give this back to ACCOs and support ACCOs to take power sustainably and at a pace of their choosing.

DFFH and the incoming government must work with ACCOs to ensure that law, such as cultural support plans, are complied with, and that where the need for legislative amendment or new legislation is raised that this is dealt with in a way that empowers and gives voice to ACCOs.

Self-determination and the reduction of numbers of Aboriginal children encountering Child Protection and the out-of-home care system requires a focus on early help. In doing this, ACCOs must be supported to be heard on what effective early help means and requires support for them to lead early help initiatives. We hope that the attached analysis of a consultation with Alliance members on early help provide further understanding of the position of Alliance members on the issue of early help.

Reducing the numbers of Aboriginal children in care and coming into contact with Child Protection requires a skilled workforce and will require ACCOs being supported to being competitive and attractive employers, taking into account cultural load.

Aboriginal children leaving out-of-home care need support to ensure their prospects for a better future.

If the Yoorrook Justice Commission sees fit to make any recommendation on the topics in this submission, those recommendations should take into consideration the Aboriginal policy environment in Victoria and the additional burden that could be placed on ACCOs as a result.

Finally, the Alliance has consulted with sector partners including VACCA, VACCHO and SNAICC, and we support their submissions.

