

Opening Statement

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 Department of Families, Fairness and Housing
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Opening Statement

- Good morning/good afternoon
- I would like to acknowledge the Traditional Owners of the land on which we are meeting today – the Wurundjeri people – and pay my respects to their Elders past and present. I also acknowledge all Traditional Owners throughout Victoria and that sovereignty has never been ceded.
- I acknowledge and thank the First Peoples who have shared their truth with the Commission to date, particularly those with lived experience relating to Child Protection and the care system. I, and staff within the department, have been listening deeply to your experiences. Your insights will shape the next steps for our reform journey. I also thank the Commissioners for the opportunity to participate in Australia's first truth-telling process.

- Colonisation has had a profound and enduring impact on the lives of Victoria's First Peoples. I, on behalf of the Department of Families, Fairness and Housing (the **department**), acknowledge that past laws and policies enabled devastating and horrific invasion in the lives of First Peoples and actions that sought to break First Peoples families,

dispossess, assimilate, and deprive them of their Country, culture and traditions.

- These laws, policies, and practices continue to cast a dark shadow over the Children and Families service system today and contribute to the injustice of over-representation. Recognising and understanding this history is critical if we are to address this injustice and reach a future where First Peoples are in control of their destiny.
- My intention today is to support the Commission's objectives as outlined in the Letters Patent – and do so by providing as fulsome an account as possible of the Children and Families System and the broader community services system.
- The longstanding and continued over-representation of First Peoples children in the Child Protection and care system is deeply concerning and a shameful feature of our system. Over the past decade, the department and the Victorian Government in partnership with Aboriginal Community Controlled Organisations (**ACCOs**) and Community Service Organisations (**CSOs**) have worked resolutely to address the over-representation of First Peoples children through reforms that I detail in my statement, including those informed by Taskforce 1000 and subsequent independent inquiries undertaken by the Commission for Children and Young People.
- These reforms have primarily focused on improving service responses by adding new and more culturally attuned processes and requirements to existing structures, policies and programs that previously gave little regard to First Peoples' knowledge and expertise.

- Consistent with the objectives of the Victorian Aboriginal Affairs Framework, Wungurilwil Gapgapduir and the Treaty process, these reforms have gradually and increasingly recognised the criticality of approaches being First Peoples-led, and how to enable alternative approaches that recognise self-determination as a human right.
- While progress has undoubtedly been made, I acknowledge that we have so far failed to reduce the rates of over-representation, which largely emanate from the enduring impacts of colonisation that increase the prevalence of the known risk factors associated with Child Protection involvement.
- Reforming the Children and Families System is, by its nature, a complex task. That task will benefit from truth-telling and the unfolding recognition that the system's foundations involve systemic bias and racism, which are critical matters to address. The work of the Commission in this regard will be crucial.
- In the last decade we have achieved much to be proud of, including the gradual transition of almost half of those First Peoples children who are subject to protection orders and in care to an ACCO. This transition has enacted the recognition that ACCOs are best placed to support First Peoples children and has been a critical step to a more self-determined system.
- We have also strengthened our governance structures including the co-design and implementation of the Aboriginal Children's Forum to drive mutual accountabilities, enable data exchange and support issues identification and resolution.

- In my statement I outline an array of additional initiatives that have increasingly moved us from consultation with First Peoples, to reforms that incorporate the critical voice of First Peoples and a greater level of Aboriginal-led service design and implementation. This journey has also included increased investment in Aboriginal-led innovation and research that is enabling the emergence of evidence of what is working for First Peoples children and families.
- The Department fully accepts and acknowledges that the root causes of over-representation are unlikely to be addressed simply through the adaptation of existing departmental policies, systems and practice to better respond to First people children. While such adaptations may drive some improvements to Child Protection responses, they fail to impact the broader service system and the structures and underpinnings of the Child Protection system that respond to vulnerability and risk, and ultimately the ability to prevent involvement with Child Protection. The key to addressing over-representation will be change at the systems level and enabling and investing in the design and delivery of Aboriginal-led services, inclusive of ongoing research and evidence building.
- We are currently in the unique position of being able to undertake a once-in-a-generation reform that is underpinned by commitments to self-determination. While the end state has not yet been determined, the current process of truth-telling and this Commission's work will continue to influence and shape the reform possibilities and options for a revised system, and will inform Treaty negotiations. The department is genuinely committed to the continuing and iterative

process of reform and to actively enabling the design and implementation of a revised system by First Peoples.

- While we are mindful not to pre-empt the outcomes of the Commission's findings and recommendations or the Treaty process, the department will continue to build on our learnings to date and support any changes the government may make that take us further towards an Aboriginal-led and more self-determined system.
- The department will continue to support and drive our collective efforts to achieve our agreed target of 100 per cent of First Peoples children, subject to protection orders and placed in care, being transitioned to an ACCO, and to support more ACCOs to become authorised so they may assume decision making for more children, where there is First Peoples community support for this to occur.
- Subject to the passing of the *Child and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-Determination and Other Matters) Bill 2023 (the Statement of Recognition Bill)*, Community Boorais projects will commence enabling the trialling of ACCO-managed investigations of Child Protection reports. This is critical reform work that will enable ACCOs to explore new ways of diverting First Peoples children from the Child protection system.
- In addition, if the Statement of Recognition Bill is passed, the department will operationalise those aspects of the Bill related to the implementation of the five elements of the Aboriginal Child Placement Principle.
- As we await the design of a future system, we will continue to support our Ministers, and acquit the department's own responsibilities, to

engage deeply with First Peoples organisations in order to understand their future aspirations and to support Aboriginal-led service design and implementation.

- Revising the current system will require the strengthening of existing partnerships and the forging of new partnerships, both urgent and sustained commitment, careful prioritisation of effort, and implementation of government investment decisions.
- I acknowledge the magnitude of the change required, its complexity, scale, and time frame, all of which will require a shared commitment to the principles of self-determination and Treaty.
- The complexity of achieving an Aboriginal-led and designed system cannot be underestimated, and I offer the following observations and insights to complement the evidence provided to the Commission by First Peoples with lived experience and those with professional and academic expertise in the field about the factors we collectively need to consider in moving forward.
- The Children and Families service system is one of the most complex and sensitive areas of public policy. The work requires sensitive and difficult human interactions and the application of complex and multifaceted professional judgements that are not seen in many other areas of social policy and industries.
- Child Protection involvement, and the State's intervention in the lives of children and families, is inevitably polarising – as we have heard from testimony it often results in a risk aversion culture and “damned if you do and damned if you don’t” scenarios.

- Moving the system to one that is Aboriginal-led will not in itself eliminate this complexity and this tension which will continue to be ever-present as it is in most Child Protection systems worldwide. While this complexity will need to be grappled with, it could be significantly ameliorated through new opportunities including considerations as to how we approach assessments of risk and safety to include a greater emphasis on culture as a protective factor, First People's systems of law and lore, kinship, family and cultural practices.
- I recognise also that Aboriginal-led service delivery within the Child Protection context is complex and will give rise to a range of additional considerations with respect to existing and future workforce challenges, taking into account the cultural load that First Peoples carry and the accountability they carry to community.
- The configuration, integration and cultural safety of the broader service system, including universal and targeted services, will also be critical in addressing the drivers of over representation and the provision of early support to vulnerable children and families. First Peoples agencies have told us that offering accessible, holistic, integrated, and non-stigmatising services early to First Peoples in need is critical to addressing vulnerability.
- The need for coordinated, culturally safe and integrated place-based solutions that centre First Peoples knowledge and agency in ways that facilitate self-determined solutions across all government-provided and funded services will be critical.

- Notwithstanding these challenges and complexities, it is evident that the current system is failing First Peoples children and families and that we must do better. Until such time that we embark on a future state through the process of truth-telling and Treaty, the department will continue the implementation of key immediate legislative reforms, government investment and changes in departmental policy and practice that will see a greater number of First Peoples children and families supported by Aboriginal-led services and new models in both Child Protection and the wider service system that more directly address the drivers of over-representation.
- Informed by the Commission's work, we will also endeavour to identify and address systems and practices within our control that support systemic bias and racism and give urgent attention to improving the cultural competence of the Children and Families Services workforce. I wish to again acknowledge the voices, advocacy and leadership of First Peoples that have appeared before the Commission and those I've had the privilege of working with over the years and who are tireless in their work to forge a better future for First Peoples children.
- I thank you for challenging me to understand more deeply the entrenched issues in our system and for driving urgent change. Not only is this critical for First Peoples children, but I believe a self-determined process of reform will teach us much about First Peoples ways of knowing and being to support children to thrive, which will benefit all Victorian children.