



Victorian Aboriginal
Children & Young
People's Alliance

The case for systemic reform

Submission on Child Protection to the Yoorrook Justice Commission

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Executive Summary

- The Victorian Aboriginal Children and Young People’s Alliance (the Alliance) made a submission to the Yoorrook Justice Commission in December 2022, raising five issues that require urgent attention:
 - Self-determination
 - Law reform and compliance with law and policy
 - Early help
 - Workforce
 - Post-care supports.
- Since then, the Alliance has prepared a comprehensive plan for system reform. This additional submission lays out that reform and the underlying rationale.
- Analysis undertaken by the Alliance points to ongoing systemic racism that discriminates against Aboriginal families, children and young people, resulting in Aboriginal¹ children and young people being 22 times more likely to be in state care than non-Aboriginal children and young people.
- Moreover, our analysis shows that Aboriginal children and young people are removed and returned from parental care at a rate nearly three times the national average, despite socio-economic conditions in Victoria being not worse than other states and territories.
- Data shows that child protection practitioners substantiate child abuse and neglect more quickly in Victoria than the rest of Australia, with about 42 per cent of cases substantiated in four weeks or less – a speed double the national average. That rush to substantiate is evidence of an over-burdened child protection system that rewards substantiation of abuse.
- The Alliance concludes that the Victorian system is failing Aboriginal families, children and young people and that systemic reform is needed. A new standalone Aboriginal Families, Children and Young People’s Care Act is required to establish an Aboriginal-led, designed and delivered care system in Victoria.
- We call for:
 - 1. Local decision making by ACCOs**

Support an ACCO-led child protection reform that results in the transfer of decision making, funding, and ways of working, to local ACCOs
 - 2. An Aboriginal led, designed and delivered care system**

Resource and provide the time for ACCOs to design, build and deliver an Aboriginal family, child and young person care system founded on new standalone legislation
 - 3. Needs-based funding**

Commit to ongoing rights-based funding that reflects demand, that is, the number and complexity of families and children supported by ACCOs, from early help through to statutory service delivery.

¹ In this submission, the term Aboriginal is used to refer to Aboriginal and Torres Strait Islander people.



Recommendations

The Alliance calls for:

New Legislation

1 A standalone Aboriginal Families, Children and Young People's Care Act is in place by 2026

- 1.1 The ACCO peak be funded to commission the drafting of a new Aboriginal Families, Children, Young Person's Care Act
- 1.2 Immediate expansion of Marram-Ngala Ganbu across Victoria to ensure Aboriginal families are directly involved in the decision making
- 1.3 Resource and support a Koori Court Model within the Act.

Peak body for ACCOs providing family, child and youth services

2 The Victorian Aboriginal Children and Young People's Alliance is recognised and funded as a peak body for ACCOs engaged in the children, youth and family sector

- 2.1 Government and mainstream have an appropriate place to engage regarding Aboriginal family, child, and youth sector reform
- 2.2 The peak body is resourced to provide oversight of every facet of the Aboriginal family, child and youth reform and its ongoing implementation
- 2.3 The peak leads and supports Aboriginal practice-based research that elevates the excellence of ACCOs to improve the lives of Aboriginal families, children and young people
- 2.4 The peak supports the ACCO sector with Aboriginal child and family service workforce development and organisational sustainability
- 2.5 The peak body supports ACCOs to develop local service models and supports the sharing and implementation of these
- 2.6 The Victorian Government funds and resources the peak to establish itself and achieve the key objectives for its members
- 2.7 Resources and funding for regional governance models are transferred to the peak so it is truly reflective of its self-determining local members
- 2.8 The secretariat for the Aboriginal Children's Forum is funded and led by ACCOs.

Keeping families together and out of the statutory systems

3 Every Aboriginal family seeking support can access what they need directly from their local ACCO

- 3.1 Policies are changed to remove the barriers Aboriginal families face to access services and support when they need help, and to a level that meets their needs so that:
 - Any Aboriginal person is eligible for services and is able to self-refer directly to an ACCO
 - Referrals from Community and individuals can come straight to ACCOs, and are not required to triage through child protection, The Orange Door or other organisations
 - Rights-based funding is introduced and increased to:
 - Wrap services around families quickly, and to scale up and down intensive, coordinated support to meet changing family needs
 - Support inter-generational trauma and complex needs over time (not limited by hours)
 - Enable cultural support and connection to be embedded into supporting families, children and young people.



4 Every Aboriginal child and young person have access to local Aboriginal early years and youth programs and support whether they live in metropolitan or regional Victoria

4.1 ACCOs deliver or partner with other providers to support culturally rich services for Aboriginal children and families through:

- Culture, Ceremony, Connection – yarning circles, programs, activities and events
- Engagement – strengths-based services focused on prevention and early help including: early childhood education and care; school readiness; playgroups
- Preservation – Enhanced maternal and child health services; family support services
- Care Services – statutory interventions

4.2 Early help rights-based flexible funding enables ACCOs to support a broad range of community strengthening approaches, such as:

- Cultural connection and host events, activities and programs
- Transportation to and from early learning, healthy eating education and options
- Lunches
- Mother's groups; Father's groups; Family groups
- Parenting programs and support

5 Increase early help / prevention funds allocated to care for Aboriginal families, children and young people and re-allocate investment for child protection from Government and CSOs to local ACCOs

5.1 ACCOs are determining which services will be delivered for their communities, and how the funding will be allocated to reflect workforce and community need

5.2 Early support and family services funding is collectively evaluated based on common outcomes, with simplified reporting

5.3 Local governance models are established to manage conflicts of interest around local policy, program and funding decisions.

6 Self-determined policies and expanded funding criteria enables ACCOs to support families, children and young people to fully engage in community life

6.1 Local ACCOs are supported to be the meeting place in their local communities to foster relationships

6.2 Brokerage is sufficient and flexible to enable ACCOs to use their discretion to support children, young people and their families

6.3 Increased investment for local programs developed by and for Aboriginal young people

Self-determination through the statutory system

7 Local ACCOs make the decisions about who will deliver statutory services in their community (either the ACCO themselves or a partner of its choice), provide oversight and eliminate barriers to transitioning

7.1 Transition of statutory services post-intake: Aboriginal Children in Aboriginal Care (ACAC), Community Protecting Boorais, Aboriginal Child Specialist Advice and Support Services (ACSASS), Aboriginal Family-Led Decision Making meetings (AFLDMs) and Family Finding Program, including funding and support, at a pace that is set by each local ACCO

7.2 For those local ACCOs seeking to take on ACAC, Community Protecting Boorais or ACSASS:

- Establish or transition the service to the ACCO, at a pace set by the ACCO
- Support the transition of the remaining statutory powers to a partnership led by the local ACCO with their agreed partner



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- 7.3 ACCOs receive and determine the best use of funds to keep children and families safe and start early help
- 7.4 Funding is sufficient to enable ACAC to be undertaken by ACCOs for every Aboriginal child and young person in child protection (post-intake).

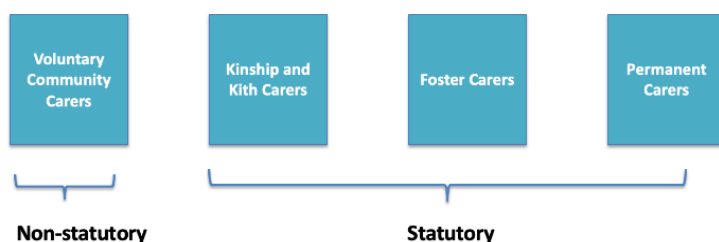
8 Aboriginal children stay in their communities through alternative arrangements when carers are not available so connection to family and friends are maintained and disruption to daily lives are minimised

- 8.1 Alternative Aboriginal home environments to residential care for Aboriginal children and young people funded, researched and established by ACCOs for those who cannot live with a carer
- 8.2 Local Aboriginal family group homes are available where no carer is immediately available when a child or young person is removed from their family.

Carer equity

9 Carers of Aboriginal children and young people, whether voluntary, kinship, kith or foster care, receive equitable support based on the child or young person's complexity and the needs of the carer

- 9.1 Policies, programs, training and funding are the same for kinship, kith, foster and permanent carers of Aboriginal children and young people
- 9.2 The assessment of all carers is equitable and applied in a way that does not traumatise the prospective carer
- 9.3 Regardless of care type, the same process is applied to assess an Aboriginal child or young person's complexity and to determine the level of carer payment
- 9.4 All Aboriginal children and young people are case managed (contracted or ACAC) by a local ACCO, and the ACCO is making decisions for each child or young person
- 9.5 Brokerage funds are increased and made flexible to:
- Meet the basic needs of children and young people, and carers, to fully engage in school, sport, culture (implementation of cultural plans) and community life
 - Address health, trauma, and the social and emotional needs of children and their carers
- 9.6 Brokerage at the outset is sufficient to establish a stable and functional placement
- 9.7 Each metropolitan and regional ACCO is funded to sustain local carer networks
- 9.8 ACCOs are able to support the many Voluntary Community Carers that care for Aboriginal children and young people who are not engaged with the care system, and their role is acknowledged, valued and financially supported where required



- 9.9 A shift in policy supports the introduction of professional carers



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Workforce and operating costs**10 Equitable sustained workforce investment, including sector wage parity, to meet the escalating operational costs, and the additional cultural and other responsibilities, particularly for smaller rural and regional ACCOs**

- 10.1 Funding for all services is based on wage parity with the Victorian Public Service Award and includes dedicated funding for professional development
- 10.2 An ACCO child and family service workforce strategy is created and funded to support Aboriginal self-determination and demand

Infrastructure**11 Infrastructure is funded to match local ACCO's service delivery commitments, demand and growth**

- 11.1 ACCO business infrastructure development and sustainability (facilities, land, people and technology) are funded separately from program delivery



Introduction

The Victorian Aboriginal Children and Young People's Alliance (the Alliance) represents fifteen Aboriginal Community Controlled Organisations (ACCOs) that provide family, child and youth services in Victoria.

The Alliance made a submission to the Yoorrook Justice Commission in December 2022 outlining five issues that require urgent attention from the Department of Families, Fairness and Housing (DFFH) and the Victorian Government 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.

The Alliance stands by the submission it made in 2022. However, since that time, in response to a request from the Premier of Victoria, the Alliance has developed a comprehensive plan that describes systemic reform of the way that Victorian Aboriginal families, children and young people are supported and cared for.

The Premier of Victoria asked the Alliance and the Victorian Aboriginal Child Care Agency (VACCA) what it would take to deliver an Aboriginal child protection and family services system.

The members of the Alliance took the invitation from the Premier to tell him what is needed very seriously and each of our fifteen members contributed to this reform agenda.

Our fifteen member ACCOs are all very different organisations. While there are differences in the programs we deliver and the strategic directions of each ACCO, we share one very important feature: we are all Aboriginal Community Controlled Organisations.

This reform agenda was developed through several planning workshops attended by the fifteen ACCOs that provide Aboriginal family, child and youth services across Victoria.

The Alliance undertook analysis of the way the current system operates for Aboriginal families, children and young people. As evidence provided to the Yoorrook Commission clearly shows, the current system is failing Aboriginal families.

This submission provides analysis that supports recognition of that failure and calls for systemic reform. The Alliance does not support further tinkering around the edges of a failed system. We believe a standalone Aboriginal Families, Children and Young People's Act is required so that an Aboriginal led, designed and delivered system can operate in Victoria.

This submission does not cover the entrenched loss, grief and trauma forced upon First Nations people through brutal colonisation. People who once lived their truth and passed on living culture through story, song, art, dance and ceremony, were dispossessed and separated from their Country and culture. Subsequent government policies have had devastating impacts.

Regarding the impact of past government policies on Aboriginal people, the Alliance welcomes the passage of the Children and Health Amendment (Statement of Recognition, Aboriginal Self-Determination and Other Matters) Bill 2023 (SOR Bill) by the Victorian Parliament on 20 June 2023.



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The Alliance contributed to the development of the Statement of Recognition that, following passage of the Act, will be added to the *Children, Youth and Families Act 2005*. The Alliance supports that Statement:²

- (1) The Parliament formally recognises that Aboriginal people are the First Nations people of Australia.
- (2) The Parliament acknowledges that—
 - (a) the child protection system played a key role in the enactment of policies leading to the dispossession, colonisation and assimilation of Aboriginal people; and
 - (b) the laws, practices and policies of former child protection systems resulted in the removal of Aboriginal children from their families, culture and Country, by compulsion, in an effort to assimilate and extinguish their culture and identity.
- (3) The Parliament recognises the systematic forcible removal of Aboriginal children through the laws, practices and policies of the child protection system has substantially contributed to—
 - (a) a legacy of disconnection; and
 - (b) intergenerational trauma; and
 - (c) entrenched social disadvantage and dysfunction; and
 - (d) marginalisation; and
 - (e) a distrust of the child protection system.
- (4) The Parliament recognises that ongoing structural inequality and systemic racism impact Aboriginal people and culture in relation to—
 - (a) decision-making in the child protection system; and
 - (b) over-representation of Aboriginal children in the child protection system.
- (5) The Parliament further recognises the survival, resilience and success of Aboriginal families and communities in the face of the devastating impacts of these colonisation, dispossession and assimilation policies.
- (6) The Parliament supports rights and initiatives that—
 - (a) address the factors that drive the over representation of Aboriginal children in the child protection system; and
 - (b) will require Aboriginal children, families and communities to be treated fairly and equally.
- (7) It is the intention of Parliament that the child protection system must recognise, respect and support the distinct cultural rights of Aboriginal people and their right to self determination.

The current child protection system is burdened by the impact of past policies, but also by ongoing structural inequality and systemic racism.

² Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Act 2023, section 7A.



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Furthermore, as argued in this submission, in addition to structural inequality and systemic racism, the child protection system in Victoria suffers from inadequate resources that result in unworkable and dangerous caseloads for the practitioners who work in that system; and that because of those impossible demands, Aboriginal families, children and young people are further discriminated against through what can best be described as well-intentioned racism.

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 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

The Alliance's 2022 submission outlined the history of child removal in Australia. This submission will not repeat that history. However, the Alliance notes, as every Victorian Aboriginal person is strongly aware, the impact of that history lives on in the lives of every Aboriginal family. No one is untouched by that history and considering that, the Alliance welcomes the Statement of Recognition and Recognition Principles that will inform future policy and practice in Victoria.

It is tempting to feel persuaded that the child protection system in Victoria may yet turn itself around as a result of the Statement of Recognition and the reforms in the SOR Act including the five elements of the Aboriginal Child Placement Principle that will come into force in June 2024.

However, as we demonstrate below, the Alliance believes that this is not a realistic proposition: systemic racism cannot be readily overcome and consequently, Aboriginal families, children and young people will continue to be



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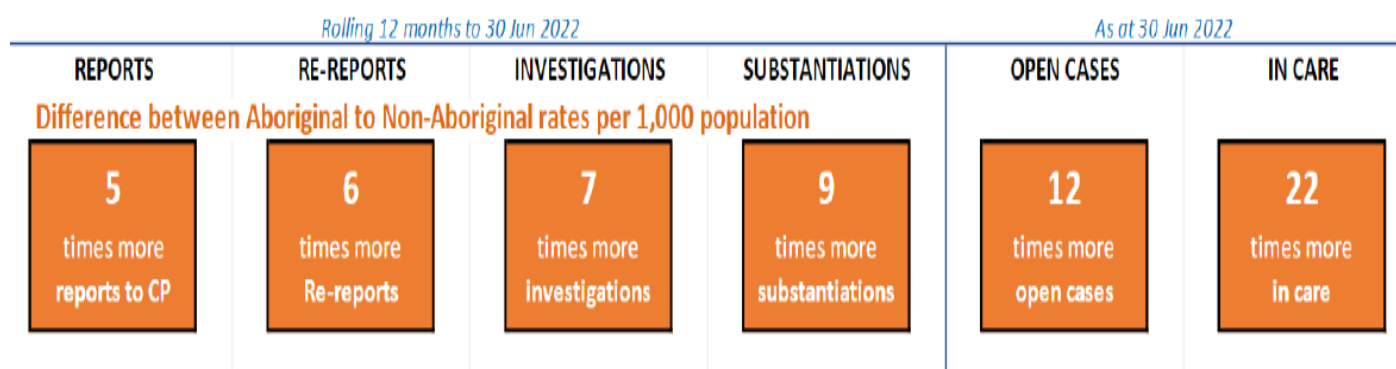
discriminated against without further reform. Moreover, the system itself, from the construction of the Children's Court, through the description of the service system, to the Protection Orders administered by the Secretary of DFFH, is not Aboriginal led, designed or delivered. Only a system led, designed and delivered by Aboriginal people and Aboriginal community-controlled organisations will truly provide the support Aboriginal families need.

Over representation today

More than one in ten Victorian Aboriginal children are in the care of the state.³

Rate of children in out-of-home care per 1000 population (June 2021)									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Indigenous	59.5	103.0	43.4	64.7	90.0	34.4	66.8	34.5	57.6
Non-Indigenous	5.4	4.7	4.7	3.4	7.7	6.5	5.2	2.5	5.0

Over-representation of Aboriginal children in child protection occurs at every stage of child protection. Indeed, the rate of over-representation increases the further children penetrate the system, as demonstrated in the following figure:⁴



The rate of Victorian Aboriginal children in care is 22 times the rate of non-Aboriginal children in care (the rate ratio). The Victorian rate ratio is nearly double the national average rate ratio of 11.5.

The rate of Aboriginal children in care is worse in Victoria than the rest of Australia. However, on key socio-economic indicators, Victoria is not behind the rest of Australia.

Socio-economic inter-jurisdictional comparison

On key socio-economic indicators, Victoria is not behind the rest of Australia

Victoria has the highest rate of kindergarten enrolment:⁵

Proportion of children enrolled in preschool program in 2021									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Indigenous	90.7	115.9	95.1	107.2	106.8	104.0	139.9	79.4	96.7
Non-Indigenous	82.6	86.9	84.7	96.2	89.2	99.8	99.3	99.8	86.7

³ Report on Government Services (2022), Child Protection Services, Data table 16A.2

⁴ Data shared by the Department of Families, Fairness and Housing at the June 2023 Aboriginal Children's Forum, derived from nationally published data from the Productivity Commission.

⁵ Closing the Gap Annual Data Report 2023, table 3



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Victoria has the second highest rate of Year 12 completion⁶

Proportion of young people who attained Year 12 or equivalent in 2016									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Indigenous	64.3	69.6	69.5	57.4	61.4	62.7	77.4	37.5	63.2
Non-Indigenous	88.4	90.0	88.8	87.6	85.2	79.0	92.9	83.8	88.5

Victoria has the third highest employment rate⁷

Proportion of people aged 25-64 employed									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Indigenous	54.6	57.3	52.1	44.7	46.4	59.0	70.1	35.4	51.0
Non-Indigenous	75.2	75.8	75.8	76.8	74.1	72.4	81.7	84.8	75.7

The rate of family violence experienced by Aboriginal women is below the national average⁸

Proportion Aboriginal females aged 15+ who experienced physical family violence in previous 12 months in 2018-19									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Proportion with confidence interval	10.0 ± 4.2	7.5 ± 3.9	6.4 ± 2.8	9.0 ± 3.3	7.2 ± 3.4	8.3 ± 5.3	7.4 ± np	7.5 ± 2.7	8.4 ± 1.7

Victoria's adult imprisonment rate is the third lowest in Australia⁹

Rate of adult imprisonment per 100,000 population in June 2021									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Indigenous	1 906.1	1 816.4	2 144.2	3 449.3	2 531.1	775.8	1 641.8	2 556.8	2 222.7
Non-Indigenous	164.9	127.7	184.5	216.3	197.0	147.9	84.0	194.6	164.2

Victoria has the lowest rate of youth detention in Australia¹⁰

Rate of youth detention per 10,000 young people on an average day in 2020-21									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Indigenous	13.1	9.6	32.8	40.8	16.5	np	np	27.3	23.2
Non-Indigenous	1.2	1.5	1.5	1.0	0.7	np	1.4	np	1.3

⁶ Closing the Gap Annual Data Report 2023, table 5

⁷ Closing the Gap Annual Data Report 2023, table 8

⁸ Closing the Gap Annual Data Report 2023, table 13

⁹ Closing the Gap Annual Data Report 2023, table 10

¹⁰ Closing the Gap Annual Data Report 2023, table 11



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The rate of Aboriginal homelessness in Victoria is mid-range compared with other jurisdictions. It is lower than the national average, though that figure is skewed by the appalling conditions in the Northern Territory.¹¹

Rate of homelessness per 10,000 population in 2021									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Indigenous	90.2	168.9	201.0	380.9	326.8	81.8	140.8	1,864.5	306.8
Non-Indigenous	37.6	38.5	33.2	22.4	30.2	36.5	30.5	68.5	34.9

Suicide rates for Victoria are not published by the AIHW or Productivity Commission (which monitors Closing the Gap indicators) because the actual numbers are low and could lead to identification of individuals, though suicide rates for 2016-20 are published by the Productivity Commission for New South Wales, Queensland, Western Australia, South Australia and the Northern Territory.

Child protection data shows significant difference in Victoria

Whilst the data above shows that Victorian Aboriginal people are ahead of other Australians in socio-economic measures, the rate of notifications of Aboriginal children in Victoria is more than five times the rate for non-Indigenous children.¹²

While Victoria is not out of step with New South Wales and South Australia, the rate of notifications of Aboriginal children in Victoria is more than three times the rate in Queensland, and well above the national average. (Though the national average is brought down by the low rates of notifications in Tasmania, Queensland and Western Australia.) So, we asked ourselves why this is the case.

Rate of notifications of child abuse and neglect per 1000 population in 2020-21									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Indigenous	233.7	278.9	83.3	123.4	287.9	34.4	376.9	390.2	188.8
Non-Indigenous	40.7	50.0	12.9	12.6	43.4	5.8	47.3	82.1	34.3

The argument is sometimes made that Victoria has a higher rate of notifications due to its more urbanised population. While there may be some contribution from urbanisation, a more likely factor for Aboriginal children is that, given the low Aboriginal population in Victoria (1.0% of population), Aboriginal children stand out more and attract more attention from reporters (the biggest reporters are police, schools, doctors/nurses and CSOs).

Data show a much greater difference following notification. **Victoria has a far higher rate of substantiations of allegations of child abuse than the rest of Australia, double the national average.**¹³

Rate of substantiations of child abuse and neglect per 1000 population in 2020-21									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Indigenous	52.1	88.2	21.9	44.2	48.3	11.2	33.3	55.1	43.4
Non-Indigenous	6.4	9.9	3.6	4.3	4.3	1.8	2.4	5.2	6.2

¹¹ ABS Census 2021 20490DO007 (2023), Estimating Homelessness

¹² Report on Government Services (2022), Child Protection Services, Data table 16A.1

¹³ ibid



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The flow on effect of those children into the child protection system results in **Aboriginal children in Victoria on protection orders at a rate vastly higher than the rest of Australia**, nearly double the national average.¹⁴

Rate of children on care and protection orders per 1000 population at June 2021									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Indigenous	73.7	138.3	56.2	79.6	96.1	42.2	89.8	35.7	71.5
Non-Indigenous	7.1	8.2	6.3	4.4	8.7	8.7	6.9	2.8	7.0

Victoria both admits and discharges Aboriginal children from care at a much higher rate than the rest of Australia, nearly **triple the national average**. The gap between children admitted to care and children discharged from care adds to the growing over-representation of Victorian Aboriginal children in care.¹⁵

Rate of admissions to and discharges from out-of-home care in 2020-21									
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Proportion Indigenous children admitted to OOHC	1.0%	3.6%	1.4%	1.2%	1.8%	0.5%	1.2%	0.7%	1.3%
Proportion Indigenous children discharged from OOHC	1.0%	3.4%	1.1%	1.4%	1.3%	0.6%	1.9%	0.9%	1.2%
Proportion non-Indigenous children admitted to OOHC	0.1%	0.2%	0.2%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%
Proportion non-Indigenous children discharged from OOHC	0.1%	0.2%	0.1%	0.1%	0.1%	0.1%	0.1%	0.2%	0.1%

The effect of high numbers of protection orders and entry/exit from care is that Victoria's child protection system is much more involved with Aboriginal children than is the rest of Australia, despite other socio-economic conditions.

That increased intervention could be described as well-meaning. It could be considered beneficial for the state to intervene to provide mandatory involvement to address problems when they arise rather than allowing problems to continue or get worse.

More likely is that Victoria has maintained a well-intended, but ultimately racist approach to child wellbeing, intervening in the lives of Aboriginal families 'for their own good' rather than helping families engage with voluntary, culturally appropriate support services.

The vast difference in Victoria's child protection system is exacerbated by demand problems, with unallocated cases failing to get the attention they need. The Department of Families Fairness and Housing does not release data on unallocated cases, but it is anecdotally understood that more than one in ten cases are unallocated. Those demand pressures create an internal drive to push investigations through quickly, so that they free up the workers in response teams and hand over the cases to case management teams. It is easier to substantiate quickly and pass a case on than it is to do the work required to thoroughly consider what a family need.

¹⁴ ibid

¹⁵ Report on Government Services (2022), Child Protection Services, Data table 16A.4, proportions generated using population data from table 16A.41



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The evidence for this rush to substantiate is clearly indicated in data about time taken to complete investigations of allegations of child abuse and neglect.

Time taken to complete investigations in 2020-21 ¹⁶									
Proportion of investigations completed in 2020-21	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
28 days or fewer	13.6	41.7	11.4	19.1	28.4	13.9	12.9	20.3	20.3
29 to 62 days	49.7	36.4	29.3	28.9	30.8	17.8	60.2	30.2	40.8
63 to 90 days	18.7	11.9	20.5	17.1	14.2	13.8	16.6	16.3	17.1
More than 90 days	18.0	10.0	38.7	34.9	26.6	54.5	10.3	33.2	21.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

41.7% of child abuse investigations are completed in four weeks or less in Victoria, more than double the national average. That rush to complete investigations leads to higher substantiation rates and higher numbers of Aboriginal children on protection orders and removed from parental care.

If you are a child protection practitioner in a response team, undertaking initial investigations of allegations of abuse and neglect, and you are drowning under your case load, feeling that you can't do justice to the complex and vitally important work you are doing – if that is the case, the easiest and safest way to shift a case off your caseload is to substantiate abuse and hand the case onto a case management team to do further work.

If you substantiate incorrectly, you might say to yourself, no harm done – at least the child is safe, and we will do more work with them. Do not forget that if you make a mistake the other way, where you do not substantiate, but the child really is at risk of child abuse, the outcome could be catastrophic. It is 'safer' to substantiate and pass it on.

However, what this approach fails to consider is that once the substantiation decision is made, the child is in the child protection system, and as noted above, the rate of over-representation compounds at every step. We have heard through Yoorrook hearings, that this can follow the child around into adulthood, potentially borne out by the Unborn Notification process.

When the Alliance examined the Victorian child protection system and the thousands of people who phone up that system every day to report allegations of child abuse and neglect of Aboriginal children and young people; it becomes clear that ongoing systemic racism embedded in society is a key factor influencing over-representation.

The child protection practitioners who make the decisions that result in the removal of children from parents are not immune from systemic racism either.

But perhaps, given that Victorian Aboriginal people make up one per cent of the population of Victoria, and their socio-economic status is vastly behind that of non-Aboriginal Victorians, it is possible that non-Aboriginal Victorians notice Aboriginal people and report them to child protection five times more, because they want the state to aid. Unfortunately, those children and young people removed from the care of their parents and the parents themselves, do not receive 'help'. Rather, they experience loss, grief, and trauma because of well-intended racism.

If over-representation was just about social-economic indicators, Victoria would **not** have the highest rate of over-representation nationally.

¹⁶ Report on Government Services (2022), Child Protection Services, Data table 16A.11



The system does not work for Aboriginal families and children

The fifteen ACCOs that are members of the Victorian Aboriginal Children and Young People's Alliance conclude that Victoria's child protection system is broken and that it is failing Aboriginal families, children and young people. The main factor that contributes to that failure is systemic racism, though the over-stretched workforce also adds to the problem.

The Alliance therefore calls for systemic reform. We call for:

1. Local decision making by ACCOs

Support an ACCO-led child protection reform that results in the transfer of decision making, funding, and ways of working, to local ACCOs

2. An Aboriginal led, designed and delivered care system

Resource and provide the time for ACCOs to design, build and deliver an Aboriginal family, child and young person care system founded on new standalone legislation

3. Needs-based funding

Commit to ongoing rights-based funding that reflects demand, that is, the number and complexity of families and children supported by ACCOs, from early help through to statutory service delivery.

An Aboriginal led, designed and delivered system would not rush to substantiate child abuse. Aboriginal people know only too well the impact of being labelled as a bad parent. Aboriginal people know what it feels like to be belittled and condescended to by authorities and professionals. Well intended racism is still racism.

An Aboriginal led, designed and delivered system would not rush to remove children from parental care. It is well documented that Aboriginal people have lived experience of the stolen generations. The reach of disastrous policies of child removal has left a permanent scar on the hearts of Aboriginal people that aches on every mention of statutory child protection. An Aboriginal system would be sensitive to that inter-generational trauma and would agonise over each allegation of child abuse before removing a child from parental care.

Members of the Alliance are not naïve. ACCOs know there are children who need to be looked after by family and community from time to time, while parents are supported to make changes so they can look after their own children. While the goal must always be that no child will be abused or neglected, as we strive towards that goal, there is a need to wrap our children in love and care. Aboriginal families and communities are the place to provide that care so that Aboriginal children are connected to the protection that culture provides during any time out of parental care.

The systemic reform we want requires a change in thinking. More of the same will not change outcomes for Aboriginal children and families.

The Alliance is asking government and mainstream community service organisation partners in Wungurilwil Gagapduir to open their minds to a different future. A future where **the Aboriginal way is clear, heard, supported, and authorised.**

Government needs to fund the time and resources to develop and implement a new Aboriginal family, child and young person's care system. That system will **value and accept ACCO governance, local expertise, and capability to support local families, children and young people.**

Local ACCOs are best placed to determine the risk with their families. That community understanding must be acknowledged. Through local understanding, relationships and knowledge, Aboriginal organisations and



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communities must have oversight of, and make decisions with, their families, children and young people. That decision making power extends to decisions about who they might partner with to deliver services.

Our members know that this approach is not risk free, but we will accept that risk, and we ask Government to stand true to self-determination and give us that control at the local level.

Of course, we need **funding, proportionate to need**, to deliver reform.

Reform priorities

New Legislation

1. A standalone Aboriginal Families, Children and Young People's Care Act is in place by 2026

Peak body for ACCOs providing family, child and youth services

2. The Victorian Aboriginal Children and Young People's Alliance is recognised and funded as the peak body for member ACCOs engaged in the families, children and young people's sector

Keeping families together and out of the statutory systems

3. Every Aboriginal family seeking support can access what they need directly from their local ACCO
4. Every Aboriginal child has access to local Aboriginal early years and youth programs and support whether they live in metropolitan or regional Victoria
5. Increase early help / prevention funds allocated to care for Aboriginal families, children and young people and re-allocate investment for child protection from Government and CSOs to local ACCOs.
6. Self-determined policies, programs and expanded funding criteria enables ACCOs to support families, children and young people to fully engage in community life

Self-determination through the statutory system

7. Local ACCOs make the decisions about who will deliver statutory services in their community (either the ACCO themselves or a local partner of its choice), provide oversight and eliminate barriers to transitioning
8. Aboriginal children stay in their communities through alternative arrangements when carers are not available so connection to family and friends are maintained and disruption to daily lives are minimised

Carer equity

9. Carers of Aboriginal children and young people, whether voluntary, kinship, kith or foster care, receive equitable support based on the child or young person's complexity and the needs of the carer

Workforce and operating costs

10. Equitable sustained workforce investment, including sector wage parity, to meet the escalating operational costs, and the additional cultural and other responsibilities, particularly for smaller, and rural and regional, ACCOs

Infrastructure

11. Infrastructure is funded to match local ACCO's service delivery commitments, demand and growth



Implementation actions

New legislation

- 1. A standalone Aboriginal Families, Children and Young People's Care Act is in place by 2026**
- 1.1 The ACCO peak is funded to commission the drafting of a new Aboriginal Families, Children, Young Person's Care Act
- 1.2 Immediate expansion of Marram-Ngala Ganbu across Victoria to ensure Aboriginal families are directly involved in the decision making.
- 1.3 Resource and support a Koori Court Model within the Act

The Alliance calls for standalone legislation for Aboriginal families, children and young people by 2026. We are not limiting the scope of that legislative reform process and the Alliance proposes we stay open to whatever works at this stage of the reform.

Essential to the development of that legislation is a governance process that provides a voice to Aboriginal communities, Aboriginal organisations, and hears what Aboriginal ways of caring for children and young people look like, so those ways are built into a new system of care.

The Victorian child welfare system is fundamentally adversarial with Courts ruling over children's lives, pitting one side against the other. There are other ways that could be more culturally appropriate for Aboriginal families.

As we work toward systemic change, there are things we can do now, such as expanding Marram-Ngala Ganbu across the state, as that legal decision-making model has been evaluated and has been shown to work better for Aboriginal families.

Peak body for ACCOs providing family, child and youth service

- 2. The Victorian Aboriginal Children and Young People's Alliance is recognised and funded as a peak body for ACCOs engaged in the children, youth and family sector**
- 2.1 Government and mainstream have an appropriate place to engage regarding the family, child, and youth sector reform
- 2.2 The peak body is resourced to provide oversight of every facet of the Aboriginal family, child and youth reform and its ongoing implementation
- 2.3 The peak leads and supports Aboriginal practice-based research that elevates the excellence of ACCOs to improve the lives of Aboriginal families, children and young people
- 2.4 The peak supports the ACCO sector with Aboriginal child and family service workforce development and organisational sustainability
- 2.5 The peak body supports ACCOs to develop local service models and supports the sharing and implementation of these
- 2.6 The Victorian Government funds and resources the peak to establish itself and achieve the key objectives for its members
- 2.7 Resources and funding for regional governance models are transferred to the peak so it is truly reflective of its self-determining local members
- 2.8 The secretariat for the Aboriginal Children's Forum is funded and led by ACCOs



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Systemic reform is not just about program delivery. Members of the Alliance have made it clear that they seek a funded, ongoing, peak body, not only to represent ACCOs' interests, but to do the research and development with them to develop culturally attuned models of service and care.

As the peak body, the Alliance will:

- Embed cultural knowledge into all relevant policy development and implementation
- Provide evidence-based research and advice to drive innovative reform
- Assist ACCOs to plan and develop effective recruitment practices that respond to the current and emerging workforce requirements and encourage organisational stability
- Support Government and ACCOs to collaborate on the transition from program-based funding to place-based funding – identifying and developing appropriate tailored outcomes-based funding models that address the variances of need experienced at a local level
- Collaborate with department to transition from complex outputs-based compliance reporting to mechanisms that are reflective of Aboriginal program design and delivery, prioritising organisational capacity and client outcomes over metrics
- Act as an advisor to government on matters relating to the Aboriginal family, child, and youth sector and as a conduit between departments, government, and mainstream Community Services Organisations on said matters
- Re-establish an information sharing and networking forum that draws on the knowledge of and is driven by, ACCOs

The rationale for an ongoing peak is:

- Funding the Alliance as the peak body will enable an effective flow of information to support productive change and collective impact of ACCOs
- As the peak body, representing ACCOs across the state, the Alliance will be best placed to build capacity and capability within the family, child, and youth sector, to support Aboriginal-led decision making and solutions for community
- Underpinned by its collaboration and consultation with its membership, the Alliance can represent, initiate, and develop policy and program responses that genuinely reflect the needs and aspirations of the ACCOs
- The Alliance has existing relationships with key Aboriginal and mainstream stakeholders that can be strengthened to better support our members and our identified priorities
- The Alliance has a new Strategic and Operational Plan (2023-2028) and has recently attained company registration with ASIC.
- Aboriginal-led decision making, accountability and governance are embedded in the Alliance through a robust Constitution, transparent Terms of Reference and is overseen by a board of directors comprising four chief executives from our member ACCOs

The Victorian government's 2023 Budget failed to provide ongoing funding for the Alliance. Failure to fund the Alliance is not just an obstacle to our achievement of these goals, it is a clear contradiction of the strong messages of support from the Premier in our very productive meetings with him earlier this year. Without ongoing, dedicated funding, the Alliance cannot meet these goals, which calls into question the Government's true commitment to Aboriginal self-determination regarding Aboriginal child protection.



Keeping families together and out of the statutory systems

3. Every Aboriginal family seeking support can access what they need directly from their local ACCO

- 3.1 Policies are changed to remove the barriers Aboriginal families face to access services and support when they need help, and to a level that meets their needs so that:
- Any Aboriginal person is eligible for services and is able to self-refer directly to an ACCO
 - Referrals from Community and individuals can come straight to ACCOs, and are not required to triage through child protection, The Orange Door or other organisations
 - Rights-based funding is introduced and increased to:
 - Wrap services around families quickly, and to scale up and down intensive, coordinated support to meet changing family needs
 - Support inter-generational trauma and complex needs over time (not limited by hours)
 - Enable cultural support and connection to be embedded into supporting families, children and young people.

4. Every Aboriginal child and young person has access to the same local Aboriginal early years and youth programs and support whether they live in metropolitan or regional Victoria

- 4.1 ACCOs deliver or partner with other providers to support culturally rich services for Aboriginal children and families through:
- Culture, Ceremony, Connection – yarning circles, programs, activities and events
 - Engagement – strengths-based services focused on prevention and early help including: early childhood education and care; school readiness; playgroups
 - Preservation – Enhanced maternal and child health services; family support services
 - Care Services – statutory interventions
- 4.2 Early help rights-based flexible funding enables ACCOs to support a broad range of community strengthening approaches, such as:
- Cultural connection and host events, activities and programs
 - Transportation to and from early learning, healthy eating education and options
 - Lunches
 - Mother's groups; Father's groups; Family groups
 - Parenting programs and support

5. Self-determined policies and expanded funding criteria enables ACCOs to support families, children and young people to fully engage in community life

- 5.1 Local ACCOs are supported to be the meeting place in their local communities to foster relationships
- 5.2 Brokerage is sufficient and flexible to enable ACCOs to use their discretion to support children, young people and their families
- 5.3 Increased investment for local programs developed by and for Aboriginal young people

6. Self-determined policies and expanded funding criteria enables ACCOs to support families, children and young people to fully engage in community life

- 6.1 Local ACCOs are supported to be the meeting place in their local communities to foster relationships
- 6.2 Brokerage is sufficient and flexible to enable ACCOs to use their discretion to support children, young people and their families
- 6.3 Increased investment for local programs developed by and for Aboriginal young people



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The Alliance calls for major investment and development of new models of early help to keep families safe and well, and out of the statutory child protection system.

We need rights-based funding based on key drivers of demand, increased in line with population and need, not just increases based on the Consumer Price Index.

Families need to be able to connect with their local ACCO for their needs. They need to be able to self-refer and be provided with a service that does not require them to have involvement with Child Protection or the Orange Door.

Each of the Alliance's fifteen members would choose to provide Aboriginal early years and youth programs, if funding and program flexibility allowed them to deliver the culturally grounded programs, they know work best.

While the growth funding provided in the 2023-24 State Budget is most welcome, further major investment in early help and prevention services is needed.

The more we build local ACCOs to provide holistic, accessible, culturally grounded support services, the less demand there will be for statutory child protection.

Self-determination through the statutory system

- 7. Local ACCOs make the decisions about who will deliver statutory services in their community (either the ACCO themselves or a partner of its choice), provide oversight and eliminate barriers to transitioning**
 - 7.1 Transition of statutory services post-intake to ACCOs: Aboriginal Children in Aboriginal Care (ACAC), Community Protecting Boorais, Aboriginal Child Specialist Advice and Support Service (ACSASS), Aboriginal Family-Led Decision Making meetings (AFLDMs) and Family Finding Program, including funding and support at a pace that is set by each local ACCO
 - 7.2 For those local ACCOs seeking to take on ACAC, Community Protecting Boorais or ACSASS:
 - Establish or transition the service to the ACCO, at a pace set by the ACCO
 - Support the transition of the remaining statutory services to a partnership led by the local ACCO with their agreed partner
 - 7.3 ACCOs receive and determine the best use of funds to keep children and families safe and start early help.
 - 7.4 Funding is sufficient to enable ACAC to be undertaken by ACCOs for every Aboriginal child and young person in child protection (post-intake)

Key to reform is true Aboriginal-led local decision-making processes. This is not the same as consultation or co-design. The Alliance calls for real power to sit with local Aboriginal communities and their local ACCOs so that decisions can be made that reflect local communities. This is not a one size fits all approach to service delivery. However, local decision making needs to be supported and informed through an appropriately resourced peak body, so that decisions are made with the best information available about what works in other places and what other communities are doing that works for them.

Local decision making regarding statutory services includes the right of local ACCOs to determine whether they choose to provide statutory services themselves, and if not, who they might choose to partner with to provide those services.

While the \$64 million over four years in the State Budget to expand ACAC is very welcome, far more growth funding is needed. For instance, if every Aboriginal child or young person on a protection order now were to be authorised to an ACCO, we would need 133 ACAC teams. The State Budget provided an additional 21 teams.



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Flexibility in statutory program delivery

Several discrete statutory services are currently funded by DFFH and delivered by ACCOs:

- **Aboriginal Child Specialist Advice and Support Service (ACSASS)**, which provides a consultancy service about all significant child protection decisions, from the decision whether to investigate a report of child abuse to decisions about permanent care. Andrew Jackomos, as Commissioner for Aboriginal Children and Young People, called on DFFH to review ACSASS and for it to be provided by local ACCOs. DFFH has sought to implement that recommendation, but to date ACSASS remains provided by VACCA in all DFFH areas except Mallee and Loddon areas, where Alliance members provide ACSASS.
- **Aboriginal Family-Led Decision Making meetings (AFLDMs)** empower Aboriginal families to make case plans to address protective concerns for Aboriginal children and young people following a decision to substantiate abuse or neglect.
- **Cultural Planning** is a legislative requirement for all Aboriginal children in care. Senior Advisers are funded in ACCOs to support the development of cultural plans by care teams, with responsibility sitting with case planners.
- **Family Finding** is a funded program at VACCA that helps find family to Aboriginal children in need of a placement out of their parents' care.
- **Aboriginal Kinship Case Management** provides case management for Aboriginal children in kinship care placements.
- **Aboriginal Children in Aboriginal Care (ACAC)** provides ACCO delivered child protection service for Aboriginal children on protection orders.
- **Community Protecting Boorais** is an extension of ACAC, enabling ACCOs to undertake investigation of allegations of child abuse and neglect and to support families, children and young people to address concerns. ACAC and Community Protecting Boorais have full decision-making powers for the children they work with, effectively undertaking the same service as DFFH Child Protection, but through an approach determined entirely by the ACCO. Currently Community Protecting Boorais is a pilot program, though Government has signalled its support for this approach by amending legislation to enable it to progress.

Each of these discrete programs have separate funding lines and program requirements. Each has specialised staff to deliver the program. The Alliance calls for a different approach to program delivery that would break down the program barriers and provide flexibility for ACCOs in service delivery. Not all programs are amenable to flexibility. However, if program boundaries were more flexible, ACCOs could deliver services in a way that matched family needs better and provided efficiencies (and career opportunities) in ACCOs.

For instance, if an ACCO worker were able to deliver ACSASS, AFLDMs, Cultural Planning, Family Finding and Kinship Case Management, the same worker could follow a family through their statutory journey, building a helping relationship, getting to know the extended family members and connecting or reconnecting with the family as needed. The same worker could consult about the initial investigation, attend the first visit, convene an AFLDM, help find family members, support the development of a cultural plan and possibly even hold case management if the child or young person were placed in a kinship placement. That arrangement would most likely be welcomed by the family, as they would have one ACCO worker they engaged with through multiple processes, instead of up to five different workers.

The arrangement would provide efficiencies for ACCOs as employers, as they would have coverage when staff take leave or positions are vacant, as numerous staff could backfill each other, as they would all hold the same skill set. Rearrangement into teams of workers all undertaking multiple functions provides a more supportive work environment for staff, as well as potential career opportunities, helping staff to stay within the ACCO rather than seeking work outside to gain progression.

Provided legislative requirements for privacy, consultation and outputs (like cultural plans) are met, such a model is likely to be less burdensome on ACCOs for accountability requirements and more effective for Government in terms of outcomes. Reducing the burden of reporting and recording outcomes for clients over widgets/hours allows for greater Aboriginal evidence and control over the funding narrative.



- 8. Aboriginal children stay in their communities through alternative arrangements when carers are not available so connection to family and friends are maintained and disruption to daily lives are minimised**
- 8.1 Alternative Aboriginal home environments to residential care for Aboriginal children and young people funded, researched and established by ACCOs for those who cannot live with a carer
- 8.2 Local Aboriginal family group homes are available where no carer is immediately available when a child or young person is removed from their family

Residential care is the least desirable alternative care option for young people. Unfortunately, it remains an essential element in the care system.

Aboriginal young people make up about one quarter of all young people in residential care but funding to ACCOs for residential care is only 3% of the total funding.

New models of residential care are needed before more ACCOs are willing to take on provision of residential care. It is unclear if any of the large Victorian State Budget investment in 2023/24 will be proportioned to ACCOs to design and deliver an Aboriginal therapeutic model as an alternative to current residential care services.

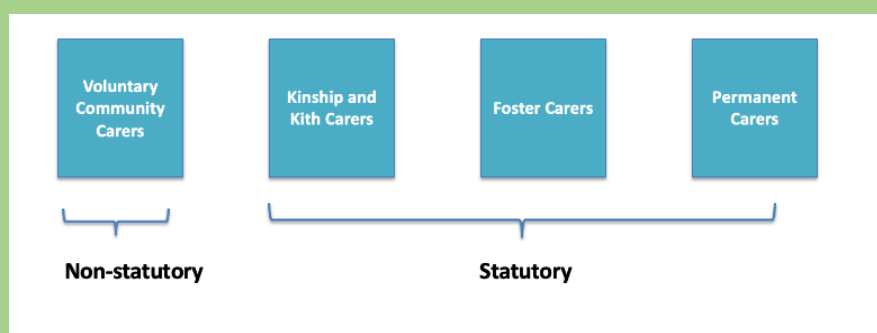
New models need to be funded so they can be developed by ACCOs, not co-designed with government.



Carer equity

9. Carers of Aboriginal children and young people, whether voluntary, kinship, kith or foster care, receive equitable support based on the child or young person's complexity and the needs of the carer

- 9.1 Policies, programs, training and funding are the same for kinship, kith, foster and permanent carers of Aboriginal children and young people
- 9.2 The assessment of all carers is equitable and applied in a way that does not traumatise the prospective carer
- 9.3 Regardless of care type, the same process is applied to assess an Aboriginal child or young person's complexity and to determine the level of carer payment
- 9.4 All Aboriginal children and young people are case managed (contracted or ACAC) by a local ACCO, and the ACCO is making decisions for each child or young person
- 9.5 Brokerage funds are increased and made flexible to:
- Meet the basic needs of children and young people, and carers, to fully engage in school, sport, culture (implementation of cultural plans) and community life
 - Address health, trauma, and the social and emotional needs of children and their carers
- 9.6 Brokerage at the outset is sufficient to establish a stable and functional placement
- 9.7 Each metropolitan and regional ACCO is funded to sustain local carer networks
- 9.8 ACCOs are able to support the many Voluntary Community Carers that care for Aboriginal children and young people who aren't engaged with the care system, and their role is acknowledged, valued and financially supported where required



- 9.9 A shift in policy supports the introduction of professional carers

The current system does not treat all carers fairly. For instance, the recent audit of kinship care by the Victorian Auditor General found that 96% of kinship carers receive the lowest level of caregiver allowance, compared with 32% of foster carers.¹⁷

Transitioning case management for Aboriginal children in care to ACCOs remains a priority in the Alliance's reform agenda. To get past the 50% rate where we have been stuck for a few years, DFFH undertook a major piece of work entitled the ACCO Rights and Aspirations project, the recommendations from which have not yet been accepted by DFFH.

¹⁷ Victorian Auditor General's Office (2022) Kinship Care, Figure 3D.



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We have heard from this Government, there is an appetite for carer reform and a simplification of an over complicated system. This can't be done without the knowledge and expertise of the CSO and ACCO sector, the carers and the children and young people it will impact.

The Alliance also calls for increased funding to support the needs of children in care. Funding needs to be sufficient for needs to be met and for them to engage in school, sport, culture, and community life. Similarly, funding needs to be sufficient to address children and young people's health, trauma, social and emotional needs. This includes greater accountability to all parties with brokerage and flexibility in expenditure to meet the needs of children.

Our members noted that funding to establish placements is often insufficient. Funding needs to support placement establishment to build a stable and functional placement.

With funding, ACCOs can support carers through carer networks. We have heard that carers often feel isolated, lost in the system, unable to navigate to meet their needs and those of the children they care for. Establishing locally based, safe and supported networks for carers, connects them to information, training, community and potentially increases the carer pool.

Through Alliance planning workshops, Alliance members shared their experiences of Voluntary Community Carers, who step up when they are needed to look after a child or young person when the family requires a helping hand. These carers sit outside the statutory child protection system but provide an essential service to those children and young people. It is part of the way people in Aboriginal communities support one another. The Alliance believes the incredible generosity of these carers should be acknowledged and supported.

Professionalising the role of carers, both foster and kinship, within communities cannot be overlooked as a significant augmenting workforce factor for child and young people's well-being and reduces the load and burden on service delivery workforces.

Workforce and operating costs

10. **Equitable sustained workforce investment, including sector wage parity, to meet the escalating operational costs, and the additional cultural and other responsibilities, particularly for smaller rural and regional ACCOs**
- 10.1 Funding for all services is based on wage parity with the Victorian Public Service Award and includes dedicated funding for professional development
- 10.2 An ACCO child and family service workforce strategy is created and funded to support Aboriginal self-determination and demand

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.

Despite it being an action in Wungurilwil Gagapduir, there has been no movement on the development of a 10-year Aboriginal child and family services workforce strategy that would address the significant issues currently faced by ACCOs and support the forecasted growth and need for skilled workforce.

ACCOs face disadvantage with workplace and workforce matters including cultural safety, attracting suitably qualified Aboriginal workers when availability is limited and ACCOs facing intense competition within the sector because they cannot offer better pay, conditions, and career development opportunities.



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The \$13 million investment in the 2023 State Budget is a great start to addressing immediate workforce issues, particularly with ACAC, but we must be strategic and innovative with this investment to make real change.

Importantly, if we pivot the service system to be focussed on family support and wellbeing and not child protection, we will mobilise a workforce in our communities.

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.



Infrastructure

11. Infrastructure is funded to match local ACCO's service delivery commitments, demand and growth

11.1 ACCO business infrastructure development and sustainability (facilities, land, people and technology) are funded separately from program delivery

As demand for services grow as does the need for HR, Finance, Leadership, more space, buildings, fleet vehicles and IT infrastructure.

The cost of running a service, maintaining buildings and providing the support systems around program staff is increasing beyond what is funded.

Existing infrastructure grants are not self-determining, with strict, inflexible criteria for ACCOs, often not meeting their infrastructure requirements.



Conclusion

One in ten Aboriginal children are in the care of the state – compared to one in 200 non-Aboriginal children in state care. That is a headline that should bring shame to every Victorian.

This submission comes from across Victoria, from ACCOs, large, medium and small. From self-determining communities with differing priorities, needs and aspirations. From metropolitan Melbourne right through to the borders of our state.

Alliance members have agreed that to make generational change happen, we require a complete shift in thinking and a new way of working:

Firstly, we call for local ACCOs to be the decision makers for Aboriginal families, children and young people.

- We need an ACCO-led reform of child protection that results in the transfer of all decision making, funding and ways of working to local ACCOs. And for those who are ready to go now, enable them to expand.

Secondly, we call for an Aboriginal-led, designed and delivered care system.

- We need resources and time for ACCOs to build, design and deliver an Aboriginal family, child and young person care system founded on new standalone legislation.

Thirdly, we call for needs-based funding.

- We need ongoing, needs-based funding that reflects true demand. That is, the number and complexity of families and children supported by ACCOs – from early help through to statutory service delivery.

We need the Alliance funded as a strong, reliable peak body to work with local ACCOs to build and support that new system. The Alliance as a peak body will play a leadership role for the fifteen ACCOs it represents, driving the reform agenda, initiating, and developing policy and program responses that genuinely reflect the needs and aspirations of its members, and building capacity and capability within its members.

Government must provide the time and resources to develop and implement a new Aboriginal family, child and young people's care system. And we believe this can be done by scoping and drafting a new Aboriginal family, child, and young people's Act.

The core of that system is that local Aboriginal organisations and their communities have oversight of, and make the decisions with, their families and children. You cannot pick and choose which decisions are self-determined and which are not. Embedding self-determination in legislation and policy means full decision-making powers in a new care system for our communities.

An Aboriginal family, child, and youth Act, driven by Aboriginal people, can redraw the future.

In closing, the Alliance and its members stress the central principle of self-determination which will require governance arrangements that provide local decision making.

Providing that authority to ACCOs is a basic reflection of what self-determination and community-controlled mean.

Recommendations from the Yoorrook Commission provide an exciting once in a generation opportunity for system change. We ask you to consider the Alliance's reform agenda in your deliberations and development of recommendations, so that we are not here in another 25 years saying the system failed our children, but rather looking back at this point in time as the start of true self-determination in child protection and the reduction of the numbers of Victorian Aboriginal children requiring any form of intervention or protection.

