



Department of Families, Fairness and Housing

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Kate Sanderson
Coroner's Registrar
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006
By email: cpuresponses@coronerscourt.vic.gov.au

Dear Ms Sanderson

Investigation into the death of Child D2 - COR 2016 003084

I write in response to your letter dated 16 December 2021, which enclosed a copy of State Coroner Judge Cain's Finding without inquest into the death of Child D2 and refer to your request for a written response to the recommendations.

State Coroner Judge Cain made two recommendations that require a direct response from the department. Recommendation one is directed to the Child Protection program within the Department of Families, Fairness and Housing (the department). Recommendation two is directed to the Victorian Government.

Recommendation one – Child Protection

Given the ongoing challenges faced by both ACSASS and Child Protection in complying with the Protocol, I recommend that the Department of Families, Fairness and Housing (DFFH) review the current case management systems to ensure that compliance with the Protocol between the Department of Human Services Child Protection Services and the Victorian Aboriginal Child Care Agency can be accurately recorded, reported and reviewed.

I also recommend that DFFH regularly audit staff compliance with the obligations of the above Protocol to ensure that mandated objectives are being met and any concerns identified in specific catchments areas can be addressed in a timely manner.

The Coroner's recommendation will be implemented.

Noting that the Protocol was signed in 2002, the department will review the Protocol as a first step to implement the recommendation. The department will consult with the Aboriginal Services Sector in 2022 to review the Protocol to align with the government's current reform agenda supporting Aboriginal self-determination. This subsequently will inform a review of the Client Relationship Information System (CRIS) to ensure compliance with Aboriginal Child Specialist Advice and Support Service (ACSASS) Program Requirements. An interim audit process will be established late 2022, that will inform the development of a sustainable compliance approach to provide information that can be drawn upon to inform practice improvements. Project completion will be by August 2023, which takes into consideration the time required to design and build any necessary updates into CRIS.

It is noted that since 2016, the department has implemented significant reforms in the Child Protection program for Aboriginal children and young people, including the review and implementation of revised ACSASS Program Requirements in late 2017-18. This edition of the ACSASS Program Requirements replaces the earlier document of the same name dated 2012.

Recommendation two - Victorian Government

I recommend that the Victorian Government, in line with their commitment to the Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement and Strategic Action Plan, review current funding provisions for Victorian ACSASS programs and ensure that adequate resourcing is provided to meet current and projected demand.

The department will continue to review current funding provisions for ACSASS. The 2016-17 State Budget provided \$3.6 million over two years to expand the ACSASS program. The 2018-19 State Budget provided \$8.1 million over four years ongoing to continue the growth funding for ACSASS. Subsequent budget investment has focused on supporting early intervention initiatives to prevent children from coming to the attention of Child Protection and to enabling the transfer of case management responsibility to Aboriginal controlled community organisations (ACCOs).

In forecasting demand for ACSASS, it is projected that future demand for ACSASS will be reduced as the department continues the rollout of the Aboriginal Children in Aboriginal Care (ACAC) program.

The ACAC program is the departmental program that implements section 18 of the Children, Youth and Families Act 2005. Section 18 provides for the Secretary of the department to authorise the principal officer of an Aboriginal agency to undertake specified functions and powers conferred on the Secretary in relation to an Aboriginal child on a protection order.

This means that once an Aboriginal child or young person is authorised under ACAC to an ACCO, all case planning decisions are made by the ACCO. Child Protection is no longer involved in those cases. ACSASS consultation is no longer required, as all significant decisions are made by an ACCO. The department believes that ACAC stands to provide the best possible outcome for Aboriginal children and young people on protection orders. Planned ACAC growth will reduce demand for ACSASS.

Should you have any queries, please contact Simone Corin, Executive Director, Children and Families at the Department of Families, Fairness and Housing on [<Simone.Corin@dffh.vic.gov.au>](mailto:Simone.Corin@dffh.vic.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brigid Sunderland', written over a horizontal line.

Brigid Sunderland
Secretary

22/03/2022

Cc: Chris Asquini, Deputy Secretary, Community Services Operations Division,
<chris.asquini@dffh.vic.gov.au>