



## **TRANSCRIPT OF PROCEEDINGS**

**April Lawrie, Commissioner for Aboriginal Children and Young People**

**Denise Rieniets, Counsel Assisting**

**Hearing for the Inquiry into the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children in South Australia**

**Monday, 27 November 2023 at 10:00AM**

**Department for Child Protection, South Australia | Day 1**

**Witnesses:**

- **Jackie Bray – Chief Executive, Department for Child Protection**
- **Adam Reilly – Deputy Chief Executive, Department for Child Protection**

**Denise Rieniets, Counsel Assisting:**

Before we start, I'll just invite the Commissioner to regard us with an Acknowledgement of Country please.

**Commissioner April Lawrie (Chair):**

Thank you, before we get into the formalities I'd like to acknowledge that we're holding this meeting on Kurna Country and we pay our respect to Kurna Elders, those who are emerging as our Kurna Elders as well, and Kurna leaders. Also I think it's really important in the fact that we are here about Aboriginal children and young people, that I'd like to acknowledge all that we do to try and make things better for Aboriginal children and young people in the state, thank you.

**Counsel Assisting:**

Thank you. I'm just going to ask you both to affirm your evidence please, my associate will guide you through that. There's just a little slip of paper there to prompt you, in front of you.

**Carla Ringvall, Assistant to Counsel Assisting:**

I'll just ask you to speak into the microphone as well. Okay so we'll start with Mr Reilly I think, if you could please repeat after me, I solemnly affirm that the evidence I will give.

**Adam Reilly:**

I solemnly affirm that the evidence I will give.

**Assistant to Counsel Assisting:**

Will be the truth, the whole truth and nothing but the truth.

**Adam Reilly:**

Will be the truth, the whole truth and nothing but the truth.

**Assistant to Counsel Assisting:**

Thank you and if you could please state your full name, occupation and workplace address.

**Adam Reilly:**

Certainly, Adam Reilly, I am the Deputy Chief Executive for the Department for Child Protection, and our address is 31 Flinders Street, Adelaide.

**Assistant to Counsel Assisting:**

Thank you and Miss Bray if you could please repeat after me, I solemnly affirm that the evidence I will give.

**Jackie Bray:**

I solemnly affirm that the evidence I will give.

**Assistant to Counsel Assisting:**

Will be the truth, the whole truth and nothing but the truth.

**Jackie Bray:**

Will be the truth, the whole truth and nothing but the truth.

**Assistant to Counsel Assisting:**

Thank you and if you could please state your full name, occupation and workplace address.

**Jackie Bray:**

Jacqueline Bray, Chief Executive of the Department for Child Protection, 31 Flinders Street, Adelaide.

**Assistant to Counsel Assisting:**

Thank you.

**Counsel Assisting:**

Thank you. Ms Bray, Mr Reilly, as you're aware this Inquiry is examining the application of the Aboriginal and Torres Strait Islander Child Placement Principles within the Child Protection jurisdiction in South Australia. We're aware that both of you are relatively new to your positions and we're very grateful to both of you coming along today to give evidence. If there's any of the questions that are posed to you that you feel you need to obtain more information about, please just let us know and we'll take that on on notice and and my associate will record what those issues are so that we can follow up with you on an email to to get that information. We will be providing a

final report to Government on on the evidence that we've heard in this report, in this Inquiry, you you are the last two are giving evidence today and tomorrow, and the report is due to be finalised by about the 15th of December **[Note: The Commissioner plans to release the final report of the Inquiry in early 2024]** so there's a bit of urgency in any information that needs to be followed up but that's our timeline. As part of the Inquiry, BetterStart was commissioned to provide a very detailed analysis of the Department's data regarding child protection patterns for Aboriginal and Torres Strait Islander children in South Australia and we've also heard oral evidence from Dr Rhiannon Pilkington who was one of the primary contributors to that analysis. Before we discuss the findings of that analysis, Dr Pilkington noted in her evidence that at the time of the BetterStart report being prepared, the Department were not reporting on their compliance with the Aboriginal and Torres Strait Islander Child Protection Principle, are you able to tell us whether that's still the case?

**Jackie Bray:**

Well well firstly, thank you so much for inviting us along and just to start by saying that I also acknowledge that I am today on Kurna land but I also as well want to extend my thanks to yourself and the Commissioner of inviting us along today but also, well, we absolutely want to sort of ensure that we respectfully want to come to the Commission to assist in the Inquiry and I think also as well we also want to, I guess, demonstrate with us both been here as senior members, the most senior members of the agency to really represent the agency well and and obviously fulfil all the questions that you want to put to us today. As you rightly pointed out, there may be there may be things that we may need to sort of take on notice because of of our newness to the agency but I just wanted to sort of start by saying that, you know, we we absolutely want to ensure that you we can get as much out of the Inquiry and and furnish your Inquiry the best that we can, we're really committed to that. In regards to the publication of the data, Adam is that something that you're doing, do you know if we currently do that?

**Adam Reilly:**

So based on my knowledge, and I will have to double check on notice if that's okay, based on my knowledge we don't currently have formal reporting in place for compliance, however that is one of the higher priorities that we have in terms of taking the organisation through its evolution process to its next stage. So that among another, sorry, that amongst a number of initiatives are high priority and I think not having that in place is extremely problematic. One thing that Jackie and I both committed to coming into the role was much greater transparency. So I hope that you'll see through our conversations today, where the Department has not met an expectation of the broader community that we'll be both open and honest about that and we'll own it, but we'll also demonstrate hopefully in our conversations, the proactive steps we're taking to bring the Department to a standard that the community is satisfied with.

**Counsel Assisting:**

Thank you. We also note that the data that was collated by BetterStart was for the financial year ending 2021, however we've heard from Dr Pilkington that based on the historical evidence and the trends that appeared in that, there would be no expectation that anything has changed in dramatically in 2022 to 2023. So with that in mind, I'm going to take you through some of the findings of the BetterStart analysis and ask for some comments. So for that reason I've prepared, these are part of the BetterStart reports and I'll give you both a copy of.

**Adam Reilly:**

Thank you.

**Jackie Bray:**

Thank you.

**Counsel Assisting:**

I should give you a copy too so you can follow on. The first graph we've got shows the percentage of children notified to the Department in each year and you can see that there is a huge disparity of the Aboriginal population being notified on year on year as compared to the non-Aboriginal population. In 2020-21, one in two Aboriginal children was subject to a notification, whereas that same rate was just one in 12 for non-Indigenous children. Aboriginal children therefore are six times more likely to be notified to the Department. Graph number two is the substantiation of notifications, showing that one in 20 Aboriginal children, as compared to one in 250 of non-Aboriginal children's proportions, are substantiated and the third graph we have, which is marked with a number three, is the out-of-home care rates per population with one in 20 Aboriginal children were in out-of-home care versus one in 250 non-Aboriginal children. Graph three, three, number three shows us the consistent rates of around 5% of all Aboriginal children in the state are residing in out of out-of-home care which is over 10 times the rate of non-Aboriginal children. So not only are Aboriginal children and their families subjected to far higher rates of notification but those notifications are far more often progressed to investigative processes and removals and the question is why, why are Aboriginal families being notified so disparately to the Department? Is there any data that you hold on to explain those huge disparities?

**Jackie Bray:**

Well I think firstly just to go back to your question about the information, I'm I'm led to believe that the Department did actually provide information and data to BetterStart for that part of their analysis, so I definitely you know this is data that actually has been shared by the Department. In regards to is is this the current picture, I I would probably say that I think we have seen a very early indication that beyond 2020 that things may have started to decline slightly, so I'm more than happy to put that on record to see if we can share any further information with the with the Inquiry just to see if if that if that theory could be tested. As I said, I know it's very early in regards to some of that data and that we actually hold. In regards to the number of notifications, sadly it is an an absolute representation in regards to one in three children here in South Australia are subject to a notification across the state and I think in respect to Aboriginal children, I think I, well I I know that we share the concerns of the Inquiry in regards to the overproportionate number of Aboriginal children or young people that are in care and I think Commissioner Lawrie did actually highlight this particular information and data from BetterStart in a presentation I haven't been able to fully, I guess, compare that that presentation to date as yet but certainly for me there was significant evidence to demonstrate that there's a there's an enormous need and a push in the agency to try and reduce that over representation in these particular figures.

**Adam Reilly:**

I think for myself looking at these, obviously I'm the Deputy Chief Executive for the Department but I'm an Aboriginal man first. There's some things here that I find really alarming and have led to a

number of conversations. I think for me my biggest fear is I don't want to be part of a system that replicates removal rates consistent with the Stolen Generation and if we're talking 5% now I think the lower threshold for Stolen Gen was around 10% of kids and if we're moving to that place, that's that's very serious. I'm mindful that our Minister recently stated that we are, and I'm paraphrasing, but on the cusp of a potential health crisis in the state in terms of what's happening across the system for children in child protection. If I look at it graph by graph, the first graph talks about the notifiers and for me there's a theme that goes through all of the graphs and that speaks about cultural proficiency and ours, as in the Department, but also our broader society's understanding of Aboriginal culture and the strength and significance in a very positive way that can have on not only young people but the families as well. I like to remind people that child protection existed on this continent for tens of thousands of years before a Western model was introduced. I also, a little bit cheekily, would say we've given the Western model a good run, it's had a couple of hundred years, maybe it's time to look back to some of those more traditional child protection principles and test them with the contemporary expectations of our families? So for me a big part of this is education, not just for our practitioners, that's critical, but really detailed understanding of the history on this continent, all the way through from settlement, arrival or Invasion, depending what language people are comfortable with, I say Invasion, through the massacres, through the dispossession, through the Stolen Generation and all of the trauma that's impacted Aboriginal people throughout various generations. Understanding that, is at the very least, I think incumbent on us if we're going to become so actively involved and enter into people's personal lives the way that we do. I also feel that the way we engage needs needs some rethinking and that we are perhaps not best to decide what that is and that's something that needs to be done. I often make use of the term participatory practice but I mean partnering with our Aboriginal communities, and I don't mean a state-wide Aboriginal Community Controlled Organisation, but Elders and people of significance in each community, no matter where they're located around the state, addressing any power imbalances, coming together and saying this is our situation, this is this is what's presenting to us and then in a meaningful strengths based way, leaning in to traditional child protection principles from Aboriginal communities, building and co-designing and creating a system that is strengths based but uses all of those skills, strengths and history in communities. That's that really stands out for me in the first graph. In the second graph, substantiation is one that I'm particularly interested in and I've asked for some more data in terms of what is the turnaround time for an investigation for an Aboriginal family versus a non-Aboriginal family in terms of how long does it take. I'm testing that theory because I believe based on my experience in other jurisdictions the absence of the training and the cultural immersion for our staff, people carry subconscious bias, and my view is that if the substantiation rate for Aboriginal families is shorter than for non-Aboriginal families, I would be concerned that we might be carrying some bias in our decision making, leading us to make assessments that are not in the best interest of the child.

**Counsel Assisting:**

Sure and we'll talk about some of those biases and and issues in terms of some of the things you've raised as we go on, in particular the strength based as distinct from the incident based focus. But is it the case that you've come into this role with a view that the Department will change the way it operates with respect to Aboriginal people?

**Adam Reilly:**

I if I.

**Jackie Bray:**

Yeah, well before before that, because I absolutely agree, I want I was going to come back in and just circle back to that is that the importance of when I came into the role was around this data, this information, really if you look at this and the timelines and the lack of change in this particular area, was a significant was a significant aspect for me to undertake this particular role. The appointment of Adam and his experience in child protection was not remiss of me, in in my thinking around his appointment, because of the strength that he could bring to make a difference not just from being an Aboriginal man but his his experience and his knowledge in addressing a complex system like child protection has got to change. So I it was really important that I just didn't appoint another Deputy Chief Executive that would tell me the issues, that I needed somebody who could really drive those particular issues through and that I was just going to just pre-empt that conversation in regards to Adam's appointment as well.

**Counsel Assisting:**

Thank you.

**Adam Reilly:**

Sorry Commissioner, you were?

**Commissioner Lawrie:**

So just going back to your question then, why are Aboriginal children and families experiencing the disparity then with intakes and notifications especially?

**Adam Reilly:**

I think it's and it's it's through all of these phases, even once we look at the out-of-home care placements there's still that disproportionate. For me the underlying trend or issue is people's awareness and the carrying of assumptions, subconscious bias. We do see, and I've spoke to this evidence in the Royal Commission in Victoria around, part of the assumptions base is white privilege, where we may see a property that could be confronting for someone based on their own life journey but when you actually dig a bit deeper, there's not a safety concern, it's a safe environment, the children are are cherished, it's just something different and it's being able to empower our staff to safely both understand, but also assess in a way that's culturally appropriate. We there's also an issue where we talk a lot about primary attachment and that's also quite problematic in our system.

**Counsel Assisting:**

We've heard quite a bit of evidence about about the difference between the Western view of attachment and the Aboriginal sense of attachment.

**Adam Reilly:**

Which lends to graph three in terms of that over representation in out-of-home care.

**Jackie Bray:**

And Commissioner if I could come back to that one as well and state that I think, you know, I think that it's not just one part of the system, I think the entire system is has those biases. So if that be you

know Working with Children Checks, if that's about suitability, if we talk about safety of an individual, if we talk about about, you know, kinship and, you know, how all all of all parts of the system, it's not just about one part of the system, it's actually yeah all all of that so.

**Counsel Assisting:**

Thank you.

**Adam Reilly:**

Counsel you did ask is is it our intent to change this? I would probably use language like evolve. I think the organisation has been through some change but there was a massive build piece, the Department needed to be created, and I wouldn't comment on those who came before us in the roles, but what was made clear to me is there's an authorising environment for the Department to take that next step and that's where we test where we're at with Community expectations and we implement those strategies to raise the bar, but also better engage and co-design moving forward.

**Counsel Assisting:**

So we heard from Professor Leah Bromfield that her view is that depart, the care child protection system in this state is not fit for purpose, and in fact her view is I think it never has been. It's come out of developing out of a historical sense, where there were, it was a sense there was a few children who may have been at risk, in moving into a lot of children and and now one in two children in the Aboriginal Community being at risk without any assessment of where it started from and what it started from, what would you say to that?

**Adam Reilly:**

Did you want me to respond?

**Jackie Bray:**

Yeah.

**Adam Reilly:**

Yeah. I would respectfully disagree, I think the system has evolved into something that was not its original intent. So I wouldn't say it's necessarily unfit for purpose but it's focus has certainly shifted. What we see now is a complete lack of intervention, engagement and support at the right part of the trajectory for families when it's more needed and we tend then to have a statutory response at the end, which unfortunately the way it's built at the moment fast tracks from investigation to substantiation and then also with limited focus on, or sorry limited capacity, on family finding, many children ending up in residential care. That system is growing exponentially and we've seen that number rise significantly. Without serious intervention into that space, that will continue to grow, with massive costs which will only greater reduce the ability to fund appropriate, services further upstream, which in turn will speed that up and it will very much get out of hand. That's a big focus for us at the moment.

**Counsel Assisting:**

Right so that's the early intervention?

**Adam Reilly:**

It's early intervention but even if you look pre- intervention, because it's a very Western term

intervention, in terms of Aboriginal community, small organisations and community, there is so much activity happening with families already that we don't measure, that we also don't fund. That with the right understanding of the significance of that engagement with families in a safe way on Country, we could actually maximise a lot of early engagement which will prevent that contact with the statutory system later. So there's a lot there that we could be exploring.

**Counsel Assisting:**

Thank you.

**Jackie Bray:**

And then if I if I was to touch on that one, I would actually say, and I have heard Professor Bromfield's response to this, and I would actually turn around and say I think at the moment there is significant improvements to, required to a child protection system because I think, for me, I think that a lot of what we're actually seeing is we're seeing a statutory element of the system working in isolation and I think that's where there is a significant effort outlined by by Adam, just now, around the importance of a whole system collaboratively working together and as built on, built on that historical model of of rescue for really significant physical harm, which was a very small and remains a very small percentage of of what we deal with here in South Australia. I think there is significant improvements to an entire system of which the statutory element of that is one part of it, which clearly does require improvements as well.

**Counsel Assisting:**

Because what we're hearing from experts and from Departmental workers, is that the legislation as it is at the moment, and there was some quite significant changes in 2017 to this the legislation here in the state, is geared towards removal. You agree with that?

**Jackie Bray:**

I I think there's certainly things within, constraints within the current legislation, which really doesn't lend itself to those active efforts, best interests of child. That there is a very significant focus on safety and although I think safety is is paramount, I think certainly when we started to have a look at how that translates into our practice, I think that there is there is evidence to show that those particular constraints within the legislation there do do play out in some of the practice side of how we then apply that in regards to that particular matter, through a very singular safety lens.

**Counsel Assisting:**

And would it be true that one of those particular amendments to the 2017 legislation was that decisions must be made in a timely manner, which doesn't give families time to address what the issues that have brought them into the system are. Would you agree with that?

**Jackie Bray:**

Yeah absolutely and only a couple of weeks ago I was sat in the sat in the Youth Court really just to get a little bit of an understanding around those particular processes and I think that was, that was something that I reflected on and a term that I that I heard quite a lot from participants and and and, you know, the interfaces with the Department as well, around those requirements over those particular time periods that are quite prescriptive in some of the legislation there yeah.



**Counsel Assisting:**

Thank you. So with that in mind we'll have a look at the current application of the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle in a bit more detail. Sorry. And during during the Inquiry process the Commissioner has heard from your staff by way of six separate workshops with various members of the DCP workforce and some of their reflections from other parts of the Inquiry, including expert evidence, we'll feed into each of the parts that we'll look at. So the first part is prevention which is one of.

**Adam Reilly:**

Counsel, sorry, can just ask when the workshops occurred? It will just help me in my mind. Do you know when the staff feedback was provided?

**Counsel Assisting:**

I can let you know.

**Commissioner Lawrie:**

Yeah

**Counsel Assisting:**

Those dates.

**Adam Reilly:**

Thank you.

**Jackie Bray:**

Before we started.

**Commissioner Lawrie:**

Definitely before you started.

**Adam Reilly:**

Oh, was it?

**Counsel Assisting:**

Yes.

**Adam Reilly:**

Thanks.

**Counsel Assisting:**

Sorry, yes. So the 2022 Productivity Commission report show that of all child protection spending in South Australia, only 21.9% is allocated to early intervention and prevention services. It's unclear from any of the data that we've been able to find, how much of that is actually allocated specifically to Aboriginal children and families. Are you able to provide any data on on that, how much of the funding to the Department is allocated to Aboriginal families?

**Jackie Bray:**

I can in regards to our overall spend, in regards to I think I think that's around 9% of our current budget is is specifically around, sorry 9% will be actually about the ACCOs I believe.

**Adam Reilly:**

Yeah.

**Jackie Bray:**

Yeah, I think that's a bigger a bigger piece of work in regards to overall spend. If I could take that on notice Counsel because I do, it's just remiss of me not to remember the figure, but I do believe I would have that figure to give you, to give the Inquiry, yeah.

**Counsel Assisting:**

Thank you and the SNAICC Family Matters Report 2022 noted South Australia has the second lowest proportion of expenditure on family support and intensive support out of all the Australian jurisdictions. Do you consider that's acceptable?

**Jackie Bray:**

Again I think that would be more of a question my colleagues in Human Services might have been able to tell you a little bit more around their expenditure in regards to that. So I think that's historically where some of the expenditure, particular particularly around prevention actually sits within that within that agency. yeah.

**Counsel Assisting:**

Okay. In the the Departmental staff workshops, the participants referred to early intervention as a missing step.

**Jackie Bray:**

Yeah.

**Counsel Assisting:**

So you'd agree to?

**Jackie Bray:**

I would, yeah.

**Counsel Assisting:**

Prior to notifications and that the demand for any early intervention services far exceeds the supply, and we've heard that also from service providers in the area, the Aboriginal service providers, and the Department of Human Services even saying that if we did increase the referrals or the ability for self-referrals for early intervention, they wouldn't have the capacity to meet that need anyway, they're not able to meet the need of the referrals they're getting at this stage. So what is the answer to that problem?

**Jackie Bray:**

Well I I think a couple of things for me just to pick up on that that particular matter. Clearly I still think that the Department for Child Protection has a responsibility to and we we certainly do. We are involved at notification stage of of children and I think it is important for us to also see our role around early intervention as well. I think I I agree with the current level of expenditure in the in in regard to early intervention however collectively across the system, I think we do need to also as well pivot some of the some of the attributed budgetary aspects of what we do to ensure that we have more effective interventions earlier in the child protection system as well. So it's not just, I do

think that we have parts of of government that are are required and and administrate that sort of earlier family preservation sort of aspect of it and it certainly isn't you know we we do, it isn't unnoticed when we look at the data that tells us about the expenditure there, but I also think as well that you cannot have a child protection system that doesn't have an element of early intervention or effective interventions as part of the interface with, you know, a child protection system even more broadly.

**Counsel Assisting:**

And leading on from that, would you say that we have an effective early intervention system in South Australia at the moment?

**Jackie Bray:**

I I think where I'm referring to in regards to the Department's perspective is I think, and again six months in, I certainly hold a view, and and I know Adam does as well, that there is certain things that we can do better at the start of of an engagement with a family, certainly prior to any engagement with our communities and certainly certainly when we think about the child and the best interest of the child around what we do as part of our early assessments and investigations with with our families. I think I think that for us is where, we we talk about for instance the the Family Group Conferencing, the work that we do in reunification, the the the types of investment that we are pivoting some of our resources to really look at that, we need to do more of.

**Counsel Assisting:**

Thank you. Your staff noted that notifications are being made for a protection response when what is actually needed is family support, and that's supported by the evidence we've heard from Professor Bromfield, and others, who whose view was that a helping system rather than a blaming system is what would work best for Aboriginal families in particular. Do you agree with that?

**Jackie Bray:**

Yes and I also think as well in regards to a system of notification, I think the threshold of our notifications at the moment and the requirement around our notifications at the moment does inflate the number of notifications that we get across the system and, for me, it's it becomes about the line it becomes about what's the requirement of the notification and I think that lends itself into what you're saying there that the types of supports and earlier interface, that the whole of government or community and and our partners have around supporting those families is is evident from that lack of you know that evident from the number of types of notifications that come in that actually do, you know, require that level of support and not necessarily an investigation.

**Counsel Assisting:**

Sorry did you want to comment on that?

**Adam Reilly:**

I was just nodding Counsel.

**Counsel Assisting:**

One of the things we heard was that, from people who have been experienced themselves within the Department of of being families who were notified, was that there will be for some families many notifications that they don't even know about, that nothing's done, they're not they're closed

as Notifier Only Concerns until a crisis happens, and then they're poured out onto the page as support, before the court, for removals. What do you say to that?.

**Jackie Bray:**

Well I think, as you say, I think that there is a number of notifications that come into the system and the system obviously hasn't got the capacity to act on every level of notification for what we would, you know, what we would actually consider a concern by a school, yeah it could be that somebody has is presenting at school without their lunch and or presenting to their school a little unkempt or something like that, those lower levels, the assumption is I guess, really, on behalf of, and again, on behalf of what I think should be happening across whole of government, is that leaning in, that level of support that's required for those particular families, is either being supported through the school system as in, you know, supporting you know having conversations with mum about what's going on there, or indeed when we think about working with other partner group or community groups that might be out there as well. So there's a bit of an, there's a bit of an assumption, I might have missed your question in particular Counsel, but there's a bit of an assumption there that not only the not the notification doesn't necessarily mean action, that the notification requires a level of review to actually determine a particular course of outcome and, in particular, that's I think for me there's also as well a requirement not, I shouldn't say an assumption really, I I think that there is a bit of a call to action around how we can support our families better going forward.

**Counsel Assisting:**

So those those Notifier Only Concerns, it would be fair to say, wouldn't it, that they are perhaps the first flag that this family needs support?

**Jackie Bray:**

Yeah, have you got beyond that with your background?

**Adam Reilly:**

My, I think you're right Counsel, for me the current process and you talked about the intelligence is gathered and stored and no action is taken and I can certainly understand how families might feel there's a lack of natural justice in the process, it's almost like it's being saved up to use against us. It comes back to I think Jackie's comment in terms of the information there, may be relevant, it could also be vexatious. But if we start to see a pattern where we can see actually there are signs here that this family may benefit from some supports, on their terms, at this point, the statutory system is not always best placed or appropriate to do that. So Jackie's comment about the whole of government response, even further into community with our funded agencies and other corporate citizens and other members of the community more broadly, I think it comes back to that conversation earlier around education and understanding. Because we're not unique in terms of other jurisdictions also have a view as soon as there's a thought of safety or issues for a child in terms of thriving, we tend to go straight to the statutory response, but if we apply a lens of a health situation, if someone has a sore throat or a headache, they may go to a chemist, they may go to a GP, they don't go straight to calling an ambulance. So for me it's it's incumbent on us as a system to empower those other parts in community with training, knowledge and some authorising environment to be more proactive with a family. At the moment due to the nature of child protection people are, and I'm generalising, people are often reluctant to get too involved. The pattern we see is that the notification will be

made and then people step back. For us we want to bring people back to say let's have a partnership around the family supporting, led by the family, particularly for Aboriginal families with ACCO or local community organisation involved at the bequest of the family, and just turn it around make it a strengths based process where we don't need to think about removal or out-of-home care or any of those things, the supports are here. When I described that significant growth in out-of-home care, some of our initiatives moving forward we're confident we'll make more funds available for us to trial some of these initiatives. Once we've demonstrated success, we'll have a strong case for that to continue and expand.

**Counsel Assisting:**

One of the things that comes about from what you just said in terms of of notifying and then stepping back, also there's another side to it too, is that in the siloing of of the way we operate, there is no sharing of information.

**Jackie Bray:**

Yeah.

**Counsel Assisting:**

And even, for instance, if a teacher makes a report and then rings up to find out what's happening, they're not able to be given any information, so it makes it very difficult, doesn't it, for anybody who wants to support a family because it's hands off?

**Jackie Bray:**

Yeah absolutely and interestingly some of the, and Adam touched on it earlier, you know, the term of the public health approach in regards to that requirement for, the need for the whole community, whole service entities to sort of be responsive to that, is really really speaks to what you were saying there as well about the information sharing as well, that we you know we need to get, we need to actually look at that level of practice and level of intervention and we can only do that sometimes from understanding actually what it is that we presented with and that information around that, so sharing that information is really critical across those agencies, yeah.

**Counsel Assisting:**

But that's going to take a significant change in attitude and approach isn't it?

**Jackie Bray:**

I think, look I think, there is I think there's definitely evidence to support that now. I think, I think the commitment at a national level in regards to our requirement and our, us wanting to really partner and co-design with with people. I think even some of the restrictions that we have from a budgetary point of view, I think that's also, well a big call to action for everybody to rethink how they're doing things, how they're doing things at the moment.

**Adam Reilly:**

There is a systemic opportunity as well, in terms of how we do that in a timely way and the Department is at the moment looking at opportunities around recreating the system that we have for client information, it's nearing end of life, so a purpose-built system. One of the conversations is how do we information share using that platform, how do we allow, for example, educators, health professionals, police, a number of, obviously our ACCO partners as well, but a number of

stakeholders around a family, to access the information appropriate to them and to provide information because then we're all talking about the same thing in a contemporary way. So it is, the the issue you've highlighted, is definitely on the radar and a lot of those conversations from a systemic point of view, because that is a quick way to bring the workforce on a journey versus just training and encouraging the system will just do it for them. That's one way that we're looking at trying to move that along, but the the point you raise is very valid.

**Counsel Assisting:**

One of the other issues with your current system of data collection, is that there might be malicious reporting and even when it's addressed, either at the bar table in the Youth Court or anywhere else, there's no going back and amending that, it carries through always, and then even if it's it's addressed in the Youth Court if there's proceedings in the Family Court it's reproduced again in the reports to the Family Court and it's reproduced as fact, not as.

**Adam Reilly:**

With no right of reply.

**Counsel Assisting:**

With no right of reply.

**Jackie Bray:**

Yeah yeah.

**Adam Reilly:**

And that impacts Aboriginal and Torres Strait Islander families disproportionately, yes.

**Counsel Assisting:**

So is there a view to to establishing a new system all together?

**Jackie Bray:**

Yeah, there is. So there is, prior to Adam and I coming along, there was and in the latest government budget announcements there was certainly some funds and the Child Protection Department highlighted on those that particular fund, around changes for case management systems of which we are actively involved in those conversations at the moment from that business case perspective, yeah.

**Counsel Assisting:**

Okay, thank you.

**Commissioner Lawrie:**

So because of the disproportionality experienced by Aboriginal children and families, I've heard you both speak about partnership, partnering and co-design who, who is that with in terms of Aboriginal children and their families?

**Adam Reilly:**

Yeah. So I think traditionally, and it's certainly not unique to South Australia, government tends to go to the largest identifiable organisation for the topic they wish to progress, and it's not uncommon that child protection will approach larger ACCOs and have a conversation and say what can we do?

Similarly, when we look at tendering for services, we often go through a very standard, and again Western process, where a larger organisation will have a lot more competency and proficiency in doing that, will deliver a really high-quality submission and government tend to be drawn to that. What that process misses is the strength and the relationships and the real embedded connection to smaller communities around the state, where there may not be the capacity to do a glossy fancy submission but there is no doubt in terms of the connection and the passion to elevate the voice of a local community. So for us part of our process going forward is looking, particularly when we, and I'm sure we'll get to this in time, but when we're talking about scoping for family placements, kinship and people of significance for Aboriginal children. It's not just going to a single provider and saying here's some funding you do a state-wide response, it's ensuring that we have the brokerage and the flexible funding for the most appropriate person to have the conversation, to be knocking on the door and talking with the family. That's just one example, I think of what we need to do going forward, not having just the one size fits all state-wide response but ensuring that we're speaking to the right people in the right location, who are connected, and that the funding and the support flows to that group to make sure that they're set up for success.

**Jackie Bray:**

Just to add on to that as well Counsel, just a couple of things that I, oh sorry Commissioner it was you, the question was posed from yourself, is that I have a strong belief as well in regards to co-design. So co-design is not about when we come and consult and when we look at the requirements that we have around consulting with the Aboriginal community, so for me, and I know Adam shares this view as well, co-design is literally when we come together to create or we come together in regards to ideas, thoughts around programs and what it is that we want to deliver. So I do know obviously, and the reason I'm referring to that is, I'm fully aware of my requirements under the Closing the Gap and under other particular nominated entities in regards to how we do consultation and how we do aspects there. But I've been very keen in the last six months and Adam and I in regards to that co-design piece of work is what's also really quite critical as well.

**Counsel Assisting:**

Thank you.

**Commissioner Lawrie:**

And the reason I asked the question was because having direct contact with the Aboriginal community, their view is co-design, is with the Aboriginal community. Not necessarily with the service provider with the ACCO sector. Although that should not be diminished in that regard. But would you agree there's a lot more work to be done by the Department in regards to, literally Aboriginal community engagement in the co-design, but just partnering with the Aboriginal community?

**Jackie Bray:**

One hundred percent, Commissioner, and I think I think we can point to evidence in that as well with the Peak and the establishment of the Peak, which is around the community, having the community involved in that that particular voice. And I think and the reasoning behind me picking up on on the sort of piece between, the difference between the consultation and co-design, is exactly that, it

is about actually ensuring that we get the full voice of the community in in aspects of what we actually do and how we manage young people and children.

**Counsel Assisting:**

Thank you. We've heard from the workers from your Department and from others in the evidence that's been provided to the Inquiry, that referrals are an issue and during, due to the funding and capacity constraints, families are very often unable to self-refer to any services. The Department of Human Services and the Aboriginal Family Support Service gave evidence about this too. DHS identified that they only have capacity to accept 40% of the referrals through the Tier 2 of the Child Family System Pathway. How could we enhance the system to allow for more families to reach out for the help and support that they need at an early stage to prevent them even coming into contact with the statutory child protection system?

**Jackie Bray:**

I'll refer, I'll refer to one part and actually I was in my my mind there Counsel I was just trying to wrap my mind who it was that only said it to me last week about. It was a community organisation that actually couldn't receive, or couldn't actually refer without coming through the Department for Child Protection before going into the community, and it really resonated with me, the work that we're trying to, or the work that we will be on embarking on and evolving in regard to how we do contracts and we have an enormous amount of contracts with community and community organisations. And it's really, and I don't just mean I don't just mean in those that are doing direct service delivery for for the Department, I'm talking about more broader ones, and how I think as a government we need to get better actually looking at better community organisations, in the community, providing services at a local level to Aboriginal children and young people. That we actually look at how we how we fund those entities and how we've got sustainable funding in there because I think that's where the community, or should I say supports that are available for families should be available for people. It's quite alarming to hear that, you know, we can't self-refer. Community-led, community-based services, should be accessible without coming to a particular statutory agency first to get referred into those matters. So it's definitely something that I think we we need to look at in in regards that broader concept around how we commission services, how we procure services, how we tender and how we, you know, fund different parts of the system and I think that's a collective all of government as well.

**Adam Reilly:**

Counsel can I just add, coming back to the Commissioner's comment, I think I'm I'm absolutely sure the figures from our colleagues in DHS are correct, but I think if we were being true to a self-determining model, I think think the step before we advocate for additional funding to another Department or to ourselves, that that conversation with community should be first. It may well be that there is a model that is designed, put forward from community, that better meets the needs of that community, without us or DHS needing to be involved at all.

**Jackie Bray:**

Absolutely, absolutely.

**Adam Reilly:**

So I just thought I would acknowledge that.



**Counsel Assisting:**

And just leading on to that point, you talk, you mentioned, Ms Bray, about tendering. One of the questions we asked of the Family Support System, Aboriginal Family Support System, was in their tendering, how they were able to offer a model that was distinctly Aboriginal and offered something that was different? And the response was that the tendering model requires that they use a particular Western model, which makes little sense in terms of what they can offer. Do you agree?

**Jackie Bray:**

Absolutely I do and that's that's exactly my point when I was saying before about how we commission services and the types, of the types of restrictions that we put on agencies in regards to those particular modelling and I really want to strip it all the way back and actually talk about what it, the particular need, the co-design around what it is that we need to do, who's best place to do that and how yeah, and how we can best enter into a funding model and stream in regards to looking for outcomes for children. That's the basis of it it's about the outcomes that that going to be delivered to those Aboriginal young children and young people.

**Counsel Assisting:**

Thank you.

**Adam Reilly:**

Can I just add Counsel, that it's an amusing observation that the very same challenge presents with recruitment processes, that traditional Western: submit an application, submit your resume, come and sit in a room in a formal setting, it doesn't elicit the best person to do the role.

**Jackie Bray:**

Absolutely, absolutely.

**Counsel Assisting:**

Across the board isn't it. Specific notes regarding funding from the Safe And Well 2023 Annual Report suggest that the State Government has committed an additional \$35.7 million to increase Intensive Family Support Services but there's no breakdown of specifically how much of that is to be offered to Aboriginal Community Controlled Organisations. Are you able to tell us how much of that is going to be allocated?

**Jackie Bray:**

So again Counsel the that that actual funding this is the. I guess this is the the difference between the modelling and that early intervention funding does actually go a DHS It does come through the Department for Child Protection, but it goes straight to, to DHS to administrate the Intensive Family Support Services. So they would probably be best place to tell you that that data on on how much of that they proportion that to Aboriginal children and young people.

**Counsel Assisting:**

I think they did tell us that it was 30%?

**Jackie Bray:**

Alright, okay. Right.

**Counsel Assisting:**

I think of that funding.

**Jackie Bray:**

Yeah.

**Counsel Assisting:**

And given.

**Adam Reilly:**

Sorry I think Counsel was asking about the Family Group Conferencing and the DHS might have been more that Intensive Family Services.

**Jackie Bray:**

Oh did you mean Family Group Conferencing I thought you said IFS ?

**Counsel Assisting:**

No it was the Intensive Family Support Services too.

**Adam Reilly:**

Sorry.

**Counsel Assisting:**

But Mr Reilly now that you've mentioned the Family Group Conferences, that was something that was an issue that's been raised repeatedly in our our submissions being made, that that it would be an empowering way for Aboriginal families to operate, but it's not offered across the board, despite there being a legislative requirement that it should be, and again with there's no capacity for self-referral for it. Is that something you would be wanting to address?

**Adam Reilly:**

Very much so. So in the previous jurisdiction I worked in, and this is a personal belief as well, it was available to any and every family that was willing to participate. The benefits not only for the family but the system as well in terms of changing trajectory as soon as possible is significant. So initially it was undertaken, as I understand it, as a trial in the organisation we had X number of sessions funded. I'm not sure where the recommendations part of that trial is, but I'm of the view that we need to make that standard for families moving forward. In terms of who should be doing that, I think the same as Commissioner Lawrie mentioned before, we start with a conversation at the community. We we've had a trial we can see benefits in this. If we were to expand or go further, who should be the people in each community doing that? And that's sort of that design piece and Jackie references the commitment to co-design, I think that's a really good example.

**Jackie Bray:**

If I may Counsel I would say that the additional funds that came in the recent budget, that additional \$13.5 million, that specifically was for Aboriginal children and young people in regards to the extended services within their their current provider, and there was some additional funds that also went to the went to AFSS in regard to their capability and capacity to do that as well. And I also want to point out as well the reference you made in regards to all Aboriginal children and young people being offered and have the opportunity to enter into that, I know that's a specific themes

that has come out of the discussion papers around the amendments to the Children and Young Persons Safety Act, yeah.

**Counsel Assisting:**

Thank you. That funding, the \$35.7 million, which you said has gone, that's funnelled straight through to DHS but one of the difficulties with the additional funding, was it's prioritising families living in the Northern Metropolitan Adelaide region, without looking at rural in particular, and one of the things we've been hearing is that there is very little available in rural South Australia. Is there any view to expanding or or developing services in in the country areas?

**Jackie Bray:**

Yeah.

**Adam Reilly:**

Yeah I I know from conversations with our Minister, they're also acutely aware particular trends in some areas outside of of Metro and if I think of other jurisdictions we do get very fixated on numbers and the numbers are in the cities. And being a regional person I'm a strong advocate for regional and remote communities. Part of that conversation, about the coming together having the conversation on Country at the beginning of any process, I think will much better inform us going forward. That's to me the bit that's missing at the moment. So what you describe wouldn't just be an increase in funding to include regional locations or remote areas, it would be the conversations in those areas, to say what is what is it that we should be building together, what does it look like and does that meet the aspirations and the expectations in that community? Then we come back and do the build rather than the other way around.

**Jackie Bray:**

And I think just touching on your point as well, I guess if you were to say do we have the services and do we have the the access to these programs regionally and remotely? Then I think it is very very it, there is a significant amount of work that we need to do with those communities to ensure that we get that service provision on Country because I think at the moment now there is definitely a lack of that. And you can see that throughout the whole models of reunification in regards to, you know, Family Group Conferencing and those types of more broader service provision and when I've gone regional and remote, that's definitely been a you know, been a commentary that's been made to me.

**Adam Reilly:**

And a lot of.

**Commissioner Lawrie:**

One of the key issues we have in South Australia is there's only one gazetted organisation.

**Jackie Bray:**

Indeed, indeed.

**Commissioner Lawrie:**

And I would like to know what is the Department's commitment to increase the level of gazetted organisations?

**Jackie Bray:**

Yep.

**Commissioner Lawrie:**

Registered Aboriginal and Torres Strait Islander Organisations.

**Jackie Bray:**

Yeah absolutely Commissioner. I think for me you know the and and I've asked with interest what the actual current processes and what some of those barriers would be in regards to that and certainly the information that's been provided to me, is is that the process itself isn't a you know isn't a lengthy particular process, it's actually us going out there and engaging with communities and seeking their in, you know, going out there and promoting those interests and actually finding out exactly what it is and looking for sustainable funding to offer those locals. I think there's a commitment from community to say they want to participate and I think there's a commitment from us to say we need to do more of this and we just need to have a look at how we how we bring those two entities together.

**Commissioner Lawrie:**

Yes because there's been some considerable time lag between what was previously 18 Aboriginal organisations being deregistered as gazetted organisations to only one, considerable time, so I'm I'm wanting more of a definite, I guess, response from your agency as to.

**Jackie Bray:**

Yeah.

**Commissioner Lawrie:**

When is the likelihood of that happening?

**Adam Reilly:**

So we're in active negotiations now with an ACCO but I think, so can I just clarify when you say deregistered was that from Child Protection specifically?

**Commissioner Lawrie:**

Yes.

**Adam Reilly:**

Because if we look at that continuum of engagement, I I would argue that there are things that can be funded without needing to be registered in the child protection space, when we talk about that early engagement. I mean that activity is already happening there are opportunities for that to grow so in terms of.

**Commissioner Lawrie:**

But this is about section 12 in the Act.

**Adam Reilly:**

Yeah.

**Commissioner Lawrie:**

That is actually driving the consultation, the engagement...

**Jackie Bray:**

Yeah.

**Commissioner Lawrie:**

Levels which might you know be highly questionable, not might, be highly questionable. So the question is about growing the number of gazetted organisations so that there is much more engagement with local level Aboriginal communities about their Aboriginal children and young people.

**Jackie Bray:**

So Commissioner if I if I'm may, because I want to just test some assumptions that I'm that I'm hearing from you as well, and and I've I've absolutely recognised what you've said to me before as as always do in regards to, and actually went back and actually wanted to learn a little bit about the history myself in regard to the ACCA and regards to the number of organisations that were actually you know involved through a range of different aspects there, and some of the sort of funding sources that were put to those organisations. When those funding sources you know weren't there anymore, the organisations, did you know long no, and I think it is about us actually going back out there now and actually really understanding those, and you know leaning back into those organisations that I think are very much part of what the evolvment that we want to do and certainly what we how we want to take them forward. Because it was a bit of a shock to me, to be honest, to actually find out that we'd only got one registered you know service provider, Aboriginal service provider, and my question was why why don't we have more?

**Counsel Assisting:**

Because it limits, doesn't it, the choices that anybody has. So in terms of self-determination, if you have no choices about who you go to, that raises some serious concerns doesn't it?

**Jackie Bray:**

Yeah 100%, yep.

**Counsel Assisting:**

Thank you. One of the other very significant concerns that was raised throughout the the Inquiry is the Unborn Child Concerns, the notifications, and it was identified as a key touch point for Aboriginal families to come into contact with the Department. So the fourth graph we've got on here shows the data for the rates of Unborn Children Concerns, as distinct from the Aboriginal concerns, as distinct from the non-Aboriginal families and it shows that Aboriginal mothers are 10 times more likely to be the subject of an an Unborn Child Concern than a non-Aboriginal mother. Can you explain those statistics?

**Adam Reilly:**

You happy for me to?

**Jackie Bray:**

Yeah.

**Adam Reilly:**

So for me the theme just continues from one, two and three. I guess the the standout is that with

this sort of overrepresentation it means that intergenerational trauma, particularly Aboriginal mum's describe, and I can tell you in real time there are places between us and another capital city where when mums go into labour they get in the car and flee because they think that Health and Child Protection will be in the delivery room. This data says everything that these mums are fearing is actually quite possible and in many cases likely. It comes back to our understanding and our knowledge and comfort and addressing subconscious bias. The other part of this, I've talked about the the training requirement, the other part is there is a lot of anxiety that we as leaders in the organisation need to address with our workforce. Some of our most passionate and committed child protection workers are still nervous about engagement with Aboriginal families. They're concerned that they may cause offense or they may say the wrong thing and we need to create a safe space to build that competence for that cohort of staff. There are staff who need to come on a whole journey of cultural immersion, but there are some staff who are, with the best of intentions not engaging, and when you overlay that with the workload, it becomes easier to lower the priority of the Aboriginal family which in itself is indefensible but when you understand the dynamics you can understand how we get to that place. So indefensible data, but I can understand how we're there. I think for us the the key takeaway is what we do moving forward, a big focus on cultural immersion and cultural training, and I think that partnerships with RATSIOs, ACCOs and Aboriginal community about how we're traveling in real time, having that oversight and feedback, I think is the bit that we need to be more receptive to taking on board and adjusting accordingly.

**Jackie Bray:**

Can I can I also add to that as well in regards to what this speaks to to me as well, is we've been doing some sign significant discussions with Nunga Baby Watch and where we have are actually asking ourself what is what is what is going on here? And my involvement with the Local Health Networks, and only last week in regards to SA Health in regard to how we're going to work jointly on this particular piece of work, because these notifications and that across government especially in regards to our colleagues in Health need to. We need to work a lot closely with that and even to the point of, you know, Adam rightly points out and we've got lots of and it's, just I'm just trying to demonstrate how we're listening, lots of different stories around the level of engagement. Even to the point of only a couple of weeks ago, that I personally went to the Women's and Children's Hospital to actually meet a young Aboriginal couple to you know give them some assurance, because of the massive amount of fear that they have around the removal of their child. So it's just these these are the these are the startling evidence that you're presenting to us, which we are actively saying "these are not acceptable we need to do more about these".

**Counsel Assisting:**

One of the one of the comments we heard, and the expert evidence, was that an Aboriginal woman, Aboriginal women, young Aboriginal pregnant women feel that they're the mouse and the Department is the hawk that's watching for any opportunity to remove them.

**Jackie Bray:**

Yep, they will say that, and and even to the point Counsel, and I'm only I'm only reciting things that have been said to me that they feel that the Department is waiting for them to trip up and and you know putting things in place such as, you know, the requirement of this or safety plans or whatever it is to try and actually trip them up to to enable that to happen, and if you think about quite often

these are young families that have experienced trauma, some of them may have even been in contact with the system themselves, we can only resonate that are we going to let another generation, are we going to let this happen again to another generation of of these children, so we we have to really lean in. This is a passionate area of mine in regards to the Unborn Childrens Concerns that have been highlighted here in particular to these families.

**Counsel Assisting:**

So one of the triggers for a report of a a pregnant Aboriginal woman is her nonattendance at three appointments for antenatal visits. There is no legal requirement for anybody to attend antenatal...

**Jackie Bray:**

Agree.

**Counsel Assisting:**

Appointments.

**Jackie Bray:**

Agree.

**Counsel Assisting:**

So understanding the the sense that their fear of the hospital environment and is going to trap them into having being caught out and having their baby removed, so they don't attend and that then leads to them having their baby removed, or being triggered on the Department's records. It just seems that it's it's the case isn't it that there's there's a no win situation for Aboriginal women pregnant Aboriginal women in that circumstance. Is it true that that that's a clear indicator that the health system doesn't understand the intergenerational trauma and and the the attitudes that, the fear that Aboriginal people have about engaging in services for fear that the Department's there in the background?

**Jackie Bray:**

Well I think what I referred to earlier and certainly was was in the last six months that I've been working together really closely with the Chief Exec of the Department for Health and her commitment, as is the new Chief Executive of the Women's and Children's, in regards this is something that we particularly need to look at, these are the this are the systems that we need to have a level of insight and and really understand what is actually happening in at at the particular level for our systems. Because all all three of us agree that this is this is not good enough. So your reference there to where those systems, where those notifications come into etc are something which is is critically important to us, but it's also as well in regards to I know certainly in in the South Adelaide Local Health Network I have a relationship there with the Aboriginal team who specifically are highlighting areas of concern that are presenting in in in the hospitals along with their own Executive but I think generally I'm sort I'm sort of articulating that I think there there is a commitment there for us to look at this very deeply in regards to what we can do about this this alarming, yeah.

**Adam Reilly:**

If I think about the the missing three appointments bit and I go to what would a community response look like and I don't speak on behalf of anyone else, this is this is my view. I would expect

within my own broader family network, it'd be the Aunties would be going around saying is everything all right do you need any help and, for me, it's the information is going from one point to to a point that it's actually not useful, it needs to go to where the most appropriate response would come from and for me that's with local community organisations or or people of of significance to the family to have a strengths-based conversation a. Is there do you need help with transport? Would you rather go to an Aboriginal Community Controlled Health Organisation? Are there other things we can do to ensure that you're healthy and baby's thriving? I think observing the missed appointments is is still a valid thing to generate a conversation, but it doesn't automatically mean an expectant mother is not being protective of her unborn foetus, it's understanding culturally, trauma, all of those things that are potential layers and making sure that piece of information goes to the right place for the appropriate respectful engagement, that's the that's the bit that's missing.

**Counsel Assisting:**

And Mr Reilly one of the things we've heard from the Health Department is that, sorry Aboriginal people working within that system, is that there is no assessment or no question about what other supports an Aboriginal woman might have in the background and again it'd be true, wouldn't it, that that's a sense of education that's required within the health system.

**Jackie Bray:**

And it could even lend itself Counsel back to your original question which is about information sharing. So we do know that we have young mums, especially with my other a previous role, we do have young mums that are presenting to Aboriginal Community Controlled Organisations for assistance and supports as part of their pregnancy or pre, you know, pre-birth and we we absolutely know that that has to be something which is recognised. And it would be remiss of me when I talk about Health, it would be remiss remiss of me as well not to actually mention Aboriginal Health because there is a certain there's a lot of conversations that are going on within our Department as well around how we interface with Aboriginal Health as well not just Health as per se or Women's and Children's per se.

**Counsel Assisting:**

Thank you. A comment that was made during the Hearings was that even if women and babies are vulnerable and need extended stays in the hospital, it's often more dangerous for them to stay than it is to leave because they feel that it's it's an opportunity for more information to be gathered about them. What would you say about that?

**Jackie Bray:**

I say, respectfully, if they hold that view then I think that's that's something that we've got to listen to and I I think from the the the meetings I've had with Nunga Baby Watch and when they've outlined to me young young people that they're supporting and helping, I would say that's a view that they hold as well.

**Counsel Assisting:**

One of the triggers for a notification to the Department is previous involvement with the Department. So if a pregnant young pregnant woman has been a child herself of the Department, what does that say about the quality of care and parenting, if you like, that the Department has afforded her if that in itself is a notifiable issue?



**Commissioner Lawrie:**

Or deemed a risk.

**Jackie Bray:**

Is seen as a risk.

**Counsel Assisting:**

Seen as a risk.

**Jackie Bray:**

Yeah. Well in fact I think I think what it it it speaks to exactly what you were saying there Counsel, it speaks to if a young person is deemed a risk because there were a child in care, then that that that just speaks to what you were saying before about a need of response rather than a, you know, as in a support sorry support rather than a particular just automatic notification or response, I think that sort of lends itself to that. I do know and I don't know if DHS did speak to that around the, you know, the require, well not requirement but the work that they are doing in regards to working with Aboriginal young, Aboriginal young mums at pre-birth, those those young people that have been in care before but. Any other programs that I think are out there at the moment as well with?

**Adam Reilly:**

No not that I can think of but we can we can check.

**Jackie Bray:**

Yeah, we can definitely take that notice, just to inform the Inquiry of what we know as a Department the sort of type of programming that there is there.

**Counsel Assisting:**

The workforce from from DCP in the workshops identified a risk averse approach to issues, the feedback was driven by that they're they're driven by external pressures such as the media attention and when coronial inquests hit the front page of The Advertiser, there's a sense that the Department is at fault every time, which creates no doubt enormous pressure on on your staff, but the emphasis was on safety of children as opposed to best interests. In the in in the amendments to the 2017 amendments to the Act, South Australia took out the reference to the best interest of the child, out of the legislation altogether, and replaced it with the paramount being safety of children and the sense is that that has emphasised really the removal possibility or probability. Do you agree with that?

**Jackie Bray:**

I think you mentioned two points there, I think the first one is about the the the risk and the appetite for risk across as Department and I think it would be I guess right for me to articulate that I do think that our staff group do now have a, are fearful of those repercussions, if that be media or the perception around them not doing their job. But I actually think it is it is a symptom of what I spoke about earlier, which is the child protection system not being seen as a whole, that you see the Department being the entire system and not the work throughout, you know, community, the work of of families and and parents and other other entities, government, non-government, ACCOs. I think, I think we often are perceived as the only contributors to that and so I think there is I think there is a level of fear in the Department of those repercussions, which we'd absolutely want to

address and support our staff to to to not feel that way. I think the second element of the question, which is in regards to how then that leads itself into our actions, I think, I think we can't not, I actually forgot the second part of the question, I was I was going there thinking it might come to me then Counsel, sorry about that.

**Counsel Assisting:**

It was a removal of the reference to the best interest of the child and replacing it with the safety paramount.

**Jackie Bray:**

That's it, that's where we're going. I was thinking, I'm glad I didn't go down the other route there. I was absolutely that is a very very strong consideration and a theme that has come through of part of the discussion around the amendments to the Child and Young Person (Safety) Act, yeah.

**Counsel Assisting:**

Thank you.

**Adam Reilly:**

There is a level of irony I find across jurisdictions with risk averse practice and that is our risks actually increase. So we may err on the side of a removal based on a potential interpretation, as you described, but the risk profile of the young person if we track over a period of time, particularly if residential care plays part of the care model, the risks that we end up with are far greater in terms of had we intervened and put supports around the family, perhaps had some increased respite or kinship arrangement for a period of time. So a literal interpretation of what you describe to me does lend itself more to that remove and go with the system. The same as sharing information. People are risk adverse about information sharing, as you've mentioned, and the irony of not sharing information for fear of risk, you increase the risk of the situation. So there's these patterns that we need to, and again that's incumbent on I'm Jackie and myself and our leadership team, to create a safe authorising environment to staff, for staff to try things, to have what I describe as a healthy risk appetite, but it's really applying a sensible risk-based assessment based on what we know and it's not just us, it's other stakeholders, as Jackie talks about the broader child protection system Once we're all communicating and on the same page that doesn't become a risky process, it's evidenced informed with a lot of different lenses supporting a good outcome. So I'm quietly hopeful and confident we'll be making some inroads there.

**Jackie Bray:**

And it absolutely speaks and what Adams outlined there in in particular when you are assessing risk, you have to think about the best interest for the child. There there could be presenting risks, it might be your level of tolerance to what that risk is, but if you look at it from a different lens which is for the best interest of the child and then make your assessment is where I think we we are, you know, really wanting to head.

**Counsel Assisting:**

And one of the things we've heard from expert witnesses is that it's not just an immediate best interest of the child, it's a lifelong...

**Adam Reilly:**

Yeah.

**Counsel Assisting:**

Commitment to the best interest of the child, which might change your focus entirely. Do you agree with that?

**Jackie Bray:**

Mmm, yeah.

**Counsel Assisting:**

We've heard evidence from Cindy Blackstock from Canada who spoke to us about what's happening in Canada at the moment with a huge court case where the government has been sued for not taking action on reports from back 2004 and 2009 and now is paying massive amounts of compensation, and her view was that government will pay at one end or the other and if you don't put in the funding and address the problems at the top end you'll pay, either through the criminal justice system or dysfunctionality of family at the other end. Would you agree with that?

**Adam Reilly:**

I, oh sorry.

**Jackie Bray:**

You go.

**Adam Reilly:**

I can confidently say I've witnessed that. So sitting previously as a respected person on Koori Court we will ask offenders before serious sentencing. "Tell us about your journey", and you see all of the missed opportunities right back through. Health is a big big space in terms of the ultimate cost and risk to the person and the community. You've touched on criminal justice. The education system, there are challenges and missed opportunities there, all the way back, where failing to do what you've described has massive ramifications. But it starts to become much worse when the behaviours start to impact others as well, because it's not just a failure for the person in terms of the system response, but it starts to impact others you start to see victims of crime and family violence and other things, which had the intervention been appropriate you could potentially avoid that entirely.

**Counsel Assisting:**

Thank you. With respect to the risk assessments, the participants from your staff in the workshops acknowledged there's a need to reconsider how DCP responds to notifications for Aboriginal families. And the evidence that was gathered by staff included that the SDM Risk Assessment Tools are not necessarily culturally appropriate or suitable to be applied given the intergenerational trauma, the ongoing impacts of colonisation and the higher rates of social disadvantage, in particular poverty, in Aboriginal populations. And graph number five, it's again is information from BetterStart, shows that 96% of the Aboriginal children in out-of-home care had an indicator of poverty, 14% have indicators of all five indicators of disadvantage, which are poverty, mental health, substance misuse, domestic and family violence, and intergenerational contact with the child protection system. There is no scope for strengths-based approach and it doesn't account

for Aboriginal child rearing practices or cultural knowledge, Aboriginality is seen as a deficit rather than a strength. Example of that that was given was that the number of people in a home is often seen as a risk, whereas for Aboriginal people they consider that a protective factor and a wraparound factor. Do you consider that the current assessment tools are culturally appropriate?

**Jackie Bray:**

I consider that we only have at the moment the one validated tool for us to use and I have sought counsel on that from colleagues in our Aboriginal Practice Directorate who believe that those tools are not appropriately, culturally appropriate, even though there is aspects of the utilisation of those tools that are embedded in some of the practice elements of it. However, I am also aware as well that it is timely at the moment, I think it was actually due in the coming year, for us to review those particular tools, yeah.

**Counsel Assisting:**

And is that going to be done?

**Jackie Bray:**

And I will, and I will be doing that favourably, yeah.

**Counsel Assisting:**

Thank you.

**Adam Reilly:**

And I think linked to that Jackie, and it comes back to the conversation about risk aversion. The tools are overridable, so our staff are able to exercise professional judgement, but again we need to encourage, create a safe for that to occur.

**Jackie Bray:**

Yeah.

**Counsel Assisting:**

What other assessment models could be utilised? Do you know? That are working?

**Adam Reilly:**

There's a number of successful models used particularly with First Nations people around the world. I don't think it would be appropriate for the Department for Child Protection to provide the suggestion. I think that should be a conversation perhaps from some of the groups that our Minister has established in terms of people that have had direct experience with the Department. I just feel like in terms of us being true to self-determination, particularly for Aboriginal families, we should be guided or directed on what the model should look like, rather than us saying well we found one and it looked like it worked over here. I think we need to demonstrate our commitment to true partnership, so if Counsel if you're comfortable? I'd probably prefer not to make a suggestion, I think we should be listening.

**Counsel Assisting:**

And that that group that the Minister has brought together, do they include children, people, from rural, people from rural communities as well?

**Adam Reilly:**

The Expert Advisory Groups. I understand that at least one group had a person that came by plane. I don't know how well the groups are spread for regional, do you?

**Jackie Bray:**

Yeah, yeah, there's a there's a number of things there, because there's a number of groups and clearly one of the one of the groups there is about the Peak Body. So establishing the Peak Body is really the commitment to really hear from community and and ,respectfully Counsel, that that would be for community to establish what the makeup of that group would be. In regard to the other broader groups Adam was referring to, there's a number of them. So we have a a Child Protection Expert Panel, of which I do know that there is Aboriginal representation on there,. with a view around those, but that really is to provide advice to the Minister and myself in regards to a 20-year vision for Child Protection. We then do have another group of direct experience which is again, still forming at the moment in regards to the there was an expression of interest in regards to those particular nominated areas. As is the Carer Council as well, which is another advisory group again to try and really round off for the Minister and myself, as Chief Executive, around around those particular insights and experiences. And that, in particular, is probably the one that Adam is referring to that had some specific requirements to ensure that that demonstrated both regional and Aboriginal, non-Aboriginal, sort of representation on those groups. And then we also have our No Capes For Change and Create which is the young people themselves who are users of our services, and interface with our services, and there is a range of young people that are selected as part of. We have a a Youth Advisory Council which are held in in regional offices, so they would be regional and remote. We also, as well have Create who again have the full status of particular aspect of getting the views and and feedback from children and young people, and then obviously we, we have the Children's Commissioner, the Aboriginal Children's Commissioner, who again...

**Commissioner Lawrie:**

I'm independent.

**Jackie Bray:**

Yeah, I meant as in advisory in in regards to providing advice. So those, those particular groups that the Ministers actually identified are specific ones to give her advice and but yeah.

**Counsel Assisting:**

Thank you. Similar issues have been raised with respect to parenting capacity assessments and psychological assessments, which are all based on Western models and then are used in Youth Court proceedings to support removals.

**Jackie Bray:**

Yeah.

**Counsel Assisting:**

Are there any steps being taken to implement culturally safe and appropriate assessment tools in those areas?

**Jackie Bray:**

I think I'd have to take that one on notice Counsel. I think for for me my broad view on that is around

there is a requirement for us to look at all our current tools and assessments that we do. I do know quite recently in regards the parenting capacity assessments, that question was posed by me to to CaFHS, to the Children and Families team there at the Women's and Children's, really really to to have a to look at that. I do know in regards to the work that I did in Office of Early Years that there's certainly some moderate and and newly commissioned services in regards to child development, having culturally appropriate tools to assess those developmental sort of milestones of Aboriginal children and young people. So I think that, but in regards to the ones that we do in regards to servicing our, like you say servicing the court, I think that's in that broader requirement for us in our Quality And Practice Directorate to really have a look at the types of assessment processes and tools that we use.

**Counsel Assisting:**

And is there a time limit for that review?

**Jackie Bray:**

I could get back, I could that on notice, I don't know at the moment if if there has been or not, might be something that was historically in there.

**Commissioner Lawrie:**

And have you given thought to the critical cultural lens to the review of those assessment tools?

**Jackie Bray:**

As in regard to who would, who would be best placed to critically assess them? Is that what you mean Commissioner?

**Commissioner Lawrie:**

Yes to participate in that process.

**Jackie Bray:**

Absolutely, absolutely, that has that, you know, we I wouldn't have thought that that would be something that would have to be the scope of what the assessment of those tools would need to be.

**Adam Reilly:**

And not not just the voice of Aboriginal public servants, I think needs to be part of that commitment. We touched on before the clinical focus on primary attachment as a classic example, that needs to be fleshed out, and I think that's a broader conversation than just the Department for Child Protection.

**Jackie Bray:**

I agree.

**Counsel Assisting:**

Thank you. The the DCP review of the Act notes that most stakeholders advocate for a public health approach and the evidence that was being gathered by this Inquiry certainly strongly supports that as well. Do you agree that addressing the social determinants of inequality will improve the outcomes for families, particularly Aboriginal families?

**Jackie Bray:**

Absolutely and I think the the conversations that we've had over the last six months demonstrating where we go in those conversations about decision-making, you know family-led decision, Aboriginal family-led decision-making. Where we want to go around self-determination, where we want to go about critically, you know, I guess in in a way ensuring that we have got the best interests of the child, in particular. Some of those assessments are where I think that what is the true public health model. So when we try and encompass what that is and we talk about drawing on resources, the community, Aboriginal family-led decision-making, self-determination in a way that presents itself critically at these particular decision points, is really what a public health approach is all about, yeah.

**Adam Reilly:**

And it resonates with the concept of early intervention. If you think about a health model, you have a primary focus on prevention, then you have as early as possible intervention, you don't do nothing until you need an ambulance and that approach I think would echo the feedback we've had as well.

**Counsel Assisting:**

Thank you. We've heard from a number of the experts that better long-term outcomes would be achieved if the first question that was asked was not "Should I make a notification about this family but what help does this family need to support them?" What would you say to that?

**Jackie Bray:**

Oh I think as part, again, as part of the discussion paper for the changes to the reporting requirements for notifications, I think there has been a strong view on on notifications and I think those are definitely part of our considerations in regards to that. Personally I think it it really speaks to what I think that effective intervention would look like. Demonstrating as early as possible that we could do that, really lends itself to what you were saying there in regards to what I think whole of government community, that's those messages I think that's out there in the community around their particular requirement and their responses around that, and how we can get community more activated in in that level of response for families, because I think community and those family based interventions will be significantly effective and I think that lends itself back to our our requirement to do that.

**Counsel Assisting:**

Thank you. Dr Pilkington, who was instrumental in the BetterStart information data analysis, commented on perceived risk and she stated the assumption is that if all of the background characteristics were equal there would be the same proportion of children moving through the system in non-Aboriginal families as there are in Aboriginal families but the data just does not bear that out. So if there are more Aboriginal families perceived is at risk than non-Aboriginal families, what does it tell us about the perception of Aboriginality?

**Adam Reilly:**

Yeah for me it's the continuation of what we discussed before.

**Jackie Bray:**

Yeah.

**Adam Reilly:**

The incorrect perception that many of us carry in the community and that is for me a key factor in driving the overrepresentation for Aboriginal families.

**Counsel Assisting:**

And how do we address that?

**Adam Reilly:**

So I did touch on the training component. I think the other part which I didn't mention is the cultural immersion. So if we focus specifically on our Department, part of what we don't do well is support our staff and to support Aboriginal community and coming together as people. So for me if our staff had stronger relationships with community where they live and work, we would have much greater outcomes when it comes to conversations about kinship placement or early intervention, avoiding removal, keeping kids at home, that bit is something that we need to focus on. So the the need for our staff to have cultural awareness training in a very detailed and powerful way is one component. The other component is how do we contextualise contextualise that knowledge into where I'm living and working? How do I connect with the community? How do I understand the aspirations of the community? And just by doing that it starts to address the power imbalance, it starts to strengthen the relationships and then children are back at the the middle of the conversation and everyone's working in a partnership. Where what we've heard through conversation today is that fear of the Department, this power that they bring, and staff don't always understand that, some do, but this process ensures that with the goodwill of the community coming to the table and saying well we'll talk to you, we'll tell you what we need, it's then on us to make sure we're responding in an appropriate way.

**Counsel Assisting:**

Can you accept that there might be a very significant issue of trust or lack thereof of the Department?

**Adam Reilly:**

Absolutely.

**Jackie Bray:**

Absolutely.

**Counsel Assisting:**

That's being built.

**Adam Reilly:**

But part of that us owning the Department's history as well and I think the the messaging needs to be open. And so Jackie and I've stated it will be very open and own what is the history of the Department. I've had my own thoughts about coming back to this Department, having been a baby in the system myself, but I've decided that to be a part of the change to ensure other children of families have a different experience, I will come and I will have a voice in that process. My hope is that other Aboriginal people will say, 'Do you know what, I I want to be a part of that change, I want to take this and change it.' That is a system that should be helping us and empowering us and if I can



have a say in how we do that, I would really love that engagement from community. I think we could do a lot.

**Jackie Bray:**

Can I just add to there as well, and this is this is not inclusive to our Department by by any means, however we're also as well not excluded from it. We need to call out racism and we need to really address, you know, when we think about statistically how these things are presented, the statistics, the evidence that is there. The part that we all play in regard to calling out racism as well and conscious or unconscious biases, we need to actually call it out because that we that's a fundamental flaw as well across the system.

**Counsel Assisting:**

Thank you. We've heard quite a lot about about that inherent racism.

**Adam Reilly:**

Could we look at a brief comfort break soon Counsel?

**Counsel Assisting:**

Sorry yes certainly sorry yes, we'll break now for 15 minutes if you like?

**Adam Reilly:**

Thank you.

**BREAK**

**Counsel Assisting:**

Can I just take you to number five, the graph indicators of disadvantage for Aboriginal and Torres Strait Islander children in of out-of-home care. The indicator for intergenerational child protection contact is 69% for Aboriginal children. What does that tell us about the history of the child protection system in South Australia?

**Adam Reilly:**

You happy for me to?

**Jackie Bray:**

Yeah, sorry.

**Adam Reilly:**

I I look to my colleague as the CE to make sure they are comfortable for me to speak. So in terms of what this shows us is that the patterns that we're seeing now are certainly not new and that the system has not either understood or appreciated the trends as they were forming because the response now is consistent in terms of many of the young people that we have contact with, their parents and others, even grandparents, have had contact with the child protection system, so it means that the current interventions are not effective at shifting that trajectory.

**Jackie Bray:**

And if I may Counsel, just to add to that, the indicators that you show as part of that that are there around poverty and mental health and substance misuse, really do speak as well to that broader societal challenges that there are which play out even more with Aboriginal and Torres Strait

Islander children and young people and their families and communities. So that's that broader child protection, it's the child protection interventions alone will not will not play a part will will not change turn that dial, I guess really, without those other sort of other factors that are that are aligned and effectively addressed for children and young people.

**Commissioner Lawrie:**

I'd like to ask a question in relation to that. Are any of those matters, poverty, mental health, substance misuse, domestic and family violence, even the intergenerational child protection contact, do they feature in any of the risk assessments? For the Department?

**Adam Reilly:**

In the standard tools do you mean?

**Commissioner Lawrie:**

Yes.

**Adam Reilly:**

Like the SDM? I'll have I'll have to double check to be honest Commissioner. I think they form part part of the assessment. But without that lens of cultural proficiency over the assessment it's a self-fulfilling prophecy, everything will appear as a deficit and yeah so. I'll I'll confirm that if that's all right and come back to you.

**Commissioner Lawrie:**

That'd be great thank you.

**Adam Reilly:**

But I think it is safe to say that that would be problematic yes.

**Counsel Assisting:**

Have you got any further questions about the prevention section?

**Commissioner Lawrie:**

I.No I think I'll leave that to another time, this question I have in my mind.

**Counsel Assisting:**

The next element of the Aboriginal and Torres Strait Islander Child Placement Principles and policies is Partnership and an add and an issue that has been identified in the workshops with the with your workers, was around the inconsistency of cultural awareness and competence across the workforce. Do you agree that that is a an issue?

**Adam Reilly:**

Yes.

**Counsel Assisting:**

And the workforce felt that cultural learning should be ongoing but there's not enough time to undertake voluntary cultural training due to the lack of time, high caseloads and expectations of them in the workplace. What's going, how could that be addressed?

**Jackie Bray:**

Well I'll start, because I do know Adam has got something to add to this as well, but I absolutely agree that cultural training is not a sessional training, it is an ongoing immersion and learning, lifelong learning, in regards to your understanding and your, the way that you can attribute that learning in your practice. I think that the types of our current training that we have is the sort of sessional sort of small, attributed sort of awareness that there is, and certainly only last week we were talking to our Aboriginal and Torres Strait Islander staff group, and, a commitment there in regards to the level of cultural immersion and indeed a measure and monitoring of that level of proficiency in our performance development planning. Specifically as, oh for me personally, started at right at the top with the executive group and how and how that's seen. It's also as well about us going into community and really understanding how and how those communities, how what we can learn from those communities and certainly it is my intent to sort of immerse the Executive Committee more in those particular communities and and learning through through those community members. And I know Adam you made you've you've made some quite inroads in regards to the more training opportunities for the more broader staff group.

**Adam Reilly:**

Yeah in particular some they are we made the reference to them as micro certificates but they are a Masters level qualification and I talked about the really deep engagement through the training. But your comment in relation to workload really resonates. So staff, my perception of our staff, is they come to work to do good, they don't come to do harm But when I talked about the wrong parts of our system that have experienced the growth, that creates additional pressure in terms of workload. So in conversations both with the Minister but also with Jackie and our Senior Executive Group, the initiatives that we're looking at moving forward are designed to remove any unnecessary administrative or bureaucratic process from case workers, but it's also to create referral pathways for critical tasks that need that quarantined resource, such as engaging with Aboriginal families to look for placements. We accept that if someone is carrying 20 plus cases, it will be difficult for them to focus the energy needed to do that piece of work properly, when there are potentially 19-20 other children with risk presentations that they need to respond to. So by quarantining parts of the work, our hope is that it will reduce the workload for our staff, it will create the capacity to have increased engagement and learning, it will mean stronger relationships with family and children and stronger relationships with the community as well. That's our vision moving forward as a priority for the next 12 months.

**Counsel Assisting:**

Is there at the moment any any way of assessing learning and and attitude change within the workforce in terms of cultural awareness?

**Adam Reilly:**

I can comment from another jurisdiction in terms of applying this particular module, it's evaluated and designed in partnership with community. But the participant feedback really resonated for me in terms of that particular training and again that's part of the response, you've still got the immersion that needs to occur. But the most common theme that came back from the child protection workers that participated in that training in another jurisdiction was "How could a system let me engage with Aboriginal families not knowing what I just learned?" It is so powerful that it changes people's

perception, they look at the clinical assessments with a new layer, it's far more evidence-based and it really gives staff that extra insight to be respectfully more curious in the community and to start reaching out and establishing relationships.

**Counsel Assisting:**

So where's that model come from?

**Adam Reilly:**

The model that we are exploring is current, it's based on a program that was being used in Victoria, it was co-designed between Aboriginal stakeholders, the Department and the University of Melbourne. We're working with University of Adelaide and the same stakeholders with a view to coming up with a model to test with our community stakeholders here to then look at potentially rolling out, not just in Department for Child Protection, as Jackie said it's the broad system, so we're partnering with the Department of Human Services and potentially some other stakeholders as well.

**Counsel Assisting:**

Health?

**Adam Reilly:**

Definitely Health.

**Jackie Bray:**

And Housing

**Adam Reilly:**

And Housing, yes.

**Counsel Assisting:**

Thank you. The workshop participants reflected on issues that were contributing to consistency of practice such as the lack of workforce, the high turnover of your workforce and your difficulty retaining staff, which impacts then on consistency of support for families who struggle to build relationships with workers and have to repeat their story and and the workers come with an already pre-judgment of them based on what's on the the reporting. As I've mentioned before, with the they could be malicious reports that are then carried over as if they're factual reports, inexperience of junior staff and their ability to work with vulnerable and complex families. What is there that can be done to address all these issues, these workforce issues?

**Jackie Bray:**

We are, we've embarked on a exercise to really establish a child protection sector-wide workforce strategy. The strategy should hopefully be out at the end of the year, early New Year, in regards to the types of initiatives that we should be looking at to support a sector-wide response. As you know, as the, I guess nationally, internationally, we have a workforce shortage and I think that is definitely replicated in social work, child protection work. I think that when we have other pressures on workforces and opportunities for people to go into different professions, I think from a health, education, your child protection sort of even, I think there's a number of gaps in those particular workforces and we need to work with, certainly with the universities more closely in regards to making that attraction into this particular line of work. I think goes back to your earlier conversation

about the types of narrative that's out there in the community for entering into to work, social work and certainly social work working within a child protection sector. So I think we have some work to do there in regards to really addressing that narrative and and bringing that out. But I also think as well we've got that broader, I guess we there is competing pressures there in regards to either industrial sort of aspects. We have a really strong agency, you know, partners that are that are there that are looking and wanting to share the same workforce and hopefully we'll have a very similar sort of drain on our Aboriginal staff in regards to those that are in our ACCOs going forward, when I say hopefully, I'm saying that really respectfully because I think there'll be other opportunities for our, you know Aboriginal staff to work and to lead in those sort of participating areas. However, saying that, I think from our perspective in regards to attracting and retaining Aboriginal staff across the Department for Child Protection, there's a range of initiatives that we're looking at and there's none there's none bigger and then the leadership opportunities that need to be created and with with our leadership, will be created for Aboriginal staff. To obviously look at that real attraction into this line of work and supporting those Aboriginal leadership yeah opportunities to sort of really emerge. But from it, going back to the sector again is even more broader, I think there is an enormous amount of work that we need to do to make this line of work more attractive for early entries from our university, or indeed not those qualified stuff, other other aspects of the work that we do which you know is just as much warranted in regards to supporting positions, youth work, not just our social not just a sort of highlight on our social work. Interestingly I spoke to a colleague in New South Wales who was telling me that their workforce is around seven, about 30% social workers, 70% other youth work, other sort of certificated and recognised employment. So we're extremely lucky that our workforce is predominantly 70% social workers, so we have to lean in on that and have a look to see how we can continue to enhance that and upscale, look at training opportunities, but also as well look outside of that as well around other other things that are attracted to the Department.

**Commissioner Lawrie:**

Do you think that the social work profession, I mean that's my my background, but do you think the social work profession is the profession in which will make a difference for Aboriginal children and young people in the system?

**Jackie Bray:**

Oh interesting, interesting question Commissioner because I think I see the value in that but I also don't all I don't I don't automatically see that as being the only type of, our only workforce, you know, that can contribute to that at all. In fact I see, I see all of our workforce having the ability to be able to interact with community around those particular needs. Because again you can you can come back with a a theory and a and a and a and a qualification, and I say that with our respect not as a clinician Commissioner, but I do see I do see as well that it's other skills that we need to hone in on. And indeed I've used the term a few times now around our staff group around reclaiming social work, the true essence of the core of what those level of engagement opportunities, being able to engage with families and that really sort of core aspect of you know family preservation and leaning in on on with families and doing that sort of really high level engagement and utilising all those variety of skills that you get as part of that profession.

**Commissioner Lawrie:**

So that that's part of the qualification I guess, being a social worker, but there are things that sit within an Aboriginal person with a cultural identity, that's part of a community, that comes that. What comes with being an Aboriginal person of that background is the ability to engage, bring their knowledge set, bring their cultural intelligence, which you can't learn theoretically in a tertiary setting, it's something that you are immersed in as part of your own identity within your family and within your community. So the the question I I have is, what have been the considerations and what is the Department's respect and value of those things that come with a cultural context for the workforce that is needed to actually work with our most vulnerable Aboriginal children and their families?

**Jackie Bray:**

Absolutely and Commissioner thinking that our current workforce of around 6% are identify as Aboriginal and Torres Strait Islander, I would actually say you you're absolutely right in regards to you cannot have those, you cannot learn that, you know, that that level of what you bring and knowledge and cultural authority and insight and values, you cannot you cannot learn that. So we have to grow our workforce, our Aboriginal workforce and Torres Strait Islander workforce, to be able to embed that level of culture and and set the tone around that culture and and knowledge across the whole of our workforce. 38but there is many things we can do leading in from the training but it's also as well about the number of Aboriginal staff that we have within our workforce, bringing that knowledge and sharing gracefully gracefully with us that learning to try and, you know, adopt in out the way that we do our work, that's the that's the only way that you'll get that sort of knowledge through.

**Counsel Assisting:**

Two things that I'm going to ask. Is the reason that South Australia's workforce consists of 70% of social workers as distinct from the other jurisdictions you're talking about because we haven't recognised that strength of that Aboriginal people can bring without having a qualification? That we've required qualifications to be able to work within the Department in the past?

**Jackie Bray:**

I, the conversation that I had with somebody in New South Wales was coming from a a place of where they were trying to recognise the the theory, and as Commissioner has said, through the training and qualifications that they get in regards to that sort of real societal sort of impact and what they have and the skills and the abilities and attributes that they have through that particular qualified learning. I wouldn't attribute that to thinking that that's what I think our workforce, or or indeed it doesn't recognise the other workforce that we have and and and and do have and and those skills and attributes that they bring as well. I think in the contents of my conversation in New South Wales, it was about embedding, you know, reclaiming social work in that particular case of where I thought there was a there was an opportunity for, I guess, rebalancing what I would consider at times a very heavily process driven compliance level of of the work that we do into sort of a more sort of recognising the child, recognising the family, that's sort of aspect there really, yeah.

**Commissioner Lawrie:**

Then what I've heard from some of the Aboriginal organisations through contracts is that there is an

expectation or through the contracting arrangement, particularly program funding, that social work qualifications are a requirement of entering into the contract for the people that you recruit into those programs, which ultimately then translates into non-Aboriginal program, non-Aboriginal workers on most occasions, more than often, working with the Aboriginal child and family. At what point will the system understand the need to actually look at what is appropriate in that program with regard to the contracts that are provided to those Aboriginal organisations?

**Jackie Bray:**

Yeah. I think you've actually touched on something there, it goes back to our conversation about the contracts, because what we what what what I'd really like to identify is some of those barriers and constraints that are in those types of engagement and and because for me, personally I think about, if we're looking to engage community in in, you know, Aboriginal communities or indeed the broader community as a whole there is a particular skill set that we're actually looking to work with and and commission and the services and the outcomes that are derived at being within the community, with those values from the community, with that insight of the community. And and let's let's be you know when when we think about, I refer to the term sometimes around how things are, how things how things need to be, how things that those terms around what it is that this community require and these children and young people require, and I don't I don't you know I don't I don't think you you know wholeheartedly, unless it's a different level of service provision that you're acquiring for for whatever reason, that that should be determined by that level of qualification. So it's it's a sort of back to the what it is that we're actually looking to commission, what it is that we're looking to partner with and you know what what are we actually looking, what outcomes are we actually looking for and I think that should then derive at what level of you know, who we who we actually want as part of that. But that I'm I'm fully committed to having a look at that as part of our commissioning and contract sort of enhancements.

**Counsel Assisting:**

Would it be fair to say that one of the challenges you're going to have in that is the reluctance of Aboriginal people to be wanting to be part of the child protection system at all?

**Jackie Bray:**

Indeed, indeed, and I think that goes back to ,you know, we are still seen as welfare, we are still seen as, and statistics are showing that, we're still removing children at a at a higher rate than any other part of our broader community. So yeah, respectfully, I think that is something that we have to work very hard at, you know, we have to work very hard at developing those relationships with community to sort of really address those concerns that community have of us.

**Counsel Assisting:**

And how do you do that?

**Jackie Bray:**

I think I think there's a range of, I think there's a range of different things that we need to do, but first one is to really demonstrate how we will work with community. We will listen and then we will we will we will demonstrate a different level of service provision and operating. We have to demonstrate what we what we need to do to be able to do that. Interestingly going back as well to that broader conversation around, we have social workers, we have health workers, we have police

officers, all working in the child protection system, yet we are the ones that are seen as the child protection system. So that, I know that there's a narrative out there across government, even down to across you know our NGO partners etc, is that we we tend to sort of lean in and talk about we're not the Department, we're not. In fact actually it doesn't even say the Department for Child Protection, we've got this narrative out there which is are you from DCP? Are you DCP? And we need to work really hard at trying to address that but we will only do that as well through some other sort of moves that we need to do around, you know, working with our staff and really our getting our staff to represent well, you know, and their attitudes and behaviours and those sorts of, those sorts of engagements that we have with community, they have to be more positive than they are currently at the moment, where we hear very loudly some of the negative things that are that are happening there.

**Counsel Assisting:**

And it would be fair to say wouldn't it that that's going to be a very long term process?

**Jackie Bray:**

I think Adam and I I think we we've spoke about it being in in a an evolving way, because I think it is about building on some fundamental strengths that are there but also as well there's some of them that are clearly absent. I think there's some things that are clearly absent when we think about Aboriginal children and young people and I think we've got an opportunity now with the review of the legislation, with the outcomes of such Inquiries such as a Commissioner's Inquiry, in regard to the new leadership that there is across the organisation, to really look at that differently and to have that. We know that we've got the commitment across government, or we're building on that commitment across government of that whole of child, whole of, you know, the the child best interests, the child at the heart of what that is. So we we think that we we are moving towards those opportunities where we should we should grasp them and and look at the the changes that we need to make.

**Counsel Assisting:**

Thank you. With respect to Principal Aboriginal Consultants and the Aboriginal Family Practitioners, there was an indication that there had been a recent change to the role of the the PACs. Are you aware of what that that change was? I recent in the last few months?

**Adam Reilly:**

The only one I can think of is we've announced the commencement of cultural supervision for all Aboriginal staff and they're also discussions about four Manager positions for PACs to be able to report to, to create additional cultural safety That's the only two that I'm aware of but we can certainly make enquiries if there was anything else.

**Counsel Assisting:**

Thank you.

**Commissioner Lawrie:**

Can you speak to me about the cultural supervision for, so that's for the Aboriginal staff?



**Adam Reilly:**

In phase one it is, phase two we're thinking that needs to be cultural supervision for non-Aboriginal staff as well.

**Commissioner Lawrie:**

Who have case management of Aboriginal children?

**Adam Reilly:**

Who have any influence in any way over an Aboriginal family's case, definitely. So the the the first phase which we went through as a workshop activity with the Aboriginal staff group, we've tried to make it as self-determining as possible. So the there are a number of options for staff to participate in, in terms of what cultural supervision looks like for them It's a safe space that non-Aboriginal leaders don't participate in in terms of the conversations asking what happened at supervision, why are you doing this, it's a safe quarantined environment for Aboriginal staff. Moving forward we actually think there's, and this is again an opportunity in terms of partnership with Aboriginal community to start to have cultural supervision for non-Aboriginal staff in terms of the expectations on the Department and what that means for each employee in their Performance Development Plan. So cultural supervision would form part of supervision for non-Aboriginal staff to ensure they're meeting the expectations that the Department has given by way of commitment to Aboriginal community so it just means...

**Commissioner Lawrie:**

And the legislation.

**Adam Reilly:**

And the legislation exactly. So it just ensures that at every level of the organisation there's clear cultural accountability and a mechanism both to manage that but also to support staff as they need, particularly there might be focused training or engagement in a geographical area with a community, there is a monitoring component to that. And like I said that's phase two we're really keen to get the cultural supervision for Aboriginal staff done very quickly and set up properly and then turn our minds to to phase two.

**Jackie Bray:**

And this is off the back of some of the conversations that we had with staff groups around the leadership opportunities and the the introduction of the Managers was was really a critical thing for us to sort of look at initially, then bigger that bigger broader one and it was probably remiss of me as well not to mention, as part of the Inquiry, that we have the final touches happening to our Aboriginal Workforce Plan as well, so that will be hopefully out in in the New Year. That was we've got some feedback mechanisms still out with our Aboriginal staff group but that is pretty much.

**Adam Reilly:**

They closed Friday, staff were we supportive, so that's something.

**Commissioner Lawrie:**

Those are the Manager positions?

**Adam Reilly:**

No that's the overall Aboriginal Employment Strategy for the Department, there was extensive consultation and we brought that to a close at the all Aboriginal staff event last week and then staff had a couple more days for for input and it it was very positively received.

**Counsel Assisting:**

In just going back, in terms of your cultural supervision of all staff. Who's going to do that supervision?

**Adam Reilly:**

So that forms part of the self-determining approach. We of the view that it should be a non-Aboriginal person but there may be some Aboriginal staff who wish to have, sorry, that it should be an Aboriginal person.

**Commissioner Lawrie:**

I was about to correct you.

**Adam Reilly:**

It's been a long day and I haven't sipped enough coffee this afternoon. But there may be some Aboriginal staff that wish to have that with a non-Aboriginal person, so we're not being prescriptive but it's at the request of what the staff member needs. So for some staff they might say I want to use this cultural time to focus on connection to community, or working with the local RATSIO, spending time increasing my cultural immersion. Because in the same way I suppose as people could say they're from Europe, you've got France and you you know might have Poland, for example, they're different nations and the same you can loosely apply to this continent, so staff might want to learn more about where their geographical footprint is for work. It could also be, going back to Jackie's comment, about career progression and mentoring so we want to make sure that that framework and the self-determining principles apply and that the staff at the centre of that. So we're trying not to be too prescriptive as we co-build and sort of get this started, but the main thing is it's an it's a culturally safe space because when we look at the attrition for Aboriginal staff that cultural safety comes up time and time again, so that's that's the key focus.

**Commissioner Lawrie:**

I've heard from over a thousand Aboriginal children and young people and the majority of their voice is around, and particularly those young people who have identified themselves as children in care, they talk about the need to have an Aboriginal person in front of them and whether it be in the school, whether it be through their care experience, whether it be their time in a sporting club, whatever. So the whole emphasis of the cultural supervision is an important one, but for me it goes back to what that benefit is for, the benefit is for the actual Aboriginal child in terms of the cultural supervision. So I'm keen to hear from you more about the phase two about what that will look like for the non-Aboriginal workforce in terms of benefiting Aboriginal children and young people, particularly around practice?

**Adam Reilly:**

So the the design phase for that we're anticipating will probably be February or March and we do intend to ask your Office Commissioner to be part of the conversation around that, as well as our

connections to community, we want to make sure that we're not even Aboriginal staff making assumptions and applying something that's not fit for purpose. But that's that to me is a really good example of how we can go to a conversation about what's what's what what's presenting to us and have that different lenses is because, as you said, it's important for children to be able to see an Aboriginal person in a variety of spaces. And when I think of systems that work, it links a little bit to the social work conversation. In years gone by Department of Education all the way up through the bureaucracy were teachers and Department of Health was doctors and nurses all the way up and in Child Protection, historically social workers all the way up. But when you see an organisation an organisation engaging well with community it's because, in my view, the community can see something they can identify with. So you have multi-disciplinary teams and, you're right in terms of the millions of years of culture, that it doesn't exist in a degree that a non-Aboriginal person can get, so making sure that lens is part of that diverse group as well sets the organisation up to be somewhat of a reflection of what the of what the community expects.

**Jackie Bray:**

Great.

**Counsel Assisting:**

The DCP workshops spoke about the role of PACs and their contribution and it was acknowledged that they bring a great deal of value, but it was reflected that there are not enough PACs and that they cannot meet the demand. It was expressed a preference for PACs to have local community knowledge or connection to a local community in which they work, rather than be based metropolitan and being asked to comment, and that was consistent with the evidence we heard in the Inquiry as well. And there we what part of the Inquiry, we've looked at some 30 cases from your Department, across a considerable amount of time, and there was quite a variation in the involvement with PACs in those matters and when they, in particular, when they're engaged and how they're engaged and what they're engagement was. Whether it was just a tick in the box, which appeared to be quite a lot of the time that you could say we we've spoken to a PAC. They in a number of the cases we saw that the PACs had had questioned the placement of an Aboriginal child, but it again it seemed like it was a form filling in exercise, the form went back but there was no reflection on what was on it, if it said don't know, I don't think this is a a correct placement. Or the big one was we agree with it as an emergency placement and then it was never revisited again or the PACs was never spoken to again about that particular placement becoming a permanent placement or a change of placement, the tick in the box had been done. That doesn't fulfil the legislative requirements with respect to involvement of PACs or the Aboriginal and Torres Strait Islander Placement Principle in terms of PACs does it?

**Adam Reilly:**

No and I've I've seen that play out in real time and for me and we've started a piece of work we've we've consulted with Commissioner Lawrie, it's particularly problematic if you're starting to talk about long-term guardianship orders. So there are some systemic gaps that we're looking at at the moment, particularly around escalation and review of decisions. There comes a point where the cultural lens stops having a voice and the sole lens is clinical, so we need to fix that to make sure that we don't get towards this 10% figure that's really concerning me. But also as part of that cultural proficiency training for staff, they'll actually start to see actually this PAC is a subject matter expert

and adds value to what I'm doing. And there are staff who genuinely believe that and rightly so, but there are still staff who through training or experience or whatever's happened are very focused just on clinical assessment and one without the other is quite dangerous in a number of ways, even if you're looking at just safety for children not having those two lenses is very unsafe.

**Jackie Bray:**

And I think the going back to and, and PACs have told us this themselves in regard to how they are, I mean if you want to go back to 2015 I think it was there was five across the agency which then went to 10 and we've added an additional 10 in this last particular budget round, we've just got one more to fill, one one more of those 10 positions to fill, which will be hopefully by the end of the year. And as Adam's pointed out the way that we've done recruitment is different to to what we've done before and not having those sort of more formal recruitment environments that we've we've allowed people to be able to demonstrate their knowledge of community, if they are from the particular community that we are working in and we've got that level of interest. But we what you're referring to there in regards to what's been seen in some of those, in some of those case notes, I think that's a reflection of what the staff have said to us as well in regards to how they feel and hence the reason why we put the four managers in there as well, just that to put some more Aboriginal leadership into the into the area, into the regional offices, and also as well raise the awareness and profile of our PACs and we've got a lot, we still got a lot to do in that particular area.

**Counsel Assisting:**

So will it be working towards what's expected in the original placement policies with respect to PACs' involvement and and contribution?

**Jackie Bray:**

Absolutely, yeah.

**Counsel Assisting:**

Thank you.

**Adam Reilly:**

There's a number of matters PACs will escalate to me, by the sheer fact that there's an Aboriginal DCE. What we want to do is future proof that escalation model and also make it sustainable to ensure that the appropriate level and lens is across every Aboriginal case where escalation is needed and we've had a lot of structured conversations about how we do that.

**Jackie Bray:**

And I think what what Adam brings to it as well is apart from you know your willingness to be able to, you know, have that conversation and assurance, is that that's exactly what it is, it's an assurance around their their feeling or you know their involvement with a particular matter, that they wanted to escalate was was right. You know, was there was, yeah there was confirmation of that you, this absolutely should have been something you you need to have. That voice at the table etc so we've been writing that as well.

**Counsel Assisting:**

Good, great. So it would be fair, wouldn't it, that that in the past, the the involvement of PACs and

the the advice being sought from hasn't actually reached the level of active efforts, the partnership has it?

**Jackie Bray:**

Would you say that, would you?

**Adam Reilly:**

I'd say that's a fairly reasonable assessment across multiple jurisdictions and it comes back to that understanding of the value of those specialists.

**Counsel Assisting:**

The, we've touched a bit on issues around recruitment and retention of Aboriginal workforce, we've identified that there are tensions between the workforce and the Aboriginal community and Aboriginal people are reluctant to work in child protection due due to the community view of the state's role in ongoing removals and them not wanting to be a part of that system and there's additional trauma and stress for Aboriginal workforce when working within child protection jurisdiction with what we heard was a lack of support for Aboriginal staff. Do you agree with that?

**Adam Reilly:**

And and it's at various levels in terms of, I reference being in Koori Courts in Victoria, the training for that the Elders came up and said Adam you seem like a nice boy why are you working there and I was, through privilege and empowerment and education, able to respond in a way that was both respectful, but I walked away feeling safe. Not everyone has that support around them particularly if you're living in a larger family home and there are active child protection matters. Our staff tell stories about just never being off duty. They're always having a conversation about child protection and that they describe, some staff refer to lateral violence or or cultural load, I actually refer to it as colonial load, it's that additional pressure that the Western system forces staff to carry and manage in their in their private lives. And I think it's fair to say that everywhere we could do a lot better at finding ways to support staff in that situation and part of that is the conversations with community about changing the welfare perception, to being an organisation that works with and for community. And I I get that that will take time but that sort of communication is something staff can refer back to saying "Look we've got an Aboriginal welfare baby as the DCE, that's never happened in South Australia." "We're listening to an Aboriginal Children's Commissioner." "We're taking direction from community.", Like it's shifting. My hope is that trajectory will continue.

**Counsel Assisting:**

But it would be fair to say that that that load would lead to burnout?

**Adam Reilly:**

Definitely, yeah, and impacts on mental health, wellbeing all of those, yeah.

**Counsel Assisting:**

So cultural fatigue was something that was referred to, and isolation experienced by Aboriginal staff when they're the only Aboriginal worker within a team, feeling that there's a bit of tokenism there was something that we heard as well.

**Adam Reilly:**

I have shifted my perception on terms like cultural fatigue or cultural load. I feel that it is actually a colonial fatigue and colonial load that when we, and this again is our view as as an Aboriginal person, I draw strength from culture, I draw privilege from being asked questions by Elders, the load is having to paraphrase is so many matters to non-Aboriginal people, it's having to carry that extra weight in community of working in child protection and they're things that come from a colonial model, they're no way to do with culture so for me that onus sits.

**Commissioner Lawrie:**

Culture doesn't fatigue.

**Adam Reilly:**

Yeah, yeah.

**Jackie Bray:**

Can I just pick up on that a little bit as well in regards to the sort of the identification of the tokenism and indeed singly sort of appointment of Aboriginal staff. Clearly one of the things that we need to do there is increase the number of all staff, and Aboriginal staff into all positions should I say and I think Adam and I have also picked up on that as well in regards to really the safety of being the only Aboriginal staff member in in a in a staff group and that to that that's really laid pretty heavily with us in regards to we need to we need to change that, we need to look at what that is, we need to ensure that that doesn't occur. And I know from my experience in where we've recruited Aboriginal staff to sort of particular work in an area, especially in regional and remote areas, that we need to we need to really look at, lean in on that, and actually actually identify that's not really culturally safe to have a a one Aboriginal person to do that. Not in regard to competencies or anything like that but actually that's not I think it there's an element of where we're setting that individual up to fail and they need to be able to the reason that they're there is for them to feel safe in speaking up and changing practices and what it should look like. So only last week we spoke to the staff group about that and what we what is what we endeavour to do going forward I guess really.

**Counsel Assisting:**

Commissioner Lawrie indicated earlier that we have only one RATSIO in South Australia and you you made a comment about how that surprised you when you came into the role. So that means that there can be really no true self-determination for Aboriginal families, they have no choice in who they deal with. Would would you support additional funding for the expansion of the functions of the RATSIOs and the appointment of additional recognised organisations in that role?

**Jackie Bray:**

I think there's a few things that are coming out of the review of the legislation that have really heavily, I guess, referenced the need for us to look at that level of investment. Only only a couple of weeks ago at the inaugural Child Protection and Family Support Symposium there was questions put to the the Minister about you know really having a look at a a funding model that supports those the increase of those RATSIOs and and the capacity and the sustainable funding model going forward and I know that those considerations, as I said that was only a couple of weeks ago when that was put to Government, certainly would would be supported by by Adam and I in regard to what we should do there. We know that there's already the commitments out there through Closing the Gap

in regards to Priority 2 in regards to to building that and I I think I think it is as as you rightly point out when we go down the path of self-determination, commentary around delegated authority those particular aspects, we need we will obviously need more RATSIOs to enable us to do that and have that choice of families and children.

**Adam Reilly:**

And I don't necessarily think there needs to be a massive ramp up in investment for that to happen. I think if we ask ourselves the hard questions about who is best placed to do to deliver services to Aboriginal people, in many if not the vast majority of those instances, it will be other Aboriginal people, RATSIOs. So we as part of our evolving to meet the needs of our communities going forward, I would be asking the questions. How many of the dollars that are going for support for Aboriginal families and children, are going to organisations that are Aboriginal owned and led and I would think, and we've already had conversations Jackie in terms of some of our non-government partners who are non-Aboriginal organisations, about how we affect a bit of transition of those of the funding, but also ensuring that we set emerging RATSIOs up for success, so that they're not inundated and overwhelmed. So for me there's a real opportunity not just in terms of new business, but transitioning the business that's attached to dollars for servicing Aboriginal families across to RATSIOs as we increase the numbers and the capacity. I think that would be a completely appropriate way to go.

**Counsel Assisting:**

Sorry should we be you going to say something?

**Commissioner Lawrie:**

Yes, in relation to the point about Aboriginal self-determination and what that looks like in terms of our Aboriginal Community Controlled Organisations, and in particular with some of the earlier responses that you provided around finding family, and understanding full well that self-determination for a community is at a local level and I want to hear from you both in regards to how the Department sees the role of a RATSIO, a gazetted organisation, panning out with finding family and going forward?

**Jackie Bray:**

Yeah.

**Adam Reilly:**

I'm happy to answer that. So I think there's there's two roles, there one is the role of I think the Department and and larger ACCOs state-wide organisations and the role of RATSIOs. For me the best, and this is again based on conversations with community here and in other jurisdictions, the best place, person or people to find suitable kinship and family placements are local Aboriginal people in the community where they're looking for the family placement. If we apply the self-determining principles, we should be funding the RATSIO to be able to do that. Part of the journey of self-determination is ensuring that the organisation is set up for success and there may be RATSIOs that have amazing community connections, but are not yet administratively set up to be a self-running gazetted organisation. That's the only role I see for ACCOs when we get to that level of engagement, that they may auspice or provide support to help build the RATSIO model. What happens traditionally as you'd know Commissioner.

**Commissioner Lawrie:**

What is the RATSIO model?

**Adam Reilly:**

Well the RATSIO model is what the communities want it to be in my view. Until we sit down and have the conversations about with local people, what's what's happening here, what do you want this to look like, who should be doing these bits within the system, that will become clear as we have those conversations going forward. I wouldn't want to I wouldn't want us to assume what the community needs, I think that's a conversation in partnership, but I'm just wanting to stress that that model is where I'd like us to go versus where government's been historically.

**Commissioner Lawrie:**

Can I just see clarity so you looking at a state-wide ACCO becoming the RATSIO?

**Adam Reilly:**

No.

**Commissioner Lawrie:**

Because that's what you currently have.

**Adam Reilly:**

Yeah that's what I'm saying is the traditional model that we've used, this is where we need to be.

**Jackie Bray:**

Yeah.

**Adam Reilly:**

So whilst we have a potential trial run of testing this and demonstrating to Government and our non-Aboriginal allies that this model works and that is utilising an ACCO, that actual funding and the work will happen with RATSIOs in community. Once we can demonstrate that, which we think will take a very short period of time, we can formalise that where each RATSIO is more independent and can seek funding directly to deliver the service. So what I'm trying to explain, perhaps not very well, is we are keen to go from a state-wide model to a place-based model based on community needs and what a RATSIO might look like in this community could be quite different to what's it looks like here and what it looks like today may change going forward based on what the community expectation is.

**Commissioner Lawrie:**

Cause there's nothing like going direct to the community where that child belongs...

**Jackie Bray:**

Yeah.

**Commissioner Lawrie:**

As opposed to going through.

**Jackie Bray:**

Via somebody.



**Commissioner Lawrie:**

Pardon?

**Jackie Bray:**

No I'm just saying via via another organisation.

**Commissioner Lawrie:**

That's right rather than what is before the child...

**Adam Reilly:**

Yeah.

**Commissioner Lawrie:**

And the family.

**Adam Reilly:**

And you would have heard Commissioner the, I hear it every time I go to a regional centre, the fly in fly out, it doesn't it doesn't hit the mark and that's attached that traditional state-wide model. People would like to deal with people that know the community and have that embedded relationship and aspirations and that's difficult to do if you're flying in and out from metro Adelaide.

**Commissioner Lawrie:**

But that immediate consultation and engagement, just to reinforce that point that I'm trying to drive, is at the local level.

**Adam Reilly:**

Yes, 100%.

**Counsel Assisting:**

Mr Reilly when's that going to occur?

**Adam Reilly:**

Pardon?

**Counsel Assisting:**

Is that already occurred, is that already started, that engagement with the local?

**Adam Reilly:**

It has in terms of our conversations around this pilot that we're talking about, but I think longer term, and it's about us being so new in the role, we want to spend time in these centres and have conversations and engage with local people in a way that is both respectful but empowering for them because we need to learn as well. I have my assumptions based on working in other areas around the country, but for me it's about the relationships and aspirations for local community and how the Department can pivot to line up with that and like I said I think a lot of our NGO partners are up for that as well so I think it will be.

**Counsel Assisting:**

And one of the things we heard, particularly from Queensland, was that in determining whether or not RATSIOs were were ready or they had capacity to accept delegated authority was concerning

because that capacity was based on a Western idea of capacity, whereas we're not looking at a strength that the actual RATSIO had the ACCO had itself. How is that going to be determined when when they're ready? Is that going to be the organisation itself saying we're ready?

**Adam Reilly:**

So the models I've tested in the past have been that partnership between ACCO and RATSIO. So you have a registered organisation who in some way sponsors the expansion and growth of the RATSIO. So they support the administrative and the bits that the RATSIO is still recruiting to and building with the view that we will have another equivalent organisation, self-sufficient, self-determining and the voice of local community driving the direction. The role of the ACCO in those models is purely empowerment, support, training, it's not directing it's just an uplifting model. That's worked well interstate and I suspect it would work well here, but again it comes back to that commitment to self-determination, having those conversations with local community to see if that is something that would be of benefit for local RATSIOs, or do we look at something else based on community voice.

**Commissioner Lawrie:**

Well I can tell you now I've heard directly from Aboriginal communities and they are interested and wanting to lead their decision-making with the families regarding their children and for not a third party to consult with them about decisions to do with their children, the direct decision making is with with them and their families. So I can't stress that enough in terms of what self-determination looks like for an Aboriginal child and their family at the community level. I can't stress that enough.

**Adam Reilly:**

We would all expect that, it's not unreasonable, I mean we would all expect that.

**Jackie Bray:**

And I think and I think as well what we're speaking to you here today right on the cusp of looking at an initiative and right on the cusp of just starting and commencing. We know we need to do something and we also as well are being brave and bold to sort of say we're not going to wait, we're not, we're not going to, we're not going to wait any longer B50ut I feel, and Commissioner hope, I hope this, I hope this alleviates some of your, cause we hear you loud and clear, we absolutely do think that we will, we will, you know, we we start and we actually then start going into actually how do we make sure that's that's even there. How do we, how do we take that model from where it is now, if we're lean in listen to the local community, what is that actually saying. And and like you said I think it is about us. Cause the concept that we've got around doing something and doing something now is for all children and we absolutely know that we need to do things differently for Aboriginal children. We know that we've got our our initial our initial partners but we also as well loudly and clearly know that if we were to expand on that or take that concept there's already proven concepts out there, we've already got a loud voice of the community, so I think it it's about us evolving but not not waiting another, you know 6 or 12 months before we're still defining and developing. It's actually you know we we we we're starting but it actually you know I'm sure that those conversations, as time goes on, I'm sure we'll have many more with your Office, Commissioner, on on how we are actually doing exactly that around listening to local communities

and and how we're evolving our program to to suit those local children from that community, by that community.

**Counsel Assisting:**

Thank you. It appears that at the moment there are some gaps between policy and practice.>The Act requires the consultation with the RATSIO for placement decisions however the case file reviews undertaken by the Inquiry have identified that there are a number of flaws and inconsistencies. Such as there are delays in consultation with RATSIOs, particularly in the case of emergency removal and placements, and an analysis of 12 of the case files the average time for consultation was 43 days after placement, some were up to six months after placement, so as I said before with the the PACs it was a tick in the box exercise, they were not involved in any decisions about the placement or or the appropriateness of the placement The consultation wasn't taking place in every decision, for example the RATSIO may have been consulted and approved temporary placements but those placements were made permanent without any further consultation, the RATSIO's providing recommendations or otherwise we're not supporting placements and those recommendations were not being implemented or actioned and the placement decisions were made regardless of what the the feedback was. And AFSS, Aboriginal Family Services, identified a lack of information sharing or incomplete information on the ROC forms was a particular issue. Do you have any response to to those findings?

**Jackie Bray:**

Counsel I don't think I've seen yet the outcome of that. I I don't believe we undertake it our our own case for file review on that matter, but I'll stand corrected on that. So I think it would be I think it would be expected that I would assume that the Commissioner's Inquiry would indicate that there was areas of where policy and practice were disconnected. I think I think that's that's pretty accepted to sort of think that that out of I think you had 30, 30 case loads, we might see some of that, so I'll welcome the the assessment into what the Commissioners really, the Inquiry actually finds on those particular matters. I do think as as I said without without that and with without with it, notwithstanding, I think it's an assumption that there would be some improvements to be made there. I really look forward to seeing what they are because I think even my conversations that I've had with AFSS and as I've met with their board a couple of times now there was certainly identification of improvements that should be made between the Department, between the two agencies, yeah.

**Counsel Assisting:**

And I take it that that consultation is ongoing is it with with AFSS?

**Jackie Bray:**

You mean Department, our partnership, yeah yeah absolutely yeah yeah.

**Counsel Assisting:**

Thank you. The next topic I wanted to take you through was the ACCOs, the Aboriginal Community Controlled Organisations, and there's clear evidence from from ,not just across Australia but Internationally, that Aboriginal children and families achieve better outcomes when the services are delivered at the local level, as the Commissioner raised earlier. The BetterStart data shows that one

in five Aboriginal controlled programs have a wait list of longer than four months, so how can we ensure that the programs are better resourced to meet that sort of demand?

**Jackie Bray:**

And Commissioner I I don't I'm not sure if I've seen those stats from the 1 in 5, that's that's I'm very interested in what the types of wait list are there, I'm I I again, and this might be a result of Adam and I absolutely respectfully wanting to attend today and as having the most senior leadership here, it might be some something that my colleagues would be able to answer more fulsomely. But but for me the the the the waiting list because I I absolutely agree entirely, the evidence is there of the out, the better outcomes that are delivered when we you know when children and young people and families interact with ACCOs, than than than with us. You have a view on the anything?

**Adam Reilly:**

I probably wouldn't, wouldn't challenge this, I think it's probably not an unreasonable figure. What I would say is it points to that issue we spoke about before about the wrong part growing and it highlights to me the importance of containing that and putting the money back where it's needed. This is a great example if we could fix that you would see less of that flow through, to particularly residential care, I just think that's a really good reminder for us of the important work in moving the money where it needs to be.

**Jackie Bray:**

Yeah but I'm not sure if BetterStart went to the level of detail around potentially some of those services that were required as part of that. Cause that would be just so interesting and so useful tools as well around that proportionality around the, you know, recommissioning or diverting resources as well that'd be really powerful as well to

**Counsel Assisting:**

Well to one of the big ones was drug and alcohol...

**Jackie Bray:**

Drug and alcohol.

**Counsel Assisting:**

Counselling and the mental health counselling. People have no private health insurance which is majority of the people who are impacted with you, that poverty issue, that there are limited resources available to them. So if they're given, with the legislation saying a decision needs to be made within I think six months with a new a new born, and you got to wait five months to get into a drug and alcohol you don't, you're set up for failure, you don't stand a chance.

**Jackie Bray:**

Yeah.

**Counsel Assisting:**

And then the decisions are made for long-term orders and there's no capacity to revisit those really and so that's one of the big issues.

**Jackie Bray:**

And of course the outcomes of this Inquiry would certainly assist in some of those conversations for us as a Department, absolutely.

**Counsel Assisting:**

Certainly. There are also issues around funding that were raised, we've heard the tender process for funding for ACCOs is often a closed process and offered exclusively to already existing organisations working in the in the space and I can see that you've spoken to developing those down the track but it's it would appear wouldn't it there something that's that's fairly urgent to address?

**Adam Reilly:**

Definitely. What I've heard in other jurisdictions, I don't know if the if it was raised with you Counsel, but ACCO partners referenced having more oversight and governance than their non-ACCO peers as well, which I think speaks to our cultural competency as Government, so I think there's some opportunity there but definitely it's an urgent response needed.

**Counsel Assisting:**

The existing funding is based on government-led contracting models with a a Western lens and not culturally appropriate.

**Adam Reilly:**

Yeah.

**Counsel Assisting:**

And the ACCOs feel that they need to provide ongoing justification for their funding, which means that in essence they're just an arm of the existing system rather than a self-governing system, so they're not designed to meet the community need in a culturally appropriate and safe way. It speaks for lack of self-determination for Aboriginal organisations really and they they felt that they were just really a replica of the Department, which was not what they wanted to be.

**Adam Reilly:**

And the biggest missed opportunity comes back to the Commissioner's point that sometimes the best connected response comes from the smallest of organisations, and you think about the capacity to push back against such a powerful machine, it's a lost opportunity.

**Counsel Assisting:**

And as you're saying earlier the the ability for them to even put in tenders for funding because they haven't got the flash.

**Adam Reilly:**

Yeah.

**Counsel Assisting:**

The money and the flash to do it. So is it the case that the Government does intend to address the deficiencies with the current funding model for Aboriginal Controlled Organisations?

**Jackie Bray:**

I want I'd like to speak to a couple of points there really because I just want to go back and just

reaffirm with you. My knowledge around currently at the moment is we are procuring services and that brings into the commentary by our ACCOs, in regards to seeking the Department's response in regard to service provision, delivering that service provision, where actually my and my background as well as a Commissioner of Services when I was overseas, is that if you were, if you truly want commission services, you're going to somebody who's got the expertise, in this particular case we're going to the ACCOs. We know we can't deliver it, they've got to deliver it, they're they're the ones that can actually deliver this particular concept, you've to really enter into a partnership around how we commission those services. Then, so they advise us around what it is to achieve the outcomes that they want to do and how they need to achieve that, and then that's where, the sort of, the we enter into that agreement to deliver against those outcomes, it's very very different. So what we tend to, and it we we're not on our own here I think across government, moving into those sort of commissioning different methodologies around commissioning is slowly but surely sort of taking effect, because we're not getting the outcomes that we want, even though we've putting lots of money into them. It's around us actually turning around and really deeply listening and having that, and transferring that, you know, I guess that in one, in a sense really the power of sort of saying this is a commission, these are the outcomes that we want and the service provider saying this is how I'm going to deliver that. We just get caught up in that exchange of provisions which doesn't actually. It limits then the the, I guess the, well it limits really. We're asking you to deliver it because we can't deliver it, and then we're actually limiting you by saying "Well but you need to deliver it ABC in the lines one, two and three and report back Monday to Friday. It's not it's not how it works works to commission, really commission, services in that joint way, in that in that way of delivering services and outcomes that we want for children and young people. We have to move our methodology and I'm I'm yeah having having A the background, but B seeing it and even more so in in in a around where we don't have the expertise and the community have that expertise, that's what we need to move to.

**Counsel Assisting:**

And is that where you are moving to?

**Jackie Bray:**

That's in that is my intention to move our contracting and our the way that we look at service provision, you know, are there will be opportunities where we will still have to procure services but when we were looking at commissioning for outcomes it's a totally different lens and I think that's one that we need to move it to.

**Commissioner Lawrie:**

As in direct approaches?

**Jackie Bray:**

Not necessarily, it could be.

**Commissioner Lawrie:**

I'm trying to think what the alternative is.

**Jackie Bray:**

Well I think I think that that term around direct approaches is probably where we talk about, we talk

jointly about outcomes of where they are and then we talk about how service provisions can be met through that. So it could be multiple people that can actually say that this is what you know, this is what we think we can commission, these are the sorts of things that we think we can do and what it'll what what, you know, what it'll cost Government or the outcomes that we're intended to do. You you don't necessarily need to do that with an, in you know with a direct sort of, it's not like a hot spot of you know. It's still you can still do that in a very competitive market and actually but it's where it's community-led, it's where you actually say this is what I want to commission and how we want it to look like so.

**Commissioner Lawrie:**

I don't know I'm I'm struggling to understand the the whole thing about self-determination and commissioning, and it might be a case of never the twain shall meet or it might be about finding the actual right arrangement defined by the Aboriginal community about what works for their children and young people.

**Jackie Bray:**

I think self-determination is a key core aspect of commissioning services differently. That you have to have a service that is, that you have to you have to, you have to commission a service which allows that level of self-determination that can can occur. So I think it's not, it's definitely not never the two should meet because self-determination's community-led specifically in you know, individually-led around the way that you know that those aspects. So commissioning really is an extension of that in regards to how do you take that to particular service provision.

**Commissioner Lawrie:**

But where I'm going is that there are some things that Government believes it's responsible for and therefore needs to commission for outcomes. When the Aboriginal community in the true sense of self-determination is, that has never been State responsibility that has always been our responsibility assumed by the State.

**Jackie Bray:**

Yeah.

**Commissioner Lawrie:**

Yeah.

**Jackie Bray:**

Yeah, I get what you mean.

**Commissioner Lawrie:**

That that's where I was going.

**Jackie Bray:**

Yeah.

**Adam Reilly:**

What's what's unique for us is there's some some activity and actions in that space is within our gift and we can just say we absolutely agree and move forward. Sometimes in the procurement space there are those Western requirements and when I think about how do we empower the best RATSIO

to receive the funding for that patch, it's actually using the influence in that broader process. So instead of saying how many times have you done this well in the past, we can say talk to us about your relationships in this geographical location, who are your stakeholders, how will you engage with the community, how will you ensure the aspirations of the community? That will very quickly change the power imbalance between that tiny RATSIO and a big player to say hang on we've got no idea how to answer that, whereas the the strength in that response comes here not from the glossy print. So I think there are practical ways we can influence now and there's also things within our gift we can say no now we're doing it this way.

**Jackie Bray:**

Yeah.

**Counsel Assisting:**

Thank you. With respect to delegated authority and the transfer of powers, we've heard evidence from Victorian Aboriginal Child Care Agency, VACCA, and from the Queensland Aboriginal Torres Strait Island Child Protection Peak body, in seeking to recognise and restore the rights of Aboriginal and Torres Strait Islander peoples to autonomy and self-governance. The Inquiry heard that both Victoria and Queensland have implemented initiatives to limit the interference of governments in the lives of Aboriginal and Torres Strait Islander communities through delegated authority, which provides for access to culturally safe and responsive decision-making normally vested in the Minister or the Chief Executive. The issues that were identified were that the term delegated authority has an overtone of authority that's capable of being. Any authority capable of being delegated is capable of being taken away, it's not self-determination as such and it continues the sense that Aboriginal people need to be overseen by Western colonial authorities and, for example, the requirement of ACCOs to tender and account for funding in line with Western models as we we've already covered and we've heard the sense that there's a very real power imbalance with partnership being seen by community as a one-way street, the Department holding all the power in terms of decision-making. Can you comment on on those sentiments?

**Jackie Bray:**

With the discussion paper that's been out in regards to the legislation and the aspects and the commentary that you've had from your workshops, I think are very similar to the types of themes that have been presented as part of probably the similar stakeholders and we've because, we've certainly seen very much those similar sort of commentary coming through in regards to where we need to go, what we need to look at in regard to our legislation. So I think, and I think at the time when the Commissioner's Preliminary Inquiry Report came out the response from the Government at the time was that the, you know, these echoed the types of themes and discussion points that come up. So I think they've been pretty consistent as part of that review and I think what I guess to hear to hear those particular commentary from multiple, multiple stakeholders. Is it possibly where we think that we, we know we need to step into that particular model. We've seen the success of some, you know, places like VACCA and and how they recently, they came and presented at the the symposium around the establishment and. However we also well have got the opportunity to I guess, in the event in the event that those changes are seen as part of our legislative review, we've also as well got the opportunity to learn from a very lengthy process that they had in regards to, you know, I think that was over over 10 years or over multiple years, of where they started and and how



they've how they've evolved. So I think from my perspective very similar themes that have come through, definitely those considerations have been, you know, been put to Government. There's been definitely those stakeholders voices presented as part of that and we've we've had the the benefit now of having the involvement with other organisations that have gone through a very similar sort of thing, to learn from that around what we could do differently in the event that that that was that's come through.

**Counsel Assisting:**

Thank you. Regarding the whole of government commitment under Action 1 of the Safe and Supported for progressive systems transformation that has First Nation self-determination as its centre, the commitment states that within the first two years of the Action Plan, develop jurisdictional plans to enable self-determination and the exercise of authority in child protection by Aboriginal and Torres Strait Islander people, including timelines for each jurisdictions legislative reform to support the delegation of legislative authority with regard to statutory Child Protection Powers implementation of jurisdictional plans will progress in line with Aboriginal and Torres Strait Islander community priorities and aspirations for exercising authority. What steps has South Australia taken towards that commitment?

**Jackie Bray:**

Well I think obviously in, I think it was March, I'm going to through this cause it was before I, I think in March 2023, there was certainly the the workshops in regard to the discussion and the the inviting stakeholders to give thoughts on that in regard to our legislative review. The commitment to to do that review, well it was actually a legal requirement to be honest in regard to review of the legislation to do that. But then obviously as part of the Safe and Supported, as part of those particular requirements in those Closing the Gap and all the other response, responses in regards to those initiatives, the the feedback from the stakeholders have been very much about how we change the legislation significantly. So I think in regards to the timeframes for that the Government are considering those particular feedback in regards of the legislative changes and I think I certainly, as Chief Executive, was pleased with the Commissioner's initial in the Preliminary Inquiry and because, and as the Minister said as well a lot of those themes are things that have definitely come out of those particular amendments. So I think we are on, I think certainly in the new year and obviously the outcome of the Inquiry, as well we can take into and reflect any other considerations of the government counting would be I think we are on track to sort of provide some sort of a timeframe on how we're going to fulfil those requirements as part of Safe and Supported in regard to that self-determination.

**Counsel Assisting:**

Thank you. Commissioner have you any further questions about the Partnership part of the?

**Commissioner Lawrie:**

Yeah I sort of have in its relationship to I guess whether it's termed co-design. But it's about working with the Aboriginal community with the fact that there doesn't appear apart from the Closing the Gap State Implementation Plan, a coherent plan from the agency, and and this isn't about the State Plan that all the agencies have signed up to, but a specific plan from the agency in regards to improving outcomes for our Aboriginal children and young people. And so, cause it's more than just

Target 12 in the Closing the Gap agreement. I'm I'm wanting to hear from you as to the agency's commitment if any to to the development of a coherent plan, developed in partnership with the Aboriginal community, to support better outcomes for Aboriginal children and young people. As I do believe that is a gap in terms of the agency having a plan that is accessible by the community, that details the key aspects within your agency's responsibilities...

**Jackie Bray:**

Yeah.

**Commissioner Lawrie:**

To drive outcomes and then within that I suppose to build an accountability for working towards and achieving those things that are set out in the plan. So, yes I'm I'm I'm keen to hear from you as to any decisions being made or commitments to having an Aboriginal Plan from DCP?

**Jackie Bray:**

Yeah, and if if if I may Commissioner, I'll say that I think you're right and it's something that Adam and I have observed that there isn't the one the one plan and I think we have just initiated a process, well it's several weeks ago now but it's still underway at the moment, in trying, in determining the full extent of the range of initiatives that we've got out there across the Department working for both Closing the Gap, the the schedule that we, we have in place in regards to Safe and Well, on its way out and Safe and Supported and the first Aboriginal Action Plan at the national level there and and also as well a range of initiatives that were already in place across the organisation. Because, might just be the way that I think, it was very difficult for me to establish what it was that we were doing and where the gaps, where the gaps actually were. Adam's highlighted now that we knew that we had a particular focus on Aboriginal employment and what that was, but that whole, that whole bigger plan that that one single plan around Aboriginal specific initiatives and and what we're doing to address address that. And that, and so and I absolutely agree with, in addition to having the development of a plan, we've also as well got to have that level of accountability. So if we don't, if we have a plan without that level of accountability and how we're driving that. Now I'm I'm fully aware of the requirements under what we need to do in regard to Target 12 and and indeed the timelines that we've put in place for the schedule, and even the early childhood child development sort of aspects of what we need to do. But it's that one that one place that we can go to to actually have a look at that. So I will say here that it although as yet I haven't made a particular commitment, because I haven't seen the the enormous road map that I have in front of me, I think it's going to lead itself into the requirement for us to say "I need all of this coming together on on, on one plan that we can easily look at and see are we going to achieve the outcomes that we need to do.". So I don't know if you've got anything else. I know we've we've spoken about Katie's doing that piece of work.

**Adam Reilly:**

I I like the the idea for me it's a way to link all of those siloed commitments across the spectrum.

**Commissioner Lawrie:**

Well, you talked about the Aboriginal Workforce Strategy around the cultural supervision.

**Adam Reilly:**

There's heaps of bits.

**Commissioner Lawrie:**

I'm hearing things but there is no visible plan that brings it all together but particularly to drive the outcomes for Aboriginal children young people yeah.

**Adam Reilly:**

And for me I don't think it's sounding like a duplication, I think it's an alignment. It also will highlight if there are gaps.

**Jackie Bray:**

Yeah.

**Adam Reilly:**

And the bit I like is the accountability part because government's good at generating reports on how it's performing but I think there's an opportunity there to demonstrate that part partnership with community, even if it's through yourself Commissioner or or RATSIOs or community Elders, I think testing that reporting component, the accountability is a good way because that takes us further on that journey of genuine partnership. When we ask the question how are we doing I think that's a really great opportunity but I think the first step would be to look at the bits, bring it together, identify the gaps and then agree what the reporting would look like.

**Jackie Bray:**

And Commissioner I've actually been here before when I was in Corrections and I remember the conversation was very very similar and I remember even to the point of where and, I'll say this openly, I think you know there was some commitment from the Department to sort of say I don't think we've got time to do an Aboriginal Strategic Plan or where that is, and we all looked at each other and said but we're doing it, we're already we're already doing it, we we've already said all these are different initiatives that we'd all need to pull this together in one particular place and identify what gaps are there for us to sort of do that. So I've been here before and and and in fact, as I think there is more of a an opportunity here to address, because I think it is it's, you know, otherwise we you know we've got so much that's happening in this particular space, we really hope going forward there's even more so we've got to really understand that where and where we can see what it all comes together.

**Commissioner Lawrie:**

Because with with that said it is that approach with a program logic about what needs to change and it is a question back to you about the agenda for transformation.

**Jackie Bray:**

Yep.

**Commissioner Lawrie:**

And with that question I have is the is there a commitment to also illustrate the transformation agenda in that plan? Cause the plan will tell you what you're doing...

**Jackie Bray:**

Yeah.

**Commissioner Lawrie:**

And capturing all that in a coherent sense. If we are listening and hearing what is being produced through the compelling data about this spiralling out of control data of Aboriginal child removals, planning is one thing, but we need...

**Jackie Bray:**

Yeah.

**Commissioner Lawrie:**

The actual logical approach to turning the tide on Aboriginal child removals and turning the tide on Aboriginal out-of-home care rates in non-Aboriginal care. So what is what is the the commitment and what will that look like?

**Jackie Bray:**

Yeah.

**Commissioner Lawrie:**

In terms of particularly partnerships with the Aboriginal community?

**Jackie Bray:**

Yeah I I definitely I definitely can can categorically tell you now that we have had the conversation about a plan. We have had the conversation about bringing together all of the aspects so we can at least see see what that that is right now, and I am very favourable in regard to my commitment around the accountability framework that we would wrap around such a plan. Because, as you rightly pointed out Commissioner, it's only one aspect of it to have a plan and to look at these particular initiatives. If it's not driving the data, if the data is not actually telling us that we're, we're achieving what it is that that we need to do. How do we know how do we know that you know that question? How do we know what we we we're making a difference.

**Commissioner Lawrie:**

Thank you.

**Counsel Assisting:**

Thank you I think we might leave it there for the day it's nearly quarter to five.

**Jackie Bray:**

Is it really, wow.

**Counsel Assisting:**

Thank you very much for your your evidence today it's been fantastic, and we'll see you back here at 10:00 in the morning.

**Jackie Bray:**

Thank you.

**Adam Reilly:**

Thank you Counsel, Commissioner.

**Commissioner Lawrie:**

Thank you see you tomorrow morning.

**Jackie Bray:**

See you tomorrow morning.

**END**