CHANGING THE *CHILDREN AND YOUNG PEOPLE ACT 2008*

REPORT ON WHAT WE HEARD

The ACT Government is reforming child and family services to ensure we strengthen families and keep children and young people safe and connected. Legislative change is one part of this plan for reform.

The ACT Government has made a commitment to establish a responsive, high-functioning legal framework for the ACT's child protection and family support system. This reform will align the *Children and Young People Act 2008* (the CYP Act) with Next Steps for Our Kids 2022–2030 – the ACT's strategy for strengthening families and keeping children and young people safe. It will also address recommendations from key reviews and reports regarding the ACT's child protection and family support system requiring legislative change.

Modernising the CYP Act will allow the ACT Government to enable reform to the child protection and family support system. The legislative reforms respond to current challenges, research insights and societal needs and aim to prioritise the safety, welfare and wellbeing of children and young people, preserve families and enable the service system to provide earlier support when needed.

Due to the complexity of this reform, legislative amendments are happening over 2 stages:

> Stage 1 – The Children and Young People Amendment Bill 2023
> Stage 2 –Final amendments to modernise the *Children and Young People Act 2008*

The first stage of amendments proposed in Children and Young People Amendment Bill 2023, deliver important reforms to reduce operational barriers to good child protection practice and take actions to eliminate the over-representation of Aboriginal and Torres Strait Islander people in our child protection system.

This listening report feeds back what we heard in response in the draft stage 1 proposed amendments.

THE CONVERSATION

We asked you for feedback on the proposed amendments to the Children and Young People Bill 2023. These were:

> adjusting the focus of the legislation and functions of the Director-General to align with a family support-oriented service system
> recognising the importance of self-determination for Aboriginal and Torres Strait Islander peoples as Australia's first peoples
> inserting the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle – prevention, partnership, placement, participation and connection – and including them as 'best interests' considerations for decisions about children and young people
> reorganising concepts of abuse and neglect toward an overarching concept of 'significant harm'
> providing guidance on factors to consider when making a decision about 'best interests', including clarifying that more weight should be given to the safety of the child or young person
> inserting a provision that allows for an extension to the timeframe for filing emergency applications to the ACT Children's Court in exceptional circumstances.

> implementing previously agreed amendments to Chapter 19A (Children and Young People Death Review Committee).

WHO WE ENGAGED

Consultation on the proposed amendments in the draft Children and Young People Amendment Bill 2023 was open to the ACT community via the YourSay Conversation website from 15 June 2023 to 27 July 2023.

A discussion paper was provided to support the community's understanding and consideration of the proposed legislative changes.

The community was invited to provide feedback through written submissions or an online survey.

In addition to the YourSay engagements, over 40 briefings were held with different stakeholders to gain a deeper understanding of how the proposed changes would affect the ACT community. Stakeholders included:

> government and non-government organisations
> child, youth and family service providers
> organisations representing Aboriginal and Torres Strait Islander groups
> peak bodies and advocacy groups
> the legal sector
> human rights and justice organisations.

Stakeholders involved in these briefings were also encouraged to provide further feedback through the YourSay website.

KEY INSIGHTS FROM THE COMMUNITY

The following broad themes have emerged from our discussions about the proposed legislative amendments in stage 1, as well as from the comprehensive feedback we have received from stakeholders. While not all proposals and ideas are reflected here, each suggestion has been carefully considered. Themes beyond the scope of this consultation, better addressed through policy or practice guidance, have been referred to the Community Services Directorate for further consideration.

Aboriginal and Torres Strait Islander reforms

> We heard how important it is that this reform responds to the over-representation of Aboriginal and Torres Strait Islander children and young people in the ACT child protection system.
> Many comments and submissions positively acknowledged the strong focus on Aboriginal and Torres Strait Islander peoples regarding self-determination, the placement principle, culture and connection.
> Several contributors emphasised the importance of replacing non-mandated language in the legislation with decisive and clear language, to ensure consistent and effective implementation of the Aboriginal and Torres Strait Islander Child Placement Principle.

- We heard the placement hierarchy needs to be placed front and centre within legislation and used flexibly throughout the Act.
- Some contributors, highlighted that the Aboriginal and Torres Strait Islander Child Placement Principle, sets a best practice standard for all children and young people involved in the statutory system.
- Contributors told us that efforts to identify a child or young person's cultural identity should happen at first contact with child protection services, and case managers will need to begin their cultural assessments at that stage to ensure each Aboriginal and Torres Strait Islander child or young person continues to remain connected to their community, country and culture during their involvement with statutory services.
- We heard the successful implementation of the proposed reforms heavily depends on the active involvement of Aboriginal and Torres Strait Islander communities. It was recognised that time and resources are required to gain trust and establish effective partnerships given the legacy of colonisation and the marginalisation of communities.
- Several suggestions were made to legislate the definition of 'active efforts' as a means of strengthening the understanding and implementation of the Aboriginal Torres Strait Islander Child Placement Principle.
- We heard the full implementation of the Our Booris, Our Way Final Report by the ACT Government has experienced considerable delays and as a result, the urgency and critical nature of these reforms cannot be overstated.
- There were expressions of hopefulness about the potential for positive change, along with sentiments of doubt and distrust regarding the system's ability to effectively adapt, implement and reliably embed the subsequent policy and practice modifications.
- It was emphasised that robust data collection and monitoring mechanisms will need to be in place to measure the impact of these Aboriginal and Torres Strait Islander reforms. These mechanisms must also account for the sensitivity of personal and cultural information.
- We heard recommendation for the Aboriginal and Torres Strait Islander Children's Commissioner to assume a strong leadership role in overseeing the implementation of these crucial reforms.
- We heard from multiple contributors that the legislation should incorporate a more culturally sensitive definition of 'kinship carer' that specifically separates 'significant other' from 'family' under the definition.

Northside Community Services, a not-for-profit community-based organisation expressed:

> *'We welcome the proposed Stage 1 reforms for Aboriginal and Torres Strait Islander children and families in principle. We encourage the Government to ensure that Aboriginal and Torres Strait Islander leaders and organisations are consulted on the reforms they seek and are placed in a position to take leadership of the reforms.'*

Barnardos Australia, a well-recognised and prominent not for profit children's social care organisation and registered charity said:

> *'Barnardos welcomes the ACT Government's recognition of self-determination for Aboriginal and Torres Strait Islander people as Australia's first people by specifying this as a principle to be applied in administering the Children and Young People (CYP) Act. Barnardos strongly supports the thrust of findings of the SNAICC - National Voice for Our Children final report delivered in September 2022, which provided valuable advice on fully embedding the intent of the Aboriginal and Torres Strait Islander child placement principle (ATSCIPP) in the draft legislation as well as significant recommendations for supporting policy and practice.'*

SNAICC - National Voice for our Children, the Australian national non-government peak body for Aboriginal and Torres Strait Islander children told us:

> *'SNAICC supports the inclusion of all five ATSICPP principles in the Children and Young People Act, but the Act must also compel decision-makers to undertake "active efforts", so the ATSCIPP are implemented to their intended effect … SNAICC endorses Section 10(b) enshrining government's responsibility to protect and promote the cultural identity of Aboriginal and Torres Strait Islander children and young people. A third principle … should be added to recognise the right of Aboriginal and Torres Strait Islander children and young people to enjoy their cultures in community with their cultural groups.*

A **Child and Youth Protection Services (CYPS)** team said:

> *'It would be useful to include reference to 'active efforts' in the Act, to stipulate that staff members need to demonstrate **how** they tried to uphold the principles.'*

An **ACT community member** told us:

> *'By aligning the legislation with the recommendations provided in the SNAICC Report, the government can take significant strides towards creating a child protection system that respects the rights, culture, and self-determination of Aboriginal and Torres Strait Islander children and their families. These changes are essential for fostering positive outcomes and building strong and empowered communities for the future'.*

The **Institute of Child Protection Studies,** a nationally recognised centre of research excellence in the area of child, youth and family welfare said:

> *'While the [Aboriginal and Torres Strait Islander Reform] amendments emphasise the need for family involvement in decision-making processes, it's crucial to ensure that this principle doesn't override the primary concern of the child's safety. In certain cases, family involvement might not be in the child's best interest. Navigating these scenarios while adhering to the reforms needs careful consideration.'*

On the identification of Aboriginal and Torres Strait Islander children and young people, **SNAICC - National Voice for our Children** expressed.

> *'SNAICC acknowledges the expanded responsibilities of the Director-General partly aim to ensure faster and appropriate identification of Aboriginal and Torres Strait Islander children and youth who are at risk of contact with child protection. Misidentification impeded proper consultation with the child's family in line with the Aboriginal Family Led Decision Making process and contributed to the child's unstable sense of identity. SNAICC recommends amending Section 360(4) to require the director-general to identify Aboriginal and Torres Strait Islander child or young person in line with minimum requirements for effective identification.'*

An **ACT community member** told us:

> *'Currently, the five placement principles are not adhered to by the department and at times only a number of the principles are adhered to when emergency action is taken.'*

Gugan Gulwan Youth Aboriginal Corporation, an Aboriginal youth centre located in the ACT expressed:

> *'If we get it right for Aboriginal and Torres Strait Islander children, we get it right for all children. The principles of ATSICPP work for all children and have the potential to enhance child protection practices across the board.'*

Uniting NSW.ACT a not-for-profit social services and advocacy organisation said:

> *'We encourage the ACT Government to extend the principles of prevention, partnership, placement, participation and connection to all children and families.'*

An **ACT community member** told us:

> *'The principles are very sound; however much work will need to be done to establish trust and ensure that measures are in place to ensure the approach taken is trauma informed, culturally safe, engages the community and well researched.'*

Women's Legal Centre ACT said:

> *'With the prioritisation of Aboriginal reforms, there will need to be training for staff and community about the importance of these principles, so they understand the continued impact on First Nation's families and children.'*

In relation to the consultation on the Aborginal and Torres Islander refroms, **Gugan Gulwan Youth Aboriginal Corporation** expressed:

> *'In this round of consultation, people have felt heard. In many consultation processes, there is often a perception that it's merely a checkbox exercise, and genuine engagement and consideration of feedback can be lacking. In the community meetings where people are talking about the Act, there is a sense that people have felt heard and their comments have been taken on board, which is really important.'*

The best interests of the child

- We heard best interests described as a nebulous concept; one that can prove challenging for professionals to subjectively define. We heard the variability of this concept can lead to debates and disagreements, particularly when different parties hold conflicting views on what truly serves the best interests in a given situation.
- We heard parenting practices are not homogeneous and practitioners must exercise caution not to impose their values and beliefs about parenting onto the families they work with. The importance of cultural competence, sensitivity, and respect was emphasised in all interventions involving families, including the assessment and application of the best interests principles.
- A prominent concern that emerged was the need for safety to remain a primary consideration in the context of child protection. However, there was a consensus that this priority should be balanced with other relevant considerations. We heard the challenge resides in ensuring that each aspect is carefully weighed in a way that genuinely serves the best interests of each individual child.
- We heard when safety is viewed narrowly, it can have a negative impact on decision-making. It was emphasised that best interests considerations should not compromise the child's safety but aim to provide a holistic approach to their safety and wellbeing.
- Multiple contributors emphasised that while the inclusion of the Aboriginal and Torres Strait Islander Child Placement Principle in Section 349(f) reflects its alignment with a child's best interests, there was necessity to strengthen its implementation in further legislative reform, practice and policy.
- Several contributors highlighted assessments of a child's safety tend to narrowly focus on short-term risks of harm, overlooking the known long-term risks associated with poorer outcomes across various life domains linked to involvement with the child protection and youth justice systems.

> A recurring theme was decision-making should be as close as possible to the child, emphasising the importance of involving children and considering their perspectives in matters that affect them.

The ACT Human Rights Commission, a statutory body that promotes and protects human rights in the ACT, told us:

> *'The proposed amendment risks entrenching a narrower focus on risk that does not accurately reflect the holistic and necessarily flexible nature of the best interests assessment as envisaged by human rights law … The Human Rights Commission recommends that the elements that decision-makers should have regard to when construing best interests be non-exhaustively and non-hierarchically listed; with all elements taken into consideration and weighted in light of the particular child, children and context.'*

SNAICC - National Voice for our Children said:

> *'Aboriginal and Torres Strait Islander people and communities hold distinct perspectives on the concept of 'best interests', which emphasise the importance of holistic perspectives on wellbeing. Safety and culture are mutually reinforcing concepts. We know that Aboriginal and Torres Strait Islander children are less likely to experience abuse or the violations of their rights when they are supported to grow up in close connection with family, kin, culture and Country.'*

The **Institute of Child Protection Studies** told us:

> *'There may be cases where a child's expressed wishes and feelings may be at odds with what professionals perceive to be the safest course of action. In these instances, the child's right to have their views heard and considered (according to their age and maturity) should be respected … In cases involving children from diverse cultural backgrounds, decisions may need to carefully consider cultural, traditional, and personal values. This includes the importance of maintaining connections to culture, community, and language, particularly for Aboriginal and Torres Strait Islander children. However, these considerations should not justify actions or decisions that would place the child at risk of harm … In some cases, efforts to keep the child within their family environment or prevent family separation may be considered. Yet, this should not occur if it exposes the child to continued risk of harm … Even in these circumstances, safety remains a primary concern, but it's balanced against other considerations. The challenge lies in ensuring that these aspects are weighed correctly to genuinely serve the child's overall best interests. These considerations should not compromise the child's safety but aim to provide a holistic approach to their wellbeing.'*

Barnardos Australia expressed:

> *'We strongly agree that it should be recognised that for Aboriginal and Torres Strait Islander children and young people, connection to family, community, culture and country, and participation of family in decisions about their care arrangements are in their best interests.'*

Aboriginal Legal Service (ACT/NSW) told us:

> *'The Aboriginal Legal Service welcomes the recognition by the ACT Government that for Aboriginal and Torres Strait Islander children and young people, connection to family, community, culture and country and participation of family in decisions about their care arrangements are in their best interests.'*

An **ACT community member** said:

> *'The child's safety should [be at] the centre of every decision, not deemed less important than a relationship with someone who is causing them harm.'*

Uniting NSW.ACT told us:

> *'As a service provider, we support children who have been removed from the care of their parents and see the ongoing impact that this has on their mental health and wellbeing. Children and young people may also express a clear preference to remain with their family, despite their experiences of maltreatment. We recognise the need to prioritise safety when making decisions for children and young people but urge the ACT Government to also consider the impact of removal from family.'*

Gugan Gulwan Youth Aboriginal Corporation said:

> *'There is good enough safety, as there is good enough parenting. It might not reach the gold standard, but it qualifies as being good enough. Removing children when there is good enough safety and parenting in place does not lead to improved outcomes for them. Need to shift away from viewing parenting through a white lens.'*

A **Child and Youth Protection Services** team told us:

> *'Realising genuine participation from children and young people remains an ongoing challenge for child protection systems. To foster authentic engagement and offer meaningful opportunities for participation, it is strongly recommended to incorporate the 'Principles for Participation of Children' aligned with Queensland's guidelines directly into the legislation. This will ensure that every possible endeavor is undertaken to empower children and young people to actively contribute and be heard in matters concerning their wellbeing and rights.'*

Prioritising earlier support: Functions of the ACT Director-General and objects of the Act

- Many comments and submissions acknowledged appropriate measures need to be in place to identify and address any safety or risk concerns as early as possible to ensure appropriate support can be provided to families.
- We heard access to early preventative support can help prevent harm and ensure children and young people's safety and wellbeing are prioritised.
- Contributors expressed overall support for prioritising early support and voluntary service engagement while highlighting the critical need to ensure the service system is adequately set up and resourced to provide effective cross-directorate and community-based supports.
- Some contributors held concern that the shift to an earlier support focus was based on a service system that does not yet exist in the ACT. Conversely, we heard the ACT does have a service system that is underutilised in in providing diversionary supports.
- We heard as the system shifts to a child protection and family support model there might be an increased demand for support services as more cases are redirected from investigation to provision of support. This could put additional strain on these services, necessitating additional resources and funding.
- Several contributors contemplated the practical implementation of earlier provision and how it would translate into practice, including a clear delineation of roles and responsibilities.

Barnardos Australia expressed:

> *'We strongly support the ACT Government's overarching reform agenda and focus on universal service delivery and the provision of earlier support to families in need within the child protection system to improve*

outcomes for children and young people. We are especially pleased by the Government's child-centred and family-focused approach, notably in embedding the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSCIPP) – prevention, partnership, placement, participation, and connection – in the legislation and including them as 'best interests' considerations for decisions about children and young people.'

Women's Legal Centre ACT said:

'Proposed amendments are welcomed. Having a focus more on support for the parents when children are removed, or even better supporting parents BEFORE removal, is far better than what we've got now where the system places greater weight on supporting children to remain in out of home care.'

SNAICC - National Voice for our Children told us:

'The legislated power of Director-General to wrap support around the family unit must be backed up by investment proportionate to families' needs in ACCO-delivered family support and care services.'

Karinya House, a not-for-profit organisation specifically for pregnant and parenting women in the Canberra region expressed:

'Supportive of a greater focus on prenatal reporting and early engagement and activity. The evidence and research show that women experience a much higher number of vulnerabilities when they are pregnant. Women are more likely to engage more positively with services when they are pregnant and are given the time to develop a positive relationship with a service; however, what often happens in practice is that women are often unable to be referred to us until late in pregnancy, or when they are due, or the situation has reached a crisis point. It is more difficult to build the trusting relationship and support a woman to make the changes, that are needed to reduce the risks related to the removal of a baby at birth, when things are at crisis point. When women come in contact with our service at an earlier stage, our ability to support those women to make changes is greater, with the benefits from early-intervention showing better outcomes.'

Aboriginal Legal Service (ACT/NSW) told us:

'We acknowledge the focus on 'safety, welfare and wellbeing' in the objects of the Act and support the change in the language to safety. This is also consistent with the objects in other jurisdictions.'

Enhanced Health Services, Canberra Health Services (formally known as Child at Risk Health Unit and Community Paediatrics) said:

'The proposed amendments seem to provide more capacity to hold families for period of time and establish connections and relationships with services, rather than prematurely discontinuing involvement based on families being cold-referred or simply giving information about available support services. Hopefully this will prevent families from moving from early intervention to statutory intervention … Is the intention to centralise the resourcing of early intervention within CYPS, more broadly across CSD, or is community-based resourcing being explored? Interested to know what the pathways will be for families.'

The Community Services Directorate, **Support Services for Children** Branch, offering multi-disciplinary services and support programs to assist parents and children expressed:

'The system is currently geared to reacting and responding, rather than prevention and early intervention. There is an entire service system, both internal and external to government that sits alongside Child Protection, to support children and families, however this system is rarely used as a diversionary solution.

With the changes to the Act and in particular in relation to Risk of Signifcant Harm, there is an imperative for all parts of the system to work closely together and to shift the focus from response to early support and intervention. A service response that is connected, coordinated and one where children and families at the centre, would only improve the outcomes for families. Whilst the Act makes important legislative changes, there are operational changes that need to occur at the same pace as the legislative change. The legislative change occurring in isolation to practice change will create further siloing of services.'

A **Child and Youth Protection Services** team told us:

'The broadening of the director-general's functions will not only provide greater clarity and reassurance to professionals when sharing information but also foster transparent decision-making processes. This will enable better support for children within the community, as it empowers individuals to understand the basis for actions and decisions. By taking these steps, we strengthen our partnership with the community, working collaboratively to ensure the wellbeing and development of the children and young people we support.'

The **ACT Education Directorate** said:

'The concept of 'whole government assistance' implies a collaborative effort across various government agencies and departments to support schools in facilitating a child's safety, welfare and wellbeing. This approach must recognise that children's educational outcomes, linked to wellbeing, are affected by multifaceted issues that require a coordinated response.'

Uniting NSW.ACT told us

'Current ACT legislation does not require that CYPS demonstrate [active efforts] that at-risk parents have been provided with the opportunity to address issues of concern prior to the removal of their child or children. This fails to deliver on the principle of early intervention and support to keep families together … [Uniting recommends] the ACT Government adopt the principle of 'active efforts' as defined in NSW Children and Young Persons (Care and Protection) Amendment (Family is Culture) Act 2022'.

Concepts of abuse and neglect

- The current definitions of abuse and neglect were criticised for being 'out of touch' with changing community values and the diverse nature of challenges affecting families.
- Several contributors raised concern that if the definitions of abuse and neglect were too broad, this would lead to overreporting, while others feared too narrow definitions would prevent people from reporting.
- We heard the current definitions of abuse and neglect were subjective and open to interpretation, leading to a lack of universal understanding among those responsible for reporting, identifying and assessing abuse and neglect.
- Some contributors expressed clearer definitions would help increase awareness and understanding, leading to more accurate reporting, better protection of children and young people and support responses to families.
- We heard a more holistic understanding of harm that focuses on identifying and assessing longer term patterns of adverse experiences and maltreatment may provide more opportunities for early intervention and diversion to non-statutory support services.

- One of the strongest concerns we heard was that the current understanding of abuse and neglect focused on identifying specific incidents or behaviours, but that it is increasingly important to recognise risk can accumulate over time and may not always be immediately apparent.
- There was resounding support for the inclusion of cumulative harm. It was noted that the challenges in identifying and responding to cumulative harm at a practical level, along with crisis-driven practices, has limited a broader understanding of a child's potential experiences. Emphasis was placed on the need to pay more attention to the barriers and enablers for identifying, preventing and addressing cumulative harm within the child protection and family support sector.
- We heard by focusing on the child's unmet needs rather than the adult's omissions, the proposed amendments put the child's wellbeing at the centre. This approach promotes a more nuanced understanding of neglect, recognising that it often arises from complex societal, environmental, and familial factors rather than simply parental 'failure'.
- Some contributors noted by removing the term 'neglect,' the amendments may help reduce the shame and judgment associated with it, encouraging more families to seek help when they are struggling.
- There was overwhelming support for expanding the description of child sexual abuse and redefining family violence, affirming the importance of continuously re-evaluating and refining our understanding of child maltreatment.
- Some contributors expressed under the existing Act there are types of harm that do not neatly fall under child protection responsibility (sibling violence, child to parent violence, self-harm, sibling sexual abuse, high risk-taking behaviour). We heard the present assessment, which relies on the parent's willingness and ability test, results in harm types that deviate from typical categories being assigned to no one's explicit stated responsibility.
- We heard it was essential to exercise caution and careful consideration when differentiating between genuine child protection risks or instances of child maltreatment and other systemic inequalities such as homelessness and economic disadvantage. While these challenges can impact a child's wellbeing, not all situations involving these challenges automatically constitute child maltreatment. We heard it is crucial to approach each case with a comprehensive understanding of the context and the specific circumstances involved.
- Several contributors raised concern that age is viewed as a protective factor, but it often isn't, as young people can be at more risk as they age.
- It was suggested an explicit definition of educational neglect should be included in the Act to ensure persistent non-school attendance (without cause) was considered a significant risk of harm.
- There was a call for the prohibition of corporal punishment within the ACT.

The **Institute of Child Protection Studies** told us:

> *'By focusing on the child's unmet needs rather than the adult's omissions, the proposed amendments put the child's wellbeing at the centre. This approach promotes a more nuanced understanding of neglect, recognising that it often arises from complex societal, environmental, and familial factors rather than simple parental 'failure' … By removing the term 'neglect,' the amendments may help reduce the shame and judgment associated with it, encouraging more families to seek help when they are struggling … By broadening the definition [of family violence], it accounts for a wide range of behaviours that constitute domestic violence, including emotional, psychological, and economic abuse, and not just physical violence. The changes mean that a child does not necessarily need to witness abuse for it to be considered harmful. This recognises that children can be significantly affected by the environment or 'atmosphere' of*

fear and control in their home, even if they do not directly witness abusive incidents. This leads to better protection for children in these situations.'

Uniting NSW.ACT told us:

'The current review of ACT child protection systems provides the opportunity to integrate the findings and recommendations of the Australian Child Maltreatment Study and adopt evidence-based reforms … We welcome the inclusion of cumulative harm within the child protection system. As a provider we have supported children who were the subject of multiple child protection reports over several years, none of which were considered to have met the threshold for intervention, but when viewed cumulatively clearly demonstrate a risk to the health and wellbeing of the child.

ACT Council of Social Service (ACTCOSS), the peak body for the community sector and advocates for social justice in the ACT, said:

'ACTCOSS appreciates an emphasis on examining the systemic factors that contribute to cumulative harm, especially in cases where lower socioeconomic circumstances are linked to adverse childhood experiences, as found by the Australian Child Maltreatment Study. The proposal to provide dedicated, holistic, and ongoing support from non-statutory services for vulnerable families is commendable. Addressing issues like wait lists, eligibility requirements, and case management availability for essential services is crucial for supporting families in their journey towards improved wellbeing.'

'We welcome the proposed amendment to broaden the definition of child sexual abuse. Drawing from the valuable insights provided by the Royal Commission into Institutional Responses to Child Sexual Abuse, incorporating these recommendations into the new Act will further strengthen the safeguarding of children.'

Australian Research Alliance for Children and Youth (ARACY), a not-for-profit organisation that promotes the wellbeing of children and young people expressed:

'We are pleased to see the explicit recognition of cumulative harm as a concept in the proposed amendments and recommend that training for practitioners address cumulative harm in the context of holistic child wellbeing, to ensure all aspects of potential harm, cumulative and other, are considered … ARACY agrees with the intent behind this proposed amendment [to neglect] and approves of the wish to reduce shame and stigma that can prevent families from engaging with services. However, services and supports must also ensure they are available, accessible, culturally safe, welcoming and trauma-informed (with respect to the whole family).'

Aboriginal Legal Service (NSW/ACT) told us:

'We cautiously support the inclusion of the concept of "cumulative harm", noting again that one of the unintended consequences may be that the symptoms of poverty and homelessness might be caught up in the application of the definition.'

Northside Community Services a not-for-profit community-based organisation said:

'We welcome the proposed amendment to a broader definition of child sexual abuse. The Royal Commission into Institutional Responses to Child Sexual Abuse has provided Governments and communities with clear guidance and recommendations around the risks and impacts of child sexual abuse, and these need to be incorporated into the new Act. We recommend the Act specifically calls out the National Principles for Child Safe Organisations and works towards legislating these requirements.'

The Youth Coalition of the ACT, a youth affairs body in the ACT responsible for respresenting and promoting the rights, interests and wellbeing of young Canberrans expressed:

> *'We strongly support the inclusion of wider definitions of sexual abuse and domestic and family violence. These broader definitions reflect the evidence and will allow for a more effective and timely response to issues to minimise and prevent further harm. These proposed changes are a necessary first step to more effectively responding to these issues. However, again, it is vital that these definitions are embedded in the assessment processes and linked to appropriate supports and responses. In practice the identification of these issues requires a legislative and practical commitment to listening to the voices of children and young people. Historically, young people have reported living in coercive and control relationships with their parents and/or experiencing sexual abuse but their voice or expressed concerns have not been taken seriously. Therefore, it will be imperative to embed the need to take the views and experiences of young people seriously. The Act must reiterate the importance of listening to young people's views.'*

Barnardos Australia told us:

> *'Barnardos strongly supports the recognition of children as equal co-victims who experience rather than passively witness domestic violence.'*

In relation to use of corporal punshiment, **Northside Community Services** expressed:

> *'We join a growing national group of researchers, commissioners, scientists, and advocates in calling on the ACT Government to listen to the clear evidence base and end the provision for corporal punishment of children.'*

The **ACT Education Directorate** said:

> *'In the proposed amendments, non-attendance at school is not considered a form of neglect, but when considering the fundamentals of supporting a child's wellbeing and development, non-school attendance becomes a noteworthy concern. Failing to access education represents a form of neglect and impinges upon a child's fundamental human right. The persistent nonattendance of children and young people is often deemed an 'educational issue'. However, the fact remains that you cannot educate an absent child. In such situations, the Education Directorate can provide assistance on a voluntary basis, but its effectiveness is bound by the constraints of this limitation.'*

The concept of significant harm

- We heard moving towards the 'significant harm' model allows for a more holistic understanding of the adverse experiences that can affect a child or young person. It captures a wider variety of harmful situations that may not fit neatly into the categories of abuse and neglect but still significantly impact a child's wellbeing.
- Some contributors said the broader and less prescriptive nature of 'significant harm' could potentially lead to over-intervention in cases where families could benefit more from non-statutory support services. Conversely, we heard it could also result in under-intervention if the harm is not deemed 'significant' enough.
- We heard determining what constitutes 'significant harm' in practice could be challenging and that care is needed to avoid different interpretations by various professionals in the child protection system.
- Many contributors acknowledged appropriate measures need to be in place to ensure a clear and universal description in policy and practice of what constitutes significant harm.

The **Institute of Child Protection Studies** said:

> *'Moving towards the 'significant harm' model allows for a more holistic understanding of the adverse experiences that can affect a child or young person. It captures a wider variety of harmful situations that may not fit neatly into the categories of abuse and neglect but still significantly impact a child's wellbeing … By focusing on 'significant harm', the child protection system can better differentiate the severity and impact of harmful incidents or situations. It enables a more nuanced response that is appropriate to the harm's level of severity. It helps shift the focus from parents' or caregivers' actions to the child's experiences and outcomes, aligning the child protection system with the best interests of the child.'*

An **ACT community member** told us:

> *'There needs to be a standardised risk assessment with assessing 'significant harm' and not be left up to the individual to define it.'*

Another **ACT community member** said:

> *'Significant harm is not always immediately visible. Each child and their circumstances are so unique in terms of resilience and coping mechanisms.'*

Aboriginal Legal Service (NSW/ACT) expressed:

> *'Whilst it is understood that the intention in relation to this change is to move away from the prescriptive definitions of 'abuse' and 'neglect', we cautiously support the change. In a system where Aboriginal and Torres Strait Islander children can be over-reported, and re-reported, and enter care at disproportionately higher rates, a new threshold for reporting without the appropriate guidance and education about what that threshold is, may see an increase in reporting for those families. Like so many of the proposed legislative changes, both practice change and some community education will be necessary in order to ensure that Aboriginal and Torres Strait Islander children are not unnecessarily negatively impacted.'*

Karinya House told us:

> *'In terms of cumulative harm, overall, very supportive from a practice perspective. One of the challenges we find is that sometimes reports are assessed in isolation, not necessarily in terms of the accumulation of risk. In practice and implementation is there a tension between the interpretation of cumulative harm and the definition of risk of significant harm? In example, a singular report might not constitute as significant harm, but when looking at the bigger picture may constitute cumulative harm, and therefore risk of significant harm.'*

A **Child and Youth Protection Services** team said:

> *'We are supportive of the overarching concept of significant harm, rather than needing to ascertain the presence of abuse and neglect. This overarching concept will enable us as an organisation to better focus on the impact on the child.'*

Northside Community Services told us:

> *'We are supportive in principle of the proposed approach to the concepts of 'abuse' and 'neglect' being reorganised to an overarching concept of 'significant harm'. A less prescriptive approach that focuses on the*

impact on children and young people should be a more child-centered way of ensuring children are supported. This change will require significant communication and training for many professionals across the ACT.'

The **Youth Coalition of the ACT** said:

'We strongly support the shift towards the concept of 'significant harm.' The broader and less prescriptive definition presents an opportunity to more flexibly provide support and responses to meet the needs of children, young people and families to prioritise safety, welfare and wellbeing. It is important that the legislation supports and enables diversion from statutory support services where it is safe and appropriate … A challenge and potential danger is that a broader, less prescriptive definition can leave room for statutory child protection services to absolve themselves of responsibility of support. Historically, even with a more prescriptive definition framed by concepts of 'abuse' and 'neglect', statutory systems have not supported children and young people that did meet this previous definition.'

ACT Council of Social Service (ACTCOSS) expressed:

'This shift towards a less rigid and more child-centred approach is commendable, as it reflects a greater focus on the wellbeing of children and young people and will align ACT legislation more closely with other Australian jurisdictions. While we appreciate the need for significant communication and training for the child protection workforce during this transition, we are confident that these changes are an opportunity for statutory assessments to more accurately evaluate the needs of children and families at risk.'

The balance of probabilities test

- There was strong support for the balance of probabilities test to be removed from early child protection assessments.
- We heard subjective interpretations of the balance of probabilities test have the potential to lead to misreading or misjudging the actual risks present in a given situation. This misinterpretation can lead to either an underestimation or an overestimation of risks, both of which can carry substantial consequences.
- We heard with the removal of the balance of probability test and the move toward significant harm will require a comprehensive approach to training and well-defined policy guidance will be crucial.

Domestic Violence Crisis Service (DVCS), a not-for-profit specialist domestic and family violence service that seeks to reduce violence and abuse in relationships told us:

'We [the Sector] are terrified of the balance of probabilities test, because of the inconsistencies in how this is applied in the assessment undertaken by Child and Youth Protection Services (CYPS). The completion of a child protection report to CYPS has become labour intensive due to the volume of information that services feel compelled to include, to justify the balance of probabilities test being met.'

ACT Council of Social Service (ACTCOSS) said:

'The proposition to remove the balance of probabilities test from the assessment phase is well-founded, and ACTCOSS is supportive of the detailed argument for this change. We recognise that this change may require thoughtful consideration to ensure a smooth transition without disrupting other investigation systems. At the same time, we are confident that by embracing this amendment, child protection concerns can be assessed in a more effective manner that may assist with redirecting families to non-statutory support services.'

Families ACT, a not-for-profit organisation that advocates and works for vulnerable and marginalised children, young people and families in the ACT expressed:

> *Families ACT is supportive of the amendment to limit the 'balance of probabilities' to court proceedings and removing it as the standard proof when undertaking assessments and providing support to children and families. We agree that the existing definition of 'risk of abuse and neglect' is problematic as it introduces this legal concept during the risk assessment phase preventing supports to at-risk children and their families being provided. Removing the 'balance of probabilities' test as the standard proof required when undertaking assessments will allow for more proactive and potentially earlier support for children and their families. This support should also not only be mandated support, but families and children should be encouraged to access non-statutory support services providing early intervention and thus preventing a potential escalation of identified issues. The community sector in the ACT, including Children, Young People, Family Support Program (CYFSP) funded services, is well placed and expert in providing this kind of support.'*

Australian Research Alliance for Children and Youth (ARACY) told us:

> *'ARACY agrees that the legal concept of 'balance of probabilities' is unhelpful in an assessment context. An evidence-based assessment tool delivered by adequately trained professionals is a better approach. ARACY would make two comments here, however. Firstly, any such assessment tool should examine strengths as well as risks, and have consideration for the known long-term risks of poorer child outcomes associated with involvement in the child protection system and out-of-home care, as well as immediate risks. Secondly, if the aim of this change is to enable proactive support for families, this support must be available to all families who need it, without undue delay.'*

Barnardos Australia said:

> *'Barnardos agrees that the existing 'balance of probabilities' test is problematic because it is a difficult legal concept for statutory child protection workers to understand and apply in the assessment phase.'*

Uniting NSW.ACT told us:

> *'We support the removal of the balance of probabilities test from the assessment phase. We believe that the current test is unnecessarily legalistic, difficult to interpret in practice and does not allow for the use of evidence-based assessment tools. This reform will have benefits for CYPS, families at risk and service providers who support them.'*

Enhancing child protection assessment processes

- Contributors were strongly supportive of simplifying child protection assessment processes. Some contributors expressed the current two-stage child concern report and child protection report assessment process as too prescriptive.
- We heard feedback that the concept of 'in need of care and protection' at the intake phase introduces a parent 'willing and able' test too early in the assessment process.
- Contributors told us the child protection screening process should aim to identify cases where children and young people are at risk of harm. The intake assessment should focus on the child or young person's safety and wellbeing, as opposed to determining whether they are in need of care and protection.

- Many comments and submissions acknowledged identifying risks or concerns does not necessarily mean the child is 'in need of care and protection'.
- Some contributors raised concern that professionals rely on their personal beliefs, judgements and individual risk thresholds instead of using standardised criteria or evidence-based practices.
- We heard it is not always possible to determine a child's need for care and protection and a parent's ability and willingness to care and protect at an early intake assessment stage. Comprehensive assessments involving parents, children and other significant people and organisations are usually required to determine if a child is in need of care and protection.
- We heard such a transition to a simplified assessment process could require significant changes in procedures, staff training, and the systems used for record-keeping and assessment. We heard it might initially slow down processes as staff adjust to the new system.
- A common suggestion was an evidence-based risk assessment tool could potentially lead to more informed, nuanced decisions as it would draw upon relevant research and data to guide decisions about support for children and their families.
- Feedback from various contributors emphasises the belief that age plays a significant factor in safeguarding vulnerable young individuals. Concern was raised that age is frequently utilised as a protective criterion without undergoing thorough testing, raising concerns about the equitable provision of protection and support for young people who require statutory child protection support responses.

Families ACT said:

> *'The streamlining of the child protection intake process will reduce the administrative burden and enable practitioners to work more closely with children, young people and their families.'*

A **Child and Youth Protection Services** team told us:

> *'We are supportive of the decision to remove the dual-stage assessment process used for determining child protection needs, as Child Concern Reports (CCR) and Child Protection Reports (CPR) are notably repetitive.'*

The **Institute of Child Protection Studies** said:

> *'The proposed amendments simplify the intake and assessment process, potentially making it faster and more efficient. By eliminating the two-staged process, resources could be directed more promptly towards providing support for at-risk children and their families … With these changes, the system could better provide or assist in providing services, assuming the services are available, to support a child's or family's safety, welfare, or wellbeing, rather than being primarily investigative … [However], the emphasis on discretion in the assessment could lead to inconsistency in decision-making, as different professionals may interpret the same information in different ways. This risk would need to be managed through clear guidelines and robust oversight …[Additionally] There's a risk that a streamlined, less detailed initial assessment might overlook complex or less apparent cases, leading to a delayed response.'*

Aboriginal Legal Service (NSW/ACT) told us:

> *'While we recognise that the government's own system is presently being characterised as 'prescriptive and complex', we cautiously support the streamlining of the intake process. Whilst we support a system that is less complex for the user, we say that focus should instead be on the families, children and young people impacted by the system.'*

Gugan Gulwan Youth Aboriginal Corporation said:

> *'Child protection systems are risk based. While the emphasis on risk is necessary, it is important to balance it by being strength-based. Shifting the focus to a family's strengths could result in fewer [child] removals.'*
>
> *'A fear-based response is triggered due to the absence of an evidence-based risk assessment tool, causing child protection workers to feel uncertain about making decisions or taking appropriate and proportionate actions. Without a shared risk assessment tool that allows for input, decisions will still rely on individual judgment. Having a universally shared and validated risk assessment tool could help mitigate the fear felt [by child protection staff] to some extent.'*

Barnardos Australia told us:

> *Barnardos strongly supports the intention of the changes to permit the implementation of an evidence-based risk assessment tool which should be implemented in close collaboration with service partners. We believe this is absolutely necessary to uplift the quality of child protection assessment and decision-making in the ACT.'*

The Youth Coalition of the ACT said:

> *'The Youth Coalition supports the amendments that aim to improve the assessment and intake process. We have long advocated for standardised, evidence-based assessment tools to be introduced to facilitate more rigorous and informed information gathering, decision-making and monitoring and evaluation. The tools need to be accompanied by training and capability building to ensure that these intentions outlined in the Act result in improved practice 'on the ground.'*

When considering the influence of age as a determining factor in matters of protection, **The Youth Coalition of the ACT** also expressed:

> *'The practice of restricting responses to children over 10 years of age has not been explicitly referenced in the previous Act. However, the previous Act and the accompanying processes and practices did not prevent this from happening. We suggest that there be consideration of explicitly referencing the need to assess and respond with equal rigor and concern for the safety of all children and young people, irrespective of age.'*

Emergency Action—length of daily care responsibility

- The proposal to extend the length of daily care responsibility from 2 to 3 working days was met with strongly divergent views.
- There was unanimous support for better legal representation and preparedness for families. Most contributors strongly preferred matters be heard as promptly as possible to minimise unnecessary distress to children, young people and their families.
- There was consensus among contributors that the issue extends beyond the timeframe and primarily revolves around the insufficient access to quality legal services for child protection matters. Many contributors firmly believe extending the timeframe would benefit the Director-General more than the affected families, given the existing lack of legal services available.
- There were strong concerns expressed regarding emergency action taken just before weekends or public holidays, resulting in children being separated from their parents or caregivers for a duration of 3-5 days, which

exceeds the current 2 working day provision. There was concern that if the provision were to be extended to 3 working days, the separation period could potentially become even longer. Additionally, we heard it wasn't solely about the period between the initiation of emergency action and the court date, but also about the lengthy adjournments that often prevail.

- Several observations were made about the challenges with the duty solicitor system, particularly the concern that duty solicitors often lacked essential information and provided generic advice.
- Many contributors raised concerns about emergency action procedures, particularly in regard to family contact and a perceived expectation that child protection services should offer appropriate support and advice to families requiring legal representation.
- We heard concerns that emergency action family contact provisions are left up to the discretion of the individual case manager. It was emphasised that if parents were aware of the contact policy, they would be empowered to contest any instances where child protection were not adhering to it.

SNAICC - National Voice for our Children told us:

> *'SNAICC is concerned that the proposed extension to the length of daily care responsibility under Section 410, will not sufficiently increase access to culturally appropriate legal support for Aboriginal and Torres Strait Islander families who are notified of emergency action involving their children or young people.'*

Domestic Violence Crisis Service (DVCS) said:

> *'What about situations where EA [emergency action] is not upheld, and children and families have been (unduly) separated with no mechanism to bring the matter to Court earlier. This proposed amendment is not informed by the experiences of parents who have had emergency action revoked and have experienced that separation. The extension of 24hrs implicitly creates an environment of significant harm to parents and children and minimises the impact of removal.'*

Families ACT, told us:

> *'Families ACT recommends to not increase the timeframe to 3 working days but provide the option of taking a third working day to parents/caregivers if they need to … In addition, the accessibility of legal advice and representations needs to be improved, especially during out-of-hours and over weekends/public holidays. Not being able to get support from and access to legal advice only increases the agony and stress of parents and families experiencing an emergency removal of a child. Our primary focus is always on the child's best interests, including the need for a prompt decision about whether a child should be in care or remain with their family. At the same time, consideration should be given to the voices of parents and their lived experience and the views of those who represent them, about the psychological and emotional impact of removal and the current short time frame on their ability to secure appropriate support to be able to attend proceedings. We recognise that final position of the government concerning extending the timeframe for when the director-general must file an application with the ACT Childrens Court following emergency action needs to balance these factors.'*

In consultation with a group of **Aboriginal and Torres Strait Islander people with lived experiences**, we heard if child protection services were prepared to take a child into care, they should have the paperwork ready.

> *'CYPS [Children and Youth Protection Services] can't now say we need three days to prepare. You just came in and took the child! You need to have your documentation prepared. How can you come in and take that child if you weren't ready for it? … Three days is too long, when a baby is taken straight from the hospital. It takes the bonding, the breastfeeding.'*

Aboriginal Legal Service (ACT/NSW) told us:

> *'The Aboriginal Legal Service does not support the amendment to section 410 of the CYP Act, but instead recommends that section 408(1)(b) of the CYP Act be amended to ensure that families are notified as early as possible of the reasons for the emergency action and have the greatest possibility of accessing culturally appropriate legal support.'*

Women's Legal Service expressed:

> *'Regarding emergency action, it is not necessarily the timeframe that is the issue but rather the lack of access to quality, culturally appropriate and safe legal service in the context of child protection matters. From a practical perspective, accessing legal advice in a short timeframe currently in Canberra is nearly impossible. It means that at the return date of emergency action, an interim order will likely be made without the benefit of the parent having legal advice and having the opportunity to dispute the application. Once an interim order is made, the parent loses many rights, and a legislative assumption comes into play. Therefore, immediately, the parent is on the back foot. On the other hand, there is indisputable benefits in the parent having greater time to have legal representation at the first return date, to have the opportunity to dispute the EA [emergency action] and to avoid that legislative presumption.'*

- We heard further work is needed to ensure the amendments are achieving the objective of providing more time for families to be well supported in court proceedings. Work is also required in the policy and practice aspect of support for families. As a result this amendment has not been made in stage 1.

ACT Children and Young People Death Review Committee

- Overall, there was strong support for the proposed amendments to the ACT Children and Young People Death Review Committee.
- Contributors expressed support for expanding the jurisdiction of the Children and Young People Death Review Committee to include individuals aged 18 to 24 years. There was also strong support for the inclusion of serious injuries of children and young people.
- It was emphasised that broader scope will assist the Committee in gaining a deeper understanding of the underlying causes of these incidents, enabling more effective preventative and response measures.
- While these changes were met with approval, some contributors emphasised the necessity of improving the interfaces between child and adult services.
- Additionally, contributors highlighted the importance of ensuring adequate resources for the Committee, maintaining its independence, and safeguarding its ability to perform comprehensive systemic reviews in view of the extended scope.

Families ACT said:

> *'Families ACT is supportive of expanding the scope of inquiry to include young people aged 18-24 years. Families ACT also supports the inclusion of serious injuries of children and young people allowing reviews of patterns of serious injuries which can then lead to recommendations for service improvement.'*

The **Australian Research Alliance for Children and Youth (ARACY)** told us:

> *'ARACY strongly endorses this approach, which aligns with the current understanding of neuroscience and child/youth brain development. However we would suggest that rather than simply expanding the remit of the Children and Young People Death Review Committee, which by definition is too late, the reform process work to improve the interfaces between child and adult services, particularly with regard to mental health support, housing and income support, and the youth and adult justice systems.'*

The Youth Coalition of the ACT expressed:

> *'We strongly support the expansion of the scope of the ACT Children and Young People Death Review Committee (the Committee) to include the 18-24 year old age group and review of 'serious injury.' We have been advocating for these changes for several years and are very encouraged to see these changes being implemented. We see these changes as a way to increase the understanding of behaviours and issues that lead to very significant harm to young people and enable us to create better solutions for preventions and intervention. The introduction of serious harm will increase our knowledge regarding the factors and causes of serious harm to children and young people that does not lead to death but does require a systematic review and comprehensive approach. The raising of the age to 24 years will allow for systematic review of many issues, but notably, will allow for detailed review of suicides for the age groups in which the rates of suicides increase. We see only advantages to these Committee changes. However, we will need to make sure the Committee is adequately resourced, remains independent, and continues to have the capability to conduct these system reviews of these topics given the increased scope and benefit to the community.'*

Aligning implementation, policy, and practice: A coordinated approach

- Many contributors acknowledged that while legislative reform serves as an enabler, it alone does not create change or guarantee positive outcomes. We heard for the intentions of the Act to be actualised, change is required to our practice, systems, services and sector. Success will depend on a strong alignment of policies and a shift in practice across the child protection system and broader family support sector.
- We heard while legislative reform aims to improve the child protection and family support system, enhancing the safety, welfare, and wellbeing of children and young people, inadequate implementation without sufficient preparation and resources could undermine the effectiveness of the reform, jeopardising the safety, welfare, and wellbeing of the children and young people involved."
- Several contributors emphasised that the sector is currently experiencing substantial reform. This includes the commissioning cycles of the Child, Youth, and Family Services Program (CYFSP), sourcing and procurement processes for Next Steps for our Kids, as well as the complex reform work being undertaken regarding Aboriginal Community-Controlled Organisations (ACCOS). The convergence of these reform agendas, particularly in terms of timing and resource allocation, has led to some apprehension about the potential challenges in achieving a seamless integration.
- We heard to achieve the full legislative impact and successful implementation of preventative support measures, it is crucial to strengthen the community sector by allocating sufficient funds, expanding the workforce to meet future needs and enhancing capability building.
- Contributors told us the shift in definitions and thresholds will necessitate significant changes in procedures, staff training, practice, and record-keeping systems. These adjustments might initially slow down processes but are essential to ensure a successful transition.
- Many contributors supported the implementation of evidence-based risk assessment. However, they also voiced concerns regarding potential subjectivity and the risk of misuse. To address these issues, contributors

strongly advocated for the inclusion of consultation, comprehensive training, diligent monitoring and thorough evaluation measures.

> The feedback received strongly supports the development of collaborative interagency training and professional development programs as an effective means to enhance the capabilities of the child protection and family support sector. The strong endorsement signifies a commitment to collective learning, emphasising the potential for significant improvements in coordination and effective joined-up support responses.

The **Australian Research Alliance for Children and Youth (ARACY)** told us:

'Our concern is how these changes will interact with the current system, the broader determinants of child wellbeing including systemic racism, and the proposed changes to the Child, Youth and Family Services Program (CYFSP) ... We strongly endorse the intent that the current program of reform, including the amendment of the Children and Young People Act 2008, should create and promote a family support-oriented service system that will prioritise early support and assistance to families. However, we hold concerns that the other elements of the system in the ACT are not sufficiently resourced and enabled to take on this prioritisation of early intervention.'

Domestic Violence Crisis Service (DVCS) said:

'This could be a great piece of legislation that enables evidence-based assessment tools, however, could also be undermined by the misuse of tools, inconsistencies in practice and assessment and engagement practices with the community.'

Families ACT told us:

'Families ACT welcomes that this change will also require the implementation of an evidence-based risk assessment tool which will ensure that key decisions are informed by information and research known to be relevant to that decision. However, we strongly recommend that the introduction and implementation of any assessment tool is underpinned by extensive training of the whole sector including community sector services staff and the child protection workforce. We encourage shared government-community sector training enabling all staff to use the tool and ensuring that all speak a common language.'

Barnardos Australia said:

'In our experience the key implementation challenge to be addressed will be building the necessary system capacity, including increasing resourcing for family support services, to support children and families who are at risk of or experiencing cumulative harm. We would welcome the opportunity to work together with CSD [the Community Services Directorate in ACT Government] to strengthen and streamline the identification, assessment, and responses to subthreshold cases before enduring damage to children emerges and an acute safety crisis makes the family more visible to statutory authorities.'

Aboriginal Legal Service (ACT/NSW) told us:

'It is submitted that the Aboriginal Legal Serivce and SNAICC be consulted in relation to the introduction and implementation of the risk assessment tool that the ACT Government proposes to introduce. We also seek to be involved in relation to the education around the use of the tool, whether that be to caseworkers or the community.'

Moving forward: Stage 2 of legislative reform

We have received valuable feedback on the *Children and Young People Act 2008*, that extends beyond topics addressed in stage 1. This feedback will play a significant role in shaping stage 2 of the legislative reform process. Stage 2 will involve further critical Aboriginal and Torres Strait Islander legislative reforms aligned with recommendations from the Our Booris Our Way Final Report and SNAICC's Final Report. Additionally, it will address other important aspects of child protection work, including mandatory reporting, appraisals, court processes, child participation and delegations of out-of-home care.

We have carefully noted all feedback from stakeholder consultations, submissions and surveys relevant to stage 2, with further consultations on these important matters scheduled for mid-late 2023. Please stay updated on the YourSay Conversation platform for information about upcoming consultation opportunities and how you can have your say through stage 2.

WHAT'S NEXT?

We are taking the information we heard from you to identify where revisions should be made to the proposed Children and Young People Amendment Bill 2023. We will provide a revised Bill to the ACT Government to consider in mid-2023.

Work has already commenced on stage 2 and this has been informed by what we heard during stage 1. We expect to open consultation on stage 2 in mid-late 2023 through YourSay Conversations and stakeholder briefings.

Assuming acceptance by the ACT Legislative Assembly, we expect amendments put forward through both Bills to come into effect in 2024.

To find out more about the review of the Children and Young People Act 2008, the ACT Government's broader child and family services reform program and other initiatives, policies and projects in Canberra, visit www.yoursay.act.gov.au

KEY TIMINGS

- **June 2023:** Stage 1 consultation opens (Children and Young People Amendment Bill 2023)
- **August 2023:** Children and Young People Amendment Bill 2023 expected to be considered by ACT Government
- **Mid-late 2023:** Stage 2 consultation opens
- **Early 2024:** Modernised Children and Young People Act expected to be considered by ACT Government
- **2024:** Amendments from both Bills to be introduced

THANK YOU FOR YOUR FEEDBACK

598	**16**	**450**	**325**
We reached 598 people via YourSay	We received 16 detailed submission and 10 surveys	We invited over 450 people to meet with us face-to-face	We delivered over 40 briefings to over 325 people