



Berry Street Submission to Yoorrook Justice Commission, Issues Papers 1 & 2 Systemic Injustice in the Child Protection and Criminal Justice Systems

Acknowledgement of Country

Berry Street acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of the lands, skies and waterways across Australia. We pay our deepest respects to Elders resting in the dreaming, to the Elders of today, and to the Elders to come, who will continue to care, protect and nurture Traditional Lands.

Berry Street acknowledges Elders as the holders, educators and protectors of cultural knowledge and wisdom. We recognise that Aboriginal and Torres Strait Islander cultures date back 60,000 years and that sovereignty has never been ceded.

Berry Street has learnt that connection to countries, cultures and communities facilitates pride in identity, resilience and healing. We are committed to supporting Aboriginal and Torres Strait Islander children and young people in our care to connect to their heritages, languages, storytelling, dreaming and songlines.



Introduction

The Yoorrook Justice Commission is the first truth-telling process into historical and ongoing injustices experienced by Aboriginal peoples in Victoria. This includes an investigation into systemic injustice within the child protection and criminal justice systems. Berry Street has heard the Yoorrook Justice Commission's call to action and welcomes the opportunity to honour our organisational commitment to truth telling.

In 1877, Berry Street was founded by a group of women concerned about the high rates of infant mortality for disadvantaged pregnant females. Historically, our services have included hospitals, residency for women and their babies, adoption and day care. Throughout 1877-1970s, Berry Street was complicit in racist policies that forcibly removed Aboriginal children from their countries, cultures and communities. These actions, along with others, sanctioned the large-scale removal of Aboriginal children and their deliberate placement with non-Aboriginal families, missions, reserves, orphanages and children's homes. Berry Street understands the reasons for removal were race based and the goal was to assimilate Aboriginal children. We recognise the physical, emotional, spiritual and sexual abuse inflicted on many children who were forcibly removed. We acknowledge their pain, resilience and survival.

Currently, Berry Street is one of Australia's largest independent child, youth and family service organisations, providing a diverse range of programs to 40,000 children, young people and families in

Victoria each year. Our services include education, out of home care, family violence services, therapeutic care, parenting, family and youth services. Across these program areas, we support Aboriginal and/or Torres Strait Islander children, young peoples and families.

While history cannot be rewritten, we must continue to take accountability for our actions and embrace opportunities for healing. To support this work, we implemented Berry Street's Reflect Reconciliation Action Plan (RAP) throughout 2020-2021. During this time, we undertook authentic reflection and review of current practice, systems and relationships, to develop a meaningful understanding of how we support Aboriginal and/or Torres Strait staff, children, families and communities. The RAP outlined practical steps that turned goodwill into action. Aligning with our reconciliation values, Berry Street's submission captures our experience and observations of systemic racism in the child protection and criminal justice systems along with examples of efforts to acknowledge and address this.

In our work with Aboriginal children, families and communities we work alongside and in partnership with Aboriginal Community Controlled Organisations (ACCOs), and we have Aboriginal identified roles in some areas. Some of our recent data indicates:

- Approximately 40% of young people in our residential care identify as Aboriginal
- 20% of young people who access our Take Two therapeutic program identify as Aboriginal
- 20% of students at the Berry Street School identify as Aboriginal

We are mindful of how decades of systemic racism have contributed to the over-representation of Aboriginal children and their families in child protection and criminal justice systems today and the intersect between these systems. In this capacity, the key focus areas of our submission are:

1. Addressing factors influencing over-representation
2. Building culturally respectful service systems
3. Early years
4. Education
5. Sustainable resourcing for ACCOs

1 Addressing factors influencing over-representation of Aboriginal children, young people and their families in child protection, out-of-home care and the criminal justice system

Colonisation has had, and continues to have, a long lasting, devastating impact on the Traditional Custodians of the land. Today we know the child protection and criminal justice systems are more likely to be overly interventionist with Aboriginal children and families. We recognise these systems are largely governed and administered by non-Indigenous staff and organisations. We believe that these workforces hold inadequate knowledge and understanding of:

- Invasion, colonisation, dispossession, Stolen Generations and other historical policies and practices that continue to impact Aboriginal families;
- Cultural differences across different Aboriginal communities, such as child-rearing practices, developmental milestones, family/kin/community structures, and importance of cultural connection to lands, seas and skies.

We believe this can contribute to systemic and individual racism, resulting in uninformed, harmful decision-making processes relating to Aboriginal child removal. We contend this is a key factor in the overrepresentation of Aboriginal children across all areas of child protection, as identified in the 2021 Family Matters Report: *“Aboriginal and Torres Strait Islander children are over-represented at virtually every point of the child protection system: from notifications, investigations and substantiations of child harm, to removal into out-of-home care, permanent removal and adoption. Over-representation in out-of-home care has increased in every state and territory over the last 10 years”*.¹

In our work Berry Street has also witnessed the criminalisation of Aboriginal children and young people in out of home care. Our observation includes over-surveillance/over-policing in the community which results in over-representation of Aboriginal children in the criminal justice system. Berry Street strongly supports Recommendation 8 of ‘Our youth, our way - Inquiry into the overrepresentation of Aboriginal children and young people in the Victorian youth justice system’² that the *Children, Youth and Families Act 2005* be amended to increase the minimum age of criminal responsibility in Victoria to 14 years, without exception. The current minimum age of responsibility has devastating consequences for Aboriginal children and their families and significantly contributes to their vast over-representation in the youth justice system.

In the family violence service sector, Berry Street acknowledges that Victoria Police has been involved in a suite of reforms during the last decade, however some of our service user experiences indicate there is much work to be done to ensure Aboriginal women who are victim survivors of family violence are well supported during police interactions. Responses to family violence incidents are not always appropriate and can result in adverse outcomes for families—particularly women and children. Our staff continue to observe a common tendency for some police to wrongly respond to Aboriginal women as though they are the aggressors rather than victim survivors. ‘Mutual abuse’ is a misapplied phrase used more frequently by police when Aboriginal women seek a police response. We hear from our service users and observe instances in practice where there is still an attitude among some police of not responding to the family violence experiences of Aboriginal women because it is deemed an Aboriginal problem.

Case study: *Our family violence services were supporting an Aboriginal woman who was experiencing violence from her husband and her adult daughter within the family home. She requested that police take a statement from her regarding abuse perpetrated by her husband including financial abuse, sexual assault, systems abuse and emotional abuse. Police stated there was not enough evidence to press charges and declined to take a statement. However, a strong response was made to the abuse perpetrated by her daughter. The daughter was criminally charged and became the subject of an Intervention Order through police application.*

Berry Street contends that this case and others observed by our family violence services suggest there is work to be done to ensure proper implementation of a range of recommendations from the Royal Commission into Family Violence, among them:

- Recommendation 41: Ensure Victoria Police have guidance for identifying family violence primary aggressors

¹ SNAICC, Family Matters, University of Melbourne, & Griffiths University. (2021). *The Family Matters Report 2021: Measuring trends to turn the tide on the over-representation of Aboriginal and Torres Strait Islander Children in Out-of-Home Care in Australia*. Postscript Printing and Publishing, p 12.

² Commission for Children and Young People. (2021). *Our youth, our way: inquiry into the overrepresentation of Aboriginal children and young people in the Victorian youth justice system*. Commission for Children and Young People

- Recommendation 144: Focused on strategic priorities in the Indigenous Family Violence Ten Year Plan including strengthening approaches to family violence risk assessment and management for people from Aboriginal communities
- Recommendation 151: Implementation of Koori Family Violence Police Protocols across all sites.³

In addition to systemic racism, we recognise the structural disadvantages impacting Aboriginal peoples. This includes lower life expectancy, employment, homelessness, mental health, education and health, as outlined in the 2021 Closing the Gap Report.⁴ We believe these structural disadvantages increase the likelihood of Aboriginal forced child removal and incarceration of Aboriginal peoples.

2 Building culturally respectful service systems to address cultural abuse and neglect

Berry Street believes significant effort must be directed toward creating a culturally respectful service system if we are to reform the child protection and criminal justice systems to address systemic, individual and institutional racism. A culturally respectful and safe system is vital to ensuring cultural safety. We understand culturally safe practice to mean that Aboriginal and Torres Strait Islander service users feel safe in their interactions with our staff to articulate their needs and preferences as partners in care, not just as recipients of care.

We aim for Aboriginal service users to:

- Feel that culture is central to their care
- Feel safe to report racism
- Feel comfortable to participate in changing processes to meet their needs
- Know that staff value, respect and celebrate their cultures
- Be connected to countries, cultures and communities
- Have culturally- appropriate resources
- See Aboriginal and Torres Strait Islander cultures represented in office spaces and within their home

Cultural safety is dependent upon children, young peoples, families and communities engaging in our service and shaping service models and delivery.

Berry Street supports key Wungurilwil Gagapduir Aboriginal Children and Families Agreement aims and objectives to build culturally sensitive practice within mainstream services, commit to culturally competent and culturally safe services for staff, children and families and prioritise Aboriginal workforce capability⁵. We also support the Closing the Gap National Statement, Priority Reform Two: *Building the Community-Controlled Sector, Strong Community-Controlled Sector Elements* which

³ State of Victoria, Royal Commission into Family Violence: Summary and recommendations, Parl Paper No 132 (2014–16), <https://www.vic.gov.au/family-violence-recommendations>

⁴ Productivity Commission, Closing the Gap Annual Data Compilation Report July 2021. <https://www.pc.gov.au/closing-the-gap-data/annual-data-report/2021>

⁵Victorian Government Department of Health and Human Services. (2018b). *Wungurilwil Gagapduir: Aboriginal Children and Families Agreement*. <https://www.dffh.vic.gov.au/publications/wungurilwil-gagapduir-aboriginal-children-and-families-agreement>

focuses on ensuring sustained capacity building and investment in ACCOs and growing a dedicated and identified Aboriginal and Torres Strait Islander workforce.⁶

While we are committed to delivering a culturally safe service, we cannot ignore that cultural neglect and abuse is widely experienced by Aboriginal children across the sector. Cultural neglect is based on the premise that ‘if neglect is about a child’s essential needs being unmet and a child’s access to culture is understood as an essential need, at least for some children such as those in a minority or non-dominant culture, then not meeting the child’s cultural needs would constitute cultural neglect.’⁷

As cultural neglect is not a term found directly in the literature, we want to call this out in particular as there are many examples of its occurrence for Aboriginal children and young people involved in the child protection and out-of-home care system. Cultural neglect along with cultural abuse is an affront to children’s cultural safety.

Cultural neglect is evident in almost every report examining the wellbeing and outcomes of Aboriginal and Torres Strait Islander children, such as in the *Always was, always will be Koori children report*. For example:

“It was apparent that poor attention by DHHS to Harriett’s cultural needs and her past trauma and loss were negatively impacting on her wellbeing in residential care.”⁸

“She was removed from his siblings, family and community through the intervention of Child Protection and experienced multiple placements that failed to nurture his cultural identity or adequately address her trauma.”⁹

When children experience cultural neglect, it not only robs them of access to cultural experiences, lore and relationships, but it removes a vital safeguard to protect them in the face of cultural abuse and other forms of trauma. In a study currently underway as part of a Ph.D. at La Trobe University, 56% of the Aboriginal and/or Torres Strait Islander children in the study were described as having experienced cultural neglect; this was significantly predictive for a range of presenting problems for the children including having low cultural pride, showing risk-taking behaviours, sexual health problems, short-term memory problems and alcohol and/or other drug problems.¹⁰

As part of our commitment to supporting self-determination, over recent years Berry Street has been transferring the responsibility for care and case management of Aboriginal children and young people in foster and kinship care to ACCOs. We recognise that Aboriginal agencies are most equipped to have power, choice and control over determining best outcomes for Aboriginal peoples.

Case Study: *In our Hume (Goulburn) region, an initial audit identified 18 Aboriginal children and young people in scope for transition from Berry Street to the local ACCO with 12 foster care families impacted. This represented almost one third of our Foster Care program. Berry Street and the ACCO*

⁶ Australian Government. (2020). *National Agreement on Closing the Gap*. <https://www.closingthegap.gov.au/national-agreement>

⁷ Jackson, A L (draft) Helping children recover from neglect (unpublished)

⁸ Commission for Children and Young People. (2016). *Always was, always will be Koori children: An investigation into the circumstances of 980 Aboriginal children and young people in out-of-home care in Victoria*. Commission for Children and Young People, p 84.

⁹ Commission for Children and Young People. (2021). *Our youth, our way: inquiry into the overrepresentation of Aboriginal children and young people in the Victorian youth justice system*. Commission for Children and Young People, p 288.

¹⁰ Jackson, A L (draft) Helping children recover from neglect (unpublished)

worked collaboratively to progress this transition work, with staff from both agencies developing a calendar of events designed to introduce Berry Street carers to more of the ACCO staff and vice versa. This ACCO developed a comprehensive 'Information Session' package for our carers which was very well received - carers were impressed with the extent of the ACCO's services and the organisation's commitment to the care of Aboriginal children. The ACCO Staff attended care teams for young people and we worked jointly on the development of individualised 'Carer Engagement Plans'. Senior ACCO staff joined Berry Street staff on home visits to carers with Aboriginal children in placement and this proved to be one of the project's most successful strategies.

Our first Foster Care transfer occurred on 1 May 2019. This was a pivotal moment as it represented the very first transfer of an Aboriginal child in Foster Care to an ACCO in Victoria since the commencement of the Transitions Project. Since then, numerous other children in Foster Care have transitioned to this local ACCO, as well as several in Kinship Care. The benefits of participation in this transition work have been significant. The development of a genuine, respectful and reciprocal relationship between Berry Street and the ACCO has been enormously beneficial and even where carers have resisted the change their exposure to the local ACCO has provided a deeper understanding of the importance of cultural connections for the children in their care. Similar examples of this transition process has occurred in other regions where Berry Street operates foster and kinship care but we recognise this is an ongoing journey.

3 Early Years

Berry Street is committed to being an ally in the critical work of Aboriginal Community Controlled Organisations toward ensuring Aboriginal children can be strong and healthy in their early years, underpinned by a sustained Aboriginal community-based prevention and early intervention system, as outlined in various reports (e.g. Wungurilwil Gaggapduir, 2019; National Aboriginal and Torres Strait Islander Early Childhood Strategy, 2021; The Family Matters Report, 2021). The over-representation of very young Aboriginal children, including babies and infants, in the Child Protection system, and the increase in the number of deaths of Aboriginal children who were involved in Child Protection¹¹, requires community wide action.

We recognise that Safe & Supported: The National Framework for Protecting Australia's Children (2021-2031)¹² includes specific Action Plans for Aboriginal and Torres Strait Islander peoples for the first time and we support the call by Aboriginal organisations to ensure over-representation of Aboriginal and Torres Strait Islander children in care is addressed through a transformed child and family systems and the appropriate resourcing of ACCOs to provide a range of early intervention supports.¹³

¹¹ Commission for Children and Young People, *Annual Report 2020–21*. Commission for Children and Young People, Melbourne 2021.

¹² Commonwealth of Australia, Department of Social Services (2021). Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031. <https://www.dss.gov.au/the-national-framework-for-protecting-australias-children-2021-2031>

¹³ Victorian Government Department of Health and Human Services. (2018b). *Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement*. <https://www.dffh.vic.gov.au/publications/wungurilwil-gaggapduir-aboriginal-children-and-families-agreement>

Currently Berry Street is in the process of developing our own Early Years Strategy, endorsed as part of our Strategic Plan 2023-26. Our strategy acknowledges the strong evidence that early childhood, including the antenatal period, is the most powerful phase to positively impact the future development of a child. Our own data shows Aboriginal children aged under four years are overrepresented in the services and programs we deliver, including family violence supports (through The Orange Door), out-of-home care, Take Two clinical therapeutic services and group work with families.

Underpinning our strategy is a commitment to building connections with ACCOS early years programs and ensuring we link actions with the National Aboriginal and Torres Strait Islander Early Childhood Strategy 2021¹⁴. Some of the key statements from the National Aboriginal and Torres Strait Islander Early Childhood Strategy 2021 have clear implications for Berry Street's early years' service delivery and will inform our own strategic direction. For example, across Berry Street's family services, adolescent support, family violence and out-of-home care programs we have opportunity to facilitate, support and strengthen:

- Timely and regular antenatal care for Aboriginal and Torres Strait Islander women
- The health and wellbeing, and the role of fathers in the preconception, antenatal and postnatal periods
- Culturally-safe and appropriate assessment and monitoring of Aboriginal and Torres Strait Islander children's developmental outcomes, including formative assessment, to support active and ongoing responses to children's developmental needs from ages 0 to 5
- Cultural connection and identity in all policy, programs and initiatives that relate to Aboriginal and Torres Strait Islander children and their families across early childhood education, care and development.

4 Education

4.1 Embedding Aboriginal and Torres Strait Islander cultures in Education

The Berry Street School is specialist independent school that supports around 200 students from years 7 to 12, with four campuses across Victoria in Ballarat, Morwell, Narre Warren and Shepparton. Students usually attend our school after becoming disengaged from mainstream education. Students come from a variety of backgrounds: e.g. some have experienced bullying in mainstream schools and some are in out-of-home care. This means they often have gaps in their learning. Currently, almost 20% of students enrolled at the Berry Street School are Aboriginal and/or Torres Strait Islander, indicative of a disproportionately high number of Aboriginal students being excluded from mainstream education.

Berry Street recognises culturally safe and respectful education should be a driver of equal opportunity and a mechanism for addressing systemic injustice. We understand the intersections

¹⁴ National Indigenous Australians Agency. (2021). *National Aboriginal and Torres Strait Islander Early Childhood Strategy*. <https://www.niaa.gov.au/resource-centre/indigenous-affairs/national-aboriginal-and-torres-strait-islander-early-childhood-strategy>

between exclusion from education, lack of cultural safety, and Child Protection and Youth Justice involvement. Many of our students have experienced, or continue to experience, these injustices. At Berry Street we prioritise connection to countries, cultures and communities for Aboriginal young people. We recognise that connections are protective factors that in turn, divert young people from the justice system.

We believe supporting these connections also supports the realisation of objectives outlined in a series of reports including The Marrung; Aboriginal Education Plan 2016–2026¹⁵, and Our youth, our way (2021), specifically Finding 25: *Aboriginal children and young people want to learn about and feel connected to their culture in education and learning environment.*¹⁶

Berry Street believes education has a critical role to play in facilitating genuine reconciliation between Aboriginal and the wider population. We understand our responsibility to support all students to value, respect and celebrate the longest living continuous culture in the world. We note The Marrung; Aboriginal Education Plan 2016–2026 also identifies the role of education in reconciliation and promotes environments that celebrate the cultural identity of Aboriginal learners, stating successful learning outcomes are greatly improved in culturally supportive and learning environments.

The Berry Street School is committed to respectfully embedding Aboriginal and Torres Strait Islander cultures within our classrooms, playgrounds and local communities. Over the past 18 months, we have supported the implementation of Berry Street’s Reflect Reconciliation Action Plan (RAP), while also developing and implementing our School RAP: *Reconciliation in Education Narragunnawali Program (2021-2022)*. Our school RAP supports a culturally safe learning environment where pride in identity can flourish – it teaches the true and shared histories of Australia and celebrates the longest living cultures.

The School RAP vision values include:

- Build and maintain culturally safe, aware and responsive classrooms and curriculum
- Directly address racism
- Enrich each student’s knowledge of, and respect for, Aboriginal and Torres Strait Islander cultures and histories
- Support all students to grow up connected to, and proud of, their culture
- Develop hope and courage through celebrating culture in all its diverse forms
- Build a deeper understanding and knowledge of First Nations worldviews amongst students and staff
- Support meaningful opportunities for Aboriginal and Torres Strait Islander communities by valuing, respecting and listening to the voices of families, carers and community organisations

Throughout implementation of the School RAP we have noticed a significant positive cultural shift with staff and students. A few key highlights have included engaging Traditional Custodians in language classes with students, appointing Aboriginal student leaders, building bush tucker gardens

¹⁵ State of Victoria Department of Education and Training (2016). Marrung Aboriginal Education Plan, 2016-2026. https://www.education.vic.gov.au/Documents/about/programs/aboriginal/Marrung_Aboriginal_Education_Plan_2016-2026.pdf

¹⁶ Commission for Children and Young People. (2021). *Our youth, our way: Inquiry into the overrepresentation of Aboriginal children and young people in the Victorian youth justice system*. Commission for Children and Young People.

on site and acknowledging Aboriginal and Torres Strait Islander perspectives all year round. We also now embed cultural lessons in Geography, Maths, English, Art and Science.

4.2 Education and Youth Justice

Berry Street recognises that most Aboriginal young people in contact with the youth justice system have experienced chronic absenteeism, periods of disengagement from school and low educational attainment. This was highlighted in the Our Youth, our Way inquiry report¹⁷ and is consistent with what we observe in our own work. A 2019 Youth Justice annual survey found that 65% of Aboriginal children and young people under Youth Justice supervision (in the community and in custody) had been previously suspended or expelled from school.¹⁸

Berry Street provides a comprehensive range of education services for young people across Victoria and beyond, including the Berry Street School. Some of these services are delivered in partnership with ACCOs, including Side by Side and Navigator – which aims to improve school engagement for Aboriginal children and young people. Berry Street also secured Australian Government funding in 2022 to trial an innovative Youth Justice & Education program, Goldfields Education (GE). The local Ballarat & District Aboriginal Co-operative (BADAC) has been a core partner in the design, consultation and governance of this initiative.

Case Study: *‘GE’ Referrals come from Youth Justice and half of the students are Aboriginal or Torres Strait Islander. ‘GE’ students are aged 15-18 years with low average educational attainment. The key objective of ‘GE’ is to create opportunities for these young people who are at risk of, or already involved in, the justice system to achieve year 10 equivalent education. This supports capacity for participation in further education and employment and reduces their risk of further criminal activity. GE is implementing a new flexible curriculum recognising core competencies already being achieved through existing engagement with services.*

The young people attend welfare and clinical appointments, case management meetings and therapeutic sessions with many professionals. While they receive individualised supports outside of group settings to address complex trauma and antisocial behaviours, rarely does this extend to their education needs; yet we know important learning occurs in these settings. The ‘GE’ model recognises that critical life skills are already embedded in the content and activities provided during many contacts between these young people and their professional supports. e.g. activities focus on behaviour change, emotional regulation, goal setting, future planning, driver’s learner permit preparation, housing applications, budgeting, storytelling, role-playing, art, genograms and socio-eco mapping. The model is reimagining the education system for these young people and achieving positive outcomes across areas including housing and court compliance as well as educational attainment. Berry Street is supported by numerous partners including our local ACCO and Local Aboriginal Justice Advisory Committee, strengthening our collective advocacy, accountability and shared commitment to seeing better educational outcomes.

Case study iteration – Jenny*

Jenny is a young Aboriginal girl experiencing homelessness and a range of mental health challenges. Before coming to the ‘GE’ program Jenny not been engaged with formal education since the age of 13, coinciding with her sixteenth and final placement in out-of-home care. The transient and unpredictable nature of out-of-care placements meant it was difficult for her to remain at school. Moving across

¹⁷ Commission for Children and Young People. (2021). *Our youth, our way: inquiry into the overrepresentation of Aboriginal children and young people in the Victorian youth justice system*. Commission for Children and Young People.

¹⁸ Australian Institute of Health and Welfare 2021. Youth Justice in Australia 2019–20. Cat. no. JUV 134. Canberra: AIHW.

different countries, Jenny's story has been fractured and her direct connection to land severed. As she has moved through the system there has been little evidence of support for her self-determination. Jenny was criminalised at age 13, beginning with a diversion order, then a Youth Justice Supervision Order. As part of the 'GE' program, Berry Street can now capture, collate and assess a range of Jenny's strengths, achievements and participation in programs against the Victorian Year 10 curriculum used by the Berry Street School. This includes the completion of substance use psychoeducation programs and case management tasks, participation in a cultural woman's group and in Youth Justice Supervision sessions. Jenny is now a third of the way through her Year 10 certificate. The scaffolding supports and strength-based framework underpinning 'GE' are increasing her compliance with court and Centrelink requirements and she is now eligible for various transition or supported youth housing options. Although the 'GE' initiative is small scale and grant-based, it helps to emphasise the need to focus on Justice Reinvestment into dynamic, flexible, developmentally, and culturally safe early intervention programs.

5 Sustainable Resourcing for ACCOs

As an ally to Aboriginal and Torres Strait Islander peoples and organisations, Berry Street supports the call of ACCOs for sustainable resourcing to ensure they can provide family preservation and reunification and other prevention and early intervention supports for families. This priority is emphasised in multiple reports, it is one of four priority reforms identified in The National Agreement on Closing the Gap (2020)¹⁹ and is considered crucial to the success of the National Framework for Protecting Australia's Children 2021–2031.²⁰

Berry Street acknowledges the Victorian Government has made major commitments over the past eight years to address the over-representation of Aboriginal children and young people in tertiary systems of child protection, out-of-home care and criminal justice and their under-representation in universal systems such as education and early childhood services. These commitments are embedded in strategies and agreements such as Marrung²¹, Korin Korin Balit-Djak: Aboriginal health, wellbeing and safety strategic plan 2017–2027²², Wungurilwil Gappagduir²³ and Dhelk Dja: Safe Our Way - Strong Culture, Strong Peoples, Strong Families²⁴. Each speak to the resolve of government to support and facilitate Aboriginal self-determination. Some of these agreements include Community Service Organisations, such as Berry Street, as signatories and we affirm our commitment to the

¹⁹ Australian Government. (2020). *National Agreement on Closing the Gap*. <https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap>

²⁰ Commonwealth of Australia, Department of Social Services (2021). *Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031*. <https://www.dss.gov.au/the-national-framework-for-protecting-australias-children-2021-2031>

²¹ State of Victoria Department of Education and Training (2016). *Marrung Aboriginal Education Plan, 2016-2026*. https://www.education.vic.gov.au/Documents/about/programs/aboriginal/Marrung_Aboriginal_Education_Plan_2016-2026.pdf

²² Victorian Government Department of Health and Human Services. (2017). *Korin Korin Balit-Djak Aboriginal health, wellbeing and safety strategic plan 2017–2027*. <https://www.health.vic.gov.au/health-strategies/korin-korin-balit-djak-aboriginal-health-wellbeing-and-safety-strategic-plan-2017>

²³ Victorian Government Department of Health and Human Services. (2018b). *Wungurilwil Gappagduir: Aboriginal Children and Families Agreement*. <https://www.dffh.vic.gov.au/publications/wungurilwil-gappagduir-aboriginal-children-and-families-agreement>

²⁴ Victorian Government Department of Health and Human Services. (2018a). *Dhelk Dja: Safe Our Way - Strong Culture, Strong Peoples, Strong Families*. <https://www.vic.gov.au/dhelk-dja-partnership-aboriginal-communities-address-family-violence>

principles and strategies outlined in Wungurilwil Gagapduir. It is sadly apparent, however, that commitments and good intentions continue to be insufficient to alter the course of increasing numbers of Aboriginal children entering the child protection, out-of-home care and youth justice systems and Aboriginal adults involved in the criminal justice system. Further, The Family Matters Report (2021)²⁵ states investment in prevention, family supports and restoration continue to be dwarfed by resourcing for intervention.

Berry Street believes years of systemic racism and oppression on Aboriginal peoples cannot be erased even when there are positive steps towards self-determination. Changes of policies, systems and practices for self-determination take time and healing. Greater investment is required to ensure Aboriginal communities and organisations can be resourced with the requisite infrastructure and workforce, in line with levels they determine to be appropriate and necessary. Adequate resourcing is critical to self-determination and growing system capacity for the continued transfer of case management and out-of-home care services for Aboriginal children and young people to ACCOs. We believe this is necessary to ensure system inequality is not being perpetuated. At the same time, governments and other organisations including Berry Street must continue the process of truth telling and be willing to deeply listen to Aboriginal children and families, ACCOs and the Aboriginal community.

²⁵ SNAICC, Family Matters, University of Melbourne, & Griffiths University. (2021). *The Family Matters Report 2021: Measuring trends to turn the tide on the over-representation of Aboriginal and Torres Strait Islander Children in Out-of-Home Care in Australia*. Postscript Printing and Publishing.