

Department for Child Protection
Att: Lucy Boulger
A/Executive Director, Strategy and Performance
via Email: DCP.Legislation@sa.gov.au

27 July 2018

Dear Ms Boulger,

Consultation on the *Children and Young People (Safety) Act 2017 (SA) Regulations*

On behalf of Connecting Foster & Kinship Carers – SA Inc (CF&KC-SA), I would like to thank you for inviting our submission on the *Children and Young People (Safety) Act 2017 (SA) Regulations* (the Regulations) as a key partner.

CF&KC-SA is the peak representative body for foster and kinship carers (Carers) in South Australia. We aim to improve the lives of children and young people in care through provision of services valuing and supporting Carer families to sustain strong and positive relationships.

We support the introduction of the *Children and Young People (Safety) Act 2017 (SA)* (the Act) acknowledging the improved rights for Carer families, and look forward to full implementation of the Act in October 2018.

We propose the following amendments and feedback on the Regulations on behalf of SA's Carer community, and for the benefit of the children and young people in their care:

- **Regulation 10** states "a person need not report ... if the person believes on reasonable grounds that the Department is already aware ...".

We would like to see this strengthened i.e. replace "believes on reasonable grounds" with "has been provided with evidence of". It is our view this would reduce the likelihood of a repeat Shannon McCoole incident and also remove the risks for Carers who have been chastised in the past for trusting that educators or child protection workers will make reports.

- **Regulation 19(1)(f)** provides an exemption from requirements under section 79(1), 80 and 81(1)(b) of the Act in relation to a child or young person placed in the care of an approved carer.

We seek the removal of this exemption in the Regulations, or further clarification as to under what certain circumstances it may be applied. The Act offers this protection to children and young people, and to approved carers, and decisions made under this part are not reviewable under section 157 of the Act.

- **Regulation 25** sets out provisions for the establishment of the Contact Arrangements Review Panel.

We seek consideration within the Regulations for Carer representation on this panel.

- **Regulation 40** limits the reviewable decisions under section 157 of the Act. In addition, we note there has been **no provision in the Regulations** for section 158(1)(b) or section 158(3)(c) of the Act.

We seek an amendment to allow for internal review and subsequent external review of decisions by South Australian Civil and Administrative Tribunal relating to the outcome of care concerns, particularly the outcome of 'serious care concerns' investigations.

*At present, Carers face *enormous legal, financial and emotional risks, ... with children and young people under threat of arbitrary removal from family-based care placements ... and no right to test findings or appeal decisions.*

CF&KC-SA implores the Government to include this amendment and offer some immediate protection to vulnerable families.

We would be pleased to meet with you to discuss our amendments and feedback or respond to further enquiries.

Yours faithfully



Amanda Porter
Chief Executive Officer
Connecting Foster & Kinship Carers – SA Inc

M: 0447 428 167

**Extract from In Daily – Opinion article on 4 December 2017
Kelly Ryan: 'Who would be mad enough to choose to care?'*
<https://indaily.com.au/opinion/2017/12/04/mad-enough-choose-care/>