

The Honorable Katrine Hildyard MP

28 March 2022

Minister for Child Protection

(via email only: [katrine.hildyard@parliament.sa.gov.au](mailto:katrine.hildyard@parliament.sa.gov.au))

Dear Minister Hildyard,

### **Urgent concerns regarding the Independent Inquiry into Foster & Kinship Care**

We write today to share urgent concern regarding the Independent Inquiry into Foster & Kinship Care. As we enter the eighth week of the submission process, we are disappointed to note there is no new information on the Inquiry website, information that will serve to support Carers to take part in the inquiry and develop the desired confidence in this process.

#### **Inquiry website**

Carers continue to note the Inquiry website is *still* not in any way up to date, encouraging or informative for Carers. The last update to this website was 7 February 2022.

The website is deficient in the following ways:

It cannot be reached through a search engine easily. A Carer or any stakeholder wishing to find out about the Inquiry cannot easily locate the Inquiry webpage. The only way they may find this website is through the direct URL

The website is missing important information.

- There is still no template on the Inquiry website for Carers. The website says *Further information about how submissions can be made to the Inquiry, including frequently asked questions and a template to help you make a submission, will be regularly updated on this web page*. No further information has been published. We are past the halfway mark for submissions.
- There is no information on the website about where Carers can get assistance to make submissions (for example, from us, their peak body, or from Inquiry staff) or to support them while they do so.
- There is no information as to how to provide a submission in an alternative manner other than writing.
- There is no phone number for Carers to contact to ask questions regarding the Inquiry.
- There is no information on how to provide an anonymous submission.
- There is no information regarding the confidentiality and security of any submissions made, and legal issues related to making submissions.
- There is no information addressing cultural issues or the practicalities of seeking input from First Nations and/or CALD communities.
- As we understand it, there has been virtually no communication with Carers and stakeholders regarding the Inquiry. We are aware of one open letter from the Inquirer to Carers published in the third issue of the DCP Carer newsletter (Caring Together) and a DCP "partner" email to stakeholders on 3 March 2022.
- As we understand it, organisations such as the Aboriginal Legal Rights Movement and the Ombudsman were not officially advised of this Inquiry and their opportunity to participate by way of submissions. It is our understanding this is unusual for an Inquiry and that previous Inquiries have reached out at an early stage to relevant stakeholders.

- The Inquiry appears to have misunderstood the legislation regarding timelines to report. We note the Inquiry webpage states that the inquiry will *provide a report to the Minister for Child Protection no later than 8 June 2022*. We believe this time line is not what is contemplated by the legislation establishing the Inquiry.

it is our understanding that the Children and Young Person (Safety) Act mandates that

- the Minister is responsible for two things – causing an inquiry, and causing the preparation of a report.
- the inquiry must be completed within six months.
- the preparation of the report is to occur (in the words of the Act) *upon completing the inquiry* – that is, **after** the inquiry has been completed.

The use of the words 'completed' and 'on completing' in s169A (3)(d) and s 169A (4) make it clear that the investigator's inquiry and consequent report are discrete and separate tasks – with the inquiry to be completed within the 6 month time limit and the report be prepared after completion of the inquiry.

We are keen to ensure that Carers and the Inquiry get the full benefit of time allotted by the Act, and that none of the six months allotted for inquiry is diverted to report writing.

We have provided correspondence to the Inquiry on many of the above points however received limited responses. We now request an urgent meeting with you to discuss the Inquiry and reinstate the intended fidelity of this process.

Yours sincerely,



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