



The Honourable Mrs R.M.J. Clarke, MLA  
Chair of Joint Standing Committee on the Commissioner for Children and Young People  
Parliament House  
4 Harvest Terrace  
West Perth WA 6005

By email: [jsccecyp@parliament.wa.gov.au](mailto:jsccecyp@parliament.wa.gov.au)

Dear Mrs R.M.J. Clarke

### **Statement regarding Aboriginal commissioner role**

The Commission for Children and Young People (the Commission) welcomes the opportunity to provide a brief statement to inform the recommendation of the appointment of an Aboriginal commissioner for children and young people in Western Australia.

Aboriginal children have unique rights and needs that require additional protection and government accountability. Aboriginal and Torres Strait Islander children's commissioners play a vital role in providing a voice for Aboriginal and Torres Strait Islander children and ensuring a dedicated focus to advancing their rights.

#### **Benefits**

The role of the Commissioner for Aboriginal Children and Young People (CACYP) in Victoria has ensured a strong focus on identifying the needs and working to address the unique issues facing Aboriginal children, including efforts to reduce their overrepresentation in child protection and youth justice systems.

This important Aboriginal leadership role is key to understanding, identifying and relating to Aboriginal children, young people and families and the systems impacting them. Having an Aboriginal person in the role who has the knowledge, experience and who maintains strong relationships with Aboriginal community, families and representative organisations is crucial to creating credibility and acceptance of the Commission's work by Aboriginal communities. The connection provided and trust invested in the role by Aboriginal communities ensures access to crucial information and insights on the challenges, barriers and system failures impacting on the rights and wellbeing of Aboriginal children and their families whilst facilitating opportunities for effective advocacy and, in many cases, influencing change to policy, practices and service systems.

Over time, the CACYP has led multiple systemic inquiries into the experiences of Aboriginal children in child protection and youth justice systems that have generated change. For example, the *Always Was, Always Will Be* and *In the Child's Best Interests* Inquiries were instrumental in the establishment of an ongoing Aboriginal Children's Forum chaired by the

Secretary of the relevant department and Aboriginal Community Controlled Organisations (ACCOs). For over five years, the Forum has been central in driving reforms to the child protection system to better support Aboriginal children and their families.

The role of the CACYP has, through engagement with the Aboriginal community and through concerted early effort to demonstrate the need for reform, paved the way for Victoria to be a national leader in transfer of case management and guardianship to ACCOs.

The role has also provided a source of leadership when reviewing and monitoring incidents affecting Aboriginal children and young people in child protection and youth detention, a core function of the Commission.

Through various advocacy mechanisms, the role has highlighted key issues facing Aboriginal children in Victorian and built support across government. This has led to substantive investment and reforms to systems and stronger partnerships between the Victorian government and the Aboriginal community.

### Model

The first CACYP was appointed in Victoria in 2013. The Principal Commissioner and the CACYP work in partnership within the Commission for Children and Young People, an independent statutory body.

The powers and functions of the CACYP, however, are not defined in the Commission's Act. Some legislative powers can only be exercised by the Principal Commissioner; others can be shared or delegated.

In practice, matters that relate to Aboriginal children are led by the CACYP although the commissioners consult one another on key policy or strategic issues, as these usually impact all children in some way.

Although in practice the model works well in Victoria, we would recommend that any new legislation being developed should be more explicit about the role of the Commissioner for Aboriginal Children and Young People and should include clearly defined functions and powers.

### Resources

The role of a CACYP includes the remuneration of an executive level commissioner and a team of five FTE working primarily to support the role. To support the delivery of particular projects (e.g. the recently completed Youth Justice Taskforce and [Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system](#)), additional resources are required.

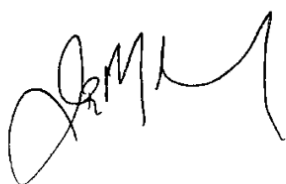
In addition to this Koori Advice and Engagement team, of course, all teams in the Victorian Commission conduct work in relation to Aboriginal children and young people, whether in conducting child death inquiries, monitoring incidents in out-of-home care, supporting organisations to meet the Child Safe Standards in respect of cultural safety, or any of the Commission's functions. All of the Commission's work benefits significantly from the expertise of CACYP and the focused Koori Advice and Engagement team.

### Concluding comments

The role of a CACYP in Victoria has been essential in enabling the Commission to effectively advocate for Aboriginal children and young people. It is our shared view that the needs and issues of Aboriginal children and young people, in particular their over-representation in the child protection, out-of-home care and youth justice systems, require dedicated and specialist focus within the Commission.

Importantly, the position's emphasis on engagement has built trust with the Aboriginal community and promoted the need for self-determination for Aboriginal people. Many Aboriginal children and their families have experiences of intergenerational trauma stemming from impacts of colonisation, dispossession of land and various iterations of interventionist and discriminatory government policies. Thus, transformative and meaningful change can only be achieved if Aboriginal children and their families' perspectives are at the centre of systems that impact them. The establishment of a commissioner dedicated to advancing the rights of Aboriginal children and young people is an important means of supporting this.

Yours sincerely



Justin Mohamed  
**Commissioner for Aboriginal  
Children and Young People**

23 September 2021



Liana Buchanan  
**Principal Commissioner**

21 September 2021