LEADERSHIP COALITION FOR CHILD PROTECTION

# Four Key Reforms to Change Child Protection in South Australia

The *Children and Young People (Safety and Support) Bill 2024* falls well short of the changes required to improve our child protection system. This legislation must ensure that children and young people have the best opportunity to grow up living safely and well, connected to their families, communities and culture.

To be a truly transformative piece of child protection legislation – and effectively support at-risk South Australian children, young people and their families - we propose a number of amendments based on other jurisdictions, in particular the *NSW Children and Young Person's (Care and Protection) Act 1998.* The Coalition have already provided the select committee with the specific wording to be included in the legislation to enact these four fundamental changes.

**Elevating *Best Interest* as the Paramount Principle in the legislation**
Currently, the most significant element of the guiding principles within this proposed legislation, the Paramount Principle, remains *Safety*. This places South Australia behind other jurisdictions that have changed the Paramount Principle to the *Best Interests* of a child or young person. The Paramount Principle must include a contemporary and inclusive definition of a broader suite of best interests akin to wording provided in the *Victorian Child, Youth and Families Act 2005*, which considers safety and harm as one element of a child's best interest. The Paramount Principle of *Safety* has not only failed to increase safety, but it has also allowed decisions to be made that are not cognisant of what would be in the best interests of the child or young person.

**The consistent application of *Significant Harm* threshold**
The legislation must ensure only those children and young people who are at risk of experiencing significant harm are managed through our statutory system quickly and decisively by using a consistent application of 'significant harm' in relation to interventions by the Department and the Courts. To not do so runs the risk of unreasonable actions being undertaken that are not commensurate with the best interests of the child or young person. If *Significant Harm* is used as the basis for mandatory reporting, then any interventions taken to remove a child or young person into care, or return them to family post care, should also follow the same logic.

**Expanding and amplifying *Active Efforts* within the Bill**
*Active Efforts* describe the role played in enabling and supporting parents and guardians (families) to provide a level of care and protection for their children that would avoid their removal. It is vital that measures are introduced into the Bill that require *Active Efforts* to be made prior to the removal of children into care (including applications for court orders), other than in emergency situations. Current provisions in the Bill are inadequate to facilitate such support. Other jurisdictions enshrine a responsibility on the state to offer and deliver services that aim to retain a child or young person living safely with parents or guardian prior to removal, which is preventing unnecessary removal.

**Prioritising and creating stronger provisions for *reunification* of families**
Stronger provisions must be introduced to the Bill to ensure active efforts are made to support reunification, in line with other jurisdictions. This includes a requirement to make active efforts to reunify children with their parent or families no later than six months from the time they are removed and requirements to provide written reasons as to why reunification was not successful. The current Bill is largely silent on the prioritisation of reunification of children and young people to the care of their parents or guardians, despite the importance of such interventions.