

South Australia

Children and Young People (Safety) (Inquiry into Foster and Kinship Care) Amendment Act 2021

An Act to amend the *Children and Young People (Safety) Act 2017*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Children and Young People (Safety) Act 2017*

- 3 Insertion of section 169A
169A Independent inquiry into foster care and kinship care
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Children and Young People (Safety) (Inquiry into Foster and Kinship Care) Amendment Act 2021*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Children and Young People (Safety) Act 2017*

3—Insertion of section 169A

After section 169 insert:

169A—Independent inquiry into foster care and kinship care

- (1) The Minister must cause an independent inquiry into foster care and kinship care in the State to be conducted, and a report of the inquiry to be prepared, in accordance with this section.

- (2) Without limiting the matters that may be considered in the course of the inquiry, the inquiry—
- (a) must review existing complaints mechanisms in the Department as they relate to foster care and kinship care, including consideration of—
 - (i) how such complaints are processed by the Department; and
 - (ii) the independence of the complaints process; and
 - (iii) outcomes and actions arising from such complaints; and
 - (iv) the extent to which outcomes and feedback relating to such complaints are communicated to foster carers and kinship carers; and
 - (b) must review the adequacy of existing consultation processes between the Department, other persons and bodies involved in foster care or kinship care, and foster carers and kinship carers; and
 - (c) must review the transparency and availability of documentation and information held by the Department and other persons and bodies involved in foster care or kinship care to foster carers and kinship carers (including care concerns and manuals of practice); and
 - (d) must consider the adequacy of internal procedures and arrangements within the Department and other persons and bodies involved in foster care or kinship care in ensuring that—
 - (i) there is a sound partnership between the Department, those persons and bodies and foster carers and kinship carers, and
 - (ii) the rights of children in foster care and kinship care (including their rights relating to safety, cultural identity, access to services and opportunities, autonomy and decision-making) are respected, addressed and realised; and
 - (e) may make such recommendations for changes to matters affecting foster care or kinship care that the inquiry considers necessary or appropriate to improve outcomes for children and young people in foster care or kinship care, as well as foster carers and kinship carers (including, for example, the need for an independent, legislatively protected complaints system, changes to compliance procedures within the Department and any legislative changes needed to enable the recommendations to be implemented).

- (3) The following provisions apply in relation to the inquiry:
 - (a) the inquiry must be conducted by a person who is independent of the Department and not involved in the administration, operation or enforcement of this Act;
 - (b) the inquiry must commence not later than 1 month after this section comes into operation;
 - (c) the inquiry must seek submissions from foster carers and kinship carers, and must have regard to any submissions made to the inquiry by such persons;
 - (d) the inquiry must be completed within 6 months after this section comes into operation.
- (4) On completing the inquiry, the person conducting the inquiry must cause a report of the inquiry to be prepared, and a copy of the report provided to the Minister.
- (5) The Minister must cause a copy of the report provided under subsection (4) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.