

Indigenous children's commissioner rejects out-of-home care targets

Exclusive: Victoria's Andrew Jackamos argues hard targets could put lives at risk by leaving children in danger



Outgoing Aboriginal children's commissioner for Victoria Andrew Jackamos has called for more support for families. Photograph: Victorian government

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The outgoing Aboriginal children's commissioner in Victoria opposes hard limits on the number of Indigenous children being removed from families, saying it could put lives at risk.

Andrew Jackamos, the country's first Indigenous children's commissioner, favours measures to reunite families. But he says hard targets to limit removals could have dangerous consequences.

Reducing the number of Indigenous children removed from their families and placed in out-of-home care was one of the two areas most commonly cited by Indigenous organisations in the lead up to the Turnbull government's review of the Closing the Gap targets, many of which expire in June.

The other is a target to reduce the overrepresentation of Indigenous people in the prison system. The two are inextricably linked: the Australian Institute of Health and Welfare found in 2016 that children who were known to the child protection system were 14 times more likely to also be involved in the youth justice system.

Jackomos said: “I would oppose a straight out-of-home-care target. My worry is that if you have targets straight on the number of kids removed then you may see kids who need to be removed not removed, so we just need to be smart about it.”

But one reason for his one-term tenure, and his reluctance to accept hard targets on rates of child removal, is contained in closed files delivered to the children’s minister, Jenny Mikakos, concerning the deaths of children who were known to child protection.

Thirty-six children died in those circumstances in 2016, of which four were Indigenous.

“Many of the child death inquiries we do are of young babies who have been murdered,” Jackomos said. “They are of young babies that should have been removed because the situation wasn’t safe. And in other cases I see child death inquiries where the children are teenagers and they’ve stayed in resi[dential] care. I wonder, was it safer for them at home?”

Jackomos said the focus should be on getting separated families back together as quickly as possible – with targets to promote reunification rather than simply limiting removals, which he said could put some children at risk.

“We can achieve that by intervention and prevention, and working with mums and dads. In a lot of cases I see children have been removed and then we just forget about mum and dad,” he said. “If we had that reunification target I think that would go a way towards improving services to them.

“It’s about getting kids home quicker.”

For Aboriginal children, “home” might mean returning to live with their parents, or it might mean living with a grandmother, aunt or cousin. Whichever family situation applied, Jackomos said, they should be supported, and that would ensure fewer children were removed in the long run.

The Yorta Yorta man will finish in his current role on 31 January – and start work the next day as a special adviser on Indigenous self-determination in Victoria’s Department of Premier and Cabinet.

Speaking in his office in his final weeks in the role, Jackomos said the commissioner’s job, which includes providing independent oversight of children in the child protection and youth justice systems, was not one that anyone should do for more than five years.

“If you’re a Koorie person, if you’re involved in reading the stories and trying to make changes ... I think you need time out,” he said.

About 5.5% of the Australian population under the age of 18 identifies as Indigenous, yet Indigenous children made up 36.2% of all children in out-of-home care in 2016 and 55% of all children held in youth detention. Rates of out-of-home care for Indigenous children are 10 times higher than for non-Indigenous children, and rates of youth detention are 24 times higher. You can't fix one without addressing the other, Jackomos said.

He recalled an interaction with a 14-year-old boy when he first started the job, in 2014. The boy was in Parkerville youth detention centre and proudly showed Jackomos the floor of the cell in which he had been born.

"I think that just sums it up, the sickness in society, when a young boy can actually be proud of the cell floor in which his young mum gave birth to him," he said. "That young boy is still in the system five years after, and I imagine will be in and out of the system for some time. Hopefully he gets the right care and protection, but that's one, and there are many stories."

Addressing the issues that led to overrepresentation in the child protection and justice systems would take a generation, Jackomos said.

"It's just sad because we're going to lose many of our kids," he said. "The majority of our kids who are in youth detention, we will see kids from there graduate to the adult prison system, both male and female, and it's going to be difficult for many of those kids to come home to a safe life where they can feel proud of themselves. I think it's going to be some time before we see a significant reduction in overrepresentation."

He argues for wraparound services at Aboriginal community-controlled organisations, targeting issues such as homelessness, family violence and drug abuse affecting the parents, particularly the mother, starting the moment she finds out she is pregnant.

Mallee District Aboriginal Services in the regional Victorian town of Mildura has modelled such a program, and it is being emulated in Bendigo and Shepparton.

"It was very much about how we can overhaul the system so it's upfront investments with Aboriginal community organisations," Jackomos said.

A report published last month by Family Matters, an Indigenous campaign that aims to close the gap on Indigenous child removal rates, warned that unless the system was restructured to focus on early intervention the rate of child removal would triple by 2036.

Jackomos said the federal government's rejection of the core proposal of the Uluru statement on Indigenous constitutional recognition, the proposed Indigenous voice to parliament, was "hugely disappointing on a national level, but I'm thankful I'm in Victoria".

The Andrews government has made a public commitment to self-determination and a treaty with Aboriginal people. Both Victoria and South Australia, the second to announce treaty negotiations, will hold elections in 2018, and in both the opposition's support for treaty negotiations is, at best, equivocal.

Senior Indigenous bureaucrats such as Jackomos are in a flurry of activity to make changes stick in case of a change of government.

“I have worked in places where self-determination were dirty words, not supported, so we have an opportunity to make a difference now,” he said. “We need to make hay while the sun shines.”