

Recommendation 125: Audio-visual hearings, which can save resources and improve efficiency of the court, should be retained.

Recommendation 126: Audio hearings and conciliation conferences should also be retained.

Recommendation 127: Audio-visual hearings would be particularly useful in regional areas, where there are no specialist Children's Court Magistrates.

26. The impact of COVID-19 on family reunification

'A report commissioned by Victoria's largest child and family services organisation, Berry Street, found that in the most severe scenario – recurring virus outbreaks resulting in long periods of lockdown – the number of children in out-of-home care would more than double from almost 12,000 to 27,500 within six years.'¹⁵⁹ The approach of the Government during the pandemic provides enormous discretion to Child Protection workforce and uncertainty for families, and fails to recognise that the legislated family reunification permanency provisions were already disproportionality affecting Aboriginal families. The approach being taken by the Department does not compel the Child Protection workforce to take additional measures in relation to family reunification in the response to the pandemic, and it is unclear what guidance, training and hierarchy of approval is in place in relation to the exercise of this discretion.

DHHS practice directions¹⁶⁰ provided to the Child Protection workforce place the onus on parents to demonstrate that the pandemic has had an impact on their capacity to meet conditions on orders; rather than the presumption being that it has impacted (eg through limited services and reduced face-to-face contact between children and their families) and Child Protection discussing with all affected parents what extension of time would be appropriate in their particular circumstances, noting that some parents may not want an extension. This is not in the best interests of children and young people or their parents.

Recommendation 128: There is an urgent need to further reconsider how the COVID-19 pandemic is impacting progress towards family reunification, and taking further steps such as amendments to the *Children, Youth and Families Act*. This should include extending the timeframes for family reunification.

Recommendation 129: VALS supports the Victorian Aboriginal Child Care Agency's recommendation that Aboriginal Community Controlled Organisations and the Aboriginal community be involved in determining the local needs of Aboriginal children, young people and families involved in the Child Protection system during COVID-19.¹⁶¹

¹⁵⁹ Pandemic impacts 'could push thousands more children into care' (6 August 2020), available at https://amp.theage.com.au/national/victoria/pandemic-impacts-could-push-thousands-more-children-into-care-20200805-p55ioz.html?btis=&_twitter_impression=true

¹⁶⁰ Coronavirus (COVID-19) Fact Sheet: Determining the permanency objective in exceptional circumstances (25 April 2020)

¹⁶¹ Victorian Aboriginal Child Care Agency, Submission to the Parliament of Victoria Public Accounts and Estimates Committee: Inquiry into the Victorian Government's Response to the COVID-19 Pandemic (August 2020), page 33, available at https://www.parliament.vic.gov.au/images/stories/committees/paec/COVID-19_Inquiry/Submissions/78_Victorian_Aboriginal_Child_Care_Agency_Redacted.pdf