

The provisions of the proposed legislation have been criticized by a joint parliamentary committee, Brian Burdekin, the Youth Affairs Coalition and others. State Attorney General Jan Wade has indicated that the bill is required for the protection of the community, and will proceed without further amendment.

JUSTICE FOGARTY CONCERNED FOR YOUNG PEOPLE AND CHILDREN IN VICTORIA

Justice Fogarty of the Family Court has expressed concern for the reduced level of protection available to young people in Victoria.

In the last of three reports commissioned by the Government, Justice Fogarty concluded that, as a result of changes in practice young people had been 'virtually excluded' from care and protection and that hundreds of young people had been left dependent on voluntary welfare services for their survival.

The new Children and Young Persons Act 1989 requires specific indication of harm or likely harm to justify protective intervention. These grounds reflected criticisms of practice prior to the 1980s, relating to use of statutory intervention where support of the family or young person would have been sufficient.

However, these grounds are being inappropriately interpreted to exclude state responsibility. This particularly relates to young people unable to live at home, and without access to alternative sources of ongoing support, protection or legal responsibility. This has occurred because insufficient resources were made available to support the increased responsibilities of protective services, such as transfer of police responsibilities and mandatory reporting.

The report also suggested that an emphasis on family preservation had extended in many circumstances beyond the interests of the child. For example, parents with drug dependencies were provided with on-going opportunities for the care of their children, irrespective of the effect on the children.

Although the initial government response criticized Justice Fogarty and the report, Health and Community Services have acknowledged that many of the issues need to be addressed. However, this has not progressed beyond establishing a working party.

EVIDENCE OF GENITAL MUTILATION

Evidence of genital mutilation of two young girls has been given in a Children's Court hearing in Melbourne.

The court heard that the girls had been subject to infibulation, the removal of female genitals and stitching the vagina. Although this presumably happened overseas, the magistrate said that it was evident that the custom was being carried out in Australia. "Clearly the practice is going on ... children are going to suffer a surgical intrusion into their bodies which really amounts to assault", she said.

The Victorian president of the Australian Medical Association said most doctors would support specific legislation to prohibit female circumcision. The World Health Authority announced this year it would campaign to stop the custom.

Greg Smith

AMENDMENT TO CRIMES ACT ON AUSTRALIAN PÆDOPHILE ACTIVITIES

On the 4th November, 1993, Mr Justice Kerr unveiled the proposed Australian legislation that will amend the 1914 Crimes Act and make it possible for the Commonwealth to prosecute Australians involved in sexual exploitation of children overseas. Australians guilty of sexual acts with children overseas, of inciting or organising sex tours or being involved with the production of child pornography will be liable for prosecution in their home states. This proposed law has the support of all State and Territory Attorneys-General and is expected to be presented to parliament for its first reading in February 1994.

Another important initiative being taken by Australia this year is the drafting of a Treaty to accompany the UN Convention on the Rights of the Child. Once ratified by cooperating countries this will provide a protocol for implementation of the Convention. Such a secondary human rights instrument will help ensure international co-operation and mutual assistance between countries to more successfully implement the Convention. The draft of this Treaty is expected to be presented to the UN by the Human Rights Commissioner, Brian Burdekin