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# State Developments Update

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## Victorian Update

### Proposed Charter of Human Rights

On 1 June, the Attorney-General of Victoria launched a discussion paper for consultation on human rights which explores whether Victoria should develop a Charter of Human Rights and if so what form it might take and what should it protect. This discussion paper is open to consultation and submissions.

Copies of the discussion paper are available on the web at [www.justice.vic.gov.au/humanrights](http://www.justice.vic.gov.au/humanrights).

### Charter of Rights for Children in Care

A Discussion Paper on developing a Charter of Rights for Children in Care has been prepared to inform children and young people in care, their parents, the out of home care sector and the wider community about some key issues relating to a charter.

The Office of the Advocate is very keen to hear views on developing the content of a future charter or any matter raised in the Discussion Paper. A Feedback Form has been prepared to assist people in their submissions.

The Discussion Paper and Feedback Form are available from the Advocate's website:  
<http://www.dhs.vic.gov.au/advocate>.

### Child Safety Commissioner

In December 2004 the Premier announced new arrangements for children's services in Victoria. These included the appointment of a Minister for Children, the establishment of an Office for Children within the Department of Human Services, and the creation of the position of Child Safety Commissioner.

The role of the Commissioner, who reports to the Minister for Children, will report his activities to the parliament and is to provide advice and recommendations to the Minister about children's

safety issues and to ensure that the safety and protection of children is properly addressed.

Legislation relating to the Commissioner's establishment, roles, and responsibility has yet to be introduced. Functions to be included are: overseeing the functions of the Advocate for Children in Care, and the Victorian Child Deaths Review Committee, monitoring the introduction of the Working with Children Check, and education and advocacy to promote child friendly and safe practices in the community. Bernie Geary's appointment as Child Safety Commissioner was announced by the Minister for Children in May. Bernie is a former CEO of Jesuit Social Services, and a long serving member of the Youth Parole Board

Organisations including DCI, which have been advocating the establishment of a broadly focused independent rights based Commission for Children and Young People in Victoria look forward to meeting with the new Commissioner.

Janet Jukes

## South Australian Update

### New Child Protection Legislation

*Keeping Them Safe* is a five year reform program for child protection initiated by the South Australian Government in 2004 as one response to the Layton Child Protection Review. The *Children's Protection (Keeping Them Safe) Amendment Bill 2005*, released for public consultation in May, is the legislative response to the *Keeping Them Safe* program.

The *Bill* includes new principles aimed at improving the ability of all members of the community to identify children being harmed, or at risk of harm, and strengthening the capacity of the care and protection system to act in the best interests of the child.

The *Children's Protection (Keeping Them Safe) Amendment Bill 2005*:

- Recognises that situations of real danger may occur when there has not yet been an incident of abuse;
- Gives greater respect to the voice of the child in decision making;
- Introduces a major focus on child safe environments in recognition of the need for a whole of community response to address the trend of steadily increasing reports of abuse and neglect;
- Requires organisations which have contact with children to provide a safe environment for them, through having policies and procedures that prevent and minimise opportunities for harm and provide for timely actions, when abuse and neglect occurs or is suspected;
- Formalises mechanisms for independent monitoring and review of the care and protection system through the powers and functions of the Council for the Care of Children, the Guardian for Children and Young Persons and the Child Death and Serious Injury Review Committee;
- Extends the range of persons legally required to report suspicions of neglect or abuse, or risk of abuse and neglect.

The *Bill* was passed in the Lower House on Thursday, 7 July, and will be debated in the Upper House when Parliament resumes in September. Copies of the *Bill* and associated Fact Sheets are available for downloading from the website of the South Australian Department for Families and Communities.

[www.familiesandcommunities.sa.gov.au](http://www.familiesandcommunities.sa.gov.au)

### **Office of the Guardian for Children and Young People**

In South Australia, there are about 1,400 children and young people under the Guardianship of the Minister and three out of four are on long term orders, that is, until they reach the age of 18. Almost one in five are Aboriginal or Torres Strait Islander children and 10 per cent have significant disabilities.

Ten months into its operation the Office of the Guardian for Children and Young People has determined its early priorities and commenced its 2005 projects.

For its major systemic inquiry this year the office is investigating the prevention of sexual abuse in care. This is linked to the SA Commission of Inquiry (Children in State Care) which is due to report in June 2006. As part of its monitoring function the Guardian had commenced auditing annual reviews for children in long term care. The advocacy projects this year include developing a charter of rights and producing information for children when they first enter out of home care.

The Office produces a quarterly newsletter. To subscribe to the newsletter or for further information email [gcyp@saugov.sa.gov.au](mailto:gcyp@saugov.sa.gov.au) or (08) 8226 8570.

## **Tasmanian Update**

### **Screening of Individuals Who Work with Children in Tasmania**

In January 2005 the Tasmanian Commissioner for Children released this consultation paper for public comment. Its purpose was to disseminate information on the current screening practices adopted in Tasmania and interstate, and to propose a new model of screening for use by Government and non Government organisations.

The overall objective was to increase the protection of children by providing a consistent comprehensive, effective and readily understood process for the screening of persons who are working with or who are seeking to work with children. He also sought to ensure that natural justice was afforded to persons who are the subject of screening.

The consultation paper proposed using information regarding a person's criminal history and previous employment history to assess how suitable the person is to work with children. All persons who work with children would be the subject of a 'working with children check' and if the accuracy of the check is positive the person would be issued with a "Tas card". A feature of the proposal is that once a person has been issued with a Tas card, this could be used by the person to undertake other work including voluntary work with another organisation without the need to be the subject of further screening.

Government departments and approved non Government organisations would be responsible for undertaking screening of most persons who wish to work with children.

The central screening agency would also assess self employed persons who wish to work with children and would also be the depository of information relating to complaints and disciplinary action against persons if these relate to working with children. The screening process would look wider than simply checking a person's criminal history. (see Commissioner for Children's Media Release dated 7 January 2005).

The consultation paper is available at [www.childcomm.tas.gov.au](http://www.childcomm.tas.gov.au). The Children's Commissioner is currently having discussions with the Government regarding the proposals contained in the consultation paper and an announcement is to be made shortly.

### **Review of claims of abuse from adults in State care as children**

The Tasmanian Ombudsman is shortly finalising the list of claimants for ex-gratia payments. Approximately 400 adults contacted the Ombudsman's review team wishing to register a claim for an ex-gratia payment as a result of the abuse they suffered whilst in State care as children.

Whilst the large number of claims was alarming, the Ombudsman did not see the need for a full commission of enquiry into child abuse as she stated in her report the great majority of claims were old. Recent information indicative of shortcomings in the present system was limited. The situation may change once the Commissioner for Children has completed his investigation into recent cases of abuse.

The actions of the Ombudsman's office and the Commissioner for Children in Tasmania has helped to focus attention and scrutiny on this issue. Abuses whilst children are in State/foster care needs to be eradicated or at the least detected at the earliest available opportunity. This seems to be recognised by the Tasmanian public as there has been a conspicuous absence of complaints concerning the money and resources the Government has allocated

towards stamping out this problem. The media attention must also be helpful in raising public awareness.

### **Violence Between Young Women**

A recent article in a Tasmanian newspaper highlighted the trend in juvenile offences for females to be charged with assaulting other females. The article resulted from a review of statistics released by the Police department.

It is difficult to interpret the sociological reasons for this trend. There may be a number of factors to account for the increase including a better reporting system by victims. Youth workers believe that this may be a temporary feature in juvenile crime offences and it was also noted that there have been similar international trends.

Peter Briffa

## **Western Australian Update**

### **Children's Commissioner Bill**

The Minister for Community Development Sheila McHale introduced a bill for the creation of WA's first Children's Commissioner on 1st June. The Commissioner is to have the power to conduct inquiries on his/her own initiative or the request of the Minister and must have regard to the best interests of the child but cannot receive individual complaints even in extraordinary circumstances.

Although the Office is avowedly 'independent' (i.e. reporting to Parliament) it is encumbered with a number of small impediments to independence:

- (a) the 'Minister' in the legislation appears to be the Minister responsible for the Department for Community Development (DCD) which delivers children's services;
- (b) the Commissioner is obliged to send a draft of any investigation report to the Minister before finalising it and may be directed to consult with persons before doing so and though need not change the report must indicate in the report that he/she has done so;
- (c) the UN Convention on the Rights of the Child is referred to in only a passing reference; and

(d) the Commissioner, it appears, is to enjoy both a miniscule (\$1.5 Million recurrent) budget and the pleasure of having that set from within the DCD portfolio (i.e. by the Department he/she is required to oversee).

It is rumoured that a former cabinet minister responsible for the child welfare portfolio under a former Labor administration is to be appointed to the position, which is unlikely to be advertised and subject to merit selection (as usual in Western Australia).

Perth is notoriously gossipy, and the 'traffic' on the bill should be treated as such: both the bill and the planned administrative arrangements are the subject of considerable lobbying, for self-evident reasons.

Moira Rayner

## Queensland Update

### Rising Notifications

In the child protection system there has been an alarming increase in the number of cases of abuse of children being notified to the new Department of Child Safety, rising from 27,592 in 2001-02 to 35,023 in 2003-04, an estimated 43,000 in 2005-2006 and 47,000 in 2005-06.

The number of children subject to child protection orders is similarly increasing. In June 2003, almost 4,000 children were subject to child protection orders. This number had increased to 4,599 in June 2004 and is expected to reach 5,300 by June 2005. Has this been brought about because of a heightened community awareness of abuse and a willingness to report, or of better practices within the new Department, or worryingly, because more children and young people are being abused in Queensland?

Queensland has had a very long history of under-funding its community services compared to the other States and of turning a blind eye to the welfare of its children and young people. It may now be experiencing an accumulative effect for the current generation of children and young people.

Allison Tait

## Handbook to Help Journalists Monitor Child Rights

A new edition of a booklet designed to help journalists monitor their government's performance as signatories to the Convention on the Rights of the Child has recently been published by the Bristol-based media ethics charity MediaWise on behalf of UNICEF. The original edition, commissioned in 1999 to celebrate the 10th anniversary of the Convention is in use in over 20 countries and has been translated into a dozen languages. It has already shaped training programmes for journalists around the world.

The revised and expanded, pocket-sized edition, based on the practical experience of working journalists, includes story ideas drawn from issues raised by the Convention and checklists to ensure that media professionals acknowledge children's rights in their working practices.

"Media professionals are well placed to keep children's rights - and their abuse - on the news agenda, by scrutinising policies and legislation, and challenging those who fail to meet their commitments to children," says Lynn Geldof, UNICEF Communication Advisor for Central and Eastern Europe and the Commonwealth of Independent States, introducing the handbook.

The handbook outlines two milestones for children's rights since the 1st edition: the Millennium Development Goals, signed up to by 191 UN member states, and A World Fit for Children, the declaration adopted by the UN General Assembly in 2002 to provide criteria against which to measure the achievements of governments. It also contains International Federation of Journalists guidelines and over 60 useful international contacts for journalists seeking facts, figures, quotes and advice about children's rights. For more information, contact: Mike Jempson, MediaWise 38 Easton Business Centre, Felix Road, Bristol BS5 0HE, UK Tel: + 44 117 941 5889; Fax: + 44 117 941 5848 Email: [info@mediawise.org.uk](mailto:info@mediawise.org.uk) Website: <http://www.mediawise.org.uk>