

# Children Legislation Amendment Bill 2009

## Bills Backgrounder No 9, May 2009

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### Background to the Bill

The bill amends the Child Wellbeing and Safety Act 2005 and Children, Youth and Families Act 2005.

The bill proposes two amendments to the Child Wellbeing and Safety Act 2005. The first amendment expands the criteria for the type of case that will be subject to child death inquiries by the Child Safety Commissioner. The proposed amendment will enable the Child Safety Commissioner to conduct child death inquiries into the deaths of all children who were the subject of a report to the Secretary to the Department of Human Services within three months of their deaths. The current legislative scheme provides for inquiries only into the death of a child who was the subject of a report to child protection that was subsequently deemed by child protection to be a 'protective intervention report'. This serves to exclude all those reports to child protection that do not go on to be deemed as 'protective intervention' reports. The proposed amendment redresses this exclusion to capture all children who were the subject of a report to child protection, irrespective of child protection's determination of that report, at the time or within three months of their death.

The second proposed amendment creates a new category of cases potentially subject to review by the child safety commissioner. The proposed amendment will enable the Child Safety Commissioner to examine individual cases involving child protection upon a request by the Minister for Community Services. The review will constitute an inquiry into the services provided or not provided to the child for the purpose of improving existing practices and procedures in relation to child safety issues. The only criterion is that the child has been known to child protection at some stage in their life. It may be the case that the child is no longer a client of child protection and may not have been a client for a very long time. As long as the child has been known to child protection, the case may be subject to review.

The proposed amendments to the Children, Youth and Families Act 2005 allows the appointment of an administrator just to that part of the community service that is providing child and family services, rather than the entire community service organisation. The bill also proposes an amendment to enable administrative staff in the child protection program to have access to a client's child protection file, for the purposes of undertaking administrative tasks. This makes permissible the disclosure of information to or by administrative staff in the administration or execution of the Children, Youth and Families Act or pursuant to a court order.

The bill also seeks to expand the number of members of the suitability panel established by the Children, Youth and Families Act to allow for more than five members to be appointed.

### Bills, Acts & Regulations

[Children Legislation Amendment Bill 2009](#)  
[Explanatory Memorandum](#) and [Statement of Compatibility](#) and Minister's [Second Reading](#)

Victorian Acts amended by the bill include:

[Children, Youth and Families Act 2005](#)  
[Child Wellbeing and Safety Act 2005](#)

Other related Victorian Acts:

## [Children's Services Act 1996](#)

Child protection legislation around Australia:

Commonwealth - [Family Law Act 1975](#)

New South Wales - [Children and Young Persons \(Care and Protection\) Act 1998](#)

Queensland - [Child Protection Act 1999](#)

Western Australia - [Children and Community Services Act 2004](#)

South Australia - [Family and Community Services Act 1972](#) and [Children's Protection Act 1993](#)

Tasmania - [Children, Young Persons and Their Families Act 1997](#)

Australian Capital Territory - [Children and Young People Act 1999](#)

## Background documents

The Office of the Child Safety Commissioner in its report '[Effective responses to chronic neglect](#)', found overwhelming evidence to indicate that chronic neglect has a range of harmful consequences for early childhood development and that its effects are both cumulative and permanent.

The Child Safety Commissioner's '[Charter for children in out-of-home care](#)' which acknowledges the rights of children in out-of-home care was launched by Community Services Minister Lisa Neville in November 2007.

The Department of Education and Early Childhood Development (DEECD) has Children's Services Guidelines to assist in the management and operation of [licensed children's services in Victoria](#).

The Department of Human Services, [Children Youth and Families](#) section monitors child abuse and oversees Victoria's [Child Protection Service](#).

['Strategies for improving outcomes for young children'](#) - A catalogue of evidence-based interventions (DHS 2006).

DHS has established 24 [Child FIRST](#) sites across the Victoria to ensure that vulnerable children, young people and their families are linked effectively into relevant services.

Victorian Family Support Innovation Projects: [Final Evaluation Overview Report](#) (June 2007)

['The State of Victoria's young children'](#), a report on how Victorian young people aged 12-24 are faring was produced in 2006 by the Statewide Outcomes for Children Division in the Department of Education and Early Childhood Development, together with the Office for Youth, in the Department of Planning and Community Development.

The [Victorian Child and Adolescent Monitoring System](#) (VCAMS) provides an overview of the way in which the service system, the community and the family all interact to determine the wellbeing of children, and provides a basis for government planning and intervention.

## Statistics

DHS keeps [Child Abuse Reporting Statistics](#) from 1992 onwards.

See the data [summary report](#) which summarises the key findings from 'The State of Victoria's young children' report.

See the 2006 [Victorian Child Health and Wellbeing Survey](#), published by the Statewide Outcomes for Children Branch, Office for Children, DHS.

See the 2009 AIHW report, '[Child protection Australia 2007-08](#)'

## Useful Websites

[Victorian Child Death Review Committee](#) (VCDRC) is an independent, multidisciplinary ministerial advisory body which reviews the deaths of children and young people who were clients of the Victorian Child Protection service at the time of their death or within three months of their death.

The [Office of the Child Safety Commissioner](#) (OCSC) provides a range of administrative support services to the VCDRC. The OCSC is responsible for conducting individual inquiries into the deaths of children known to Child Protection. The reports of these inquiries are the primary source material used by the VCDRC. For more OCSC reports check [here](#).

A permanent [Victorian Children's Council](#) (VCC) has been established to provide high level policy advice to the Premier and the Minister for Children. The government appointed [Sherryl Garbutt](#) as the new chair of VCC in September 2008.

DHS [Child Protection](#) service specifically seeks to assist children and young people at risk.

[Office for Youth](#), in the Department of Planning and Community Development.

## Advocacy Groups

[Reach Out!](#) is a web-based service that inspires young people to help themselves through tough times. The aim of the service is to improve young people's mental health and well being by providing support information and referrals in a format that appeals to young people.

Reach Out! is an initiative of the [Inspire Foundation](#). The mission of the Inspire Foundation is to create opportunities for young people aged 16-25 to change their world. By "their world", we mean whatever is real for them. This could be struggling with depression or suicidal thoughts, wanting to do something for their local community or simply experiencing new ways to learn and grow.

The [Australian Childhood Foundation](#) works to give children a happy and secure childhood - a childhood free from the devastation of abuse, family violence and neglect. See their '[Stop Child Abuse](#)' website and report, '[The Cost of Child Abuse in Australia](#)'.

The [Child Abuse Prevention Service](#) (CAPS) aims to alleviate child abuse in all its forms by providing support to parents, carers and families.

Australian Institute of Health and Welfare has produced a recent 2009 report titled, '[Child protection Australia 2007-08](#)'

## Other States and Territories Information

### South Australia

[Office of the Guardian for Children and Young People](#)

### New South Wales

[Commission for children and young people](#)

[Office of the Children's Guardian](#)

### Queensland

[Commission for Children and Young People and Child Guardian](#)

### Tasmania

[Commissioner for Children](#)

**ACT**  
[Disability & Community Services, and Children & Young People Commissioner](#)

**Media Coverage**

Government media releases on [child protection](#) and [child abuse](#)

Recent media releases from the Minister for Children and Early Childhood Development are [here](#).

Archived media releases are [here](#).

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**Reference Service**

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Last update May 27, 2009

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