



## **Communique – Meeting 31 May and 1 June 2012, Brisbane**

The Australian Children's Commissioners and Guardians' (ACCG) first meeting for 2012 was held in Brisbane on 31 May and 1 June.

The ACCG aims to promote children's rights and participation and ensure the best interests of children are considered in public policy and program development across Australia.

For a limited time, the Age Discrimination Commissioner attended on behalf of the Australian Human Rights Commissioner and the New Zealand Children's Commissioner linked in by teleconference. Both Commissioners have standing invitations to attend ACCG meetings.

### **National Children's Commissioner**

The ACCG welcomed the establishment of a National Children's Commissioner and noted that legislation to establish the position within the Australian Human Rights Commission has been introduced into Parliament.

The ACCG was pleased to note that the role outlined for the National Commissioner reflected what the ACCG has been seeking and agreed to make a joint submission commenting on aspects of the draft legislation.

### **National Framework for Protecting Australia's Children**

The ACCG was provided with an update on the development of the National Framework's Second Action Plan (2012-15) by FaHCSIA's representative.

The update included progress on the development of a national survey of children and young people with experience of out-of-home care. The ACCG agreed it was critical to hear from children and young people and highlighted the importance of monitoring and reporting on outcomes to validate what is being said.

The ACCG will seek opportunities to have regular input into the development of future Action Plans and how the research priorities are set under the National Framework. Research priorities identified by the ACCG included:

- outcomes for young people leaving care and the effectiveness of interventions and supports provided to assist them

- the effectiveness of interventions to improve educational outcomes for children in care, and
- the outcome and reach of integrated services for families, such as Child and Family Centres.

The ACCG agreed to write to the Chair of the Standing Council on Community, Housing and Disability Services (SCCHDS) requesting the opportunity to be consulted on the development of future Action Plans and suggesting that one objective in the next plan should be to get national consistency in services and supports for young people leaving care.

The ACCG also agreed to draw SCCHDS' attention to the ACCG's concerns regarding children on child protection orders who are placed, or self-place, in homeless shelters, noting that an action under the first Action Plan was to provide targeted support to assist children and families who are homeless including additional specialist support to children who are homeless including closer links between homelessness and child protection services.

### **CREATE's Leaving Care Campaign and Leaving Care Kits**

The Create Foundation briefed the ACCG on the leaving care campaign "What's the Plan" designed to raise awareness of the importance of developing a plan for transitioning to independence, and the development of Leaving Care Kits that aim to provide some uniformity across jurisdictions.

CREATE presented early findings regarding the impact of their leaving care campaign and sought ACCG's support to strengthen the impact of their work.

### **Transition to Independent Living Allowance**

The ACCG agreed to write to the Department of Education, Employment and Workplace Relations (DEEWR) requesting a copy of DEEWR's report into the Transition to Independent Living Allowance.

### **Aboriginal and Torres Strait Islander Children and Young People**

The ACCG heard from the CEO and other representatives of the National Aboriginal and Torres Strait Islander Legal Service (NATSILS) about the work NATSILS is doing in relation to the over-representation of Aboriginal and Torres Strait Islander children in the child protection and youth justice systems.

Areas of focus include how governments assess cultural competencies, the provision of community legal education to empower communities to understand the system, and feasible law reforms that could have a positive impact on the level of over-representation.

The ACCG and NATSILS agreed to further dialogue on these issues and the ACCG accepted an invitation to attend the NATSILS conference being held in Adelaide on 20-21 June 2012. The ACCG will be represented at the conference by South Australia's Children's Guardian.

### **Indonesian Children in Australian Adult Detention Centres**

The ACCG noted the Commonwealth Attorney-General's response to the ACCG's letter regarding Indonesian children detained in Australian adult detention centres and where a review of three cases by the Attorney-General has resulted in the children being sent home.

The ACCG also heard from the Age Discrimination Commissioner that the Australian Human Rights Commission will be presenting a report shortly on its review into the detention of Indonesian children and the mechanisms used for assessing their age.

### **6<sup>th</sup> World Congress on Family Law and Children's Rights**

The ACCG received an invitation from the Australian Human Rights Commission (AHRC) to nominate topics for a one day workshop on children's rights issues which the AHRC is hosting immediately prior to the *6th World Congress on Family Law and Children's Rights* being held in Sydney in March 2013.

The ACCG agreed the topics could include:

- the impact of family violence on children
- the level of support provided to children during and after parents separate
- the extent to which the voice of children is heard in court proceedings and dispute resolution processes
- the long term effects of children not being heard, for example, drifting into homelessness, and
- the interaction between family court and child protection systems.

### **Forum on Psychotropic Medication and Behaviour Management**

The ACCG discussed the importance of consistent clinical guidance on the prescription of psychotropic medication to vulnerable children and young people, particularly those in out of home care.

The ACCG agreed in principle to support an ACCG sponsored forum on psychotropic medication, including its use in the management of behaviour.

The one day forum would bring together interested parties with expertise, responsibilities and/ or influence in this area, with the aim of progressing consensus on clinical guidelines and promoting the need for more research. The forum is expected to be held in early 2013.

## **Interstate Child Protection Transfers**

The ACCG noted the feedback received from interstate liaison officers (ILOs) regarding the Protocol for Transfer of Care and Protection Orders and Proceedings for Interstate Assistance, how well ILOs consider the protocol is working, who they report to and who reviews their information and monitoring.

The ACCG agreed to write to the Community and Disability Services Ministers' Advisory Council welcoming the current review of the Protocol and expressing interest in the outcome.

## **17 year olds in Queensland Adult Prisons**

The ACCG noted the Queensland Attorney General's response to the ACCG's letter advocating for 17 year olds in Queensland to be dealt with under the provisions of the *Queensland Youth Justice Act 1992*.

The ACCG agreed that enabling the Queensland Commission's Community Visitor program to visit 17 years olds in adult prisons was an important first step, but expressed concern that the Queensland government has no plans to change current legislation. The ACCG will continue to advocate on this issue.

## **Homelessness and child protection**

The ACCG agreed to undertake an analysis of their jurisdiction's child placement practices to determine whether children and young people under 16 years are being placed by child protection services or are self-placing in specialist homelessness services, and the extent of formal arrangements between child protection services and homelessness services to address the particular issues in relation to this cohort.

The ACCG also agreed to write to the Australian Institute of Health and Welfare seeking provision of six monthly data about children and young people on statutory orders who are being accommodated under Specialist Homeless Services, disaggregated by jurisdiction and service type.

## **Next meeting**

The next meeting of the ACCG will be held in either October or November 2012 in Adelaide.

For further information on the ACCG and the work of Children's Commissioners and Guardians from across Australia, please contact the ACCG National Convenor, Elizabeth Fraser, on 07 3211 6992.