

Commissioner for Children
Tasmania

Annual **Report** 2004-2005

COMMISSIONER FOR CHILDREN
TASMANIA

David K. Fanning
Commissioner

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The Hon. David Llewellyn
Deputy Premier
Minister for Health and Human Services
Level 1, Public Building
Franklin Square
HOBART TAS 7000

November 2005

Dear Minister,

In accordance with the requirements of section 83 (1) of the *Children, Young Persons and their Families Act 1997*, I have the pleasure of presenting the Annual Report for the Commissioner for Children for the financial year ending 30 June 2005 for presentation to the Parliament of Tasmania.

Yours sincerely,

David K. Fanning
Commissioner for Children, Tasmania.

Artworks, Taroona High School Students

The artworks in the Annual Report are a selection from an exhibition comprising mainly of self portraits from students at Taroona High School. The exhibition was held in July and August of 2005.

The agreement of the students to allow their works to be produced is acknowledged and appreciated.



Kinara Johnson



Anne Thongprapan



Lily James



Jasper Macmillan Brown



Kreszent Mather-Prowse



Leif Bradshaw



Zhoie Brown



Rohan Mason



Gus Mackay



Tessa Bourke



Timothy Werner



Will Newham



Pearce Sutherland



Rohan Woodward

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From the Commissioner for Children - David Fanning

At its very essence, the role of the Children's Commissioner is to make a difference to the lives of children in Tasmania, especially those more vulnerable children. Most children have their parents to care for and protect them. Parents are best placed to care for their children and should be supported in this most important task – all too frequently underrated and not always recognised as fundamental to their long term well being. Nor is it always appreciated that the commitment of parents to their children makes a vital contribution to the community's future well being. Unfortunately, a small number of parents do not or cannot, for a multitude of reasons, adequately care for and protect their children. This may be episodic or long lasting. This is very often a difficult time for children and having the right laws, policies and mix of services to assist children and their families is an important, if not fundamental, role of Government.

However, it is not just those more vulnerable children to whom our energies have been directed in the past year. Many laws and policies of Government affect the lives of all Tasmania's children to a greater or lesser extent. These include laws and policies in the areas of education, sport and recreation, youth justice, mental health, public health, acute health, public transport and child protection, to name but a few areas of Government activity. One of the challenges of the role of Commissioner is to utilise the scarce resources available to the office to ensure that all Tasmanian children have the maximum benefit of a Commissioner for Children whose focus is their well being, rights and best interests. It was pleasing to receive, in the May 2005 Budget, funding for two additional permanent positions together with funding for two additional positions for a minimum of six months to assist in undertaking Recommendations numbers 8 and 9 as contained in the Tasmanian Ombudsman's Report *Listen to the Children: Review of Claims of Abuse from Adults in State Care as Children* (the "Ombudsman's Report"). These new positions will enable the activities and work of this office to be greatly enhanced.

One of the highlights of the year was the ongoing development of a Whole of Government approach to the early years of childhood and the announcement in the May 2005 Budget of the establishment of the Tasmanian Early Years Foundation. These are welcomed initiatives by the Tasmanian Government. Both of these initiatives are based on the now well recognised understanding of the profound importance of a child's early experiences. Most parents and

professionals who work with children have intuitively known for a very long time how important the early years of children's lives are for their long term development including their capacity to grow up to be fulfilled individuals, equipped to handle life's challenges as well as being eager and able to contribute to their community. Contemporary research has proven the benefits of investing in children from an early age. The benefits are economic as well as social but require a long term approach, not always consistent with short term budget cycles. Investment in the early years must be a long term strategy for the benefits of this investment to be realised.

Whilst investment in the early years will be of great benefit to Tasmania's children in the future, there is the need for services to be provided to children and families both currently and into the foreseeable future. Many families are under great stress and accordingly children suffer. Simple solutions such as the removal of all children whose parents are facing difficulties caring for their children are fortunately behind us but there is little doubt that Governments both in Tasmania and elsewhere have struggled to keep up with the demand for services to children and families. There are numerous examples of this in Tasmania but one example is the increased number (from 2003/04) of children who are awaiting assessment and investigation following a notification to the child protection service. Whilst it is readily acknowledged there has been a significant increase in the number of notifications (which in itself can be viewed both positively and negatively) in addition to a substantial increase in staffing numbers, the fact remains that children who are believed to be in need of care and protection are not afforded a timely investigation or assessment. Clearly the challenge for the Government in the forthcoming year will be to eradicate the unallocated cases from the child protection system whereby all children who require investigation and assessment will be afforded a timely response.

One of the more important policy initiatives taken during the course of the year was the production and distribution of a Consultation Paper titled *Screening of Individuals Who Work With Children in Tasmania*. This is discussed in more detail in the body of this report; however, it remains a major outstanding matter to be progressed during the forthcoming year.

For the first time in the short history of the operation of the Commissioner for Children, the Minister for Health and Human Services exercised his powers under section 79 the *Children, Young Persons and Their Families Act 1997* and made a number of specific requests for certain investigations and inquiries to be undertaken. These are welcomed.

The requests have included:

- Investigation into the Placement of a Child with Foster Parents who had been the subject of allegations arising from the Ombudsman's investigation leading up to the Ombudsman's Report.

- Investigation arising from Recommendation number 8 of the Ombudsman's Report.
- Investigation into the apparently high number of remandees in Ashley Youth Detention Centre.
- Investigation into delays in the Children's Court in relation to care and protection matters.

These investigations are discussed in more detail in the body of the report. However, in summary, the first of these reports has been completed and provided to the Minister. The second report has been problematic as it has proved difficult making contact and obtaining the permission of the 12 claimants who alleged being abused in care during the 1990's to the Ombudsman's Review Team. The number of claimants was subsequently increased to 15 claimants upon further review by the Ombudsman. Quite properly, in the absence of permission being obtained by the Ombudsman from the claimants, their files could not be released by the Ombudsman or by the Department of Health and Human Services Review Team. It is hoped that at least half of the 15 claimants will provide their permission but if not then a decision will be made to undertake the investigation even with a limited number of claimants' files.

Following the collection of data from Ashley Youth Detention Centre, the Australian Institute of Criminology in Canberra (the "AIC") has been engaged to analyse the data from the Ashley Youth Detention Centre and provide a report. The AIC expects to provide their analysis during the later part of 2005 and this will provide the basis of the report to the Minister in relation to the third request.

As regards the request by the Minister to investigate delays in the Children's Court in relation to care and protection matters, the absence of adequate human resources has not permitted this investigation to progress beyond preliminary planning.

As required under the *Children, Young Persons and Their Families Act 1997* section 79(3), these investigations are undertaken "... independently, impartially and in the public interest".

Furthermore, I have initiated or been actively involved in a number of initiatives that will be of benefit to the children and young people of Tasmania. These have been diverse and include: chairperson of the Child Home Injury Prevention Coalition (CHIP); co-facilitator of the Joint Investigation of Serious Child Physical and Serious Child Sexual Abuse (a collaboration between the Police, Division of Children and Families in the Department of Health and Human Services and senior paediatricians); the development of guidelines

for the investigation of complaints against foster carers; the use of mediation and conciliation in circumstances where a child of school age does not attend school and prosecution of the child's parent or parents is being seriously considered by the Secretary of Education; and the representation of the Division of Children and Families (Department of Health and Human Services) in proceedings in either the Federal Magistrates Court or the Family Court of Australia.

A number of submissions have been made on legislation which were proposed to be presented to Parliament which related to children. It is an important function of the Commissioner for Children to have an adequate opportunity to comment upon legislation that affects children. It had not generally been the practice of Government Departments to provide proposed legislation to the Commissioner for Children before the Bill had been presented to Parliament. I am pleased to report that it now appears to be the practice that all proposed legislation which affects children is forwarded to this office for comment. This practice is welcomed. A list of the legislation and a brief description of the submissions are contained in the body of this report.

There have been many requests and invitations as guest speaker for a number of Conferences and Forums. I have travelled extensively around the state of Tasmania raising public awareness of children's issues especially their right to grow up in a safe and stable environment and to have access to services and facilities that every child needs. I have also had the opportunity to travel interstate, on occasions, attending conferences, forums and meeting with Government and non-Government organisations. These meetings and attendances at Forums have been very productive in sharing information. They have also provided an opportunity to highlight the importance of early intervention and the need for adequate Government support for family support services more than at any other time in recent decades. It is an irony but despite the overall increase in the standard of living of the 'average' Australian and Tasmanian, children and families face ever increasing challenges especially if the family is confronted with additional difficulties such as unemployment, mental or physical illness, inadequate housing, disability or social isolation. Aboriginality and being a recent arrival to this country can pose different challenges. A combination of these factors can be particularly problematic for children.

I would like to acknowledge members of the community, parents, foster parents, teachers, Tasmania Police, children's services workers, youth justice workers, legal practitioners, medical practitioners and other professionals who all share the privilege and responsibility of working with or caring for children. I have appreciated the assistance of Mr John Ramsay, Secretary of the Department of Health and Human Services together with his staff in facilitating the operation of this office. I appreciate and acknowledge the co-operation afforded to me by the Division of Children and Families.

I sincerely thank the members of the Children and Young Persons Consultative Council who have been invaluable and have shared their views and opinions and have contributed to the work of the Commissioner for Children. Their fresh ideas and perspective are always salutary and enlightening. Also, I thank the Advisory Council members who freely give up their valuable time to share their expertise and wisdom with me in striving for better outcomes for the children and young people in Tasmania.

Finally, I would like to thank my two dedicated staff Rhonda Anthony and Jennifer Muirhead for their commitment, enthusiasm and good humour.

A handwritten signature in dark ink, appearing to read 'D. K. Fanning', with a stylized flourish at the end.

David K. Fanning

Commissioner for Children, Tasmania



A Snapshot of Children and Young People in Tasmania

- As of 31 March 2005, the total population for Tasmania was 484,700.¹
- As of 30 June 2004, there were an estimated 97,102 children aged 0 -14 years (or 20%) of the population.²
- As of 30 June 2004, there were 105.7 males for every 100 females in the 0-14 year age group.³
- As of 12 July 2004, of those Tasmanian children aged 12 – 15 months, 93% were fully immunised, compared to 91.2% nationally.⁴
- As of 12 July 2004, of children aged 24-27 months, 92.9% of Tasmanian children were fully immunised compared to 91.7% nationally.⁵ However in the 72-75 months age range, 83.4% of Tasmanian children were fully immunised compared to 83.6% nationally.⁶
- As of 30 June 2004 there were 214 Government schools and 66 non-Government schools in Tasmania.⁷

Care and Protection for 2004-2005

- In 2004 - 2005, the proportion of child protection notifications referred for investigation came to 17% compared to 16.6% in 2003-2004⁸.
- In 2004-2005, the proportion of finalised child protection investigations that were substantiated came to 58.7% compared to 45.7% in 2003-2004.⁹
- In 2004-2005 6.1 per 1,000 population under the age of 18 years were on care and protection orders, compared to 5.4 per 1,000 population under 18 years in 2003-2004.¹⁰

¹ www.abs.gov.au Australian Bureau of Statistics, Australian Demographic Statistics, Cat No. 3101.0

² www.abs.gov.au Australian Bureau of Statistics, Population by Age and Sex Tasmania, June 2004, Catalogue 3235.6.55.001. Note: No specific data was readily available on the number of children aged 15-17 years in Catalogue 3235.6.55.001.

³ www.abs.gov.au Australian Bureau of Statistics, Population by Age and Sex Tasmania, June 2004, Catalogue 3235.6.55.001. Note: No specific data was readily available on the number of children aged 15-17 years in Catalogue 3235.6.55.001.

⁴ www.abs.gov.au Australian Bureau of Statistics, Australian Social Trends, Health, 12 July 2005.

⁵ www.abs.gov.au Australian Bureau of Statistics, Australian Social Trends, Health, 12 July 2005.

⁶ www.abs.gov.au Australian Bureau of Statistics, Australian Social Trends, Health, 12 July 2005.

⁷ www.abs.gov.au Australian Bureau of Statistics, 2005 Tasmania at a Glance, ABS catalogue No. 1305.6

⁸ DHHS Annual Report 2004-2005, p53

⁹ DHHS Annual Report 2004-2005, p53

¹⁰ DHHS Annual Report 2004-2005, p54

- In 2004-2005 there were 591 children placed in out of home care compared to 495 in 2003-2004.¹¹
- In 2004-2005 the monthly average number of residents at Ashley was 33.5 compared to 28.3 in 2003-2004.¹²

Educational benchmarks

- In 2004-2005 the average daily absentee rate was 7.41% compared to 7.40% in 2003-2004.¹³
- In 2004-2005 the proportion of students suspended was 4.22% compared to 4.11% in 2003-2004.¹⁴
- In 2004-2005 76% of councils had youth advisory committees¹⁵ compared to 83% in 2003-2004¹⁶.

¹¹ DHHS Annual Report 2004-2005, p54

¹² DHHS Annual Report 2004-2005, p54

¹³ Department of Education Annual Report 2004-2005
www3.education.tas.gov.au/annualreport

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Ibid



Our Mission

To promote the best interests of children and young people as the paramount consideration in any decisions made affecting the health, welfare, care, protection, development and education of the children in Tasmania.

Our Vision

To treat all children and young people equally and with respect. We value their differences and diversity, as well as encouraging an increase in children's participation in decisions made by adults that affect them.

What Does the Commissioner for Children do?

The Commissioner for Children is an independent, statutory office responsible to the Parliament of Tasmania. The Commissioner's functions include promoting the rights and well-being of children along with examining the policies, practices and services provided for children and any laws affecting their health, welfare, care, protection and development.

The Commissioner for Children does not have the power to investigate individual complaints, other than when specifically requested to do so by the Minister for Health and Human Services.

The legislative framework, including the functions and powers of the Commissioner for Children, is contained in Part 9, Division 1 of the *Children, Young Persons and Their Families Act 1997*.



Enquiries from Government Agencies, Non-Government Organisations and the Public

In the past financial year, the Commissioner for Children's office received approximately 197 enquiries from individuals, organisations and Government agencies. These are telephone, email and written enquiries where a person has sought further information on issues associated with children and youth, or wished to lodge a complaint about a service or agency.

Whilst not having the power to investigate complaints, individuals are advised to contact relevant Government agencies or non-Government organisations. Depending upon the nature of the case, this could include the Ombudsman, the Legal Aid Commission of Tasmania, the Department of Health and Human Services, the Anti-Discrimination Commissioner, the Department of Education or a legal practitioner.

Requests from the Minister of Health and Human Services

As stated above, the Minister has requested the examination of a number of matters under section 79 of the *Children, Young Persons and Their Families Act 1997*.

Firstly, the Minister requested an investigation into the Department of Health and Human Services' decision to place a child with carers who had been the subject of allegations arising from the Ombudsman's investigation leading up to the Ombudsman's Report. This investigation has been completed and provided to the Minister. The investigation focussed upon the practices used by the Department when deciding to place the child with the carers. The report made a number of findings and recommendations regarding ongoing contact between the carers and the child.

Secondly, the Minister requested an investigation arising from Recommendation number 8 of the Ombudsman's Report *Review of Claims of Abuse from Adults in State Care as Children*. The Ombudsman's Report was the outcome of the Ombudsman's independent review of claims of abuse from adults who were in state care as children. The report was released in

November 2004 and in it, the Ombudsman made recommendations in relation to the issues that emerged during the review process. Recommendation number 8 of the Ombudsman's Report recommended that, inter alia, the Commissioner for Children be asked by the Minister for Health and Human Services to investigate the 12 recent cases of alleged abuse received by the Ombudsman to determine what action was taken by the Department of Health and Human Services at the time of the alleged abuse and whether this action was appropriate. As stated above, this number has subsequently increased to 15 claimants. The extent to which these cases can be reviewed is wholly dependant upon the willingness of the complainants concerned to provide their consent for the relevant material to be released from the Department of Health and Human Services and the Ombudsman to the Commissioner for Children. Less than half of the 15 claimants have provided their consent. Nevertheless, the investigation will be undertaken into at least those claimants and the result of this investigation will take place before the end of 2005.

Thirdly, the Minister requested that an investigation be undertaken into the high number of young people on remand at Ashley, including an analysis of the reasons and contributing factors and the recommendation of possible strategies to address the issue. As stated above, data has been collected regarding those young people remanded for the 2004-05 financial year and the AIC has been engaged to analyse this data. Consultations have also been held with various stakeholders involved in the youth justice system. Once finalised, the AIC report will inform the report to the Minister in relation to this request.

Finally, the Minister requested a review of the impact of the court process in the Magistrate's Court (Children's Division) on the timely case planning for children in the child protection system. As stated above, preliminary planning for this review has been undertaken, however there have not been adequate human resources to progress the review further.



Initiatives Undertaken by the Commissioner for Children to Promote the Safety, Care and Protection of Children

Joint Investigation of Serious Child Physical and Serious Child Sexual Abuse

In August 2004, I wrote to the Director of Public Prosecutions, the Deputy Commissioner of Police, the Director of the Division of Children and Families and the Director of Women's and Children's Medical Services at the Royal Hobart Hospital, along with Associate Professor Ken Armstrong from the Department of Rural Medicine at the University of Tasmania, seeking their involvement in developing a pilot project for the improved investigation of cases where there are allegations of children being either sexually abused or seriously physically abused. In the letter, the following reasons were advanced for a joint investigations approach to be adopted, particularly between Tasmania Police and the Division of Children and Families:

- Minimising the trauma to children by ensuring the smooth handling of the assessment and investigation by experienced and well trained professionals.
- Minimising the trauma to children as well as significantly decreasing the likelihood of the contamination of evidence which commonly results from multiple interviews especially if the interviewers lack confidence and expertise in conducting interviews.
- Decreasing the likelihood of 'errors' being made when interviewing children.
- Increasing the likelihood of obtaining the best possible assessment and investigation upon which timely well informed decisions can be made in relation to the child.
- Increasing the likelihood of successful outcomes for court proceedings in relation to the children as well as decreasing the likelihood of matters being contested in court proceedings.
- Improved public confidence in 'the system' protecting and appropriately responding to allegations of serious physical abuse and sexual abuse.

The response to my letter was very positive. However, progress on the development and implementation of the project has been problematic but it is expected it will be implemented in the forthcoming year.

Mediation processes in the Department of Education

In October 2004, I wrote to Dr Martyn Forrest (the then Secretary of the Department of Education) following the attempted prosecution of parents for failing to ensure that their children attended school. The letter suggested that consideration be given to amending the *Education Act 1994* to include a process of mediation prior to a decision being made to instigate legal proceedings in such circumstances. The response received from Dr Forrest was positive and it is expected that this matter will be explored and relevant amendments proposed during the course of the forthcoming year to give effect to a mediation process.

Screening

In January 2005, a Consultation Paper titled *Screening of Individuals Who Work With Children in Tasmania* was released for public comment. "Screening" refers to the process of inspecting a person's criminal history, employment history and other relevant background information to determine their suitability to work with children. There is currently no legislation to require all employees, volunteers and self-employed persons working with children across the Government and non-Government sectors to be screened in Tasmania.

The Consultation Paper suggested a number of proposals for a new system of mandatory screening in Tasmania. The closing date for comment was extended at the request of a number of organisations and submissions were received up to late March 2005. The Consultation Paper is available at www.childcomm.tas.gov.au. It was pleasing to see that submissions were received from a range of organisations and some individuals and provided thoughtful and constructive responses. The submissions demonstrated strong, widespread support for a new model of screening in Tasmania. Since April 2005 there have been a number of discussions with Government to develop the proposals put forward in the Consultation paper. By the end of 2005, it is hoped that the Government will be in a position to make an announcement regarding the proposals. Every State and Territory in Australia now has legislation which ensures the screening of persons who work with children or is in the process of developing such legislation.

Tasmanian Early Years Foundation

In May 2005, the Minister for Education announced allocation of funding in the 2005-06 State Budget for the establishment of the Tasmanian Early Years Foundation ("the Foundation").

The Foundation will provide individuals and organisations with grants to support early learning and development for children from birth to five years.

Grants will be provided to organisations such as schools, child-care services, neighbourhood houses and medical research centres. It is envisaged that the grants will also promote research and raise public awareness of the importance of early years in the emotional and social development of children.

A Project Officer is to be appointed to undertake the necessary work for the establishment of the Foundation. This position will be funded by the Department of Education and located within the Commissioner for Children's office. The location of the Foundation was agreed upon to help ensure its independence.



Guidelines and Papers Provided to the Commissioner for Children for Advice and Comment

- *Memorandum of Understanding between the Department of Justice and Industrial Relations (Prison Service) and the Department of Health and Human Services (Youth Justice Services)*
- Care and protection guidelines for children in the Division of Children and Families, Department of Health and Human Services (regarding complaints against Foster Carers)
- Hobart Community Legal Centre, *Tasmanian Law Handbook*
- *Play By The Rules* child protection content for inclusion on its website and evaluation of website
- Child Protection Policy, St John Ambulance Australia (Tas) Inc.
- Draft *Disability Framework for Action - A Whole of Government Framework for Tasmanians with Disabilities 2005-2008*
- Human Rights and Equal Opportunity Commission Discussion Paper *Discrimination in Employment on the Basis of Criminal Record*
- Victorian Department of Justice Discussion Paper *Working With Children Check Bill 2005*
- Ministerial Council on Education, Employment, Training and Youth Affairs Consultation Paper *Conduct of Criminal Record Checks on Persons Seeking to Work with Children in Educational Settings*



Commissioner for Children's Committee Membership and Involvement

- Whole-of-Government Early Years Policy Framework
- Early Years Steering Committee (establishment of the Tasmanian Early Years Foundation)
- Community Services Ministers' Advisory Council Child Safe Organisations Working Group (Member)
- Sub Committee of Paediatric Mortality and Morbidity (Member)
- Council of Obstetric and Paediatric Mortality and Morbidity (Observer)
- Child Home Injury Prevention Coalition (Chairperson)
- Joint Investigations of serious child physical abuse and serious child sexual abuse (Chair/facilitator)
- Australian Institute of Administrative Law (Tasmanian Chapter) (Chairperson of Tasmanian AIAL)
- Asia Pacific Association of Children's Commissioners



Comment from the Commissioner for Children on Draft Legislation

Family Violence Bill 2004

Primarily, comment was provided on the need for the Bill to extend the definition of “family violence” to include violence and abuse against children. Additional matters of concern were the need to deal with applications to vary or set aside a Family Violence Order (FVO) expeditiously, the inclusion of FVO conditions to protect children, the standard of proof for FVO applications and the transfer of matters to the Magistrates Court (Youth Justice Division) and the Magistrates Court (Children’s Division).

Justice and Related Legislation (Miscellaneous Amendments) Bill 2004

Comment was provided in support of the extension of the definition of “affected child” under the *Evidence (Children and Special Witnesses) Act 2001* (“the Act”) to include children who are victims of the crimes of indecency and ill-treatment under the *Criminal Code*.

Limitation Amendment Draft Bill 2004

Comments addressed the proposed extension of time for bringing an action by a minor in special circumstances. More specifically, where the parent or guardian of the child was in a “close relationship” with the intended defendant and influenced not to bring an action on behalf of the child.

Sex Industry Regulation Bill 2005

Two issues were identified for comment. Firstly, the need to ensure young people under 18 years of age are not able to be used in advertising of a sexual services business and secondly, the need to ensure local government planning processes preclude the location of such businesses being sited proximate to venues that cater primarily for children.

Criminal Code Amendment (Child Exploitation) Bill 2005

Generally, comments were provided in support of the changes to child pornography laws contained in the above Bill. Matters of concern included the defences provided for certain offences, such as mistaken belief as to age, a defence of “artistic merit” and a defence where a person took reasonable steps to dispose of child exploitation material once a person became aware of its nature. The need for consistency in prosecution and sentencing was also raised.



United Nations Convention on the Rights of the Child - Consultation

During 2004-05, consultations were undertaken jointly with the Youth Network of Tasmania (YNOT) to gauge Tasmania's compliance with the United Nations Convention on the Rights of the Child (UNCROC). The consultations were undertaken in response to the Consultation Paper released by the National Children's and Youth Law Centre and Defence for Children International titled *What's Up CROC? Australia's Implementation of the Convention on the Rights of the Child (CROC)*. This paper invited non-Government organisations to contribute to a report on Australia's implementation of CROC to be submitted to the United Nations Committee on the Rights of the Child.

Four consultations were held, two with young people (including the Children and Young Persons Consultative Council) and two with individuals who provide services to young people. The two consultations with service providers were facilitated by the Commissioner for Children in the North and South of the State.

As a result of these consultations, a report was prepared by YNOT and the Commissioner for Children on the implementation of CROC in Tasmania. This report was then submitted to inform the non-Government report to the United Nations Committee on the Rights of the Child. The final report of the Tasmanian consultations is available at www.childcomm.tas.gov.au/papers/index.html and the national non-Government response is available at www.ncylc.org.au.

Community Partners

During 2004-05, the office has continued to build upon its efforts to establish strong working relationships with a number of community organisations. A list of these community partners and information on their services is available at www.childcomm.tas.gov.au/communitypartners/index.html.

Children and Young Persons Consultative Council

The Children and Young Persons Consultative Council have shared their views and opinions on a variety of topics over the last year and I thank them for participating so enthusiastically in the work of the Commissioner for Children's office.

Children and Young Persons Consultative Council Members 2004-05



Present: (left to right, front to back)

David Fanning (Commissioner for Children), Stephanie Burris, Sabrina Steiert, Hayley Bester, Brittany Jacka, Keiran O'Cathmhogha-Yarrow, Scott Prewer, Nathan Cosgrove, Robert Meaney, Victoria Kashchuk, Anthea Bennett, Timothy Lovell, Jess Headlam.

Absent: Christopher Millington, Amy Young, Jacomb Bell, Kieren Slicer, Priya Kitchener,

The Council have met on 3 occasions to discuss the following issues:

Wednesday 15 September, 2004 (Hobart)

Future directions of the role of the commissioner for Children;
Future directions for the Consultative Council; Issues Paper on
Screening; Convention on the Rights of the Child Survey.

Monday 20 December, 2004 (Hobart)

Advertisement for young people to join the Consultative
Council; Work Program for Council in 2005.

Saturday 23 April, 2005 (Launceston)

Tasmanian Together Goals for children and young people



Children and Young Persons Advisory Council

The work undertaken by the Commissioner for Children's office has again been greatly assisted by the knowledge and commitment of the Advisory Council. I would like to thank the Council for their constructive consideration of a wide range of issues during 2004-05.

During 2004-05, the Advisory Council consisted of the following members:

Ken Abery	Ronda McIntyre
Ros Atkinson	Dr Arlette Mercae
Sheila Banks	Julian Punch
Rick Baxter	Karen Ritchie
Dr Graham Bury	Professor Margaret Reynolds
Cheryl Davis	Vicki Russell
Kerry Degrassi	Kim Strachan
Laraine Donnelly	Ian Stokes
Jennifer Dunbabin	Yabbo Thompson
Catherine Edwards	Professor Rob White
Melody Finnerty	Dave Willans
Bernard Knight	Leah Willis
Tonia Kohl	Bernadette Zeeman

We regret the death of Advisory Council member Russell Hart, a committed and generous person whose contribution to the children of Tasmania will not be forgotten.

The Advisory Council met on 3 occasions in Campbelltown during 2004-05. Prior to the first meeting in August 2004, a number of meetings were held with individual Council members. The following topics were considered by the Advisory Council:

Friday 20 August, 2004

- a.* Perspectives on the role of the Commissioner for Children and strategic directions.
- b.* Issues Paper – Remanding Children and Young Persons in Detention.
- c.* Issues Paper – Screening of Individuals Working with Children in Tasmania.
- d.* Future role of the Advisory Council.
- e.* Future role of the Commissioner for Children's Consultative Council.

Friday 26 November, 2004

- a.* Screening of people working with Children update.
- b.* Abuse of Children in State Care, Report by Ombudsman Jan O'Grady.
- c.* Annual Report, year ending June 30, 2004.
- d.* Plans for 2005.

Thursday 24 March, 2005

- a.* Daily Roll Statistics from Ashley Youth Detention Centre.
- b.* Complaints mechanism for the Division of Children and Families.
- c.* Current activities of the Commissioner for Children's office.
- d.* Screening of people working with children.
- e.* Tasmania Together goals relating to children and young people.



FINANCIAL STATEMENT

2004/05Financial Statement

Commissioner for Children

\$'000 \$'000 \$'000

Budget appropriated by Parliament 2004-05 253

EXPENDITURE (Direct Costs)

Salaries and Related Expenditure

Salaries and Wages	175	
Other Employee Related Expenses	29	204

Operating Expenditure

Communications	8		
Travel and Transport	16		
Advertising and Promotion	2		
Consultancies	7		
Information Technology	4		
Other Administrative Expenses	15	52	256

OPERATING DEFICIT	(3)
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Notes

1. All amounts are rounded to the nearest \$1,000
2. The Financial Statement has been prepared on a cash basis.

Prepared By: Nick Schilling, Business Analyst
Approved By: Michael McIntyre, A/Chief Finance Officer
Dated: 26th August 2005



APPENDIX 1

SPEECHES, CONFERENCES AND MEETINGS

SPEECHES

THE NET PLAGUE, ANTI-DISCRIMINATION SEMINAR

Date & Location: Thursday 1 July, 2004 (Hobart)

FACS (DEPARTMENT OF FAMILY AND COMMUNITY SERVICES) GRANDPARENTS RAISING GRANDCHILDREN

Date & Location: Thursday 8 July, 2004 (Hobart)

BUSINESS BREAKFAST: GOOD BEGINNINGS

Date & Location: Thursday 22 July, 2004 (Devonport)

NYCC (NORTHERN YOUTH COORDINATING COMMITTEE)

Date & Location: Thursday 22 July, 2004 (Launceston)

TASCARE SOCIETY FOR CHILDREN ANNUAL GENERAL MEETING

Date & Location: Wednesday 4 August, 2004 (Derwent Park)

INTERNATIONAL YOUTH DAY CELEBRATIONS

Date & location: Thursday 12 August, 2004 (Hobart).

SOCIAL WORKERS ANNUAL GENERAL MEETING

Date & Location: Saturday 21 August, 2004 (Campbelltown)

STATEWIDE SOCIAL WORKERS MEETING (member of expert panel)

Date & Location: Friday 3 September, 2004 (Launceston)

NAPCAN (NATIONAL ASSOCIATION FOR THE PREVENTION OF ABUSE AND NEGLECT OF CHILDREN)

Date & Location: Wednesday 8 September, 2004 (Glenorchy)

NATIONAL COUNCIL OF WOMEN

Date & Location: Tuesday 14 September, 2004 (Hobart)

MCoT (MULTICULTURAL COUNCIL OF TASMANIA) ANNUAL GENERAL MEETING

Date & Location: Wednesday 15 September, 2004 (Hobart)

YANG (YOUTH ACTION NETWORK GLENORCHY)

Date & Location: Thursday 16 September, 2004 (Glenorchy)

FAMILY SUPPORT SERVICES ASSOCIATION ANNUAL GENERAL
CONFERENCE

Date & Location: Wednesday 13 October, 2004 (Launceston)

SENIOR SOCIAL WORKERS MEETING

Date & Location: Friday 15 October, 2004 (Launceston)

YNOT (YOUTH NETWORK ORGANISATION TASMANIA)

Date & Location: Wednesday 27 October, 2004 (Launceston)

MIGRANT RESOURCE CENTRE ANNUAL GENERAL MEETING

Date & Location: Thursday 28 October, 2004 (Hobart)

TASCARE SOCIETY FOR CHILDREN

Date & Location: Wednesday 10 November, 2004 (Hobart)

CHILDREN AND FAMILIES FORUM

Date & Location: Monday 15 November, 2004 (Bellerive)

LADY GOWRIE ANNUAL GENERAL MEETING

Date & Location: Thursday 25 November, 2004 (Hobart)

YIG (YOUTH INTERAGENCY NETWORK)

Date & Location: Tuesday 30 November, 2004 (Hobart)

NAPCAN (NATIONAL ASSOCIATION FOR THE PREVENTION OF ABUSE
AND NEGLECT OF CHILDREN)

Date & Location: Thursday 2 December, 2004 (Hobart)

AUSTRALIAN CONFEDERATION OF PAEDIATRIC AND CHILD HEALTH
NURSES

Date & Location: Saturday 19 February, 2005 (New Town)

MT STUART PROGRESS ASSOCIATION

Date & Location: Thursday 17 March 2005 (Mt. Stuart)

AUSTRALIAN EDUCATION UNION

Date & Location: Monday 18 April, 2005 (Hobart)

CIRCULAR HEAD ABORIGINAL CORPORATION

Date & Location: Thursday 21 April, 2005 (Smithton)

EARLY CHILDHOOD AUSTRALIA – TASMANIA BRANCH INC (ECA-TAS
BRANCH INC)

Date & Location: Tuesday 31 May, 2005 (Launceston)

ADOLESCENTS AND MENTAL HEALTH: MICHAEL CARR GREGG

Date & Location: Monday 20 June, 2005 (Burnie)

CHILDREN AND YOUTH SECTOR MEETINGS

The Commissioner for Children and staff attended meetings of the following children and youth sector groups in Tasmania:

- YAP (Youth Action Priorities)
- GAIN (Glenorchy Action Interagency Network)
- SOUTHERN FOSTER CARERS ASSOCIATION
- YANG (Youth Action Network Glenorchy)
- YIG (Youth Interagency Network)
- POVERTY COALITION
- CLARENCE PLAINS SERVICES NETWORK
- NYCC (Northern Youth Coordinating Committee)
- TOTTENHAM EARLY YEARS PROJECT REFERENCE GROUP

OTHER PRINCIPAL MEETINGS

PAEDIATRIC MORTALITY AND MORBIDITY SUBCOMMITTEE

Date & Location: Thursday 20 January, 2005 (Hobart)

SOCIAL POLICY MEETING (TASCOSS)

Date & Location: Monday 7 February, 2005 (Hobart)

COUNCIL OF OBSTETRIC AND PAEDIATRIC MORTALITY AND
MORBIDITY

Date & Location: Thursday 24 February, 2005 (Hobart)

DEPARTMENT OF FAMILY AND COMMUNITY SERVICES (FACS),
COMMUNITIES FOR CHILDREN

Date & Location: Wednesday 2 March, 2005 (Hobart)

OFFICE OF YOUTH AFFAIRS STAKEHOLDER MEETING

Date & Location: Thursday 2 June 2005 (Hobart)

AUSTRALIAN INSTITUTE OF ADMINISTRATIVE LAW, (TASMANIAN CHAPTER)

Date & Location: Wednesday 16 March, 2005 (Hobart)

NATIONAL COUNCIL OF WOMEN ANNUAL GENERAL MEETING (R. ANTHONY)

Date & Location: Wednesday 20 April, 2005 (Hobart)

COUNCIL OF OBSTETRIC AND PAEDIATRIC MORTALITY AND MORBIDITY

Date & Location: Thursday 26 May, 2005 (Hobart)

VICTORIAN PARENTING CENTRE

Date & Location: Monday 30 May, 2005 (Melbourne)

ADVISORY COUNCIL SUB COMMITTEE – REMANDING OF YOUTH

Date & Location: Friday 3 June, 2005 (Hobart)

PAEDIATRIC MORTALITY AND MORBIDITY SUBCOMMITTEE

Date & Location: Thursday 9 June, 2005 (Hobart)

SCOUT ASSOCIATION ANNUAL GENERAL MEETING

Date & Location: Friday 17 June, 2005 (Hobart)

FAMILY SUPPORT SERVICE REVIEW EXPERT REFERENCE GROUP

Date & Location: Tuesday 21 June 2005 (Hobart)

CHILD PROTECTION ADVICE AND REFERRAL SERVICE (VISITS TO SERVICE CENTRES)

Date & Location: Wednesday 29 June, 2005 (Hobart).

ASHLEY MEETINGS

ASHLEY MEETING

Date & Location: Thursday 19 August, 2004 (Ashley Youth Detention Centre, Deloraine)

ASHLEY MEETING AND PRESENTATIONS

Date & Location: Thursday 14 October, 2004 (Ashley Youth Detention Centre, Deloraine)

ASHLEY MEETING AND MURAL MOUNTING

Date & Location: Wednesday 1 December, 2004 (Ashley Youth Detention Centre, Deloraine)

ASHLEY MEETING

Date & Location: Wednesday 23 March, 2005 (Ashley Youth Detention Centre, Deloraine)

CONFERENCES, FORUMS AND WORKSHOPS ATTENDED

NEW PERSPECTIVES ON ADMINISTRATIVE LAW

Date & Location: Friday 2 July, 2004 (Hobart)

CLEARINGHOUSE ROUNDTABLE (AUSTRALIAN RESEARCH ALLIANCE FOR CHILDREN AND YOUTH)

Date & Location: Tuesday 17 August, 2004 (Sydney)

CHILD WISE WORKSHOP – CHOOSE WITH CARE (J.MUIRHEAD)

Date & Location: Friday 3 September, 2004 (Hobart)

FORUM FOR ORGANISATIONS INVOLVING VOLUNTEERS (J.MUIRHEAD)

Date & Location: Thursday 16 September, 2004 (Hobart)

IPSCAN 15TH INTERNATIONAL CONGRESS OF CHILD ABUSE AND NEGLECT

Date & Location: 19-22 September, 2004 (Brisbane)

COOPERATION OUT OF CONFLICT CONFERENCE, ANTI DISCRIMINATION COMMISSION (R.ANTHONY)

Date & Location: Tuesday 22 September, 2004 (Hobart)

ASIA PACIFIC COMMISSIONER FOR CHILDREN CONFERENCE

Date & Location: Thursday 23 September, 2004 (QLD)

UNITED NATIONS HUMAN RIGHTS CONFERENCE

Date & Location: 22-23 October, 2004 (Hobart)

WORKSHOP ON PERMANENCY PLANNING

Date & Location: Wednesday 24 November, 2004 (Launceston)

FAMILY LAW TRAINING FOR STAFF IN THE DIVISION OF CHILDREN AND FAMILIES – CONDUCTED BY D.FANNING

Date & Location: Tuesday 5 October, 2004 (Launceston)

EARLY YEARS FRAMEWORK ROUNDTABLE

Date & Location: Wednesday 2 February 2005 (NSW)

YOUTH ROUNDTABLE CLEARINGHOUSE

Date & Location: Thursday 10 March 2005 (Hobart)

ASIA PACIFIC ASSOCIATION OF CHILDREN'S COMMISSIONERS

Date & Location: 28-29 April, 2005 (NSW)

REVIEW OF THE FAMILY SUPPORT SERVICE SYSTEM IN TASMANIA

Date & Location: Wednesday 25 May, 2005 (Hobart)

TOWARDS HEALING AFTER SEXUAL VIOLENCE

Date & Location: Friday 27 May, 2005 (Devonport)

NATIONAL AGENDA FOR EARLY CHILDHOOD: ACHIEVING SYNERGY
AND HEADLINE INDICATORS CONFERENCE

Date & Location: 23-24 June, 2005 (Canberra)

AUSTRALIAN INSTITUTE OF ADMINISTRATIVE LAW FORUM

Date & Location: Thursday 30 June, 2005 (Canberra)

LAUNCHES ATTENDED

ANTI BULLYING SUMMIT & COMMUNITY BBQ

Date & Location: Wednesday 18 August, 2004 (Scottsdale)

PARENTS AND TEENAGERS BOOKLET, COLONY 47 LAUNCH
(J. MUIRHEAD)

Date & Location: Thursday 19 August, 2004 (Glenorchy)

SAFE AT HOME LAUNCH (D.FANNING & R.ANTHONY)

Date & Location: Monday 30 August, 2004 (Hobart)

CHILDREN'S WEEK AWARDS

Date & Location: Wednesday 27 October, 2004 (Launceston)

BRIGHT START LAUNCH BY THE PREMIER

Date & Location: Tuesday 16 November, 2004 (Hobart)

CENTACARE OFFICIAL BLESSING, ARCHBISHOP A. DOYLE AND
MINISTER LLEWELLYN

Date & Location: Friday 19 November, 2004 (New Town)

CHANCE ON MAIN LAUNCH

Date & Location: Monday 20 December, 2004 (Moonah)

MAKING CHOICES: YOUNG PEOPLE AND PREGNANCY FORUM
(R.ANTHONY)

Date & Location: Wednesday 23 February, 2005 (North Hobart)

COMMUNITY SAFETY STRATEGY

Date & Location: Tuesday 1 March, 2005 (Hobart)

STEP BY STEP PROGRAM

Date & Location: Thursday 17 March, 2005 (Hobart)

CHILD HOME INJURY PREVENTION COALITION

Date & Location: Friday 18 March, 2005 (Hobart)

A PICTURE OF AUSTRALIA'S CHILDREN

Date & Location: Monday 2 May, 2005 (NSW)

ACROD

Date & Location: Wednesday 15 June, 2005 (Hobart)

PROJECTS

CHILD HOME INJURY PREVENTION COALITION

Date & Location: Friday 3 December, 2004 (Hobart)

Tuesday 15 February, 2005 (Hobart)

Monday 7 March, 2005 (Hobart)

Tuesday 3 May, 2005 (Hobart)

Wednesday 15 June, 2005 (Hobart)

CHILD INJURY PREVENTION STEERING COMMITTEE

Date & Location: Friday 8 October, 2004 (Hobart)

EARLY YEARS STEERING COMMITTEE

Date & Location: Monday 27 June, 2005 (Hobart)

JOINT INVESTIGATIONS OF SERIOUS CHILD PHYSICAL AND SEXUAL ABUSE

Date & Location: Wednesday 20 October, 2004 (Hobart)

Tuesday 5 April, 2005 (Hobart)

Friday 10 June, 2005 (Hobart)

TASMANIAN EARLY YEARS FOUNDATION

Date & Location: Wednesday 11 May, 2005 (Hobart)

Monday 6 June, 2005 (Hobart)

Tuesday 28 June, 2005 (Hobart)



APPENDIX 2

MEDIA RELEASES, LETTERS TO THE EDITOR AND NEWSPAPER ARTICLES

The following is a list of newspaper articles relating to the Commissioner for Children, letters to the Editor written by the Commissioner for Children and media releases from this office:

- 11 August 2004: International Youth Day Celebrations, 12 August 2004 (Media Release)
- 19 October 2004: Proposed Community Visitor Program (Letter to Editor)
- 3 November 2004: Screening People Who Work With Children (Media Release)
- 7 January 2005: Screening of Individuals Who Work With Children in Tasmania (Media Release)
- 19 March 2005: Child Home Injury Prevention Coalition, Mercury Newspaper (by John Briggs) (Article)
- 11 April 2005: Increase in number of notifications of child abuse (regarding the Alannah and Madeline Foundation publication of child abuse figures) (Letter to Editor)
- 13 April 2005: Tasmanian number of children in out of home care, Examiner Newspaper (by Alison Andrews) (Article)
- 14 April 2005: Increase in number of Tasmanian children placed in out of home care, Advocate Newspaper (by Amanda Allie) (Article)
- 14 April 2005: More funding to support parents in crises, Examiner Newspaper (Article)
- 27 May 2005: Apology by the Premier Paul Lennon and the Parliament of Tasmania to the victims of abuse in state care (Letter to Editor)

