



Commissioner
for **Children**
tasmania

2012
Annual Report
2013

You to Read this Report

Online

The Annual Report can be accessed at: www.childcomm.tas.gov.au

Hard copy

You can view printed copies of the Annual Report at:

Commissioner for Children
Level 1, 119 Macquarie St
Hobart TASMANIA 7000

State Library
91 Murray St
Hobart TASMANIA 7000

Contact

Commissioner for Children
Level 1, 119 Macquarie St
Hobart TASMANIA 7000

Telephone: (03) 6233 4520
Country Freecall: 1300 362 065
Email: childcomm@childcomm.tas.gov.au
Web: www.childcomm.tas.gov.au

The Hon Michelle O'Byrne
Minister for Children
8/10 Murray St
Hobart 7000

15 November 2013

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 enclosing the Annual Report for the Commissioner for Children for the financial year ending 30 June 2013 for presentation to the Parliament of Tasmania.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Daly', written in a cursive style.

Elizabeth Daly
Acting Commissioner for Children

MESSAGE FROM THE COMMISSIONER	5
ABOUT THE COMMISSIONER FOR CHILDREN	8
MEETING THE STRATEGIC DIRECTIONS	11
KEY PROJECTS	15
ADVOCACY AND RESPONDING TO PUBLIC INQUIRIES	25
PARTNERSHIPS AND COLLABORATION	28
PROMOTIONS AND COMMUNICATION	30
FUTURE INITIATIVES	33

Contents

message from the commissioner

In presenting the Commissioner for Children's Annual Report for 2012/13 I begin by paying tribute to Commissioner Aileen Ashford's outstanding work during her term of office.

Aileen was steadfast in her role of promoting the rights and wellbeing of children and young people. Of particular note, was her fundamental vision and goal of listening to children's voices and seeking their views. Her work in this area has been loudly applauded by those many children who participated in her Consultative Council and there is much evidence of her success in working with these articulate young people and their teachers.

Aileen has made a great contribution to keeping the rights of Tasmanian children at the forefront of policy development, review and implementation. We wish Aileen a very happy and successful new stage in her career.

As Acting Commissioner it is my pleasure to present this annual report which highlights the successes and challenges faced during the reporting period.

I must thank the staff who coped so professionally with the changes from one Commissioner to another, at all times keeping their eye on the well planned strategic directions:

- Promoting and monitoring the well-being of children and young people
- Responding to issues affecting vulnerable children and young people particularly those in child protection and youth justice systems
- Enhancing communication and consultation with children and young people and with key stakeholders, and
- Enhancing and building partnerships.

Of particular note is the continuing work being done in accordance with the request by the Minister for Children, the Hon Michelle O'Byrne MP, for the Commissioner's Children's Consultative Council to undertake consultations and discussions regarding the possibility of a "smoke free generation". This project engages the Council in exploring the opportunity for Tasmania to promote a smoke free generation as part of the Government's agenda to de-normalise smoking for young people. Although the report is not yet complete, the work done by students is of high quality, innovative and encouraging. There is no doubt this work will be a great source of information for those adults who work in this field. Principals and teachers have encouraged their students and, in so doing, have clearly demonstrated the confidence we should all have in our next generation.



As we go to print, a major piece of work has been completed revolving around alternatives to secure custodial detention for youth in Tasmania's youth justice system. This work is intended to inform the much broader review of the Continuum of Care to Prevent Youth Offending and Re-offending (the Continuum) project being carried out by the Department of Health and Human Services in Tasmania. The Continuum project aims to provide Government with recommendations that will assist in the development of short, medium and long term strategies that will strengthen the primary, secondary and tertiary intervention options that exist across the entire Continuum.

Staff of the Commissioner for Children's office were pleased to welcome the newly appointed National Commissioner for Children, Ms Megan Mitchell when she visited Tasmania on the Australia wide 'Big Banter' listening tour in June this year. The tour provided the National Commissioner with an opportunity to hear first-hand from children and young people in Tasmania about issues that were important to them. The National Commissioner met and worked with two schools from my Consultative Council and consulted with key children and young person advocates through a Children's Rights Forum.

It is interesting to note that Commissioner Mitchell sits within the Australian Human Rights Commission and will play a role in promoting the rights of Australian children in policy and practice at a national level. Her role complements that of the roles of existing state and Territory Commissioners for Children and Children's Guardians.

At the time of writing, Minister O'Byrne had commissioned Professor Maria Harries, Senior Honorary Research Fellow, University of Western Australia, to review the functions and powers of the Commissioner for Children in Tasmania. There has not been a review of the Commissioner's role since it was established in 2000. The Commissioner's functions and powers are set out in sections 79 and 80 of the ***Children, Young Persons and Their Families Act 1997***.

The role of the Commissioner is an important role in the Tasmanian community to raise the profile of children and young people especially those who are most vulnerable. Although I have been in the role for a short time I fully appreciate that the projects and policy work that my office undertakes ensures that the statutory obligations as Commissioner for Children are met. This work also complements the systemic advocacy that is needed for all children and young people, especially those who are the most vulnerable.

It is a privilege to have the opportunity to advocate for all children and young people in Tasmania.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Daly', written in a cursive style.

Elizabeth Daly
Acting Commissioner for Children



about the commissioner for child

What does the Commissioner do?

The Commissioner's powers and functions are in sections 79 and 80 of the *Children Young Persons and Their Families Act 1997*. In summary, the Commissioner provides advice to the Minister on all matters relating to children and young people, promotes the well-being of children and investigates matters as requested by the Minister.

The Commissioner also has the function to act as an advocate for detainees under the *Youth Justice Act 1997*. As the Commissioner, I regularly meet with residents detained at Ashley Youth Detention Centre to discuss their issues and concerns and where possible, assist with resolution of these concerns.

These meetings provide young people at Ashley with access to the Commissioner, who, as an independent person, can advocate on their behalf about conditions at Ashley or other issues of concern. It also provides these young people with information and assistance to access formal complaint avenues available to them, such as the Ombudsman and the Secretary of the Department of Health and Human Services.

The Commissioner also meets with all the *Australian Children's Commissioners and Guardians (ACCG)* twice yearly to promote children's rights and participation and to ensure the best interests of children are considered in public policy and program development across Australia. The Australian Human Rights Commissioner and the New Zealand Children's Commissioner have standing invitations to attend ACCG meetings.

Vision & Strategic Directions

The strategic direction of my office has been achieved through the vision and the goals listed in the strategic plan, 'Strategic Directions 2011-2013':

Vision

Supporting and strengthening the voices and wellbeing of Tasmanian children and young people.

Goals

- promote and monitor the well being of children and young people
- respond to and promote issues affecting vulnerable children and young people, including those who are in the child protection and youth justice systems
- enhance our communication and consultation with children, young people and key stakeholders
- enhance and build partnerships and collaboration

men





meeting the strategic directions

Children and Young Persons Consultative Councils

Under section 81 and Schedule 2 of the **Children, Young Persons and Their Families Act 1997** a Children and Young Persons Consultative Council must be established.

The Council is a group of children and young people under the age of 18 who share their views with the Commissioner for Children.

The Council members have been selected from primary and secondary schools in each of the four Department of Education areas to be involved in the consultation process.

Ideally, consultations utilise current structures such as the Student Representative Council (SRC) meetings at four schools within each area, from both primary and secondary schools (including high and district high schools), to provide information and advice to the Commissioner on a regular basis. The school SRCs then survey the rest of the school population about current issues for children and young people.

To ensure that a range of views from children and young people are captured each year I select different schools to take part.

In 2012, over 220 children and young people from ten schools took part in the Consultative Council.

The member schools for 2012 were:

- Austins Ferry Primary School
- Bellerive Primary School
- East Ulverstone Primary School
- Mowbray Heights Primary School
- Hellyer College
- Clarence High School
- Huonville High School
- Kings Meadows High School
- Penguin High School
- Launceston College



The projects and issues that we have discussed were:

- A research project *'Listen UP: the views of children and young people about their lives'*, which involved engaging children and young people from 5 to 17 years of age in surveys or other activities to determine what is important and what worries children and young people in Tasmania. The Consultative Council assisted in developing the content and format of the surveys, as well as participating in the surveys.
- The issue of social media and supporting the safe use of technology rather than preventing access to different social media. Some of the members of the Consultative Council participated in a DVD, presenting young people's views, in a 'Facing Up to Facebook' Forum held for organisations working with young people.

In 2013, 200 children and young people from nine schools across Tasmania took part in the Commissioner's Consultative Council. The member schools were:

- Cressy District High School – high, middle and primary school
- Lilydale District High School – high and primary school
- Taroona High School
- The Friends School
- Penguin High School
- Geilston Bay High School
- Goulburn Street Primary School
- Montello Primary School
- St Pauls Catholic School

The main focus of the 2013 Children's Consultative Council was to gather the views of children and young people about the concept of a Smoke Free Generation in Tasmania.

This concept originated from a request by the Minister for Children to find out what children and young people think about smoking.

Each of the member schools surveyed their school populations and the report will be presented to the Minister in the second half of 2013.



High School & Primary School Posters

In July 2012, as part of the Children's Consultative Council, my office ran a poster competition for participants to design a poster that tells people about what the Commissioner for Children does for children. There were two categories – one for children aged up to 12 and the other for young people aged 13 to 17 years. The winning posters are featured on the



key projects

Involving Children in Decision Making – your quick practical guide

In December 2010 the Commissioner for Children and the Early Years Foundation agreed to work together to develop a Tasmanian Children's Participation Toolkit for children under 12 years of age.

The aim of the guide is to provide organisations with guidelines and associated practical activities to involve children under 12 years of age in decision making within their services. The guide has been developed in partnership with the Tasmanian Early Years Foundation and in consultation with key stakeholders from across Tasmania including Child and Family Centres, the Department of Education, Lady Gowrie, Uniting Care, the Tasmanian Association of Community Houses, and Kingborough and Hobart City Councils. To ensure that the activities worked they were trialled and evaluated. This provided valuable feedback that assisted to refine activities to ensure they reflected a child's perspective.

The guidelines and practical activities are designed to ensure that the voices of children are heard and acted upon in services and programs that are delivered to them.



Entering Care Resources for Children and Young People

The Entering Care Resources for Children and Young People were launched by the Minister for Children, the Hon Michelle O'Byrne MP on Wednesday 6 March 2013 at Parliament House, Hobart. The Entering Care Resources are comprised of:

- A younger children's information booklet (for use by and with children aged approximately 5-10 years)
- An older children and young people's information booklet (for use by, and with, children aged approximately 10-17 years)
- A checklist for Child Protection Workers (to assist child protection workers when providing information to children and young people who have come into care).

The Information Booklets provide age appropriate information to children and young people about the roles of people involved in the child protection process, who to talk to about concerns, how to have a say in what happens, as well as explaining court processes and court orders. The Checklist, while developed primarily for use by workers, may also assist older children and young people in care to voice concerns or ask questions about what is happening to them.

The resources were developed through consultations with children and young people in out-of-home care about what would best suit their needs. The Commissioner for Children developed and produced the resources in partnership with a reference group comprised of representatives from the Department of Health and Human Services, the Legal Aid Commission of Tasmania, the Magistrates Court of Tasmania, Anglicare Tasmania, the Salvation Army (Tas), CREATE Foundation (Tas) and the Child Protection Legal Group within the office of the Tasmanian Director of Public Prosecutions.

The Entering Care resources have been distributed to numerous services and organizations that work with, or come into contact with, children and young people within the Tasmanian child protection system. Electronic copies can be viewed and printed via the Commissioner for Children's website.

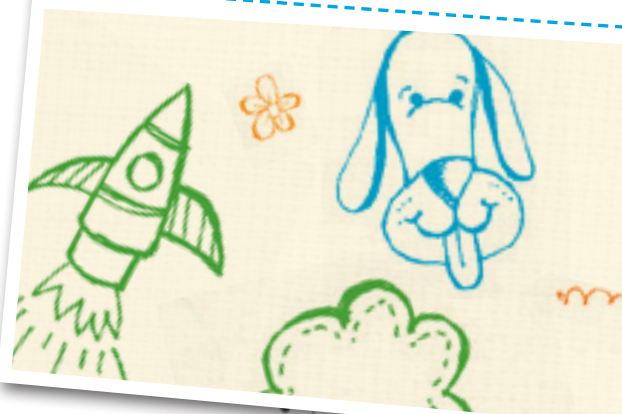
Listen UP Project

One of the goals of the Commissioner for Children's Strategic Plan, is to promote and monitor the wellbeing of children and young people.

The Listen UP project, in partnership with UTAS Social Work Department, is one example of working to achieve the goal of promoting the voices of children and young people throughout the Tasmanian community.



CARE AND PROTECTION...
WHAT DOES IT MEAN





The project was a major research study on what children and young people consider important to their wellbeing. Children and young people, aged 5 to 18 years, shared their experiences and ideas, talked about what matters to them, what they want for themselves and others their age and what they hope for in the future.

Over 700 children and young people were interviewed or surveyed over a three month period. The final report is due to be released in December 2013.

Advisory Councils

Vulnerable Children and Young Persons Advisory Council (VCYPAC)

The Vulnerable Children and Young Person's Advisory Council (VCYPAC) is comprised of key people who work directly with children and young people. The group has been established by the Commissioner, in accordance with her statutory obligation under the **Children, Young Persons and Their Families Act 1997** to establish an adult advisory council to assist her in the performance and exercise of her functions and powers.

The first meeting of VCYPAC was held in early 2012, which was followed by a special meeting in July 2012 to meet with the Minister for Children, Michelle O'Byrne to discuss the government paper: *'Government Embracing Change in Response to the Select Committee on Child Protection Final Report 2011.'*

The VCYPAC aims to provide relevant information to the Commissioner on the issues, needs and service gaps that have an impact on the health, welfare, care, protection and development of children and young people placed in the custody or guardianship of the Department of Health and Human Services.

Key issues for children and young people identified by the members are:

- Information Sharing
- Coordinated Case Management across Agencies

The VCYPAC met with the National Children's Commissioner, Ms Megan Mitchell, in June 2013 at a Children's Rights Forum to assist with identifying priorities for Tasmanian children and young people in her new role as National Children's Commissioner.

Childhood Injury Prevention Advisory Council (CHIPAC)

The Childhood Injury Prevention Advisory Council (CHIPAC) has been established by the Commissioner for Children, in accordance with her statutory obligation under the **Children and Young Persons and Their Families Act 1997** to establish an adult advisory council to assist her in the performance and exercise of her functions and powers.

The focus of this council is on minimising the rate and impact of childhood injury through increasing public awareness and encouraging the development of relevant policies and services within Government.

MEAN?







Membership for CHIPAC has been drawn from relevant government agencies and the community sector to identify and promote opportunities for collaboration across sectors, in order to ensure the development of effective injury prevention initiatives for children and young people.

Overview of Submissions by the Commissioner for Children

Evidence (Children and Special Witnesses) Amendment Bill 2013

On 24 April 2013, the Commissioner made a submission to the Department of Justice on a draft Bill proposing amendment to the *Evidence (Children and Special Witnesses) Act 2001* to increase protections for children giving evidence.

Criminal Code Amendment (Sexual Offences against Young People) Bill 2013

On 25 March 2013 the Commissioner commented on a draft Bill intended to give effect to Recommendations arising out of the Tasmanian Law Reform Institute (TLRI) October 2012 Report *Sexual Offences Against Young People*. In this comment, the Commissioner reiterated the position she had adopted in her July 2012 submission to the TLRI, noting her preference for the onus of proof for the defence of mistake of age to be on the accused and she recommended adoption of a “no defence age”, although she did not specify what that age should be.

Legislative Reform project – Amendments to the Children, Young Persons and Their Families Act (1997)

In February 2013, the Commissioner made a submission to the Legislative Amendment Review Reference Committee considering amendments to the *Children, Young Persons and Their Families Act 1997* (“the Act”) in areas described in a December 2012 Discussion Paper issued by the Committee.

In her submission the Commissioner made a number of recommendations designed to overcome deficiencies in the Commissioner’s powers to properly perform her functions and to enhance the independence of the role.

The Commissioner also supported the adoption of less adversarial processes for resolving child protection matters, called for inclusion of a list of factors to be considered when determining the best interests of a child under the Act and inclusion of the importance of taking account of cumulative patterns of harm as part of determining what is in a child’s best interest and whether a child is in need of protection.

Future provision of Years 11 & 12 in regional Tasmania

In her December 2012 submission, in response to the Discussion Paper *Future provision of Years 11 and 12 education in regional Tasmania*, the Commissioner noted the detrimental impact that a lack of transport options has, and the fact that research shows that distance is not the only issue – rather, some young people simply do not cope with mainstream schooling or are prevented from participating because of factors such as homelessness, family violence and poverty.

The Commissioner also expressed reservations about the extent to which the consultative process would encourage young people to make a submission or otherwise express their views.

Arrangements for the establishment of the Royal Commission into Institutional Responses to Child Sex Abuse

The Commissioner made a number of recommendations in relation to the Terms of Reference of the Royal Commission, noting the importance of ensuring that the Royal Commission is appropriately resourced and that its scope is wide enough to include consideration of sexual abuse of children in foster care.

Response to Tasmania Law Reform Institute Issues Paper No 18 – protecting the anonymity of victims of sexual crimes

In a September 2012 submission on this Issues paper, the Commissioner indicated that it was her strong view that s194K of the *Evidence Act 2001* (Tas) does not adequately protect the rights and interests of victims and witnesses, particularly those who are children. A major factor contributing to this situation is the ambiguous nature of key terminology used in the provision and the consequent differing views about what is intended. Other matters addressed by the Commissioner dealt with proposals to permit the Court to make a non-publication order in relation to particular details of a case (not necessarily relating to identification) and the need for robust legislative protection of identifying information relating to a child victim or witness.

Magistrates Court (Children's Division) Rules 2012 – Exposure Draft

In August 2012, the Commissioner provided comment to the Magistrates Court on a draft of proposed Magistrates Court (Children's Division) Rules 2012. Matters considered by the Commissioner included service of documentation on children and young people (including service of an information brochure approved by the Court) and provisions designed to ensure that the question of legal representation for children party to child protection proceedings is considered at an early stage of Court proceedings.

Review of Tasmanian Child Labour Laws

The Commissioner's August 2012 submission to Workplace Standards on the Review of Tasmanian Child Labour Laws undertaken by the Minister for Workplace Relations noted the difficulty of ascertaining a true picture of the extent to which children and young people "work" in Tasmania. Although there is no doubt that employment can be a valuable and positive experience for young people, there is a need to ensure it does not have a detrimental effect on their education or health and wellbeing. Because the existing legislative framework governing the employment of children and young people in Tasmania is piecemeal and limited in scope, the Commissioner recommended the introduction of specific, stand-alone, child employment legislation. The Commissioner also recommended the establishment of a free, specialised information, advice and advocacy service for young people so they can find out about, and enforce, employment related rights.

Amendments to the Forensic Procedures Act 2000

In July 2012 the Commissioner was asked to comment on amendments proposed to the *Forensic Procedures Act 2000*, relating to the taking of DNA samples from a child under the age of 10. Issues considered by the Commissioner included provision of informed consent, the purpose of forensic procedures and the desirability or otherwise of mandating Court authorisation for the conduct of proposed forensic procedures on a child under the age of 10 years.

Primary Prevention Framework to Reduce Family Violence and Sexual Assault in Tasmania 2012-2015

In July 2012, the Commissioner responded to the Department of Premier and Cabinet (DPAC) Discussion Paper concerning the proposed Primary Prevention Framework to Reduce Family Violence and Sexual Assault in Tasmania 2012-15.

Key issues raised by the Commissioner included:

1. It is still the case that children in Tasmania may be threatened or physically assaulted by their parents or someone acting as a parent, by virtue of s50 of the *Criminal Code 1924* (Tasmania). Allowing the continuance of this situation is inconsistent with the UN Convention on the Rights of the Child, the National Plan to reduce violence against women and children and the *National Framework for Protecting Children*.
2. The ad hoc nature of present school-based programs that are designed to address issues of gender inequality and violence, especially with respect to adolescent relationships.

The Commissioner also recommended that the proposed State-wide Prevention Strategy be located within the governance framework of the Cabinet Sub-committee on Children, Young People and their Families.

Tasmania Law Reform Institute Issues Paper: Sexual Offences Against Young People

In this July 2012 submission the Commissioner commented on a number of issues raised by the Tasmania Law Reform Institute in its Issues Paper *Sexual Offences Against Young People*. The Commissioner supported introduction of a “no defence age” (which effectively provides absolute liability to those who engage in sexual activity with children below that age); however, she did not express any preference for what that age should be. The Commissioner also made a number of other recommendations about technical aspects of the existing legislation directed at the onus of proof in prosecutions relating to sexual offences against young people in Tasmania.

Overview of Joint Submissions by the Australian Children’s Commissioners and Guardians (ACCG)

The Australian Children’s Commissioners and Child Guardians (ACCG) brings together the Children’s Commissioners and Child Guardians from each state and territory in Australia, along with the National Children’s Commissioner. The ACCG meets approximately every 6 months.

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. The New Zealand Commissioner has a standing invitation to attend ACCG meetings.

The Commissioner for Children was a co-signatory to the Joint ACCG submission listed below. In some cases, submissions are only signed by those Commissioners for Children and Child Guardians mentioned in a specific submission, usually because the subject of the submission was outside the legislative scope of a particular Commissioner or Guardian.



Migration Amendment (Health Care for Asylum Seekers) Bill 2012

In this October 2012 submission to the Senate Legal and Constitutional Affairs Committee, participating ACCG members expressed support for the Bill's intention to introduce an Expert Panel to monitor, assess and report on the health of people taken to Regional Processing Centres, particularly children and young people and commented on the makeup on such a Panel, rights of entry, informed consent and other matters relevant to its establishment.



advocacy and responding to public inquiries

Pontville Alternative Place of Detention

As a result of a written request (5 February 2013) to the Department of Immigration and Citizenship, the Commissioner was granted permission to visit Pontville Immigration Detention Facility (Pontville) on 26 February 2013.

The request arose out of the Commissioner being made aware of the arrival at Pontville of the first cohort of unaccompanied minors in late January 2013.

At the date of the Commissioner's visit there were 137 unaccompanied minors at Pontville, all male, from Afghanistan, Pakistan, Iran, Iraq and Kuwait, ranging in age from 13 to 17 years.

The Commissioner hoped to meet with the young people detained at Pontville to gain an understanding of their living circumstances and concerns.

The Commissioner met with 29 of these young people in the Visitor's Centre and was also given a briefing about the facilities at the Centre.

A written report outlining the Commissioner's findings was sent to both the Minister for Immigration and Citizenship and the Tasmanian Minister for Children.

Issues Papers

The third in a series of Issues Papers was released at the end of October 2012.

This Paper, titled *An uncertain road ahead – young people leaving care in Tasmania*, examines the difficulties facing many young people once turning 18 years of age and in transition from out-of-home care to independent living.

Research shows that failure to properly support these young people places them at high risk of becoming reliant on service systems such as mental health, alcohol and drugs, employment support, subsidised accommodation and involvement in the youth justice system. Not addressing their needs is a significant long-term cost to governments.

Facts Sheets

In order to provide some basic factual material on common topics, such as child protection and youth justice, the Commissioner has produced a series of Fact Sheets.

The first of five Fact Sheets was released in October 2012.

The topics covered include: child protection, out-of-home care, young people in detention, young people under community-based supervision and early childhood.



These Facts Sheets have since been updated as new reports were released by organisations such as the Australian Institute of Health and Welfare (AIHW), Australian Bureau of Statistics (ABS) and the Productivity Commission. The latest Fact Sheets are available on our website www.childcomm.tas.gov.au

Public Inquiries

The legislation establishing the position of Commissioner for Children does not allow the Commissioner to conduct investigations into the circumstances of an individual child or young person unless requested to do so by the Minister for Children or to handle individual complaints. Nevertheless, members of the community contact the Commissioner regularly in relation to their concerns or issues. Public inquiries can inform the Commissioner's systemic advocacy on a range of issues and matters. In 2012-2013 the office received 106 public inquiries, which represents a slight increase from the number of inquiries received in the previous financial year (102).

Issues /themes

Inquirers often raise more than one concern. Of the 106 inquiries the majority of concerns related to Child Protection (57), followed by Out of Home Care (15), Child Protection Services complaint (12) and 'Other' (22) (which includes Working with Children Checks (9), Family Court (5), Family Violence (1), Searches (1), Royal Commission (1), Adoption (1), Refugees (1), Housing (1), data inquiry from Tasmania Police about Youth Justice Statistics (1) and not stated (1)).

How did people hear about the Commissioner for Children's office?

Most inquirers had heard about the Commissioner for Children's office through other (26) (includes general knowledge (10), Child Protection Advice and Referral Service (4), Law Book (2), politicians (2), Workplace Standards (1), Centacare (1), Legal Aid (1), non govt worker (1), Govt Dept (1), Lawyer (1), ex MP (1), work (1)).

Other inquirers knew of the office through the phone book (14), Internet (9), Media (9) and previous contact (9). (Note 39 inquirers had no data recorded as to how they heard about the Commissioner for Children's office.)

Referred to

Often inquirers were referred to more than one organisation for assistance, internal clarification or review.

- 48 referrals to 'other' (such as to their lawyer, the Sexual Assault Support Service, Ant-Discrimination Commissioner)
- 13 referrals to the Legal Aid Hotline
- 12 referrals to Child Protection (CAFS Service Centres)
- 10 referrals to the Child Protection Advice and Referral Service
- 8 referrals to Tasmanian Police
- 7 referrals to the Ombudsman's office
- 6 referrals to the Commissioner for Children
- 2 referrals to the Deputy Secretary, Department of Health and Human Services

partnerships and collaboration

The Commissioner for Children meets with the other Commissioners and Guardians at the Australian Children's Commissioners and Child Guardians (ACCG) meeting which is held twice a year.

In late June 2013 the National Commissioner for Children Megan Mitchell, as part of the Big Banter Australia tour, visited Tasmania to meet with children and young people to get their views on issues in Tasmania for young people. The Tasmanian Commissioner for Children hosted the National Commissioner during her stay in Tasmania and was part of a Forum for leading children's advocates in Tasmania.

The Commissioner is a member of, or is represented on, a number of different reference groups and committees such as:

- The Tasmanian Early Years Foundation
- Australian Research Alliance for Children and Youth (ARACY)
- Council of Paediatric Mortality and Morbidity
- Paediatric Mortality and Morbidity Subcommittee
- State-wide Youth Collaborative (SYC) – co-chaired by Population Health & Youth Network of Tasmania (YNOT)
- Hobart City Council Children and Families Network
- Anglicare Research Project Youth Homelessness Research Project
- Youth Action Priorities (YAP)
- Anglicare Research Project – Parents in the Child Protection System
- Youth Justice Court Steering Committee and Working Group
- Youth Network of Tasmania Youth Ethics Working Group
- Review of the **Youth Justice Act 1997** Steering Committee Member
- Mental Health in Schools Reference Group (Kids Matter/Mind Matters)
- Conception to Community: A Perinatal and Early Childhood Steering Group



promotions and communication

Speeches

- Tasmanian Leaders Panel, 16 November, 2012, Hobart
- NEWPIN (New Parent Infant Network), 7 November, 2012, Hobart
- Australian Government Leadership Network, 2 November 2012, Berriedale
- Anglicare Australia National Conference, 17 September 2012, Hobart
- National Child Protection Week Awards, 6 September 2012, Hobart
- Family Support Services Network, 5 September, 2012, Devonport
- Men's Fellowship, 7 August, 2012, Kingston

Media Releases

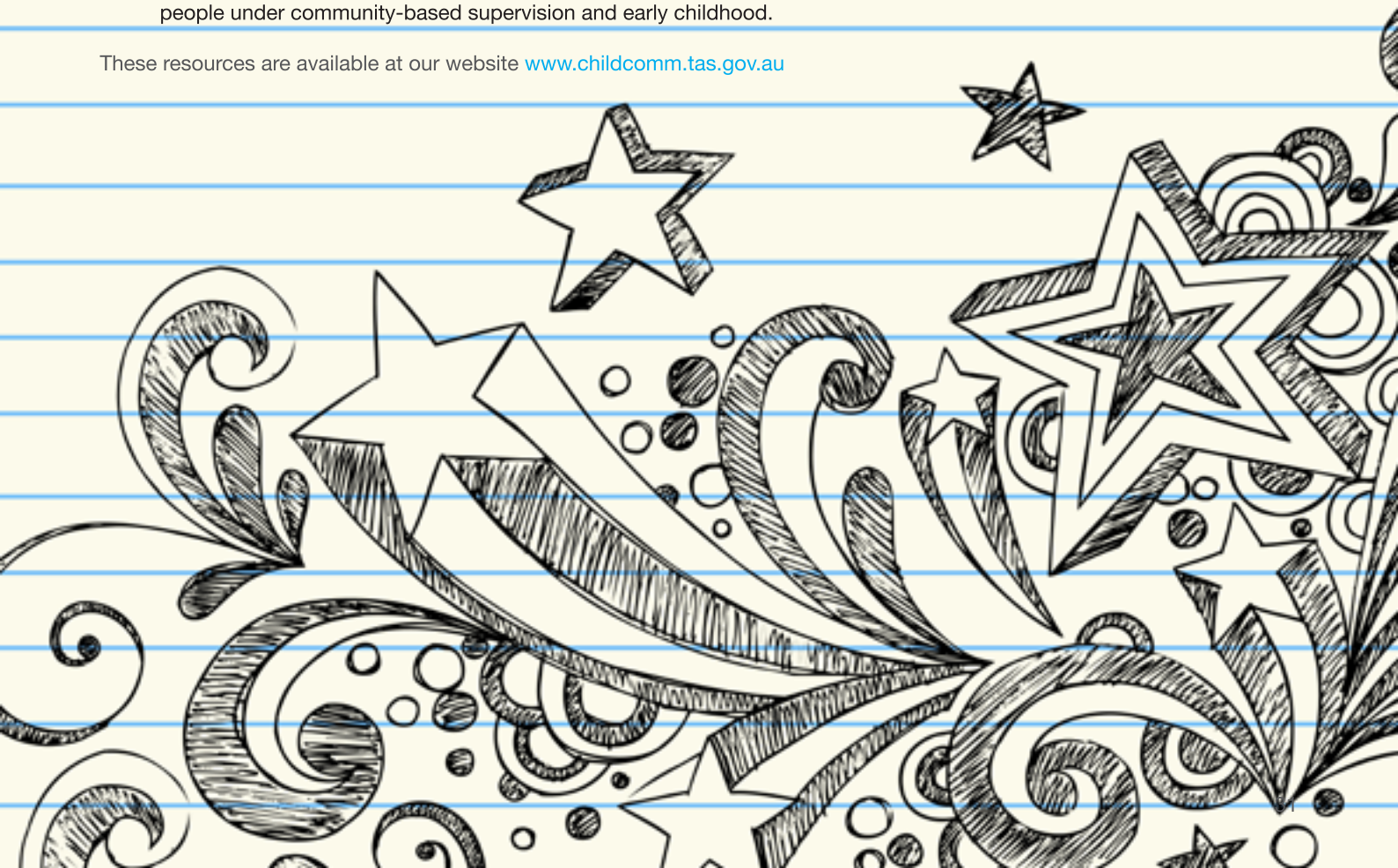
- CFC Media Release (Resignation of Aileen Ashford, Commissioner for Children) 12-04-2013
- CFC Media Release (Involving children in decision making) 20-03-2013
- CFC Media Release (Entering Care Resource for Children and Young People) 06-03-2013
- CFC Media Release Pontville visit 04-03-2013
- CFC Media Release Issue Paper No 3: Young People Leaving Care in Tas – an uncertain road ahead 03-12-12
- CFC Media Release (CFC Annual Report 2011-2012) 22-11-2012
- CFC Media Release (Child Protection Week) 06-09-2012
- Dr Bruce Perry Child Trauma Expert 07-08-2012



Publications

- Entering Care Resources for Children and Young People
- Involving children in decision making
- Ashley Resident's Advocate Poster Competition
- Children's Consultative Council School Poster Competition
- Issues Paper No. 3: *An uncertain road ahead – young people leaving care in Tasmania*
- Five Fact Sheets: The topics covered include: child protection, out-of-home care, young people in detention, young people under community-based supervision and early childhood.

These resources are available at our website www.childcomm.tas.gov.au





future initiatives

The start of the 2013 to 2014 year has seen many challenges for the office of the Commissioner for Children however the focus has remained on supporting and strengthening the voices and wellbeing of Tasmanian children and young people. This focus will continue through projects and development of resources such as:

Listen Up Report & key issues

The project was a major research study on what children and young people considered important to their wellbeing conducted in 2012. The final report will be released later in 2013. The Commissioner will bring the four key issues from the project to the consultative council to get their views on ways Tasmania can address them.

As Eye See It 2013

The first Tasmanian As Eye See It black and white photographic exhibition was conducted in 2011 and was a great success. It is a powerful medium that provides children and young people in out-of-home care with a means of expressing themselves through black-and-white photography and storytelling.

In 2013, over 50 children and young people will take part in this project, which will align with a national project supported by Commissioners and Guardians from other jurisdictions. The launch of the exhibition will be held in November 2013.

Bringing Baby Home

The Bringing Baby Home project is about gathering the views of young pregnant women and young mothers about what sort of support and information is available for them in the community and to develop a resource for young mothers, providing links to information and resources. It is expected that this resource will be available as a booklet, as well as online.

Requests by the Minister for Children to conduct inquiries

Inquiry into Alternatives to Secure Youth Detention in Tasmania

In December 2011, Aileen Ashford, the then Commissioner for Children, released an Issues Paper entitled *Ashley Youth Detention Centre – The Last Resort*.

In that Issues Paper, Commissioner Ashford drew attention to the disproportionately high percentage of the youth justice budget in Tasmania being spent on the small cohort of young people being held in custodial youth detention at Ashley Youth Detention Centre as compared to expenditure on those involved with community youth justice.

In July 2012, the Minister for Children, the Hon. Michelle O'Byrne MP, charged the Commissioner for Children with providing a report addressing the possible closure of Ashley Youth Detention Centre as follows:

The Commissioner for Children inquire generally and report on the role of detention within the continuum of youth justice, through an analysis of the characteristics and pathways into detention of a cohort of AYDC detainees, and an assessment of, and recommendations for diversionary strategies, alternatives to incarceration, and possible closure of Ashley Youth Detention Centre.

The final Terms of Reference, agreed in November 2012 required the delivery of an evidence-based paper addressing:

- the key characteristics and pathways that contribute to youth offending – which result in youth detention in Tasmania
- the role of detention within the continuum of youth justice
- diversionary strategies, alternatives to incarceration and pre-/post-release support services current in Tasmania
- recommendations that will develop and strengthen diversionary programs and pre/post release support services, including alternatives to incarceration.

The Terms of Reference note that the outcomes of this Inquiry are intended to inform Children and Youth Services' wider review of the youth justice continuum, which also commenced in early 2013. The Final Report was presented to the Minister for Children on 26 July 2013, and as such is outside the reporting period for this Annual Report. Therefore, recommendations made will be discussed in the Commissioner for Children Annual Report for 2013-2014.

Smoke Free Generation Report

In the first half of 2013, the Minister for Children requested the Commissioner to seek the views of children and young people about the establishment of a smoke free generation. The Children's Consultative Council surveyed and interviewed children and young people at nine schools across the state about smoking and the smoke free generation. The data will be compiled in a report for the Minister.

The report will be released in the later part of 2013.

Expulsions and Suspensions

In June 2012 the Minister for Children asked Commissioner Ashford to:

Inquire generally into, and report on the practice of school expulsion and/or exclusion and evidence of its impact on the health, welfare, care protection and education of children and young people generally and for the population of children in care

This project is currently being designed with key partners including the Department of Education, Catholic Education and the University of Tasmania.





Commissioner
for **Children**
tasmania

Commissioner for Children
Level 1, 119 Macquarie St
Hobart, Tasmania 7000

Tel: (03) 6233 4520
Country Freecall: 1300 362 065

Email: childcomm@childcomm.tas.gov.au
Web: www.childcomm.tas.gov.au