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[www.childcomm.tas.gov.au](http://www.childcomm.tas.gov.au)

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

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91 Murray St  
Hobart TASMANIA 7000

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THE HON JACQUIE PETRUSMA  
MINISTER FOR HUMAN SERVICES  
LEVEL 8/10 MURRAY ST  
HOBART 7000

8 November 2015

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 2015 for presentation to the Parliament of Tasmania.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Morrissey', with a long, sweeping underline that extends to the right.

**MARK MORRISSEY**  
COMMISSIONER FOR CHILDREN

A group of children, possibly in a classroom or community setting, are gathered in a circle. Some children have their arms raised, suggesting an interactive activity or a game. The entire image is overlaid with a semi-transparent green color. The text is centered within a white rounded rectangle.

*protecting the  
rights of children  
in tasmania*



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# MESSAGE FROM THE COMMISSIONER



I am pleased to present the Commissioner for Children's Annual Report for 2014-2015.

During my first year as Commissioner, the office has been highly productive, completing several important projects. There are a few achievements I would like to highlight in particular:

- **STRENGTHENING CHILD SAFE ORGANISATIONS PROJECT**

This important framework will help organisations to put the safety and rights of children front and centre when developing policies, procedures and services. The forthcoming report of this Project is informed by extensive consultation with children and young people across the state, who generously and enthusiastically provided invaluable insights into what they want from child safe organisations. Following on from the release of the report in September 2015, this office will continue to actively promote child safe practice and culture within Tasmanian organisations and will continue to consult with young people as part of this project.

- **INAUGURAL YOUNG CREATIVE WRITERS AWARDS**

This new initiative has provided a wonderful creative outlet for so many talented and engaged young people to express their thoughts on issues that are important to them. We received well over three hundred entries and so many of them displayed great depths of compassion, human rights, creativity and literary talent. The theme this year was the importance of play. In 2016 the theme of our Young Creative Writers Awards will be equality and discrimination.

- **NEW COMMISSIONER FOR CHILDREN WEBSITE**

Due to be launched in July 2015, our new website reflects the desire for this office to keep Tasmanians informed of the issues facing children and young people in the state. May I recommend this to you as a good source of current information relating to this office:

[www.childcomm.tas.gov.au](http://www.childcomm.tas.gov.au)



As an independent office, the role of the Commissioner for Children is evolving; and I am pleased with the progress of the new Children's Commissioner legislation. Since my appointment I have appreciated the level of cooperation, assistance and shared values shown by those in government and community service organisations. I believe the independence of my role is fundamental to my ability to represent young Tasmanians, of whom many do not have a voice. I have been pleased at the willingness of services and government organisations to work collaboratively to develop resources and connect with young people from all backgrounds across the state. I am very committed to playing a key role in influencing systems and processes aimed at keeping children safe and enabling organisations to better respond to issues that may arise.

This collaborative approach has allowed the office to become more involved and aware of the issues facing children in Tasmania, and has provided my office with a strong capacity to contribute to policy development. In this context we regularly make submissions to state and federal inquiries around issues relating to children and young people.

As a member of the Australian Children's Commissioners and Guardians this year, I have benefitted from regular contact with other Commissioners and Guardians. This collective effort continues to provide an important opportunity to learn from one another and to jointly advocate for the safety, wellbeing and rights of children nationally.

I am pleased to say that the important work of this office has been recognised by others, as is evident through the many invitations we receive to participate in community forums, professional seminars and conferences. The media also regularly seeks my opinion as Commissioner and provides an opportunity to share what we have learned with the wider community.

The coming year will bring further exciting challenges for my Office, as we collaboratively address the challenges facing many Tasmanian children and young people. I also see that there are great opportunities open to us to make a positive difference. My Office holds its role in the lives of children and young people as a privilege and a priority.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Morrissey', with a long, sweeping underline that extends to the right.

**MARK MORRISSEY**  
COMMISSIONER FOR CHILDREN



# ABOUT THE COMMISSIONER FOR CHILDREN

## WHAT DOES THE COMMISSIONER DO?

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 to advocate for and raise awareness of the rights, interests and wellbeing of children and young people aged under 18yrs throughout Tasmania.

The Commissioner has an important role in raising awareness on matters relating to the health, wellbeing, care, protection and development of children in Tasmania and provides advice to the Minister for Human Services on these matters.

The Commissioner:

- makes submissions to government and to inquiries; the Commissioner may be asked to comment on draft legislation and on proposed policies, including those of a national character where the matter in question does or has the capacity to affect children and young people in Tasmania;

- can investigate some matters relating to the circumstances of individual children but only if requested to do so by the Minister;
- has a strong focus on advocacy for all Tasmanian children, with a particular focus on, but not restricted to, children who by virtue of their circumstances, are in particular need of strong advocacy, such as children involved with the Child Protection System and/or the Youth Justice system; and
- is an official advocate for young people who are detained under the *Youth Justice Act 1997*. In fulfilling this function the Commissioner regularly visits Ashley Youth Detention Centre to meet with the young people who are detained there.

The Commissioner regularly consults with a wide range of children and young people across Tasmania. These consultations inform the Commissioner's advocacy work and his advice to government.

The Commissioner also hears from members of the public about a range of issues concerning children. Information received in this way is used to inform the Commissioner's systemic advocacy work.

If asked to do so by the Minister, the Commissioner may enquire generally into, and report on any matter relating to the health, welfare, care, protection and development of children.

*The Commissioner is required to act independently, impartially and in the public interest.*

The Commissioner is required to act independently, impartially and in the public interest.

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 New Zealand Children's Commissioner has a standing invitation to attend ACCG meetings.

While the Commissioner has a strong role in advocating for children and promoting child safety and wellbeing, he does not have a statutory Child Protection role and does not become involved in individual cases. Statutory Child Protection in Tasmania is carried out by Child Protection Services, located in Children and Youth Services within the Department of Health and Human Services.

The Commissioner does not advocate for individual children, except for those young people detained under the *Youth Justice Act 1997*, for whom he has a special advocacy role.

The Commissioner does not have a complaints handling function (other than for complaints made directly against the Commissioner or staff of the Commissioner).



...le People doing  
...ggs on other bad  
...stuff and sometimes  
...they have little kids  
...with them and it  
...makes me feel  
...bad I feel  
...miserable like  
...I feel like  
...taking #

# PRIORITIES IN 2014/2015

## CHILD SAFE ORGANISATIONS

Throughout 2014-15 the Commissioner has had a strong focus on promoting child safety in organisations. In its Interim Report, the Royal Commission into Institutional Responses to Child Sexual Abuse identified the need for stronger child safe organisations.

Tasmania's implementation of mandatory Working With Children Registration has acted as a catalyst for this work to be undertaken.

In order to raise awareness of what a child safe organisation is and to begin the discussion of what we all can do to promote safer organisations for Tasmania's children and young people, the Commissioner engaged in consultations with children and young people across the State to gain an understanding of the issues from their perspectives.

Consultations occurred through the Commissioner's Children and Young Persons Advisory Groups (which meet in the South, the North and the North-West) and in selected schools. Through this process, it was apparent that children and young people do have opinions on what a child safe organisation should be like and, given the opportunity, will express those opinions freely and openly.

Development of an effective child safety framework and plan for an organisation should be a collaborative effort between those working with young people and young people themselves. The child safe approach will only be fully effective if children and young people are aware of it, feel some ownership of it and have the opportunity to express their views on how it will work.

*"The child safe approach will only be fully effective if children and young people are aware of it, feel some ownership of it and have the opportunity to express their views on how it will work."*

The Commissioner also conducted two forums (Hobart and Launceston) for those working in organisations that provide services to or care for children and young people in Tasmania. The Hobart forum was hosted by renowned current affairs journalist Geraldine Doogue; the Launceston forum was hosted by the Commissioner himself, with former acting Commissioner

for Children Elizabeth Daly OAM providing the opening address. The keynote speaker at both forums was Lisa Purves from the office of the NSW Children's Guardian. Lisa delivered a comprehensive presentation covering working with children checks, what makes an organisation a safe place for children, and about her work helping organisations to develop effective Child Safe policies and culture. The forums were a chance for Tasmanian organisations to learn, discuss what they are already doing, and consider the challenges of creating child safe organisations.

The Commissioner's report, which will bring together findings from the consultations with

*"...it was apparent that children and young people do have opinions on what a child safe organisation should be like."*

children and from the forums, and contain a review of current literature, will be released in September 2015.

Further information about the Report's Findings will be contained in the Commissioner's 2015-2016 Annual Report.

## ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

The Commissioner has maintained a "watching brief" over the important work of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Of particular relevance has been the Royal Commission's work on child safe organisations, independent monitoring of out of home care and the effectiveness of pre-employment screening.



# LEGISLATION TO REFINE THE ROLE AND FUNCTIONS OF THE COMMISSIONER FOR CHILDREN

In November 2013 Dr Maria Harries of the University of Western Australia completed her Report of the "Advocacy for Children in Tasmania Committee".

This report was commissioned to review the adequacy of advocacy services for children and young people in Tasmania and within that context to comment on and make recommendations about the role, functions and powers of the position of the Commissioner for Children.

One of the major themes emerging was that many stakeholders did not understand the role of the Commissioner for Children. The Committee found that to a large part, difficulties in fully implementing the role of Commissioner for Children arose because of a degree of confusion and lack of clarity over what the Commissioner's functions were intended to be when the legislation defining the Commissioner's role was drafted in the late 1990's.

The Committee was clear in its view that the Commissioner's role is one of systemic advocacy and that the Commissioner's focus should be on promoting the rights and wellbeing of all children and young people in Tasmania.

The Committee also emphasised the importance of the Commissioner working collaboratively across sectors, building relationships and developing partnerships with government, non-government and private sector organisations.

Work is underway to progress the Report's Recommendations, including the drafting of a new stand-alone Act which it is hoped will more clearly define the Commissioner's role, functions and powers. The Commissioner has been consulted at various stages throughout this process.

An exposure draft of the new legislation will be released for public comment later in 2015.

## OUR POLICIES

The Commissioner is committed to ensuring that the office is a child safe organisation. In June 2015 the Commissioner developed a series of policies for the office about how to engage with children and young people, the community sector and government agencies.

All the policies are available on the Commissioner for Children website.

The policies are:

- Child Safe Policy
- Consultation Policy
- Policy on Complaints Management
- Consent Policy
- Our Policy on Photographs and Other Images of Children and Young People
- Policy on Engaging with Other Agencies
- Policy on Public Enquiries
- Policy on Gifts
- Policy on Transporting Young People
- Policy on Digital Communications
- Personal Information Protection Statement
- Right to Information.

# YOUNG CREATIVE WRITERS AWARDS

The inaugural Commissioner for Children's Young Creative Writers Awards opened for entries on 26 March 2015.

The Young Creative Writers Awards arose from a wish to find a fun and engaging way to promote awareness and understanding of child rights among Tasmanian children and their communities. While the Awards aim to foster and recognise children's creative expression, entrants are also encouraged to think about and explore a child rights theme in their work.

The theme for this year's Awards was "play" arising from the right of all children to relax, play and to engage in a range of recreational and cultural activities. This right is set out in Article 31 of the United Nations *Convention on the Rights of the Child*.

Tasmanian children and young people were invited to submit an original poem or short story inspired by the theme. The competition, which closed on 30 June 2015, received well over 300 entries from around the State.

Tasmanian writer, Danielle Wood and editor of *the Mercury*, Matt Deighton joined the Commissioner on the judging panel. The Awards winners will be announced at an event in September 2015, with the winning entries published in hard copy and on-line.



# CONSULTING WITH CHILDREN & YOUNG PEOPLE

The Commissioner for Children's work is informed by consultations held with children and young people across Tasmania.

Children have a right to have a say in decisions that affect them and to have their opinions taken into account. This "right to participate" is set out in Article 12 of the United Nations *Convention on the Rights of the Child*. This right is a 'key principle' of the Convention, meaning it is fundamental to the fulfilment of other rights.

As adults, we all want to do the best for children but we often forget that children are experts on their own lives – they know what makes them feel good, what worries them and what matters to them. To make things better for children we have to work in partnership with them – work with them as well as for them, and to do this effectively we must listen to children and take their voice seriously.

By listening to children and showing them that what they have to say is important, we teach children that their voice matters and that they have both rights and responsibilities in the same way that adults do.

Children tell us that listening is the most important thing that adults can do to make things better for children. We hope that by hearing what children in Tasmania have

to say about their own lives and what is important to them, we can help children's voices be heard and help them to make a difference in their world.

The Commissioner for Children consults regularly with children and young people through two groups:

- School consultations
- Children and Young Persons Advisory Groups.

To ensure that a diversity of experiences and perspectives are gained, the Commissioner also consults with children and young people who are involved with specialist organisations and services.



# SCHOOL CONSULTATIONS

Children and young people under the age of 18 from selected schools across the state are regularly asked to share their views with the Commissioner for Children on particular issues affecting them.

Participants in the Commissioner's School Consultations are selected from primary and secondary schools in each of the regions: North, North West and South.

*"I have to determine whether an organisation is safe by myself... I'm always told to 'tell someone' if I feel unsafe though further advice has never been given aside from 'remove yourself from the situation.'"*

Consultations generally use existing structures such as Student Representative Council meetings. Participants may be asked to consult on particular issues with their wider school communities and to provide feedback to the Commissioner.

To ensure that the views of a range of children and young people are captured, the Commissioner selects different schools to take part in consultations each year. The aim is to gather views from as many children and young people across Tasmania as possible.

In 2015, children and young people from nine school groups are involved in the Commissioner's School Consultations. The schools currently involved are:

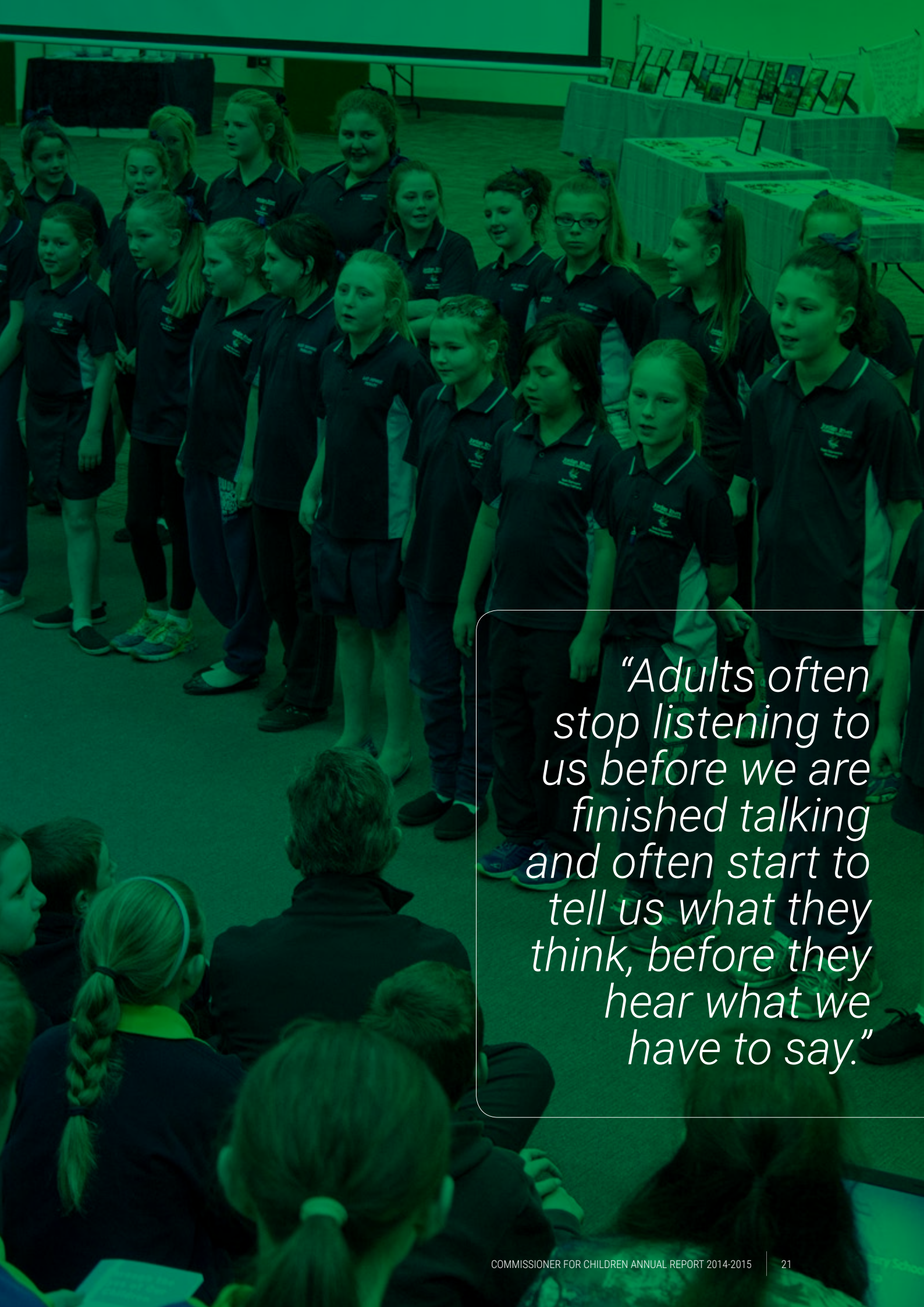
- Smithton High School
- Jordan River Learning Federation (Senior)
- Rosebery District High School
- Howrah Primary School
- Cooee Primary School
- Kingston Primary School
- Riverside High School
- Sorell School
- Longford Primary School

In March 2015 the Commissioner discussed two topics with schools:

- the child safe approach and what makes a safe organisation, and
- what children and young people think is important for them.

A survey was developed and used by the schools to seek the views of their school communities and provide feedback.

The feedback from the consultations has been compiled and forms part of the final report '*Strengthening Child Safe Organisations*' to be released in September 2015.



*“Adults often stop listening to us before we are finished talking and often start to tell us what they think, before they hear what we have to say.”*

# CHILDREN AND YOUNG PERSONS ADVISORY GROUPS

Section 81 of the *Children, Young Persons and Their Families Act 1997* requires the Commissioner to establish a Children and Young Persons Consultative Council.

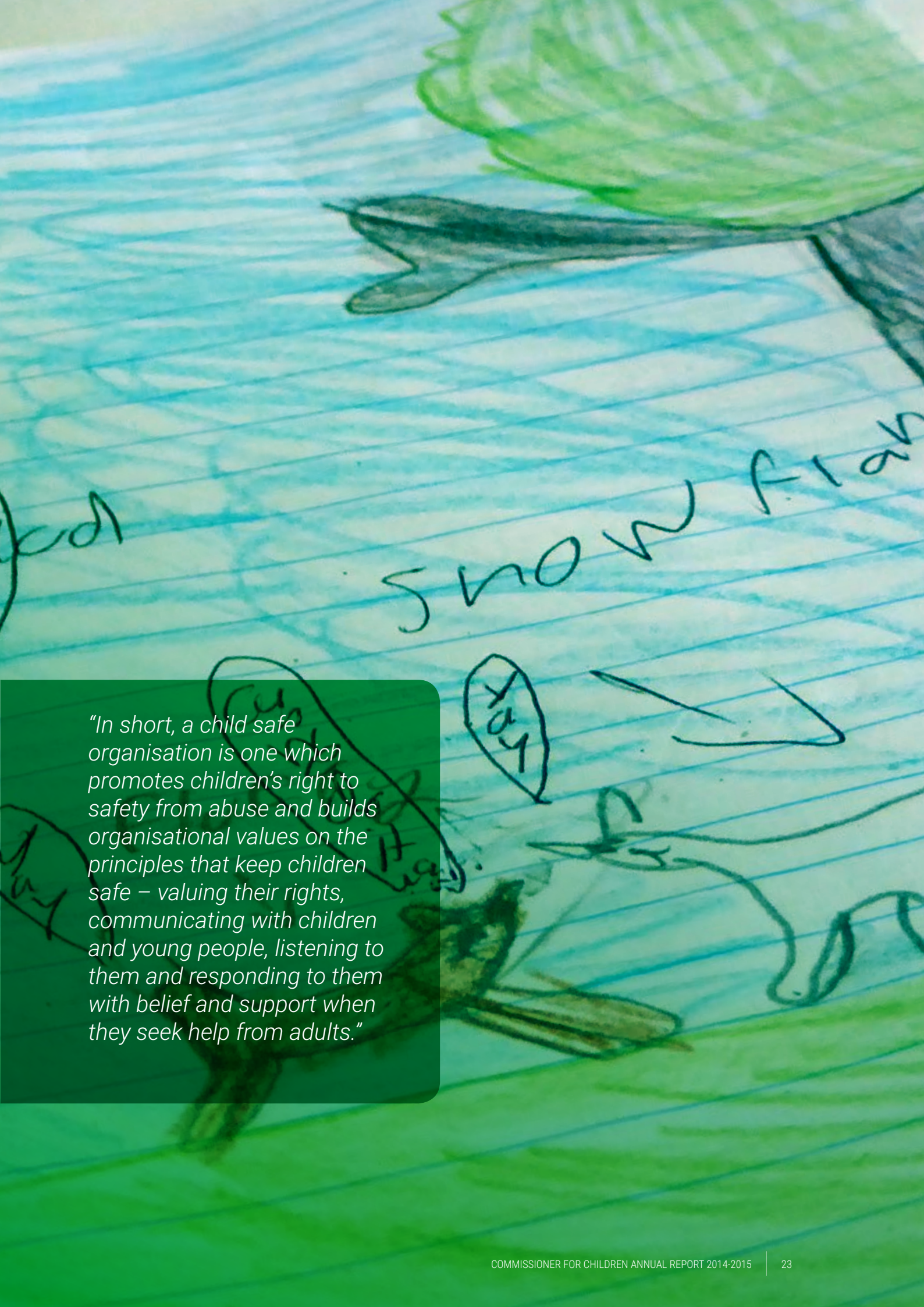
*“We know what young people think – as we are young people, we are the experts at what it’s like to be a young person, not adults.”*

The Commissioner for Children has established Children and Young Persons Advisory Groups in the North, North West and South of the state. These small groups of children and young people, aged between 8 and 18 years, meet regularly with the Commissioner to:

- advise him about important issues affecting Tasmanian children and young people,
- participate in developing ideas for broader consultations with the Commissioner’s School Consultation groups; and
- provide advice to the Commissioner about the services that should be available to children and young people.

These groups were consulted about child safe organisations and their feedback forms part of the final report *‘Strengthening Child Safe Organisations’*.

*“Child safe policies and procedures do not have to be complex but they do need to ‘fit’ the particular organisation. What is needed to be ‘child safe’ will vary from organisation to organisation because the risks that should be addressed will differ according to the nature of the activities provided and any particular characteristics of the cohort of children accessing the services of an organisation.”*



*"In short, a child safe organisation is one which promotes children's right to safety from abuse and builds organisational values on the principles that keep children safe – valuing their rights, communicating with children and young people, listening to them and responding to them with belief and support when they seek help from adults."*



*“Adults should  
listen, listen,  
listen!”*



# WORKING FOR LASTING CHANGE

## COMMISSIONER FOR CHILDREN ADULT ADVISORY GROUP

The Adult Advisory Group consists of senior members of community service organisations that provide services to children and young people across Tasmania.

The Adult Advisory Group advises the Commissioner on the issues, needs and service gaps impacting on the health, welfare, protection and development of children and young people in Tasmania, and about strategies that will enhance the wellbeing of Tasmania's children and young people.

In March 2015, the Commissioner for Children's Adult Advisory Group met and discussed current issues, such as reduced funding for services, links between family violence and youth homelessness, challenges in education and early intervention type services.

The group meets every six months.

Advisory Group members:

- The Commissioner for Children, Mark Morrissey
- Daryl Lamb – Anglicare Tasmania
- Cathy Hurst – Baptcare Family Services
- Georgina McLagan – CatholicCare
- Tienielle Moore – CREATE Foundation
- Dr Becky Shelley – Colony 47
- Kym Backhouse – Foster Carers Association of Tasmania
- Cheryl Jones – Glenhaven Family Care
- Donna Evans – Good Beginnings Australia
- Barry Titmus – Kennerley Children's Home
- Noel Mundy – Mission Australia
- Lisa Cuatt – Save the Children
- Lindy O'Neill – Uniting Care Family Services
- David Clements – National Disability Services
- Heather Sculthorpe – Tasmanian Aboriginal Centre.

# OVERVIEW OF SUBMISSIONS BY THE COMMISSIONER FOR CHILDREN

## SPECIALIST YOUTH JUSTICE COURT

In May 2015, the Commissioner provided Advice to the Minister for Education on issues relevant to the Department of Education's role in the state-wide expansion of the specialist Youth Justice Court.

A specialist youth justice court has been established to ensure better outcomes

*a vital part of the success of the Court was having a representative from Education present at court hearings*

for young people going through the court system. This specialist youth justice court was initially run as a pilot program in Hobart from January 2011. The Evaluation of the Pilot found that a vital part of the success of the Court was having a representative from Education present at court hearings. In this way the young person's educational engagement is established as a central consideration in both sentencing and case planning.

## NATIONAL DISABILITY INSURANCE SCHEME: QUALITY AND SAFEGUARDING FRAMEWORK

In April 2015 Commissioner commented on a consultation paper containing a proposal for a National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework. The NDIS is a scheme to ensure that all Australians with disability have appropriate supports. A Quality and Safeguarding Framework was envisaged as a way of ensuring those accessing services can do so in a dignified and safe manner.

In his submission, the Commissioner recommended that there be a separate part of the Framework that focuses expressly on the circumstances of children and young people, looking at the special protections and assistance they may require, within a child rights framework.

## PROPOSED AMENDMENTS TO THE ANTI-DISCRIMINATION ACT 1998 REGARDING RELIGIOUS AND FAITH-BASED SCHOOLS

In April 2015, the Commissioner provided an Advice to government outlining his concerns about the potential for this Bill to contravene the human rights standards outlined in the United Nations *Convention on the Rights of the Child*. Before the amendments were introduced, the *Anti-Discrimination Act 1998* allowed religious schools to give preference to students of the same religious background as the school, but only if the school is oversubscribed and an exemption is granted by the Anti-Discrimination Commissioner. The Bill proposed amendments that would allow religious and faith-based schools to decline admission to students who do not share the same religious beliefs, principles or tenets as the school.

## SENATE INQUIRY INTO OUT OF HOME CARE

In March 2015, the Commissioner gave evidence and provided a brief submission to the Senate Inquiry into out of home care. The main issues raised by the Commissioner included:

- That the primary focus should be on preventing children from entering out of home care in the first place;
- That Tasmania has no independent monitoring of out of home care – this situation should be remedied;
- That it is vital for children and young people to have their opinions heard and considered when decisions are made about their lives and their futures; accordingly, consideration should be given to the development of better tools and methods to facilitate this;
- That more work is required to ensure that children in out of home care are safe from abuse in care; an holistic approach should be taken to ensure that children in out of home care are in environments which do not allow abuse to go unnoticed or unreported;
- Foster carers should be accredited against accepted minimum standards.

The Commissioner is keen to see the age at which children and young people leave care raised from 18 years to 21 years.

## RETHINK MENTAL HEALTH

In March 2015, the Commissioner commented on the government's discussion paper *Rethink Mental Health Project: A long term plan for mental health in Tasmania*.

The Commissioner's comment was based on a paper, prepared by Dr Michael Sawyer at the Commissioner's request, *Child and Adolescent Mental Health Problems: Prevalence, Disability and Financial Costs*.

In his submission, the Commissioner noted that mental illness affects almost every aspect of society making this a significant public health challenge, and that the costs associated with mental illness continue to grow.

The submission emphasised the importance of early intervention and the provision of

*it is vital for children and young people to have their opinions heard and considered*

more mental health services for young people to ensure that problems can be identified and addressed early, ensuring better outcomes for young people and preventing the need for expensive interventions further down the track.

## **SEXUAL ASSAULT SUPPORT SERVICES OPTIONS PAPER – RESPONDING TO PROBLEM SEXUAL BEHAVIOUR IN TASMANIA**

In January 2015, the Commissioner commented on issues raised in this Options Paper.

The Options Paper argued that policy and service system gaps in Tasmania leave a significant number of children and adolescents who exhibit problem sexual behaviour without the support they require. The Commissioner welcomed further debate on the options presented. Emphasising that his views were preliminary in nature, he concluded that should government accept that there is a need for a legislative, policy and referral framework for children and young people exhibiting problem sexual behaviour, consideration should be given to developing a model similar to that which exists in Victoria.

This framework would include access to therapeutic treatment on a voluntary basis for children and young people aged under 15 years, with potential for mandated treatment for those aged 10 to under 15 years displaying sexually abusive behaviour.

## **REVIEW OF THE TASMANIAN EDUCATION ACT 1994**

In his December 2014 submission, the Commissioner emphasised the desirability of including in the legislation a broad vision or statement of purpose together with underlying principles to guide the education system.

He also recommended that adoption of a more student-centred approach to managing learner wellbeing and behaviour was preferable to resorting to disciplinary measures such as suspension and exclusion. Specifically, he recommended that:

- methods other than suspension should be emphasised, as suspension can have a detrimental impact on education and wellbeing;
- the word ‘punishment’ should be removed from the Act;
- the government should consider making student participation in procedures around suspension a legislative requirement; and
- data regarding student suspensions be made publicly available on a regular basis.

## **PROPOSED AMENDMENTS TO THE *FORENSIC PROCEDURES ACT 2000***

In November 2014, the Commissioner was asked to provide formal advice to the Department of Justice regarding proposed amendments to the *Forensic Procedures Act 2000*. The Commissioner was asked to advise after concerns were raised in the House of Assembly that the amendments proposed by Government would not guarantee appointment of a legal practitioner to protect the interests of a child subject to an application for a forensic procedure.

## **JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2014**

The Commissioner was asked to provide comment on the draft Justice and Related Legislation (Miscellaneous Amendments) Bill.

# **OVERVIEW OF JOINT SUBMISSIONS BY THE AUSTRALIAN CHILDREN'S COMMISSIONERS AND GUARDIANS (ACCG)**

The Australian Children's Commissioners and Guardians (ACCG) brings together the Children's Commissioners and Guardians for Children 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 and young people are considered in public policy and program development across Australia.

ACCG members collaborate and submit joint submissions on matters relevant to the rights and interests of children and young people in Australia.

*The ACCG aims to promote children's rights and participation.*

## DESIGNING A MODEL FOR THE EFFECTIVE PROTECTION OF HUMAN RIGHTS

In June 2015, the Australian Children's Commissioners and Guardians (ACCG) made a joint submission to the ACT Attorney General on proposed changes to the role of the ACT Commissioner for Children arising out of a review of human rights protection bodies in the ACT.

In their submission, ACCG members emphasised the fact that children and young people have needs and perspectives distinct from those of adults, yet they encounter obstacles to participation and to avenues of redress when their rights are violated. Consequently, a Commissioner specific to children and young people boosts their access to complaints mechanisms, participation in policy decisions, safety in public and private spaces, empowerment and healthy development.

## CHARTER OF RIGHTS FOR YOUNG PEOPLE IN CUSTODY

In July 2014, the Australian Children's Commissioners and Guardians jointly released the *Charter of Rights for Young People in Custody*. The Charter of Rights outlines the basic rights that should be afforded to all young people in custody. It is also reflective of the Commissioner's important role as an advocate for young people detained under the *Youth Justice Act 1997* in the Ashley Youth Detention Centre.

*The Charter of Rights outlines the basic rights that should be afforded to all young people in custody.*

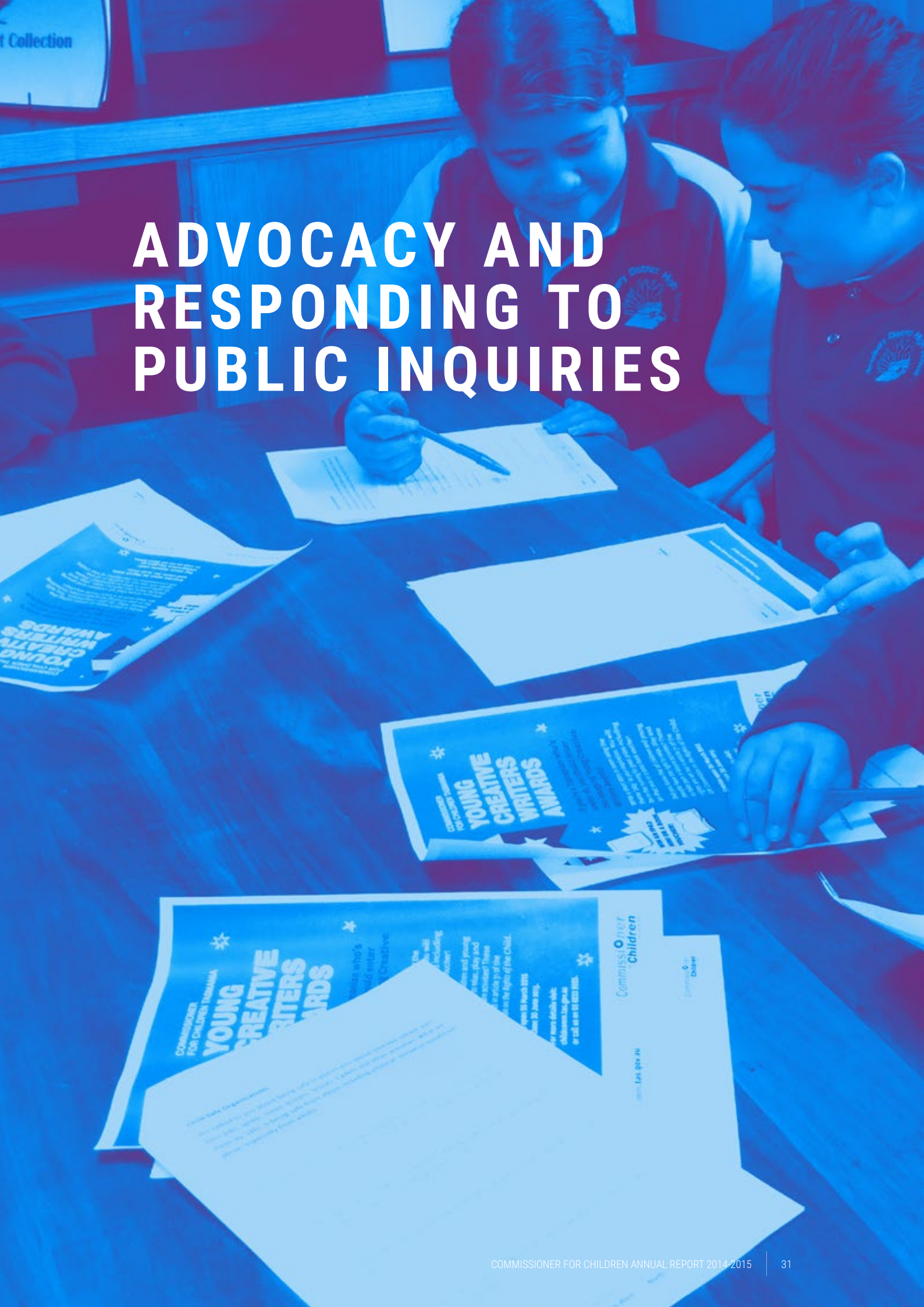
## LUNCHTIME CONVERSATIONS

Each month the Commissioner hosts a lunchtime forum on an issue of interest and importance to children and young people in Tasmania. At each Forum a speaker with expertise or experience in a particular area is invited to lead the conversation.

The aims of these forums are to generate discussion, broaden networks and develop possible strategies to further support or progress issues of importance to children and young people.

The first forum, 'The Ingredients of a Child Safe Organisation', was held in June 2015, and was presented by Trista Cocker from NAPCAN.

Forums will continue to be held on a monthly basis.



# ADVOCACY AND RESPONDING TO PUBLIC INQUIRIES

# ASHLEY YOUTH DETENTION CENTRE ADVOCATE FOR DETAINEES

One of the Commissioner's key functions is to provide advocacy for young people detained at Ashley Youth Detention Centre under the *Youth Justice Act 1997*. There are on average 10 to 15 young people detained at Ashley Youth Detention Centre on any one day.

Since October 2014, the Commissioner has visited Ashley on a monthly basis to ensure that policies and practices are not operating

in a manner that amounts to an unjustified limitation on the rights these young people are entitled to enjoy, notwithstanding their status as detainees.

*Since October 2014, the Commissioner has visited Ashley on a monthly basis.*

## OPINION PIECES

In April 2015 the Commissioner for Children published his first Opinion Piece titled *'Protecting Current & Future Generations of Tasmanian Children from Institutional Abuse.'*

The piece discussed the importance of the work of the Royal Commission into Institutional Responses to Child Sexual Abuse and how this work is highlighting the need to make changes in the way organisations engage with children to ensure a safer environment for children.

The aim of the piece was to raise awareness in the Tasmanian community that the issue

of child abuse is not only the responsibility of government departments; rather, there needs to be a united community response and commitment to address the failures of the past and put in place safeguards and policies that ensure children are as protected and safe from abuse as possible.

The Commissioner for Children will continue to publish Opinion Pieces throughout his term of office.

All Opinion Pieces are available on the Commissioner for Children website.

## PUBLIC INQUIRIES

Members of the public regularly contact the office to raise their concerns about the circumstances of a child or about the way they have been treated as parents or family members of a child.

Although the Commissioner for Children is not empowered to conduct investigations into the circumstances of an individual child or young person, or to commence inquiries into individual complaints, unless requested to do so by the Minister for Human Services,

the concerns and issues raised complement and inform the Commissioner's systemic advocacy role.

In 2014-2015 the office received 82 public inquiries (24 less than those received in 2013-2014).



## ISSUES/THEMES

Inquirers often raised multiple issues of concern. Of the 82 inquiries received during 2014-2015 the majority of concerns were regarding Child Protection issues (41).

Other areas of concern included:

- Family Court and Family Law (14)
- Education & Department of Education (8)
- Working with Children Checks & child safety (6)



## REFERRALS TO OTHER AGENCIES

Often inquirers were referred to more than one agency or organisation for assistance, internal clarification or review. Common referrals included:

- 27 referrals to legal services (such as their lawyer, Women's Legal Service or Legal Aid)
- 9 referrals to the Commissioner for Children
- 12 referrals to the Department of Health and Human Services review processes
- 5 referrals to the Ombudsman's office
- 5 referrals to the Child Protection Advice and Referral Service
- 2 referrals to Tasmanian Aboriginal Centre
- 2 referrals to Department of Education
- 4 referrals to Department of Justice.

Other referrals were made to Kids Helpline, General Practitioner, After Care Support, Parents & Family Advocacy Service (PFAS), the Royal Commission into Institutional Responses to Child Sexual Abuse, and the Department of Police and Emergency Services.



It makes me  
feel sad cos  
we like that rise  
and that park on that  
school and I miss  
ruined

# 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.

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
- Council of Paediatric Mortality and Morbidity
- Paediatric Mortality and Morbidity Subcommittee
- Conception to Community: A Perinatal and Early Childhood Steering Group
- Glenorchy Action Interagency Network (GAIN)
- Hobart City Council Children and Families Network
- Mental Health in Schools Reference Group (Kids Matter/Mind Matters)
- Policy Officers Network – convened by TasCOSS
- State-wide Youth Collaborative (SYC) – co-chaired by Population Health & Youth Network of Tasmania (YNOT)
- Tasmanian Child Safety Network
- Youth Action Priorities (YAP)

# PROMOTIONS AND COMMUNICATION

## MEDIA RELEASES

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### DECEMBER 2014

- Parents and Family Advocacy Service (8 December 2014)
  - Family Violence and Children (8 December 2014)
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### FEBRUARY 2015

- Children for Change: Consultations for Children & Young People Underway (16 February 2015)
- 

### MARCH 2015

- Inaugural Commissioner for Children's Young Creative Writers Awards (26 March 2015)
- 

### MAY 2015

- Ongoing Independent Monitoring of the Child Protection System in Tasmania (22 May 2015)
  - Strengthening Child Safe Organisations in Tasmania (25 May 2015)
- 

All media releases are available at our website [www.childcomm.tas.gov.au](http://www.childcomm.tas.gov.au)

## PUBLICATIONS

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### APRIL 2015

- Opinion Piece - Protecting Current & Future Generations of Tasmanian Children from Institutional Abuse (13 April 2015)
- 

This publication is available at our website [www.childcomm.tas.gov.au](http://www.childcomm.tas.gov.au)

# **FUTURE INITIATIVES IN 2015/2016**

## **DEVELOPMENT OF AN ACTION PLAN FOR IMPROVING THE OUTCOMES OF CHILDREN AND YOUNG PEOPLE IN TASMANIA**

The Commissioner will begin the process of development of an Action Plan to improve the outcomes for children and young people in Tasmania, for consideration by key stakeholders.

## **CHILD SAFE ORGANISATIONS PROMOTIONS AND AWARENESS**

Following the release of his Report on Child Safe Organisations in September 2015, the Commissioner will continue to actively promote and advocate for the adoption of child safe policies and practices in Tasmanian organisations which provide services to children and young people. Further forums and discussions with children

and young people are planned for the first quarter of 2016. It is hoped that this will lead to the development of additional Findings and Recommendations to assist government and those in the non-government sector to work towards adoption of best practice in this very important area of child safety.

## JOINT CONSULTATION WITH CREATE FOUNDATION (TASMANIA)

In the latter part of 2015, staff within the Commissioner's office will undertake consultations with children and young people who are in or have been in out of home care to examine their experience of stigma and resultant bullying in educational settings. These consultations will be undertaken in partnership with the Tasmanian office of CREATE Foundation utilising CREATE's networks and expertise in this space.

CREATE Foundation is a national organisation that advocates for children in the out of home care system. As part of this advocacy CREATE holds regular youth advisory group meetings (YAGs) in each state, including Tasmania. Children and young people involved in the YAGs have identified stigma and resultant bullying in educational settings as a matter for concern.

This is a theme which has also emerged during the Commissioner's consultations with children and young people across the state.

It is undoubtedly the case that there are many dedicated professionals within both DHHS

and the Department of Education who are already using their considerable knowledge and experience to work toward improving the school experiences of children in care. However based on feedback from YAGs, it would appear that some classroom practices, even those intended to benefit children in care, may have unintended consequences e.g. increasing the child's sense of being different, possible stigmatisation and subsequent bullying.

The consultations will aim to:

- ascertain the extent of any concerns they may have about stigma in educational settings and resultant bullying; and
- identify possible solutions.

In undertaking this project in partnership with CREATE, the intention is to support – and not criticise – the important work already being done to support children in care. The aim is to provide further opportunities for students, teachers and other adults who support children to better understand how children in care experience stigma and bullying.

## WELLBEING

The Commissioner intends developing a report on the wellbeing of children and young people in Tasmania.

## THE EFFECTS OF FAMILY VIOLENCE ON CHILDREN

During the remainder of 2015 and into 2016 the Commissioner will continue to focus on initiatives to eliminate family violence in line with many national and state initiatives.

The Commissioner's main concern is for the children and young people who are affected by violence against their parent – usually their mother.

It is anticipated that the findings of various inquiries and Royal Commissions underway or planned will reinforce the need to continue to invest in and develop solutions and prevention methods to effect change.

We are now aware that children are affected by family violence even if they don't directly witness incidents of violence. Family violence is not only about physical violence - growing up in a home where the environment is one of fear, intimidation and control is highly damaging to developing minds and its effects can impact upon children into adulthood. The Commissioner

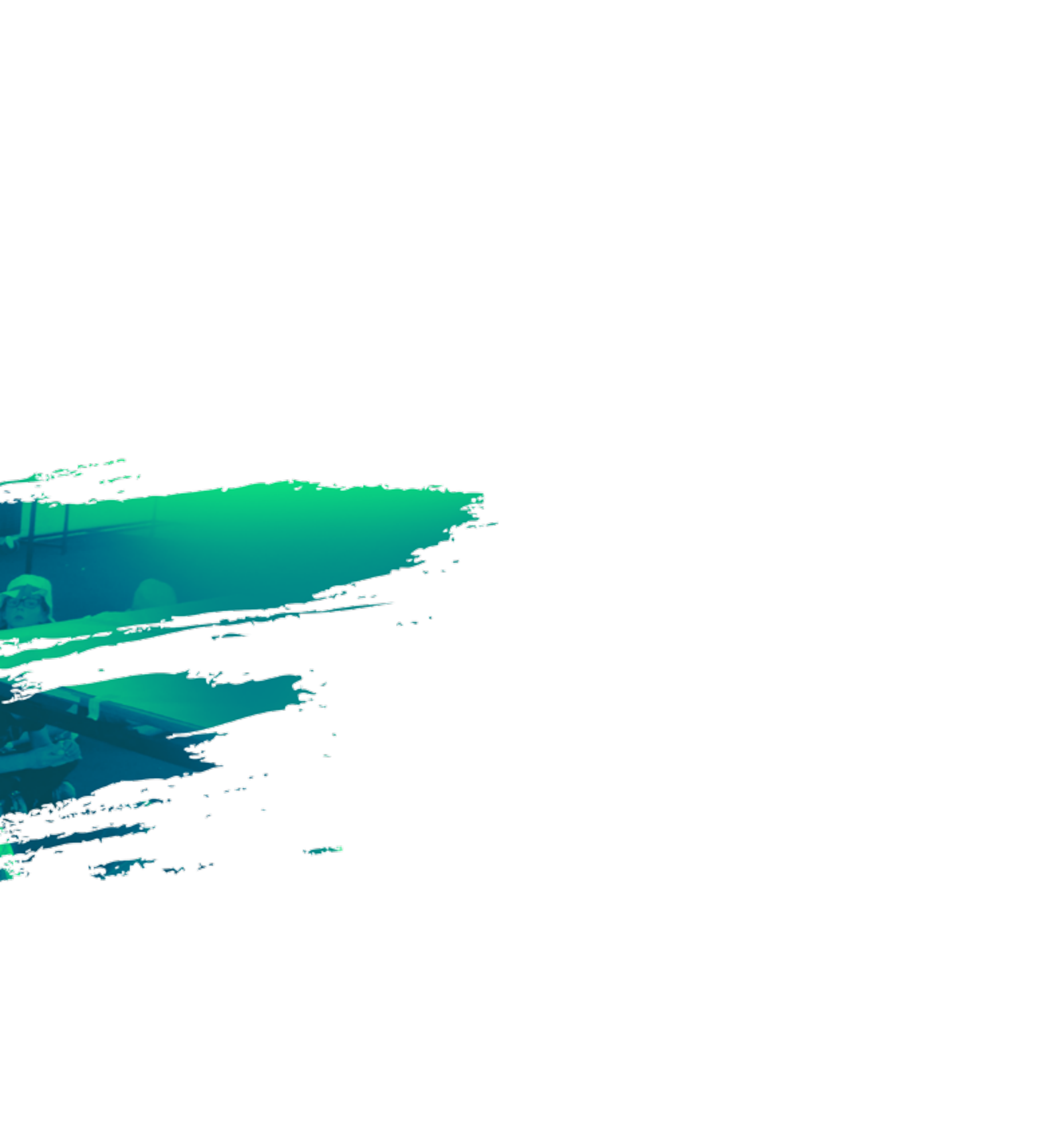
is committed to continued engagement in conversations about the issue of family violence and to advocating for the rights of children as recipients of services, supports and protection. Children today are the key to eliminating the attitudes that underpin violence against women. The important role played by educational initiatives that encourage and empower young people to develop respectful relationships must also be acknowledged.

The Commissioner looks forward to the release by Megan Mitchell, the National Commissioner for Children, of her Report on the impact of family violence on children.

As a society we need to do more to combat the impacts of family violence, support victims and work on prevention to ensure that future generations of Australian children can grow up without the fear and pain many children today are enduring as a result of violence in their own homes.

## DEVELOPMENT OF AN ONLINE APPLICATION IN COLLABORATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

It is proposed that the application will enable children and young people in out of home care to contribute to their care plans, make reports and provide stronger input into decisions that affect their daily life and future wellbeing.



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