

## **Australian Children's Commissioners and Guardians (ACCG) Meeting**

**Monday 7 November and Tuesday 8 November 2011**

### **Meeting communiqué**

The Australian Children's Commissioners and Guardians (ACCG) held their biennial meeting in Sydney on 7 – 8 November 2011.

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.

The ACCG has a standing invitation to the Australian Human Rights Commissioner and the New Zealand Children's Commissioner to attend ACCG meetings.

#### ***Social Inclusion***

The Chair of the Australian Social Inclusion Board, Patricia Faulkner, provided an update to the ACCG on the work of the Board. Ms Faulkner spoke about the Board's plan to develop a 'Report Card on Children who are Missing Out' and its consideration of a lead indicator for childhood disadvantage in Australia. There was discussion exploring what the lead indicator of childhood disadvantage might be.

The ACCG agreed to provide relevant data to the Board that could inform the Report Card and to urge the Board to apply the social inclusion principles to advance the interests of young people who are leaving care.

#### ***National Aboriginal and Torres Strait Islander Legal Services Shadow Report***

ACCG noted concerns about the worsening situation of Aboriginal and Torres Strait Islander young people in contact with the justice system in Australia highlighted in the NATSILS Shadow Report to the United Nations Committee on the Rights of the Child. The ACCG discussed issues of family environment and alternative care, how the criminal justice system in Australia works for young Aboriginal and Torres Strait Islander people and the incarceration of Aboriginal and Torres Strait Islander young people.

The ACCG agreed to maintain and develop its links with NATSILS and to invite the Chair of NATSILS to attend the next meeting of the ACCG for further discussion.

#### ***Indonesian children in Australian adult detention centres***

The Australian Human Right Commissioner, Catherine Branson, joined the meeting and briefed the ACCG on developments.

The ACCG discussed representations to ACCG members seeking support for an investigation into determining the age of Indonesian young people held in

Australian adult prisons awaiting trial for crewing on fishing boats carrying asylum seekers to Australia.

The ACCG *agreed* to write to the Commonwealth Attorney General noting its grave concerns about the detention of children in adult prisons and Australia's international obligations in regard to the detention of juveniles.

### ***Children leaving out-of-home care***

The Create Foundation briefed the ACCG on the development of their Transition from Care Kits and the key issues of planning for transition, health and wellbeing, and housing and homelessness.

The ACCG discussed the lack of data on children who have left statutory care; the importance of early, effective and flexible transition planning; the importance of the relationship between the young person, carers, caseworkers and mentors; access to caseworkers and resources; and the structural barriers facing children leaving statutory care.

The ACCG noted that better support for young people leaving care will continue to be a priority under the National Framework for Protecting Australia's Children and that there was a commitment to a nationally consistent approach to planning for young people leaving out-of-home care. The ACCG also noted that the next three-year action plan for 2012 – 2015 will be discussed at the next Community Services and Disability Ministers' Conference.

The ACCG agreed to write to Community Services and Disability Ministers and the Chair of the Community Services and Disability Ministers' Advisory Council about what should be included in the National Framework's 2012 Action Plan to better support young people leaving care and who have already left.

### ***17 year olds in adult prisons in Queensland***

The ACCG noted that Queensland is the only Australian state or territory where 17 year olds are routinely sent to adult prisons and dealt with via the adult criminal justice system. In other states and territories, young people up to the age of 18 years remain in the youth justice system, which places a strong emphasis on diversion and rehabilitation, as well as providing for the specific requirements of young people's health, development, education and employment.

The ACCG agreed to write to the Queensland Government urging it to remove all 17 year olds from adult prisons and treating them in accordance with the provisions of the Queensland *Youth Justice Act 1992*.

### ***R18+ classification of computer, mobile and online games***

The ACCG noted that the Standing Committee of Attorneys General supported the introduction of an R18+ classification to cover computer, mobile and online games. The ACCG reiterated its concerns about the impact of violent computer games on children and noted that while some positive

attempts have been made to consider the interests of children and young people in classifying computer games, more work needs to be done in developing clear guidelines for depictions of particular types of violence.

The ACCG noted the Australian Law Reform Commission's (ALRC) inquiry into the National Classification Scheme and that a discussion paper had been issued.

The ACCG agreed to provide advice in response to the ALRC discussion paper.

### ***'What Australian Kids Say About Their World'***

'What Australian Kids Say About Their World' is a book of quotes and artwork by children and young people from across Australia during consultation and community engagement activities undertaken by the eight Australian Children's Commissioners and Guardians.

The book was delivered by young people from Millennium Kids to the 18 members of the United Nations Committee on the Rights of the Child in October 2011 as part of the monitoring of Australia's performance with respect to the United Nations Convention on the Rights of the Child (UNCRC).

The ACCG agreed to distribute and promote the book and the story of how it was presented to the United Nations Committee.

### ***Protocol for Transfer of Care and Protection Orders and Proceedings for Interstate Assistance***

The ACCG noted that issues and delays continue to occur in the transfer of child protection orders and services when children move interstate. However, it is not clear why this is occurring or how implementation of the protocol is monitored or systemic issues resolved.

The ACCG agreed that each jurisdiction would discuss with their relevant Interstate Liaison Officer how transfers are working and who reviews, monitors and reports on this work. This information will be fed back to the ACCG between meetings to inform further action.

### ***Homelessness and child protection***

The ACCG discussed the disconnections between the youth homelessness system and the child protection system (and especially out-of-home care) and agreed to investigate in more detail the linkages and gaps between the two systems.

### ***Information sharing and the Commonwealth Privacy Act***

The ACCG noted that within and across state and territory borders there are inconsistent approaches to sharing information when children and young people are at risk of serious harm. The Commonwealth Government intends to harmonise privacy laws and information sharing.

The ACCG noted that the Commonwealth *Privacy Act 1988* prohibits the sharing of client information unless it is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person and that the concept of imminence can act as a barrier to the necessary sharing of information in child protection matters.

The ACCG agreed to write to the Commonwealth Privacy Commissioner in support of a Public Interest Determination that would allow disclosures of personal information where serious harm to a child, young person or their family can be anticipated and where there are procedures in place that protect the use and recording of such information.

***Next meeting***

The next meeting of the ACCG will be held in Queensland in May 2012.

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