

Minutes of Meeting   
Brisbane – 11-12 November 2019

**Members present:** Cheryl Vardon (CV), Principal Commissioner, Queensland Family and Child Commission *(Chair)*

Jodie Griffiths-Cook (JGC), Public Advocate and Children and Young People Commissioner, Australian Capital Territory

Helen Connolly (HC), Commissioner for Children and Young People, South Australia

Penny Wright (PW), Guardian for Children and Young People & Training Centre Visitor, South Australia

April Lawrie (AL) Commissioner for Aboriginal Children and Young People, South Australia

Colin Pettit (CP), Commissioner for Children and Young People, Western Australia

Megan Mitchell (MM), National Children’s Commissioner, Australian Human Rights Commission

Natalie Siegel-Brown (NSB), Public Guardian, Office of the Public Guardian, Queensland

Liana Buchanan (LB), Principal Commissioner, Commission for Children and Young People, Victoria

Justin Mohamed (JM) Commissioner for Aboriginal Children and Young People, Victoria

Leanne McLean (LM), Commissioner for Children and Young People, Tasmania

Judge Andrew Becroft (JAB), Children’s Commissioner, New Zealand

Colleen Gwynne (CG), Children’s Commissioner, Northern Territory

Janet Schorer (JS), Children’s Guardian, New South Wales

**Apologies:** Julie Inman-Grant (JIG), eSafety Commissioner

Andrew Johnson (AJ), Advocate for Children and Young People, New South Wales

**Secretariat:** Ben Revi, Principal Advisor, Policy and Advocacy Leadership, Queensland Family and Child Commission

Bonnie Mellor, Senior Advisor, Policy and Advocacy Leadership, Queensland Family and Child Commission

**Policy Officers (Day 2):** Amy Williams (OCC NT); Julie Nesbitt(CCYP Vic); James Fraser (CCYP Vic); Isabelle Crompton (CCYP Tas); Jessica Flynn (GCYP SA); Monique Bianchi (CCYP SA); Arrin Hazelbane (CCYP SA); Kate McGuiness (OCG NSW); Taryn Morrison (PACYPC ACT); Ben Revi, Bonnie Mellor and Sonjah Stewart (QFCC Qld).

**Abbreviations used in these minutes**

Commission for Children and Young People, Victoria CCYP (Vic)

Commission for Children and Young People, Tasmania CCYP (Tas)

Queensland Family and Child Commission QFCC (Qld)

Office of the Public Guardian, Queensland OPG (Qld)

Guardian for Children and Young People, South Australia GCYP (SA)

Commission for Children and Young People, South Australia CCYP (SA)

Commissioner for Children and Young People, Western Australia CCYP (WA)

Office of the Children’s Guardian, New South Wales OCG (NSW)

Advocate for Children and Young People, New South Wales ACYP (NSW)

Office of the Children’s Commissioner, Northern Territory OCC (NT)

Public Advocate and Children and Young People Commissioner, Australian Capital Territory PACYPC (ACT)

National Children’s Commissioner NCC

Office of the e-Safety Commissioner OeSC

Office of the Children’s Commissioner New Zealand OCC (NZ)

Australian Institute of Health and Welfare AIHW

Child Protection CP

Children and young people C&YP

Domestic and family violence DFV

Non-government organisations NGO

Out of home care OOHC

Royal Commission RC

Youth justice YJ

**Actions arising from the meeting**

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| **Ref.** | **Action** | **Responsible member agency** |
| 7 | Provide options on operational and funding models to support new meeting structures and development of a secretariat | CCYP (WA) |
| Discuss funding options for a secretariat with the Commonwealth Government | NCC |
| Revise terms of reference to reflect member discussion, and move revised terms of reference for signature | CCYP (WA) |
| 8 | Communique to restate advocacy in support of the appointment of Aboriginal and Torres Strait Islander, and Māori, commissioners | QFCC |
| 15 | Policy officers in each jurisdiction to conduct research into immigration and community detention in their state or territory, to share | All |
| 16 | Draft letter to the Treasurer about the decision not to include more gender options in the 2021 Census and distribute to other members for their consideration. | NCC |
| Policy officers to share information about issues and support services for LGBTIQ+ Aboriginal and Torres Strait Islander children and young people | All |
| 18 | Prepare a media release supporting raising the age of criminal responsibility, to be released prior to the Council of Attorneys-General meeting on 29 November 2019 | PACYPC (ACT) |
| Policy officers to share information about existing therapeutic programs to support children below the age of criminal responsibility | All |
| Policy officers to begin developing a statement of principles, or elements of a response, that can be used to prepare an ANZCCG position on therapeutic responses to children below the age of criminal responsibility | All |
| 19 | Lead offline information sharing on emerging issues for children with disability and the National Disability Insurance Scheme | OPG (Qld) to lead. CG, LB, HC, JW, LM and PW to be involved |
| 21 | Share community resources for child safe standards on Basecamp | All jurisdictions preparing community resources for child safe standards |
| 23 | Distribute the template for responses to the Department of Education consultation on cyberbullying | NCC |
| Share public and internal KPIs and output indicators | All |
| Draft communique | QFCC / All |

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| **DAY ONE** | |
| **Item** | **Discussion summary** |
| **1** | **Welcome to Country**  Derek Sandy of the Yerongpan Aboriginal Corporation welcomed attendees to country. |
| **2** | **Welcome to the State Library – Children and the memory of Queensland**  Gavin Bannerman, Director, Queensland Memory, State Library of Queensland, provided an overview of children’s artwork in the collection. This includes works in the Children’s Art Archive donated by Dr Barbara Piscitelli AM in 2004. |
| **3** | **Welcome and Administrative business**  Apologies from Andrew Johnson, ACYP (NSW), and Julie Inman-Grant, eSafety Commissioner.  The minutes from the May 2019 meeting were adopted. |
| **4** | **Jurisdictional updates (taken as read)**  Members identified matters of cross-jurisdictional relevance and emerging issues  **Penny Wright (PW), Guardian for Children and Young People & Training Centre Visitor, South Australia**   * There is a Bill currently going through the Parliament of South Australia seeking to introduce mandatory detention of drug dependent C&YP. * No model of care has been developed and there are concerns around human rights protections and rights to appeal. * A similar proposal, with consideration of models of care, is currently being developed in Victoria by Magistrate Jennifer Bowles.   **Judge Andrew Becroft (JAB), Children’s Commissioner, New Zealand**   * The *NZ Child and Youth Wellbeing Strategy* was released in August. * It has 86 work streams focus on key issues such as abuse and neglect, child poverty, health, education and involvement in the community. * Children were involved in the development of the strategy. * Initiatives included free school lunches for children at primary and secondary school. * There has been recent controversy about removal of babies from parents deemed to be at risk, a practice called ‘uplifting’. * There has been an increase in the practice from two to three ‘uplifts’ per week. * The Office of the Children’s Commissioner, the NZ Ombudsman and Māori leadership have raised concerns.   **Leanne McLean (LM), Commissioner for Children and Young People, Tasmania**   * Recently released a report on the OOHC Monitoring Program. There are 1,327 children in out of home care in Tasmania. * This number is up 21% from 2015. * One third of the C&YP in care are Aboriginal, although Aboriginal identity is not necessarily recorded when kids are taken into care. The local department is working on this. * Despite recommendations from LM and previous commissioners about therapeutic approaches to youth justice, progress has stalled. LM recently called for a renewed approach. * Maree Brown, Director, Child Wellbeing Unit, NZ Department of the Prime Minister and Cabinet has visited Tasmania, helping to drive a child wellbeing approach. * Tasmania now has approximately 200 ‘ambassadors’ around the state. The CCYP (Tas) is building an online portal for the Ambassadors to be able to communicate with LM and each other.   **Megan Mitchell (MM), National Children’s Commissioner, Australian Human Rights Commission**   * The NCC has been leading the *Free and Equal* national conversation about human rights, asking what we can do to build a human rights framework. * This has coincided with a visit from the United Nations Committee on the Rights of the Child. * A Senate inquiry into the family law system has been established, although the Commonwealth has not yet responded to the recent Australian Law Reform Commission report. There is some consideration as to whether to respond. * The Commonwealth Government is also seeking to revive a Bill proposing mandatory drug testing for welfare participants. Trials have begun in WA, Queensland and NSW. * The Australian Human Rights Commission will be participating in the current Senate inquiry into Foetal Alcohol Spectrum Disorder. * The NCC is looking at legislation allowing for C&YP to be strip-searched, given recent events at music festivals, which is something other ANZCCG members may wish to look at.   **Justin Mohamed (JM) Commissioner for Aboriginal Children and Young People, Victoria**   * JM provided update on the Koori Youth Justice Taskforce, having spent 45 days visiting metropolitan and regional Victoria. * There are strong links between OOHC and YJ, also between disengagement from education and YJ. * Community overwhelmingly wants to be involved. * C&YP have advised there are no age or culturally appropriate services for drug and alcohol rehabilitation. * There is a challenge to give real self-determination and participation for Aboriginal children in OOHC. * There is an opportunity to reduce overrepresentation in YJ.   **Jodie Griffiths-Cook (JGC), Public Advocate and Children and Young People Commissioner, Australian Capital Territory**   * Currently exploring options for more intensive therapeutic intervention supports for children and young people with complex high-level needs. Seeking to identify what services/systems would benefit from greater cohesion and integration of supports versus where there may be service gaps requiring a dedicated service response. * There have been no strip searches in YJ during the last financial year. * There has, however, been an increased use of ‘time-out’ in the last reporting period – in one case, for more than two and half hours. * JGC holds concerns regarding the operational definition of ‘time out’ and how and when this is used given that its use for extended time periods seems disturbingly like segregation, but (unlike segregation) doesn’t carry with it compulsory reporting to the PACYPC. * JGC is also monitoring what appears to be an increasing use of Family Violence Orders between parents and children, and Personal Protection Orders between children (instigated by their parents). There is some concern these are being used as behavioural management tool and/or a response to schoolyard situations that should perhaps be better managed in other ways rather than resorting to protection orders.   **Helen Connolly (HC), Commissioner for Children and Young People, South Australia**   * The CCYP (SA) annual report will soon be tabled, listing seven systemic issues the state needs to address. * Shortfalls include:   + homelessness among children aged under 15 (including an increasing number who, by definition, are children in need of protection)   + children under 12 with mental health concerns (as children over 12 are able to access headspace)   + lack of bail accommodation, leading to long periods of time in remand   + lack of intervention for children with drug and alcohol issues   + children in complex circumstances who are known to the child protection system, but where no intervention is taking place   + criminalisation of children in residential care, including children being arrested for minor behavioural infringements * There is a growing number of children being excluded from school, particularly impacting on children with disabilities. * There are children who are not enrolled in school and missing from statistics. * There is a current concern around sexting, including coercion among young children – children want to know how to deal and respond to coercion, especially in small, close regional towns. * There is no current systematic response to problematic sexual behaviour in children.   **April Lawrie (AL) Commissioner for Aboriginal Children and Young People, South Australia**   * AL will deliver a 12-month report in December 2019. * AL has spoken to about 570 members of Aboriginal community. Themes of emerging issues in SA:   + a call to action for a peak body providing agency for voices of Aboriginal children, families and communities   + the importance of identity, becoming and belonging as an issue for all Aboriginal children   + self-determination, human rights and social justice in child protection services (there are 360 Aboriginal kids in OOHC, 50 per cent of whom are in non- Aboriginal care)   + disconnection of Aboriginal children from culture and community while in the OOHC and YJ systems   + removal of Aboriginal babies from birthing units at metropolitan hospitals, with around two occurrences a week – there is a need to get Aboriginal services involved when there is a child safety concern   + the need to change attitudes toward Aboriginal children and families   **Liana Buchanan (LB), Principal Commissioner, Commission for Children and Young People, Victoria**   * Two new reports to be released: * the first focuses on the lives of 35 children who suicided after several child protection reports and evidence of self-harm, using evidence from child death inquiries * the second is a large study on C&YP experience on OOHC. A key finding of the inquiry was that children have no sense of control and do not feel they have a say. * The report makes strong recommendations on residential care and the number of Aboriginal children entering care.   **Cheryl Vardon (CV), Principal Commissioner, Queensland Family and Child Commission**   * The QFCC is recruiting for a new Commissioner. * The QFCC is about to announce the appointment of a new Deputy Commissioner. * Queensland has recently seen a 50 per cent spike in suicide in young people, particularly prevalent among Aboriginal and Torres Strait Islander C&YP.   **Colin Pettit (CP), Commissioner for Children and Young People, Western Australia**   * Child protection is about to emerge again as an issue in WA. * There have been attempts to outsource to Aboriginal Community Controlled Organisations. * WA has more than doubled the number of children in CP in 10 years, 50 per cent of whom are Aboriginal. * A wellbeing monitoring framework will be released at the end of the month, with three domains:   + learning and participation   + health and wellness   + safe and supported. * CCYP (WA) just surveyed 5,000 children, which is being tabled in parliament and will published in February – key finding is children are worried about their immediate environment.   **Colleen Gwynne (CG), Children’s Commissioner, Northern Territory**   * Met with Productivity Commission regarding its *Expenditure on children in the Northern Territory* draft report. * CG has visited several communities recently. * Of 60,000 children in the NT, 7,400 receive child protection orders relating to neglect, influenced by poverty. * Food security and water access are significant issues, particularly in remote areas.   **Natalie Siegel-Brown (NSB), Public Guardian, Office of the Public Guardian, Queensland**   * OPG (Qld) has received a 60% budget increase and has dedicated $250,000 in workforce resources to help frontline staff members support each other. * NDIS and YJ remain issues and are related, given the prevalence of neurodevelopmental conditions in youth justice. * There is a question as to why the NDIS is not available in detention settings. * Community visitors are reporting use of chemical and physical restraints in residential care.   **Janet Schorer (JS), Children’s Guardian, New South Wales**   * There has been a shift in government departments in NSW, bringing justice into the family and community services cluster. * NSW is in a unique position in Australia, with a decrease of the number of children coming into care. * The *Family is culture* report was recently released, looking into the individual cases of 1,172 Aboriginal children in care. * The report makes 137 recommendations, including recommendations relating to:   + the role of Aboriginal controlled organisations   + recommendations to cancel accreditation of organisations that do not meet standards. * Major reforms underway include permanency in OOHC and therapeutic approaches to residential care. * Currently working on implementation of child safe standards, starting with Aboriginal community-controlled organisations. * A report into youth justice has been released, which considers diversionary programs, Children’s Court changes and prevention. |
| **7** | **ANZCCG member discussion** *Cheryl Vardon, Principal Commissioner, Queensland Family and Child Commission*  CV presented a discussion paper based on conversations with ANZCCG members about the purpose and structure of ANZCCG meetings. Members noted the importance of information sharing and cross-jurisdictional perspectives, but also the challenge of coming to a single ANZCCG position on issues given the different remits in each jurisdiction. Election cycles impact the ability to influence state and federal policy.  Members discussed the opportunity to have different types of meetings throughout the year:   * the first meeting, held around May, could set the agenda for the year * the second meeting, held around November, could be a ‘deep dive’ into a single issue * there can be separate targeted meetings throughout the year, like the child poverty meeting held in 2019, which ANZCCG members can choose to attend   CP suggested ANZCCG may need a dedicated, funded secretariat to provide research support for meetings.  **ACTIONS:**  **CP to provide options to ANZCCG members on operational and funding models, including development of a secretariat**  **CP to revise terms of reference to reflect this conversation, and move for member signatures**  **MM to discuss with the Commonwealth Government the possibility of funding a secretariat** |
| **8** | **Establishment of a National Commissioner for Aboriginal and Torres Strait Islander Children and Young People** *Justin Mohamed, Commissioner for Aboriginal Children and Young People (Vic) and April Lawrie, Commissioner for Aboriginal Children and Young People (SA)*  SNAICC and Family Matters have released a position paper advocating for a National Commissioner for Aboriginal and Torres Strait Islander children and young people.  JM, AL and representatives from the CCYP (Vic), CCYP (SA) and QFCC recently met with the Hon Ken Wyatt MP, Minister for Indigenous Australians, to discuss this. They are currently proposing a dedicated, national position focused on Aboriginal and Torres Strait Islander children and young people. It may take advocacy from multiple voices to achieve this goal.  The SNAICC and Family Matters position paper advocates for the National Commissioner to sit in the Australian Human Rights Commission (AHRC), with equal footing with other AHRC commissioners. The SNAICC position paper recommends the position be given complaints-handling powers, however no current AHRC commissioner has these responsibilities. Members noted even if a National Commissioner did not have complaints-handling powers, it is likely complaints would be raised during community consultation.  The position would help to make sure self-determination and culture is at the heart of work to support children and young people in Australia.  **ACTION:** **Communique to restate advocacy in support of the appointment of Aboriginal and Torres Strait Islander, and Māori, commissioners.** |
| **9** | **Update on child safe standards and reportable conduct**  *Liana Buchanan, Principal Commissioner, Commission for Children and Young People (Vic) and Janet Schorer, Children’s Guardian (NSW)*  The Royal Commission into Institutional Responses to Child Sexual Abuse recommended each state and territory implement child safe standards and reportable conduct schemes.  LB advised Victoria has seven high level child safe standards to prevent abuse of children in organisations. The CCYP (Vic) has been given the role to educate and test compliance with child safe standards.  In Victoria, the reportable conduct scheme oversees how agencies respond to allegations of abuse. In certain circumstances, it can also step in to do its own investigations. The CCYP (Vic) receives investigation reports from agencies and assesses whether the investigation has been thorough and reasonable. If there is a substantiated finding of reportable conduct, the CCYP (Vic) refers to the relevant regulator to take action.  Some organisations’ approaches to investigating abuse allegations are concerning, for example where children are not believed or not interviewed. There is also a reluctance from some organisations to investigate minor (non-criminal) misconduct. The CCYP (Vic) has received 1,700 allegations from 3,000 separate incidents over two years. One third of these were substantiated. The highest proportion is in OOHC. Most of the effort is in education, awareness raising and culture change. Of the 70-75 total staff in the CCYP (Vic), 40 work between child safe standards and reportable conduct.  JS advised the OCG (NSW) will soon be given responsibility for reportable conduct, which will be a rich source of information. The OCG (NSW) is also currently consulting community organisations about child safe standards. Themes have emerged including a need for mandatory standards and enforcement powers to make sure organisations that do not meet standards cannot continue to provide services. |
| **10** | **Solutions to child poverty**  *Colin Pettit, Commissioner for Children and Young People (WA)*  Members discussed child poverty, and to look at approach of governments to prevent poverty. Seven per cent of children live in poverty in Australia, including 44,000 children in WA alone. Poverty is a significant driver of poor outcomes.  Recent publications looking at poverty include:   * *Solutions to child poverty - evidence for action* (Office of the Chidren’s Commissioner, New Zealand) * *Leave no-one behind* (South Australia) * *The impact of poverty on the developing child* (CoLab, Telethon Kids Institute) * *Engaging with children’s voices on poverty: the value of their lived experience* (CoLab, Telethon Kids Institute)   AJ has previously agreed to poll 5,000 people to understand what poverty means to Australians, with results due in December.  CP advised the CCYP (WA) will develop a paper, which can be circulated to ANZCCG members. Members considered options for future advocacy on the issue of child poverty, including:   * holding a workshop, potentially as part of an ANZCCG meeting * writing to the Commonwealth Government * preparing speaking points for ANZCCG members to embed in relevant presentations and discussions with Ministers. |
| **11** | **Australian Centre to Counter Child Exploitation**  *Federal Agent Stephen Jay, Operations Manager, Australian Centre to Counter Child Exploitation*  The ACCCE was established in March 2018 with an $18 million budget, bringing together police, NGOs and civil society organisations. It helps respond to reports – more than 18,000 so far this year – involving Australian children and/or child sex offenders. There are no other organisations like this anywhere in the world.  The ACCCE brings the right people in to address this issue, going beyond policing. The number of referrals has been doubling. At the end of each piece of information, it is possible there is an offender or a child at risk.  The ACCE brings agencies together to work cohesively, to address the challenge of coordination across states and territories.  The ACCCE will be based in Fortitude Valley, Brisbane, from March 2020. The building has been designed with staff welfare in mind, to provide the opportunity for staff to walk away from their offices into open spaces and outside areas. Staff will have access to support and welfare services, including psychology.  Capabilities of the ACCCE include:   * *covert online engagement*, to identify offenders around the world * *victim identification unit*, including searching for evidence in the background of a photograph or video * *intelligence fusion unit*, to assist agencies to work together to find offenders * *child protection triage unit*, assessing risk and referring to government agencies for investigation * *prevention and outreach*, circulating information about the risk of child abuse and exploitation to stop offending before it occurs * *strategy and governance*, to seek improvement to legislation, policy and practice.   Members discussed prevention models in place internationally including:   * the ‘Stop it Now!’ child sexual abuse prevention campaign and helpline in the UK and Ireland * the Dunkelfeld model in place in place in Germany, which allows people who feel they may offend to access mental health treatment.   Poverty is one of the leading causes of child exploitation in other countries. ACCCE works with state and territory police services throughout Australia, and with Interpol where there is information about incidents overseas. The National Centre for Missing and Exploited Children (NCMEC) in the US makes 95 per cent of the referrals to the ACCCE. Some child exploitation material is being produced in Australia, including in remote communities.  Emerging technology, including smart phone apps, create complication where they are marketed towards young children and can amplify the risk to children.  When law enforcement becomes involved, a child has already been harmed. The focus should be on education and prevention.  ANZCCG members are invited to visit the new ACCCE offices when they are finished. |
| **12** | **QFCC oversight and evaluation of child safety reforms**  *Cheryl Vardon, Principal Commissioner, Queensland Family and Child Commission*  CV provided an overview of work being undertaken by the QFCC, including:   * an evaluation of the child protection reform program in Queensland * oversight over youth justice reform strategy * supporting the new Department of Youth Justice to implement reforms from *Working Together Changing the Story: Youth Justice Strategy 2019-2023* * three reviews following the deaths of six children, requested by the Attorney-General and Minister for Justice. |

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| **DAY TWO** | |
| **Item** | **Discussion summary** |
| **14** | **Acknowledgement of country and administrative business**  CV acknowledged the traditional owners of the Lands on which the meeting was held. |
| **15** | **Monitoring children in immigration detention**  *Liana Buchanan, Commissioner for Children and Young People (Vic)*  Following repeated contact from community advocates, LB and CCYP (Vic) requested and have been grated access to children being held in immigration detention in Victoria.  The CCYP (Vic) has been granted access to, and met with, children and families at the detention centre at Broadmeadows by engaging directly with the centre and with the Department of Home Affairs. Concerns have been raised about children’s access to schooling and health and dental services. The Department of Home Affairs is currently preparing draft agreements for further engagement/involvement of CCYP in immigration detention monitoring.  MM advised the Australian Human Rights Commission regularly visits centres around Australia. Some children in immigration detention are classified as guests of their parents, so are not included in statistics on numbers in detention. MM is also concerned about alternative places of detention (APODs), including hospitals and motels where guards sit in the rooms with families and accompany them to appointments.  There is also concern about families in community detention, who are receiving only a proportion of the income support available to Australian citizens. This increases the likelihood of children living in poverty.  **ACTION:** **Policy officers in each jurisdiction to conduct research into immigration and community detention in their state or territory, to share on Basecamp.** |
| **16** | **Supporting LGBTIQ+ children and young people**  *Jodie Griffiths-Cook, Public Advocate and Children and Young People Commissioner (ACT)*  This item follows the panel discussion by A Gender Agenda at the previous meeting and a statement made in the May 2019 communique about activities to support LGBTIQ+ children and young people.  One emerging issue is the Australian Bureau of Statistics choosing not to include questions about sexuality and gender in the 2021 Census. There is also a need to identify current and emerging issues for LGBTIQ+ Aboriginal and Torres Strait Islander children and young people.  **ACTIONS:**  **MM to draft letter to the Treasurer regarding the decision not to include more gender options in the 2021 Census and distribute to other members for consideration.**  **Policy officers to share information on Basecamp about issues and support services for LGBTIQ+ Aboriginal and Torres Strait Islander children and young people.** |
| **17** | **Advancing Children’s Rights – international opportunities**  *Megan Mitchell, National Children’s Commissioner*  MM provided an update on NCC engagement with the UN Committee on the Rights of the Child. Australia appeared before the UN Committee for the first time in six years. *In My Blood It Runs* was screened, and Dujuan, the child who appears in the film, spoke before the UN Committee. The NCC is seeking take the data from Australia’s report to the UN Committee and present it in a visually appealing way, as a benchmark for future reporting and an advocacy tool.  Members highlighted the importance of the UN Convention on the Rights of the Child to all work to support children and young people. CP has developed wall charts and videos about the importance of the UN Convention and what it means to people.  MM also attended a youth-led event in Indonesia where children spoke about the environment. There is an opportunity to hold a similar event in Australia, inviting people from the South-East Asian region.  There are opportunities to hold meetings with children’s commissioners in the Pacific Islands, and across the Commonwealth, to advance international interests and share relevant information. |
| **18** | **Youth justice**  *Natalie Siegel-Brown, Public Guardian (Qld)*  NSB outlined progress on the issue of the minimum age of criminal responsibility since the May 2019 meeting, including well-received presentations by human rights lawyer Manfred Nowak, and interest in the issue during the Australian Institute of Judicial Administration conference. The Council of Attorneys-General is expected to discuss the issue during its meeting scheduled for 29 November 2019.  Members discussed the need to identify a therapeutic approach to support children under the age of criminal responsibility who offend. Responses such as New Street in NSW, and the child offender system in NZ, were discussed as good approaches.  Members agreed to share information about programs currently in place, and to prepare a media release to support raising the minimum age of criminal responsibility in advance of the Council of Attorneys-General meeting scheduled for 29 November 2019.  **ACTIONS:**  **JGC to prepare a media release supporting raising the age of criminal responsibility, to be released prior to the Council of Attorneys-General meeting on 29 November 2019**  **Policy officers to share information about existing therapeutic programs to support children who offend under the age of criminal responsibility**  **Policy officers to begin developing a statement of principles, or elements of a response, that can be used to prepare an ANZCCG position on therapeutic responses to children under the age of criminal responsibility.** |
| **19** | **National Disability Insurance Scheme**  *Natalie Siegel-Brown, Public Guardian (Qld)*  NSB discussed the issue of children in OOHC experiencing delays with access to the National Disability Insurance Scheme.  Members expressed concerns about funding for children who interact with the NDIS and child protection systems. Delays with NDIS funding can lead to children placed in OOHC. Some children with disabilities can be in ‘respite’ care long term. There is some evidence increasing voluntary relinquishments under the NDIS.  Members agreed to share information offline, particularly those with oversight over disability services. NSB will lead, and CG, LB, HC, JW, LM and PW would like to be involved.  Members agreed these issues are particularly relevant for Aboriginal and Torres Strait Islander children and young people who are overrepresented in child protection systems.  **ACTION: NSB to lead offline information sharing on emerging issues for children with disability. CG, LB, HC, JW, LM and PW to be involved.** |
| **20** | **Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (RCVANEPD)**  *The Hon Roslyn Atkinson AO, Commissioner, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (RA)*  RA acknowledged the traditional owners of the Land on which the meeting was being held.  The RCVANEPD was announced on 5 April, with a budget of $527.9 million. Currently expected to provide a final report within three years.  As at 31 October 2019, the RCVANEPD had 127 staff. 15 per cent identify with a disability, and 6.3 per cent identify as Aboriginal or Torres Strait Islander. Commissioner Andrea Mason has set up a reference group with Aboriginal and Torres Strait Islander leaders. The Commissioners have set up an Affirmative Measures Register to actively encourage diversity.  The RCVANEPD will be guided by international obligations under the UN Convention on the Rights of Persons with Disability.  The RCVANEPD started in Townsville to demonstrate it is not going to be based only in Sydney or any other capital city. It started with education because a child who is unable to receive education will likely face a challenging trajectory.  The RCVANEPD has conducted consultations on its terms of reference and accessibility strategy. It is exploring the rights of people to live where they want, with whom they want, and make decisions about what they do and eat, to make sure there is no abuse or neglect.  Engagement is important, particularly where people may have difficulty communicating. There will be formal and informal engagements, including community forums. There will be private sessions, and engagement must be trauma-informed and culturally safe.  Submissions can be provided in any format, including in Indigenous languages. The RCVANEPD will consider ways to make sure children can give evidence safely.  At present, legislation allows the RCVANEPD to maintain confidentiality only until the end of its process. The Commonwealth Government may look into extending confidentiality beyond the end of the Royal Commission, so evidence can remain confidential forever.  RA encourages people to submit whatever information they can, whenever they can. Organisations are encouraged to make submissions on topics emerging, prior to the RCVANEPD commencing formal hearings on these topics. |
| **21** | **Update on the Royal Commission into Institutional Responses to Child Sexual Abuse**  *All*  Members noted the need for a nationally consistent approach to child safe standards. There is a risk that discrepancies between states and territories could impact on data sharing.  There are already differences emerging between jurisdictions on reportable conduct schemes, and there is an opportunity to do some work to identify what a truly harmonised reportable conduct scheme could look like.  There is a question about whether Victoria and South Australia will adopt the 10 child safe standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse, or continue with the seven standards already adopted in those states.  LB and JS discussed the possibility of a forum in 2020 involving statutory bodies that have received, or are likely to receive, these functions.  JGC requested that where jurisdictions are preparing resources for child safe standards, these should be shared on Basecamp.  **ACTION: ANZCCG members preparing community resources on child safe standards to share these on Basecamp.** |
| **22** | **Amnesty International - Minimum Age of Criminal Responsibility**  *Joel Clark, Advocacy and Government Relations Adviser, Amnesty International*  Samantha Clintworth will be commencing as National Director of Amnesty International (AI) in December 2019, based in the Brisbane office.  AI is expecting the Council of Attorneys-General to release a literature review relating to the minimum age of criminal responsibility after its 29 November meeting, rather than make a clear decision to raise it.  AI is developing a new campaign to demonstrate community support for raising the age of criminal responsibility, and identify alternatives to the criminal justice system for children aged 10-13. This will include considering programs and resources for children, reforms within policing, and the interaction between police responsibilities and the child protection system.  JC encouraged ANZCCG to reaffirm the statement made in the May 2019 communique in support of raising the age of criminal responsibility. |
| **23** | **Next meeting and any other business**  MM advised the Department of Education (Cth) has asked for advice on approaches to cyberbullying. MM will distribute a response template to ANZCCG members.  JGC asked ANZCCG members to share KPIs, particularly output indicators, both public and internal, to assist with the ongoing development of the PACYPP (ACT) office.  Policy officers to draft communique.  The next meeting will be held in Sydney in May, followed by Wellington, NZ, in the week 13-17 October 2020.  **ACTIONS:**  **MM to distribute response template to Department of Education consultation on approaches to cyberbullying**  **ANZCCG members to share public and internal KPIs and output indicators**  **Policy officers to draft communique** |
| **24** | **Meeting closed** |