

Australian and
New Zealand Children's
COMMISSIONERS
AND **GUARDIANS**

Communique

13-14 May 2019

The biannual meeting of the Australian and New Zealand Children's Commissioners and Guardians (ANZCCG) was held in Canberra on 13-14 May 2019. ANZCCG members acknowledge the Ngunnawal people as the traditional custodians of the land on which this meeting was held, and pay their respects to Elders past, present and emerging.

As independent statutory officers, ANZCCG members are mandated to promote the best interests of children and young people and ensure that their views and interests are heard and influential, noting that Aboriginal and Torres Strait Islander and Māori children and young people often experience disproportionate disadvantage.

The ANZCCG comprises national, state and territory children and young people commissioners, guardians and advocates, and the eSafety Commissioner. The ANZCCG aims to promote and protect the safety, wellbeing and rights of children and young people in Australia and New Zealand by:

- promoting the rights of children and young people, including their right to participate in decisions relating to them, as articulated in the United Nations *Convention on the Rights of the Child*;
- ensuring the best interests of children and young people are considered in the development of policies and programs;
- giving voice to the views of, and encouraging direct consultation with, children and young people on matters that affect them; and
- encouraging systemic improvement, informed by evidence-based research, in areas that impact on the rights, interests and wellbeing of children and young people.

At the commencement of day one of the meeting in Canberra, and following an Acknowledgement of Country, ANZCCG members heard a poem written and read by Leeara, a local Aboriginal young person.

Local Ngunnawal elder, Aunty Violet Sheridan, provided the official Welcome to Country on day two.

Over the course of the meeting, members exchanged information on work underway in each jurisdiction, covering a broad range of issues including, child protection, youth justice, child rights, and online safety. Members of the ANZCCG Officers Network joined the meeting with ANZCCG members on day two and met separately following the meeting to progress actions from the ANZCCG meeting.

On Monday evening, ANZCCG members had the opportunity to attend a pre-screening of *In My Blood It Runs*, ahead of its Australian Premiere at the forthcoming Sydney Film Festival. The film, which told the story of 10-year-old Arrernte/Garrwa boy Djuwan, was both inspirational and thought-provoking, emphasising the challenges that underpin many of the ANZCCG's priorities. Notably from this meeting, it also highlighted the importance and value of Indigenous-led solutions and self-determination.

ANZCCG members also acknowledged Pink Shirt Day, occurring on 17 May 2019, which aims to reduce bullying in NZ by celebrating diversity in all its forms. The theme of the day was *Speak Up and Stand Together to Stop Bullying*.

The May 2019 ANZCCG meeting focussed on ANZCCG's six priority areas:

1. Achieving better outcomes for Aboriginal and Torres Strait Islander and Māori children and young people

We recognise Aboriginal Leadership and call for increased representation

ANZCCG members acknowledge that three Australian states now have Aboriginal Commissioners, and affirmed the importance of Aboriginal and Torres Strait Islander and Māori leadership and self-determination of First Nation peoples in achieving improved outcomes for their children and young people. Members agreed to continue to advocate towards the appointment of Aboriginal, Torres Strait Islander and Māori Children and Young People Commissioners.

The Aboriginal and Torres Strait Islander Child Placement Principle, inclusive of all five elements, must be fully embedded in legislation and practice

Aboriginal, Torres Strait Islander and Māori people are best placed to care for and make decisions about their children. While recognising that many Aboriginal and Torres Strait Islander and Māori children and young people live in strong and nurturing homes and communities, a priority issue for all members remains the greater disadvantage and the overrepresentation of these children and young people in child protection and youth justice systems. Members noted the fundamental importance of embedding the Aboriginal and Torres Strait Islander Child Placement Principle in legislation and practice, acknowledging that self-determination is integral to the application of this principle to practice.

2. Promoting young people's engagement and participation

We need to ensure transgender, intersex and gender diverse young people get the support they need and are entitled to

ANZCCG members were privileged to learn from the journeys of a number of young people who are transgender and gender diverse. Members support their call for inclusive, better-informed education spaces, support services and health services.

3. Upholding the rights of children and young people in contact with the youth justice system

We need to raise the minimum age of criminal responsibility and increase investment in diversionary supports

Currently, the minimum age of criminal responsibility across Australia and New Zealand is 10. The ANZCCG recommends the age of criminal responsibility ideally be raised to at least 14 years, and should be no lower than the internationally acceptable minimum age (currently 12 years). ANZCCG members will continue to advocate for governments to raise the minimum age of criminal responsibility.

ANZCCG members also called for increased investment in diversionary programs and supports to divert children and young people away from the criminal justice system at all points and to promote rehabilitation. We know that locking children up does not reduce recidivism. Consistent with article 37 of the UNCRC, detention should always be a last resort.

4. Improving the safety of children and young people in organisations

Ongoing commitment to embedding child safe principles and implementing the recommendations of the Royal Commission

ANZCCG members continue to monitor the progress across states, territories and the Commonwealth in implementing the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

5. Ending violence against children and young people

We must understand and respond to children and young people’s unique experiences of family and domestic violence

Members note that children and young people are affected by domestic and family violence in a range of ways, which are different from the experiences of adults. Children and young people’s needs can be overlooked or perceived as secondary to those of adults. Policies and services are needed that reposition the wellbeing of children and young people as being central to supporting them through their experience of violence, and provide different responses to ensure their needs are met.

6. Promoting children and young people’s safety and wellbeing

Making the National Framework achieve improved outcomes for children and young people

Australian members noted that the *National Framework for Protecting Australia’s Children 2009-2020* will conclude next year. They look forward to contributing to the development of the next national policy agenda for promoting children and young people’s wellbeing in Australia. Members emphasised the need for there to be a clear focus on child safety, Aboriginal leadership, and increased accountability of all levels of government to ensure that the aims of the policy are enlivened in practice.

Children have a right to play

ANZCCG members acknowledge the benefits and importance of facilitating play and play-based learning opportunities for children and young people. Article 31 of the United Nations *Convention of the Rights of the Child* states that children and young people have the right to engage in play and recreational activities appropriate to their age and to take part freely in cultural life and the arts.

ANZCCG Members from left to right – Phillip Brooks (Qld), Leanne McLean (Tas), Helen Connolly (SA), April Lawrie (SA), Andrew Becroft (NZ), Penny Wright (SA), Liana Buchanan (Vic), Colleen Gwynne (NT), Jodie Griffiths-Cook (ACT)

– Photo taken in the Museum of Australian Democracy’s ‘Play-Up’ Space –



Note: Not all ANZCCG members were present for the photo. Members not present are as follows: Natalie Siegel-Brown (Qld), Cheryl Vardon (Qld), Andrew Johnson (NSW), Janet Schorer (NSW), Justin Mohamed (Vic), Colin Pettit (WA), Megan Mitchell (NCC), Julie Inman-Grant (eSC)

ANZCCG members thank the following organisations and their representatives who presented at the meeting:

- Brian Babington, Stella Conroy & Dr Marian Esler – Families Australia
- Kathryn Mandla – National Office for Child Safety
- Karen Toohey – ACT Human Rights Commission
- Julianna Demetrius – NSW Ombudsman
- Ruth Barson – Human Rights Law Centre
- Maya Newell & Alex Kelly – *In My Blood It Runs*
- Barb Causon & Narelle Rivers – *Our Booris Our Way* Review
- Kim Davison – Gugan-Gulwan Aboriginal Youth Corporation
- Dee Ann Brown – OzChild Foundation
- Sabrina Antonakos – Warrumbul Court, ACT Government
- Fiona May – Playgroups Australia
- Andrew Harper & Nanette Louchart-Fletcher – Museum of Australian Democracy
- Nicole McMahon – 1800Respect
- Jo Wood – ACT Office for Family Safety
- Marcia Williams – Domestic Violence Prevention Council
- Joel Radcliffe, and panel of four young people - Soap, Ella, Eddie and Justice – A Gender Agenda