

**OFFICE OF THE  
COMMISSIONER FOR CHILDREN**

**FIRST  
ANNUAL REPORT**

**JUNE 30<sup>TH</sup> 2001**

**A  
NEW BEGINNING FOR  
CHILDREN AND YOUTH  
IN  
TASMANIA**

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## **Foreword by Commissioner for Children Patmalar Ambikapathy**

It is my privilege and pleasure to present to Parliament, through the Minister for Health and Human Services, the First Annual Report of the Commissioner for Children in Tasmania. My appointment by the Governor of Tasmania commenced on the 16<sup>th</sup> October 2000. I accepted the position as your first Commissioner for Children on the basis of the vision of the Joint Parliamentary Select Committee. This is a vision based on the human rights of children as equal members of the human family in accordance with the rights embodied in the *United Nations Convention of the Rights of the Child*. The Convention was used as the guiding principle of the *Children, Young Persons and their Families Act 1997*. In that year, the foundation for a new system of human rights for children and youth in the welfare and justice jurisdictions was established with bipartisan support, by the passing of two Acts of Parliament. The *Children, Young Persons and their Families Act* established the Commissioner for Children and the *Youth Justice Act* provided for diversionary procedures that guided children away from the criminal justice system. However, this is only the beginning as we need policies and practices that reflect Parliament's new vision. We are now required to look after our children and youth in their families, the welfare and justice systems, schools and all other areas where they come into contact with us, with respect for their human rights and a new understanding and awareness of exactly what this means.

Unless the rights expressed in the Convention are translated into principles, policies and practices in the new legislation, such rights may only have a minimal impact on children and youth. The challenge to all sectors of Government is to refocus their service delivery to children and youth to fully give effect to such rights. We all need to build on this firm base that Parliament has established, and to facilitate this I have distilled three principles, from the *Children, Young Person and their Families Act 1997*, that can be the basis of policy and practice for all of us who are involved in the implementation of the Act:-

1. The best interest of the child must be the paramount consideration in any exercise of powers that affect a child. The second and third principles are subject to this first one.
2. Care and protection of a child must be based on safety and stability for the child in the child's own family, if it is practicable to support parents to discharge their responsibilities.
3. Children's views and wishes and their participation in all matters that affect their lives must be sought and considered in all decision making processes.

The approach of your Office will be for your Commissioner to continue to provide leadership to achieve the above principles and to champion the change needed for such a profound shift in culture and service delivery that the new legislation demands. To achieve this we will continue to promote an awareness of the rights of children and youth in Tasmania, with respect to their health, welfare, care, protection, development and education. We will also encourage children to develop an understanding of their responsibilities to enable them to develop into valued citizens in our society.

This is a challenge that I will meet fortified with my years of experience as a lawyer for children in other jurisdictions. As your first Commissioner, I will serve the best interests of the children and youth of Tasmania, with independence, impartiality and integrity to enable them to grow and develop in a manner that maximizes their full potential. I will approach this task with respect and with admiration for the commitment of this State to children, youth and their families. A whole of government approach to promote the best interests of children

and safe and stable families will be encouraged. Such an approach will allow us to prioritize funding to provide for adequate services and support to children and their families by a full and proper implementation of our new legislation.

# ANNUAL REPORT

## OFFICE OF THE COMMISSIONER FOR CHILDREN

*July 1st 2000 to June 30th 2001*

### OUR VISION:

**TO WORK WITH AND FOR CHILDREN AND YOUNG PEOPLE WITH  
INDEPENDENCE, IMPARTIALITY AND INTEGRITY.**

## 1. INTRODUCTION

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Tasmania's Office of the Commissioner for Children was established on July 1<sup>st</sup> 2000. In 1997 the State Government of Tasmania passed two new Acts relevant to the children and young people of Tasmania after wide community consultation and bipartisan support. They were the *Children Young Persons and their Families Act 1997* and the *Youth Justice Act 1997*. Both were proclaimed to come into effect in 2000. The *Youth Justice Act* commenced on the 1<sup>st</sup> January and the *Children, Young Persons and their Families Act* on 1<sup>st</sup> July 2000.

Previously children's matters were dealt with under the *Child Welfare Act* and the *Child Protection Act*. However, there was a decision made to separate the two areas covered by the *Child Welfare Act*. Thus two new Acts were created. The *Children, Young Persons and their Families Act 1997* now deal with matters that previously fell under the jurisdiction of the *Child Welfare Act*, and the *Youth Justice Act 1997* covers the criminal jurisdiction.

This is the First Annual Report of Tasmania's Office of the Commissioner for Children. Our interstate counterparts in Queensland and in New South Wales have been up and running before us, which makes Tasmania the third State to make this very significant commitment to our children. However, your Office has adopted a different approach to the position adopted by these other two States. Your Office in Tasmania has a focus on the rights of children. This is based on the United Nations Convention on the Rights of the Child, upon which the *Children Young Persons and their Families Act* is based. This means your Office takes a *human rights approach* to the children and youth of Tasmania. This demands a *rights based model* for your Office. This is what has been delivered to Tasmania, with regard to children's health, welfare, care protection, education and development. The Act gives the Commissioner jurisdiction in these areas and a detailed statement of the powers and functions of the Commissioner, under the Act, is annexed as Appendix A to this Report.

This Annual Report examines the work of the Office of the Commissioner for Children over the last 12 months and sets proposals and targets for the future.

## **2. HISTORY AND DEVELOPMENT**

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The Office was established in July 2000, with Lisa Warner, the Public Guardian, as the interim Acting Commissioner until 13<sup>th</sup> October 2000. During this period, and up to the first six months, initial support for budget and financial administration was provided by Child Youth and Family Support. A Project Officer was appointed to develop the Office and premises at 99 Bathurst Street were secured and a physical location established. Contacts were made with various stakeholders and an initial Complaints Process was put in place. Since 16<sup>th</sup> October 2000 when the present Commissioner Patmalar Ambikapathy took over, these initial contacts have been formalized into Protocols with various stakeholders and the Complaints Process has been modified. The Complaints Process was moved away from a welfare and social model to a rights model. Complaints were dealt with on the basis of the rights of the child, to health, welfare, care, protection, development and education.

There is now an increasing awareness in the community that this Office can examine individual complaints to address systemic issues. Although the legislation does not give this Office original review jurisdiction, individual complaints have an important role to play in assessing how services are being delivered to children at risk and how the two new Acts are being implemented. They are an important lens into the system of child protection, juvenile justice and the wellbeing of children in all areas of their activities by scrutiny and assessment of practices, policies and services. Assessing Complaints is a quick and cost effective manner of discovering what the shortfalls or strengths are in any service delivery , practice or policy to children in health, welfare, care, protection, development and education.

During our twelve months of service, we have received 54 Complaints from a variety of sources and a summary of issues in these Complaints (omitting names or identifying characteristics), have been annexed in Appendix B. Although the numbers of Complaints are few, these have allowed this Office to assist the Complainant, by an internal review or referral of the Complaint, that address difficulties complained about. Complaints also reflect community concerns and we assess services complained of and communicate our views to the Agencies concerned and the Minister.

The Office has been able to advocate for concerns in the community expressed to the Office in many areas. The visibility of our services has reflected an increase in morale or public confidence that has been expressed to this Office in the evaluation of our work that goes out to the community each month. Annexed to this Report as Appendix C is a copy of the Evaluation Form. There is a perception that since the inception of this Office, children and young people in Tasmania have a voice that will be heard and acted upon. This Office gives to the community processes whereby issues of concern can be identified and addressed. Our advocacy allows issues of concern that the community have, to be articulated and placed in the public domain, for public awareness and discussion. As a result, we can work together towards their resolution in the best interests of children.

This function is in the spirit of the bipartisan approach taken by Parliament and its Joint Select Parliamentary Committee that required a Commissioner to adopt a “proactive” approach to “provide advocacy for children at a systems level”. Whilst complaints are by nature reactive, our assessment of complaints allows us to advocate for support and services from government to families to help them parent better. We advocate that the best interests of the children be incorporated into their care, protection, safety and stability to grow in their homes to their full potential, with their families being responsible to provide this initially. If the safety and stability of the child is at risk we advocate for effective early intervention in their best interests, so that they are not left in an unsafe environment.

### ***Our Mission Statement***

This Office promotes the object of the *Children, Young Person and their Families Act* to ensure that outcomes for them result in their care and protection whilst living in a safe and stable environment that enables them to grow in a manner that maximizes their full potential.

### ***Our Strategy to achieve this outcome***

To actively promote the object of the Act and the United Nations Convention on the Rights of the Child, and to scrutinize all practices, policies and services to children and young people to assess if outcomes achieve the object of the Act, the paramount consideration of the best interests of the child and the principles of the Convention.

## **3. AIMS AND OBJECTIVES OF THE OFFICE**

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### **a. Aims**

The aims of this Office are to:

- *promote* the object of the *Children, Young Persons and their Families Act*, the best interests of the child, and the *United Nations Convention on the Rights of the Child*; and
- *scrutinize* all practices, policies and services to children and young people to assess if outcomes achieve the object of the Act, the paramount consideration of the best interests of the child and the principles of the Convention;
- *provide* proactive, strong and independent advocacy for children and young persons in Tasmania in the areas of health, welfare, care, protection, development and education.

### **b. Objectives of this Office**

Our objectives are:

- to increase public awareness, understanding and knowledge of the human rights of children and young persons, and
- to increase the awareness of all service providers of the object of the Act by an assessment of practices and policies of government and non government organizations in service delivery to children in health, welfare, care, protection, development and education;
- to address the main principles of the Act which are:
  - that the best interests of the child must be paramount;
  - that children should be with families;
  - that Government should support families to rear children in safety and stability.

### **c. Outcomes and Targets**

- advocate for changes to benefit children;
- build networks and links between this Office and the community to advance rights of children;
- establish children, youth, family and community activism and participation to protect children;
- identify issues, complaints and concerns expressed by the public and stakeholders and
- advising the Minister on them.

## **4. OPERATIONAL STATEMENT**

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The Office is an independent Office, within the auspices of the Department of Health and Human Services. It is directly responsible to the Minister for Health and Human Services, the Honourable Judy Jackson. The Office operates with:

- Children's Consultative Councils from the North, South and North West, that represents children from all sectors of the community. These include children who are or have been in care, fostered or adopted, from intact and single parent families, refugees, immigrants as well as those who are high achievers in any of the categories;
- Interim Adults Advisory Councils (North, South and North West), which have representation across a range of regional, government, non government and community sectors;
- Personnel including the Commissioner for Children, a Research and Complaints Officer and a Administrative Trainee (Graduate);
- Key Volunteer Community Advisors, being members of the public who advise on specific issues of concern.

The Office adheres to a legal rights model of processing Complaints and a social model of service delivery, that is accessible to children, young people and their families.

The Office is open Monday to Friday 9.00 am to 5.00 pm. Our contact details are as follows:

<b>E-mail address</b>	<a href="mailto:tasmanianchildrenscommissioner@dhhs.tas.gov.au">tasmanianchildrenscommissioner@dhhs.tas.gov.au</a>
<b>Telephone</b>	(03) 6233 4520
<b>Freecall Number</b>	1300 362 065 (for the cost of a local call Statewide)
<b>Facsimile</b>	(03) 6233 4515

## **5. OFFICE OF THE COMMISSIONER FOR CHILDREN PERSONNEL FOR 2000/2001**

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The Office operated with a staff of two/three full time staff, from July 1<sup>st</sup> 2000 to 30<sup>th</sup> June 2001.

<b>Interim Commissioner for Children-</b> Lisa Warner 2000	1 <sup>st</sup> July to 13 <sup>th</sup> October
<b>Project Officer</b> – Helen Spaulding 2001	1 <sup>st</sup> July 2001 to March
<b>Commissioner for Children</b> – Patmalar Ambikapathy	<b>from 16<sup>th</sup> October 2000</b>
<b>Research and Complaints Officer</b> – Lisa Evans	March 2001 to June 2001
<b>Administrative Trainee (Graduate)</b> – Rhonda Anthony	<b>from February 2001</b>

## **6. WHO DOES THIS OFFICE DEAL WITH?**

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### **(a) Clients of the Office of the Commissioner for Children**

Children, Young People; Families; Grandparents; Foster Carers, the Legal profession; the Medical profession; Teaching profession, and professionals and workers in Health, Welfare, Justice, Youth; and the Public.

### **(b) Stakeholders of the Office of the Commissioner for Children**

#### **(i) Government organizations;**

Department of Health and Human Services; Department of Education; Police Department; Justice Department; Ombudsman's Office; Child Youth and Family Support; Family, Youth and Child Health, Sexual Assault Support Services; Office of Youth Affairs; Health Advancement; Legal Aid Commission of Tasmania; University of Tasmania.

**(ii) Other State or Local Organizations**

Tasmanian Aboriginal Centre, Tasmanian Aboriginal Legal Service, Community and Neighbourhood Houses; Local government; Zonta; Missing Persons Unit at Tasmania Police, Shelters.

**(iii) State Non-Government Organizations**

Anglicare; Colony 47; Centacare; College of General Practitioners; Create; Foster Carers Association; Good Beginnings; Hobart Community Legal Service; Lady Gowrie; Law Society of Tasmania; Poverty Coalition; Niftey; Napcan; Tasdec; Tascoss; Tasmania Association of Child Care Services; United Nations Association of Tasmania; Women Lawyers Association of Tasmania.

**(iv) Federal Government Organizations of relevance**

Centrelink, Human Rights and Equal Opportunity Commission, The National Health and Medical Research Council , the Australian Law Reform Commission the Privacy Commission, Health Research Ethics Committee, Federally funded Youth Programme Centres such as Ravenswood.

**(v) Federal Non Government Organizations**

United Nations International Children’s Emergency Fund, National Children & Youth Law Centre, Ozchild, Division of Paediatrics of the Royal Australasian College of Physicians, National Association for the Prevention of Child Abuse and Neglect.

**7. SERVICE DELIVERY**

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(a) Complaint Management
(b) Support Services and Referrals
(c) Community Education
(d) Projects and Advocacy

**(a) COMPLAINT MANAGEMENT**

Office procedures have been established to follow best practice and to ensure that all callers are addressed with a high degree of courtesy, sympathy, support and respect. Many callers are angry and distressed and have a high level of expectation, which may not be in keeping with powers that this Office has. Nevertheless, they are all given a brief understanding of what we can do, and what they need to supply us with, to assist them.

**(i) Information provided to Complainants/Inquirers**

- Complaint Form (Appendix D )
- Complaint Brochure (Appendix E)
- Information Booklet for Complainants
- Child Friendly document (for explanation to children) (Appendix G)
- Introduction to the Office Booklet

**(ii) Complaints processes**

Complaints processes have changed to a rights model enabling clear processes for addressing –

- individual concerns and
- systemic issues

This Office can make recommendations to all Agencies concerned, after an assessment process, and advise the Minister for Health and Human Services accordingly.

**(iii) How are these Complaints dealt with?**

When the initial Complaint is received by the Office, it referred to the Commissioner. The Commissioner, directs the first written contact with the Complainant by letter, enclosing all necessary documents for the Complainant. The returned Complaint Form and any supporting documentation is referred to the Commissioner, who directs the Research and Complaints Officer on the processes to be adopted.

- The Officer checks that the Form has been properly completed.
- The Complaint is assessed to see if it falls under the jurisdiction of this Office.
- Further documentation may be requested to assess and establish jurisdiction.
- Once jurisdiction has been established, the Complaint and any supplementary documentation that the Complainant has agreed we can use, are sent to the Agency or Department specified, to try and clarify the issues of concern and settle the grievance through the Agency's own internal grievance procedure if appropriate.

**(iv) Feedback to the Complainant**

- If the situation can be resolved, the Complainant is informed, or if not, the Complainant is referred to other forums of redress, if appropriate.
- The Office will continue to monitor the situation for the child, by holding a Watching brief for the Child, after referral, if concerns of risk remain.

If such internal procedures have been exhausted, the Commissioner has the power to request any documents as required, of the Agency, under powers granted under the Act, to assess the situation further with respect to practice policy and services and whether they are responding to the needs of the child involved in the Complaint.

**(v) Feedback to Agency concerned**

has The Agency is informed of the any matters that the Commissioner has assessed with respect to policy, practice or services that the Complaint highlighted.

**(vi) Feedback and advice to the Minister**

Feedback to the Honourable Minister for Health and Human Services Judy Jackson on issues affecting Children, Young People and their Families, including suggestions from the Commissioner on systemic issues that need amendments for improved service delivery. These are a compilation of the recommendations made to the Agency concerned.

**(vii) Case File Management**

As soon as Complaint Forms are received by this Office a response is drafted to the Complainant to acknowledge receipt and requesting further information if necessary. The Office advises them as to the appropriateness of jurisdiction and clarifies the issues of concern to them. At times when the Complaint Form has not been adequately completed the Form may need to be returned for full completion by the Complainant.

This Office has a system of review of case files in place, so that Complaints lodged with this Office are settled within an acceptable time frame for the Complainant. This may depend on the ability of the Complainant to supply relevant information. However, if the Complaint is outside the jurisdiction of this Office, procedural fairness will have been applied in all processes to assess jurisdiction. Circumstances of the child/children involved, their family or carer and the organization involved will be assessed for referral or advice to the Minister.

**(viii) Complaint Management**

This Office aims at all times to be independent, impartial and consistent in all dealings with Complainants, considering always the best interests of the child, and to do this, we:

- Assess complaints with a strict regard for statutory obligations to the child;
- hold Watching Briefs for the children we deem at risk under the Act, even if we have made a referral for the parents or adults concerned to

other services, to monitor the interests and rights of the children concerned;

- assess Complaint trends, for instance which Department or Agency is being complained about most.

**(ix) Complaint Trends**

It is too early to suggest trends, but the majority of concerns have related to children at risk under the jurisdiction of the Division of Child Youth and Family Support. We have had full cooperation with our assessment processes with them and all agencies contacted.

**(b) SUPPORT SERVICES AND REFERRALS**

When members of the public access this Office, sometimes the Office may not have jurisdiction over their concerns. However, it is our policy to always advise and support Complainants in their attempt to seek answers, remedies and redress, and we refer them on to those services who can address their concerns. An example of this are Complaints that in effect seek intervention or advice in federal litigation under the *Family Law Act 1975*. They are referred to the Legal Aid Commission of Tasmania who may be able to apply for legal assistance for separate legal representation for their children. We have also researched and accessed family support organizations to assist families we are unable to assist, by referring them to those organizations.

**(c) COMMUNITY EDUCATION**

*On the rights of children and young persons under the Act and the United Nations Convention on the Rights of the Child*

The Commissioner speaks to the public, to community organisations, schools and government departments on the two Acts and the Convention, to raise public awareness of the human rights of children.

**(d) PROJECTS AND ADVOCACY**

*With respect to the object and principles of the Act and the various Articles of the Convention that can assist the promotion of the Act for the children and young people of Tasmania.*

The Office has embarked on a survey and information provision exercise with all schools, government departments and local councils about what child friendly policies they have, their awareness of the requirements and how they are

implementing the Convention. Once the responses are received they will be compiled and the results will be presented to the Minister and the public.

This Office has also commenced collaborating on a research project on truancy rates, its causes and strategies to reduce truancy.

We are also preparing a Report for the United Nations Special Session in September this year to assess Tasmania's compliance with the *Convention of the Rights of the Child* in legislation.

## **8. RANGE OF SERVICES AND ACTIVITIES OF THE OFFICE OF THE COMMISSIONER FOR CHILDREN**

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The functions of the Commissioner under the Act include:

- the advocacy and promotion of the rights of children and young persons to health, welfare, care, protection, education and development; raising of awareness in the community of the human rights of children and issues of concern to them and
- advice to the Minister with respect to the rights of children and youth to health, welfare, care, protection, development and education. This includes the welfare, care, protection and development of children and youth in their homes, in foster care, in juvenile justice detention and remand centres, child care centres, schools, hospitals, clinics, shelters, in sport and all other establishments and activities that involve children and youth. The full range of our activities this year are annexed to this Report marked Appendix I

In addition we have issued Monthly Reports from November 2000, and these are delivered in Community Centres, Health Centres and local Council Meeting Rooms through out the State.

## **9. COMMISSIONER FOR CHILDREN'S OPERATIONAL POLICIES**

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Staff members of your Office operate with the following principles in mind at all times:

- Courtesy and respect for all children, youth and parents; this is implemented by having an active requirement of such conduct in our staff in all their dealings with the public.
- Open door policy for accessibility by community; this is done by assisting members of the public who visit/telephone our Office to the best of our ability, and even when we do not have jurisdiction we refer them to those who have;
- Transparency of all processes and procedures; this is done by setting out all Office process in written form and provide copies of these when required to ensure transparency and accountability of this Office;

- Accountability in all activities; this is done by providing feedback to all complainants as soon as practicable as well as seeking their comments on any further assistance that is required;
- Confidentiality of identity of Complainants if necessary. If the Complainant requires us to keep their identity confidential, this Office has a discretion to remove their name from any correspondence entered into;
- Confidentiality of all communications unless express authority from Complainant is given; we implement this by seeking the written consent of the complainant before any information is released.
- Promotion of activism in procedures and decision making for children and youth; this is achieved by encouraging all children, in particular those on our Children's Councils, to express their views, and actively seek solutions and avenues of redress for their concerns.

## **10. DEVELOPMENT OF COUNCILS**

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### **(a) Children's Consultative Councils**

- Applications were received from all over the State of Tasmania.
- On the basis of these applications, representatives were chosen by the Commissioner to form a Children's Council in the three regions of the North, North West and South of Tasmania.
- The role of the Children's Council is to inform and advise the Commissioner of the needs and opinions of Children and Young People of Tasmania. The Commissioner then relays those matters of concern to the Council to the Honourable Minister Judy Jackson, relevant government agencies, stakeholders and the general public.
- The Commissioner consults with Children's Council every month in each of the three regions, which translates to quarterly meeting in each region each year.

Attached as Appendix K is a copy of the views expressed by all three Children's Consultative Councils on the Forensic Procedures Act and the University of Tasmania's genetic tests on children with learning difficulties. This document is an important record of the impact of our actions on children and the youth of Tasmania and is the first of many more voices of children and youth that will be presented to Parliament for its consideration, by this Office.

We have encouraged children and youth representation and participation this year. Next year we will embark on encouraging children and youth to be more active and give them further opportunities to develop leadership and citizenship skills, as future voters.

### **(b) Adults Advisory Councils**

- Applications were received throughout the State of Tasmania
- Representatives were chosen by the Commissioner to form Adult's Councils in the North, North West and South Regions.
- The role of the Adult's Council's is to inform and advise the Commissioner of the needs of Children and Young People of Tasmania. The Commissioner then advocates for those matters of concern to the Council to the Honourable Minister Judy Jackson, relevant Government Departments, stakeholders and the general public.
- These Council's meet every month in each region to coincide with the Children's Council meetings in that region.

These three Councils have been established on an Interim basis since the beginning of this year in the North , the South and the North West. Councils Members have been given directions that a pre requisite of service on the Council, is that they must be in a position where no conflict of interest can be attributed to them. Operational formats are still being tested till best practice can be achieved for optimum effectiveness to this Office. The Commissioner travels to locations around the State to meet with all members for meetings held each month. This allows for meetings in each region quarterly each year.

## **11. THE ROLE OF THE FAMILY**

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The Act makes it quite clear that the role of the family is central to a child and makes the removal of a child the last resort, but the difficulties facing families now has been recognized by the United Nations. It confirms the notion that social and economic pressures are undermining the crucial role of parents and families in ensuring that children grow up in a safe, stable and nurturing environment. If parents themselves are not living in a safe and stable environment, how does that impact on their parenting and their children? Parenting is becoming an increasingly difficult task with all the pressures, including high unemployment, that is placed on families now.

We advocate that policies and practices must reflect these realities to be effective, improve outcomes and allow us to achieve the object of the Act.

The Act places a responsibility on the State for the furtherance of the objects of the Act by the provision or assistance in the provision of preventative and support services directed towards strengthening and supporting families and reducing the incidence of child abuse and neglect. It is becoming clear that we need a more visible support system for parents. We have supports spread out in the community, but targeted support for parents can make them an integral part of the child's right to live in a safe and stable environment at home with them.

## **12. THE FUTURE AND THE DEVELOPMENT OF PRACTICES TO ASSIST VULNERABLE CHILDREN AND YOUNG PEOPLE**

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**Continued Links with:**

- the Division of Child Youth and Family Support to advocate for policies, practices and services that serve the best interests of the child to achieve the object of the Act.
- the Division of Child Youth and Family Support to advocate for increased early intervention services to children and youth and for this to be seen as their right to health, welfare, care, protection and development.
- the Department of Education to support anti bullying strategies;
- the Department of Education to advocate for increased services to children and young people with learning/behavioural difficulties, differing abilities and needs;
- the Department of Education to raise industry concerns on the Child Care Act;
- the Division of Child, Youth and Family Support and the Community for ongoing advocacy for services and scrutiny of Ashley Youth Detention Centre;
- the Division of Child Youth and Family Support and Tasmania Police to advocate for zero tolerance for physical and sexual assault of children in Homes as a strategy for prevention and early intervention;
- Tasmania Police to ensure that no force is used on children and youth under the *Forensic Procedures Act 2000*;
- the community for continuing public advocacy for the banning of corporal punishment in homes by a repeal of Section 50 of the *Criminal Code Act 1924*;
- the Department of Justice and Industrial Relations and community organizations to ensure no strip searching of children under age 18 is carried on at Risdon or other detention or remand centres;
- Niftey Tasmania and child care professionals to promote the principles of Niftey in early childhood practices;
- government and non government organizations and the community to deal with homelessness and poverty in children under age 16.
- all Aboriginal Groups and Organizations to address their issues of concern.
- with Paediatricians in all areas of child health, accident prevention and safety.

**Issues of Concern that need to be resolved as a matter of priority:**

1. The over-representation of Aboriginal and Indigenous children and young people in juvenile justice facilities; and the need for additional services and facilities be provided to Aboriginal and Indigenous children and young people to reduce the rate of their incarceration in juvenile justice facilities;
2. The reduction of children in care, as Tasmania had the highest rate of children and young people in care in Australia as at 30<sup>th</sup> June 2000. These numbers have been falling since the passing of the *Children Young Persons and their Families Act*. However, this Office needs to assess –
  - (a) if children are indeed better off as a result of the practice of leaving them in families; and
  - (b) if families are receiving sufficient support to provide adequate care and protection for children so that they live in a safe and stable environment to enable them to develop their full potential.

3. Genetic testing of children which guarantees that the rights of children (eg – with respect to confidentiality, and freedom from discrimination) will not be in jeopardy. Article 12 of the Convention must be fully expressed in any non therapeutic research processes, the views and consent of children must be obtained without proceeding on the consent of parents or guardians alone;
4. That children and youth under 18 will not be treated as adults in any forensic tests to be done on them by the Police under the *Forensic Procedures Act 2000*;
5. That reported assaults on youths at the Ashley Detention Centre by Police Officers will not occur again. New procedures are being established by the Division of Child Youth and Family Support with respect to any physical contact with residents at the Centre, and it is hoped that this will eliminate all such risks.
6. That children and youth under 18 will not be subjected to strip searching as prison visitors or subjected to any other cruel and inhuman treatment in breach of the Convention;
7. That the position of Homeless children under age 16 will improve as it appears that they have less access to age appropriate accommodation options and financial assistance than those older than them and less care and protection services compared to children younger than them.
8. Increased assistance and an awareness of the rights of children in the care of the State in the welfare and justice systems.

**Further Matters of Concern identified by consultations:**

9. Increased in-patient and out-patient services for children with mental health issues including drug and alcohol prevention and rehabilitation services;
10. Increased support and services for parents, so that children can remain in a safe and stable environment at home to receive adequate care and protection.
11. Increased resourcing, training and education in all sectors for a full and proper implementation of the *Children, Young Persons and their Families Act 1997* and the *Youth Justice Act 1997*.
12. Increased crime prevention strategies aimed at children and youth.
13. Early Intervention and assistance to children, youth and their families who are at risk of delinquency and criminality.
14. Increased input into children and youth to build their resiliency to societal stress factors in the community.

### **Future targets to be achieved:**

1. a Charter for Children in Tasmania;
2. that all Local Councils in Tasmania will make decisions only after considering a Child Impact Statement ;
3. that there are Student Representative Councils in all Primary and Secondary schools and Colleges, that Pupils will be afforded the rights of due process and consulted in all matters that affect them ;
4. That there are Youth and Children's Officers and Youth and Children Councils attached to every local Council in the State;
5. that Protocols are established with all government, non-government organizations at local, state and federal level to ensure implementation of the Act and the Convention to safeguard the rights of the child in Tasmania.

### **13. FUNDING**

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Funding for the financial year amount to \$224,000 as stated in Hansard on May 2000. This was stated to be for the development of this Office and for the Commissioner and two Staff Members. A copy of the Annual Financial Report is annexed to this Report and marked Appendix L. This is a brief report which reflects the developmental phase of this Office in the first year. It has footnotes to clarify that some expenses were authorized by the Division of Child Youth and Family Support, as well as by the Costs Centre that has been separately dedicated to this Office. Funding details and administrative support to enable your Office to fulfill its independent statutory requirements have still to be finalized.

### **14. WHOLE OF GOVERNMENT**

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Activities that your Office have been involved in, indicate that our work has ranged over a wide terrain that has encompassed many Departments and areas of activities in which children are involved. It has become clear in the first year, that we need to look at children and youth issues right across the board to ensure that their rights with respect to health, welfare, care, protection, development and education are safeguarded. It is an important part of our advocacy to encourage all three levels of Government to become more aware of the impact their actions have on children.

To those who see the care and protection of children and youth in a limited welfare context this is a cultural shift of major proportions. Section 13 of the *Children Young Persons and their Families Act 1997* makes it incumbent on every person to be watchful of our children and youth and take steps to discharge the responsibility now expected of them to take steps to prevent abuse and neglect. Of necessity this has to be in every area in which children come into contact with adults. To deal with this, we advocate that a whole of government approach should be the preferred option.

### **Acknowledgements**

In the first year of this Office we would like to thank the countless members of the community and many within the Government and non-Government sector, for their support. Their encouragement and inspiration have helped produce the proactive service and advocacy that this Office strives to deliver to the community of Tasmania. It is this input that has enabled this Office to develop the practice and delivery to the community, of one of the most transparent, accessible and accountable Offices in Tasmania.

Special thanks to colleagues and staff that have helped established the Office of the Commissioner for Children since July last year; Lisa Warner Acting Commissioner, Helen Spaulding Project Officer, Lisa Evans and countless others in the community, the Children's Consultative Council and the Adults Interim Advisory Council, whose support and assistance is equally valued. The success of the Office of the Commissioner for Children over the last twelve months has largely been due to high levels of commitment by staff and Council Members (Children and Adults) to principles of social justice and advocacy for children and young people in Tasmania.

After this first year of operation, your Office has gained information and insight on matters that affect the health, welfare, care, protection, development and education of children and youth in Tasmania. It is hoped that we will be able to work more effectively in all sectors to assist children and youth, with our main partners the Division of Child Youth and Family Support, the Education Department, the Child Care Sector, the Department of Justice and Industrial Relations, the Police and Local Councils.

**This report is submitted to Parliament under Section 83 of *the Children and Young Persons and their Families Act 1997* of Tasmania.**

**Dated: 26th September 2001**

**Patmalar Ambikapathy  
Commissioner for Children  
Tasmania**

**Appendix A: Functions and Powers of the Commissioner for Children under the  
Children, Young Persons and their Families Act 1997**

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Under Part 9, Sections 79 sets out the functions of the Commissioner as follows:

**“Functions of Commissioner**

- 79.** (1) The Commissioner has the following functions:
- (a) on the request of the Minister, to investigate a decision or recommendation made, or an act done or omitted, under this Act in respect of a child, other than a decision or recommendation made by the Court;
  - (b) to encourage the development, within the Department, of policies and services designed to promote the health, welfare, care, protection and development of children;
  - (c) on the request of the Minister, to inquire generally into and report on any matter, including any enactment, practice and procedure, relating to the health, welfare, care, protection and development of children;

(d) to increase public awareness of matters relating to the health, welfare, care, protection and development of children;

(e) on the Commissioner's own initiative or on the request of the Minister, to advise the Minister on any matter relating to the administration of this Act and the policies and practices of the Department, another Government department or any other person which affect the health, welfare, care, protection and development of children;

(f) on the Commissioner's own initiative or on the request of the Minister, to advise the Minister on any matter relating to the health, welfare, education, care, protection and development of children placed in the custody, or under the guardianship, of the Secretary under this or any other Act;

(g) any other functions imposed by this or any other Act.

(2) If the Commissioner advises the Minister on any matter relating to the policies and practices of another Government department, the Commissioner must provide that advice also to the Minister to whom that Government department is responsible in relation to the administration of those policies and practices.

(3) In performing his or her functions, the Commissioner must act independently, impartially and in the public interest.”

Under Part 9, Section 80 of the Act, the Powers of the Commissioner are defined as follows:

**“Powers of Commissioner**

**80.** (1) The Commissioner has power to do all things necessary or convenient to be done in connection with the performance and exercise of his or her functions and powers under this or any other Act.

(2) Without limiting the powers of the Commissioner under [subsection \(1\)](#), the Commissioner may require any person to answer questions or to produce documents so far as may be relevant to the administration of this Act.”

**Appendix B Table of Complainants, issues and the agency involved**

	<b>Complainant</b>	<b>Issues/Allegations</b>	<b>Agency</b>
<b>1</b>	<b>Worker</b>	Carer’s issues with CYFS processes regarding access	CYFS
<b>2</b>	<b>Child Detainee</b>	Reported Assaults at Ashley	CYFS & Police
<b>3</b>	<b>Child Detainee</b>	Reported Assaults at Ashley	
<b>4</b>	<b>Child Detainee</b>	Reported Assaults at Ashley	
<b>5</b>	<b>Worker</b>	Lack of appropriate accommodation for ward of the State	CYFS
<b>6</b>	<b>Parent</b>	Watching Brief for Child Sexual Assault Victim	
<b>7</b>	<b>Grandparent</b>	Lack of appropriate funding for grandmother caring for her homeless grandchildren	CYFS

	<b>Complainant</b>	<b>Issues/Allegations</b>	<b>Agency</b>
8	<b>Worker</b>	Aboriginal male at Ashley being assaulted and victimised by other detainees	CYFS
9	<b>Legal Aid Commission</b>	Ashley overcrowding and victimisation of detainees	CYFS
10	<b>Legal Aid Commission</b>	Ashley overcrowding and victimisation of detainees	
11	<b>Grandparent</b>	Treatment at Ashley – youth in need of psychological treatment	CYFS
12	<b>Legal Aid Commission</b>	Detainee allegedly contracting Hepatitis B from tattoo gun whilst at Ashley	CYFS
13	<b>Psychiatrist</b>	Child at risk of self harm at Ashley and on release	CYFS
14	<b>Parent</b>	Disclosure of sexual abuse to CYFS	CYFS
15	<b>Parents</b>	Interstate transfer of children under Guardianship	CYPS
16	<b>Parent</b>	Child not receiving assistance required from school	Department of Education
17	<b>Parents</b>	Parents cannot get children back and fear mistreatment of children whilst in care	CYFS
18	<b>Parent</b>	Children placed on care and protection orders and complainant feels that CYFS is uncooperative	CYFS
19	<b>Respite Carer</b>	Child with disability subject to a care and protection order – delay in allocation of a case worker	CYFS
20	<b>Psychiatrist</b>	Concerns from inability in accessing a case worker or supervisor	CYFS
21	<b>Carers</b>	Child in care not having requests answered	CYFS
22	<b>Parent</b>	Strip searching at Risdon Prison	Department of Justice – Risdon Prison
23	<b>Grandparent</b>	Strip searching at Risdon Prison	
24	<b>Parent</b>	Strip searching at Risdon Prison	
25	<b>Legal Aid Commission</b>	Procedure issues	Department of Justice
26	<b>Community Organisation</b>	Child death review	CYFS
27	<b>Parent</b>	Failure to inform parent of child's whereabouts	CYFS
28	<b>Grandparent</b>	Allegation that notification of risk by private practitioner was not in good faith	CYFS
29	<b>Parent</b>	CYFS refusal to disclose son's whereabouts to father	CYFS
30	<b>Parent</b>	Child at risk of danger whilst living with abusive de-facto	CYFS Police Centrelink
31	<b>Parent</b>	Young people's access to legal representation	Legal Aid
32	<b>Teacher</b>	Concerns of children being at risk	CYFS

	<b>Complainant</b>	<b>Issues/Allegations</b>	<b>Agency</b>
33	<b>Legal Guardian</b>	Children removed by order of court	CYFS
34	<b>Parent</b>	Parent request of review of intervention by CYFS	CYFS
35	<b>Carers</b>	Child abuse, carers seeking victims compensation	Department of Justice
36	<b>Parent</b>	School Issues	Department of Education
37	<b>Parent</b>	Child being abused by teacher	Department of Education
38	<b>Parent</b>	Child protection – son being abused	CYFS Police
39	<b>Community Organisation</b>	Remandee detained for long period awaiting sentence	CYFS
40	<b>Worker</b>	Inaction of Disability Services and lack of collaboration	CYFS Disability Services
41	<b>Parent</b>	Employment practices of private bakery	Private bakery
42	<b>Parent</b>	Employment practices of private bakery	Private bakery
43	<b>Parent</b>	Lack of in-patient unit for children and young people with psychological problems	CYFS Department of Health & Human Services
44	<b>Grandparent</b>	Concern of children being exposed to drugs and alcohol during access visits	CYFS
45	<b>Parent</b>	Children being bullied at school	Department of Education
46	<b>Parents</b>	Child not being cared for whilst in care during assessment	CYFS DHHS
47	<b>Parent &amp; Grandparent</b>	Concern of children at risk due to alcohol & drugs being consumed during access visits	CYFS
48	<b>Parent</b>	Parent absconded with child	CYFS Police Legal Aid
49	<b>Grandparent</b>	Denial of interstate transfer of child under guardianship to family placement	CYFS
50	<b>Sibling</b>	Child at risk if made to return to home country	Department of Immigration Migrant Resource Centre

	<b>Complainant</b>	<b>Issues/Allegations</b>	<b>Agency</b>
<b>51</b>	<b>Grandparent</b>	Parents will not comply with court orders	Legal Aid Police
<b>52</b>	<b>Parent</b>	Child refusing to return home – assessed as ‘no risk’ by CYFS	CYFS
<b>53</b>	<b>Worker</b>	Forensic Procedures Bill	Police
<b>54</b>	<b>Community Organisation</b>	University Fragile X Research Project	University of Tasmania NHMRC

**Appendix C Evaluation of Monthly Report Form**

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Evaluation of the Monthly Report

The Office of the Commissioner for Children would appreciate it if you could kindly supply some feedback in relation to the content of this Report.

1. What did you find most informative about this report?  
.....  
.....  
.....  
.....
2. What did you find least informative about this report?  
.....  
.....  
.....
3. Are there any areas in relation to Children’s Rights about which you would like more information. Or are there any areas in relation to Children’s Rights that you would like to bring to the attention of the Commissioner?  
.....  
.....  
.....  
.....
4. Do you have any suggestions to improve the format of these reports to increase their delivery of information? (Apart from the length 😊 )  
.....  
.....  
.....
5. How do you rate the report overall? Please choose one from poor /good / excellent.

Format of Report-----  
Essence of Report-----  
The work the Commissioner is doing-----  
Length of Report-----  
Report as a Communication tool( please tick)

1	2	3	4	5	6	7	8	9	10
( )	( )	( )	( )	( )	( )	( )	( )	( )	( )
Poor		Average		Good		Very Good		Excellent	

Other comments:.....

**Appendix D Inquiry/Complaint form for Assessment of Practices and Policies**

**Inquiry/Complaint form for Assessment of Practices and Policies**

**Today's Date:** -----/-----/-----

Who are you inquiring/complaining about?

Name of Organisation, Department, Service or person that you are concerned about-----  
-----

Do you believe that the child is in danger or at risk of harm? Yes  No

If so, have you told Child Youth and Family Support? Yes  No

Please Note: Section 13. (1) of the *Children Young Persons and Their Families Act 1997* states an adult who knows, or believes or suspects on reasonable grounds, that a child is suffering, has suffered or is likely to suffer abuse or neglect has a responsibility to take steps to prevent the occurrence or further occurrence of the abuse or neglect.

**Child's Details**

Name of the child affected:-----

Date of Birth of child (if known): -----/-----/----- Age ----- Male

Female

Address of child:-----

Town /City ----- Post Code-----

Phone Number of child:-----

**Your Details**

Your name (the person with the concern or the inquiry/complaint):-----

Your Address:-----

Town /City ----- Post Code-----

Your Phone Number:-----

Your relationship to the child (friend, parent, neighbor, teacher, relative)-----

**Organization Details**

Have you attempted to resolve this concern directly with the agency concerned? Yes

No

If so who have you spoken to about this concern at the organization concerned with the inquiry/complaint?

Name (s) -----
Position (s) -----
Phone Number (s) -----

Has the organisation carried out an internal complaint process? Yes  No   
 Don't Know

**What is your inquiry/complaint?**

-----  
 -----  
 -----

Attach copies of any documents or letters that concern this inquiry/complaint either from yourself or the organization concerned. If you are unable to send copies, a copy will be made of originals which will then be returned to you.

*What would you consider to be a good solution to this problem?*

-----  
 -----  
 -----

If this matter is not resolved to your satisfaction, we may refer you to a further process of review with the Ombudsman. Additional to making this inquiry/complaint you may also:

1. Make an inquiry/complaint to the Ombudsman;
2. agree to the Commissioner for Children following up your complaint with respect to the child/young person involved in the matter in order to assess the practices and policies about the Department you are inquiring/complaining about. If so, please sign the authority below.

**Authority:**

I authorize the Ombudsman to release all information concerning the health, welfare, care, protection and development of \_\_\_\_\_  
 (name of child) to the Commissioner for children with respect to any investigation by the Ombudsman of my inquiry/complaint.

Signature: Parent or Guardian \_\_\_\_\_ Date /  
 /

***Declaration:***

I, (Write your name here)

\_\_\_\_\_ of (Write your  
address here) \_\_\_\_\_

believe this to be a true and accurate record of my concerns and wish the Office of the  
Commissioner for Children to review this inquiry/complaint with respect to the  
practice and policies of

\_\_\_\_\_  
Signed \_\_\_\_\_ Date / /

## **Appendix E Brochure for Complainants/Inquires**

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### **1. What can this Office do?**

- Assess your Complaint and advise the Minister on matters of policy and practice that your Complaint has raised.

### **2. How do you lodge a Complaint**

- by filling in a Form we will send to you, or
- by writing a letter with details of your Complaint in it.
- you would also need to let us have copies of documents you wish us to send with your Complaint. Please do not send any originals as you must have them in your safekeeping.

### **3. If you need help with filling this form:**

- you could ring and ask us for advice on (03) 6233 4520.

### **4. What will we do?**

- first we will check that we have the power to deal with your Complaint under the Act. If not we will refer you to the appropriate agency for e.g counselling or to a community legal centre near you.
- if we assess that we can help you, we will then refer the matter to the Internal Complaints Process of the Agency that you are complaining about.
- if this does not resolve your Complaint to your satisfaction we will ask you if you wish to refer the matter to the Ombudsman's Office if it is in relation to any decision ( outside Court ) that you are dissatisfied with.
- we will also ask you to comment on any practice, policy or service that you consider did not assist your child in this matter.

### **5. Our next step:**

- We advise the Minister on what we consider is relevant to any matter of practice, policy or service that your Complaint has highlighted that needs addressing.
- The Minister will deal with the advice this Office gives her.

Your Complaint is important. An investigation of your Complaint will assist this Office to assess if policies, practices and services that involved your child, are assisting or disadvantaging children and young people with respect to their rights in health, welfare, care, protection and development.

We hope we can assist you and your child in this manner, and at the same time assist all other children and young people in Tasmania.

Confidentiality

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We have confidentiality with our clients or with people who want to share information with the Commissioner for Children. This means that we will not discuss or use anything you tell us without your permission. We can use information provided by you without identifying those who wish to remain anonymous. **However** there are some circumstances where we can not keep things just between us. This includes if:

- we are told a child or a young person is in danger or at risk of abuse or neglect which we are mandated to report to Child, Youth and Family Services;
- we are told a crime has been committed or may be committed which we must report to the police;
- a court orders us to provide documents or testimony to the court;

All your documents and information are kept on confidential files which are secured in the Office the Commissioner for Children. You may see your file on request and we will forward to you any documents or letters which we receive while responding to your inquiry. This includes letters from the agency you have a complaint or inquiry about.

### **The Commissioner wants your Feedback**

As a new office, we are looking exploring the best ways to address the health, care, protection, welfare, education, development and legal rights of children and young people. If you have any ideas or suggestions about how we can best achieve this please call us on 1300 362 065 at the cost of a local call anywhere in Tasmania.

If at any time you are unclear or unhappy about our response to your inquiry or complaint please contact the Commissioner on (03) 6233 4520. You may bring a support person with you at any time you are meeting with us.

## Appendix G Child Friendly Document

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### What does the Commissioner for Children do?

There is a new law which makes sure children in Tasmania are safe and cared for in the best way possible. This law is called the *Children, Young Persons and Their Families Act 1997*. The ideas behind this new law are to:

- ☺ work together with families and people who care for children;
- ☺ strengthen families so that children can be brought up, wherever possible with their own family and community;
- ☺ provide information and education to all members of the community; and
- ☺ increase the number of people who are mandated reporters (these are people like teachers and nurses and child-carers who must tell Child and Family Services when they have concerns about the care and protection of children)

This law starts a new office called the Commissioner for Children. The Commissioner for Children meets the special needs of children, young people and their families by:

- ☺ making sure that government, organisations and people who affect children and young people have policies and services which are good for the health, welfare, care, protection and development of children and young people;
- ☺ working with government, organisations and people to help them make good policy and practice rules and standards;
- ☺ speaking to the public and increasing their knowledge about the Act;
- ☺ investigating the complaints made by children, young people and their families about their treatment under this law;
- ☺ giving the Minister for Health and Human Services and Parliament a written report each year on everything the Commissioner has been doing.

The powers of the Commissioner for Children are set out in Part 9, Division 1, Sections 78 - 83 of the *Children, Young Persons and Their Families Act 1997*.

- ☺ The Commissioner must act independently, impartially and in the public interest, which means that the Commissioner must always act fairly, without being pressured by anyone and must always think of how decisions or actions will affect everyone in the community.
- ☺ The Commissioner has the power to do all things necessary or convenient which means that if the Commissioner thinks that something needs to be done for the children and families of Tasmania then the Commissioner is allowed to do it.

The Commissioner can get any person to answer questions or to give the Commissioner documents

## DEFINITIONS

<b>Term</b>		<b>Explanation</b>
act	Independently	The government or any other person in authority can not influence the Commissioner.
	Impartially	No one can expect special favours or treatment, everyone will get the same standard of treatment.
	in the public interest	The Commissioner must always think about what effect a decision or action will have on the whole community not just on one individual.
Chairperson		Person chosen to lead a committee to make sure that everyone gets a turn, that the agenda is followed and that the meeting runs smoothly.
Child		<i>The Children, Young Persons and Their families Act 1997</i> defines a child as a person under 18 years of age.
Child and Family Services		The section of the Department of Health and Human Services who are responsible for supporting families and the community to care and protect children and young people.
community education programs		Information and training given to the community through the media, seminars or written materials.
Consultative		To ask people for their opinion and to actually listen to the advice and put it into action.
Legislation		The laws written and passed by the Government.
Mandated reporters		These are people like teachers and nurses and child-carers who must tell Child and Family Services when they have concerns about the care and protection of children
term of office		How long a person can have the one position or responsibility (i.e. the Commissioner will have a 3 year term of office)
policy and practice rules and standards		The rules or agreements that tell workers, agencies and government organisations what and how and why they make decisions or take action.
working parties		A group of people who will meet and work on a particular issue separately to the main committee and who will come up with some recommendations or suggestions and bring them back to the main committee for a decision or a course of action.
Young Person		<i>The Children, Young Persons and Their families Act 1997</i> defines a young person as a person who is 16 or 17 years of age.

## **Appendix H An Introduction to the Office of the Commissioner for Children**

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### **PATMALAR AMBIKAPATHY COMMISSIONER FOR CHILDREN**

July 2001

#### **Background to the Office of the Commissioner**

This Office was created by the Children Young Persons and their Families Act 1997. It came into being after the ratification by Australia of the Convention on the Rights of the Child in December 1990. In 1996, in response to the concerns of the community in Tasmania, a Joint Parliamentary Select Committee was set up to look into a different system of providing for the care and protection of children in Tasmania. The Joint Select Parliamentary Committee stated that the United Nations Convention on the Rights of the Child was used as the guiding principle for the Act and that the approach to be adopted by the new Act represented a shift in philosophy from current practices .

It argued for the abandonment of the ‘child rescue model’ for one that recognised that under most circumstances the child’s best interests are served within that child’s own family. A key component of the Act was , wherever possible, to maintain children in their home by removing the sources of danger, abuse and neglect to the child rather than removing the child from the danger, abuse and neglect within the family. Another key component was the provision of support services that would allow the family to regain control and responsibility for their well being. The position of this Office is that this cannot be done without a reduction of social and economic disadvantage faced by families in Tasmania now.

#### ***Children Young Persons and their Families Act 1997***

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##### **The Object of the *Children, Young Persons and their Families Act 1997*.**

There is only one object of the Act and that is to:

“provide for the care and protection of children in a manner that maximises a child’s opportunity to grow up in a safe and stable environment to reach his or her full potential”

##### **The Paramount consideration in the decision making process is to ensure that the best interests of the child are always paramount:-**

“in any exercise of powers under this Act in relation to a child the best interest of the child must be the paramount consideration”.

##### **The Role of the family**

The Act makes it quite clear that the role of the family is central to a child and makes the removal of a child the last resort.

### **Removal of the danger neglect or abuse from the child**

The Act provides for the use of Restraint Orders to enable the danger to the child to be removed, obviating the need to remove the child from the family.

### **Other Provisions of the Act**

The recommendations of the Joint Select Parliamentary Committee were reflected in the *Children Young Persons and their Families Act 1997*. One of the most significant changes in the Act was in the establishment of provisions incorporating the right of the child to express his or her views in any decision making process, as well as having a right to legal representation in proceedings under the Act.

Family Group Conferences were also introduced as an alternative to Court processes under the Act. Parents and extended members of the family are now able to have their views expressed before decisions are made about the child. However, as the Act is based on the *Convention on the Rights of the Child* it is child centred and child focussed Act .

### **Implementation of the Act**

The Parliamentary Joint Select Committee on the Act, made it clear that the guiding principle of the Act was the Convention. The Convention is an expression of the inalienable human rights that children possess as members of the human family. In any scrutiny of services, policies and practices this Office is concerned to assess if such rights, the object of the Act, and its paramount consideration have been borne in mind.

Critical to any scrutiny will be the assessment of practices outcomes and if best practice is being followed. Where necessary all this must take precedence over and above the interests of the family, if options with the family cannot secure the stability and safety of the child to enable the child to grow to his or her full potential.

### **Rights Model for the Act**

The *Convention on the Rights of the Child*, recognises that children are the possessors of human rights. The guiding principle of the Act was, according to the Joint Select Parliamentary Committee, the Convention which recognises of the Rights of the Child.

Given this emphasis on the Rights of the Child this Office has advocated that the Act too should function as a rights model and not function on a discretionary welfare or a social responsibility model . Neither of the latter models will be able to deliver outcomes that ensure the safety and stability of the child to grow, free of neglect , abuse or risk of such neglect or abuse.

It is also the position of this Office that in the implementation of the Act, this Office will advocate that the emphasis of the Act to take all steps to allow the child to remain in the family is seen as the right of the child, not simply the responsibility of the family. The one object of the Act is the care and protection of the Child in a safe and stable environment to enable that child to develop its full potential. This is much more than the responsibility of the family. This provision must be seen as a right of the child, and the obligation of the State to provide support and services to families to guarantee the object of the Act. Funding to achieve this must be seen as a whole of government issue.

A proper implementation of the Act will depend on funding of services to children and young people and support for their families. This is the obligation of government. Under Section 7 (2) of the Act the Minister is obliged to provide, assist or promote services directed at furthering the objects of the Act.

I am informed that the Minister in charge of Health and Human Services is clearly committed to promoting the position of children and young people in Tasmania. The Minister will only be able to continue to promote services to children and young people with the support of the government.

### **Functions and Powers of the Commissioner**

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What can the Commissioner do and how will the Commissioner do this? Under the Act, the functions of the Commissioner fall under three headings:

1. Functions that the Minister has with respect to directing the Commissioner to:
  - (a) investigate decisions or recommendations made or an act done or omitted under the Act outside the Court process, concerning a child (Section 79 (1) (a)).
  - (b) inquire generally into any other matter including any enactment, practices and procedures relating to the health, welfare, care protection and development of children (Section 79 (1) (c)).
2. Functions of the Minister to direct the Commissioner or for the Commissioner to act on her own initiative with respect to
  - (a) the administration of the Act and the policies and practices of any government department or person which affect the health, welfare, care, protection and development of children (Section 79 (1) (e)).
  - (b) Powers of the Minister to direct the Commissioner or for the Commissioner to act on her own initiative with respect to any other matter relating to the health, welfare, education, care, protection and development of children in the custody of or under the guardianship of the Department of Health and Human Services (Section 79 (1) (f)).
3. The third type of function the Commissioner has is to act on her own initiative to:-

(a) encourage the development of policies and services within the Department of Health and Human Services (Section 79 (1) (b)).

(b) The Commissioner's powers here cover that of advocacy to increase public awareness of matters relating to the health, welfare, care, protection and development of children and to perform all other functions imposed by the Act or any other Act (Section 79 (1) (d)).

Under the Act, the above are described as functions rather than powers, but in practice they are the powers of this Office as they prescribe the manner in which a Commissioner can act. What are specifically described as powers are covered under Section 80.

### **Powers of the Commissioner to call for documents and to require any person to answer questions**

Section 80 of the Act gives the Commissioner power to do all things necessary or convenient to be done in connection with the performance and exercise of his or her functions and powers under this Act or any other Act.

The Commissioner can also require any person to answer questions or to produce documents so far as may be relevant to the administration of this Act.

### **Annual Report**

The Commissioner is required under Section 83 of the Act to provide a Report to Parliament three months after the end of June each year. The Minister presents the Report in Parliament.

### **Children's Consultative Council**

Under Section 81 (1) (a) the Act also requires the Commissioner to appoint a Committee of children and young persons who the Commissioner can consult with.

### **Advisory Council**

Under Section 81(1) (b) the Act also requires the Commissioner to appoint an Advisory Council of experts who can advise the Commissioner.

Both these Committees are to assist the Commissioner in the performance and exercise of his or her functions and powers under this or any other Act.

### **Independence of Office**

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The Act states that the Commissioner has to act in an independent and impartial manner. It is a requirement of the legislation and it would be improper for any person to seek to subvert that statutory requirement.

The Commissioner is an Appointee of the Governor and is not a Tasmanian civil servant, subject to the Tasmania State Service Act. The location of the Office under the Minister of Health and Human Services can and does create a perception of lack of independence. It is a problem of perception to be located within any Ministry, but this Office functions under the provisions of the Act and is not guided by Government policy. The actual independence of the Office is just as important, as the perception, in any objective assessment of independence of the Office. It is an issue that needs to be managed on a daily basis to safeguard this independence.

### **Funding of Office and Independence of Commissioner**

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Hansard reported sum of \$224,000 allocated for the Office of the Commissioner and two support staff. This sum therefore represents the Budget for the Office of the Commissioner for Children. This Budget is now administered in keeping with the statutory requirement of the independence of this Office, by separate costs centre in the Department of Health and Human Services. We are not however, answerable to any Division or the Department of Health and Human Services for our Budget. Such administrative support is necessary given the size of our Budget.

The main issue has been decided, as the Budget has been set for this Office by Parliament after Cabinet deliberations. This administrative functions and the role of the Department in delivering this service to an independent Office, is new to them. This change has to be managed to ensure that issues with respect to independence and funding is not compromised. It is a necessary ongoing process to preserve the integrity of this Office.

### **Staffing**

We have a Research and Complaints Officer as well as what is called an Administrative Trainee (Graduate) which is in fact a Legal Policy Officer position. This means we have just the Commissioner and two other members of Staff that constitutes the Office of the Commissioner for Children in Tasmania.

### **Our Vision**

To work with and for children and young people with independence, impartiality and integrity in the area of their rights to health, welfare, care, protection and development and where necessary their education.

### **Our Mission Statement**

This Office promotes the object of the *Children, Young Person and their Families Act*

to ensure that outcomes for them result in their care and protection whilst living in a safe and stable environment that enables them to grow in a manner that maximizes their full potential.

### **Our Strategy to achieve this outcome**

To actively promote the object of the Act and the *United Nations Convention on the Rights of the Child*, and to scrutinise all practices, policies and services to children and young people to assess if outcomes achieve the object of the Act, the paramount consideration of the best interests of the child and the principles of the Convention.

## **Appendix I Main activities undertaken by Office to promote its aims and objectives**

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### **(a) Protocols**

Protocols have been sent to government and non government agencies as templates for communications between this Office and theirs. This is a vital part of the process of assessing proposals for legislation emanating from various Departments, as well as Complaints with respect to service delivery to children and youth.

### **(b) Monthly Reports**

These are delivered to the community every month at venues all round the State. The Commissioner's Monthly Reports have been delivered at the following towns and cities from November 2000 to June 2001:-

1. November: Hobart
2. December: Launceston
3. January : Burnie
4. February: Hobart
5. March : St Helen's
6. April: Devonport
7. May: Hobart
8. June : Westbury

Your Office provides a feed back form to all those who receive a Monthly Report by email, so that an evaluation is made of your Office each month by service providers and members of the community. Note : A copy of a feedback form is attached to this Report in [Appendix C](#), so an evaluation of this Report can be made by anyone who wishes. Delivery throughout the State of Tasmania has been a commitment of this Office at least in the first year, to make personal contact with every region in the State.

### **(c) Friday Connections**

Initially this started with adults connecting with this Office, but now the southern members of the Children's Council drop in when they can and the Commissioner consults with them on matters of public interest for their views, and as guidance to her.

**(d) National Connections**

Your Office has made links with its New South Wales and Queensland counterparts, and share and exchange information with them. We have also been in contact with Victoria and Western Australia with respect to their efforts in seeking the establishment of Commissioners for Children in their States.

**(e) International Connections**

In June 2001 whilst your Commissioner was in New Zealand, at a Conference, a Forum for Commissioners in the Asia Pacific Region was formed. At present this consists of the three Commissioners from Australia, the New Zealand Commissioner and the Canadian Commissioner from British Columbia. Your Office will continue to seek and strive for national and international best practice in all areas of service delivery to children by maintaining these contacts.

**(f) Input into legislation**

Your Office seeks to provide a child impact statement for all legislation, regulations, policies and practices, as well as any amendments to such, that are proposed. We have developed a system whereby items of proposed legislation and legislative amendments are forwarded to this Office in order for us to assess how such changes impact on children. We can then make submissions to the relevant Department involved. This year we have looked at the following Acts:

1. Forensic Procedures Act (Department of Police and Public Safety);
2. Child Care Bill (Department of Education);
3. Amendments to Sexual Offences in the Criminal Code (Department of Justice and Industrial Relations);
4. Amendments to Youth Justice Act (Department of Health and Human Services);
5. Amendments to Evidence Act (Department of Justice and Industrial Relations);
6. Other Proposals not in the public domain as yet.

**(g) Law Reform**

Your Office has commenced a campaign for the repeal of Section 50 of the *Criminal Code Act 1924* that allows parents to physically discipline their children by way of corporal punishment. The position of your Office, is that, as it is now accepted that it is illegal to in any way assault a woman at home, then children

should also be entitled to equal protection of the law and not be subjected to any form of assault at home.

#### **(h) Watchdog Functions**

Your Office has established linkages with Tasmania Police and the Department of Justice to oversee two areas of concern to this Office – the *Forensic Procedures Act 2000* and the strip searching of children attending Risdon. Whilst the position of this Office is that legislative reform is needed to properly and fully safeguard the rights of children, both entities are conducting themselves with no further complaint to this Office on matters of concern to the community and the Commissioner. Police are following former procedures and not using force on any child or young person under age 18 and no further strip searching of under 18's has occurred in Risdon since May 2001.

#### **(i) Pro-active advocacy**

The major Advocacy issues raised at the Office over the last twelve months include:

1. Schoolyard Bullying (Department of Education)
2. Early intervention needs (Departments of Education and Health and Human Services)
3. Accommodation needs for homeless Children and Young People under 16 years of age (Department of Health and Human Services)
4. Ashley Youth Detention Centre (Department of Health and Human Services)
5. Drug Prevention Education (Department of Education)
6. Protective Behaviours (Department of Education and Department of Health and Human Services)
7. Niftey - National Investment In the Early Years (Department of Education & Department of Health and Human Services)
8. Best practice for Genetic Testing of Children in Human Research Projects
9. Strategies to assist Homeless Youth under age 16.

Advocacy for children, young people and their families, includes advocacy for children in Care, children with physical or intellectual disabilities, children and young people on remand or detained at the Ashley Youth Detention Centre and associated Centres, Schools and all other establishments where there are children involved.

#### **Preventative Advocacy**

Tasmania Police and the Division of Child Youth and Family Support have signed a Protocol whereby in every case where Child Youth and Family Support has knowledge that a crime is suspected to have been committed, Tasmania Police is to be immediately informed. Your Office strongly supports this and seeks an understanding by the community and all service providers that there must be zero tolerance for all physical and sexual assault of children at home.

#### **Preparation of Documents**

We have prepared documentation for this Office to inform the public of what we are doing and how we can assist them. This is an ongoing process, as we update them for further clarification and in response to the needs of the community. We have also commenced preparation of an Anti Date Rape and Stress Brochure for Children and Youth in response to concerns raised by the Children's Consultative Councils in the North and North West.

### **Public Education**

This is provided through assorted information sheets available both electronically via email, and from our Office. These include –

- History of the Office document;
- Information Booklet;
- Complaint Brochures and Forms;
- Powers of the Commissioner for Children information sheet;
- Bullying Brochures for Adults, Youth, and Children.

### **(j) Other Seminars, Presentations & Functions**

(k) Interim Commissioner Ms Lisa Warner Speeches, (July – Sept, 2000)

- Speech at the launch of the Association of Survivors of Child Abuse
- Speech at Child Protection Week Breakfast
- Speech at the Launch of the Coalition for Children

### **Commissioner Patmalar Ambikapathy, (from October 2000)**

The Commissioner for Children, Patmalar Ambikapathy, has addressed a variety of Stakeholders, Government organisations and non-government organisations, on a Statewide basis and interstate as follows:-

#### **From October 2000 to 2001: Commissioner's Seminars**

- Guest Speaker at the Anti-Discrimination's "Workplace Bullying - Schoolyard Bullying, Unacceptable Behaviour" Conference, 16-18 October, Hobart 2000.
- Panel Speaker at Continuing Education Seminar for the Tasmania Branch of the Royal College of General Practitioners: January 2001
- Panel Speaker at the National Stop Violence Against Women Day in Hobart: April 2001.
- Speech at the Launch of the Children, and Young Person's Coalition

#### **IN THE YEAR 2000 to 2001 : Commissioner Speeches**

**October 2000**

- Inaugural Speech Hobart
- Launch of the Children's Consultative Council

**November 2000**

- Magistrates State Conference: Hobart
- Youth Inter Agency Group: Hobart
- Address to Clare House: Hobart

**December 2000**

- Human Rights Week Speech on Breaches of Convention on Rights of the Child: Hobart
- Human Rights day; Speech at Tree Planting Ceremony: Hobart
- Tree Planting commemorating 10 years since ratification of Convention on the Rights of the Child: Launceston
- Speech to Oakrise Centre : Launceston
- Speech to Paediatricians: Hobart

**January 2001**

- Midlands Rural CC Centre, Campbelltown
- Hobart Women's Shelter
- Women Tasmania & Sex Industry Law Reform

**February 2001**

- Esk Meeting
- Family Child Youth Health Service
- Australian Confederation of Pediatric and Child Health Nurses, Tas Branch, Parenting Centre, Newtown

**March 2001**

- International Women's Day Teleconference Speech with other Commissioners at Women Tasmania, Hobart
- Ravenswood Community Centre Speech, Launceston
- Newstead College Speech, Launceston,
- Child, Youth and Family Services Centre (Sth)Speech, Hobart
- National Council of Women, Catholic Women's League Headquarters, Hobart
- Child, Youth and Family Services Speech, Launceston
- Child, Youth and Family Services Speech, Devonport
- Family Based Care Co-ordinators Speech, Devonport
- Zonta Speech, Hobart

**April 2001**

- Laetare Gardens Speech, Hobart
- “Our Special Kids”, Clarendon Vale Neighbourhood Centre Speech, Hobart
- Devonport TAFE Speech, Devonport
- Bowen Support Service Speech, Howrah

### **May 2001**

- Family, Child and Youth Health Service Speech, Launceston
- Community Connections Forum, Lady Gowrie, Commissioner Keynote Speaker, Hobart

### **June 2001**

- Launceston General Hospital Speech, Launceston
- Policy Division Speech, Hobart
- Tasmanian Aboriginal Centre Speech, Hobart
- Tasmanian Association of Children’s Services, Orford,

### **Overseas Conferences:**

- Speech:Cambridge: On Tasmania’s Office of Commissioner: 22.5.01
- Speech:London Community Care Live Conference about the Rights of Children, 23/5/01
- Speech: London: Children’s Rights Alliance of England: 23.5.01
- Wellington: Conference of Children’s Commissioners: 26/6/01-27/6/01
- Dunedin Children’s Issues Centre Conference: 28/6/01-1/7/01

### **Conferences etc. attended in Tasmania.**

- Bullying Conference, Hobart Oct 2000
- Child, Youth and Family Conference, Launceston 27/3/01
- Youth Protocol Conference by the Commonwealth Department of Family and Community Services, Battery Point, Hobart 10/5/01
- Ruby Payne Conference, Launceston 15/5/01 (Attendance by R. Anthony)

### **Launches**

- Rokewood Opening, Launceston 15/1/01
- Book Launch, Laurene Kelly, Fullers Bookshop, Hobart 25/3/01
- DEN School’s Education Package/ Project Launch, Newstead College, 28/3/01
- Federation Day Badge Presentation, Rosetta Primary School Speech, Rosetta 9/5/01

### **Attendances**

- Attendances on Youth At Ashley Detention Centre
- Opening of Glenorchy Youth Health Centre
- Youth Week Expo at Glenorchy
- Attendances at Hobart Remand Centre

## **Addresses to Parliament**

### **2000 December**

**Tasmania:** Members Legislative Council on Forensic Procedures Bill 2000

### **2001 March**

**Victoria:** Public Accounts and Estimates Committee on Inquiry into Department of Human Services and a Commissioner for Children for Victoria.

## **Meetings in the Year with:**

S A R I – Sexual Assault Implementation Group

G.A.I.N – Glenorchy Action Interagency Network

NAPCAN - National Association for the Prevention of Child Abuse and Neglect

## **Commissioners Children’s Consultative Council Meetings**

- Children’s Consultative Meeting, Hobart 23/2/01
- Meeting North CCC, Launceston 19/3/01
- Meeting Southern CCC, Hobart 23/3/01
- Formal opening of Southern CCC, Launched by the Honourable Minister Judy Jackson 11/5/01
- Formal opening of North CCC, launched by Professor Margaret Reynolds, Launceston 14/6/01
- Formal opening of North West CCC, launched by Lord Mayor of Devonport Mary Binks, Devonport 19/7/01
- Every Friday on an informal basis.

## **Commissioners Adults Advisory Council Meetings**

- Southern AAC Meeting, Hobart 27/2/01
- North AAC Meeting, Launceston 20/3/01
- Southern AAC Meeting, Hobart 30/3/01
- North West AAC Meeting, Devonport, 12/4/01
- Southern AAC Meeting, Hobart 14/5/01
- Northern AAC Meeting, Launceston 15/6/01
- North West AAC Meeting, Burnie Council Meeting Rooms, 20/7/01

## **Appendix K Result of Consultation with Commissioner's Children's Consultative Council**

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### **Topics:**

1. Forensic Procedures Act
2. Fragile X Testing of Children By University of Tasmania

### **A. Consultation with Southern Children's Council on 11th May in Hobart:**

#### **1. All Council Members, bar one had concerns about the Forensic Procedures Act as follows:**

- Need Doctors supervision or Doctors to do tests
- We are very angry , children have a right not to be afraid
- The majority of surveys show nearly 100% of fellow pupils disagree with Act as it stands
- Need really good evidence to test a suspect, it is not just, need a magistrate to decide with legal representation for the child
- Why does everyone have to suffer, reputations can be damaged if you are a suspect
- This is a democracy so we do not agree with this law
- It is possible that some children will say yes to a Police test so they feel safer, rather than refusing
- It is an invasion of privacy or total invasion of a child's privacy
- Tasmania is the safest State in Australia and we do not need this law.
- Test should not be required if you are suspect as everyone is innocent till proven guilty
- Can a suspect sue ?
- It is a breach of children's rights, so what will they do to adults at Risdon ?
- Way too young to be able to test a 10 year old
- What about a suspects records?

#### **2. All Council Members opposed the tests done by the University for Fragile X on children:**

- It is not acceptable as can be a hindrance and make you feel different
- The child has to suffer this with no cure in sight, no way of making child better
- Is this for parents - to blame other things and not poor parenting?
- If this must be done, then the results must be confidential to parents not given to employers later
- Doing it just for research is wrong, they already had a chance to do tests a birth
- If there is no cure, and some children who have it are not affected, what is the point of knowing?
- Do it when the child is older, when the child is young its behaviour could get worse with knowing

- People could treat you differently, if they know, even if you have no symptoms
- It is not an illness so there is no excuse for the research
- If children have problems, adults should care for them if there is no cure or treatment and not do tests on them

### **B. Consultation with Northern Children's Council on June 14<sup>th</sup> at Launceston**

#### **The Council was concerned along the following lines with respect to the Forensic Procedures Act:**

- It would be horrible and stressful for those tested, would freak them out, especially if just a suspect
- Give Police a bad image as they are there to help us
- Ridiculous and unfair to be able to test a 10 year old suspect
- Parental consent and children's consent necessary
- Police should not do tests, they are not qualified, Doctors should do it

#### **3. The Council's concerns in regard to Tasmania University Blood Tests on Children were as follows:**

- It was an invasion of privacy of the child, should tell child why it is necessary
- It should simply not be done unless necessary for that child's health
- Are University doing it for their good? Knows child who has been badly affected after tests
- Not fair to give info to Doctors about test results without child's permission
- It a child's body and that child's gene make up
- Insurance problems in future for a minority group
- Is this for research or for a cure?
- It will give kids permission to believe they are naughty and can misbehave and not try and help themselves
- Some Fragile X kids need medication maybe but mild conditions need support, help and discipline, so they do not feel "poor me"
- Would they do this to adults, why only ask for Parents consent?
- Children can't stand up for themselves, and will suffer effects and repercussions
- They should only do it with information to children
- Do they know the long term effects of Ritalin?
- Can they give this genetic information away?
- In Jobs, they can judge you by this info and not by what you are, the gene may not even effect you
- Why is it OK to get Consent only from parents, children should give consent to
- Do the children know what is going on, they should be told depending on their maturity?
- For some children it will be a burden to know about Fragile X
- Maybe some behaviour is just upbringing, but because of that they will be tested

## **C. Consultation with North West Children's Council on July 19<sup>th</sup> Devonport and July 20<sup>th</sup> Burnie**

### **1. The Council recommended as follows on the question of Police Forensic Tests:**

- Tests should be done by medically qualified people
- A Magistrates should authorise all tests
- Tests should not be for those from age 10, but for an older age group
- Adults should be present for all tests.
- No force should be used at all.
  
- On the question of taking saliva swabs, the Council recommended that:
  - It should be done by medically qualified persons only
  - It should only be done if Police have proper evidence against suspects
  - Parents must be involved, especially if they are under 15
  - Police should not use force at all.
  - If children agree voluntarily then it would be OK to do the tests with no Magistrates Order
  - If children object, a Magistrate must be asked for permission first.

### **2. The Council was concerned as follows on the issue of the University Tests on Children**

- that a cure should be found first
- Findings should not be recorded about children tested
- Test should be anonymous
- Parents should have full information about all matters
- Parents should be given this before they were asked to consent
- Parents should be tested too
- Parents need to realise the effects of testing

## Appendix L(i)

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<b>For the Office of the Commissioner for Children</b>		
<b>for the period ending 30 June 2001</b>		
<b>Operating Expenses</b>		<b>2000-01</b>
		<b>\$'000</b>
Employee Entitlements		122,569
Administration		3,280
IT Leases and Licenses		2,532
Motor Vehicle Expense		2,137
Rent of Equipment		3,061
Other		23,133
Total Costs Of Services		156,711
<b>Operating Revenues</b>		
Recurrent Appropriations		156,711
Total Revenue from Government		156,711

### Footnotes:

1. The Above is unaudited. This is a summary and must be read with the Department of Health and Human Services Annual Report and the Auditor General's Report contained within it.
2. Expenses have been authorised by Child Youth and Family Support, the Cost Centre and the Commissioner.
3. This statement has been prepared by Finance and Facilities of the Department of Health and Human Services.

## Appendix L(ii)

<b>COST CENTRE:</b> 36001 Commissioner for Children				
<b>LOCATION:</b> 00 Statewide				
		<b>2008-01</b>		
<b>ACTUAL LEDGER:</b> GLCASH01		<b>Budget</b>	<b>Actual</b>	<b>Variance</b>
<b>BUDGET LEDGER:</b> BUDGET01		<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
<b>Salaries and Related Expenditure</b>				
Salaries And Wages		148	102	46
Other Employee Related Expenses		27	20	7
<b>Total Salaries and Related Expenditure</b>		<b>175</b>	<b>122</b>	<b>53</b>
<b>Operating Expenditure</b>				
Communications		0	1	-1
Travel And Transport		0	3	-3
Advertising and Promotion		0	1	-1
Information Technology		0	3	-3
Other Administrative Expenses		49	27	22
<b>Total Operating Expenditure</b>		<b>49</b>	<b>34</b>	<b>15</b>
<b>Total Expenditure</b>		<b>224</b>	<b>157</b>	<b>67</b>
<b>REPORT TO:</b>	<b>16/08/01</b>			

### Footnotes:

1. The Above is unaudited. This is a summary and must be read with the Department of Health and Human Services Annual Report and the Auditor General's Report contained within it.
2. Expenses have been authorized by Child Youth and Family Support, the Cost Centre and the Commissioner.
3. This statement has been prepared by Finance and Facilities of the Department of Health and Human Services.

Here are my hands so tiny and small

For you to cherish until I am tall

Please watch as time goes by

See how they grow

My hands and I.



**Office of the  
Commissioner for Children**

**Annual Report**

**2001**