

## Meeting Communiqué – 21 February 2024

The Australian and New Zealand Children's Commissioners, Guardians and Advocates (ANZCCGA) came together in nipaluna Hobart for the first meeting of the year. The group visited the Tasmanian Aboriginal Centre on Tuesday 20 February 2024, and were welcomed to Country at piyura kitina. The visit was impactful and highlighted the important work, both historically and ongoing, by Cultural Heritage Officers and the Centre. The Tasmanian Aboriginal Centre is recognised as the body with responsibility for the retrieval and revival of *palawa kani* Aboriginal language. Original place names have been used in this communiqué as permitted and encouraged by the Tasmanian Aboriginal Centre, including that the *palawa kani* Aboriginal language does not use capitalisation for location names. The Tasmanian Aboriginal Centre has more information about the *palawa kani* Aboriginal language available on [their website](#), including a comprehensive policy regarding [appropriate use of the language](#).

On 21 February 2024, the ANZCCGA met on the lands of the muwinina and palawa peoples, in lutruwita Tasmania. The meeting commenced with a welcome to Country from Mr Rodney Dillon, who spoke to the importance of **smart justice** and urged the ANZCCGA to advocate for well-resourced, community led solutions to make meaningful, lasting change for children and young people across the justice and child safety system. We thank Uncle Rodney for his welcome and respect and acknowledge his dedication to his community, and children and family across Tasmania.

Over the course of the day, members shared their jurisdictional activities advocating for children and young people, including progress against their agreed collective advocacy priorities for 2024. We welcomed two new members to the Group, the Chief Children's Commissioner from Aotearoa New Zealand, Commissioner Claire Achmad, and Commissioner Shahleena Musk, who was appointed as the Children's Commissioner for the Northern Territory Office of the Children's Commissioner. The group acknowledged the contribution of Barbara Causon in her time as the Interim Aboriginal and Torres Strait Islander Children and Young People Advocate for the Australian Capital Territory, who joined for her final meeting with the group. The group also acknowledged Nicole Hucks who served as the acting NT Children's Commissioner for the last two years and was a valued member of the group.

The following were the focus of discussion for this meeting:

### ***Review of Priority Statement and Actions Taken and acknowledgement appointment of appointment of National Aboriginal and Torres Strait Islander Children and Young People Commissioner***

The ANZCCGA considered the priority statement and principles identified in 2023, with view to clarify the priorities of the group for 2024 and consider collective priorities for the entire ANZCCGA membership. The ANZCCGA celebrated the Commonwealth Government's announcement that a National Aboriginal and Torres Strait Islander Children and Young People Commissioner would be established. Advocating for, and supporting the creation of this role, was the first priority of the group. An updated priority statement will be developed for consideration at the group's next meeting.

### ***Endorsement of Joint Statement regarding Isolation in Youth Justice Detention Centres***

In September 2023, the ANZCCGA determined there was a need for a joint statement regarding isolation in detention centres, including the differences in operational definitions of isolation and

practices which involve separation or segregation, and the concerns for impact on children and young people in detention. The ANZCCGA approved the statement during the meeting on 21 February 2024. This statement confirms the view of all members that isolation is harmful for children and young people and should only ever be used as a last resort where absolutely necessary, and for the shortest time possible.

Through the Statement the ANZCCGA calls on governments to take the following actions:

1. *State, Territory and Commonwealth governments, in consultation with civil society and the ANZCCGA, should develop a common definition of isolation and associated counting rules for periods of isolation experienced by detained children and young people to enable nationally consistent recording, monitoring, and reporting. The common definition and counting rules should:*
  - a. *account for all periods during which children and young people are subject to involuntary separation from a facility's general custodial population or general programming.*
  - b. *address all forms of isolation, regardless of what it is called under applicable legislation or policies, and*
  - c. *enable the counting and reporting of periods of cumulative isolation in a single day.*
2. *The Productivity Commission's Report on Government Services (17 Youth Justice Services) should, at a minimum, include jurisdictional data about "time out-of-cells (average hours per day)" as currently is reported for adult corrections. Data should also be disaggregated by, at a minimum: age, Aboriginal and/or Torres Strait Islander status, culturally and linguistically diverse status, sex, disability, and legal status (e.g. on remand or sentenced).*
3. *The Australian Government should commission an independent study to:*
  - a. *identify the drivers, prevalence, and impact of extended time in isolation in places of youth justice detention,*
  - b. *identify the health, psychological and other harms caused to children and young people by being isolated for extended and/or cumulative time in rooms/cells, and*
  - c. *make recommendations with respect to trauma informed and rights-based alternatives to isolation practices in youth justice detention.*
4. *Without further delay, each state and territory government should establish and resource an independent National Preventive Mechanism, as outlined by OPCAT, to ensure child-focused preventive oversight.*

Each ANZCCGA member will draw on the joint statement within their individual state and territory jurisdictions, as well as across Aotearoa New Zealand where this issue also remains a concerning practice in youth justice facilities.

***Presentation by Queensland Commissioner Natalie Lewis, Queensland Family and Child Commission, on Blue Card negative notices and the impact on families and kinship placement.***

Commissioner Lewis presented the key findings from the *Blue Card negative notices for kinship carers: A thematic analysis of provisionally approved kinship carers who receive a subsequent Blue Card negative notice*. Members welcomed the report and noted that families caring for relatives is distinct from child-related employment.

***Presentation by Commissioner Natalie Lewis, Queensland Family and Child Commission, on Principle Focus live data dashboard delivery of over-representation data for First Nations children and young people.***

Commissioner Lewis presented the soon-to-be published dashboard regarding the over-representation of Aboriginal and Torres Strait Islander children and young people in the Queensland child protection system. The dashboard is part of the [“Principle Focus”](#) program of work – providing data insights and a more accessible means of examining the dynamics and drivers of overrepresentation in Queensland. The dashboard enables disaggregation of data by region, and presents indicators based on entry rates, duration, and exits from care for First Nations children and young people across the State. The dashboard also presents the story behind the data, as told by professionals (both from the ATSI/CCO sector and the Department), with a shared commitment to rights and best interests of Aboriginal and Torres Strait Islander children, their families, and communities. Members congratulated Commissioner Lewis, and Jess Lange from the QFCC for the powerful data display and noted they would explore similar projects in their organisations, in accordance with ANZCCG priority #5 - to promote nationally consistent reporting on the overrepresentation of Aboriginal and Torres Strait Islander children in child protection systems. Members noted Commissioner Lewis will be presenting the data measures and reporting methodology to the Productivity Commission and members gave unanimous support for the national adoption of the approach overrepresentation measures.

***Presentation by Commissioner April Lawrie, Commissioner for Aboriginal Children and Young People, South Australia, of the Inquiry into the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children in South Australia.***

Commissioner Lawrie spoke to the extensive process of developing and conducting the Inquiry to gather evidence to address South Australia’s Aboriginal child removal rates. An Inquiry preliminary report was released last year, detailing 17 recommendations to the South Australian Government’s proposed reform of the Children and Young people (Safety) Act 2017, to provide strong statutory guidance to reverse Aboriginal child removal rates. The Inquiry full report is expected to be tabled in the South Australian parliament and published in early April 2024. The Inquiry specifically examines the application of the Aboriginal and Torres Strait Islander Child Placement Principle 5 elements as they relate to the removal of Aboriginal children (including the provision of support to family and kin prior to removal and for reunification), and the placement of Aboriginal children once removed (including connection with family, community, and culture). The Inquiry held Aboriginal community forums across South Australia, including consultation workshops with the child protection and family support services sector, data analysis, consideration of over 40 written submissions and private sessions, considerable documentary analysis, 30 case file reviews and 19 public hearings involving policy, research, practitioner leaders and experts in the field of Aboriginal child and family support. Members thanked Commissioner Lawrie for her presentation and leadership of this significant inquiry and look forward to further updates on the South Australian government’s response to implementation of the Inquiry’s findings and recommendations.

***Presentation by Commissioner Jacqueline McGowan-Jones, Commissioner for Children and Young People, Western Australia, regarding the Review of Child Safety arrangements under the National Quality Framework by the Australian Children’s Education and Care Quality Authority.***

Commissioner McGowan-Jones presented on the Child Safety review into Early Childhood Education and Care and raised the consideration for the ANZCCGA to advocate for the prioritisation of the development of National Working with Children Check and mandatory reporting system to improve child safety. Members agreed to write to the Australian Children’s Education and Care Quality Authority regarding this work.

### ***Election of co-Chair and Future Meeting Arrangements***

Commissioner Luke Twyford completed 12 months as a co-Chair of the ANZCCGA. Commissioner McGowan-Jones, Commissioner for Children and Young People, Western Australia, was appointed to co-chair and facilitate group meetings from July 2024; Guardian for children and young people South Australia, Shona Reid, will continue as co-Chair.

The group recognised the work involved in facilitating an in-person meeting by both the Chair and Host, and acknowledged the comprehensive itinerary developed by Commissioner Leanne McLean, Commissioner for Children and Young People, Tasmania, and the Hobart office. The events arranged by the office of the Commissioner for Children and Young People, Tasmania added important local context and value to the ANZCCGA group discussions.

### ***Presentation by Principal Commissioner Luke Twyford, Queensland Family and Child Commission, on the review of residential care in Queensland.***

Commissioner Luke Twyford, Queensland Family and Child Commission informed the ANZCCGA of the recent publication of the roadmap for residential care delivered by the Department of Child Safety, Seniors and Disability Services. Commissioner Twyford described the approach of the Department led review. Members discussed the need to ensure children in care and with lived experience of trauma are appropriately supported to share their experience and provided with continuing support. They requested their staff to work together to review and improve youth participation best practice resources to ensure conversations are safe, and participants have sufficient after-care .

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**Further information** about matters raised in this communique can be sought from the ANZCCGA co-Chairs: Shona Reid, SA Guardian for Children and Young People ([gryp@sa.gov.au](mailto:gryp@sa.gov.au)) and Luke Twyford, Commissioner, Qld Child and Family Commission ([info@qfcc.qld.gov.au](mailto:info@qfcc.qld.gov.au))

### ***Meeting attendees***

- **Dr Claire Achmad**, Chief Children's Commissioner (Aotearoa New Zealand)
- **Jodie Griffiths-Cook**, Public Advocate and Children and Young People Commissioner (ACT)
- **Barbara Causon**, Aboriginal Children's Advocate (ACT)
- **Anne Hollonds**, National Children's Commissioner (Cth)
- **Zoë Robinson**, Advocate for Children and Young People (NSW)
- **Shahleena Musk**, Children's Commissioner (NT)
- **Luke Twyford**, Commissioner (Qld)
- **Natalie Lewis**, Commissioner (Qld)
- **Shayna Smith**, Public Guardian (Qld)
- **April Lawrie**, Commissioner for Aboriginal Children and Young People (SA)
- **Helen Connolly**, Commissioner for Children and Young People (SA)
- **Liana Buchanan**, Principal Commissioner for Children and Young People (Vic)
- **Jacqueline McGowan-Jones**, Commissioner for Children and Young People (WA)
- **Shona Reid**, Guardian for Children and Young People (SA)
- **Leanne McLean**, Commissioner for Children and Young People (TAS)

### ***Apologies***

- **Stephen Kinmond OAM**, NSW Children's Guardian (NSW)
- **Meena Singh**, Commissioner for Aboriginal Children and Young People (VIC)