

Ms Megan Mitchell
National Children's Commissioner
Australian Human Rights Commission
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8 June 2018

Dear Ms Mitchell

Periodic Review of Australia's progress on the UN Convention on the Rights of the Child

Thank you for the opportunity to contribute to the Australian Human Rights Commission consultation on Australia's progress on the implementation of the United Nations Convention on the Rights of the Child (UNCRC) and undertaken by the United Nations Committee on the Rights of the Child.

Families Australia is a national, peak, not-for-profit organisation that strives to improve the wellbeing of Australian families, especially those experiencing the greatest vulnerability. Families Australia does this by providing policy advice to the Australian Government and Parliament on behalf of more than 800 member organisations around Australia.

In addition, Families Australia convenes the 200+ member National Coalition on Child Safety and Wellbeing (National Coalition). The National Coalition is the primary voice for the community and research sectors on the National Framework for Protecting Australia's Children 2009 – 2020 (National Framework), Australia's first ever COAG endorsed national plan to improve child safety and wellbeing. Members of the National Coalition Steering Group serve on the National Forum for Protecting Australia's Children, a group comprised of Commonwealth State and Territory Governments, the National Coalition and other government agencies, that provides guidance and oversees the implementation of successive three year action plans of the National Framework.

Families Australia is encouraged by the Australian Government's report for the period June 2012 to January 2018¹, on Australia's progress on the Convention on the Rights of the Child (CRC), the second report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) and the second report on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) - CRC and Optional Protocols. The initiatives identified in the report signify a wide-ranging catalogue of initiatives at both Commonwealth and at jurisdictional levels.

We commend Australian governments for their resourcing of children's rights initiatives, in particular the

¹ Australian Government UN CRC Periodic Review Report (2018). Accessed 20 May 2018 from: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fAUS%2f5-6&Lang=en.

National Framework and its successive action plans, which has been groundbreaking in terms of the national policy agenda on child safety and wellbeing. The National Framework is underpinned by both child rights and public health approaches and represents a significant step forward as an enabling national policy agenda to help all Australian children reach their full potential. However, of great concern are reports stemming from national and state-based inquiries over the last ten years. In particular, Australia is currently reviewing and responding to two Royal Commissions, both of which show that Australian children are not guaranteed a childhood free from harm. The litany of inquiry reports demonstrates that too many children have experienced violations of their rights to safety and wellbeing.

According to the Productivity Commission's *Report on Government Services 2018* (RoGS), the rates at which children and young people experience child protection services, experience substantiations of abuse and neglect, and enter the Out-of-Home-Care (OOHC) system is alarming. Even more troubling are the rates at which Aboriginal and Torres Strait Islander children continue to experience OOHC².

The most recent Family Matters report, an initiative of SNAICC - National Voice for our Children, estimates that overrepresentation of Aboriginal and Torres Strait Islander children will continue to rise at alarming rates unless we, as a nation, undertake a major paradigm shift in the way we invest in supports that divert children and their families from tertiary systems. Report recommendations focused on systemic responses, such as setting targets with strategies underpinned by investment, addressing over-representation of Aboriginal and Torres Strait Islander children in OOHC and enhancing recognition for the unique and expert role that respect for cultural ways of working can offer³.

Throughout 2017, and in March 2018, Families Australia undertook a national roadshow consultation on the Fourth (and final) Action Plan of the National Framework, and held an initial discussion about the future national policy agenda for children and their families – beyond 2020.

Families Australia's report on the national roadshow, entitled [Taking Stock and Moving Ahead](#), demonstrates that there is widespread concern about the cost to the nation and to future generations of current systems and responses to children and families. The report highlighted broad consensus for strengthening child rights frameworks to inform and underpin national policy approaches as well as shifting investment and focus toward legislative frameworks that further strengthen systemic accountability and responsibility for child rights and family strengthening.

These consultations were brought together at the annual meeting of the National Coalition, 29 March 2018, at the Department of Social Services' Head office, Canberra. In opening remarks at the National Coalition meeting I presented data from the Australian Institute of Health and Welfare and the RoGS report to call for "greater national effort to safeguard children."⁴ (See Attachment A.) As a result of these consultations, Families Australia has demonstrated that it is not alone in calling for urgent action to address these alarming and very real human costs as well as the unsustainable long-term economic burden of child protection systems to our nation.

Productivity Commission. (2018). *Report on Government Services 2018: Child protection services*. Accessed on 1 June 2018 from: <https://www.pc.gov.au/research/ongoing/report-on-government-services/2018/community-services/child-protection>.

³ SNAICC - National Voice for our Children. (2017). *The Family Matters Report 2017: Measuring trends to turn the tide on the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care in Australia*. Accessed 1 June 2018 from: <http://www.familymatters.org.au/wp-content/uploads/2017/11/Family-Matters-Report-2017.pdf>.

⁴ Families Australia. (2018). *Our Collective national challenge*. Speech to the National Coalition on Child Safety and Wellbeing, 29 March 2018. Accessed 31 May 2018 from: <https://familiesaustralia.org.au/wp-content/uploads/2018/04/Our-collective-national-challenge-speech-to-National-Coalition-Canberra-29-March-2018.pdf>.

Thank you again for the opportunity to provide this submission to the Australian Human Rights Commission's consultation on the Periodic review of Australia's Progress on the UN Convention on the Rights of the Child. Families Australia looks forward to the outcome of these consultations that builds upon, and leverages, the National Framework as a pioneering national policy agenda, and that leads toward a clearer articulation of ways to practically and systemically improve implementation of child rights in Australia.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Brian Babington". The signature is fluid and cursive, written in a professional style.

Dr Brian Babington
Chief Executive Officer

OUR COLLECTIVE NATIONAL CHALLENGE

Speech to the National Coalition on Child Safety and Wellbeing

Canberra 29 March 2018

Dr Brian Babington

Minister, distinguished guests, ladies and gentlemen,

I begin by acknowledging the traditional owners of the land on which we meet and paying respects to their elders, past, present and emerging, as well as to the many Aboriginal or Torres Strait Islander people with us today.

I welcome the Commonwealth Assistant Minister for Children and Families, the Hon. Dr David Gillespie MP. I would also like to acknowledge Prue Warrilow, the Chair of Families Australia, and the other Board members, National Children's Commissioner Megan Mitchell, as well as members of the National Coalition Steering Group.

A number of Commonwealth, State and Territory officials are also present today and I welcome you all. National Coalition representatives from right across Australia are in attendance today. They represent a wide diversity of professional areas, including health, education, family services, child protection and out-of-home care.

The National Coalition

The National Coalition was established a decade ago to bring the views of the NGO and research sectors to the national policymaking 'table' as the Council of Australian Governments (COAG) developed the National Framework for Protecting Australia's Children, the first-ever COAG endorsed national plan of action to improve child safety and wellbeing.

The National Coalition now numbers over 200 organisations and researchers from a wide range of sectors. It continues to grow. I would like to thank the hundreds of National Coalition members who have unflaggingly given their time and expertise to support this work over the past decade.

It is Families Australia's great privilege to facilitate the National Coalition in keeping with our goal of supporting national public policy that strengthens families and advances child wellbeing.

An alarming reality

We are about to conclude the 3rd three-year action plan (2016-2018) under the National Framework and chart directions for the final plan to take us to 2020.

The importance and urgency of our task has far from dissipated; if anything the challenges have grown.

Four months ago the Royal Commission into Institutional Responses to Child Sexual Abuse called us to recognise that ‘Protecting children and promoting their safety is everyone’s business. It is a national priority that requires a national response.’

Commenting on the Royal Commission, last month in Federal Parliament Prime Minister Turnbull stated that ‘There is no more important obligation for every Australian than keeping our children safe from harm’.

Late last year also saw the report of The Royal Commission into the Protection and Detention of Children in the Northern Territory with its call for far-reaching systems reform, including the development of a ten-year generational strategy for families and children.

Official figures tell an alarming story. We see, for example, that the total national annual spend on child protection and related family support efforts has now reached \$5.2 billion, and is growing at a real annual rate of 8.5 per cent. 60 per cent of that total spend goes toward running out-of-home care.

We see a near doubling in the number of substantiations of abuse or neglect over the past two decades, from 26,000 to almost 50,000 last year. And, we continue to see huge disparities for Aboriginal and Torres Strait Islander children who are significantly over-represented across substantiation and out-of-home care compared with the non-Indigenous cohort.

Important start

The National Framework is a ground-breaking national policy response characterised by three important things: strong leadership by the Commonwealth Government and COAG; a desire to shift investments more toward early intervention and prevention under a public health model; and, a belief that good policy outcomes will result from bringing together governments, NGOs and researchers in a meaningful tripartite collaboration and dialogue.

No-one would say that the National Framework is perfect. But, from a national public policy standpoint it represents a major advance and has built important scaffolding needed for change.

We see this, for example, in the work currently being undertaken to devise National Principles for Child Safe Organisations. We see it in the appointment of Australia’s first National Children’s Commissioner, in increased cross-jurisdictional data sharing, and the support that the National Framework has across all jurisdictions irrespective of political persuasion.

It has enshrined the application of the Aboriginal and Torres Strait Islander Child Placement Principle across all action plan activities. It is in the agreement to have the first-ever national standards for out-of-home care. And, we see it working when it brings together policymakers to discuss new initiatives such as SNAICC’s Family Matters campaign.

Our collective challenge

We still need to do far better...and with great urgency. Today we invite your ideas on two matters: this morning, on priorities for the 4th and final action plan under the National Framework, and, this afternoon, on what should follow when the National Framework finishes in 2020.

In short, what more *must* we do in national policy terms to make Australia a nation where all children grow up safe and well?

Arguably we've been through a couple of phases in the development of the national policy on child safety and wellbeing: from the 1990s when the problem received national level recognition, to the 2000s when political action was taken by COAG, through to the National Framework's early action plans.

It is clear to me that the next few years will see growing demands for systems transformation, demonstrated impact, and new 'disruptive' approaches. Contextual factors include calls by the two recent Royal Commissions for fundamental reform, the expected trebling of the number of Aboriginal and Torres Strait Islander children in out-of-home care in the next 20 years unless significant change occurs, and the inability of foster and kinship carers to meet demand as more children enter out-of-home care.

The National Framework has provided an effective foundation for stepping up national efforts after 2020. One vision is that the National Framework is the foundation of a bolder national initiative on child wellbeing and family strengthening that might, for example, give even stronger emphasis to early prevention and family support, with top priority accorded to Aboriginal and Torres Strait Islander children and families. I wish you well in your discussions today on the possible shape of future national policy in this vitally important area.

Canberra

29 March 2018