

Annual Report 2014-2015



COMMISSION FOR CHILDREN AND YOUNG PEOPLE



Letter from the Principal Commissioner



COMMISSION FOR CHILDREN AND YOUNG PEOPLE

21 October 2015

The Hon Jenny Mikakos MLC
Minister for Families and Children
Minister for Youth Affairs
Level 22, 50 Lonsdale Street
MELBOURNE VIC 3000

Dear Minister

In accordance with the *Financial Management Act 1994*, I am pleased to present the Commission for Children and Young People's Annual Report for the year ending 30 June 2015.

Yours sincerely

Bernie Geary OAM
Principal Commissioner



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From the Principal Commissioner

I am pleased to present this report of the second full year of operation for the Commission for Children and Young People.

All children and young people are precious. It is a privilege to work with, and champion the rights of, Victoria's children and young people. They continue to inspire me and teach me about resilience and optimism, and I am reminded every day of the importance of our work. We have been trusted with the responsibility for promoting the safety and wellbeing of children and young people in Victoria, particularly those who are most vulnerable.



Bernie Geary, OAM
Principal Commissioner

As a good parent would

Every night, approximately 7000 Victorian children and young people are living in out-of-home care, which is funded and regulated by the Department of Health & Human Services. The *Children, Youth and Families Act 2005* (s. 174) includes a commitment by the State of Victoria to provide 'for the physical, intellectual, emotional and spiritual development' of children in out-of-home care 'in the same way as a good parent would'.

In March 2014 we began work on our first Commission-initiated inquiry. Our report on that inquiry, entitled ". . . **as a good parent would** . . ." *Inquiry into the adequacy of the provision of residential care services to Victorian children and young people who have been subject to sexual abuse or sexual exploitation whilst residing in residential care*, demonstrates that children and young people are still being sexually abused and exploited in state care. We can and should do better. This year we will monitor and report on how the government responds to our recommendations and what actions are being taken to improve the safety and wellbeing of children and young people living in residential care.

Important lessons

We will continue to conduct inquiries into the deaths of children who have come into contact with Child Protection services. These inquiries provide a window into Child Protection practice and policies. They also give us insight into how well other professionals and service systems do, or do not, work together to promote the safety and best interests of our community's most vulnerable children. The important lessons we learn from these tragic events allow us to honour the life of the child by improving the system for all children and young people in our care.

When the media reports stories of child neglect and abuse, the community responds with an immediate outpouring of sympathy and support. The challenge is to ensure that this emotion is translated into tangible, long-term assistance. No government or community responsibility can be greater than ensuring the safety and wellbeing of these vulnerable children and young people.

Inquiries in recent years, including the Royal Commission into Institutional Responses to Child Sexual Abuse and the Royal Commission into Family Violence, have shone a light on the abuse to which too many children and young people have been subjected. The best way to honour the courage of the survivors who participate in these inquiries is to implement the recommendations that arise from them.

Of particular importance in Victoria are the recommendations arising from the Parliamentary Family and Community Development Committee's *Betrayal of Trust* report. Important recommendations relating to criminal and civil laws have already been put into effect. We look forward to working with the government on implementing other recommendations.

I am pleased to have been invited regularly to present to the Children's Services Coordination Board, where opportunities exist to discuss issues relating to children and young people and promote cross-departmental coordination and collaboration.

Priority access to services

I have long argued for reforms to ensure that children in state care receive priority access to services to help them heal from the trauma they have experienced. I believe these children deserve a 'gold pass' in the system. I have spoken to many children and young people, and those who care for them, and I know that high-quality, long-term, consistent and reliable support too often fails to materialise.

For example, I recently met a boy who has experienced profound neglect and watched his brother die. He is now thriving with loving foster carers, but the impact of those experiences persist and he struggles to keep up at school. His access to an aide at school was withdrawn and his carers had to battle to have it reinstated. A generous community would not want him or his carers to experience the stress of not knowing if he will continue to have this much-needed help at school. I advocated for him to receive ongoing support. This boy's story highlights the need to ensure that the most vulnerable children and young people in our community receive priority access to services and that they, and their carers, have access to advocacy support when the services provided are inadequate.

Direct contact

This past year we received about 630 calls, emails and letters from members of the community who were seeking advice or assistance in relation to the safety and wellbeing of children. Although the Commission has no legislated authority to manage complaints, we see this role as an important one. We assist people by providing information and helping them have their concerns examined and decisions reviewed by government departments. This work makes us better informed about the current challenges faced by vulnerable children and young people and their families and carers.

We don't just wait for vulnerable children and young people to contact us; we go out and meet them. Andrew Jackomos, the Commissioner for Aboriginal Children and Young People, and I travel around Victoria to see for ourselves how children and young people, and their carers, are coping. We see the best and the worst of the service system. As an ex-youth worker, I strongly believe children's voices are best heard on their own terms, that is, where they live, recreate or study.

From the Principal Commissioner (continued)

Community connection

Community connection is at the heart of much of our work. The Debutante Ball, held in August 2014, celebrated the achievements of young people who have experienced out-of-home care. It provided an opportunity for nearly 500 members of the community, including government ministers, to meet and talk to some of the young people entrusted to the care of the state. The ball is planned and organised with others in the sector.

I am very proud of the Commission's innovative approaches to making the voices of vulnerable children and young people heard. I am grateful to the dedicated team of volunteers who participate in these programs. We recruit, screen, train and support more than 50 community volunteers for our visitor programs in youth justice centres and residential care. Our community volunteers bring a fresh, independent, unvarnished perspective to our work.

It is often said that child protection is everyone's business. Our community volunteers help us build connections between the community and vulnerable children and young people. The community integration program creates pathways for vulnerable children and young people to connect with the community. The independent visitor programs provide an opportunity for services provided by the state to be measured against the expectations of the community.

Advocacy

The information we gather is the basis of the advice we provide to government and our written submissions on policy and law reform. The commissioners and other staff of the Commission share this information by giving evidence at parliamentary and other inquiries and state and national royal commissions. We produce and distribute publications, regularly present to community and professional forums and participate in consultations, workshops and committees.

This year I was again pleased to be the national convener of the Australian Children's Commissioners and Guardians. This collaboration provides important opportunities to learn from one another and to advocate jointly for the safety, wellbeing and rights of children nationally.

Looking to the future

Over the years our legislation, role, functions and priorities have expanded and I expect they will continue to change. The previous Office of the Child Safety Commissioner functioned as an administrative office of a government department. We are now an independent commission with a broader mandate and stronger powers and we have Australia's only Commissioner for Aboriginal Children and Young People.

We must ensure that our organisational structure and capability match both our current roles and any new functions given to us by government. The review of the Commission by the Victorian Public Sector Commission in 2014 highlighted areas we need to strengthen, and that work is well underway. The review also confirmed areas we had identified as needing improvement, particularly in relation to our data management and information technology systems. We are working towards achieving these improvements.

I particularly appreciate the efforts and dedication of our staff, who are focused on and committed to promoting the safety and wellbeing of children and young people in this time of transition. Our work, particularly through our inquiries, reviews and monitoring, exposes us to some of the terrible harm children and young people in Victoria experience. Our very experienced and highly skilled staff members meet these challenges with professionalism and compassion.

I am pleased that Brenda Boland has been appointed to the ongoing position as the Commission's chief executive officer. I continue to be inspired by the work of Andrew Jackomos, the Commissioner for Aboriginal Children and Young People. It is a pleasure to work with such a dedicated and talented group of people.



Bernie Geary OAM
Principal Commissioner

From the Commissioner for Aboriginal Children and Young People

There are two lasting gifts that we can give our children: attachment and freedom.

For Koorie children, attachment is grounded in culture and their identity. Attachment means knowing who they are in relation to their family, their community, their ancestors and their Country. This connection gives our children the freedom to stand proud and with that comes stronger self-esteem and the ability to practice self-determination.

For Koorie children who are not living with their parents, this connection to culture is even more crucial if they are to make good choices in their lives. Attachment is the foundation on which they can heal past hurts and succeed, despite the adversity they may have already experienced.



Andrew Jackomos PSM
Commissioner for Aboriginal
Children and Young People

I am pleased, along with Bernie Geary, to present the Commission for Children and Young People annual report. This report is an opportunity for us to acknowledge the children and young people in Victoria, recognise innovative programs and initiatives and consider the challenges that we, as adults, must tackle to improve the lives of our most vulnerable children.

I am a Yorta Yorta man and I have the great honour to be the Victorian Commissioner for Aboriginal Children and Young People. I am two years into my four-year appointment and I am proud of the work that we have achieved. We have advocated strongly for the inclusion of the Koorie community in decision-making, increased accountability and transparency about how Koorie children and young people are faring, and improved cultural connections for those living in out-of-home care.

Koorie children in out-of-home care

Over the past year I have been humbled, and at times shocked, by the stories of more than 500 Koorie children who were removed from their families and placed in out-of-home care in Victoria.

Wrongfully and contrary to both legislation and good practice, many of these children are also disconnected from their kin, culture and community. For many children in care, their identity is not established during intake. This can result in them being placed with non-Aboriginal carers without any plan to embrace their culture, which is required by the Aboriginal Child Placement Principle. Infants and pre-schoolers are especially at risk of becoming disconnected from their culture.

Taskforce 1000 has revealed that, for some children, their identity is not confirmed for many years, which is unacceptable. The question of Aboriginal identity must be asked many times and in the right way to the right people. Culture is in your soul. At some point, perhaps as adolescents or adults, these children will experience a void in their lives and they will seek knowledge about themselves and their identity.

From the Commissioner for Aboriginal Children and Young People (continued)

Taskforce 1000

I acknowledge that the Department of Health & Human Services have genuine goodwill to work with the sector to address the current over-representation of Koorie children in out-of-home care. Through Taskforce 1000, Child Protection policies and practice are undergoing critical review. All the stakeholders involved in the Taskforce have reflected on how they can contribute to improving the circumstances of Koorie children in out-of-home care.

I thank the many Child Protection practitioners, managers, community service organisations and government representatives who have contributed to the Taskforce over the past year. Encouragingly Child Protection staff have told me that the Taskforce has taught them a lot about services and networks that they did not previously connect with, and that the opportunity to reflect on their own practice and develop cultural knowledge has been very valuable.

Every day the Taskforce area panels hear why children have been removed from their families. We hear about the experiences they have endured and the hurt they suffered in their family home. We hear about the hurt that they continue to experience when they are removed, and the hurt that follows them when they leave care.

It distresses me to know that these children will continue to carry this hurt and trauma for the rest of their lives. We know that emotional hurt from family violence, which a vast majority of these children witnessed and were victims of, will continue to simmer for decades.

The Taskforce identifies opportunities to improve practice for individual children as well as systemic reform. It is imperative that those who know about a child, that child as part of their family and community are part of decision-making for the child. I am disappointed that successive governments have failed to respond to the recommendations from the Victoria's Vulnerable Children Inquiry calling for urgent action regarding the Children's Court clinic which makes recommendations regarding the wellbeing of Koorie children to the court. Decisions are best made with local knowledge and taking into account the advice of practitioners with long associations with the child and a deep understanding of the child's family and community. I urge the current government to review the Inquiry's urgent recommendations and act upon them.

I would like to see a Koori Court in the Family Division of the Children's Court that builds up knowledge of Aboriginal inclusion with specific training for magistrates and court workers about Aboriginal friendly and culturally safe procedures.

Our vulnerable children

The sad facts are that, in the year to 30 June 2014, there was a 42 per cent growth in the number of Aboriginal children in out-of-home care and the primary factors leading to their removal were family violence, parental alcohol and substance abuse, neglect and mental illness.

The shocking situation that many of our children endure is not new. Many indicators of health and wellbeing are not improving. There is a type of industrial deafness to the data which for many is no longer shocking but somewhat expected. Although I see good intentions and I remain optimistic for the future, I do not see enough significant changes to convince me that this growth in the removal of Koorie children from their families will not continue. We must commit every available resource to reversing this trend.

There is significant power when a community comes together for a single cause, combining our collective knowledge and influence to drive change and create innovation. This year I have been fortunate to witness community-led change and be part of such collaborations.

Aboriginal leadership

In October 2014 I was proud to sit with leaders from Aboriginal community controlled organisations, the Koorie Youth Council, community service organisations and the Centre for Excellence in Family and Child Welfare. We assisted them to update a submission to government, *Koorie Kids: Strong in their Culture*, which outlined priorities and strategies to reduce the over-representation of Koorie children in out-of-home care.

I was thrilled when in June 2015, just eight months after it was presented to government, the Hon. Jenny Mikakos MLC, Minister for Families and Children, agreed with the first of eight priorities from the submission. The establishment of an Aboriginal Children's Forum brings together government and community to develop a partnership agreement to provide policy direction and monitor the implementation and accountability of outcomes for Koorie children and young people in out-of-home care. The submission identified other key priorities, which are included in this annual report. There is much work the Forum needs to do.

The Commission's inquiry into Compliance with the Intent of the Aboriginal Child Placement Principle should be completed by the end of 2015 and provided to the government in early 2016. The next inquiry is about an individual child's experience in Youth Justice as a Child Protection client. This report will be provided to the Minister in confidence and will highlight systemic issues. Many people have spoken to us and contributed to these three inquiries or provided submissions. I thank all of them for their frankness and shared knowledge.

Youth Justice

As Commissioner, I have a particular focus on vulnerable children and that includes children in the Youth Justice system. There are high rates of Koorie children on parole. This year, when we visited Youth Justice precincts, Koorie children made up 20 per cent or more of children in custodial services.

We will continue to promote constant improvement in Koorie children's contact with police, courts and the Youth Justice system. We will continue to advocate for an increase in the minimum age of criminal responsibility from 10 to at least 14 years of age, to bring Victoria in line with international standards and increase community-based diversionary options for Koorie children. I will increase my focus on innovation and better outcomes for Koorie children in Youth Justice.

Pride in our young people and hope for their future

Koorie youth are making themselves more visible and I believe that the future is in good hands. There are many examples of youth who are standing proud in their culture, such as the 140 young people who tackled topics such as family violence at the Koorie Youth Summit and the inspirational Mr and Miss NAIDOC.

In March I was thrilled to be invited by the Victorian Aboriginal Education Association to celebrate a record number of Koorie Year 12 graduates. In 2014, 512 Aboriginal students graduated, which was a huge increase from 380 in 2013. It was a very proud moment for their families and community members and a strong reminder of the young and growing Koorie population in Victoria.

There is no barrier or door that we, as Koorie people who have faced adversity over hundreds of years, cannot walk through if our government and the child, youth and family sector walk beside us. The community is willing and ready to take this walk to ensure that the 1300 Koorie babies who are born every year will know a safe, loving life in which they can thrive in a culture that is respected.

The past year has been a full one. I want to thank all the people who have contributed to improving the outcomes for Koorie children and young people in Victoria.

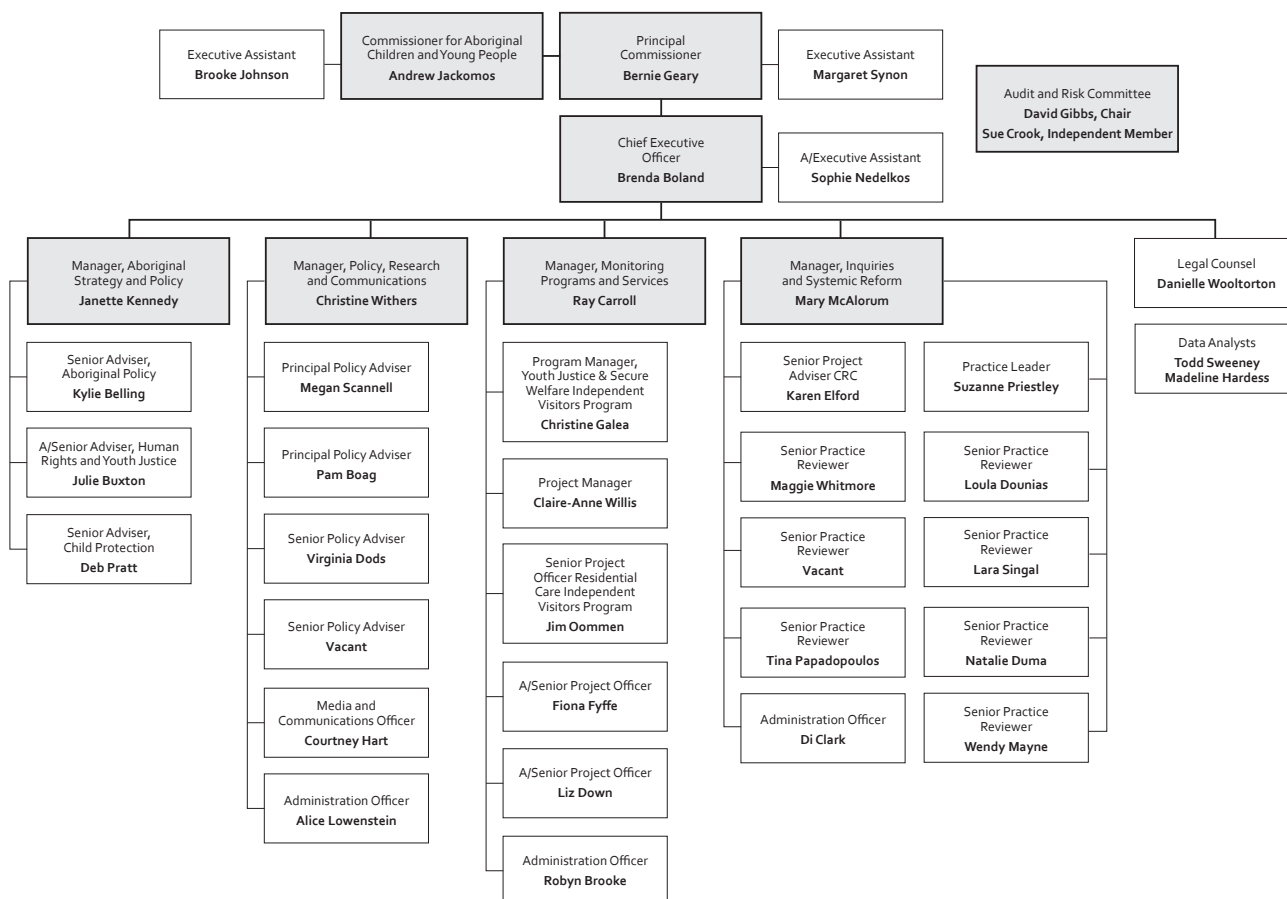


Andrew Jackomos PSM

Commissioner for Aboriginal Children and Young People

About the Commission for Children and Young People

Commission for Children and Young People





Vision

Victorian children and young people: seen and heard – safe and well

Mission

Improving young lives

Values

Listening and advocating – independent and accountable

About the Commission for Children and Young People (continued)

Legislation

The *Commission for Children and Young People Act 2012* (available at www.legislation.vic.gov.au) provides the legislative mandate of the Commission for Children and Young People.

The functions of the Commission set out in the Act include:

- providing advice to ministers, government departments, health services and human services relating to the safety and wellbeing of vulnerable children and young people
- promoting the interests of vulnerable Victorian children and young people
- conducting inquiries into service provision or omission in regard to:
 - children who have died and were known to Child Protection at the time of their death or 12 months before their death
 - the safety and wellbeing of an individual or group of vulnerable children and young people
 - community services, health services, human services, schools, Child Protection services or Youth Justice services where there are persistent or recurring systemic concerns
- monitoring Victoria's out-of-home care system and promoting child-inclusive decision making
- monitoring and reporting on the implementation and effectiveness of strategies relevant to the safety and wellbeing of vulnerable children and young people

- promoting child-friendly and child-safe policies and practices in Victoria
- providing advice to the Minister about child safety, as requested
- reviewing and reporting on the administration of the *Working with Children Act 2005* and educating and informing the community about that Act
- any other functions given to the Commission by the Act or any other Act.

A key feature of the Act and the role of the Commission is a focus on 'vulnerable children and young people'. The definition of 'vulnerable children and young people' in the Act encompasses:

- those who are or have been clients of Child Protection
- those who are involved in the Youth Justice service system
- those who have themselves received or whose primary carer is receiving or has received services from certain registered community services
- young people under the age of 21 who have left the care of the Secretary to the Department of Health & Human Services to live independently.

The definition also includes children who die from abuse or neglect, including those who were never known to Child Protection services.

The Act also recognises that all children and young people have a degree of vulnerability, and provides that the Commission will promote continuous improvement and innovation in policies and practices relating to the safety and wellbeing of all children and young people in Victoria.

Strategic Plan 2014–16

The *Strategic Plan 2014–16* articulates our objectives, key outcomes and strategic priorities. The plan recognises that all children and young people have a degree of vulnerability resulting from their age and developmental stage. The term ‘vulnerability’ covers a wide range of factors that can increase the vulnerability of a child or young person. The plan is available on our website.

Objective

To promote continuous improvement and innovation in policies and practices relating to the safety and wellbeing of vulnerable children and young people, and children and young people generally, and in the provision of out-of-home care services for children.

Key outcomes

- Victoria’s children and young people benefit from improved and innovative policies and practices.
- The Victorian community is engaged in the safety and wellbeing of all children and young people.
- The Commission conducts its activities in the best interests of children and young people.

Strategic priorities

This annual report describes the work undertaken in relation to the six strategic priorities identified in the *Strategic Plan*:

- actively engaging with children and young people throughout Victoria to ensure their safety and wellbeing concerns are addressed
- promoting continuous improvement and innovation in policy and practice approaches relevant to improving the lives of all children and young people through engagement with the community, government departments and community sector organisations
- achieving improved safety and wellbeing outcomes for Aboriginal children and young people
- providing independent oversight of the implementation of *Victoria’s Vulnerable Children: Our Shared Responsibility Strategy 2013–2022* (Victoria’s Vulnerable Children Strategy)
- providing independent oversight of Victoria’s protection arrangements for vulnerable children and young people
- maximising our operating effectiveness through the best use of our resource capabilities to ensure the achievement of our statutory obligations and strategic priorities.

Significant achievements of 2014–15

We are proud to have carried out the following activities in 2014–15.

Engaging with children and young people

- Co-hosting the 2014 Debutante Ball for young people in out-of-home care
- Conducting an independent visitor program at the Parkville Youth Justice Precinct and the Malmsbury Youth Justice Centre
- Developing and commencing pilot independent visitor programs in secure welfare services and residential care services
- Supporting the Community Integration Program
- Engaging with Aboriginal youth through a range of forums including Taskforce 1000, Koorie Youth Council, Koorie Youth Summit, CREATE Foundation, Western Bulldogs Nallei-Jerring Program, AFL SportsReady and NAIDOC events and community gatherings
- Meeting with vulnerable children and young people throughout Victoria to listen to and learn from them

Promoting continuous improvement and innovation

- Contributing to significant policy and law reform by giving evidence at inquiries and participating in consultations as well as providing written submissions, including those to the Royal Commission into Institutional Responses to Child Sexual Abuse, the Royal Commission into Family Violence and the Australian Senate Standing Committee on Community Affairs' inquiry into out-of-home care
- Presenting at more than 70 community events and professional forums
- Partnering with government departments in the conduct of consultations on the development of child-safe standards as recommended in *Betrayal of Trust*
- Championing reforms to laws, policies and practices to bring them into line with the *Charter of Human Rights and Responsibilities Act 2006* and internationally recognised human rights conventions, particularly in relation to children and young people involved with the criminal justice system and those living in out-of-home care
- Contributing to consultations regarding the development of the third action plan for the *National Framework for Protecting Australia's Children 2009–2020*
- Completing the annual review of the administration of the Working with Children Check
- Distributing more than 16,000 Commission resources about child safety and wellbeing
- Responding to more than 630 calls, emails and letters from the community seeking information and assistance, most of which related to concerns about Child Protection or out-of-home care services
- Working with stakeholders on the development of a media campaign to highlight issues of child neglect

Enhancing the safety and wellbeing of Aboriginal children and young people

- Completing discussions through Taskforce 1000 with ten Department of Health & Human Services areas to critically analyse the experience of more than 500 Aboriginal children in out-of-home care
- Responding to more than 240 phone and face-to-face inquiries relating to vulnerable Aboriginal children and young people
- Advocating for reforms to the youth justice system and its disproportionately negative impact on Aboriginal children and young people
- Advocating for a renewed approach to cultural support planning for Aboriginal children in out-of-home care

Providing independent oversight

- Working on more than 50 child death inquiries, from which the Commission Review Committee considered 43 reports and endorsed 10 recommendations designed to improve services to vulnerable children and young people
- Undertaking a systemic inquiry into the provision of services to children and young people who have been subjected to sexual exploitation or sexual abuse while residing in residential care
- Commencing research, workshops and the submission phase of a systemic inquiry into compliance with the intent of the Aboriginal Child Placement Principle

- Commencing a systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria to complement Taskforce 1000
- Commencing an inquiry into the circumstances of a vulnerable Aboriginal child in relation to the services provided, or omitted to be provided, to him

Monitoring strategy and out-of-home care services

- Analysing and reporting on Category One client incident reports received by the Department of Health & Human Services in relation to children and young people living in out-of-home care
- Partnering with the Ethnic Communities Council of Victoria to lead the CALD Strategic Partnership Advisory Committee
- Working with Aboriginal community controlled organisations in the family and child sector, the Koorie Youth Council and community service organisations to identify priorities for their updated joint submission to the Victorian Government, *Koorie Kids: Growing Strong in their Culture*
- Advocating for a partnership approach between the Aboriginal community and government to improve outcomes for Aboriginal children in out-of-home care, resulting in the Minister's announcement of the Aboriginal Children's Forum, which will commence with a summit in August 2015

Engaging with children and young people

We continue to place a high priority on listening to children and young people, particularly those who are most vulnerable.

Our independent visitor programs, visits to out-of-home care services, conversations with foster and kinship carers and attendance at a wide range of community forums give us opportunities to hear from children and young people and their families and carers.

Children and young people have shared their personal stories with us. They have told us what makes them feel safe and how services can be improved. Along with the privilege of being trusted with people's stories, concerns and ideas, comes the responsibility to act on what we hear. We convey what we learn to government ministers, departmental secretaries, senior policy makers, service providers and the wider community.

In his recent appearance before the Victorian Parliament's Standing Committee on Legal and Social Issues, Bernie Geary, our Principal Commissioner, described how basic support services can make a profound difference to the lives of children:

I had a meal with a kinship care couple in their 70s who are caring for three children. Grandma just said, 'Look, I would just like somebody to come three times a week to help me with shopping, or to ask if they could take the kids to school, or just to talk about current day parenting issues'. That is the sort of support that people need. If we supported people in the community in that way – and it is simple – we would have fewer children in residential care.

This testimony is just one example of the many ways that we share what we learn with people in positions of authority.

2014 Debutante Ball for young people in out-of-home care

The most powerful interactions happen when vulnerable children and young people have the opportunity to speak for themselves and on their own terms. In August 2014, the Debutante Ball provided just such an opportunity.

The Commission and the Centre for Excellence in Child and Family Welfare co-hosted the fourth Debutante Ball for young people who had experienced out-of-home care. Nearly 500 people attended the Melbourne Town Hall to share in the celebration as 21 debutantes and their partners were presented to the then Minister for Community Services, the Hon. Mary Wooldridge MP, and the then Minister for Liquor and Gaming Regulation, Minister for Corrections and Minister for Crime Prevention, the Hon. Edward O'Donohue MLC.

For 10 weeks before the ball, the debutantes travelled from all over Melbourne to take dancing lessons. Many have spent much of their life in foster, residential or kinship care. These were years that were marked by transience, disruption and incomplete schooling. The Debutante Ball gave them the opportunity to dance in a beautiful venue, share their stories and aspirations for the future, meet government ministers and other members of the community and celebrate this milestone with the most important people in their lives, their families and friends.

We are grateful to the debutantes and those who supported them. We thank the staff from the Centre for Excellence in Child and Family Welfare who undertook much of the planning and coordination for this event. We appreciate the support provided by the Department of Health & Human Services, the CREATE Foundation, out-of-home care agencies including Anglicare, who provided a youth worker, and the businesses that donated generously to ensure the debutantes had a memorable night.

Comments made by the debutantes reflect their pride in their achievement:

This was the first thing I could invite my mum to . . . and have her be proud of me.

It's all about me, me, me . . . look, I am a princess!

This was the best night ever. No, really, you don't understand – I don't think I will ever be so happy again.

It's so beautiful. I look like . . . well, not even like me!

I never knew it would be this good. Thank you.

I made the best friends. At the start I didn't know anyone . . . now look [dancing in a group].

If I can dance in these heels, I can do anything.



Debutante Ball 2014

Engaging with children and young people (continued)

Independent visitor programs

We currently operate independent visitor programs in two youth justice centres, 13 residential care houses and two secure welfare services. Independent visitor programs put the community's commitment to protecting the fundamental human rights of children into action. These programs provide:

- an independent forum through which the voices of vulnerable children can be heard and actions can be taken to address their concerns
- important information to managers about the quality of their service and opportunities for improvement
- an opportunity for members of the community to assess whether the quality of care of these services meet community standards and expectations.

Children and young people in youth justice centres, secure welfare services and residential care services are highly dependent on the people who care for them, and are often disconnected from their family and community. The *Interim Report of the Royal Commission into Institutional Responses to Child Sexual Abuse* released in June 2014 highlighted how children in institutional care can lose their voice. The report emphasised the importance of external scrutiny and included powerful illustrations of the impact on children when they felt voiceless.

Who's going to listen to me? I didn't think I had rights. Don't forget my parents didn't want me, so what right have I got to stand up and say anything? (vol. 2, p. 33)

Institutions that operate without accountability, or with accountability only to themselves, present significant risks to the children they work with. This can be because they are disconnected from the wider community or government agencies, and hence from regular external scrutiny. (vol. 1, p. 140)

We are strongly committed to the use of independent visitors in youth justice centres, residential care and secure welfare services.

Independent visitor program for youth justice centres

The independent visitor program for youth justice centres started at the Parkville Youth Justice Precinct in 2012 and at the Malmsbury Youth Justice Centre in 2013. The Parkville precinct is a custodial setting in Melbourne for boys aged 10–18 years and girls aged 10–20 years. The Malmsbury centre, located approximately 100 kilometres north of Melbourne, is a custodial setting for young men aged 18–21.

We recruit, screen, train and support the independent visitors. This year, 25 people participated as visitors to youth justice centres. They are a diverse group of men and women with different life experiences and careers. We are grateful to them for their commitment and the high quality of their engagement with the young people.

In recognition of the over-representation of Aboriginal children and young people in youth justice centres and their specific cultural needs, the Commission recruited three Aboriginal visitors.

Our independent visitors have commented on the vulnerability of the children and young people in the centres. Many of the young people detained on sentence or remand have been, or are currently, clients of Child Protection. Many live in out-of-home care, have been the victims of abuse, trauma or neglect or have experienced mental illness. A number of them have an intellectual disability.

Visits happen on a monthly basis. Through the independent visitor program, we hear the voice of young people in custody, support them to have issues addressed, and identify ways to improve their experiences of being in custody.

The visitors also hold exit interviews with the young people before they are released from custody. These interviews provide information on the young people's experiences of being in the centre.

In 2014–15, our independent visitors conducted 24 visits to youth justice centres. During these visits, 451 issues were raised with the visitors in relation to Parkville and 127 in relation to Malmsbury. They also conducted 276 exit interviews. The Commission appreciates the support and assistance from staff and management at the centres.

Some issues raised by the young people, and the responses to them, are described as follows.

Access to health care

Young people are concerned about their ability to access medical and other health professionals in a timely manner. In the first quarter of 2015, half of the complaints raised with our independent visitors were about the lack of response to referral requests. When health issues are raised through the independent visitor program, young people do get a response to their concerns.

Quality of the physical environment

Young people raised concerns about the cleanliness and appearance of the centres. Malmsbury and Parkville management and staff have worked closely with us to address these issues. Many changes have now been made to the facilities, with a large number of maintenance activities and an upgrade of fittings, such as new carpet across the youth justice centres.

Quality of food

Children and young people continue to talk about the quality of the food in the centres. When they were asked what they would like to change about the facility, the most common responses were about healthier, tastier and larger serves of food.

Support for Aboriginal children and young people

Aboriginal young people raised concerns with the independent visitors about having limited access to Aboriginal cultural support workers. The Commissioner for Aboriginal Children and Young People approached the Department of Health & Human Services about this, and the Department has now appointed an additional Aboriginal cultural support worker.

Isolation

Eight concerns raised with the visitors pertained to the use of isolation.

For example, a young person raised concerns about the length of time he had spent in isolation and the conditions of that type of custody. The Commissioner for Aboriginal Children and Young People visited the young person and began an inquiry into his experiences in both Youth Justice and Child Protection.

The impact of the independent visitor program is currently being externally evaluated. The evaluation will include consultations with young people, staff and management at the youth justice centres. The evaluation and findings should be completed by December 2015.

Pilot independent visitor program for residential care

The Department of Health & Human Services funds and regulates the provision of residential care placements in Victoria. Residential care units, which are staffed and operated by community service organisations, provide housing and care to approximately 500 children and young people who are clients of Child Protection.

Our work, along with reports and inquiries by other bodies, has identified many challenges in the provision of residential care in Victoria.

In February 2015, after extensive consultations with the Department of Health & Human Services, community service organisations and young people, our pilot residential care independent visitor program started. The pilot program covers 13 residential care houses operated by six community service organisations in both metropolitan and rural areas within the southern division of the Department.

We appreciate the interest and support for the pilot program from the Department of Health & Human Services and the agencies that provide residential care. Fifteen volunteers, carefully selected and supported by the Commission, make monthly visits to the houses. In recognition of the high numbers of Aboriginal children living in residential care houses, we undertook a targeted recruitment campaign for two Aboriginal volunteers.

During the visits, the visitors speak to the children and young people about their everyday experiences and any issues the young people wish to raise. Engaging these young people in conversation takes time and a high level of trust. The trauma and abuse many of the children and young people have experienced at the hands of adults in their lives makes it hard for them to form trusting relationships. Visitors have persevered and found creative ways to connect with them, sometimes cooking with them or playing games. Visitors also speak to the staff who work in the houses.

Between February 2015 and 30 June 2015, there were 65 visits. During this time the young people raised 111 issues, the staff raised 28 issues and the visitors identified another 56 issues.

Engaging with children and young people (continued)

These residential care units are homes for these young people. That home and the services they receive should be consistent with the Charter for Children in Out-of-Home Care. The Charter includes the following rights:

- **To have a home that feels like a home**
The young people raised a number of concerns about the physical environment of the houses in which they were living.
- **To keep in contact with my family, friends and people and places that matter to me**
The young people raised concerns about their capacity to have access to friends.
- **To have fun and do activities that I enjoy**
Requests included simple things like the repair of a garden hose and some seedlings for someone who was a keen gardener, or having enough money to go to the movies. Young people also expressed concerns about not being able to afford to take public transport and the limited availability of staff and cars.
- **To have a worker who is there for me**
When the young people raised issues about staff, they were reflective comments about wanting to 'just have fun workers with a sense of humour that care'.

An external review of the pilot residential care visitor program will be undertaken to determine its effectiveness and identify opportunities for improvement. In the years ahead, we would like to see the residential care program funded on an ongoing basis and extended to all residential care homes.

Pilot independent visitor program for secure welfare services

The Children, Youth and Families Act provides the legislative mandate for the Department of Health & Human Services to operate secure welfare facilities where children and young people can be detained for limited periods of time. The Act allows the use of frisk and unclothed searches as well as the use of restrictive practices on the children and young people placed in secure welfare. Given the highly restrictive nature of these services, the legislation provides strict limits on their use.

Victoria has two 10-bed secure welfare facilities for boys and girls, where strictly time-limited placements are made. Secure welfare services are not custodial services; placements to secure welfare are based on the need to protect the child from severe and immediate risks to their safety. Secure welfare provides an opportunity to review the circumstances of care prior to the child returning to care in the community.

In October 2014 we began a pilot model of the independent visitors program in secure welfare services. Our staff visit the secure welfare facilities on a fortnightly basis. Young people who wish to do so meet with our staff and raise any issues of concern. We acknowledge the interest and support received for this pilot program from staff and management at the secure welfare services.

Through this program, we have identified and provided information to the Department of Health & Human Services on a range of issues including:

- access to health and mental health supports, and case planning decisions made by the Department
- concerns raised by the young people about the physical environment of the facilities
- concerns about the use of restraints and conduct of room searches in a manner that was seen as disrespectful to the young person
- quality of the food

- limitations on access to leisure activities, a safety issue with the trampoline and requests for access to music and more sporting equipment.

We noted a number of improvements to the secure welfare services. These include improvements to the physical environment and the employment of a chef through Parkville College who not only cooks for the young people but also assists them to plan and cook their own meals.

The Department of Health & Human Services has advised that they would like all young people leaving secure welfare services to have an exit interview with an independent person. Exit interviews provide young people with the opportunity to provide anonymous feedback about the services and care they received during their stay in secure welfare services.

The independent visitors currently conduct exit interviews during their visits. Senior secure welfare staff conduct the remaining exit interviews with children and young people who leave at other times. The capacity of independent visitors to interview all children and young people leaving secure welfare services will be considered and discussed following the outcome of the program evaluation.

An external evaluation of the independent visitor program to secure welfare services will be undertaken. The evaluation will examine the possibility and efficacy of using trained and supported individual community volunteers in the future.

Community Integration Program

The Community Integration Program recruits community-based volunteers who support young people in residential care to create opportunities for community connections outside their care environment. We oversee the program and work in partnership with Whitelion Inc., which employs and manages three Community Integration Leaders who recruit, train and support the volunteers.

Following an evaluation of the pilot stage in 2014, we refined the program and extended it until December 2016. One key change has been the recruitment of a Koori Community Integration Leader to support the objective of increasing the number of Aboriginal children and volunteers participating in the program.

Other developments in the program include:

- redevelopment of training for volunteers
- testing a variation of the program model that is more suited to the needs of specific houses or areas, such as a small group of volunteers 'befriending' a house through regular visits until links are formed between the young people and the volunteers.

The Community Integration Leaders meet once a month to work together on projects, share challenges, successes and discuss ways to improve how they work with volunteers, young people and residential care staff. The following case examples illustrate the way in which the program operates.

Case example: 'Felix'

Felix is 14 and used to spend most of his time in his room playing on his computer. He had difficulties socialising with his peer group and experienced social isolation. The Community Integration Leader met with Felix for a number of weeks and then introduced a volunteer who met regularly with Felix to explore his interests. The relationship with the volunteer helped to build Felix's confidence to leave the house and try a number of activities. The volunteer validated Felix's interest in gaming and helped him to join a games development group. This improved Felix's social contact and his confidence in himself, as well as building on his strengths in computer gaming.

Engaging with children and young people (continued)

Case example: 'Alan'

Alan is 14 and is living in a therapeutic residential care home as a result of trauma, abuse and neglect. Alan is interested in bowling and bowls with a group once a week. Initially he stayed close to the volunteer or a staff member but gradually, with growing familiarity, he started to communicate with other young people in the group. This was a huge step forward for Alan, who has never before participated in a community group or activity for any length of time. Following a four-week 'learning to bowl' clinic, Alan moved into a league group. The volunteer continues to support Alan and there is still work to do to make Alan feel completely comfortable, but the community group has been very supportive of Alan.

Volunteer week celebration 2015

During National Volunteer Week (11–17 May 2015), our staff hosted a celebration for the volunteers who support the independent visitor program for youth justice centres, and the pilot project in residential care, the Aboriginal Youth Reference Group and the Community Integration Program. On the night, our volunteers described their experiences.

The best thing that has happened while I have been volunteering in the program is:

'feeling that I might be making a difference even if I cannot see it'

'creating change in the environment or home of young person – which hopefully then can feel more like a home'

'hearing from young people that something or someone in their life has made a difference'.

What I find most challenging is:

'when you see a young person return to custody; it's also sad to see our young people have very low self esteem'

'trying to engage teenage boys in conversation! Having had three of my own, I know it is always worth the effort'

'meeting kids who are very unwell and institutionalised. Being aware of the levels of violence some kids face in their everyday life'.



Volunteer Week Celebration 2015

Modelling a Generous Community Contacts with the Commission

This year, for the first time, a child was the recipient of the Modelling a Generous Community Award. Presented during the Robin Clark Protecting Children Awards, this award recognises someone who has made an exceptional contribution to directly improve the lives of children, young people and families in Victoria.

The winner was a 12-year-old girl who is a member of the CREATE Foundation, the peak body representing the voice of children living in out-of-home care. The award acknowledged the compassion and generosity she shows as she welcomes new members to CREATE, and the way she supports her grandparents who care for her and her two siblings.

In presenting the award the Principal Commissioner, Bernie Geary, said:

We all talk about hearing the voice of the children and young people associated with Child Protection and the care system. Here is a young person, with a child protection journey, generously demonstrating and modelling what we as adults, in various roles need to keep reminding ourselves to do – to persistently listen, and be in the shoes of children in care.

We recorded approximately 630 formal contacts from parents, carers, children and young people and professionals between 1 July 2014 and 30 June 2015. Most people contact us on the phone, although some also write letters or emails or present directly.

Reflecting the over-representation of Aboriginal children and young people in the Child Protection system, nearly 40 per cent of all contacts related to Aboriginal children and young people. Of these, approximately 70 per cent related to children or young people in out-of-home care.

Given the high number of issues raised with us that relate to out-of-home care or Child Protection, we have an agreed protocol for forwarding these concerns to the Department of Health & Human Services and seeking their response. We also provide additional assistance and closely monitor some situations to work toward a solution focused on the safety and wellbeing of the child or young person. This cooperation between the Commission and the Department gives us a better understanding of issues as they arise and allows us to conduct timely reviews where necessary.

We monitor and analyse both the information arising from these contacts and the responses from the Department to inform our broader systemic advice and advocacy work.

The Commission for Children and Young People Act does not include explicit functions or powers for the Commission in relation to facilitating the resolution of complaints concerning the Department of Health & Human Services or other government bodies. We do not have legislative authority, nor are we funded as a formal complaints resolution body. However, as part of our commitment to continuous improvement, we are reviewing how we currently respond to people who contact us for advice, information or support, and how we can improve our advocacy for vulnerable young people who contact us.

Promoting continuous improvement and innovation

In establishing the Commission, the government articulated a strong vision that the Commission would, with an independent voice and a focus on the best interest of children and young people, promote continuous improvement and innovation in the delivery of government and non-government services to children and young people, with a particular focus on services to those who are most vulnerable.

This broad mandate allows us to examine policy and legislation and monitor the provision of specific services and their interaction with one another and with the broader community, to promote the safety and wellbeing of children and young people. To encourage positive change, we share what we learn through these activities and engage with other organisations that are looking for innovative answers to complex challenges. We reference human rights frameworks that provide a strong foundation for evaluating laws, services and policies and identifying opportunities for innovation and continuous improvement.

Victorian Royal Commission into Family Violence

I welcome the State Government's Royal Commission into Family Violence, as this is a major driver for the reporting of babies and children to Child Protection. But we are still challenged to find the best responses and solution. Far too often for Koorie children, we are seeing their subsequent removal from their families.

Andrew Jackomos,
Commissioner for Aboriginal Children and Young People,
January 2015

We provided a written submission to the inquiry and the Commissioner for Aboriginal Children and Young People was asked to provide a witness statement and present to the Royal Commission as part of its formal public hearings specifically considering children and the impact of family violence for Aboriginal people.

Our written submission emphasised the profound impact of family violence on children. Drawing on both research and the knowledge gained through inquiries, Taskforce 1000 and other projects we have undertaken, we noted the impacts of family violence over the life of a child and made a number of recommendations to improve the legal and service systems.

Children who witness family violence are victims of family violence. Living with family violence causes harm to children's development and their emotional, psychological and physical wellbeing. Women experiencing family violence, both prior to and during pregnancy, are at risk of multiple poor maternal and infant health outcomes. We identified opportunities to improve the service system, particularly the capacity of health practitioners working with pregnant women to identify and respond to women experiencing family violence.

The trauma caused by family violence can damage a child's brain development and reduce their capacity to self-regulate, leaving the child in an elevated arousal state or shut down. Children learn adaptive responses to trauma that, over time, can become reinforced patterns of behaviour, including specific impacts on arousal, attention, memory, identity and relationships.

We emphasised the gendered nature of family violence in our society and that family violence is a strong driver for families coming to the attention of Child Protection.

We argued that responses to family violence must be tailored to meet the needs of all members of our community, including families where parents or children have a disability, families who live in rural and remote communities and families from culturally and linguistically diverse backgrounds.

The Commissioner for Aboriginal Children and Young People prepared a witness statement for his attendance at the Royal Commission early in July 2015. The Commissioner reiterated that the Aboriginal community accepts a broader definition of family violence:

encompassing a wide range of physical, emotional, sexual, social, spiritual, cultural, psychological and economic abuses that may be perpetrated within families, intimate relationships, extended families, kinship networks and communities.

He confirmed that, through his work on Taskforce 1000, he has seen that male-perpetrated violence against women and children has been the highest driver of up to 90 per cent of Aboriginal children into out-of-home care, often coexisting with alcohol and drug misuse.

The Commissioner called for programs to be provided to Aboriginal children in care about respectful relationships and for the state to ensure there are opportunities for Aboriginal children to be immersed in their culture with other Aboriginal children and strong Aboriginal role models. Trends seen in Taskforce 1000 reaffirm the findings of the *Aboriginal Deaths in Custody* and *Bringing them home* reports. These emphasised that families have been removed, generation after generation, through the Stolen Generations and Child Protection. There is profound intergenerational trauma and harm that must be healed. Resources must be injected into healing and rebuilding families and communities to prevent the increasing numbers of Aboriginal children being placed in out-of-home care.

In his opening remarks to the Royal Commission, the Commissioner noted:

I am not in favour of initiatives that promote a renaissance of young warriors and male alter egos. However I am in favour of growing young and respectful men who are good boyfriends, good partners, good fathers and good grandfathers.

Promoting continuous improvement and innovation (continued)

Australian Senate Standing Committee on Community Affairs' inquiry into out-of-home care

In July 2014, the Senate referred an inquiry on out-of-home care to the Community Affairs References Committee. We provided a detailed written submission to the inquiry as well as providing evidence at its hearing in Melbourne in March 2015. At the inquiry, the Principal Commissioner noted:

We witness all too often the state not acting as a good parent and it concerns me greatly when acting in loco parentis that the state, which is able to draw on its extensive capacity and resources to ensure all children and young people thrive in its care at times, fails to do so and as a result the outcomes for children and young people in out-of-home-care are not in line with what we the community would expect for our own children.

While the provision of out-of-home care services is primarily a state responsibility, the Commonwealth can and should exert its influence to ensure the best interests of children and young people in out-of-home care. It can do this by:

- ensuring the principles and promises of the *National Standards for Out-of-Home Care* are addressed, measured and met
- improving support to children in out-of-home care and those who care for them, in those areas for which the Commonwealth government has more direct oversight and fiscal responsibility, including income support, health benefits and job support.

Royal Commission into Institutional Responses to Child Sexual Abuse

Hearings into the Royal Commission into Institutional Responses to Child Sexual Abuse's Case Study 24: Out-of-Home Care began in early 2015. The public hearings aimed to inquire into the incidence of child sexual abuse in contemporary out-of-home care settings and the processes for recruiting carers, monitoring services and responding to allegations.

Building on the written submission we had provided previously, we collated information and evidence to support our attendance at the hearings in early July 2015.

In response to a request from the Royal Commission to the Australian Children's Commissioners and Guardians, we provided a written submission about a national approach to Working with Children Checks. We outlined the key principles that should underpin such an approach and what we see as the key challenges to this. Our submission addressed a range of issues including the benefits of nationally consistent standards, information exchange between jurisdictions, who should have mandatory Working with Children Checks and the types of clearances that could be included in a nationally consistent scheme.

While there are challenges to creating a nationally consistent approach, the timely sharing of criminal history information between jurisdictions must continue to be a high priority for all jurisdictions.

Inquiry into the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015

The Commissioners presented to the Legal and Social Issues Committee on 10 June 2015, advising that we supported the Bill. The Commissioners noted that the retention of the requirement that the Children's Court must be satisfied that 'all reasonable steps have been taken by the Secretary to provide the services necessary to enable the child to remain in the care of their parents' was a fair and reasonable requirement.

The Principal Commissioner noted that:

Retaining the requirement that the court must be satisfied that all reasonable steps have been taken by the secretary to provide the services necessary to enable the child to remain in the care of their parents is a fair and reasonable requirement. I believe this requirement will improve transparency and accountability and better ensure that services reasonably required are offered to parents and that parents are encouraged and supported to access them. The amendment will enhance public confidence in the system.

The Commissioner for Aboriginal Children and Young People emphasised that:

It is only by knowing a child's Aboriginal identity that the Aboriginal child placement principle, fundamental in the Act, can be enacted. I want a check and balance to know that absolutely every effort and every avenue has been fully explored more than once for Aboriginal kin to place Aboriginal children with their kin and kinship carers and they are generally supported to fulfil this role. I want to be assured that, for permanent care orders, the child has been identified, been kept connected with their kin and that every effort has been made to support families with multiple and complex needs before a decision on permanent care rather than reunification is made. I want to know that the family, through Aboriginal family-led decision-making conferences, have been involved in an ongoing way, not just at a critical time.

Betrayal of Trust

The Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Organisations delivered its final report, *Betrayal of Trust*, in November 2013. The final report includes 15 recommendations covering five broad areas:

- reforming criminal law
- accessing civil litigation
- creating an independent, alternative avenue for justice
- monitoring responses by organisations to criminal child abuse
- preventing criminal child abuse in organisations.

The then Victorian Government tabled its response on 8 May 2014 giving support or in-principle support to all of the recommendations. The current government has committed to implementing all of the outstanding recommendations.

Reforms to the criminal law include the creation of a new grooming offence, a new failure to disclose offence and a new failure to protect offence.

The *Limitation of Actions Amendment (Child Abuse) Act 2015* substantially enhances access to justice for victims and survivors of child abuse by removing the limitation period for all relevant child abuse claims, regardless of the time or context of the alleged abuse.

The *Education and Training Reform Amendment (Child Safe Schools) Act 2015* empowers the Minister for Education to make a ministerial order specifying the actions that schools must take to create a child-safe environment. In his second reading speech, the Hon. James Merlino, Minister for Education, advised that the new legislation will 'put in place the necessary arrangements to ensure that registered schools better manage the risk of child abuse, including responding to allegations of child abuse'.

It is expected that the new standards to apply in the education sector will closely align with the broader child safe standards currently being developed by the Department of Health & Human Services. As discussed below, we have been actively engaged in extensive consultations about these standards.

While significant progress has been made in implementing the recommendations included in *Betrayal of Trust*, much still remains to be done. Nearly two years have elapsed since the report was tabled. It is now time to ensure the remaining recommendations are implemented as a matter of priority.

Promoting continuous improvement and innovation (continued)

Child safe standards

The *Betrayal of Trust* report includes recommendations designed to enhance the capacity of organisations to prevent and respond effectively to child abuse. Work to implement these recommendations began with consultations on the development of child safe standards.

From August 2014, the Department of Health & Human Services, the Department of Education and Training and the Commission held extensive consultations with a wide range of organisations and the broader community about the potential application and content of the standards. Together we explored four broad questions:

- What minimum child safe standards should organisations be expected to meet?
- Which organisations should be required to comply with the standards?
- How should compliance be monitored?
- How can organisations be supported to meet the standards?

We identified these key features:

- A wide range of organisations, including health services, should be mandated to implement child safe standards.
- There should be an overarching standard relevant to the creation of a culture of child safety.
- There should be a specific standard relevant to the safety of Aboriginal children and young people, underpinned by a focus on cultural safety. This needs to be complemented by embedding the cultural safety of Aboriginal children and young people into the application of each standard.
- There should be a specific standard relevant to the cultural safety of children and young people from culturally and linguistically diverse groups. This should also be embedded in the application of standards.
- Resources and supports should be provided to build capacity within organisations covered by the standards.
- The assessment of compliance with standards should include practice observation, policy reviews and discussions with practitioners and leaders.

Following the conclusion of the consultation process, the Department of Health & Human Services has responsibility for progressing the next steps towards development and implementation of the standards.

Policy and law reform submissions

We contributed to policy and law reform through the preparation of a range of submissions.

Education and Training Reform Amendment Act

The Education and Training Reform Amendment Act responds to the *Betrayal of Trust* report and establishes mechanisms to create safer school environments for children and young people. We strongly support the objectives of the Act but we have expressed our concerns about the way in which it defines child abuse. We believe this definition should be revised, in particular to make explicit that 'physical violence' directed against a child at school can never be considered 'reasonable discipline'. We look forward to the opportunity to be included in consultations on the Ministerial Order to be developed under this new Act.

Family Law Council terms of reference

The Family Law Council sought submissions on the complex issues that can arise when the family law and child protection systems overlap. In our response, we highlighted the need for accessible and affordable legal processes, comprehensive screening and assessment regarding family violence, enhanced capacity to share information, access to independent children's lawyers whenever required and ensuring a culturally inclusive approach is in place for Aboriginal and Torres Strait Islander children and their families.

Charter of Human Rights and Responsibilities review

This eight-year review of the Charter sought to identify ways to improve the effectiveness of the Charter and its operation. We submitted that the impact of the Charter would be improved by an enhanced community culture of human rights where government is accountable. Attention must be paid to making the Charter relevant, accessible and understood.

Children in our community require specific and special protection. To achieve this objective, the rights described in the United Nations Convention of the Rights of the Child should be considered for inclusion into the Victorian Charter.

In recognition of Victoria's First People disadvantage and the over-representation in statutory Child Protection and Youth Justice systems, the United Nations Declaration on the Rights of Indigenous Peoples should also be included in the Charter.

Productivity Commission inquiry into childcare and early childhood learning

We provided a written submission that emphasised the importance of quality early childhood programs for vulnerable children and their families. The universal early childhood education and care sector is vital to the wellbeing of vulnerable children and their families. Service provision and quality across this very large sector is variable and inconsistent. It is therefore critical to maintain and strengthen the National Quality Framework.

Australian Senate Standing Committee on Environment and Communications

We provided a written submission to the Committee about the Enhancing Online Safety for Children Bill 2014, supporting the Commonwealth Government's commitment to enhance the safety and wellbeing of children and young people in their online interactions. We argued the bill could be strengthened by including additional functions for the e-Safety Commissioner, refinements to the definition of parent or guardian and the inclusion of an explicit provision about the need to consult with children and young people.

Children, Youth and Families Amendment Act

The *Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014*, introduced in parliament in August 2014 by the then Minister for Community Services, provides the legislative framework for fundamental changes to the Child Protection system. Given the significance of the changes and the complexity of the amendments, it is disappointing that a formal community consultation process on the draft legislation did not occur. The provisions of the Act will come into effect no later than March 2016.

We support the amendments, which provide for an expansion of cultural support plans being developed for all Aboriginal children and young people in out-of-home care. This expands the cohort that is currently under this provision, which is limited to those children under the guardianship of the Secretary. Along with this new provision, the amendments also provide that all aspects of a case plan for an Aboriginal child must consider the child's culture as a foundation to approaches and decisions.

To turn this legislative rhetoric into meaningful reform will require significant change in practice and resourcing. Our experience has been that even when cultural plans are completed, they are often inadequate. To be effective, the plans must ensure that Aboriginal children have cultural experiences as well as opportunities to develop and maintain relationships with kin, community and other Aboriginal children.

The Department has initiated a project to consider the new approach and invited us to be represented on this project advisory group. For effective cultural planning to occur, Aboriginal people must be engaged at every phase of Child Protection intervention from assessment and intake to reunification or permanent care. There is a significant shift in policy and practice required to get this right for Aboriginal children.

Taskforce 1000 has raised some red flags in relation to permanency planning that must be managed before the implementation of the new timelines. Every effort must be made for reunification. There should be:

- documented support programs for parents
- timely allocation of cases and effective case management, as the Taskforce has identified a significant number of children not being effectively case managed
- improved practice to enable the identification of Aboriginal children, including a requirement that questions designed to determine if a child is Aboriginal be asked on more than one occasion
- compliance with the Aboriginal Child Placement Principle, which states that if a child cannot be placed with Aboriginal kin they must be well connected to kin, community and country.

Promoting continuous improvement and innovation (continued)

Supporting young children's rights: Statement of Intent (2015–2018)

The National Children's Commissioner, Megan Mitchell, and the chief executive officer of Early Childhood Australia, Samantha Page, launched the Statement of Intent in March 2015.

We participated on the National Advisory Committee, established by Early Childhood Australia in conjunction with the Australian Human Rights Commission, which undertook this work.

Although Australia ratified the United Nations Convention on the Rights of the Child in 1990, the Convention is not incorporated as a whole into Australian national and state laws. Its principles, however, inform and guide components of various legislation, policy, service provision and practice. As a national legislative framework and policy document, the *Education and Care National Law Act 2010* and the *Early Years Learning Framework (2009)* explicitly incorporate the convention and highlight the central role of children's rights in the provision of quality teaching, learning and mainstream service delivery.

The Statement of intent provides high-level principles and areas for collective work, advocacy and action by Early Childhood Australia, its members and the National Children's Commissioner in relation to the rights of young children from birth to primary school age, over the next three years.

Advocating for reform to the youth justice system

We have increased our focus on children and young people who are currently, or at risk of becoming, involved in the youth justice system. Through our independent visitor programs, inquiries and consultations with a range of key stakeholders, we have identified deeply concerning practices. We have advocated for a range of changes to laws, policies and practices and have highlighted the over-representation and particular vulnerability of Aboriginal children and young people.

To allow us to better understand and advise on the experiences of vulnerable children and young people in the youth justice system, we have asked the Department of Health & Human Services to provide us with Category One client incident reports relating to children and young people detained in youth justice centres and youth residential centres. We are awaiting a response from the Department. In making the request, we noted that the Department currently provides us with Category One reports in relation to children and young people in out-of-home care. Our analysis of the information in these reports is described in more detail later in this report.

In advocating for reform to the criminal justice system, we reference the rights articulated in the Victorian Charter of Human Rights and Responsibilities, including:

Rights in criminal proceedings

A child charged with a criminal offence has the right to a procedure that takes account of his or her age and the desirability of promoting the child's rehabilitation. (s. 25(3))

Children in the criminal process

1. An accused child who is detained or a child detained without charge must be segregated from all detained adults.
2. An accused child must be brought to trial as quickly as possible.
3. A child who has been convicted of an offence must be treated in a way that is appropriate for his or her age. (s. 23)

In addition to these rights, children and young people have the same rights as all people under the Charter to be treated with humanity and dignity (s. 22(1)) and to be protected from torture and cruel, inhuman or degrading treatment (s. 10).

Aboriginal youth justice

We are very concerned about both the over-representation and younger age profile of Aboriginal children in the youth justice system. The Commissioner for Aboriginal Children and Young People fears that the experience of those incarcerated children is punitive rather than rehabilitating, and that it further disconnects children from their culture and community.

Intergenerational trauma and poverty

Incarceration is largely a consequence of poverty and disadvantage, along with the cyclical nature of violence, abuse and trauma.

Cumulative harm for Aboriginal children and young people is built upon a foundation of historical dispossession, separation of children from families and disconnection from culture. The passage of trauma from generation to generation and the devastating impact this can have on our Aboriginal communities has been well documented.

Over-representation

More than two decades ago the Royal Commission into Aboriginal Deaths in Custody released 339 recommendations, many of which specifically related to Aboriginal children. As is well known, the Royal Commission found that the reason for the high number of deaths in custody was the drastic over-representation of Aboriginal people in Australia's prison system.

The rate of over-representation of Aboriginal children in detention in Victoria is substantially lower than the national rate (13 times compared with 24 times) and this rate has declined steadily from 2009 to 2014. The number of children locked up in the state's youth justice custodial precincts on any given day is small. But, as it should be, our society is judged by how well it protects and gives a voice to those who are most vulnerable and in need of care.

We commend the good work of those who are committed to improving the experiences of Aboriginal children who are incarcerated. In particular, we celebrate the Aboriginal cultural programs implemented at the youth justice custodial precincts over the past year and the tireless work of the Aboriginal cultural support workers and independent visitors.

Despite this good work, Aboriginal children are still grossly over-represented in both youth detention and youth supervision. The Youth Justice Fact Sheets published by the Australian Institute of Health and Welfare in 2015 reported that in Victoria in 2013–14:

- although only two per cent of the state's population of 10 to 17 year olds are Aboriginal, 16 per cent of the young people under Youth Justice supervision were Aboriginal
- Aboriginal young people were 12 times more likely as non-Aboriginal young people to be in community-based supervision and 13 times more likely to be in detention.

Our independent visitor program provides a unique window into current youth justice trends. Snapshot data on the days of the independent visits at Parkville and Malmsbury Youth Justice Custodial Precincts during the first quarter of 2015 revealed that the proportion of Aboriginal children and young people at both precincts was consistently close to or above 20 per cent. At Malmsbury in February 2015, this reached a high of 25 per cent.

Promoting continuous improvement and innovation (continued)

Minimum age of criminal responsibility

Our minimum age for criminal responsibility is ten years of age, which is about four years below the international norm. It is a hangover from an earlier age and attracts surprise and criticism from many other countries. I find it incredible that we still regard it as appropriate to place very young children on trial and I find it an attitude that does not sit well with any claim to be a civilised western democracy. We should be embarrassed about the continuation of this practice.

The Hon. Alastair Nicholson,
The Third Winston S. Rickards Memorial Oration,
August 2012

It surprises many people to learn that in Victoria today a child as young as 10 can be arrested by the police, fingerprinted and held in a locked cell of a gazetted police gaol. Young children can be subject to prosecution in the most foreign and intimidating of environments, aided by a legal representative that they may have never met. Further compounding this trauma for children in out-of-home care, their Child Protection worker may not necessarily even accompany them to provide guidance and assistance, nor be able to assure the magistrate that suitable accommodation is available for the child if he or she is not given a custodial sentence.

The Committee on the Rights of the Child General Comment No 10 (2007) stated 'it can be concluded that a minimum age of criminal responsibility below the age of 12 years is considered by the Committee not to be internationally acceptable'. Australian states are encouraged to increase the minimum age of criminal responsibility to 12 as 'the absolute minimum and to continue to increase it to a higher age level'.

There is significant support to raise this the minimum age of criminal responsibility in Victoria. The research report, *Thinking Outside: Alternatives to remand for children*, published by Jesuit Social Services in 2013 includes a recommendation that Victoria:

raise the age of criminal responsibility to 12 years of age, with intensive service responses for children younger than 12 who engage in anti-social behaviour to be provided through the child welfare system.

We support this recommendation.

A low minimum age for criminal responsibility has a particularly adverse impact on Aboriginal children. Aboriginal children and young people are represented younger at all stages of the Victorian youth justice system compared to non-Aboriginal children and young people. The younger children are when they first come into contact with Youth Justice, the more quickly they come back into contact.

The Australian Institute of Health and Welfare's 2015 report, *Young people returning to sentenced youth justice supervision*, noted that 50 per cent of young people aged between 10–16 years who were released from sentenced detention in 2012–13 returned within six months, and 76 per cent returned within 12 months. Urgent action is required to divert children from this first contact.

The Commissioner for Aboriginal Children and Young People has raised the issue of the minimum age of criminal responsibility directly with the previous Minister for Community Services and at the Youth Justice Ministerial Roundtable. He has called for action by Attorney-General, who was in attendance at the Aboriginal Justice Forum. The Aboriginal Justice Forum is a partnership between the Victorian Government and the Aboriginal community aimed at achieving improved justice outcomes for the Aboriginal community. Judge Peter Couzens, then President of the Children's Court, supported raising the minimum age of criminal responsibility and strongly advocated for the need to reform the *Bail Act 1977*. The Attorney-General has acknowledged the issues regarding the age of criminal responsibility.

Trajectory from Child Protection to Youth Justice

There is a strong correlation between children cared for, or known to, Child Protection and children and young people who become clients of Youth Justice. The *Youth Parole Board and Youth Residential Board Victoria's 2013–14 Annual Report* reported that 41 per cent of all children and young people on sentence and remand in Victoria had previous Child Protection involvement and 38 per cent of all those sentenced to a custodial order were currently dual clients of Youth Justice and Child Protection. In its 2012 report, *Children and young people at risk of social exclusion: links between homelessness, child protection and juvenile justice*, the Australian Institute of Health and Welfare confirmed that Aboriginal young people under juvenile justice supervision in Victoria were more likely to have one or more Child Protection notifications than non-Aboriginal young people.

There needs to be a concerted effort made to reduce the over-policing of children in out-of-home care. Our observations of the residential care system indicate that police involvement in relatively minor incidents can lead to the early establishment of police profiles and an accelerated pathway into criminal prosecution and incarceration.

Better diversionary options

We have advocated for

- better diversionary options for children, including culturally appropriate and community-run program options for Aboriginal children and young people
- the strengthening of trauma informed responses and support for children and young people who come into contact with the youth justice system, particularly through the residential care system.

Victoria drastically lacks diversionary options for children and young people. It is concerning that the Aboriginal community controlled diversion programs that do exist are not better resourced and supported with a longer-term perspective. This has a significant impact on Aboriginal children and young people. The Minister for Youth Affairs and Minister for Families and Children, the Hon. Jenny Mikakos MLC, made a commitment to inject \$300,000 a year over four years to fund a program to divert Aboriginal children from Youth Justice through partnerships with mainstream organisations, but more is needed to address the underlying causes and divert them from entering the system in the first place.

Some cases that have come to our attention include children being required to appear before the Koori Court for the theft of items valued at just \$6. In one case, an Aboriginal child was before the Court for stealing a \$3 chocolate bar, even though it was his first offence.

We support advocacy through our membership of the National Justice Coalition and its *Change the Record* campaign. We are also a member of the Smart Justice for Young People Coalition led by Youth Law, which demands a greater focus on initiatives that will divert Aboriginal children and young people from entering the youth justice system or from dangerously progressing further into it.

We were pleased to see the commencement of a pre-court diversion pilot program in the Children's Court in June 2015 and we will take an active interest in its progress, with particular interest in the accessibility and uptake by Aboriginal children and young people. We support reform to enshrine a statewide diversionary program in legislation.

Promoting continuous improvement and innovation (continued)

High numbers of children and young people on remand

Feedback from the independent visitor program has alerted us to a significant increase in the number of young people on remand at the Parkville Youth Justice Precinct. These are children and young people who have been charged with an offence and are waiting for their matter to be heard in court or for sentencing.

We have expressed our concerns to government and other stakeholders about the high number of young people being remanded. We are particularly concerned about the over-representation of Aboriginal children and young people in remand. Data presented by the Department of Justice & Regulation at the Aboriginal Justice Forum in 2015 showed that the number of Aboriginal youth admitted to remand increased from 12 in the second quarter of 2013–14 to 32 in the second quarter of 2014–15.

Our other concerns include:

- the over-representation of young people from residential care on remand
- the length of time spent in custody on remand
- the lack of access to rehabilitative programs
- the impact of these high numbers on other areas of the centre.

The inconsistent use of police cautioning and lower rates of cautioning for Aboriginal children and young people is also worrying. We have advocated for a renewed and reinvigorated Aboriginal cautioning program.

Amendments to the Bail Act

We have advised government of our concerns about the impact of changes to the Bail Act. Of particular concern is the increase in the number of young people being held on remand for contravening conditions of their bail. Data presented to the Ministerial Roundtable on Youth Justice by the Department of Health & Human Services showed that the number of young people remanded on charges including contravening bail increased from 14 in the second quarter of 2013–14 to 137 in the second quarter of 2014–15.

We have advocated for:

- amendments to the Act to provide that, for children, a breach of bail is not a criminal offence and to include child-specific criteria in the bail assessment hearing process
- improved training of bail justices
- more assistance for young people applying for bail so they can be released more quickly, if appropriate
- audio or video recording of out-of-session bail hearings
- resources for a Youth Justice intensive bail supervision program.

In addition, we believe that more resources should be directed to providing intensive bail support to young people, including specialist support for Aboriginal young people. Significant resources are required to enhance the intensive support program within Youth Justice. These resources would give young people an alternative to remand, as well as intensive support and supervision from specialist youth justice workers. As many young people being remanded do not receive a sentence of detention, remand should only be considered as a last resort.

We are waiting for a response to a number of concerns we raised at the Youth Justice Ministerial Roundtable. The Commissioner for Aboriginal Children and Young People has also raised concerns about the Bail Act at the Aboriginal Justice Forum. The Attorney General, the Hon. Martin Pakula MP, has acknowledged these concerns and the need for them to be addressed.

Incarcerating children in police cells

We advocated for the elimination of the practice of incarcerating children and young people in police cells. The alarming issue of detaining children in police lockups was the subject of several recommendations by the Royal Commission into Aboriginal Deaths in Custody. One recommendation was that that a refusal of bail by a police officer or a Justice of the Peace should immediately be referred to a magistrate or other qualified person so that bail can be reconsidered.

The incarceration of Aboriginal children in regional police cells and the lack of appropriate assessments by suitably qualified medical practitioners for children with mental health issues and histories of attempted suicide highlight the urgent need for reform.

Use of restrictive practices

We are concerned about practices such as routine strip searches, isolation, and the use of physical and mechanical restraints in the state's Youth Justice custodial precincts. These practices require greater scrutiny and urgent measures must be pursued to eliminate – or at least minimise – the use of these archaic and dehumanising practices. We will be seeking to increase our role in monitoring the use of these practices in Youth Justice custodial precincts and secure welfare centres.

Metro Authorised Officers and Protective Services Officers

Last year we described our work with Metro Trains Melbourne. We participated, in conjunction with the Youth Support + Advocacy Service, in the development of a training program for Metro Authorised Officers who interact with children and young people who have challenging or high-risk behaviours. We understand this training has now been included in refresher training and training for new staff.

While this is a positive development, we are very concerned about a transport-related incident reported in the media in February 2015. The Children's Court granted the media permission to publish CCTV footage that showed two teenage boys being repeatedly sprayed with capsicum foam by Victoria Police Protective Services Officers. On the ABC's 7.30 program, the Principal Commissioner said:

Anybody who's watching this who has got 17-year-old, 16-year-old children who are out on the streets for whatever purpose should be really concerned . . . I would've thought that capsicum spray is life or death. And in this video, obviously these children are a threat to nobody. In fact, they look to me as though they are acting in a fairly benign way.

Victoria Police advised that a review of the incident would be undertaken.

Promoting continuous improvement and innovation (continued)

Media and website communication

We continue to respond to requests from local, state and national media for advice and comment from the Commissioners. In addition, we engage with stakeholders and the broader community through a range of social media and our website.

In recognition of the importance of this communication activity to our current functions, and to ensure we are well placed to meet any new demands arising from the promotion of child safe standards, this year we:

- created a dedicated staff position for media and communications
- identified a need to enhance our social media profile and implemented a range of strategies
- commenced development of a new website designed to enhance our engagement with stakeholders, in particular children and young people.

There has been an increase of 65 per cent in our overall social media activity and presence this year, and this annual report reflects our new look and brand.

Education campaign to improve responses to isolation and neglect

In the previous year we undertook an inquiry about a chronically neglected child who died in a home environment of extreme squalor. The inquiry found that children can be highly isolated within their family and community and be living 'under the radar' in severely deprived circumstances. When parents deliberately avoid service involvement with their children it is difficult for professionals to identify and act on the existence of chronic neglect and extreme domestic squalor.

The inquiry made six recommendations, including:

- improving the processes for birth registration
- tracking service engagement through a unique identifier
- assisting local government environmental staff to identify vulnerable children
- the delivery of a public and professional awareness campaign about neglect.

As part of implementing the recommendations, we established a working group of stakeholders, including the Department of Health & Human Services, to advise on an effective public and professional education campaign.



Andrew Jackomos



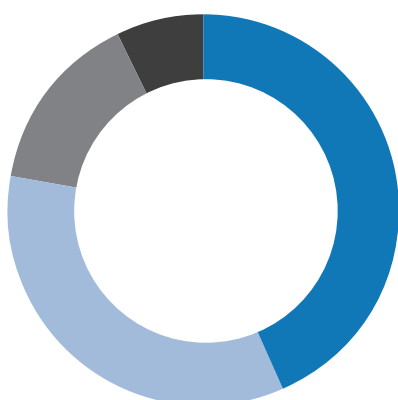
Bernie Geary

Publications

We have a range of free resources for parents, carers, professionals and organisations. Resources can be ordered from us or downloaded from our website. During 2014–15, we received requests for 27 different publications and distributed over 16,000 printed resources. The vast majority (95 per cent) of requests were received from people and services within Victoria. High demand continues, particularly for resources on the impact of trauma and how school communities can best support children and young people who experience out-of-home care, information for parents on choosing child-safe activities and carers and information for kinship carers.

We are reviewing our publications to ensure the resources are current and best meet the needs of the community.

Figure 1: Resources distributed by the Commission



- **Supporting children and young people who experience out-of-home care resources**
Calmer Classrooms, Caring Classrooms and From Isolation to Connection, Charter for Children in Out-of-home Care, Residential Care Matters, Great Expectations – Supporting children and young people in out-of-home care to achieve at school
- **Child-safe activities and carer resources**
Wise Choices Safe Children, Proper Care when You're Not There, Information for Parents: Things to look at when selecting child-safe activities or services for your child
- **Kinship carer support resources**
Financial support for grandparents and other relative carers, Parenting for grandparents and other relative carers, Statutory Declaration for informal relative carers
- **Other resources**
Child Death Group Analysis: Tackling SIDS (book and CD), Child Death Group Analysis: Effective responses to chronic neglect (book and CD), Commission for Children and Young People Annual Report

Presentations, articles, research partnerships and participation on committees

To promote the interests of vulnerable children and young people and child-friendly and child-safe policies and practices, we speak to a diverse range of groups and prepare articles for a range of publications and journals. Appendix 1 details some of this work and the extracts below illustrate some of the key themes our Commissioners emphasise.

When talking to Aboriginal Family-Led Decision-Making staff from the Department of Health & Human Services' West Division and the Aboriginal service sector, the Commissioner for Aboriginal Children and Young People said:

The work that you do, the work of keeping our children connected to our families and our communities is so critical to ensuring we do not have a further generation disconnected, of a further community not lost.

Our children must grow up with a sense of belonging, knowing who they are and how they relate to me, and you, and you. It is a fundamental cultural and survival instinct to keep our children in our blood, and in our clans as it has been for countless generations since time immemorial. It is a practice, a norm that has evolved I believe over thousands of generations. It is a right thing to do. It is a responsible thing to do. It is the only thing to do.

In an article appearing in the Victorian Council of Social Service publication *Insight* entitled 'Aboriginal Children and Young People. Seen and heard – safe and well', the Commissioner for Aboriginal Children and Young People commented:

I want Aboriginal children and young people to enjoy culturally rich and vibrant home environments; grow up in homes with parents and families who are healthy, happy and confident in their parenting abilities, as well as strong in their culture; have every chance to succeed in school and be supported to become active, valued young adults who can take advantage of employment, further education or training opportunities; have equitable health outcomes and to have access to Aboriginal services.

Promoting continuous improvement and innovation (continued)

During the Sixth Winston S. Rickards Memorial Oration, the Principal Commissioner said:

A concerning theme arising at the Inquiry [Royal Commission into Institutional Responses to Child Sexual Abuse], picked up this week in the media describes professional parties, like caseworkers and others becoming so 'proceduralised', little attention is being given to frequently meeting with children and getting to really know how they are going and how they are developing.

Speaking at a school, the Principal Commissioner explained:

... probably the biggest and most silent gap in how we effectively respond and help to give these children a more even chance at having happy and fulfilling lives, is trying to engage good, ordinary community members, like yourselves, to stand up and demand that these children and young people from such profound disadvantage get just that – the best that our community has to offer. Good, generous and informed people like you need to unequivocally demand the best for these highly vulnerable children.

Addressing the Early Childhood Australia National Council, the Principal Commissioner spoke about the importance of early intervention:

We know that vulnerable children and young people experience poorer learning and developmental outcomes from the early years, during schooling and in higher education – this often manifests in difficulties in multiple areas – poor health, educational disengagement or getting into trouble with police. This has a flow-on effect to life outcomes. Prevention, early intervention and access to effective support are all essential to improving outcomes for vulnerable children and young people.

Research partnerships

We engage in a number of research partnerships, which involve a formalised collaborative relationship with one or more external agencies to explore a specific or a series of research questions.

A research advisory group will be established to guide our thinking on future partnership priorities, gaps and strategic alignment and engagement opportunities. Membership will be drawn from external research experts.

Appendix 1 includes an overview of some of the research partnerships we have been involved in.

Participation on committees

As well as one-off talks and presentations, we engage in ongoing dialogue with key stakeholders through contributions to a wide range of committees and reference groups, including those listed in Appendix 1. This ongoing dialogue is one way that we fulfil our function to provide advice to government on the safety and wellbeing of children and young people, as well as monitoring and reporting on the effectiveness of strategies.

Reviewing the administration of the Working with Children Check

The Working with Children Check is administered by the Department of Justice & Regulation. The check helps to protect children from physical and sexual harm by screening criminal history records and professional conduct and preventing people who pose an unjustifiable risk to children from working with or caring for them.

The Working with Children Check examines relevant information from national criminal records and, in some cases, reports by professional bodies such as the Victorian Institute of Teaching, the Suitability Panel and relevant determinations by the Victorian Civil and Administrative Tribunal under current and historical health practitioner legislation.

The check does not assess a person's suitability to work with or care for children in a particular role. It is the responsibility of each organisation to assess if a potential worker is suitable to work with children and to monitor their behaviour around children.

The check does not replace the need for thorough recruitment practices, reference and background checks, together with sound, ongoing supervision practices.

Any person who works, or intends to work, within the specified areas of child-related work and who does not qualify for an exemption must apply for a Working with Children Check.

Organisations are required to:

- determine which paid and volunteer workers require a check
- ensure workers have a valid check
- ensure new workers apply for a check before commencing child-related work.

In accordance with the Commission for Children and Young People Act (s. 25), the Commission undertakes an annual review of the administration of the Working with Children Act by the Department of Justice & Regulation. The objectives of the annual reviews are to:

- determine if the Department of Justice & Regulation is administering the Working with Children Act in accordance with the provisions and intent of the Act
- determine the level of compliance with the Act in respect to the integrity, appropriateness and adequacy of the systems, processes and controls that have been designed and implemented to support administration of the Act
- identify opportunities for improvement in the quality, efficiency and effectiveness of the work practices and processes implemented.

We completed a report on the 2014 review of the administration of the Working with Children Act and provided it to the Minister for Community Services, the Attorney-General and the Secretary to the Department of Justice & Regulation, as required by legislation. Work has now commenced on the 2015 review.

Table 1: Working with Children Check data 2014–15

	30 June 2015
Number of Working with Children Check cardholders	977,951
Number of negative notices issued	2,239
Number of Working with Children Check cards issued after review by Victorian Civil and Administrative Tribunal	99

National Operators Forum

In October 2014, we jointly hosted the annual National Operators Forum with the Working with Children Check Unit of the Department of Justice & Regulation.

All Australian jurisdictions were represented at the forum, enabling vital discussion and information sharing on key developments at both the jurisdictional and national level on working with children screening processes.

We would like to thank the Working with Children Check Unit for their partnership in hosting the National Operators Forum for the second year in succession. A number of actions arose from the 2014 meeting that the Commission and the Department will refer to the New South Wales Office of the Children’s Guardian, who will host the 2015 National Operators Forum.

Australian Children’s Commissioners and Guardians

During 2014–15 the Principal Commissioner was the National Convenor of the Australian Children’s Commissioners and Guardians. In that role, the Commissioner supported the preparation of joint policy advice to governments including:

- recommending to the Prime Minister that the processes for expatriate adoptions be reviewed as part of the establishment of the new national approach to intercountry adoption
- expressing support for a national review of Australia’s approach to surrogacy
- advising the Minister for Immigration and Border Protection about the complexities associated with obtaining passports for children in out-of-home care who have been removed from the care of their parents
- advising the Minister for Social Services of concerns about the Transition to Independent Living Allowance and calling for the eligibility of young people in informal care to be reinstated and for the application process to be simplified
- providing a submission to the Australian Human Rights Commission in relation to children in detention.

The Australian Children’s Commissioners and Guardians have also collaborated on a model charter of rights for children and young people detained in youth justice facilities, for each jurisdiction to consider in relation to their state or territory.

Enhancing the safety and wellbeing of Aboriginal children and young people

All our work is inclusive of a focus on Aboriginal children and young people.

Approximately 47,000 Aboriginal people live in Victoria. This represents 0.9 per cent of the total population of the state. The Victorian Aboriginal population is young and it is growing.

- More than half of the Aboriginal population are under 25 years of age (ABS 2012).
- Children aged 0–14 make up 36 per cent of the total Aboriginal population, compared with 18 per cent of the non-Aboriginal population (ABS 2012).
- Approximately 1300 Aboriginal babies are born every year, representing 1.6 per cent of all Victorian births (Victorian Infant Mortality Study, University of Melbourne 2014).

The great majority of Aboriginal families are strong in their culture and are raising children who are thriving and achieving.

Yet some continuing trends of inequality and poor outcomes persist for Aboriginal babies, children and youth, which increase their risk and vulnerability. Successive governments have failed to adequately respond to these challenges. Governments will continue to fail unless responses come from a deep understanding of culture, human rights and self-determination and are holistic in their approach.

The appointment of Australia's only Commissioner for Aboriginal Children and Young People is evidence of a renewed focus in Victoria on the development of innovative and effective responses to vulnerable Aboriginal babies, children and young people.

The over-representation of Aboriginal children and young people in out-of-home care and Youth Justice underscore the importance of the Commissioner's work in this area. He leads our work in monitoring, analysing, advising and reporting on the way in which these service systems respond to the needs of Aboriginal children and young people and their families. Human rights frameworks, culture and self-determination underpin this work.

Human rights of Aboriginal children and young people

Human rights have a special importance for the Aboriginal people of Victoria, as descendants of Australia's first people, with their diverse spiritual, social, cultural and economic relationship with their traditional lands and waters.

Preamble, Charter of Human Rights and Responsibilities

We apply a human rights lens to our advocacy and policy work. We remind those exercising public functions of their obligations under the Charter of Human Rights and Responsibilities. In addition, we draw upon and reference other human rights instruments including the United Nations Convention on the Rights of the Child and the Declaration on the Rights of Indigenous Peoples.

Many voices speak louder than one. We have fostered and solidified relationships with like-minded organisations throughout the year, such as the Victorian Equal Opportunity and Human Rights Commission, the Victorian Aboriginal Legal Service, the Aboriginal Family Violence and Prevention Legal Service, the Victorian Aboriginal Children and Young Persons Alliance, the Human Rights Law Centre, Amnesty International and the Bridge of Hope Foundation.

We have also been forging and nurturing relationships with organisations and individuals throughout the legal sector, courts and the judiciary in order to contribute to broader law reform and human rights advocacy to positively impact on the services provided to Aboriginal children in Victoria.

Connection to culture and cultural identity

Cultural rights, including connections to family, kin and community, are rights that are interrelated to, and impact upon, the enjoyment of all human rights.

Section 19 of the Charter of Human Rights and Responsibilities provides, among other things, that Aboriginal people hold distinct rights and must not be denied the right to enjoy their identity and culture, to maintain their kinship ties and to maintain their distinctive spiritual, material and economic relationship with the land and waters with which they have connection under traditional laws and customs.

Aboriginal children and young people living in out-of-home care have a fundamental right to preserve their Aboriginal identity. Maintaining identity is about remaining connected to family, extended family, local Aboriginal community, wider community and culture. It is about relationships and rich experiences.

The Children Youth and Families Act includes a number of specific provisions in relation to Aboriginal children. These include:

- a requirement in the best interest principle to consider the need to protect and promote the child's 'Aboriginal cultural and spiritual identity and development by, wherever possible, maintaining and building their connections to their Aboriginal family and community'
- additional decision-making principles for Aboriginal children
- the Aboriginal Child Placement Principle
- the preparation of a cultural plan for each Aboriginal child placed in out-of-home care under the guardianship of the Secretary.

In addition to these legislative provisions, protocols and guidelines have been developed to improve practice in relation to Aboriginal children and families, including the use of Aboriginal Family-Led Decision-Making conferences.

In our direct contact with young people, carers and professionals, our conduct of inquiries and our participation in Taskforce 1000, we have too often seen that the promise enshrined in these provisions does not consistently match practice. For example, what has become obvious through Taskforce 1000 is that Aboriginal children in out-of-home care are often disconnected from their siblings, Aboriginal family and community.

As a consequence, we have advocated, and continue to advocate, through Taskforce 1000 and with the Department of Health & Human Services directly to strengthen the approach to these statutory obligations and principles.

We have argued that the Department of Health & Human Services should do more to create opportunities for Aboriginal children in out-of-home care to meet and develop relationships with other Aboriginal children in care. This could be done through camps, homework groups, sports, arts, cultural workshops and excursions. The aim is to develop relationships and strengthen culture. To be effective, cultural plans must immerse a child in their culture with their people. The cultural camps for children provided by the Victorian Aboriginal Child Care Agency have proven to be successful and provide a good model.

The Commissioner for Aboriginal Children and Young People has promoted greater understanding of the importance of cultural rights to those who provide services, as well as to the broader community.

Enhancing the safety and wellbeing of Aboriginal children and young people (continued)

At the invitation of the Mornington Peninsula Human Rights Group, the Commissioner delivered an International Human Rights Day oration in December 2014 titled 'Linking our past with our future: How cultural rights can help shape identity and build resilience in Aboriginal kids'. The *Indigenous Law Bulletin* published an edited version of his speech. In discussing the often absent or tokenistic cultural support plans created for Aboriginal children, he explained:

culture is not a 'perk' for an Aboriginal child—it is a lifeline . . . For Aboriginal and Torres Strait Islander peoples, Indigenous peoples, First Nations peoples, for Aboriginals, this human right is crucial to our wellbeing, it is crucial to our sense of pride, to our sense of belonging. Culture is the most resilient factor protecting our children. Culture links us to our past so we can navigate our future.

We have been collaborating with and providing support to the Victorian Equal Opportunity and Human Rights Commission in relation to the development of new resources to increase awareness, understanding and use of Aboriginal cultural rights under the Charter. This is a vital and ground-breaking piece of work. We hope that the resources will help those making decisions for our most vulnerable Aboriginal children to gain a better appreciation of the need to continually foster, build and nurture family, cultural and community connections.

Infant and child health – early risk

As our understanding of developmental science improves, it becomes clearer and clearer that adverse events that happen to children and babies lead to structural changes in brain development that have life long and societal ramifications. We now also know these ramifications are intergenerational.

Making a World of Difference: The 'First 1,000 Days', University of Melbourne symposium, April 2015

We are required to monitor and report on the effectiveness of strategies relevant to the safety and wellbeing of children and promote good practices.

The Council of Australian Governments Close the Gap campaign committed to halving the gap on child mortality by 2018. The Victorian Aboriginal Affairs Framework 2013–18 responded with targets to close both the gap in perinatal mortality and low birth weight (below 2500 grams) babies by 2023.

The Victorian Government measures birth weight because it is an indicator of the general health of infants and is a determinant of a baby's survival, health, development and wellbeing. The data in the *Victorian Government Aboriginal Affairs Report 2013* shows that the proportion of low birth weight babies born to Aboriginal mothers in Victoria is approximately twice that of non-Aboriginal babies (12.1 per 1000 compared to 6.8 per 1000).

Much remains to be done if these targets are to be achieved and Aboriginal child mortality reduced. The *Victorian Aboriginal Child Mortality Study* published by the University of Melbourne in 2014 considered a decade of unpublished data from 1999–2008 that found that, although Aboriginal babies only make up 1.6 per cent of all Victorian births, they represent 3.1 per cent of all infant deaths.

The *Close the Gap – Progress and priorities report 2015* noted that Aboriginal and Torres Strait Islander children under five years of age accounted for 165 per 100,000 deaths while non-Aboriginal children accounted for 77 deaths per 100,000. The Council of Australian Governments reform council noted a range of issues in relation to data and identified Victoria as one of the jurisdictions with poor quality data.

Data is an important tool to effect change. Transparency through the sharing of both raw data and analysis enables government, community, service providers and researchers to each work toward the same goal and to work together for improved outcomes for Aboriginal children. Service data can be very effective on a local level for targeted responses. The combination of service data, research and health data can create better assumptions, which lead to early and innovative strategies.

We have a keen interest in programs and forums that focus on the health and wellbeing of Aboriginal children and we advocate for community-led initiatives based on strong evidence. Some examples over the past year are described below.

Aboriginal child health roundtable

The concept of a roundtable focused on Indigenous child health arose from discussions between Aboriginal clinical services at the Royal Children's Hospital (Wadja Aboriginal Family Place) and the University of Melbourne (Department of Paediatrics). Three roundtable discussions occurred between September 2014 and February 2015. There were a broad range of stakeholders, including the Commissioner for Aboriginal Children and Young People, key staff of the Wadja Unit of the Royal Children's Hospital, Victorian Aboriginal Community Controlled Health Organisation, Onemda VicHealth Koori Health Group (University of Melbourne), Victorian Aboriginal Health Services, Victorian Aboriginal Education Association Incorporated, Victorian Aboriginal Child Care Agency, Victorian Aboriginal Children and Young Person's Alliance, Department of Health & Human Services, Victoria University and other key professionals and organisations.

The roundtable focused on improving the health and wellbeing of Aboriginal children and young people through information sharing and dialogue, linking service delivery with evaluation and research expertise, improving the evidence base of service delivery and workforce development and combined advocacy.

Fetal Alcohol Syndrome Disorders

Rumbalara Aboriginal Cooperative in Shepparton, in partnership with Berry Street Take Two, has begun some important conversations concerning Fetal Alcohol Syndrome Disorders (FASD).

FASD may present with an assortment of impairments in development, learning and behaviour as well as facial anomalies.

Addressing fetal alcohol spectrum disorder in Australia, National Indigenous Drug and Alcohol Committee, 2012

FASD is entirely preventable and with early and accurate diagnosis outcomes and quality of life for those affected can be greatly improved.

Fetal alcohol spectrum disorders: strategies to address information gaps, Australian Institute of Health and Welfare, 2014

The Australian Institute of Health and Welfare noted that Victorian data is not good. However, they estimate that in Victoria between 0.01–0.03 per 1000 Aboriginal children have FASD. This is two to three times higher than the rate for non-Aboriginal children.

The Commissioner for Aboriginal Children and Young People spoke about FASD at a regional workshop:

We can all be part of the change in the understanding and prevention of FASD. Health professionals can routinely speak to women about their alcohol use and capture data on alcohol consumption during pregnancy; we can talk to our youth and parents about the impact of alcohol on unborn and newborn babies and health professionals can notice potential FASD and related disorders.

Studies across Australia, Canada and North America estimate that 60–80 per cent of children with FASD are being raised by people other than their biological parents. This suggests that there are potentially a large number of children in out-of-home care with FASD.

Taskforce 1000 confirmed that family violence coexisting with parental alcohol and other drug misuse are key drivers to out-of-home care. It is critical that the Department of Health & Human Services considers this likelihood in health checks of babies and children who are entering care to ensure early diagnosis and intervention.

The Commissioner in his summation noted that:

we all have a role to keep the conversation about FASD going and be keen to be part of that for Aboriginal children.

Enhancing the safety and wellbeing of Aboriginal children and young people (continued)

Bumps to Babes and Beyond

In December 2014 the Queen Elizabeth Centre and Mallee District Aboriginal Services released an evaluation of the Bumps to Babes and Beyond program. This two-year parenting program, adapted from the Queen Elizabeth Centre's Tummies to Toddlers Program, aims to meet the specific needs of the Aboriginal community in Mildura. By engaging vulnerable women and their families during the antenatal period, they aim to strengthen the bond between parents and children during pregnancy and the first 18 months of the child's life. Parents receive support, access education and links to services creating a transition into the community.

The program is built on theories of child attachment, cultural and trauma-informed practice and family partnership. Outcomes included:

- children remaining in the care of their mothers
- 86 per cent of mothers breastfeeding their babies on discharge from hospital
- all antenatal appointments being attended
- children being up to date with immunisation
- a significant increase in community supports in the six months after birth.

We support and promote this approach to providing the best start to life for Aboriginal babies and reducing the cycle of intergenerational trauma. In Taskforce 1000, the Commissioner has observed the intergenerational impact of trauma and the significant numbers of children in care whose parents experienced out-of-home care. Support for early intervention and prevention programs will contribute to a reduction of Aboriginal children entering care.

Breaking the cycle of trauma: Koori parenting – what works for us

The Commissioner for Aboriginal Children and Young People launched a resource package published by the Victorian Aboriginal Health Service in October 2014. The resources include key messages and strategies informed by conversations with Aboriginal parents who have experienced trauma, talking about what works best for them as parents.

At the launch the Commissioner said:

You cannot talk about Aboriginal children without talking about their families and community. I am thrilled to be part of this day launching a set of important resources – resources that recognise intergenerational trauma and the impact of this as well as acknowledging the need to heal to enable families to move forward and keep strong.

The common elements of these and other successful initiatives for Aboriginal children are that they:

- intervene early
- take a holistic approach
- are community initiated and driven
- are culturally and therapeutically focused.

Children with a disability

During Taskforce 1000, and through discussions with carers, health professionals and disability advocates, it became clear that children with a disability currently living in, or at risk of entering, out-of-home care were not highly visible.

In February 2015 the Commissioner for Aboriginal children and young people attended the launch of a children's picture book, *Djarmbi – The Different Kookaburra*, a collaboration between Positive Partnerships and Rumbalara Aboriginal Corporation. The story is about the adventures of the Jones family and how each family member's talents contribute to the family's success. The idea for the book grew from the work of the Rumbalara Autism Support group. At the launch the Commissioner applauded the leadership shown by the community in this area and noted:

whilst the book talks about Rumba, the Moira lakes and Barmah, the messages are universal.

We have alerted the Department of Health & Human Services to issues about Aboriginal children with a disability in out-of-home care. These issues include the need for foster carers or kinship carers who care for children with a disability, or children who are yet to be formally diagnosed, to have training and support in the disability of the child and the disability sector as well as timely access to early intervention and individual support packages.

Community members with disabilities, carers, Elders and community advocates are concerned about the cultural safety and wellbeing of Aboriginal children and young people with a disability who are living in out-of-home care.

Out-of-home care data for Aboriginal children

An important function of the Commission is to monitor and report on the effectiveness of strategies relating to the wellbeing of vulnerable children and young people, including children and young people in out-of-home care. Sharing data and trends is an important consideration in measuring this effectiveness.

For decades, reports, investigations and plans have made recommendations to reduce the rate of Aboriginal children and young people in out-of-home care. Despite this, the rate is still growing and the gap is widening. We have to ask why – and we have to act differently.

Aboriginal children are grossly over-represented in Child Protection services in Victoria and the situation is getting worse.

The rate of placement of Aboriginal children in out-of-home care in Victoria is 62.7 per 1000, compared to 5.1 per 1000 for non-Aboriginal children. This gap is alarming.

The Australian Institute of Health and Welfare's *Child protection Australia report 2013–2014* data shows that of 7710 children in out-of-home care in Victoria, 1308 are Aboriginal. The Productivity Commission's *2015 Report on Government Services* highlighted rapid growth of 42 per cent in 2013–14, when the number of Aboriginal children in out-of-home care increased to 1308 from 922 in the previous year.

The Victorian Government uses substantiation rates to measure improvements for Aboriginal children. Reports to Child Protection are substantiated when there is reasonable cause to deem that a child has been, is being, or is likely to be abused or neglected or otherwise harmed. In 2013–14 Aboriginal children were seven times more likely than non-Aboriginal children to have a Child Protection concern substantiated. In 2013–14 there were 60.3 per 1000 substantiations for Aboriginal children in Victoria, compared to 8.1 per 1000 for non-Aboriginal children.

There is no favourable way to present this shocking data. We have an obligation to the Aboriginal children currently living in out-of-home care, and those at risk of entering the system, to do better. We need to understand the reasons they enter care, and why their outcomes are likely to be poorer than those of non-Aboriginal children.

Enhancing the safety and wellbeing of Aboriginal children and young people (continued)

There has not been a Victorian Government Aboriginal Affairs report on the progress of key indicators in the Victorian Aboriginal Affairs Framework since 2013. There cannot be effective partnerships with the Aboriginal community, nor self-determination for the Aboriginal community, if the government continues to withhold critical information. Current data regarding Aboriginal children should be supplied in an accessible form to the Aboriginal community.

To develop an effective response, Child Protection data must not be viewed in isolation. There is an opportunity to utilise area data to analyse Child Protection and other key data, including family violence, alcohol and other drugs, homelessness, education and justice information to create a comprehensive understanding of the key drivers of Aboriginal children into the Child Protection system.

The Commissioner for Aboriginal children and young people is committed to supporting the Department of Health & Human Services to do this, area by area, child by child.

Taskforce 1000

In partnership with the Department of Health & Human Services, we committed to Taskforce 1000 in June 2013 and commenced the project in July 2014.

The name of the Taskforce came from the number of Aboriginal children who were then in out-of-home care. Although we acknowledged that this number was too high, we also recognised that it was small enough that we could discover the circumstances of each and every child.

With the Department of Health & Human Services, we agreed to review every child's experience in order to identify and act upon practice, policy and system issues that impact on Aboriginal children's care, cultural connectedness, education, health and wellbeing. By June 2015, we have discussed over 500 children in 10 departmental areas. The remaining seven areas will be completed by December 2015.

Taskforce 1000 operates in three main phases: information gathering, critical analysis and systemic change.

Gathering baseline information

Using a survey jointly developed by the Commission and the Department of Health & Human Services, Child Protection staff gather responses from each child's case plan and file notes related to placement, reason they are in care, culture and identity, health, education and wellbeing.

Child Protection case managers tell children that the Commissioner for Aboriginal Children and Young People is available for them to speak with. In addition to these one-on-one conversations, we receive phone calls and the Commissioner hosts community yarns that are open to any Aboriginal person, or carer for an Aboriginal child who wants to talk about their experience in out-of-home care or the service system as a whole.

Area panel discussions

Area panels are made up of a range of local representatives from Child Protection, housing, justice, education, Victoria Police, health services, family and child services and Aboriginal community controlled organisations. The Commissioner and the relevant Area Director chair the panels.

Child Protection staff present a non-identifying summary of each child or sibling group to the panel. The panel members discuss and critically reflect on the child's experience. The panel members may identify immediate actions to be undertaken by the Department of Health & Human Services or other stakeholders at the table in relation to an individual child. At the end of each panel, members discuss and identify area-wide systems to be included in a Taskforce 1000 area plan.

A statewide focus

The Commissioner and the Secretary to the Department of Health & Human Services co-chair quarterly meetings of the Taskforce 1000 Steering Committee. The committee includes the chief executive officers of Aboriginal community controlled organisations and community service organisations, secretaries of Victorian government departments and senior officers of the Department of Health & Human Services. The committee considers the progress of the Taskforce and emerging themes and issues.

We anticipate that opportunities for broad systemic change will be drawn from area panels as well as from our inquiry into out-of-home care discussed later in this report.

A collaborative effort

Many people have contributed to the work of Taskforce 1000 and should be thanked for their commitment.

Child Protection staff have spent 1380 hours reviewing children's files and have presented summaries of more than 500 children to area panels.

Committed staff and leaders from Aboriginal community controlled organisations, community service organisations, government representatives from justice, education, health and human services and Victoria Police have contributed up to five days of discussions in their local area. They have discussed issues relating to the care of every Aboriginal child in their area who is living outside their family home for their own protection.

We have organised and hosted 15 community yarns and met with a significant number of carers and family members in the lead up to each area panel.

The Commissioner has co-chaired four steering committee meetings and travelled close to 9000kms to take part in area panels across 10 areas of Victoria. He has spent 353 hours listening to, analysing and making recommendations for over 500 Aboriginal children in out-of-home care.

Taskforce 1000 has created enduring relationships between agencies that will benefit the children they serve.

Child Protection staff in one area, reflecting on the Taskforce, commented that the many perspectives around the table enabled them to see things differently. They also noted that they had started to take collective responsibility for effecting outcomes and had immediately seen positive outcomes for their clients.

What are we learning?

The results of Taskforce 1000 will inform planning for Aboriginal children and young people in out-of-home care. The Commissioner has noted several themes that have emerged from this work.

Reducing Aboriginal family violence will reduce the high number of Aboriginal children in out-of-home care. Approximately 90 per cent of the children reviewed have been exposed to family violence. Family violence also emerged as a key reason that children could not be returned home. If we accept that children are victims of, not merely witnesses to, family violence, we can create a sound foundation for programs that aim to interrupt the intergenerational cycle of violent behaviour by promoting healing and an understanding of respectful relationships.

We must improve responses from universal services. There are indicators of children's risk to entering care that provide the opportunity for early detection by universal services, early intervention and therapeutic responses. Nearly half of the children reviewed had poor school attendance before entering care, and their parents presented with high levels of parental alcohol and other drug misuse and mental illness.

Connection to culture is vital for all Aboriginal children but for those in care it is a strong protective factor. Although legislation and practice guidelines require Child Protection and out-of-home care services to protect and nurture cultural connection, the reality is quite different.

The Taskforce often saw only rudimentary consideration of Aboriginal kin as carers. This contributes to the high number of Aboriginal children placed with non-Aboriginal carers. Too many children have inadequate cultural support plans with limited focus on experiences and relationships. There was limited demonstration of an understanding that Aboriginal cultural connection is founded on identity – who you are, and who you are within the context of your family and your community. Knowing your role and obligations within your community and respecting your Elders is important. Being with siblings and other Aboriginal children and being immersed in the culture is needed to cement these cultural connections. The Taskforce saw many children who had been separated from their siblings or had such restricted access to them that they were unable to develop the bonds that are their right.

The Children's Court Clinic has undertaken assessments of many of the families and children whose cases have been reviewed by the Taskforce. The Taskforce has heard many criticisms of the way in which the assessments are undertaken and the recommendations arising from them. Concerns about the operation of the Children's Court Clinic are not new. The 2012 *Protecting Victoria's Vulnerable Children Inquiry Report* made recommendations for both immediate and medium to longer term reforms to the Children's Court Clinic. The Commission is disappointed that successive governments have failed to implement these recommendations and has called upon the government to take urgent action.

The impact of intergenerational trauma continues to be felt. The Taskforce heard about children whose parents had been taken into care themselves as children and whose grandparents were members of the Stolen Generations. Stories about children who had been abused, experienced cumulative trauma and who did not receive timely access to healing and therapeutic responses were too common.

Enhancing the safety and wellbeing of Aboriginal children and young people (continued)

There is a low level of Aboriginal knowledge and competence in Child Protection. This impacts policy, oversight, planning and practice. The department and community service organisations (rather than Aboriginal community controlled organisations) have responsibility for the care of most of the Aboriginal children and young people in out-of-home care. The Department needs to build an Aboriginal workforce in Child Protection, both in leadership positions and front line staff who are responsible for the assessment, intake, placement and case planning of Aboriginal children. Without this the majority of Aboriginal children and young people will continue to be denied the opportunity to have a culturally friendly Child Protection service. In the longer term, the Department should aim to transfer the funded case management of all Aboriginal children to Aboriginal community controlled organisations.

Where there were strong partnerships and collaboration between the Department of Health & Human Services and Aboriginal community controlled organisations, the outcomes for children were improved. The involvement of Aboriginal people in planning and decision-making were key ingredients. Where kin placements were supported, children were stable and their case was allocated to a worker who was actively and regularly engaged, the children were more likely to succeed in education and be strong.

Young Aboriginal people standing proud

We are pleased to celebrate the success of young Aboriginal people along with the Victorian community. In a speech to health professionals about inspirational young people he has met, the Commissioner for Aboriginal Children and Young People commented that through such people he sees the future – and it is good.

NAIDOC Youth Award

Ms Kayla Carter is this year's winner of the 2014 Mildura NAIDOC Youth Award sponsored by the Commission. Kayla is undertaking an AFL traineeship at the Westpac bank in Mildura and is a great role model for her community.

Ricci Marks Awards

The Ricci Marks Awards ceremony is part of the annual Koorie Youth Summit. They are named after a proud Wotjobaluk man who made an outstanding contribution in his short life. This year's winners were Shannon Ryan, who was instrumental in setting up Side by Side youth support, and Keyanna Hood, who worked closely with Ambulance Victoria to improve cultural sensitivity and strengthen engagement with Elders. The Rising Star Award was given to Cameron Balcombe, who has shown a passion for supporting other young people around issues of cultural identity.

Mr and Miss NAIDOC 2015

We were pleased to be on the panel for the selection of Mr and Miss NAIDOC 2015. This award recognises young people's participation and leadership in their communities. The winners attend and speak at a number of NAIDOC events during the week to inspire other young people, tell their story and raise issues about their local community. Edward Bryant, a Yorta Yorta, Gunai man from Shepparton and Monica McDonald, a Gunai, Gunditjmarra woman from Gippsland and Traralgon, received the 2015 Awards.

The Koorie Youth Summit

We supported the Koorie Youth Summit in May 2015, which was attended by 140 young Aboriginal people. The summit challenged the narrow perception of Koorie youth within policy framework as being either leaders or 'at risk' in favour of terminology that is inclusive and encompassing. Other key areas of focus were connection to culture and understanding family violence.

Youth Leadership Introduction to Corporate Governance

The Commissioner for Aboriginal Children and Young People worked with Victoria University to deliver the Youth Leadership Introduction to Corporate Governance.

The training, provided over three days, explored effective leadership, financial management, planning and good decision making. Ten Aboriginal youth from Mildura and surrounding areas completed the workshop and were presented with a certificate during 2015. A second program will be held in Gippsland during the second half of 2015.

Victoria's Vulnerable Children Strategy

We have a mandate to monitor a range of government strategies including Victoria's Vulnerable Children Strategy, which was endorsed by the former government of Victoria.

This year the Commissioners attended meetings of the Children's Services Coordination Board to discuss a range of issues related to the implementation of the strategy and other whole-of-government issues pertaining to vulnerable children.

The Commission has only received one report on the progress of the strategy. We have sought advice on the implementation of the strategy and on the preparation of data reports that were to be provided to us. We have been advised that, while progress continues to be made, the overarching strategy will be reviewed to ensure consistency with the new government's priorities and commitments.

Of particular importance to us is the development of clear and agreed outcomes for vulnerable children and young people, robust and meaningful ways to measure progress against these outcomes and the regular reporting of data to the Commission and others.

Aboriginal Children's Forum

Given the overall youth of the Aboriginal population and the expected population increase in the coming decades, significant early intervention and prevention programs are necessary. We need these if we are to make an impact on the alarming growth and over-representation of Aboriginal children entering care, and on a range of other risk indicators including infant mortality, low birth weight, challenging behaviours, disengagement from school, mental health, homelessness, family violence and youth justice.

In June 2015 the Hon. Jenny Mikakos MLC, Minister for Families and Children, announced she will chair a regular Aboriginal Children's Forum that will shape policies and practices to reduce the number of Aboriginal children in out-of-home care. The focus will be on the participation of Aboriginal people in the development of policy and service delivery, and building the capacity of Aboriginal communities to manage and drive change.

This announcement recognises the eight sector priorities outlined in *Koorie Kids: Strong in their Culture*. We played a lead role in bringing the community together and provided input into the submission. We will continue to advise and monitor the effectiveness of strategies that work towards reducing the over-representation of Aboriginal children in out-of-home care. Some of these are described below.

Establish a Victorian Aboriginal Children's Forum

The Minister for Children and Families will chair quarterly Aboriginal Children's Forum meetings with the community commencing in August 2015.

Develop an approach and create a comprehensive outcomes framework

An outcomes planning working group was established by the Department of Health & Human Services and an outcomes framework for out-of-home care has been developed. The Victorian Aboriginal Child Care Agency is in this group and the Aboriginal Children's Forum will look at how this framework addresses the cultural needs and rights of Aboriginal children and young people.

Aboriginal organisations caring for Aboriginal children

The submission called for strengthening of Aboriginal families, communities and Aboriginal community controlled organisations to care for their children and young people and reduce the number of Aboriginal children in out-of-home care.

The Department of Health & Human Services completed an 'as if' section 18 trial of a number of children with the Victorian Aboriginal Child Care Agency. Section 18 shifts guardianship from the Secretary to the Department of Health & Human Services to the chief executive officer of an Aboriginal Community Controlled Organisation. The trial was promising, particularly in reuniting children who had been in care for several years with their family members.

We are part of the Section 18 Steering Group, which is now discussing a trial in a regional Aboriginal community controlled organisation. More work still needs to be done in this priority area.

Better support for Aboriginal and non-Aboriginal carers to provide culturally competent placements, and maintain and grow the pool of Aboriginal carers

The government announced \$43 million over four years for targeted care packages to move children out of residential care and into home-based care. The packages aim to provide flexible placement options that improve outcomes for children and the carers who look after them. Aboriginal children and primary school aged children are the first priority. The government has also commenced the development of a foster care recruitment and retention strategy.

Other priorities identified in the submission include:

- Aboriginal children and young people in out-of-home care should be under the authority, care and case management of an Aboriginal community controlled organisation.
- Strategies must be identified to build the life skills and cultural identity of Aboriginal children and young people in out-of-home care and prepare them to leave care and make a successful transition to adulthood.
- Every Aboriginal child and family, regardless of where they live in Victoria, must have full access to a range of prevention, early intervention and placement services delivered through the Aboriginal community controlled organisation sector.

- Ensuring compliance with the Children, Youth and Families Act as it relates to Aboriginal children and young people and making recommendations to strengthen the Act.

CALD Strategic Partnership Advisory Committee

This is a partnership between the Commission and the Ethnic Communities Council of Victoria. Members include stakeholders who are interested in collaborating on strategic responses that allow government and non-government agencies to improve the lives of vulnerable children and young people from culturally and linguistically diverse and refugee backgrounds.

The committee aims to ensure that government strategies and plans reflect cultural diversity and cultural competence. This approach enables appropriate responses to the specific challenges and concerns of many culturally and linguistically diverse and refugee families, and the delivery of optimum outcomes for children and young people.

The work of the committee supports the advocacy work we do towards:

- a whole-of-government cultural responsiveness framework for child-related service delivery
- enhanced indicators and data from Victoria's Vulnerable Children's Strategy that is relevant to children from culturally and linguistically diverse and refugee backgrounds
- child safe standards that support cultural safety
- Child Protection data that is relevant to the cultural background of children and young people
- service responses that support children from asylum and refugee backgrounds.

Providing independent oversight

The Commission for Children and Young People Act provides the legislative mandate under which we conduct inquiries.

The Act specifies that we must conduct inquiries in relation to children who have died within 12 months of being known to Child Protection.

The Act also provides that we may, on our own initiative or at the request of the Minister, conduct an inquiry in relation to:

- a matter relating to the safety or wellbeing of a vulnerable child or young person or a group of vulnerable children or young people
- the provision of services provided (or omitted to be provided) by a community service, health service, human service, school, Child Protection services or Youth Justice services where, among other things, the Commission identifies a persistent or recurring systemic issue in the provision of those services.

Specific legislative provisions further define the scope of the inquiries and the processes by which they are to be conducted. The over-riding objective for all three types of inquiries is to promote continuous improvement and innovation in policies and practices relating to Child Protection and the safety and wellbeing of vulnerable children and young people, and children and young people generally.

Child death inquiries

We thank families, friends and professionals for their courage in sharing their experiences with the Commission. These contributions are greatly appreciated and will continue to help us improve the services to vulnerable children and families.

Bernie Geary OAM and Andrew Jackomos PSM

Child death inquiries examine the way in which services were provided (or not provided) to identify how policies and practices can be improved to better protect children and ensure their safety and wellbeing.

Children known to Child Protection

The Department of Health & Human Services notified us of 24 deaths occurring in 2014–15 that were in scope for a child death inquiry. Of those 24 deaths, four of the children (17 per cent) were Aboriginal.

We categorise a death based on information from Child Protection client files, medical reports, autopsy reports, forensic reports and coronial findings (when available). Sometimes coronial investigations have not concluded or the category of death findings remains pending. In other cases, a finding of 'unascertained' may be made when the coroner is unable to determine the cause of death. Significant variations in the number and categories of deaths occur, so caution is necessary when interpreting this data.

Thirteen children (54 per cent) died as a result of an acquired or congenital illness. Deaths from external causes such as accident, suicide, substance use or non-accidental trauma accounted for 34 per cent of deaths in this period. Of the three deaths attributed to accidents, one involved a drowning, one related to a motor vehicle accident and one to a workplace accident. The cause of death is not yet clear for two deaths and these are categorised as 'pending determination'. Babies and preschool aged children made up 67 per cent of deaths and 29 per cent of deaths were of young people aged between 13 and 17.

The majority of children (62.5 per cent) were the subject of Child Protection involvement at the time of death, with most of these in the investigation and protection order phases. Of the 37.5 per cent of child deaths where Child Protection cases were not active at the time of death, most had been closed at investigation or intake.

Three (13 per cent) of the reports were made to Child Protection after the injury or incident that resulted in death.

Table 2: Deaths of children known to Child Protection 2014–15

CATEGORY OF DEATH BY AGE	0–5 months	6–11 months	1–3 years	4–12 years	13–17 years	Total	%
Illness	9	2	0	1	1	13	54%
Accident	0	1	1	0	1	3	13%
Non-accidental trauma	0	0	0	0	1	1	4%
Suicide/self-harm	0	0	0	0	4	4	17%
Drug/substance related	0	0	0	0	0	0	0
SUDI (sudden unexpected death of an infant)	1	0	0	0	0	1	4%
Pending determination	1	0	1	0	0	2	8%
Total	11	3	2	1	7	24	100%

Providing independent oversight (continued)

The child death inquiry process

We determine the manner in which each child death inquiry will be conducted after reviewing initial records and files received from the Department. The issues identified shape the approach to the inquiry, including which services and professionals will be contacted for further information and interviews. Our staff conduct the inquiries and confer with or engage external experts where required.

We invite family members to participate in the inquiry process to understand how services were delivered from their unique perspective and to consider their input about how improvements could be made. We greatly appreciate the contribution of family members and professionals. Learning from their direct experience is invaluable.

When we conduct a child death inquiry in relation to an Aboriginal child, we involve an Aboriginal consultant in the inquiry process.

Commission Review Committee

The Commission Review Committee is made up of the Commissioners, the chief executive officer and senior staff of the Commission, who identify key policy, program and practice issues of concern. The committee reviews all child death inquiries, as well as other inquiries we conducted, and, where appropriate, may endorse recommendations arising from the inquiries.

We prepare a report for each child death inquiry, provide individuals, government departments and services with the opportunity to respond to any adverse comment or opinion and provide copies of the final report to the Secretary to the Department of Health & Human Services and relevant Ministers as required by the Act.

We will also publish a detailed biennial research report, which will include a detailed data analysis of child death inquiry reports, other relevant inquiries and research we have undertaken.

Child death inquiry reports reviewed in 2014–15

From 1 July 2014 to 30 June 2015 the Commission Review Committee met 10 times and considered reports relating to 43 children who were in scope for a child death inquiry. Nearly 70 per cent of the cases reviewed related to children who died between January 2013 and 30 June 2015.

Six of the child death inquiry reports reviewed related to Aboriginal children.

Of the 43 child death inquiries reviewed in this period, 17 (40 per cent) died as a result of an acquired or congenital illness. Fourteen (33 per cent) of these children had a limited life expectancy. Ten children (23 per cent) spent their short lives in hospital.

Deaths from external causes such as accident, suicide or non-accidental trauma accounted for 17 deaths (40 per cent) in the reports reviewed in this period. Three of the eight deaths attributed to accidents involved car accidents, two related to home drowning, two were choking deaths and one related to fire. There were four deaths from suicide in this cohort of child death inquiries reviewed. Seven child deaths (16 per cent) were categorised as sudden unexpected death of an infant (SUDI) with three of these attributed to SIDS and four where the coroner was unable to determine the cause of death. In six of the seven deaths attributed to SUDI there was a history of unsafe sleeping.

The majority of children (60 per cent) were the subject of Child Protection involvement at the time of death with most of these in the investigation phase or protective intervention phase. Of the child deaths where the Child Protection cases were closed at the time of death, most had been closed at intake or investigation.

Themes identified from child death inquiries considered in 2014–15

Consistent with our legislative mandate, our child death inquiries take a broad view of the way in which services were provided throughout the life of the child. We do not confine our reviews to the services delivered immediately before the child died, so any issues identified should not be interpreted as being associated with the circumstances of the death. It is not our role to determine the cause of death or to determine whether anyone is legally responsible for the death. Those are functions exercised by the Coroner's Court and other judicial bodies.

The inadequate practices identified in many of the cases considered by the Commission Review Committee in 2014–15 are similar to those previously highlighted by the Commission and the former Victorian Child Death Review Committee. Table 3 provides a summary of the issues, and key themes are discussed in more detail below.

We also noted examples of good practice with elements of sound practice specifically noted in 17 child death inquiries (40 per cent). As in previous years, good practice was often noted in cases where significant health issues had been identified and a number of those children remained in hospital from birth.

Table 3: Practice issues and themes identified in child death inquiry reports considered by the Commission Review Committee in 2014–15

THEME	TYPES OF PRACTICE ISSUES	NUMBER OF RELEVANT CASES	PERCENTAGE OF RELEVANT CASES
Risk assessment	<ul style="list-style-type: none"> • absence of analysis • high risk status not identified • insufficient contact with client/family over-reliance on input of other professionals/agencies 	27	63
Service coordination and collaboration	<ul style="list-style-type: none"> • absences of case conferences • unclear roles/responsibilities • a lack of shared understanding of case direction • a lack of effective interagency communication/collaboration 	22	51
Information gathering	<ul style="list-style-type: none"> • family history not obtained • case files not adequately considered • insufficient contact with child/family • interstate information not incorporated • carer background not adequately considered 	20	47
Case closure	<ul style="list-style-type: none"> • premature case closure • inadequate closure plan • absence of case closure meeting with agencies • closed prior to effective engagement of services 	17	40
Case management	<ul style="list-style-type: none"> • lack of case progress • multiple worker involvement • lack of allocation of worker • inability to facilitate case plan goals • inadequate engagement of worker with client/family • insufficient understanding/analysis/monitoring of case issues 	15	35
Case planning	<ul style="list-style-type: none"> • lack of cultural planning • lack of long-term planning • lack of short-term planning • lack of appropriate case plan, inadequate review of case plan 	11	26
Record management	<ul style="list-style-type: none"> • inadequate case recording • client information system case recording issues • key data on related person files not on client file • lack of evidence presented to substantiate assessment 	8	19

Note: In some cases multiple themes were identified

Providing independent oversight (continued)

Information gathering, risk assessment and case closure

We identified issues relating to the closely interlinked areas of information gathering, risk assessment and case closure. In some cases, repeated case closures at intake meant that workers had minimal or no contact with the family or the child. This limited the gathering of crucial information. A lack of information gathering can lead to inadequate assessments and an underestimation of the risk to the child.

In many of the cases reviewed, multiple reports were made to Child Protection without resulting in adequate assessment and sustained intervention. One young person was the subject of 20 reports, beginning when he was an infant. Of these reports, 15 were closed at intake.

For some years, Child Protection has identified effective responses to cumulative harm as a priority. Yet we continue to see examples of superficial risk assessments with an episodic rather than a holistic focus. In some cases, the previous pattern and history in families indicated that protective issues had been longstanding and were likely to be repeated, despite recent claims by parents that matters had been addressed. The following quotes from inquiry reports illustrate this issue.

Subsequent closures at the intake phase meant no direct contact (with the family), which further reduced the capacity of Child Protection to astutely assess risk and the likelihood of cumulative harm to the children.

One five year old, who despite a history of reports relating to his health, family violence, parental mental health and drug and alcohol concerns, parenting and care arrangements, was under-assessed by Child Protection regarding the potential cumulative impact on the children. There was no direct follow up with the family or services.

Child Protection records included many indications of an episodic and occasional view of the family's life. Assessment that is based only on a very brief snapshot is unlikely to come across signs of cumulative harm. Further, when there is no direct observation of children by Child Protection, reported signs of deterioration in development or behaviours can be under-rated.

Service coordination and collaboration

Of the 43 inquiry reports considered by the Commission Review Committee, 22 highlighted issues relating to service coordination, collaboration, communication, information sharing and lack of case conferences. These areas of practice have been identified as significant challenges for many years.

The following child death inquiry conducted in 2014 demonstrates that the issue remains current.

Case example: 'Tyler'

Tyler was first reported to Child Protection in 1998 and 11 times thereafter. The first case conference was held in 2011. It appeared to be the only occasion when service providers came together to share information, communicate as a service system and collaborate.

Services did not work closely together and there was no formally joined up effort. No service or professional took the lead to establish a network to ensure Tyler's safety and wellbeing. Working in partnership was not achieved despite this approach being well understood as the basis for effective practice with complex cases and multiple service providers.

Action was not taken to facilitate sharing of information across involved services or to initiate a shared approach to planning and collaboration. A professionals' meeting was not convened to join up the efforts of Tyler's school, disability services providers, office of housing, the relevant GP and other medical services.

Tyler's paediatrician further advised that he had never been contacted by Child Protection about Tyler and did not become aware of their involvement until after the death.

Tyler's school reported that Child Protection do not treat them as 'partners' who can contribute to understanding and planning for children and families whom they know. The school would have appreciated being involved in case planning or care team meetings with Child Protection and other services, but indicated this does not generally happen and it did not happen in relation to Tyler's family.

As noted above, the theme of effective collaboration between statutory Child Protection services and the associated service system remains a challenge. Inquiries nationally and internationally highlight this core issue that persists throughout the periods of reviews.

Recommendations

The Commission Review Committee finalised 10 recommendations and provided these to the Minister for Community Services and the Secretary to the Department of Health & Human Services. The recommendations focus on opportunities to enhance practices and procedures within Child Protection and other services for vulnerable children and young people. The two examples below illustrate the recommendations and responses to them.

High-risk infants

We recommended that Child Protection amend its practice advice in relation to high-risk infants. Clear guidelines for the consideration of removing a high-risk status from infants should include:

- documented decision-making consultations with specialist workers
- rationales recorded in client relationship information system.

The Department of Health & Human Services has advised that it accepts this recommendation.

Aboriginal intensive case management services

We recommended that the Department of Health & Human Services works with Aboriginal community organisations and the Commission to undertake a formal process to explore the merits of establishing divisional Aboriginal intensive case management services to meet the needs of high-risk Aboriginal children and young people.

The Department of Health & Human Services has advised that it accepts this recommendation.

Sharing what we learn from our child death inquiries

Child death inquiry reports contain personal information about the child who has died and their family and carers, as well as information about the services provided. The Commission for Children and Young People Act includes provisions to protect the confidentiality of these reports. Reports are provided to the Secretary to the Department of Health & Human Services and relevant ministers.

We draw upon the findings and recommendations of these inquiries in our broader advice work, and we participate in a range of forums with Child Protection workers to communicate what we have learned. For example, one of our staff participated on two high-risk infant panels, and another presented our findings on cumulative harm to senior Child Protection staff.

In November 2014, the manager of our Inquiries and Systemic Reform Unit gave a presentation at the fourth Australasian Conference on Child Death Inquiries and Reviews. Her presentation highlighted the Victorian system for conducting child death inquiries and how we work to achieve outcomes that make a difference.

Providing independent oversight (continued)

Commission-initiated inquiries

“... as a good parent would ...”

In March 2014, we initiated an inquiry into the adequacy of the provision of residential care services to Victorian children who have been subject to sexual abuse or sexual exploitation whilst residing in residential care.

We did this because of our grave concerns about the ongoing inadequacies of systemic responses to preventing and responding to the occurrence of sexual abuse and sexual exploitation of children in residential care.

We sought advice and information from the sector and the broader community and also invited people with personal experience to make a direct submission. We analysed 189 Category One client incident reports over a 12-month period, relating to alleged reports of sexual abuse and sexual exploitation of 166 individual children in residential care. Some of these children were as young as seven, and 42 children were subject to multiple reports.

Despite data irregularities, we found that the scale of child-to-child sexual abuse and external predators abusing children was alarming. Staff-to-child sexual abuse did not feature at the same rate, but was nonetheless extremely concerning and unacceptable.

The inquiry report, **“... as a good parent would ...”**, details our findings and recommendations. The title is drawn from the language of section 174 of the Children, Youth and Families Act, which requires the Secretary to the Department of Health & Human Services to provide ‘for the physical, intellectual, emotional and spiritual development’ of children in out-of-home care ‘in the same way as a good parent would’.

The report includes recommendations to government for the redevelopment of residential care to improve safety for children. Following the tabling of the report in the Victorian Parliament, we will closely monitor the response to and implementation of any reforms and will continue to hold the system accountable for these vulnerable children.

Inquiry into compliance with the intent of the Aboriginal Child Placement Principle

We commenced an inquiry into compliance with the intent of the Aboriginal Child Placement Principle included in section 13 of the Children, Youth and Families Act.

The Aboriginal Child Placement Principle is a nationally recognised principle that is incorporated into the law of most Australian jurisdictions to guide Child Protection practice. The principle accords with key human rights instruments, including the United Nations Declaration on the Rights of Indigenous Peoples.

The Charter of Human Rights and Responsibilities includes specific recognition of the distinct cultural rights of Aboriginal peoples, including the right to enjoy their identity and culture and to maintain their kinship ties.

Section 13 of the Children, Youth and Families Act provides that the advice of the relevant Aboriginal agency must be taken into account when an Aboriginal child is to be placed in out-of-home care. In addition, regard must be given to specific criteria included in the Act that emphasise the importance of maintaining the child’s connection with their family, community, culture and identity.

The principle, in conjunction with other parts of the Act, is designed to ensure that Aboriginal children in out-of-home care maintain and develop their Aboriginal identity and remain connected to their Aboriginal family, community and culture. The Aboriginal Child Placement Principle has been a significant point of discussion during Taskforce 1000.

The inquiry we are conducting will examine and report on:

- the current level of compliance with the intent of the Aboriginal Child Placement Principle
- identification of systemic barriers to compliance with the intent of the principle
- recommendations for systemic changes to improve compliance with the intent of the principle.

We anticipate the inquiry will be completed at the end of 2015, after which the report will be tabled in the Victorian Parliament. We will monitor the government’s response to and implementation of the recommendations.

Systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria.

We are conducting a systemic inquiry in relation to the provision of services to Aboriginal children and young people in out-of-home care. The scope and conduct of the inquiry are aligned with the work being undertaken as part of Taskforce 1000.

The inquiry will include consideration of the adequacy and appropriateness of services provided (or not provided) to Aboriginal children and young people within the scope of the inquiry in relation to:

- case planning, stability planning and cultural planning
- the application of Looking After Children care plans and placement planning processes
- health, mental health, education and drug and alcohol services within the context of out-of-home care
- the interaction between departments, agencies and service providers and how these sectors work to ensure that the group receive appropriate educational, health and social opportunities
- the provision of services in supporting young people in their transition to independent living.

Using file reviews, Taskforce 1000 data, discussions with departments and other relevant agencies, we will provide an opportunity for children, their families and carers to share their lived experience.

We aim to conclude this inquiry in early 2016.

Individual inquiry – 'Xavier'

In accordance with section 37 of the Commission for Children and Young People Act, we commenced an inquiry into the safety and wellbeing of a vulnerable child. The inquiry is examining the services provided or not provided to a 12-year-old Aboriginal boy, Xavier, and his experiences with the Child Protection and Youth Justice systems from his first contact with Child Protection at the age of four months to the end of the inquiry period in January 2015.

As part of this inquiry process, we have reviewed files held by the Department in relation to Xavier and interviewed Xavier, several of his family members and more than 15 people involved with his care. We anticipate the inquiry will be completed in the latter half of 2015 and the confidential inquiry report will then be presented to relevant ministers and the Secretary to the Department of Health & Human Services.

Monitoring strategy and out-of-home care services

The Commission for Children and Young People Act empowers the Commission to:

- promote the provision of out-of-home care services that encourage the active participation of children in the making of decisions that affect them
- provide advice to the Minister for Community Services and the Secretary to the Department of Health & Human Services on the performance of out-of-home care services.

As described in other sections of this report, we promote the voice of children and young people in out-of-home care, monitor the services and provide advice through our:

- independent visitor programs
- review of Category One client incident reports
- participation in out-of-home care forums
- research partnerships and review and analysis of data
- engagement with services, carers, children and young people.

The phrase 'as a good parent would', drawn from section 174 of the Children, Youth and Families Act provides a useful benchmark for much of the work we do monitoring this service system. Our work in relation to advocating for improvements to leaving care plans and access to health services exemplifies how we use our legislated monitoring functions to identify opportunities for continuous improvement and innovation.

Leaving care plans

We believe that 'a good parent would' equip children and young people with the life skills required for independent living and support them as they embark on that journey. Similarly the Charter for Children and Young People in Out-of-home Care promises children and young people 'help in preparing myself to leave care and support after I leave care'.

The Children, Youth and Families Act states that support for children and young people leaving care can be provided up until the age of 21. This is much younger than the age of 25, which is nominated by other states and territories for post-care support.

Our discussions with young people and those who care for them have identified a range of concerns about leaving care plans and support.

- One young woman, well before her 18th birthday, indicated she felt 'bumped' out of a caring environment to an unsatisfactory lead tenant option because there was pressure to place another young person where she had been living.
- A young person indicated her feeling of impending profound loneliness and isolation in the move to her post-care environment.
- Concerned workers indicated their dismay at a 15-year-old young person transitioning inappropriately to a lead tenant arrangement, which inevitably and predictably broke down.
- A teenage girl indicated alarm that her leaving care options included discussions with the homelessness service network – a plan to transition from care to homelessness.

We have identified leaving care plans and support after care as key priorities for monitoring into the future.

Access to health services

Most children and young people who live in out-of-home care have experienced serious harm. This has often included a failure to attend to their basic health care needs. Of greater concern, however, is that some children in out-of-home care do not always receive prompt attention to their health care needs. Timely access to appropriate health care is fundamental to ensuring that children in out-of-home care receive a level of care that is consistent with community expectations and their most basic human rights. Carers have advised us that the failure to provide prompt medical care is sometimes due to delays in receiving funding from the Department of Health & Human Services and long public waiting lists.

Children and young people who live in out-of-home care should not be subjected to these vagaries. They should have access to a 'gold pass' approach to the treatment of their dental, hearing, sight, speech, and mental health needs.

There have been many discussions with state and federal departments over a number of years about resolving these concerns. More recently, a large community-minded health insurance company approached the Commission, the Department of Health & Human Services and community services organisations to discuss innovative approaches to resolving these health care challenges. We intend to actively pursue the discussion for the sake and benefit of every child in care.

Review of Category One client incident reports

The Department of Health & Human Services requires all funded service providers to comply with its client incident management and reporting processes. A client incident report is required for all critical incidents involving or impacting upon children that occur at the service or during service delivery. The Department considers that at the time of the report being made, such incidents are allegations only.

The most serious incidents, referred to as Category One, concern allegations in relation to incidents that have, or could, result in a serious outcome or trauma such as:

- the death of a child
- serious physical assault
- sexual assault
- injury to a child or young person
- drug use that is life threatening, results in loss of consciousness or results in hospitalisation
- children engaging in behaviour that is, or has the potential to be, a threat to their life, or to others
- poor quality of care by caregivers or staff that impacts on a child's wellbeing, health or development.

When an incident occurs, direct-care staff respond to the immediate needs of the child. Senior staff within the Department of Health & Human Services receive the Category One client incident reports in order to ensure appropriate steps are taken to respond to the needs of the children directly impacted by the incident, identify broader issues impacting on the quality of the care provided and take remedial action where required.

Monitoring strategy and out-of-home care services (continued)

The Department of Health & Human Services provides us with copies of Category One client incident reports relating to children who live in out-of-home care. Out-of-home care services include residential care, home based care and kinship care. As noted earlier in this report, we do not currently receive Category One client incident reports for children and young people in Youth Justice centres.

We analyse the reports relating to children in out-of-home care to monitor and identify emerging or recurring themes, trends and issues and to inform discussions and recommendations about the way the service system can be improved. In addition, in cases where we identify significant concerns about an incident or the response to it, discussion occurs with the senior departmental staff who are ultimately responsible for ensuring the safety and wellbeing of the children entrusted to the care of the state.

The monitoring of Category One client incident reports provides us with vital information about the capacity of the out-of-home care system to nurture and protect the safety and wellbeing of children. The reports and the responses to the incidents described in them reveal the impact of the trauma and abuse many children experience prior to coming into care, the difficulties and dilemmas for carers and the limitations of the current out-of-home care system.

Our review of Category One client incident reports has also highlighted a lack of consistency in the way in which different agencies and areas of the Department of Health & Human Services categorise and respond to incidents. Further, we have identified that the paper-based incident reporting system is outdated, inefficient and open to misinterpretation. It does not adequately capture the voice of the child and lacks an effective feedback loop. We have recommended that the Department of Health & Human Services upgrade, as a priority, to an integrated electronic incident reporting system that records outcomes of allegations, encourages the participation of children in the process and allows accurate data collection and real-time analyses.

From 1 July 2014 to 30 June 2015 we received over 2000 Category One client incident reports relating to children in out-of-home care from the Department. These reports contain records of more than 3000 individual children (client incident reports can relate to multiple children per report). During this period, 1330 children were the subject of one or more Category One client incident reports.

The largest proportion of client incident reports received, related to children who reside in residential care, despite this being the smallest proportion of care.

The *Report on Government Services 2015* notes that in Victoria, seven per cent of all children in out-of-home care lived in residential care. This year, 65 per cent of the Category One client incident reports reviewed by us involved children living in residential care.

From our review of the incident reports we received we noted that:

- of those incident reports classified as allegations of inappropriate sexual behaviour, sexual exploitation, and sexual assault, more than 65 per cent involved children residing in residential care
- of those incident reports classified as suicide or self-harm incidents, approximately 80 per cent involved children residing in residential care
- of those incidents classified as absent or missing person, about 75 per cent involved children residing in residential care
- of those incidents classified as physical assault, about 55 per cent involved children residing in residential care.

Figure 2: Category One client incident reports by placement type 2014–15

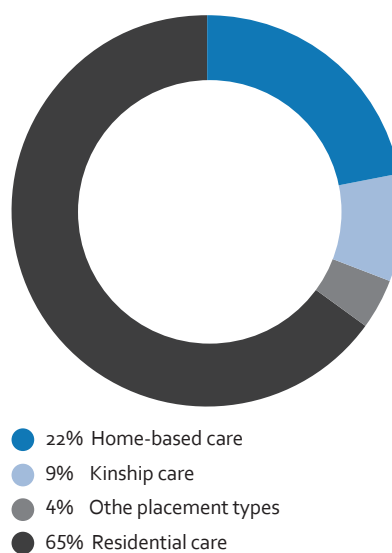
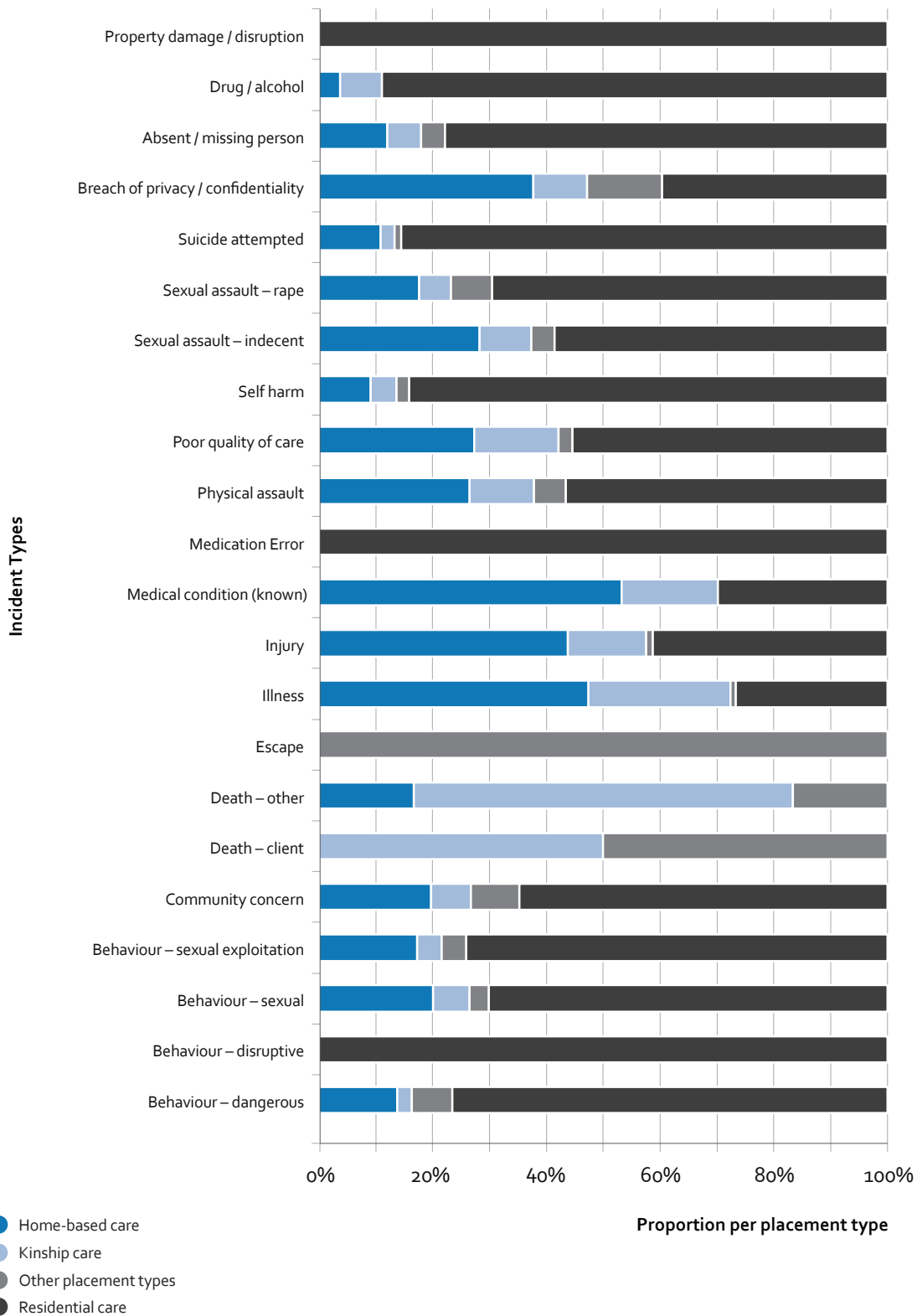


Figure 3: Proportion of Category One client incident reports by placement type 2014-15



Note: Other placement types include secure welfare, lead tenant properties and Department of Health & Human Services managed properties.

Monitoring strategy and out-of-home care services (continued)

Across all categories of out-of-home care, the most frequent Category One client incident reports received by us in 2014–15, were the same as those received in the previous financial year; 'absent/missing person', 'behaviour – dangerous', 'behaviour - disruptive', 'physical assault' and reports relating to 'behaviour – sexual' and 'sexual assault'.

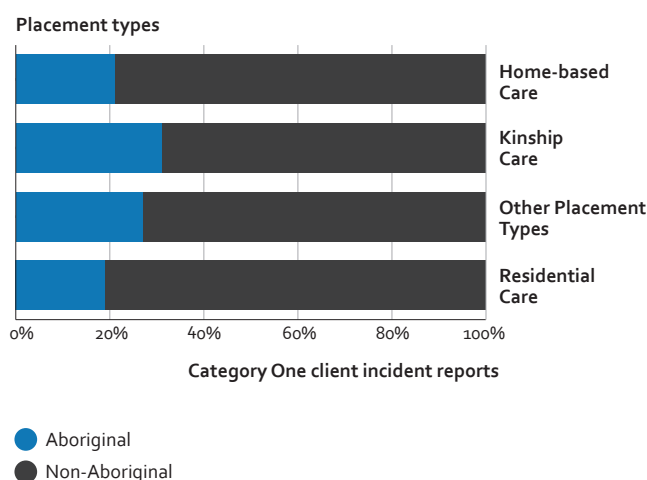
The Department of Health & Human Services define these Category One incident types as follows:

- **'absent/missing person'**: where a child or young person is missing from their placement, their whereabouts are unknown and there is grave concern for their own or other's safety and welfare. This includes allegations of abduction or kidnapping.
- **'behaviour – dangerous'**: where the actions of the child or young person lead to or place themselves or others at risk of harm; conduct that is or poses a serious threat to life of self or others; dangerous behaviour that results in intervention from police/ambulance/fire services.
- **'behaviour – disruptive'**: where a child or young person's actions cause disorder, are intrusive and/or offensive to others.
- **'physical assault'**: all assaults of or by a child or young person that led to a serious injury and hospitalisation as an inpatient, assaults involving a weapon – regardless of injury and all assaults or alleged assaults of a child or young person by a staff member or volunteer carer regardless of injury.
- **'behaviour – sexual'**: behaviour of a sexual nature by a child or young person that places their safety and wellbeing at risk.
- **'sexual assault'**: includes any allegation of rape – including alleged rape of or by a child or young person, exchange of sex with predatory adults for money, goods, substances or favours. Indecent sexual assault includes any act in front of or by a child or young person that is reportable to police including the production or possession of child pornography.

The high numbers of incident reports relating to the alleged sexual behaviour and assault of children residing in residential care informed the Commission's decision to undertake an inquiry into the adequacy of residential care services for this cohort of children who were subject to these alleged incidents.

Our analysis of the Category One client incident reports we received, also indicated that Aboriginal children and young people are over-represented in Category One incidents particularly in relation to children between the ages of 4 and 11. Aboriginal children are also over-represented in the 'physical assault' category of incident.

Figure 4: Category One client incident reports by placement type and Aboriginality 2014–15



Maximising the Commission's operating effectiveness

Governance

The Commission for Children and Young People Act establishes the Commission, provides for its independence, and creates the framework by which it is to be governed. The Act provides in section 6 that the Commission is to be 'constituted by the Principal Commissioner' and assigns to the Principal Commissioner a wide array of functions and powers. Consistent with its independent status, the *Public Administration Act 2004* provides that the Commission is a 'special body.' While the Act enables the appointment by the Governor in Council of additional commissioners, it is silent on their roles and powers.

Over the past several years, we have refined our internal governance practices by:

- having an executive committee to deal with high-level policy and strategic matters and an operations group to deal with core operational matters
- implementing a range of other internal governance arrangements to oversee specific pieces of work as required
- creating the Commission Review Committee to review inquiry reports and develop recommendations and the Inquiry Governance Committee to provide oversight to inquiries.

As well as these internal governance arrangements, we have an Audit and Risk Committee comprised of independent members with expertise in governance, accounting and risk management. An internal auditor has been appointed to review areas of risk and the mitigation strategies in place to address them. The work of the internal auditor will be guided by the Internal Audit Charter and the work plan will be endorsed by the Principal Commissioner following advice from the Audit and Risk Committee.

In 2014–15, the Commissioners and chief executive officer determined to review the Commission's organisational structure and have engaged external advisers to support this process. The objective is to develop the best possible structure to deliver on current functions and any new functions that may be delegated to us as part of implementing the *Betrayal of Trust* recommendations. The new structure will also respond to recommendations in a review of the Commission by the Victorian Public Sector Commission.

Developing enhanced data systems

In 2013–14 we undertook a detailed review of our processes and systems for the management of data and information. The review demonstrated that our existing computer systems are inadequate to enable us to meet our future needs, particularly any new functions which may be assigned to us in response to the *Betrayal of Trust* report.

We have investigated replacing our existing databases and systems with a new case management system that will better support our current and future functions. We need a system that will help identify issues, track the progress of cases, report on outcomes and be a central repository for case sensitive information. Following extensive consultation with other government departments and agencies and other research, we developed a business case to assist in the selection of an appropriate system. Importantly, the Victorian Public Sector Commission Review of the Commission also supported the need for a new system by recommending improvements to the management of our information and data. Work is continuing in this area.

Maximising the Commission's operating effectiveness (continued)

Aboriginal Inclusion Action Plan

Our Aboriginal Inclusion Action Plan articulates six principles that will guide the implementation of the plan and underpin all our work. These principles are:

- the past impacts the present
- Aboriginal people deserve equal outcomes
- genuine engagement with Aboriginal stakeholders is paramount
- Aboriginal identity and culture is a strength and a protective factor
- inclusion must be consistent and systemic
- inclusion is everyone's business.

The plan describes five key focus areas and includes the objective, outcome, description, responsible person and indicator of success for each.

The Aboriginal Inclusion Action Plan will be overseen by a working group of our staff. Key actions include the development of an Aboriginal Recruitment Strategy with an aspirational target of 16 per cent employment, as well as the use of an Aboriginal Impact Statement at the planning stages of all the projects, research and publications we generate.

This year, our staff have been actively engaged in Reconciliation Week and NAIDOC events as well as the development of the Aboriginal Inclusion Action plan through a series of workshops and discussions.

Figure 5: Aboriginal Inclusion Action Plan



Appendix 1: Presentations, committees and research partnerships

Presentations

Aboriginal Action Plan Meeting – Aboriginal children and young people in out-of-home care

Anglicare Victoria Annual General Meeting

Association of Child Welfare Agencies Conference – The Royal Commission into Institutional Responses to Child Sexual Abuse: Responding to this challenge from a NSW and Victorian perspective

Australian and New Zealand Association for the Treatment of Sexual Abuse (ANZATSA) Symposium 2014 – The Continuum of Institutional Sexual Abuse: From Perpetrators to Prevention

Australian Drugs Conference 2014 – Ice and Altered Realities

Broadford Secondary College – ‘Parents as Partners’ Parent Forum

Camcare Annual General Meeting 2013–2014

Cara Inc. Retirement Function for Chief Executive Officer, Robyn DiVirgilio

Centre for Excellence – Giving Sorrow Words: The Experience of Siblings in Care

City of Greater Bendigo Municipal Early Years Plan Stakeholder Forum

Committee for Economic Development of Australia Lunch

Community Child Care Association Annual General Meeting

Consulting Children Forum

CREATE Foundation – Importance of Sibling Placement & Contact Forum

Department of Education and Early Childhood Development – Department of Human Services Victorian Community Sector Roundtable

Department of Health & Human Services Aboriginal Family-Led Decision-Making West Division Forum

Department of Health & Human Services Central Highlands Area Aboriginal Advisory Group

Department of Human Services – Department of Education and Early Childhood Development Forum ‘From Compliance to Quality’

Early Childhood Australia National Council Meeting

Family Violence Specialised Community of Practice Forum – Aboriginal Family Violence

Farm Safety Forum – Keeping kids free from harm on the farm

Fetal Alcohol Spectrum Disorder Workshop

First 1000 Days Scientific Symposium

Frankston-Mornington Peninsula Medicare Local – Youth & Trauma

Geelong Foster Carers

Health Educators Learners Parents (HELP) Conference 2015

Indigenous Roundtable – Cultural competence of mainstream health services and systems

International Human Rights Day Oration – Linking our past with our future: How cultural rights can help shape identity and build resilience in Koorie kids

Islamic Council of Victoria – Working With Children Check and Commission for Children and Young People Joint Education Session

Koorie Conversations Conference – Leadership: Thinking differently doing differently – making an impact

Koorie Youth Summit – Stronger Communities and Koorie Youth

Launch of ‘Breaking the Cycle of Trauma Koorie Parenting: What Works For Us’ for the Minajalku Healing Centre

Appendix 1: Presentations, committees and research partnerships (continued)

Launch of CREATE Foundation Video and Report

Launch of *Djarnbi The Different Kookaburra* for the Rumbalara Aboriginal Cooperative

Launch of Law in Context on Children of Prisoners at Child Aware Conference

Launch of 'Peeling back the layers – Kinship Care in Victoria' Research Report by Baptcare Research Unit in partnership with OzChild and Anchor

Launch of 'Sibling Placement and Contact in Out-of-home care' Report and accompanying Video by Dr Joseph McDowall

Launch of the Child and Youth Directory at the Bayside Medicare Local and School Focused Youth Services

Launch of the Maribyrnong Family Strengthening Strategy for the Maribyrnong Early Years Alliance

Launch of the report on Young People Transitioning from Out-of-Home Care and Youth Justice by Associate Professors Philip Mendes, Pamela Snow, Susan Baidawi

Launch of the State of Greater Shepparton's Children Report 2014

Launch of the State of Mildura Rural City Council's Children and Young People

Loyola College 2014 Annual Awards Evening

Northern Bay College – School Motto: Working Together Towards an Exciting New Future

Parents Victoria Annual Conference

Red Cross Services Committee

Relationships Australia Annual General Meeting

Residential Care Worker Forum 'Resi Rocks'

Royal Children's Hospital Grand Round – I see the future for Aboriginal Children and Young People and it is good

Royal Children's Hospital Mental Health Community Reference Group

Save the Children Planning Session

Sierra Leone's 54th Independence Anniversary 2015 Gala Dinner

South Eastern Victoria Region Department of Education and Training - Cross government and agency collaboration

St Luke's Foster Carer Dinner

Statewide Koorie Education Workforce Forum – Taskforce 1000 Emerging Issues

Strengthening Disability Advocacy Conference 2014

The Sixth Winston S. Rickards Memorial Oration – Hearing the voice of vulnerable children

VicSEG Cyber Smartz Launch

Victoria Police Presentation

Victorian Aboriginal Children and Young Person's Alliance

Victorian Aboriginal Community Controlled Health Organisation Members Meeting – Taskforce 1000 Update

Whittlesea Reconciliation Dinner

Wirrigirri (Reconciliation Messenger) Evidence and Policy Division, Department of Human Services – How have we constructed evidence about for and with Aboriginal and Torres Strait Islander Peoples?

Xavier College – Walking with Vulnerable Children and Young People: Perspectives on children and young people in State Care, the juvenile justice system, and the issues of unemployment

Committees

Aboriginal Child Health Roundtable

Aboriginal Human Services Roundtable

Aboriginal Justice Forum

Centre for Excellence – focus groups exploring understanding and knowledge of existing complaints processes and feedback for children and young people in care

Centre for Excellence – Leaving and Post Care Practitioners Forum

CREATE Foundation Platform Hour of Power – enables the Commissioners, as panel members, to hear directly from young people who are experiencing or have experienced, out-of-home care

Department of Health & Human Services Foster Care Working Group

Department of Health & Human Services Sector Engagement Group – Permanency Changes: Amendment to the Children Youth & Families Act

Department of Health & Human Services Systems Improvement Working Group

Department of Justice & Regulation Mildura Community Partnership

Department of Justice & Regulation Working Groups

Indigenous Family Violence Partnership Forum

Institute of Public Administration Indigenous group

Koori Leaving Care Project Committee – research project managed by Monash University

Latrobe Community Partnership Group

Minister’s Roundtable on Improving Education Outcomes for Children and Young People in Out-of-home care

Ministerial Advisory Committee for Children in Out-of-home care

Nallei Jerring (Koorie Youth Program) Footscray Football Club

National Justice Coalition

Parkville College Board

Parkville College School Council

Police External Education Advisory Group Committee

Red Cross Services Committee

Ripple Project: Improving Mental Health in Out-of-Home Care

Services Connect Evaluation Reference Group

Smart Justice for Young People

Victoria Police Aboriginal Portfolio Reference Committee

Victoria Police Young People’s Portfolio Reference Group

Victorian Safe Communities Network – Executive Member

Young Offenders Transfer Group

Research partnerships

Children of prisoners: Care planning for children of incarcerated parents, led by Monash University, assessed the impact of incarceration of primary carers on children’s care and developed a strategic framework for good planning.

Indigenous young people leaving out-of-home care led by researchers from Monash University, aims to explore the experiences of Indigenous young people as they transition from care, and their connections to culture and community.

Kinship Care Advisory Group, led by researchers from Melbourne University, is an ongoing research project that has produced a meta survey of children in out-of-home care.

Longitudinal research into children domiciled in prison, led by researchers from Monash University, is a project that will explore options to examine the experiences and outcomes for incarcerated mothers and their children when raised in prison.

Making the World of Difference: The ‘First 1000 Days’, led by Onemda VicHealth Group, Centre for Health Equity, is a research project that aims to provide a coordinated, comprehensive intervention to address the needs of Aboriginal and Torres Strait Islander children from conception to two years of age, thereby laying the foundation for their future health and wellbeing.

Young and Well Cooperative Research Council is exploring the role of technology in the lives of young people and how it can be used to improve the mental health of young people. Its projects include a range of collaborative endeavours with researchers, practitioners, innovators and policy makers.

Young people transitioning from out-of-home care and Youth Justice investigated the experiences of young people leaving care who had a connection to Youth Justice, or were previously Youth Justice clients. In September 2014 the Principal Commissioner launched the final report of this project, which was undertaken in partnership with Monash University, Youth Justice, Jesuit Social Services, Youth Support and Advocacy Service and Whitelion Inc.

Appendix 2: Disclosure index

This annual report is prepared in accordance with all relevant Victorian legislations and pronouncements. This index has been prepared to facilitate identification of the Commission's compliance with statutory disclosure requirements.

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Appendix 2: Disclosure index (continued)

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	<i>Protected Disclosure Act 2012</i>	
	<i>Carers Recognition Act 2012</i>	
	<i>Victorian Industry Participation Policy Act 2003</i>	
	<i>Financial Management Act 1994</i>	

Appendix 3: Compliance and accountability

Our people – overview

We employ 32 staff of whom 18 are full time and 14 are part time.

Ninety per cent of our ongoing staff hold a tertiary degree. We employ staff with degrees in social work, early childhood development, law, nursing, psychology, public sector administration, media and communications and business.

Employment and conduct principles

We are committed to applying merit and equity principles when appointing staff. Our selection processes ensure that applicants are assessed and evaluated fairly and equitably on the basis of the key selection criteria and other accountabilities without discrimination. Employees have been correctly classified in workforce data collections.

The Code of Conduct for Victorian Public Sector Employees of Special Bodies applies within the Commission.

Carers Recognition Act

We support the principles of the *Carers Recognition Act 2012* and demonstrate this through our:

- commitment to providing flexible working arrangements for our staff to support their roles as carers
- production of a range of resources designed to assist carers, particularly those who provide care to children in the out-of-home care system, and informal kinship carers.

Audit and Risk Committee membership and roles

The Audit and Risk Committee consists of the following members:

- David Gibbs, Chairperson B.Com, FCA, FAICD
- Sue Crook, Independent Member LLB, BA, MBA, SFFin, FGIA, MAICD

The primary role of the Audit and Risk Committee is to review and advise the executive of the Commission on matters of financial accountability, internal financial control, and risk management.

The Audit and Risk Committee provides oversight and advice to the executive of the Commission in relation to the:

- Commission's financial performance
- Commission's financial reporting processes, both internal and external
- development, operation and implementation of the Commission's risk management framework
- charter, scope of work, performance and independence of the Commission's internal audit function
- scope of work of the Commission's external auditor
- matters of accountability and internal control affecting the financial operations of the Commission
- effectiveness of management information systems and other systems of internal financial control
- acceptability, disclosure of and correct accounting treatment for significant transactions which are not part of the Commission's normal course of business.

Appendix 3: Compliance and accountability (continued)

Table 4: Workforce data

	ONGOING EMPLOYEES				FIXED TERM AND CASUAL
	Number	Full time	Part time	FTE	FTE
June 2014	30	15	15	24.2	0.8
June 2015	32	18	14	27.6	1

	JUNE 2015			JUNE 2014		
	ONGOING		FIXED TERM AND CASUAL	ONGOING		FIXED TERM AND CASUAL
	Number	FTE	FTE	Number	FTE	FTE
Gender						
Male	3	3		2	2	
Female	29	24.6	1	28	22.2	0.8
Age						
25-34	3	3		1	1	
35-44	7	5.6	1	7	5.4	
45-54	13	10.6		12	9.4	
55-65	9	8.4		10	8.4	
Classification						
Child Protection	2	1.6				
VPS 2						
VPS 3	4	3.4		5	4	
VPS 4	1	1		1	1	
VPS 5	16	13.5		15	12.2	
VPS 6	8	7.1		9	7	0.8
Executives	1	1				

Notes: All figures reflect employment levels during the last full pay period of June of each year.

Ongoing employees means people engaged on an open ended contract of employment and executives engaged on a standard executive contract who were active in the last full pay period of June.

FTE means full time staff equivalent.

Excluded are those on leave without pay or absent on secondment, external contractors/consultants, temporary staff employed by employment agencies, and a small number of people who are not employees but appointees to a statutory office, as defined in the Public Administration Act 2004.

Occupational health and safety

No injuries were recorded during 2014–15.

We are committed to the goal of ensuring all staff remain safe and healthy at work. We have implemented strategies to enhance the occupational health and safety of staff, including:

- making occupational health and safety issues a standing item on fortnightly staff meetings
- organising annual workplace inspections
- providing individual ergonomic assessments upon request.

We have two first aid officers and two health and safety representatives, all of whom attend training as required.

Consultancy expenditure

Details of consultancies valued at \$10,000 or greater

In 2014–15 there was one consultancy where the total fees payable to the consultants were \$10,000 or greater. The total expenditure incurred during 2014–15 in relation to this consultancy was \$22,314 (excluding GST). Details are outlined below.

In 2014–15, there were no consultancies where the total fees payable to the consultants were less than \$10 000.

Table 5: Individual consultancies valued at \$10,000 or greater

CONSULTANT	PURPOSE OF CONSULTANCY	START DATE	END DATE	TOTAL APPROVED PROJECT FEE (EXC. GST)	EXPENDITURE 2014–15	FUTURE EXPENDITURE 2014–15
Price Waterhouse Coopers	Data security audit	4 Aug 2014	29 Sept 2014	\$40,000	\$22,314	–

Appendix 3: Compliance and accountability (continued)

Freedom of Information Act

Compliance

The *Freedom of Information Act 1982* enables the public to access certain documents held by public sector agencies, including the Commission for Children and Young People.

For the period 1 July 2014 to 30 June 2015, we received one Freedom of Information request. The request was from the media and access to the document was denied.

Making a Freedom of Information request

Access to documents may be obtained through a written request to the Commission, as detailed in s. 17 of the Freedom of Information Act.

In summary, the requirements for making a request are:

- it should be in writing
- it should identify as clearly as possible the document being requested
- it should be accompanied by the appropriate application fee (the fee may be waived in certain circumstances).

Requests for documents in the possession of the Commission for Children and Young People should be addressed to:

Freedom of Information Officer
Commission for Children and Young People
Level 20, 570 Bourke St
Melbourne Victoria 3000

Access charges may apply once documents have been processed and a decision on access has been made (for example, photocopying and search and retrieval charges). Further information regarding Freedom of Information can be found at www.foi.vic.gov.au.

Protected Disclosure Act

The *Protected Disclosure Act 2012* encourages and assists people in making disclosures of improper conduct by public officers and public bodies. The Act provides protection to people who make disclosures in accordance with the Act and establishes a system for the matters disclosed to be investigated and rectifying action to be taken.

We do not tolerate improper conduct by employees, nor the taking of reprisals against those who come forward to disclose such conduct. We are committed to ensuring transparency and accountability in our administrative and management practices and support the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

We will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure.

We are not able to receive disclosures under the Protected Disclosure Act. Disclosures about the Commission or our staff may now be made to the Independent Broad-based Anti-corruption Commission (IBAC). Other public officers or bodies that can receive protected disclosures are listed on IBAC's website at www.ibac.vic.gov.au.

Further information about the Protected Disclosure Act is available from:

Independent Broad-Based Anti-corruption Commission
Level 1, North Tower, 459 Collins Street
Melbourne Victoria 3000
Phone: 1300 735 135
www.ibac.vic.gov.au

Our procedures under the Protected Disclosures Act are published on our website.

Victorian Industry Participation Policy Act

The *Victorian Industry Participation Policy Act 2003* requires departments and public sector bodies to report on the implementation of the Victorian Industry Participation Policy (VIPP). Departments and public sector bodies are required to apply VIPP in all procurement activities valued at \$3 million or more in metropolitan Melbourne and for statewide projects, or \$1 million or more for procurement activities in regional Victoria. Departments must report on VIPP implementation. We did not engage in any applicable tenders during the reporting period.

Building Act

We neither own nor control any government buildings and are therefore exempt from the requirement to notify our compliance with the building and maintenance provisions of the *Building Act 1993*.

Additional information available on request

In compliance with the requirements of the Standing Directions of the Minister for Finance, details in respect of the items listed below have been retained by the Commission and are available on request, subject to the provisions of the Freedom of Information Act:

- a. a statement that declarations of pecuniary interests have been duly completed by all relevant officers
- b. details of shares held by a senior officer as nominee or held beneficially in a statutory authority or subsidiary
- c. details of publications produced by the entity about itself, and how these can be obtained
- d. details of changes in prices, fees, charges, rates and levies charged by the entity
- e. details of any major external reviews carried out on the entity
- f. details of major research and development activities undertaken by the entity
- g. details of overseas visits undertaken including a summary of the objectives and outcomes of each visit
- h. details of major promotional, public relations and marketing activities undertaken by the entity to develop community awareness of the entity and its services
- i. details of assessments and measures undertaken to improve the occupational health and safety of employees
- j. a general statement on industrial relations within the entity and details of time lost through industrial accidents and disputes

- k. a list of major committees sponsored by the entity, the purposes of each committee and the extent to which the purposes have been achieved
- l. details of all consultancies and contractors including:
 - m. consultants/contractors engaged
 - n. services provided
 - o. expenditure committed to for each engagement.

The information is available on request from:

Chief Executive Officer
Commission for Children and Young People
Level 20, 570 Bourke Street
Melbourne Victoria 3000

Attestation of compliance with Ministerial Standing Direction 4.5.5.1 – Insurance

I, Bernie Geary, certify that the Commission for Children and Young People has complied with Ministerial Direction 4.5.5.1 – Insurance.



Bernie Geary
Principal Commissioner
Commission for Children and Young People

Risk management

I, Bernie Geary, Principal Commissioner, certify that the Commission has risk management processes in place consistent with AS/NZS ISO 31000:2009 and an internal control system is in place that enables the executive to understand, manage and satisfactorily control risk exposures. The risk profile of the Commission has been critically reviewed within the last 12 months.



Bernie Geary
Principal Commissioner
Commission for Children and Young People

Accountable officer's and chief finance and accounting officer's declaration

Accountable officer's and chief finance and accounting officer's declaration

The attached financial statements for the Commission for Children and Young People have been prepared in accordance with Standing Directions 4.2 of the *Financial Management Act 1994*, applicable Financial Reporting Directions, Australian Accounting Standards including Interpretations, and other mandatory professional reporting requirements.

We further state that, in our opinion, the information set out in the comprehensive operating statement, balance sheet, statement of changes in equity, cash flow statement and accompanying notes, presents fairly the financial transactions during the year ended 30 June 2015 and financial position of the entity at 30 June 2015.

At the time of signing, we are not aware of any circumstance which would render any particulars included in the financial statements to be misleading or inaccurate.

We authorise the attached financial statements for issue on 16 October 2015.



Bernie Geary OAM
Principal Commissioner
Commission for Children and Young People

Melbourne
16 October 2015



Greg Stanton
Chief Finance and Accounting Officer
Commission for Children and Young People

Melbourne
16 October 2015

Independent Auditor's Report

VAGO

Victorian Auditor-General's Office

Level 24, 35 Collins Street
Melbourne VIC 3000
Telephone 61 3 8601 7000
Facsimile 61 3 8601 7010
Email comments@audit.vic.gov.au
Website www.audit.vic.gov.au

INDEPENDENT AUDITOR'S REPORT

To the Commissioner, Commission for Children and Young People

The Financial Report

The accompanying financial report for the year ended 30 June 2015 of the Commission for Children and Young People which comprises the comprehensive operating statement, balance sheet, statement of changes in equity, cash flow statement, notes comprising a summary of significant accounting policies and other explanatory information, and the accountable officer's and chief finance and accounting officer's declaration has been audited.

The Commissioners' Responsibility for the Financial Report

The Commissioner of the Commission for Children and Young People is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards, and the financial reporting requirements of the *Financial Management Act 1994*, and for such internal control as the Commissioner determines is necessary to enable the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

As required by the *Audit Act 1994*, my responsibility is to express an opinion on the financial report based on the audit, which has been conducted in accordance with Australian Auditing Standards. Those standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance about whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The audit procedures selected depend on judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, consideration is given to the internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Commissioner as well as evaluating the overall presentation of the financial report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independence

The Auditor-General's independence is established by the *Constitution Act 1975*. The Auditor-General is not subject to direction by any person about the way in which his powers and responsibilities are to be exercised. In conducting the audit, the Auditor-General, his staff and delegates complied with all applicable independence requirements of the Australian accounting profession.

Auditing in the Public Interest

Independent Auditor's Report (continued)

Independent Auditor's Report (continued)

Opinion

In my opinion, the financial report presents fairly, in all material respects, the financial position of the Commission for Children and Young People as at 30 June 2015 and its financial performance and its cash flows for the year then ended in accordance with applicable Australian Accounting Standards, and the financial reporting requirements of the *Financial Management Act 1994*.

MELBOURNE
20 October 2015



Dr Peter Frost
Acting Auditor-General

Financial Statements

Commission for Children and Young People

Comprehensive operating statement

for the financial year ended 30 June 2015

	Note	2015 (\$'000)	2014 (\$'000)
Income from transactions			
Grants and other income transfers	2	6,471	5,630
Total income from transactions		6,471	5,630
Expenses from transactions			
Employee benefits	3(a)	4,225	3,598
Depreciation	3(d)	9	2
Grants	3(b)	334	326
Other operating expenses	3(c)	1,860	1,699
Total expenses from transactions		6,428	5,625
Net result from transactions (net operating balance)		43	5
Other economic flows included in net result			
Other gains/(losses) from other economic flows	3(e)	(43)	(5)
Total other economic flows included in net result		(43)	(5)
Net result for the year		-	-

The comprehensive operating statement should be read in conjunction with the accompanying notes.

Financial Statements for the financial year ended 30 June 2015

Commission for Children and Young People

Balance sheet

As at 30 June 2015

	Note	2015 (\$'000)	2014 (\$'000)
Assets			
Financial assets			
Receivables	4	1,645	1,387
Total financial assets		1,645	1,347
Non-financial assets			
Plant and equipment	5	26	35
Total non-financial assets		26	35
Total assets		1,671	1,422
Liabilities			
Payables	6	-	208
Provisions	7	1,671	1,214
Total liabilities		1,671	1,422
Net assets		-	-
Equity			
Accumulated surplus/(deficit)	8(a)	-	-
Contributed capital	8(b)	-	-
Net worth		-	-
Commitments for expenditure	10		
Contingent assets and contingent liabilities	9		

The balance sheet should be read in conjunction with the accompanying notes.

Commission for Children and Young People
Statement of changes in equity
for the financial year ended 30 June 2015

	Accumulated Surplus/(Deficit) (\$'000)	Contributed Capital (\$'000)	Total (\$'000)
Balance at 1 July 2013	-	-	-
Net result for the year	-	-	-
Balance at 30 June 2014	-	-	-
Net result for the year	-	-	-
Balance at 30 June 2015	-	-	-

The statement of changes in equity should be read in conjunction with the accompanying notes.

Financial Statements for the financial year ended 30 June 2015

Commission for Children and Young People

Cash flow statement

	Note	2015 (\$'000)	2014 (\$'000)
Cash flows from operating activities			
Receipts			
Grants and other income transfers		6,212	5,351
Total receipts		6,212	5,351
Payments			
Payments for employee benefits		(3,811)	(3,443)
Other payments		(2,401)	(1,871)
Total payments		(6,212)	(5,314)
Net cash flows from/(used in) operating activities	12	-	37
Cash flows from investing activities			
Payment for non-financial assets		-	(37)
Net cash flows from/(used in) investing activities		-	(37)
Net increase/(decrease) in cash and cash equivalents			
		-	-
Cash and deposits at the beginning of the financial year			
		-	-
Cash and deposits at the end of the financial year			
		-	-

The cash flow statement should be read in conjunction with the accompanying notes.

Cash Movements disclosed in the above cash flow statement are those cash transactions completed by the Department of Human Services (1 July 2014 - 31 December 2014) and by the Department of Health and Human Services (1 January 2015 - 30 June 2015) on behalf of the Commission for Children and Young People.

Notes to and forming part of the financial statements 30 June 2015

Note 1. Summary of significant accounting policies

These annual financial statements represent the general purpose financial statements for the Commission for Children and Young People (the Commission) for the year ended 30 June 2015.

The purpose of this report is to provide users with information about the Commission's stewardship of resources entrusted to it.

To gain a better understanding of the terminology used in this report, a glossary of terms and style conventions can be found in note 1(u).

(a) Statement of compliance

These general purpose financial statements have been prepared in accordance with the *Financial Management Act 1994* and applicable Australian Accounting Standards (AAS), including Interpretations issued by the Australian Accounting Standards Board (AASB). In particular, they are presented in a manner consistent with the requirements of AASB 1049 *Whole of Government and General Government Sector Financial Reporting*. Where appropriate, those paragraphs of AAS applicable to not-for-profit entities have been applied.

Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

The annual financial statements were authorised for issue by the Commission for Children and Young People on 16 October 2015.

(b) Basis of accounting preparation and measurement

The accrual basis of accounting has been applied in the preparation of these financial statements whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

These financial statements are presented in Australian dollars.

The Department of Health and Human Services (hereafter referred to as the 'department') provides services to the Commission which include human resources, information technology and services, information & record management, financial administration and procurement assistance, property services, management support, vehicles and training and development, as stipulated in the memorandum of understanding that exists between the Commission and the Department.

Management is required to make judgements, estimates and assumptions about carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable in the circumstances, the results of which form the basis of making the judgements. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period or in the period of the revision, and future periods if the revision affects both current and future periods. Judgements and assumptions made by management in the application of Australian Accounting Standards that have significant effect on the financial statements and estimates relate to the fair value of plant and equipment, (refer to Note 1(k)) and the employee benefit provision based on the likely tenure of existing staff, patterns of leave claims, future salary movements and future discount rates (refer to Note 1(l)).

Notes to and forming part of the financial statements 30 June 2015

Note 1. Summary of significant accounting policies

These financial statements have been prepared on the basis of historical cost except for impairment losses. Historical cost is based on the fair values of the consideration given in exchange for assets.

The Commission determines the policies and procedures for recurring and non-recurring fair value measurements, in accordance with the requirements of AASB 13 *Fair Value Measurement* and the relevant FRDs.

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within the fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole:

- Level 1 – Quoted (unadjusted) market prices in active markets for identical assets or liabilities;
- Level 2 – Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and
- Level 3 – Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, the Commission has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy as explained above.

In addition, the Commission determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

The accounting policies set out below have been applied in preparing the financial statements for the year ended 30 June 2015 and the comparative information presented for the 12 months ended 30 June 2014.

(c) Reporting entity

The financial statements include the controlled activities of the Commission.

The entity was established on 1 March 2013 via the Commission for Children and Young People Act 2012 and the principal address is:

Level 20
570 Bourke Street
Melbourne, Victoria 3000

Objectives of Commission for Children and Young People

The objectives of the Commission are to promote continuous improvement and innovation in:

- policies and practices relating to the safety and wellbeing of children and young people generally and in particular those who are vulnerable; and
- the provision of out-of-home care services for children.

Note 1. Summary of significant accounting policies

(d) Scope and presentation of financial statements

Comprehensive operating statement

The comprehensive operating statement has been prepared to 'net result from transactions' (or termed as 'net operating balance'). This classification is consistent with the whole of government reporting format and is allowed under AASB 101 *Presentation of Financial Statements*.

The net result is equivalent to profit or loss derived in accordance with AAS.

Balance sheet

Assets and liabilities are presented in liquidity order with assets aggregated into financial assets and non-financial assets.

Current and non-current assets and liabilities (non-current being those assets or liabilities expected to be recovered or settled more than 12 months after the reporting period) are disclosed in the notes, where relevant.

Statement of changes in equity

The statement of changes in equity presents reconciliations of non-owner and owner changes in equity opening balances at the beginning of the reporting period to the closing balances at the end of the reporting period. It also shows changes due to amounts recognised in the 'comprehensive result'.

Cash flow statement

Cash flows are classified according to whether or not they arise from operating activities, investing activities, or financing activities. This classification is consistent with requirements of AASB 107 *Statement of Cash Flows*.

Rounding

Amounts in the financial statement have been rounded to the nearest one thousand dollars unless otherwise stated. Refer to the end of Note 1(u) for a style convention explaining that minor discrepancies in totals within tables are due to rounding.

(e) Changes in accounting policies

Subsequent to the 2013-14 reporting period, the following new and revised standards have been adopted in the current period, with financial impact detailed below.

AASB 10 Consolidated Financial Statements

AASB 10 provides a new approach to determine whether an entity has control over another entity, and therefore must present consolidated financial statements. The new approach requires the satisfaction of all three criteria for control to exist over an entity for financial reporting purposes:

- the investor has power over the investee;

Notes to and forming part of the financial statements 30 June 2015

Note 1. Summary of significant accounting policies

- the investor has exposure, or rights, to variable returns from its involvement with the investee; and
- the investor has the ability to use its power over the investee to affect the amount of investor's returns.

Based on the new criteria prescribed in AASB 10, the Commission has reviewed its existing arrangements to determine if there are any entities that need to be consolidated to create a group. The Commission has concluded that no entity has met the control criteria.

AASB 12 Disclosure of Interests in Other Entities

AASB 12 *Disclosure of Interests in Other Entities* prescribes the disclosure requirements for an entity's interest in subsidiaries, associates, joint arrangements and extends to the entity's association with unconsolidated structured entities.

The Commission has reviewed its current contractual arrangements to determine if there are any unconsolidated structured entities that the Commission has involvement with. It has not identified any unconsolidated structured entities during the assessment.

(f) Income from transactions

Income is recognised to the extent that it is probable that the economic benefits will flow to the Commission and the income can be reliably measured at fair value.

Grants

Income from grants (other than contribution by owners) is recognised when the Commission obtains control over the contribution.

For reciprocal grants (that is, equal value is given back by the Commission to the provider), the Commission is deemed to have assumed control when the Commission has satisfied its performance obligations under the terms of the grant. For non-reciprocal grants, the Commission is deemed to have assumed control when the grant is receivable or received. Conditional grants may be reciprocal or non-reciprocal depending on the terms of the grant.

(g) Expenses from transactions

Expenses from transactions are recognised as they are incurred and reported in the financial year to which they relate.

Employee expenses

Employee expenses include all costs related to employment including wages and salaries, leave entitlements, fringe benefit tax, redundancy payments, WorkCover premiums and superannuation contributions. These are recognised when incurred.

As per 1(b), the department provides services to the Commission which includes managing and calculating the employee expenses as described above.

Rental operating costs

Rental operating costs include maintenance, rates and charges, tenant utilities and operating expenses. These costs are expensed in the period in which they are incurred.

Note 1. Summary of significant accounting policies

Depreciation

Plant and equipment and other non-current physical assets that have finite useful lives are depreciated. Depreciation is generally calculated on a straight-line basis, at rates that allocate the asset's value, less any estimated residual value, over its estimated useful life.

The estimated useful lives, residual values and depreciation methods are reviewed at the end of each annual reporting period, and adjustments made where appropriate.

The following estimated useful lives are used in the calculation of depreciation for the current and prior years:

Asset class	Useful life
Plant and equipment	3 to 10 years

Other operating expenses

Other operating expenses generally represent the day to day running costs incurred in normal operations and include:

Supplies and services

Supplies and services are recognised as an expense in the reporting period in which they are incurred.

(h) Other economic flows included in net result

Other economic flows measure the change in volume or value of assets or liabilities that do not result from transactions. The Commission recognised the revaluation of the present value of the long service leave liability due to changes in the bond interest rates and the effects of changes in assumptions as a 'gain/loss from other economic flow'.

(i) Financial instruments

Financial instruments arise out of contractual agreements that give rise to a financial asset of one entity and a financial liability or equity instrument of another entity. Due to the nature of an entity's activities, certain financial assets and financial liabilities arise under statute rather than contract. Such financial assets and financial liabilities do not meet the definition of financial instruments in AASB 132 *Financial Instruments: Presentation*. For example, statutory receivables arising from taxes, fines and penalties do not meet the definition of financial instruments as they do not arise under contract. However, guarantees issued by the Treasurer on behalf of an entity are financial instruments because, although authorised under statute, the terms and conditions for each financial guarantee may vary and are subject to an agreement.

Where relevant, for note disclosure purposes, a distinction is made between those financial assets and financial liabilities that meet the definition of financial instruments in accordance with AASB 132 and those that do not.

The following refers to financial instruments unless otherwise stated.

Notes to and forming part of the financial statements 30 June 2015

Note 1. Summary of significant accounting policies

Financial liabilities at amortised cost

Financial instrument liabilities are initially recognised on the date they originate. They are initially measured at fair value plus any directly attributable transaction costs.

Financial instrument liabilities measured at amortised cost include the Commission's contractual payables.

(j) Financial assets

Receivables

Receivables consist of:

- contractual receivables, which include mainly debtors in relation to goods and services; and
- statutory receivables.

Receivables that are contractual are classified as financial instruments. Statutory receivables are recognised and measured similarly to contractual receivables (except for impairment), but are not classified as financial instruments because they do not arise from a contract. Other receivables have normal credit terms, which are generally 30 days.

(k) Non-financial assets

Plant and equipment

Plant and equipment is initially measured at cost and subsequently revalued at fair value less accumulated depreciation. Where an asset is acquired for no or nominal consideration, the cost is the asset's fair value at the date of acquisition. More details about the valuation techniques and inputs used in determining the fair value of non-financial physical assets are discussed in Note 5 Plant and Equipment.

The fair value of plant and equipment is normally determined by reference to the asset's depreciated replacement cost. For these assets, the existing depreciated historical cost is generally a reasonable proxy for depreciated replacement cost because of the short lives of the assets concerned.

Fair value assessments are prepared annually.

The written down replacement cost has been considered as fair value for plant and equipment as at 30 June 2015.

(l) Liabilities

Payables

Payables consist predominantly of contractual payables, such as accounts payable and other sundry liabilities. Accounts payable represent liabilities for goods and services provided to the Commission prior to the end of the reporting period that are unpaid and arise when the Commission becomes obliged to make future payments in respect of the purchase of those goods and services.

Contractual payables are classified as financial instruments and categorised as financial liabilities at amortised cost (refer to Note 1(i)). Statutory payables are recognised and measured similarly to

Note 1. Summary of significant accounting policies

contractual payables, but are not classified as financial instruments and not included in financial liabilities at amortised cost, because they do not arise from a contract.

Provisions

Provisions are recognised when the Commission has a present obligation, the future sacrifice of economic benefits is probable, and the amount of the provision can be measured reliably.

The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at reporting date, taking into account the risks and uncertainties surrounding the obligation. Where a provision is measured using the cash flows estimated to settle the present obligation, its carrying amount is the present value of those cash flows, using discount rates that reflects the time value of money and risks specific to the provision.

When some or all of the economic benefits required to settle a provision are expected to be received from a third party, the receivable is recognised as an asset if it is virtually certain that recovery will be received and the amount of the receivable can be measured reliably.

Employee benefits

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave for services rendered to the reporting date.

Wages and salaries, and annual leave

Liabilities for wages and salaries, including non-monetary benefits, and annual leave are recognised in the provision for employee benefits as 'current liabilities', because the Commission does not have an unconditional right to defer settlement of these liabilities.

Depending on the expectation of the timing of settlement, liabilities for wages and salaries and annual leave are measured at:

- Nominal value – if the Commission expects to wholly settle within 12 months; or
- Present value – if the Commission does not expect to wholly settle within 12 months.

Long service leave

Liability for long service leave (LSL) is recognised in the provision for employee benefits.

Current liability – unconditional long service leave

Unconditional LSL is disclosed in the notes to the financial statements as a current liability even when the Commission does not expect to settle the liability within 12 months because it does not have the unconditional right to defer the settlement of the entitlement should an employee take leave within 12 months.

The components of this current long service leave liability are measured at:

- Nominal value—component that the Commission expects to settle within 12 months; and
- Present value—component that the Commission does not expect to settle within 12 months.

Notes to and forming part of the financial statements 30 June 2015

Note 1. Summary of significant accounting policies

Non-current liability – conditional long service leave

Conditional long service leave is disclosed as a non-current liability because there is an unconditional right to defer the settlement of the entitlement until the employee has completed the requisite years of service.

This non-current long service leave liability is measured at present value. Any gain or loss following revaluation of the present value of non-current long service leave liability is recognised as a transaction, except to the extent that a gain or loss arises due to changes in bond interest rates for which it is then recognised as an other economic flow (refer to Note 1(h)).

Termination benefits

Termination benefits are payable when employment is terminated before the normal retirement date, or when an employee accepts voluntary redundancy in exchange for these benefits. The Commission recognises termination benefits when it is demonstrably committed to either terminating the employment of current employees according to a detailed formal plan without possibility of withdrawal or providing termination benefits as a result of an offer made to encourage voluntary redundancy. Benefits falling due more than 12 months after the end of the reporting period are discounted to present value.

Employee benefits on-costs

Employee benefits on-costs (such as payroll tax, workers compensation and superannuation) are recognised separately from the provision for employee benefits.

Derecognition of financial liabilities

A financial liability is derecognised when the obligation under the liability is discharged, cancelled or expires.

(m) Equity

Contributions by owners

Additions to net assets which have been designated as contributions by owners are recognised as contributed capital. Other transfers that are in the nature of contributions or distributions have also been designated as contributions by owners.

Transfers of net assets arising from administrative restructurings are treated as distributions to or contributions by owners. Transfers of net liabilities arising from administrative restructurings are treated as distributions to owners.

(n) Commitments

Commitments for future expenditure include operating and capital commitments arising from contracts. These commitments are disclosed by way of a note (refer to Note 10) at their nominal value and inclusive of the goods and services tax payable. In addition, where it is considered appropriate and provides additional relevant information to users, the net present values of significant individual projects are stated. These future expenditures cease to be disclosed as commitments once the related liabilities are recognised in the balance sheet.

Note 1. Summary of significant accounting policies

(o) Contingent assets and contingent liabilities

Contingent assets and contingent liabilities are not recognised in the balance sheet, but are disclosed by way of a note (refer to Note 9) and, if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of the goods and services tax receivable or payable respectively.

(p) Goods and services tax

The goods and services tax is managed by the department who calculates the statutory tax liability and to be settled with the Australian Taxation Office (ATO) on the Commission's behalf.

Income, expenses and assets are recognised net of the amount of associated goods and services tax, except where goods and services tax incurred is not recoverable from the ATO. In this case, the goods and services tax payable it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of goods and services tax receivable or payable. The net amount of goods and services tax recoverable from or payable to, the ATO is included with other receivables or payables in the balance sheet of the department.

Cash flows are presented on a gross basis. The goods and services tax components of cash flows arising from investing or financing activities which are recoverable from, or payable to the ATO are presented as operating cash flow.

Commitments and contingent assets and liabilities are also stated inclusive of goods and services tax.

(q) Comparative information

Where necessary the previous year's figures have been reclassified to facilitate comparatives. Adjustments were made to the comparatives and these are noted throughout the financial statements.

(r) Events after the reporting period

Assets, liabilities, income or expenses arise from past transactions or other past events. Where the transactions result from an agreement between the Commission and other parties, the transactions are only recognised when the agreement is irrevocable at or before the end of the reporting period. Adjustments are made to amounts recognised in the financial statements for events which occur after the reporting period and before the date the financial statements are authorised for issue, where those events provide information about conditions which existed in the reporting period. Note disclosure is made about events between the end of the reporting period and the date the financial statements are authorised for issue where the events relate to conditions which arose after the end of the reporting period and which may have a material impact on the results of subsequent years.

(s) Accounting standards and interpretations

Certain accounting standards and interpretations have been published that are not mandatory for the 30 June 2015 reporting period. The Department of Treasury and Finance assesses the impact of these new standards and advises the Commission of their applicability and early adoption where appropriate.

Notes to and forming part of the financial statements 30 June 2015

Note 1. Summary of significant accounting policies

As at 30 June 2015, the following standards and interpretations had been issued but were not mandatory for the financial period ended 30 June 2015. The Commission has not, and does not intend to, adopt these standards early.

Standard/Interpretation	Summary	Applicable for annual reporting periods beginning on	Impact on public sector entity financial statements
<i>AASB 9 Financial Instruments</i>	The key changes include the simplified requirements for the classification and measurement of financial assets, a new hedging accounting model and a revised impairment loss model to recognise impairment losses earlier, as opposed to the current approach that recognises impairment only when incurred.	1 Jan 2018	<p>The assessment has identified that the financial impact on available for sale (AFS) assets will now be reported through other comprehensive income (OCI) and no longer recycled to the profit and loss.</p> <p>While the preliminary assessment has not identified any material impact arising from AASB 9, it will continue to be monitored and assessed.</p>
<i>AASB 15 Revenue from Contracts with Customers</i>	The core principle of AASB 15 requires an entity to recognise revenue when the entity satisfies a performance obligation by transferring a promised good or service to a customer.	1 Jan 2017 (Exposure Draft 263 – potential deferral to 1 Jan 2018)	<p>The changes in revenue recognition requirements in AASB 15 may result in changes to the timing and amount of revenue recorded in the financial statements. The Standard will also require additional disclosures on service revenue and contract modifications.</p> <p>A potential impact will be the upfront recognition of revenue from licenses that cover multiple reporting periods. Revenue that was deferred and amortised over a period may now need to be recognised immediately as a transitional adjustment against the opening accumulated surplus/(deficit) if there are no former performance obligations outstanding.</p>

Note 1. Summary of significant accounting policies

Standard/Interpretation	Summary	Applicable for annual reporting periods beginning on	Impact on public sector entity financial statements
AASB 2014-4 <i>Amendments to Australian Accounting Standards – Clarification of Acceptable Methods of Depreciation and Amortisation</i> [AASB 116 & AASB 138]	Amends AASB 116 Property, Plant and Equipment and AASB 138 Intangible Assets to: <ul style="list-style-type: none"> establish the principle for the basis of depreciation and amortisation as being the expected pattern of consumption of the future economic benefits of an asset; prohibit the use of revenue-based methods to calculate the depreciation or amortisation of an asset, tangible or intangible, because revenue generally reflects the pattern of economic benefits that are generated from operating the business, rather than the consumption through the use of the asset. 	1 Jan 2016	The assessment has indicated that there is no expected impact as the revenue-based method is not used for depreciation and amortisation.
AASB 2015-6 <i>Amendments to Australian Accounting Standards – Extending Related Party Disclosures to Not-for-Profit Public Sector Entities</i> [AASB 10, AASB 124 & AASB 1049]	The Amendments extend the scope of AASB 124 Related Party Disclosures to not-for-profit public sector entities. Guidance has been included to assist the application of the Standard by not-for-profit public sector entities.	1 Jan 2016	The amending standard will result in extended disclosures on the entity's key management personnel (KMP), and the related party transactions.

(t) Accounting standards issued and adopted earlier

The Australian Accounting Standards Board issued an amending accounting standard AASB 2015-7 Amendments to Australian Accounting Standards - Fair Value disclosures of Not-for-Profit Public Sector Entities on 13 July 2015. Even though it was not mandatory for the reporting period ended 30 June 2015, the Commission has elected to early adopt and apply AASB 2015-7 before its mandatory application date. The impact of the early adoption resulted in reduced disclosures relating to quantitative information of 'significant unobservable inputs' and the 'sensitivity analysis' in Note 5.

Notes to and forming part of the financial statements 30 June 2015

Note 1. Summary of significant accounting policies

(u) Glossary of terms and style convention

Commissioners

Commissioners refer to the people appointed by the Governor in Council on the recommendation of the Minister for Community Services.

Commitments

Commitments include those operating, capital and other outsourcing commitments arising from non-cancellable contractual or statutory sources.

Comprehensive result

Total comprehensive result is the change in equity for the period other than changes arising from transactions with owners. It is the aggregate of net result and other non-owner changes in equity.

Employee benefits expenses

Employee benefits expenses include all costs related to employment including wages and salaries, leave entitlements, redundancy payments, defined benefits superannuation plans, and defined contribution superannuation plans.

Financial instrument

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity. Financial assets or liabilities that are not contractual (such as statutory receivables or payables that arise as a result of statutory requirements imposed by governments) are not financial instruments.

Financial asset

A financial asset is any asset that is:

- cash;
- an equity instrument of another entity;
- a contractual or statutory right:
 - to receive cash or another financial asset from another entity; or
 - to exchange financial assets or financial liabilities with another entity under conditions that are potentially favourable to the entity; or
- a contract that will or may be settled in the entity's own equity instruments and is:
 - a non-derivative for which the entity is or may be obliged to receive a variable number of the entity's own equity instruments; or
 - a derivative that will or may be settled other than by the exchange of a fixed amount of cash or another financial asset for a fixed number of the entity's own equity instruments.

Financial liability

A financial liability is any liability that is:

Note 1. Summary of significant accounting policies

- A contractual or statutory obligation:
 - To deliver cash or another financial asset to another entity; or
 - To exchange financial assets or financial liabilities with another entity under conditions that are potentially unfavourable to the entity; or
- A contract that will or may be settled in the entity's own equity instruments and is:
 - A non-derivative for which the entity is or may be obliged to deliver a variable number of the entity's own equity instruments; or
 - A derivative that will or may be settled other than by the exchange of a fixed amount of cash or another financial asset for a fixed number of the entity's own equity instruments. For this purpose the entity's own equity instruments do not include instruments that are themselves contracts for the future receipt or delivery of the entity's own equity instruments.

Financial statements

Depending on the context of the sentence where the term 'financial statements' is used, it may include only the main financial statements (that is, comprehensive operating statement, balance sheet, cash flow statement, and statement of changes in equity); or it may also be used to replace the old term 'financial report' under the revised AASB 101 (September 2007), which means it may include the main financial statements and the notes.

Grants

Transactions in which one unit provides goods, services, assets (or extinguishes a liability) or labour to another unit without receiving approximately equal value in return. Grants can either be operating or capital in nature. While grants to governments may result in the provision of some goods or services to the transferor, they do not give the transferor a claim to receive directly benefits of approximately equal value. For this reason, grants are referred to by the AASB as involuntary transfers and are termed non-reciprocal transfers. Receipt and sacrifice of approximately equal value may occur, but only by coincidence. For example, governments are not obliged to provide commensurate benefits, in the form of goods or services, to particular taxpayers in return for their taxes.

Grants can be paid as general purpose grants which refer to grants that are not subject to conditions regarding their use. Alternatively, they may be paid as specific purpose grants which are paid for a particular purpose and/or have conditions attached regarding their use.

Net result

Net result is a measure of financial performance of the operations for the period. It is the net result of items of income, gains and expenses (including losses) recognised for the period, excluding those that are classified as other non-owner changes in equity.

Net result from transactions (net operating balance)

Net result from transactions or net operating balance is a key fiscal aggregate and is income from transactions minus expenses from transactions. It is a summary measure of the ongoing sustainability of operations. It excludes gains and losses resulting from changes in price levels and

Notes to and forming part of the financial statements 30 June 2015

Note 1. Summary of significant accounting policies

other changes in the volume of assets. It is the component of the change in net worth that is due to transactions and can be attributed directly to government policies.

Net worth

Assets less liabilities which is an economic measure of wealth.

Payables

Includes short and long term trade debt and accounts payable, grants, taxes and interest payable.

Receivables

Includes amounts owing from government through appropriation receivable, short and long term trade credit and accounts receivable, accrued investment income, grants, taxes and interest receivable.

Other operating expenses

Other operating expenses generally represent cost of goods sold and the day-to-day running costs, including maintenance costs, incurred in the normal operations of the entity.

Transactions

Transactions are those economic flows that are considered to arise as a result of policy decisions, usually an interaction between two entities by mutual agreement. They also include flows within an entity such as depreciation where the owner is simultaneously acting as the owner of the depreciating asset and as the consumer of the service provided by the asset. Taxation is regarded as mutually agreed interactions between the government and taxpayers. Transactions can be in kind (for example, assets provided/given free of charge or for nominal consideration) or where the final consideration is cash. In simple terms, transactions arise from the policy decisions of the government.

Style conventions

Figures in the tables and in the text have been rounded. Discrepancies in tables between totals and sums of components reflect rounding. Percentage variations in all tables are based on the underlying unrounded amounts.

The notation used in the tables is as follows:

-	zero, or rounded to zero
(xxx.x)	negative numbers
20xx	year period
20xx-xx	year period

The financial statements and notes are presented based on the illustration for a government department in the *2014–15 Model Report for Victorian Government Departments*.

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 2. Income from transactions

	2015	2014
	(\$'000)	(\$'000)
Grants		
Department of Health and Human Services	6,471	5,630
Total	6,471	5,630

Notes to and forming part of the financial statements 30 June 2015

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 3. Expenses from transactions

	2015 (\$'000)	2014 (\$'000)
(a) Employee Benefits		
Salaries and wages	2,981	2,576
Superannuation	307	254
Leave expenses	739	602
Other On-cost	198	166
Total employee benefits	4,225	3,598
(b) Grants		
Grants	334	326
Total grants	334	326
(c) Other operating expenses		
Travel and subsistence	105	80
Office and accommodation	303	311
Administrative costs	16	-
General expenses	571	525
Information, communications and technology costs	13	-
Financial analysis	229	153
Contractor expenses	570	551
Learning and Development costs	53	79
Total other operating expenses	1,860	1,699
(d) Depreciation		
Depreciation	9	2
Total depreciation	9	2
(e) Other gains/(losses) from other economic flows		
Net gain/(loss) arising from revaluation of long service leave liability	(43)	(5)
Total other gains/(losses) from other economic flows	(43)	(5)

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 4. Receivables

	2015 (\$'000)	2014 (\$'000)
Current receivables		
<i>Contractual</i>		
Amounts owing from Department of Health and Human Services	1,645	1,387
Total current receivables	1,645	1,387
Total receivables	1,645	1,387

Notes to and forming part of the financial statements 30 June 2015

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 5. Plant and equipment

	Note	2015 (\$'000)	2014 (\$'000)
Sub-classification by nature⁽ⁱ⁾			
Plant and equipment			
Plant and equipment - at fair value		37	37
<i>Less accumulated depreciation</i>		<i>(12)</i>	<i>(2)</i>
Total plant and equipment at fair value	5(a)	26	35
Net carrying amount of plant and equipment		26	35

Note:

(i) Consistent with Financial Reporting Direction 103F Non-Current Physical Assets, all assets need to be further sub-categorised according to the assets' nature (i.e. buildings, plant and equipment, etc), with each sub-category being classified as a separate class of asset for financial reporting purposes.

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 5. Plant and equipment (continued)

(a) Movements in carrying amounts

Reconciliations of the movement in carrying amounts of each class of plant and equipment at the beginning and end of the financial year are set out below.

	Plant and equipment	Total
	(\$'000)	(\$'000)
Balance at 1 July 2013	-	-
Additions	37	37
Depreciation and amortisation	(2)	(2)
Balance at 30 June 2014	35	35
Additions	-	-
Depreciation and amortisation	(9)	(9)
Balance at 30 June 2015	26	26

Notes to and forming part of the financial statements 30 June 2015

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 5. Plant and equipment (continued)

(b) Fair Value measurement hierarchy for assets as at 30 June 2015

	Carrying amount (\$'000)	Fair value measurement at end of reporting period using :		
		Level 1 ⁽ⁱ⁾ (\$'000)	Level 2 ⁽ⁱ⁾ (\$'000)	Level 3 ⁽ⁱ⁾ (\$'000)
Plant and equipment at fair value				
Plant and equipment	26	-	-	26
Total plant and equipment at fair value	26	-	-	26

Note:

(i) Classified in accordance with the fair value hierarchy, see Note 1(b).

There have been no transfers between levels during the year.

(b) Fair Value measurement hierarchy for assets as at 30 June 2014

	Carrying amount (\$'000)	Fair value measurement at end of reporting period using :		
		Level 1 ⁽ⁱ⁾ (\$'000)	Level 2 ⁽ⁱ⁾ (\$'000)	Level 3 ⁽ⁱ⁾ (\$'000)
Plant and equipment at fair value				
Plant and equipment	35	-	-	35
Total plant, equipment and vehicles at fair value	35	-	-	35

Note:

(i) Classified in accordance with the fair value hierarchy, see Note 1(b).

There have been no transfers between levels during the year.

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 6. Payables

	2015 (\$'000)	2014 (\$'000)
Current payables		
<i>Contractual</i>		
Other payables	-	208
Total current payables	-	208
Total payables	-	208

(a) Maturity analysis of contractual payables

Refer to Note 11 for the maturity analysis of contractual payables

(b) Nature and extent of risk arising from contractual payables

Refer to Note 11 for the nature and extent of risk arising from contractual payables.

Notes to and forming part of the financial statements 30 June 2015

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 7. Provisions

	Note	2015 (\$'000)	2014 (\$'000)
Current provisions			
Employee benefits ⁽ⁱ⁾	6(a)	1,558	994
Employee benefit on-costs	6(b)	85	180
Total current provisions		1,643	1,174
Non-current provisions			
Employee benefits ⁽ⁱ⁾	6(a)	17	34
Employee benefit on-costs	6(b)	11	6
Total non-current provisions		28	40
Total provisions		1,671	1,214

(a) Employee benefits and related on-costs ⁽ⁱ⁾

Current employee benefits:

Salaries and wages ⁽ⁱⁱ⁾			
Unconditional and expected to be settled within 12 months ⁽ⁱⁱⁱ⁾		57	8
Annual leave entitlements			
Unconditional and expected to be settled within 12 months ⁽ⁱⁱⁱ⁾		420	200
Unconditional and expected to be settled after 12 months ⁽ⁱⁱⁱ⁾		10	98
Long service leave entitlements			
Unconditional and expected to be settled within 12 months ⁽ⁱⁱⁱ⁾		680	688
Unconditional and expected to be settled after 12 months ⁽ⁱⁱⁱ⁾		391	-
Total current employee benefits		1,558	994

Non-current employee benefits:

Conditional long service leave entitlements ⁽ⁱⁱⁱ⁾		17	34
Total non-current employee benefits		17	34

Total employee benefits		1,575	1,028
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(b) Provisions related to employee benefit on-costs

Current on-costs ⁽ⁱ⁾			
Unconditional and expected to be settled within 12 months ⁽ⁱⁱⁱ⁾		11	162
Unconditional and expected to be settled after 12 months ⁽ⁱⁱⁱ⁾		74	18
Non-current on-costs ⁽ⁱⁱⁱ⁾		11	6
Total on-costs		96	186

Total employee benefits and related on-costs		1,671	1,214
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Note:

(i) Provisions for employee benefits consist of amounts for annual leave and long service leave accrued by employees, not including on-costs.

(ii) The amounts disclosed are nominal amounts.

(iii) The amounts disclosed are discounted to present values.

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 8. Equity

	2015	2014
	(\$'000)	(\$'000)
(a) Accumulated surplus		
Balance at beginning of financial year	-	-
Net result for the year	-	-
Balance at the end of financial year	-	-
(b) Contributions by owners		
Balance at beginning of financial year	-	-
Balance at the end of financial year	-	-

Notes to and forming part of the financial statements 30 June 2015

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 9. Contingent assets and contingent liabilities

There are no contingent assets and contingent liabilities as at 30 June 2015 (2014: nil)

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 10. Commitments for expenditure

(a) Commitments other than public private partnerships ⁽ⁱ⁾

	2015	2014
	(\$'000)	(\$'000)
The following commitments have not been recognised as liabilities in the financial statements		
(a) Other expenditure commitments		
Provision of services	509	59
Total other expenditure commitments	509	59
Total commitments for expenditure (inclusive of GST)	509	59

Notes:

(i) All amounts shown in the commitments note are nominal amounts inclusive of GST.

Notes to and forming part of the financial statements 30 June 2015

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

(b) Commitments payable ⁽ⁱ⁾

Nominal values	2015 (\$'000)	2014 (\$'000)
The following commitments have not been recognised as liabilities in the financial statements.		
(a) Other expenditure commitments		
Commitments under contracts for operating expenditure largely comprising service delivery (excluding operating lease commitments) outstanding as at the reporting date but not recognised as liabilities, payable:		
Less than 1 year	421	59
Longer than 1 year and not longer than 5 years	88	-
Total other expenditure commitments	509	59
Total commitments for expenditure (inclusive of GST)		
Less GST recoverable from the Australian Taxation Office	46	5
Total commitments for expenditure (exclusive of GST)	463	53

Notes:

(i) All amounts shown in the commitments note are nominal amounts inclusive of GST.

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 11. Financial instruments

(a) Financial risk management objectives and policies

CCYP's principal financial instruments comprise of:

- receivables (excluding statutory receivables); and
- payables (excluding statutory payables).

Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, with respect to each class of financial asset and financial liability are disclosed in Note 1 to the financial statements.

The main purpose in holding financial instruments is to prudentially manage CCYP's financial risks within the government policy parameters.

CCYP's main financial risks include credit risk, liquidity risk and interest rate risk. CCYP manages these financial risks in accordance with its financial risk management policy.

CCYP uses different methods to measure and manage the different risks to which it is exposed. Primary responsibility for the identification and management of financial risks rests with the audit and risk management committee of CCYP.

(b) Categorisation of financial instruments ⁽ⁱ⁾

2015	Note	Contractual financial liabilities at amortised cost (\$'000)	Total (\$'000)
Contractual financial assets			
Receivables	4	1,645	1,645
Total contractual financial assets		1,645	1,645
Contractual financial liabilities			
Payables	6	-	-
Total contractual financial liabilities		-	-
<hr/>			
2014	Note	Contractual financial liabilities at amortised cost (\$'000)	Total (\$'000)
Contractual financial assets			
Receivables	4	1,387	1,387
Total contractual financial assets		1,387	1,387
Contractual financial liabilities			
Payables	6	208	208
Total contractual financial liabilities		208	208

(i) The total amounts disclosed here exclude statutory amounts (e.g. GST input tax credit recoverable).

Notes to and forming part of the financial statements 30 June 2015

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 11. Financial instruments (continued)

(c) Credit risk

Credit quality of contractual financial assets that are neither past due nor impaired

Currently CCYP does not hold any collateral as security nor credit enhancements relating to any of its financial assets.

As at the reporting date, there is no evidence to indicate that any of the contractual financial assets are impaired.

There are no contractual financial assets that have had their terms renegotiated so as to prevent them from being past due or impaired, and they are stated at the carrying amounts as indicated.

Contractual financial assets that are either past due or impaired

2015	Carrying amount (\$'000)	Not past due and not impaired (\$'000)	Less than 1 month (\$'000)	1 - 3 months (\$'000)	3 months - 1 year (\$'000)	1 - 5 years (\$'000)	Impaired financial assets (\$'000)
Contractual financial assets							
Receivables ⁽ⁱ⁾⁽ⁱⁱ⁾	1,645	-	-	-	1,616	29	-
Total contractual financial assets	1,645	-	-	-	1,616	29	-

Note:

(i) The total amounts disclosed here exclude statutory amounts (e.g. amounts owing from Victorian Government and GST input tax credit recoverable).

(ii) The carrying amounts consist of amounts due from numerous counterparties and for which no credit ratings have been disclosed due to impracticability.

2014	Carrying amount (\$'000)	Not past due and not impaired (\$'000)	Less than 1 month (\$'000)	Past due but not impaired ⁽ⁱ⁾ 1-3 months (\$'000)	- 1 year (\$'000)	1-5 years (\$'000)	Impaired financial assets (\$'000)
Contractual financial assets							
Receivables ⁽ⁱ⁾	1,387	-	-	-	1,347	40	-
Total contractual financial assets	1,387	-	-	-	1,347	40	-

(i) The total amounts disclosed here exclude statutory amounts (e.g. amounts owing from Victorian Government and GST input tax credit recoverable).

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 11. Financial instruments (continued)

(d) Liquidity risk

Liquidity risk arises when CCYP is unable to meet its financial obligations as they fall due. CCYP operates under the government fair payments policy of settling financial obligations within 30 days and in the event of a dispute, make payments within 30 days from the date of resolution. It also continuously manages risk through monitoring future cash flows and maturities planning to ensure adequate holding of high quality liquid assets and dealing in highly liquid markets.

CCYP's exposure to liquidity risk is deemed insignificant based current assessment of risk. Maximum exposure to liquidity risk is the carrying amounts of financial liabilities.

The following table discloses the contractual maturity analysis for CCYP's financial liabilities:

Maturity analysis of contractual financial liabilities

2015	Nominal amount (\$'000)	Maturity dates ⁽ⁱ⁾⁽ⁱⁱ⁾			
		Less than 1 month (\$'000)	1-3 months (\$'000)	3 months - 1 year (\$'000)	1-5 years (\$'000)
					5+ years (\$'000)
Contractual financial liabilities					
Payables	-	-	-	-	-
Total contractual financial liabilities					
2014	Nominal amount (\$'000)	Maturity dates ⁽ⁱ⁾⁽ⁱⁱ⁾			
		Less than 1 month (\$'000)	1-3 months (\$'000)	3 months - 1 year (\$'000)	1-5 years (\$'000)
					5+ years (\$'000)
Contractual financial liabilities					
Payables	208	208	-	-	-
Total contractual financial liabilities	208	208	-	-	-

Note:

- (i) The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities.
- (ii) The total amounts disclosed here exclude statutory amounts (e.g. GST input taxes payable).

Notes to and forming part of the financial statements 30 June 2015

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 11. Financial instruments (continued)

(e) Market risk

CCYP's exposure to market risk is insignificant.

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 11. Financial instruments (continued)

(f) Fair value

The fair values and net fair values of financial instrument assets and liabilities are determined as follows:

- Level 1 - the fair value of financial instruments with standard terms and conditions and traded in active markets are determined with reference to quoted market prices;
- Level 2 - the fair value is determined using inputs other than quoted prices that are observable for the financial asset or liability, either directly or indirectly; and
- Level 3 - the fair value is determined in accordance with generally accepted pricing models based on discounted cash flow analysis using unobservable market inputs.

CCYP considers that the carrying amount of financial instrument assets and liabilities as recorded in the financial statements to be a fair approximation of their fair values, because of the short-term nature of the financial instruments and the expectation that they be paid in full.

Notes to and forming part of the financial statements 30 June 2015

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 12. Reconciliation of net result for the year to net cash flows from operating activities

	2015 (\$'000)	2014 (\$'000)
Net result for the year	-	-
Non-cash movements		
Depreciation and amortisation	9	2
Movements in assets and liabilities:		
(Increase)/decrease in receivables	(258)	(278)
Increase/(decrease) in payables	(208)	154
Increase/(decrease) in provisions	457	159
Net cash flows from/(used in) operating activities	-	37

Commission for Children and Young People

Notes to and forming part of the financial statements 2015

Note 13. Ministers and accountable officers

In accordance with the Ministerial Directions issued by the Minister for Finance under the Financial Management Act 1994 the following disclosures are made for the responsible persons for the reporting period.

(a) Names

The person who held the position of responsible minister for CCYP was as follows:

Minister for Community Services	The Hon. Mary Wooldridge MP	1 July 2014 to 3 December 2014
Minister for Families and Children	The Hon. Jenny Mikakos MLC	4 December 2014 to 30 June 2015

The person who held the position of Accountable Officer was as follows:

Principal Commissioner	Bernie Geary	1 July 2014 to 30 June 2015
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(b) Remuneration

Remuneration received by the accountable officers in connection with the management of CCYP during the reporting period was in the range:

Income band	Total remuneration(ii)		Base remuneration(i)	
	2015	2014	2015	2014
\$210,000 - \$219,999	-	1	-	1
\$220,000 - \$229,999	1	-	1	-
Total(iii)	1	1	1	1
Total Remuneration	\$221,465	\$215,582	\$221,465	\$215,582

Amounts relating to ministers are reported in the financial statements of the Department of Premier and Cabinet.

Note:

- (i) Base remuneration excludes bonus payments and leave payments.
- (ii) Total remuneration includes long service leave payments and annual bonus payments. These bonus payments depend on the terms of the individual employment contracts.
- (iii) Remuneration amounts relating to acting responsible persons are included in remuneration of executives.

(c) Other transactions

Other related party transactions disclosures under the requirements of the Standing Directions of the Minister for Finance have been considered, and there are no matters to report.

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Note 14. Remuneration of executives and payments to other personnel (i.e. contractors with significant management responsibilities)

(a) Remuneration of executives

The numbers of executive officers, other than ministers and accountable officers, and their total remuneration during the reporting period are shown in the first two columns in the table below in their relevant income bands. The base remuneration of executive officers is shown in the third and fourth columns. Base remuneration is exclusive of bonus payments, long-service leave payments, redundancy payments and retirement benefits. The total annualised employee equivalent provides a measure of full-time equivalent executive officers over the reporting period.

The Commission has one executive officer position. Following the resignation of the previous chief executive officer in 2014, the position of chief executive officer was filled on an acting basis until March 2015. The acting position was not classified as an executive officer.

Income band	Total remuneration		Base remuneration	
	2015	2014	2015	2014
Under \$100,000	1		1	
\$180,000-\$189,999	-	-		1
\$220,000-\$229,999		1	-	-
Total number of executives	1	1	1	1
Total amount	\$32,024	\$228,368	\$32,024	\$184,416

(b) Payments to other personnel (i.e. contractors with significant management responsibilities)

CCYP did not make any payments to contractors with significant management responsibilities for the year ended 30 June 2015 (2014: nil)

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Note 15. Remuneration of auditors

	2015	2014
	(\$'000)	(\$'000)
Victorian Auditor General's Office - audit of the financial report	4	4

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Note 16. Economic dependency

The Department of Health and Human Services has issued a letter of comfort to the Commission for Children and Young People to confirm that it will provide adequate cash flow support to enable the Commission for Children and Young People to meet its current and future operational obligations as and when they fall due for a period up to 30 October 2016.