



Convention on the Rights of the Child

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Consideration of reports of States parties

List of issues in relation to the combined fifth and sixth reports of Australia

Addendum

Replies of Australia to the list of issues*, **

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* The present document is being issued without formal editing.

** Part III of the present document is on file with the secretariat and is available for consultation. It may also be accessed from the Committee's web page.

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Part I

Reply to paragraph 1 of the list of issues

1. State and Territory governments are responsible for delivering many of the programs and services that give effect to Australia's obligations under the Convention, including in relation to matters such as education, health, youth justice and child protection. Given this, Australia does not have a broad-based child rights law at the national level.
2. Legislation being introduced into the Australian Parliament must be assessed for its compatibility with the rights and freedoms recognised in the seven core international human rights treaties which Australia has ratified. This includes assessing legislation for its compatibility with the special rights enjoyed by children because of their status. The Attorney-General's Department (AGD) provides guidance material and support to Australian government officials to assist them to determine whether legislation engages or limits child rights. Statements of compatibility set out the legislation proponent's (usually the relevant minister's) view as to whether legislation is compatible with human rights and assists to ensure that human rights are considered in the policy development process. They are a critical tool to inform the Parliamentary Joint Committee on Human Rights' (PJCHR) own assessment and reporting on the human rights compatibility of legislation. A recent example is the consideration given by the PJCHR to the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018, in which the PJCHR considered the compatibility of the Bill with the best interests of the child, the right to an effective remedy and the right to equality and non-discrimination.¹ These mechanisms assist to ensure that parliamentarians are properly informed about the human rights implications of proposed legislation.
3. Some States and Territories also have a process for scrutinising the compatibility of bills with human rights. For example, each Bill introduced to the Northern Territory (NT) Legislative Assembly must be accompanied by a statement of compatibility and undergo review by a scrutiny committee for compatibility with human rights. A recent example of a Bill that engaged rights under the Convention was the Care and Protection of Children Amendment Bill 2019 (NT). Further detail on this Bill is provided in Part II below.

Reply to paragraph 2 of the list of issues

4. The Ministerial Council system comprises of nine councils that report to COAG. The Education Council provides a forum through which strategic policy on school education, early childhood and higher education can be coordinated at the national level and through which information can be shared, and resources used collaboratively, to address issues of national significance. While the other councils are not limited in their focus to matters affecting children, they provide a forum through which those matters can be addressed at a national level. For example, the Council of Attorneys-General (CAG) is currently overseeing work to develop a framework for the appropriate sharing of information between the family law, family violence and child protection systems and exploration of law and justice reform options to combat child sexual abuse. The Disability Reform Council considers issues relating to children with disability, particularly in relation to the National Disability Insurance Scheme (NDIS) and National Disability Strategy 2010-2020 (NDS). While not a formal COAG council, Community Services Ministers meet annually to discuss shared priorities, including improving outcomes for children in out-of-home care, early intervention investment for children and families and keeping children and young people safe from abuse.
5. At the national level, responsibility for programs, services, benefits and payments that support families and children sits with the Department of Social Services (DSS) and is overseen by the Assistant Minister for Children and Families. DSS collaborates closely

¹ Report 9 of 2018, <http://www.austlii.edu.au/au/other/AUPJCHR/2018/183.pdf>.

with State and Territory governments and officials on matters relating to children's policy through Community Services Ministers and the Children and Families Secretaries group. DSS also engages with the non-government sector on these matters through the National Forum for Protecting Australia's Children. The Office for Women works across government, including with DSS, to advance gender equality and improve the lives of Australian women and girls. This often intersects with programs and policies aimed at protecting children. For example, the Office for Women worked with DSS on the Fourth Action Plan 2019–2022 under the National Plan to Reduce Violence against Women and their Children 2010–2022 (National Plan to Reduce Violence).

6. Some State and Territory governments have comparable offices and departments that focus on women and children. For example, Women NSW works across the New South Wales (NSW) Government to improve the lives of women and girls in NSW. The NSW Women's Strategy 2018–2022 will comprise of four annual action plans that include initiatives to address issues faced by girls in terms of access to education and economic development, and improving health, wellbeing and participation.

7. Australia protects and promotes the rights of children contained within the Convention and the Optional Protocols through legislation, policy and programs at the national, State and Territory levels. Consideration of the Convention and Optional Protocols is also undertaken by the National Children's Commissioner and independent bodies that monitor and advocate for the rights of children at the State and Territory level.

Reply to paragraph 3 of the list of issues

8. Each year, the Australian Government and all State and Territory governments, produce budget statements that explain government expenditure, which includes government expenditure on programs and services for children. Appendix A includes a breakdown of Australian Government expenditure by function and sub-function (as outlined in the 2019-20 Budget Statement 5: Expenses and Net Capital Investment) and demonstrates that a large proportion of Australian government expenditure is spent on programs that affect children, for example education (7.3%), health (16.3%) and social security and welfare (36.0%), which includes assistance to families and children. Additional expenditure details on particular measures and programs are provided for in Portfolio Budget Statements. For example, DSS' Portfolio Budget Statement 2019-20 outlines Australian government expenditure on measures such as the National Plan to Reduce Violence and programs that support families with dependent children. Monitoring and evaluation is undertaken in relation to specific policies affecting children, rather than evaluation of the impact of overall budget allocation to children.

9. Where there are specific matters of concern in relation to government expenditure on children, they are addressed through tailored measures. For example, the Royal Commission into the Protection and Detention of Children in the Northern Territory (NT Royal Commission) found that funding arrangements in the NT appear to be characterised by a lack of coordination between governments. In response, the Australian Government requested that the Productivity Commission undertake a study into government expenditure in the NT in the area of children and family services relevant to the prevention of harm to children. The final report is due to Government in April 2020.

10. Information on disaggregated data collection about children is provided in paragraphs 35–40 of Australia's Combined fifth and sixth periodic reports under article 44 of the Convention (Combined Report). The Australian Government is reinstating the Time Use Survey to collect data on the contributions that women make to the economy, including unpaid work. The initial survey will be conducted in 2020-21, followed by a smaller ongoing annual survey that will build up the evidence base over time. This will allow women's unpaid caring work to be properly measured and provide a crucial evidence base for policies and programs affecting families.

11. In 2017, the Productivity Commission reported on an inquiry into the ways to improve the availability and use of public and private sector data. In response to that report, the Australian Government agreed to funding of \$65 million over four years for a package

of key reforms. This included the creation of a National Data Commissioner to support a new data sharing and release framework and a legislative package to streamline data sharing and release, where a purpose test is met and is done in accordance with appropriate safeguards. The proposed new legislation will enable Australian government agencies to further protect and promote children's rights through sharing data to improve evidence based policy development and better coordinate and deliver services.

Reply to paragraph 4 of the list of issues

12. Australian anti-discrimination legislation prohibits discrimination (both direct and indirect) on the basis of protected attributes. For example, the Disability Discrimination Act 1992 (Cth) makes direct and indirect discrimination on the basis of disability unlawful in key areas of public life. Since 2013, the Sex Discrimination Act 1984 (Cth) has prohibited direct and indirect discrimination on the basis of sexual orientation, gender identity and intersex status, in addition to those attributes that were already protected, such as sex and pregnancy.

13. Race is a protected attribute in all Australian anti-discrimination legislation. Religion is a protected attribute in most states and territories. At the national level, discrimination in employment on the basis of religion is prohibited under the Fair Work Act 2009. In December 2018, the Australian Government committed to introducing a Religious Discrimination Bill, which would prohibit discrimination on the basis of religious belief or activity in key areas of public life.

14. The Australian Government has also established the Disability Standards for Education 2005, which are reviewed every five years (most recently in 2015). The effect of the Standards is to give students and prospective students with disabilities the right to education and training opportunities on the same basis as students without disabilities. This includes the right to comparable access, services and facilities, and the right to participate in education and training unimpeded by discrimination, including on the basis of stereotyped beliefs about the abilities and choices of students with disabilities.

15. Australian governments are committed to advancing gender equality, including through combatting gender stereotypes and gender-based violence. The National Plan to Reduce Violence highlights that equality benefits women and men, as well as their families and communities and is built on the understanding that gender inequality is a root cause of violence against women. The Australian Government has funded the National Community Attitudes towards Violence against Women Survey (NCAS) every four years since 2009. It is designed to gauge contemporary attitudes towards violence against women and gender relations, and track changes over time in these attitudes in the community, including among young people. Our Watch is a further initiative to drive cultural change, behaviours and power imbalances that lead to violence against women and their children. In particular, Our Watch's The Line campaign seeks to challenge rigid gender stereotypes and to encourage healthy and respectful relationships among young people. Funded by all Australian governments, the national campaign to reduce violence against women and their children, Stop it at the Start, aims to help break the cycle of violence by encouraging adults to reflect on their attitudes, and have conversations with young people aged 10–17 years about respectful relationships and gender equality.

16. The Australian Government commissioned the 'Northern Territory Emergency Response (NTER): Evaluation Report 2011', which examined whether the measures, both individually and collectively, had been effective and comprehensive, and whether they had led to improved and sustainable outcomes in safety, health, education and employment. The evaluation also sought to examine how well coordination and engagement had been conducted.² The ensuing legislative package, Stronger Futures in the Northern Territory Act (2012), was also the subject of a review in 2016, which evaluated the effectiveness of special measures, namely: Tackling Alcohol Abuse; Land Reform; and Food Security

² <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/resources/files/2011-nter-evaluation-report-2011.v1.PDF>.

(primarily licensing of community stores) and found that the first three years of the operation of the Act were largely effective.³

Reply to paragraph 5 of the list of issues

17. Information on the prohibition of corporal punishment in Australia is provided in the Combined Report at paragraphs 115–119. Reasonable chastisement (or lawful correction) remains an available defence to charges of assault by a parent against a child under the Australian common law and in legislation in some States and Territories. All Australian governments support families to develop positive parenting strategies and improve the safety and wellbeing of children through the National Framework for Protecting Australia’s Children 2009–2020 (National Framework for Protecting Children). This complements work done by States and Territories by providing integrated services for families with skilled family support and early childhood workers.

18. Each year the Australian Government invests around \$260 million in parenting and early childhood intervention and prevention programs that aim to build the capacity of parents and disrupt entrenched pathways of disadvantage experienced by vulnerable children and their families. Services actively seek to identify issues that are, or could, impact on child or family outcomes, and provide interventions or appropriate referrals before issues escalate. The Raising Children Network provides extensive online information and resources about children’s development and parenting skills to parents and those in a caring role, which is up-to-date, evidence-based and scientifically validated (raisingchildren.net.au).

19. The National Community Awareness Raising Strategy is an initiative under Strategy 1 of the Third Action Plan of the National Framework for Protecting Children. The initiative will promote parenting as a learned skill, normalise help-seeking behaviours for families and encourage strength-based parenting practices to enhance safe and supportive environments in the early years of a child’s life. Other work under Strategy 1 of the Third Action Plan includes support for research under the First 1000 Days Australia project being led by the University of Melbourne and the rollout of the Connected Beginnings program. First 1000 Days Australia aims to strengthen Indigenous families so they can address their children’s needs from pre-conception to two years of age. Connected Beginnings integrates early childhood, maternal and child health, and family support services with schools in a selected number of Indigenous communities experiencing disadvantage.

20. While programs vary between jurisdictions, all State and Territory governments provide training to people working with children in education and care settings in relation to positive approaches to teaching and behaviour management.

Reply to paragraph 6 of the list of issues

21. Child abuse, neglect and family violence are being addressed through a number of measures in Australia. Information on the National Framework for Protecting Children, National Plan to Reduce Violence and the Royal Commission into Institutional Responses to Child Sexual Abuse (Child Abuse Royal Commission) is provided in paragraphs 28–30, 120–126, 155–158, 315–318 and 324–325 of the Combined Report (and in response to question 3 above and Part II below).

22. In response to the Child Abuse Royal Commission, the Australian Government created the National Office for Child Safety to lead the development and implementation of a number of national initiatives, including the National Principles for Child Safe Organisations (National Principles), the Commonwealth Child Safe Framework and the National Strategy to Prevent Child Sexual Abuse. The National Office for Child Safety reports to the Prime Minister of Australia, and is located within the Department of the Prime Minister and Cabinet.

³ <https://www.pmc.gov.au/sites/default/files/publications/stronger-futures-northern-territory-print-version.pdf>.

23. The National Principles were initiated by Community Services Ministers across Australia and developed by the National Children's Commissioner through a national consultation process with key advocacy groups, academics and children and young people, and have been endorsed by COAG. The National Principles provide a nationally consistent approach to cultivating organisational cultures that foster child safety and wellbeing across all sectors in Australia. The promotion of the National Principles also forms part of the priority to improve organisations' ability to keep children and young people safe from abuse as part of the Fourth Action Plan 2018–2020 under the National Framework for Protecting Children (further information below).

24. The National Office for Child Safety is also supporting implementation of the Australian Government's child safety arrangements under the Commonwealth Child Safe Framework, which sets minimum standards for creating and embedding a child safe culture and practice in Australian government entities, by requiring them to:

- Undertake annual risk assessments and put in place appropriate strategies to manage identified risks;
- Establish and maintain a system of training and compliance to make staff aware of and compliant with the Commonwealth Child Safe Framework and relevant legislation, including Working with Children Checks and mandatory reporting requirements;
- Adopt and implement the National Principles by 1 February 2020.

25. The Commonwealth Child Safe Framework also recommends that entities implement child safety requirements in respect of individuals or organisations they fund in relation to activities involving children.

26. The National Office for Child Safety is overseeing the design and implementation of the National Strategy to Prevent Child Sexual Abuse, which will encompass a range of initiatives with a particular focus on cultural change, including through education and awareness-raising, and measures which provide victims of child sexual abuse with access to the right supports at the right time. It will also include specific consideration of the needs of Indigenous communities, culturally and linguistically diverse communities, people with disability, and regional and remote communities. The National Office for Child Safety has completed initial consultations with survivors of child sexual abuse and their support organisations, academics, clinical practitioners, child protection experts and law enforcement.

27. On 30 March 2019, the Australian Government committed \$22.5 million to establish a National Centre for the Prevention of Child Sexual Abuse to help ensure the future safety of children and young people, as recommended by the Child Abuse Royal Commission. The National Centre aims to prevent child sexual abuse, reduce the associated stigma, and raise awareness and understanding of the impacts of child sexual abuse. It will provide a national, strategic focus to research and improve the capacity of services to respond to survivors, reduce offender recidivism and help to prevent future child sexual abuse.

28. On 22 October 2018, the Prime Minister of Australia, the Hon Scott Morrison MP, delivered a National Apology to Victims and Survivors of Institutional Child Sexual Abuse. The National Redress Scheme for people who have experienced institutional child sexual abuse commenced in July 2018. Further information is provided in Part II below.

29. The Fourth Action Plan 2018–2020 under the National Framework for Protecting Children includes four key priorities:

1. Improving outcomes for Indigenous children at risk of entering, or in contact with the child protection system;
2. Improving prevention and early intervention through joint service planning and investment;
3. Improving outcomes for all children in out-of-home care by enhancing placement stability through reunification and other permanent care options;

4. Improving organisations' and governments' ability to keep children and young people safe from abuse in recognition of the recommendations of the Child Abuse Royal Commission.

30. The Australian Government is currently leading the development of the Fourth Action Plan 2019–2022 of the National Plan to Reduce Violence in partnership with State and Territory governments. On 5 March 2019, the Australian Government announced a \$328 million package to reduce violence against women and children. The package includes \$68 million in prevention initiatives to stop domestic, family and sexual violence, and continue to change the attitudes and beliefs that can lead to violence. This includes targeted prevention initiatives to reach Indigenous people, culturally and linguistically diverse communities and people with disability. The package includes further funding to improve and build on the systems responsible for keeping women and children safe, including training for health and allied health workers to identify and better support domestic violence victims, and the development of national standards for sexual violence responses.

31. The Fourth Action Plan has been developed in consultation with a broad range of stakeholders and informed by feedback from over 600 individuals and 400 organisations, as well as evidence and data gathered through the Third Action Plan. The Fourth Action Plan will consolidate measures implemented so far and provide a platform for future policy directions to reduce domestic, family and sexual violence after the conclusion of the National Plan to Reduce Violence.

32. The Aboriginal and Torres Strait Islander Social Justice Commissioner, Ms June Oscar, has undertaken national consultations as part of the Wiyi Yani U Thangani (Women's Voices) project. A final report will be provided to the Australian Government in mid-2019 and will contain recommendations to improve community and personal safety for Indigenous women and girls, including a shift toward service models that focus on prevention and support rather than crisis management.

33. The Australian Government has announced a Royal Commission to examine violence, abuse, neglect and exploitation of people with disability, including children with a disability. The Royal Commission is expected to produce an interim report by October 2020, with a final report due by the end of April 2022.

34. Information on child marriage is provided in the Combined Report at paragraphs 67–69, 313–314 and page 206 of the Appendices. In the 2017-18 financial year, the Australian Federal Police (AFP) received 61 referrals in regards to forced marriage, the majority being underage.

35. The Australian Government provides up to 200 days of holistic support to victims of forced marriage through the Support for Trafficked People Program (see further information under question 13 and Part II). Victims do not need to contribute to a criminal investigation or prosecution in order to access this support. As at 1 April 2019, 14 clients under 18 years of age had been referred to the Support Program for being in, or at risk of, a forced marriage for the 2018-19 financial year.

Reply to paragraph 7 of the list of issues

36. Keeping children and families safe is a priority for all Australian governments. States and Territories are responsible for the administration and funding of statutory child protection, out-of-home care and family support services. These services are delivered by both government and non-government organisations across jurisdictions. There has been increased focus nationally on developing early intervention services and approaches in order to divert families from statutory child protection. Most jurisdictions have invested in new and enhanced models of intensive family support. Aligning the work of family and domestic violence services with family support and child protection is a common theme across these developments.

37. For example, as part of its Strong Families, Safe Kids redesign of child safety services in 2016, the Tasmanian Government committed to the development of an intensive

family support service for families on the brink of entering the child protection system. A trial of an Intensive Family Engagement Service (IFES) was run in 2017-18, with 50 high-risk families receiving dedicated support for up to 20 hours per week for a period of three to five months. This involved the provision of evidence-based models in improving parenting behaviour, practical supports and role modelling. An independent external evaluation of the trial, completed by the University of Tasmania, found that the program was delivering positive outcomes for families and made a number of recommendations on how the service could be improved. The Tasmanian Government has invested \$7.5 million over three years to extend the provision of IFES through to 2020-21. The Victorian Government has also outlined a strategy for reforming the children, youth and families services system in Victoria; Roadmap for Reform: Strong Families Safe Children. This strategy aims to shift the children and family services system from crisis response to early intervention and prevention. It will create services that are co-ordinated and work together to meet the needs of vulnerable families and children.

38. Australian governments are committed to achieving significant and sustained progress to eliminate the over-representation of Indigenous children in out-of-home care. As noted above, the first priority under the Fourth Action Plan of the National Framework for Protecting Children is to improve outcomes for Indigenous children at risk of entering, or in contact with, child protection systems. Under this priority, all governments have committed to actively implement legislation, policy and/or practice to ensure compliance with the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle (prevention, partnership, placement, participation and connection). This includes work to improve Indigenous participation in decision-making processes for children and families at risk of entering child protection systems, and supporting the investment, expansion and development of Aboriginal Community Controlled Organisations to deliver family support and child protection services. The Wiyi Yani U Thangani (Women's Voices) national consultations, mentioned under question 6, have also highlighted the need for a better approach to addressing Indigenous child removal issues. The Commissioner's report will include actions for all governments to improve policies related to child protection systems.

39. The criteria for placement of a child in care differ across jurisdictions. Broadly speaking, children and young people come to the attention of departments responsible for child protection through child concern reports. These reports may be made by community members, professionals, organisations, children and their families. Across jurisdictions, child protection services assess child concern reports to determine whether further action is required. In situations where further intervention is required, the relevant State or Territory department may apply to the relevant court to place the child on a care and protection order. The level of departmental involvement mandated by a care and protection order will vary depending on the type of order. Out-of-home care represents the most extreme end of the statutory child protection continuum and is considered the intervention of last resort where all other options for care have been exhausted. Although there are provisions for children to be placed in out-of-home care voluntarily by parents (such as respite), most children in out-of-home care are placed according to an order made by the relevant court.

40. Measures taken to periodically review a child's placement to ensure their safety and wellbeing are set out at pages 77 to 79 of the Appendices. All State and Territories provide training to people working in child protection, including kinship and foster carers, and require that they undergo a Working with Children Check. For example, in the Australian Capital Territory (ACT), kinship and foster carers are trained to provide trauma-informed care to vulnerable children and young people and have access to ongoing training on subjects such as first aid, nutrition and managing behaviours.

41. Australian governments are committed to ensuring that all children have equal access to education irrespective of their circumstances. A number of jurisdictions provide additional payments to carers to enable a young person to remain with them while completing their education. Some jurisdictions also offer additional support to young people who have been in the child protection system, to assist them to complete tertiary education or vocational training. For example, in NSW the Out-of-Home Care Pathways Scholarship is available to young people who have been in foster or kinship care to assist

with undertaking an undergraduate degree. In Western Australia (WA), the annual Achiever Awards provide financial assistance to young people aged 15 to 25 years who have been in care and are undertaking further education and training including university studies, registered training, apprenticeships and traineeships.

42. Information on Australian Government initiatives to support the mental health and wellbeing of children and young people is at paragraphs 208–214 of the Combined Report. In addition to mental health services available to all children, some State and Territory governments provide specialised mental health services for children in out-of-home care. For example, Melaleuca Place is an ACT Government specialised service providing intensive therapeutic services to children in out of home care who are 0–12 years of age and have experienced significant trauma as a result of abuse or neglect. A team of professionals work together to provide outreach, multidisciplinary assessments and interventions to children, aimed at facilitating healing, recovery and positive life outcomes.

43. State and Territory governments all have measures to assist children who are leaving the child protection system and transitioning to adulthood, usually involving support from a caseworker to develop and regularly review a personalised transition plan and identify available supports. For example, in Victoria, the Home Stretch program extends the age young people can receive much needed support, including accommodation, from 18 to 21 years.

44. Since 2014, the Australian Government has committed \$3.512 million annually for the Transition to Independent Living Allowance (TILA), a nationally available one-off payment of \$1,500 to eligible youth transitioning to independence from out-of-home care. TILA is available to young people from the point of leaving care (young people are eligible from age 15 until 25 years of age) to pay for a range of goods and services related to their formal Independence Plan. The Towards Independent Adulthood (TIA) trial is an initiative under the Third Action Plan of the National Framework for Protecting Children that aims to increase the wellbeing and future economic and social outcomes of young people transitioning from out-of-home care into adulthood. The three-year trial provides one on one mentoring and targeted supports to up to 80 young people from 16 years of age who agreed to participate. Youth workers support participants to gain skills for independent living and to access housing, education, training, employment and specialist support and services. The trial commenced in mid-2017 and will run until June 2020. The aims to evaluate the effectiveness of wrap-around support services for young people transitioning from out-of-home care to independent living through an intensive case management service model, priority access to government funded services and online resources.

45. The significance of child safety in organisations has been highlighted through the Child Abuse Royal Commission. Measures taken to ensure child sensitive mechanisms for reporting and identifying abuse are addressed in relation to question 6 above.

Reply to paragraph 8 of the list of issues

46. Information on the NDS and the NDIS is available at paragraphs 180–186 of the Combined Report. The second 2015–2016 progress report provided a view of all tiers of government against the NDS Outcome areas, including outcome trend data. The third 2017–2018 progress report is currently being developed. Findings from the NDS progress reports will inform the development of a new strategy for beyond 2020.

47. The NDIS is available to all Australians with disability who meet the eligibility criteria, including the disability requirement or early intervention requirement as set out in the National Disability Insurance Scheme Act 2013 (sections 24 and 25). Children with severe or profound disability are likely to meet these eligibility criteria. For children under seven, the National Disability Insurance Agency engages highly specialised Early Childhood Partners to be the first point of contact for families, including to provide support to access the NDIS. This is known as the NDIS Early Childhood Early Intervention (ECEI) approach. The ECEI approach is designed to assist all children with developmental delay or disability, and their families, to achieve better long term outcomes through appropriate support services in their local community, regardless of a diagnosis having been determined.

Under this approach, children who meet the eligibility criteria for the NDIS are given assistance to develop an NDIS plan. Once a child has an approved NDIS plan, they can access the necessary supports that meet their needs, in the same way that other NDIS participants do. The ECEI approach is based on best practice evidence. It is recognised and supported by paediatricians, allied health practitioners, educators and early childhood specialists world-wide, and is continuously guided by new advances in paediatric development.

48. Through participant plans, the NDIS also funds services including allied therapies, such as audiology or podiatry, support for children with very significant, complex needs so they can attend primary school and support for children with difficult behaviour.

49. Information on measures to assist parents of children with disability is provided at pages 12–14 of the Appendices. For child participants of NDIS not yet at school, 91% of parents and carers thought that the NDIS program helped increase their child’s ability to communicate what they want, compared to 87% in their first year of participation. For school-age children 14 and under, 69% of parents and carers felt their child became more independent in their second year of participation, compared to 54% in their first year.

50. Information on measures to promote inclusive education is available at paragraphs 252–255 of the Combined Report and page 147 of the Appendices. In Australia, completion of Year 12 by people with disability aged 19 to 25 has increased progressively to 63 per cent in 2015. In 2016, Auslan was added to the Australian Curriculum. Auslan is offered from Foundation to Year 10 and aims to develop the knowledge, understanding and skills to enable students to communicate in Auslan.

51. Information on sterilisation of children with disability is available at paragraphs 187–189 of the Combined Report.

Reply to paragraph 9 of the list of issues

52. Many Australians experience economic disadvantage at some stage in their lives, but for most, it is temporary. About nine per cent of Australians (2.2 million people) experienced relative income poverty (income below 50 per cent of the median) in 2015-16, with children and older people having the highest rates of relative income poverty. People living in single-parent families, unemployed people, people with disabilities and Indigenous Australians are particularly likely to experience income poverty, deprivation and social exclusion. For people in these circumstances, there is an elevated risk of economic disadvantage becoming entrenched, limiting their potential to seize economic opportunities or develop the skills with which to overcome these conditions. These risks are particularly elevated for children living in jobless households, which is a group that has stood out among the multiple measures of inequality and disadvantage.⁴

53. The Australian Government is committed to ensuring that Australian children have the best start in life and provides a range of benefits and payments to help families with the cost of raising children and to support parents experiencing unemployment. For example, the Australian Government spends around \$18 billion annually on Family Tax Benefit, which assists around 2.7 million children in eligible low and middle income families. The Australian Government also provides support to eligible individuals and families to navigate financial crises and build financial wellbeing, as part of the Financial Wellbeing and Capability Activity. Services are free, voluntary and confidential and are generally delivered by community organisations.

54. Information on the Australian Government’s Parents Next program, which aims to help break the cycle of intergenerational welfare dependency and child poverty, increase female labour force participation and help Close the Gap in employment between Indigenous and non-Indigenous people, is contained at 128-129 of the Combined Report.

⁴ See ‘Rising inequality? A stocktake of the evidence’ Productivity Commission research paper: <https://www.pc.gov.au/research/completed/rising-inequality>.

Since the national expansion in July 2018, referred to in the Combined Report, the program has assisted (as at 30 April 2019):

- Over 86,000 parents who have participated in the program;
- More than 13,700 parents into education/training;
- Almost 11,000 into employment.

55. ParentsNext is delivered in two streams, a targeted stream and an intensive stream. The intensive stream provides the same support as the targeted stream with additional financial assistance (including relocation assistance to take up a job, and employer wage subsidies), for eligible parents in 30 locations with either a high proportion of Indigenous Parenting Payment recipients and/or a higher level of disadvantage. Approximately one fifth of Parents Next participants are Indigenous parents. Through the Closing the Gap framework, all Australian governments are committed to supporting better life outcomes for Indigenous Australians, including children. Further information is provided in response to question 11 below.

56. Information on homelessness services is at paragraphs 295-301 of the Combined Report. On Census night in 2016, there were an estimated 25,827 children and young people (aged 18 years and under) experiencing homelessness, a decrease of approximately nine per cent from 2011 (28,485). The number of children (aged 17 years or under) accessing specialist homelessness services increased from 71,514 in 2011-12 to 82,737 in 2017-18. Specialist homelessness services aim to provide children and young people with better pathways out of the homelessness system, including through early intervention and prevention, assistance with family reconciliation, and case management to ensure young people remain engaged with education and training.

57. Australia's overall housing and homelessness policy objectives are outlined in the National Housing and Homelessness Agreement (NHHA) between the Australian Government and State and Territory governments which commenced on 1 July 2018. The Australian Government provides States with funding of approximately \$1.5 billion per annum through the NHHA to improve housing affordability and homelessness outcomes. The NHHA requires publicly available housing and homelessness strategies to be in place that address six national priority homelessness cohorts, five of which affect children, including: women and children affected by family and domestic violence; children and young people; Indigenous Australians; people experiencing repeat homelessness; and people exiting institutions and care into homelessness. From 1 July 2018, the Australian Government is also providing up to \$117 million over five years to the Reconnect program. Reconnect uses community-based early intervention and prevention programs to assist young people aged 12 to 18 years (or 12 to 21 years for newly arrived youth), who are homeless or at risk of homelessness, and their families. The Victorian Government will also invest \$3 million in 2019-20 for a grants program for homelessness services to ensure young LGBTI Victorians can access safe and inclusive services across the entire homelessness sector, and support programs that address the causes of homelessness for LGBTI people.

58. As a matter of international law, the Convention does not extend to include a general right to the environment or protection against climate change. However, the Australian Government can advise that it has ratified the Paris Agreement and is committed to effective international action on climate change.

Reply to paragraph 10 of the list of issues

59. The Australian Government is not intending to establish an independent guardianship entity for unaccompanied migrant children at this time. The Unaccompanied Humanitarian Minors Program is conducted in accordance with Australia's National Standards for Out of Home Care. These standards comply with the requirements of the Convention. Further information related to guardianship of unaccompanied migrant children is available at paragraphs 274-276 of the Combined Report.

60. The Australian Government is not currently considering prohibiting the detention of children in all circumstances. As noted at paragraphs 278–281 of the Combined Report, detention of children is always a last resort and children are detained for the shortest practicable time and in alternative places of detention wherever possible. Children are only held in immigration detention facilities or alternative places of detention for very limited purposes – mainly due to airport turnarounds, transfers on medical grounds or being in the final stages of removal to their country of origin. Where the Department of Home Affairs administratively detains a family, it will accommodate the family group together, whenever possible. It is a priority to accommodate children and their families in the least restrictive form of appropriate accommodation. Individuals under regional processing arrangements are not detained, and reside in open centre or community based accommodation arrangements.

61. A range of care, welfare and support arrangements are in place to provide for the needs of children who are held in immigration detention, in alternative places of detention or who reside in the community. Contracted service providers facilitate access to age-appropriate health, education, recreational, and cultural services. Access to services, programs and activities are regularly reviewed to ensure individual needs are met and risks to children are considered.

62. Since 28 February 2019, there are no transferee children in regional processing countries. In total, 286 children under regional processing arrangements in Nauru have transferred to Australia for a temporary purpose. These children, together with their families, are residing in the Australian community under residence determination arrangements and have access to those services described above. Consistent with Australian Government policy, these children and their families will not be settled in Australia and are encouraged to engage in third country migration options, including resettlement in the United States.

Reply to paragraph 11 of the list of issues

63. In Parts VII and VII of the Combined Report, Australia reported on progress made and challenges faced in addressing the 2008 Closing the Gap targets in health and education. The 2019 Closing the Gap Report⁵ is the last report that will assess progress under the 2008–2018 Closing the Gap Framework.

64. The Australian Government is committed to a genuine formal partnership on Closing the Gap with Indigenous peoples to share decision making in the design, implementation, monitoring and evaluation of the refreshed Closing the Gap framework (Australia's national strategy for addressing inequalities in life outcomes for Indigenous people). In March 2019, a ten-year partnership agreement came into effect, which includes the establishment by COAG of a Joint Council on Closing the Gap. The Joint Council includes ministers from all jurisdictions, twelve members of the National Coalition of Aboriginal and Torres Strait Islander Peak Organisations, and one representative of the Australian Local Government Association. It is the first COAG Council to include members from outside governments as equal partners in decision making, and represents an historic step forward in the working relationship between government and Indigenous peoples. During 2019, the Joint Council will finalise the refreshed Closing the Gap framework and targets, and review the 2008 National Indigenous Reform Agreement for the agreement of COAG. It will then have an ongoing role in monitoring performance against and implementation of the jointly agreed framework and targets. COAG released a draft statement on the refresh in December 2018 as a basis for finalisation through the formal partnership, which included draft targets in the areas of child protection, family safety, housing, health, including healthy birthweight, infant mortality, educational achievement, and adult and youth incarceration.

⁵ Australian Government, Department of the Prime Minister and Cabinet, *Closing the Gap Report 2019*, available at <https://ctgreport.pmc.gov.au/>.

65. The Department of Health is preparing the next iteration of the Implementation Plan for the National Aboriginal and Torres Strait Islander Health Plan 2013–2023, with a projected release of mid-2020, in partnership with Indigenous health stakeholders. The Health Plan’s vision is that the “Australian health system is free of racism and inequality and all Aboriginal and Torres Strait Islander people have access to health services that are effective, high quality, appropriate and affordable. Together with strategies to address social inequalities and determinants of health, this provides the necessary platform to realise health equality by 2031”. The Implementation Plan sets out a range of actions to be delivered by 2023 that address matters such as the social and cultural determinants of health, access to culturally appropriate and evidence-based services and information, and ensuring that Indigenous people have a voice in the development and implementation of programs and policies. The Implementation Plan is one aspect of the work being done to meet the Closing the Gap targets for children.

66. The 2008 target to halve the gap in mortality rates for Indigenous children under five within a decade (by 2018) is not on track. In 2017, Indigenous child mortality (164 deaths per 100,000) was 2.4 times the mortality rate for non-Indigenous children (68 deaths per 100,000). Of all Indigenous child deaths over the period 2013–17, 75 per cent were caused by three main causes: perinatal conditions (47 per cent), ‘signs, symptoms and abnormal clinical and laboratory findings not classified elsewhere’ (such as Sudden Infant Death Syndrome (SIDS)) (14 per cent), and congenital and chromosomal conditions (14 per cent). While a complex set of factors underpin the higher infant and child mortality rates for Indigenous children, a number of maternal health and pregnancy behaviours and birth outcomes seem to be closely related with the three leading causes of Indigenous child deaths. To lower these risk factors, the Australian Government is focussed on improving access to culturally appropriate maternal health and pregnancy-related care, as well as broader health and wellbeing initiatives. There have been notable improvements in child and maternal health indicators over recent years. However, some substantial gaps remain between outcomes for Indigenous and non-Indigenous mothers and babies, indicating the need for further improvements.

67. The significant social risks and disadvantages faced by children of incarcerated parents is addressed at paragraphs 174–176 of the Combined Report and information on programs to facilitate contact between incarcerated parents and children is at pages 97–102 of the Appendices. The Australian Government is committed to addressing the underlying issues that bring Indigenous parents into contact with the criminal justice system. The Australian Government recognises, in particular, the risks to Indigenous children when their mothers or other female care providers are incarcerated. The Wiyi Yani U Thangani (Women’s Voices) project involves hearing from Indigenous women and girls who are incarcerated concerning priorities, challenges and aspirations for themselves, their families and their future. The final report from Stage 1 of this project is likely to contain a recommendation to work with community leaders and organisations to find a better approach to reducing Indigenous female incarceration. The Australian Government is providing \$1.7 million to support Stage 2 of the project, as part of the Fourth Action Plan 2019–2022 of the National Plan to Reduce Violence.

68. In March 2018, the Australian Law Reform Commission (ALRC) completed an inquiry into the incarceration rate of Indigenous peoples, entitled Pathways to Justice. The ALRC made a number of recommendations to reduce the rate of Indigenous incarceration, including in relation to bail, sentencing, access to justice, justice reinvestment and the link between high rates of Indigenous children in the child protection system and adult incarceration. The Australian Government is currently considering these recommendations.

69. State and territory governments have additional measures to address the overrepresentation of Indigenous people in custody and the impact this has on their children. For example, ACT Correctional Services facilitates programs designed to support and strengthen relationships with children when parents are incarcerated, including Story Time and private and extended visits which give eligible inmates the opportunity to spend time with their children with limited supervision. The WA Government is prioritising the reduction in the overrepresentation of Indigenous people in custody, with a framework of programs and actions to achieve a target of a 23% reduction by 2028–2029. The NT

Government is currently developing an Aboriginal Justice Agreement in partnership with Indigenous communities, which is intended to reduce re-offending and imprisonment rates.

70. Information on education for Indigenous children is available at paragraphs 242–247 of the Combined Report and pages 142–144 and 157–165 of the Appendices. In February 2019, the Australian Government announced a \$200 million Indigenous Youth Education Package to ensure Indigenous students access to a range of high school pathways and support needed to engage in education.

71. The target to have 95 per cent of Indigenous four year olds enrolled in early childhood education by 2025 is on track. The target to halve the gap in Year 12 attainment or equivalent by 2020 is also on track. However, the targets to halve the gap in reading and numeracy and close the gap in school attendance by 2018 are not on track. All Australian governments are committed to ensuring that Indigenous children stay in school, succeed and reach their full potential through further education pathways. Ensuring schools have a culturally inclusive curriculum is essential and the Australian Curriculum’s Aboriginal and Torres Strait Islander Histories and Cultures Cross-curriculum priority aims to ensure that all students are able to learn about the depth, wealth and diversity of Indigenous peoples. The National Aboriginal and Torres Strait Islander Curricula Project aims to empower all teachers to integrate perspectives of Indigenous people into their classroom practice, for the benefit of all students.

72. The Australian Government has invested \$5.9 million over 2017-18 to 2020-21 to trial the English Language Learning for Indigenous Children (ELLIC) initiative. ELLIC will aim to improve English literacy outcomes for Indigenous preschool children for whom English is an additional language or dialect (EALD) through the use of interactive, play-based applications. ELLIC is being designed and developed in consultation with Indigenous communities and will be trialled in 20 Indigenous preschool communities.

73. Many jurisdictions have their own Indigenous education plans. The SA Government launched the Aboriginal Education Strategy 2019–2029 in December 2018, which is designed to increase outcomes for Indigenous students through the provision of support and revised teaching practices. The Strategy focuses on the development of a culturally inclusive curriculum, to provide opportunities for children to engage with Indigenous languages and proposes the creation of ‘individual learning plans’ for Indigenous students.

Reply to paragraph 12 of the list of issues

74. Information on the minimum age of criminal responsibility is available at paragraphs 65–66 of the Combined Report. Australian governments are working together through a CAG working group to consider whether to raise Australia’s minimum age of criminal responsibility, which is due to report in November 2019.

75. As noted at paragraph 160 of the Combined Report, States and Territories maintain separate places of detention for children and adults in the vast majority of circumstances. Australia only accepts the obligation to separate children from adults in prison to the extent that such imprisonment is considered by the responsible authorities to be feasible and consistent with the obligation that children be able to maintain contact with their families, having regard to the geography and demography of Australia. Under s 33 of the new Human Rights Act 2019 (Qld), an accused child who is detained, or a child detained without charge, must be segregated from all detained adults. Further information on this legislation is in Part II below.

76. All jurisdictions have legislation that deals specifically with situations where a person with a mental illness commits an offence. Australian governments are working together to improve the way the criminal justice system treats people with cognitive disability who are unfit to plead or found not guilty by reason of mental impairment, including children. In 2019, a number of Australian governments endorsed the National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty by Reason of Cognitive or Mental Health Impairment. These principles recognise the rights of persons

with cognitive or mental health impairments and seek to identify safeguards throughout the legal process and periods where a person is subject to orders.

77. Although State and Territory legislation differs somewhat in approach, each jurisdiction has safeguards in place to ensure that detention of children who are found unfit to plead only occurs in limited circumstances. For example, proposed legislative changes in WA will strengthen existing safeguards to ensure that if a child is found unfit to plead they may only be detained when it is necessary for the protection of the community. Such detention will be subject to regular review by a specialist tribunal with powers to release. In SA, the detention of a child cannot be indefinite and is only permitted when there are no other practicable alternatives.

78. Information on juvenile justice and the NT Royal Commission is available at paragraphs 159–169 of the Combined Report and in Part II below. On 15 December 2017, the Australian Government ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). This is an important step in improving the oversight and conditions of places of detention in Australia, including juvenile detention, and it reflects the Australian Government's commitment to preventing torture and mistreatment. Further information is in Part II below.

Reply to paragraph 13 of the list of issues

79. Information on a coordinating mechanism to implement the OPSC and data collection and research is available at paragraphs 302–307 of the Combined Report and pages 202–204 of the Appendices. In addition to the research mentioned at paragraph 307 of the Combined Report, the Australian Institute of Criminology's Child Exploitation Material Reduction Research Program awarded \$800,000 in funding to eight innovative research projects that reduce the production, viewing, distribution and storage of child exploitation/child abuse material. In 2019, the University of the Sunshine Coast in Queensland established the Sexual Violence Research & Prevention Unit, which brings together key experts to help prevent and respond to sexual violence, including sexual violence against children. The NSW Government has developed a Victims of Crime 'clearinghouse' which incorporates up to date information on research and areas of practice involving child and sexual abuse victims of crime issues. The Australian Government has also established the Australian Centre to Counter Child Exploitation (more information in Part II).

80. Information on legislation that prohibits and criminalises the sale of children in Australian jurisdictions is available at paragraphs 315–318 and 326–328 of the Combined Report and information on measures to prevent the sale of children is available at pages 204–205 of the Appendices. At the State level, the Modern Slavery Act 2018 (NSW), on commencement, will introduce several new offences into the Crimes Act 1900 (NSW) with respect to slavery, servitude and child labour, child forced marriage and further offences for cybersex trafficking of child abuse material. It will also establish the new statutory office of the Anti-Slavery Commissioner, which will have a range of functions. These functions include identifying and providing assistance to victims of modern slavery in NSW, monitor effectiveness of legislation and policy to combat slavery and monitor reporting of concerns about modern slavery in supply chains.

81. Information on the investigation and prosecution of offences is available at paragraphs 319–321 of the Combined Report and pages 206–207 of the Appendices. The AFP received 162 new referrals for trafficking and exploitation related offences in 2017–2018. Information on support for victims of human trafficking and slavery is available at paragraphs 330–336 of the Combined Report.

82. People who are identified as being victims or suspected victims of human trafficking and slavery-related offences are eligible to receive support through the Support for Trafficked People Program. The Program includes services to improve victim's mental and physical health and well-being, including case management support, accommodation, medical treatment and counselling, social support and referrals to legal and migration advice. In 2017-18, eight clients under 18 years of age were referred to the Support

Program. Trafficked children are automatically entitled to a minimum of 90 days of unconditional support. Suspected victims assisting with an investigation or prosecution are provided ongoing support until the matter is finalised. All clients exiting the Program receive a 20 working day transition period, which may be extended on a case-by-case basis. This approach is consistent with international standards and best-practice guidance.

Reply to paragraph 14 of the list of issues

83. The ownership, possession and use of firearms in Australia is regulated by State and Territory legislation, including the possession and use of firearms by minors. The National Firearms Agreement, which sets out the national approach to regulating firearms, states that firearms licenses must only be issued to people aged over 18. However, the Agreement is non-binding and some jurisdictions allow for minors (12–18 years of age) to apply for a restrictive permit to possess and use (not own) a firearm for certain purposes with the consent and supervision of a responsible adult who has a firearms licence.

84. The Australian Government hires private security companies to protect Australian interests, such as Australia's overseas diplomatic posts, and some immigration detention and military facilities. All service providers in Australia and overseas are required to comply with local laws and Australian government policies. Contract compliance is monitored through regular reporting requirements and a performance management framework. Failure to comply might result in termination of the contract by the Australian Government.

85. Information on support provided to children who have been or may have been engaged in armed conflict is available at paragraphs 362–366 of the Combined Report.

86. Children who may have been involved in armed conflict are identified by the United Nations High Commissioner for Refugees or the Department of Home Affairs on application or at interview when they are considered for resettlement or protection in Australia under the Humanitarian Program. Visa decision-makers receive guidance on identifying and assessing the visa applications of former child soldiers, as well as identifying considerations to support the provision of specialised assistance in their rehabilitation, recovery and reintegration into the community. Specialised assistance and mainstream settlement support and healthcare services are made available on arrival in Australia to those identified as needing them.

87. The Australian Government provides support services to migrants and refugees settling in Australia aimed at responding to their specific needs and encouraging their independence and participation in the community. The Humanitarian Settlement Program provides support to humanitarian entrants to build the skills and knowledge they need to become self-reliant and active members of the Australian community. Participants in this program are also supported in relation to their health needs through access to Medicare.

88. The Programme of Assistance for Survivors of Torture and Trauma provides specialised support services to permanently resettled humanitarian entrants and individuals on temporary substantive visas living in the Australian community who are experiencing psychological or psychosocial difficulties associated with trauma experienced before coming to Australia. The Programme includes counselling and related services, community development and capacity building activities and outreach services to support individuals in rural, regional and remote parts of Australia. Clients can be referred through a wide range of sources including the Humanitarian Settlement Program.

89. The Australian Government also funds the Youth Transition Support Service which provides extra support to young humanitarian entrants and vulnerable migrants between the ages of 15 to 25 to participate in education and work.

Part II

Reply to paragraph 15 of the list of issues

90. Royal Commission into Institutional Responses to Child Sexual Abuse: In 2013, the Child Abuse Royal Commission was established to investigate how public, private and non-government organisations have managed and responded to allegations and instances of child sexual abuse. On 15 December 2017, the Child Abuse Royal Commission delivered its final report, making 409 recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions. The Child Abuse Royal Commission was independent from Government and determined its own processes. The final report is published at www.childabuseroyalcommission.gov.au/final-report.

91. On 13 June 2018, the Australian Government tabled its response to the Child Abuse Royal Commission's final report in parliament. Of the 409 recommendations in the final report, 84 recommendations deal with redress, which the Australian Government has addressed through the creation of a National Redress Scheme for people who have experienced institutional child sexual abuse. Of the remaining 325 recommendations, 122 were directed wholly or partly to the Australian Government. The Australian Government has accepted, or accepted in principle, 104 of these 122 recommendations. The remaining 18 recommendations directed at the Australian Government were listed as being 'for further consideration' or are 'noted'. The majority of these have now been considered further and have ongoing measures in place. The Australian Government response is published at www.childabuseroyalcommissionresponse.gov.au/government-response.

92. The Australian Government is committed to ensuring it carefully, comprehensively and appropriately responds to the substantial work of the Child Abuse Royal Commission. A taskforce within AGD is coordinating action on the recommendations and tracking progress made by all Australian governments. The Australian Government will report annually on implementation until 2022. The Australian Government has also accepted the Child Abuse Royal Commission's recommendation to undertake a 10-year review on implementation.

93. National Redress Scheme: In response to the recommendations of the Child Abuse Royal Commission, the National Redress Scheme for people who have experienced child sexual abuse (the Scheme) was established. All Australian governments and many other non-government institutions have voluntarily joined the Scheme. The Scheme commenced on 1 July 2018 and will run for 10 years. It serves as a formal acknowledgement that many children have been sexually abused in Australian institutions. It holds these institutions accountable for that abuse and helps the people who experienced sexual abuse gain access to counselling and psychological services, a direct personal response and a payment. Children are eligible to apply to the Scheme if they were born before 30 June 2010, however their application will not be considered before they turn 18 years of age.

94. Working with Children Checks: Information on the Child Abuse Royal Commission's Working with Children Checks Report is available at paragraph 156 of the Combined Report. The Australian Government, in consultation with State and Territory governments, is currently developing a set of National Standards for Working with Children Checks. The National Standards will provide a minimum benchmark for Working with Children Checks nationally. The implementation of the National Standards by the States and Territories will result in higher and more consistent standards for working with children checks across Australia and in turn provide better protection for children.

95. Implementation of OPCAT: Australia ratified OPCAT on 21 December 2017 and it entered into force in Australia on 20 January 2018. On ratification, Australia made a declaration under Article 24 of OPCAT to postpone National Preventive Mechanism (NPM) obligations for three years, to commence in January 2021. The delay allows time for the Australian Government to work with States and Territories to establish Australia's NPM. As each government is proposed to retain authority for oversight of places of detention in their jurisdiction, Australia's NPM will be a cooperative network of inspectorates from

each jurisdiction, with the Office of the Commonwealth Ombudsman providing a facilitative coordination role. The Ombudsman Amendment (National Preventive Mechanism) Regulations 2019 formally confer on the Commonwealth Ombudsman the roles and functions of the NPM Coordinator.

96. NT Royal Commission: The NT Royal Commission considered what improvements could be made to the child protection and youth detention systems of the NT, focusing on the specific systemic problems identified within the NT, how those problems arose, the failure to identify and correct them and appropriate reforms. On 17 November 2017, it released its Final Report containing 147 findings and 227 recommendations, outlining a long-term reform agenda to the NT's child protection and youth justice systems. The NT Government accepted the intent and direction of all 227 recommendations and in April 2018, committed additional funding over five years to implement the reforms outlined in the plan *Safe, Thriving and Connected: Generational Change for Children and Families* to provide better support to children, young people and families experiencing vulnerability (referenced at question 12).

97. The First Progress Report was released on 16 November 2018. Of the 218 recommendations that relate to action by the NT Government, 33 were complete, 47 were well progressed, 122 were underway, and 16 not yet started. On 8 February 2018, the Australian Government released its response to the Report concerning the 28 recommendations for which it has sole or joint responsibility. More information is available under questions 3 and 12 in Part I.

98. Care and Protection of Children Amendment Bill 2019 (NT): In 2019, the Northern Territory Government introduced the Care and Protection Amendment Bill (2019), which implements 12 recommendations of the NT Royal Commission and complements the investments to improve practice on the ground and achieve greater outcomes for children. The Bill was accompanied by a statement of compatibility with human rights that considered the extent to which provisions of the Bill engaged human rights, including a number of articles of the Convention on the Rights of the Child. For example, there are specific changes that recognise and embed the need for connection to country, culture and language for Indigenous children in furtherance of Article 30. There are also provisions that highlight the need to strengthen, preserve, and promote positive relationships between a child and their family in furtherance of Article 9.

99. Australian Centre to Counter Child Exploitation: In March 2018, the Australian Government announced the Australian Centre to Counter Child Exploitation (ACCCE). The ACCCE is led by the AFP and brings together key stakeholders and partners to drive a collective effort to counter the global epidemic of child exploitation. The ACCCE promotes a collaborative and cohesive response to countering child exploitation by using the expertise of governments, non-government agencies and private industry. It also facilitates the sharing of resources, knowledge and skillsets between stakeholders. The ACCCE will directly support the investigative role of the AFP and State and Territory police.

100. Modern Slavery Act 2018 (Cth): The Modern Slavery Act 2018 entered into force on 1 January 2019 and requires certain large businesses and other entities to report on their efforts to assess and address modern slavery risks, including human trafficking, in their supply chains and operations. The Act defines modern slavery as including eight types of serious exploitation: trafficking in persons, slavery, servitude, forced marriage, forced labour, debt bondage, the worst forms of child labour, and deceptive recruiting for labour or services.

101. Human Rights Act 2019 (QLD): On 27 February 2019, the Queensland Parliament passed the Human Rights Act 2019 (Qld). The Human Rights Act protects 23 human rights, requires public services to comply with human rights, and requires the Queensland Parliament to consider human rights when passing legislation. Key provisions include section 26 which protects families as the fundamental group unit of society; the right of every child without discrimination to the protection that is needed by the child, and is in the child's best interests, because of being a child; and the right to a name and to be registered, as having been born, under a law of the State as soon as practicable after being born. Section 33 requires that an accused child who is detained, or a child detained without

charge, must be segregated from all detained adults; an accused child must be brought to trial as quickly as possible; and a child who has been convicted of an offence must be treated in a way that is appropriate for the child's age.

102. The Anti-Discrimination Commission Queensland will be renamed the Queensland Human Rights Commission, and will continue its complaints handling, education, and training functions under the Anti-Discrimination Act 1991 (Qld), as well as working to resolve human rights complaints and providing information, education, and training on the Human Rights Act.

103. Department for Youth Justice (QLD): On 30 April 2019, the Queensland Government announced a record investment in Queensland's youth justice system. The government will spend more than \$320 million on a wide range of initiatives across the state aimed at reducing reoffending, and to expand, build and staff new youth detention centres. This additional investment is complemented by the establishment of a new Department of Youth Justice, effective from 20 May 2019, with a dedicated focus on advancing a number of reforms.
