



Standing Committee on Health and Community Wellbeing

Inquiry into Annual and Financial Reports 2021-2022 **ANSWER TO QUESTION ON NOTICE**

Asked by **MRS ELIZABETH KIKKERT MLA**:

Reference: Hearing on 9 November 2022, Annual Report of CSD

In relation to: Page 65-66, 99-100, Role of Children and Young People Commissioners in External/Internal Review

1. When asked about the role of the existing and future Children and Young People Commissioners in internal and external review processes, the Minister stated that such participation could create a conflict of interest. Can the minister please detail the exact nature of this perceived potential conflict of interest?
2. What role, if any, can the Children and Young People Commissioner currently play in the Internal Review of Decision Pilot?
3. What role, if any, is it envisioned that the Children and Young People Commissioners can play in the external merits review of child protection decisions?
4. Has stakeholder input into the development of an external review mechanism considered the roles that Children and Young People Commissioners might play, and if so, what have been those recommendations?

MINISTER STEPHEN-SMITH: The answer to the Member's question is as follows:—

1. The Children and Young People Commissioner's (CYPC) role is to ensure the rights of children and young people are considered and upheld in legislation, policy and practice and ensure that the views of children and young people are considered in decision making.

The Children and Young People Commissioner is also the Public Advocate. The Public Advocate's role includes oversight and monitoring of services such as Child and Youth Protection Services (CYPS). They receive certain information about individual children and young people in compliance with the *Children and Young People Act 2008* and undertake individual advocacy for children and young people involved with CYPS and in care and protection matters before the Childrens Court.

Their involvement in a merits review process may compromise the role of the Public Advocate. Through their functions, in individual advocacy on an issue or as a member of a child's Declared Care Team, the advocate may have been involved in the decisions that are under review. It may be inappropriate for the Public Advocate to be in the position of advocating, engaging directly in decision making processes and reviewing decisions at the same time.

2. The Internal Review of Decisions Pilot was launched in July 2022 for a period of 12 months as a 'try, test, learn' implementation process. The Children and Young People Commissioner, as a systemic advocate for children and young people does not have a role in the reviews of individual case decisions in the Internal Review of Decisions Pilot.
3. The proposed model for external merits review has not been determined. As this work progresses, further consideration will be given to the role of other agencies, including the Children and Young People Commissioners and the Public Advocate.
4. In 2022, consultation occurred on external merits by the consultant consortium – made up of Monash University, Curijo and the Centre for Evidence and Implementation. The consultation consisted of focus groups, individual interviews and written submissions. The Children and Young People Commissioner contributed to the ACT Human Rights Commission's written submission and was involved in stakeholder consultation through the consultation period, including co-hosting a roundtable in September 2022. As the proposed model progresses, consideration will be given to the role and resourcing of external organisations and advocates in external merits review.

Approved for circulation to the Standing Committee on Health and Community Wellbeing

Signature:



Date: 12/1/23

By the Minister for Families and Community Services, Rachel Stephen-Smith MLA