Ms Elizabeth Lee MLA

Chair

Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)

Elizabeth.Lee@parliament.act.gov.au

Dear Ms Lee

I am writing in response to the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) Scrutiny Report 20. The Scrutiny Committee has questioned why the Explanatory Statement has not discussed any human rights issues arising from Disallowable Instrument DI2018-124.

Disallowable Instrument 2018-124 is the ACT Care and Protection Organisation Standards. The Care and Protection Organisation Standards (the Standards) establish the minimum requirements for demonstrating compliance as a suitable entity for the provision of a care and protection service, based on the statutory responsibility of the service providers as described in the *Children and Young People Act 2008*. The Standards reflect the child focussed priority of the *Step Up for Our Kids* Strategy and seek outcomes that ensure the rights of children and young people are upheld, that services are child safe and child friendly and children, young people and their families receive quality services.

The Scrutiny Report notes that the Standards refer to *The Human Rights Act 2004*, the United Nations Convention on the Rights of the Child and other human rights instruments at various points throughout. Human and children’s rights are prominent within the Standards to acknowledge and seek to address the issues typically faced by children and young people prior to their involvement with the Care and Protection System; such as abuse and neglect, access to education and quality health care. In addition, the standards have been developed to protect the rights of children and young people once they come into contact with the Care and Protection System, for example, privacy concerns, the right to be heard, to maintain relationships and connection with culture.

In response to the concern raised by the Committee that the Explanatory Statement would be expected to include some discussion of human rights issues, amendments have been made to articulate the human and children’s rights focus and to clarify the key objectives of *ACT Human Rights Act 2004* as they have been reflected in the Standards. A copy of the Revised Explanatory is at Attachment A.

I hope this response addresses the Committee’s concerns and thank you for drawing the matter to my attention.

Yours sincerely

Rachel Stephen-Smith MLA