

NATIONAL COUNCILS OF WOMEN
COALITION (TASMANIA) Inc

Established 2001

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The Secretary
Select Committee on Child Protection
Parliament House
Hobart TAS 7000.

SELECT COMMITTEE ON CHILD PROTECTION

Thank you for the invitation to make a submission to this committee, and for sending us the Terms of Reference.

The welfare of children and families has been at the heart of the work of National Council of Women in Tasmania, since it's inception, NCW Tasmania, 1899; NCW Launceston, 1943; and NCW Devonport, 1984- 2009, and so we welcome this opportunity to comment on some of the issues raised in the terms of reference.

We congratulate you all on being part of this select committee, and trust that the enquiry will result in measures being taken to ensure that our child protection system is properly resourced with sufficient appropriately trained and funded personnel, to fully meet the needs of children at risk. It is of particular concern that there are over 720 children at risk of harm in Tasmania, and that only 15% of the legislated visits have been made to these children.

The report of this committee must produce results and must not join the reports of the three previous Commissioners of Children, few of whose recommendations have been implemented.

Yours sincerely

Elaine Bushby

President
National Council of Women, Coalition, Tasmania Inc.

Motto: "Do unto others as you would that they should do unto you"

NCW CTI is the Constituent Council, for Tasmania, Affiliated with the National Council of Women of Australia, and through that Council,
with the International Council of Women

“To enquire into and report on the adequacy of Tasmania’s child protection systems including matters raised in:

- A) Insufficient time given to research comparison with child protection regimes in other Australian jurisdictions.

Some of the appalling cases that have received publicity in recent months, e g the 12 year old girl prostituted by her family; the 15 year old girl in care, allowed to spend the weekends with her 22 year old boyfriend; that there are over 720 children at risk of harm in Tasmania, and that only 15% of the legislated visits have been made to these children; all indicate that Tasmania’s child protection systems are inadequate. Also of concern to the Council of Obstetric and Paediatric Mortality and Morbidity whose Annual Report, 2008, was tabled in Parliament this week, is the fact that four of the recorded 24 deaths of children had families known to Tasmanian Protection services.

It is vital for all agencies concerned with child protection that they work far more effectively with one another than at the moment. All case workers should be adequately qualified to detect problems in the family. There is an urgent need to look into the effectiveness of the Gateway system, to which organisation the Government has outsourced the initial contacts for referral. It is a system introduced to Tasmania from Victoria, staffed mainly by Victorians, who are not familiar with the work culture here, with some resultant tension. Under this system, who is actually responsible for these children? Who are ultimately responsible to the Minister?

Certainly the community has some responsibility to be observant of possible ‘at risk’ children. Awareness of indicators by teachers, doctors, neighbours and people who know the children, with mandatory reporting where appropriate, can contribute to early identification of a problem.

- B.) The important statement here is that *“the welfare of any identified child at risk is paramount”*. It is evident that the policy seems to be that where possible, families should be re-united, even if conditions are not ideal, and sometimes this has tragic consequences. The safety and welfare of the child should be the determining factor. It is not necessarily in the child’s best interest to return them to a dysfunctional family.

The agencies should consider working in cooperation with NGO’s working with children at risk. A Pilot Program “Chance on Main” was run by Mike Duval-Stewart, for four and a half years, until funding was recently discontinued. It was funded under the Federal Crime Prevention Strategy – whereby young people already known to juvenile justice – or about to be caught up in the system, were welcomed, given time and direction, assisted with skills and development, and had their self-respect restored by positive activity and encouragement. It was hugely successful in turning around the lives of a majority of participants, with recidivism down to approximately 15%. A similar project in Launceston, “Youth on Paterson” is under threat of closure at the end of November because of the withdrawal of funding. When such excellent preventative projects are successful as pilot programs, their continuance should be assured.

The Government should be congratulated for establishing a dedicated Children’s Court from January 2011 as a one year Pilot Program. One of its key aims is to reduce criminal

activity by youth through judicial and therapeutic intervention. This would help to address some of the problems in D.) in the next generation, at least. Former Children's Court Magistrate for many years, Barbara Holborow, spoke passionately in an interview on ABC radio this week about why a Children's Court is so necessary and effective.

C.) We cannot comment on the Tasmanian Government's response to recommendations in the Commissioner for Children's Report, on his enquiry into the circumstances of a 12 year old child under guardianship of the Secretary, October 2010, as we are not aware of which 15 recommendations have been accepted without qualification, which 19 have been accepted with qualifications and which 11 have not been accepted as they were not considered appropriate. We will comment in F.) about some of the Commissioner's recommendations.

D.) Drug and alcohol misuse and gambling have a causal connection with poverty, mental health and domestic violence. Education has a role to play here – not necessarily of the academic kind, but popular TV drama, and possibly Facebook and Twitter. Think how smoking in TV programs has been practically eliminated. It is no longer 'smart' to be seen smoking, the same could be done with alcohol. The Australian alcohol culture needs to be tamed.

Mental health issues are very apparent and there is minimum help for them. It is one of the big gaps in the health system. This applies to adults as well as children. Youth stress and depression are major issues which if not helped early often lead to full blown mental health problems - even suicide.

In many cases, young people lack direction in their lives, they don't have boundaries set for them as children, they make unwise life choices. These factors too can contribute to mental health problems. The trend to having on staff suitably trained school chaplains or similar counsellors, is having a positive effect in many schools.

E.) We are of the opinion that no further enquiry is necessary until the recommendations of current ones are put into action.

F.) *Comments on some of Mr Paul Mason's recommendations:*

- That the Tasmanian Government immediately commence negotiations with the Commonwealth Government to institute a system of income management for families with children under the guardianship of the Secretary, as a means of encouraging and educating parents to put the nutritional, health and education needs of their children ahead of their own. *We strongly agree that there should be more parental responsibility encouraged and exercised.*
- That at each decision point of statutory intervention the secretary and the court formally include in the decision making process some person in the role of "contradictor" and actively examine contrary arguments to avoid "group think". *Agree.*
- That the Court be required to take more active responsibility for the decisions it makes, the contents of orders it makes and the supervision of their execution to prevent the perception that statutory intervention is undertaken by the executive government without judicial oversight: and have discretion to make orders allocating aspects of parental responsibility for any period it thinks necessary to provide for the safety and well being

of the child, including the power to prevent orders lapsing without Court approval.
Agree

- That decisions about statutory intervention and placement be informed by the structured measures of a family's capacity to change, measured by verifiable facts and in every case informed by a qualified psychological assessment of the family's internal dynamics, potential for change and what markers would indicate real and sustainable change to create child safety. *Agree*
- That the Secretary take steps to establish the role of the State as the "Model Parent" in the lives of children for whom statutory intervention has been instituted, which includes getting to know the child and their perspective on life, incorporating school social work assessments, resisting the end of the statutory intervention before demonstrated adequate improvements in safety, and modelling good parenting for the birth parents.
- That the Minister conduct a public review of the independence, functions and powers of the Commissioner for Children particularly in relation to his or her powers to obtain information when conducting inquiries and providing advice.
- That the Government refer to the Tasmanian Law Reform Institution for consultation on the following matters: the question whether the defence of reasonable and honest mistake in relation to sexual offence against persons under 17 should be available and whether it should be altered. what additional protection can be provided to children giving evidence in cases involving sexual assault. *We believe the 'reasonable and honest mistake' should not be a defence and there should be mandatory proof of age, for the girl, with severe penalties for fake IDs*
- That the Government review the Sex Industry Offences Act 2005 and in doing so actively consider the option of prohibiting the purchase of sexual services other than for certified medical reasons. *Would favour obtaining the facts about the situation in Sweden where we understand this option is in operation.* Actively consider the contribution of any amendment regarding the safety and resisting of sexualisation of children. *Agree.*

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