

South Australian
Commissioner
for Children and
Young People

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Annual Report 2018/2019



ISSN

2652-8584 (Print)

2652-8592 (Online)

The Honourable John Gardner MP
Minister for Education
Member of the Executive Council

31st of October 2019

Dear Minister Gardner,

I am pleased to submit my 2018/2019 Annual Report, which has been prepared for presentation to Parliament as per the statutory requirements of the Children and Young People (Oversight and Advocacy Bodies) Act 2016 (OAB Act) and Premier and Cabinet Circular PC013 Annual Reporting. It is divided into three distinct sections: Systemic Reporting, Project Reporting and Statutory Reporting.

The Systemic Reporting section identifies seven major systemic issues I believe the South Australian community needs to address as a priority. I have chosen to highlight these in my Annual Report to ensure they achieve visibility and to emphasise their need to be prioritised. The Project Reporting section outlines the key projects, activities and achievements of my office, over the past twelve months.

This year has been one of consolidation and in-depth investigation. It is a vanguard year in many respects. Not just because it reflects the consolidation of the essential work that was needed to establish what role I could best play as the Commissioner for Children and Young People but because it is clear to me what now needs to be prioritised. I have been reassuring South Australia's children and young people that they could be confident that their voices would be heard, and that the advocacy priorities that have been set, will directly reflect what they have told me are their main concerns.

I am therefore asking those of us who have the levers to make real change at the systemic level to rally behind the recommendations South Australia's children and young people have helped to identify through their work with me, and deliver on their expectation.

My engagement with children and young people through one-on-one consultations, workshops, focus groups, and conversational and feedback mechanisms (such as polling and surveying) has involved more than 2783 children and young people in the past twelve months. This figure represents children and young people from diverse backgrounds and ethnicities, age-groups and interests. They have generously shared with me their ideas, concerns and in some instances terrible experiences, exacerbated by the system they find themselves within. The voices of children and young people have directly informed 16 formal submissions and 6 major reports.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.



Helen Connolly
Commissioner for Children and Young People

Commissioner's Foreword

As South Australia's Commissioner for Children and Young People, it is my responsibility to promote and advocate for the rights, development and wellbeing of all children and young people living across our State, to ensure we meet our international obligations as outlined in the 42 articles contained in the United Nations Convention on the Rights of the Child (UNCRC).

It is also my responsibility to report annually on my work, including the program of work driven by the input children and young people have in determining what this is, through my direct ongoing consultation with them. The challenge, as always, is determining where to focus the efforts of my small team across the broad remit of rights protection, promotion and participation.

I use a child's rights-based approach which is guided by the goal of promoting and securing the full range of children's rights, placing children at the centre of policy development, design and delivery, and reviewing systems and services through a child's rights lens.

I then seek out ways to work collaboratively alongside government, business and community organisations to acknowledge positive developments, showcase opportunities, build capacity of stakeholders, broker relationships and identify systemic issues that need to be addressed. This includes making recommendations as to how they might be addressed and by whom.

When I commenced as South Australia's inaugural Commissioner in April 2017, I had spent more than three decades working in social justice advocacy. I had seen firsthand what it is like for South Australian children and young people who are living within families with complex needs and situations.

In observing how children and young people are faring across our community, I devised my own shorthand for determining which category those I met could be said to fall into. Children and young people doing OK, children and young people needing support, children and young people struggling.

The majority of the children and young people I speak and meet with are doing okay. A number need far more support, while a smaller group are in immediate need of assistance. These are the children and young people about whom I am most concerned. I have been trying to identify where changes to the system need to be made so that their needs can be addressed.

This year I chose to look more closely at South Australian children and young people's experience of poverty. I wanted to find out how they defined poverty, how they described it, and what they felt could be done to address it. This was not a random subject selection. Nor was it the only subject I explored, as you'll see from the project detail in this report.

It came from the overwhelming feedback I had received from children and young people when I consulted with them early in my tenure, to find out what they wanted me to focus on 'doing' for them, while occupying this important office. Over and over they told me that in their view, helping people who are 'doing it tough' is where the most support is needed. They also told me that kindness and respect must be part of the solutions devised. They used phrases such as 'leave no-one behind' and that 'poverty is not a choice. It is a societal failing'.

The more I saw and heard from children and young people, the more I came to understand how so much of what occurs to those I had categorised in the really struggling group is preventable, if only we had the will to make the changes needed to bring them and their families out of the situations they are in.

Children and young people tell me, that as a community, we must show more kindness and respect; if these values sit at the heart of our identity they need to be at the core of our responses to those who are doing it tough. They, like me, believe that re-embracing kindness and respect will ensure that we belong to a cohesive, cooperative and caring community that demonstrates it is genuinely committed to make a difference in the lives of South Australia's children and young people. If we seek to build a South Australia so all children and young people can live the lives to which they are entitled, it stands to reason we must address the blindness, shortfalls and failures we find in the system.

Thank you in advance for reading my 2018/2019 annual report. I trust you will find its contents of interest and importance. Most of all I hope you find it persuasive. I look forward to working with those of you in government and non-government organisations and industry, who remain committed to making the changes needed at the systemic level to bring about change at the individual level, for the benefit of those South Australian children and young people who we can all see are doing it toughest.

Helen Connolly

Commissioner for Children and Young People

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Key Achievements

- Undertook 42 face-to-face consultations in 20 schools and 22 community venues connecting with 1,100 children and young people.
- Facilitated participation of 19,000 children and young people, 217 public and independent schools, and 31 libraries in the inaugural Commissioner's Digital Challenge: Let's Speak Robot.
- Gathered responses from 1,218 children and young people via 3 surveys.
- Undertook 17 workshops with 215 children and young people in 3 regions.
- In public places and community events, polled 475 children and young people on a range of topics.
- Increased awareness of the United Nations Convention on the Rights of the Child and the work of the South Australian Commissioner for Children and Young People through 6 formal presentations to key adult stakeholders.
- Influenced public policy through 16 formal submissions.
- Sought contributions from children and young people that directly informed recommendations in 6 major reports.
- Engaged with 113 South Australian businesses and industry leaders across 21 industry groups, who attended workshops in strategic organisation and operational governance relating to children and young people.
- Responded to 34 individual requests for advice, advocacy and intervention.

Key Highlights

- Influenced the Department for Education's new bullying strategy: Connected – A community approach to bullying prevention within the school gates and beyond through the Bullying Project.
- Increased the number and diversity of stakeholders across business and local government seeking to explore ways to consider children and young people's rights in a systemic way, including strong interest to develop an industry supported model of work experience.
- Devised activities and platforms to showcase the contribution and aspirations of young South Australians, including the creation of new opportunities to work with Aboriginal young people on how they want to be represented and have their voices heard.
- Achieved strong interest in the recommendations contained in major reports for their unique representation of the views and experiences of South Australia's children and young people.
- Received strong reception for the Commissioner's Digital Challenge with one third of all South Australian primary and combined schools completing the Challenge in its inaugural year, including considerable interest from libraries, community groups and families across the State.
- Partnered with UN Youth SA to deliver the 2019 Poverty Summit with 193 students who workshopped recommendations on how to address and alleviate poverty by 2030.

Key Outputs

- Released the Family Law Project Report: What children and young people think should happen when families separate: August 2018.
- Released and launched the Bullying Project Report: December 2018.
- Released and launched the Youthful Adelaide Report: April 2019.
- Released and launched the Hopes and Dreams Report for Regional SA: April 2019.
- Delivered the Leading for Our Future Youth Symposium on 'Barriers to Work' for Migrant and Refugee Youth, including launch of the joint report with Australian Migrant Resource Centre.
- Delivered the Poverty Project including workshops, focus groups, survey and Poverty Summit with UN Youth SA.
- Launched the inaugural Commissioner's Digital Challenge: 'Learn to Speak Robot'
- Launched 'Get Around It': a platform to showcase young SA 'Thinkers, Makers, Doers'.
- Delivered a workshop on the 'Future of Work' with Committee for Adelaide.
- Commented on the Concept Note of the UNCRC General Comment on children's rights in relation to the digital environment.
- Delivered the inaugural Carclew Futures arts funding administration project for young people.
- Partnered with the Department of Premier and Cabinet and AustCyber (South Australia Cyber Security Innovation Node) to deliver Digital Trust: Young Online and Confident D3 Digital Challenge.
- Undertook the Aboriginal Youth Engagement Project in partnership with Reconciliation SA and Tauondi Aboriginal College.

Commissioner's Functions

Under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*, each State authority 'must, in carrying out its functions or exercising its powers, protect respect and seek to give effect to the rights set out from time to time in the United Nations Convention on the Rights of the Child'.¹

The Commissioner for Children and Young People is an independent statutory office. The Commissioner promotes and advocates for the rights, development and wellbeing of all children and young people in South Australia. The Commissioner is committed to advocating for children and young people's involvement in decision-making that affects them, giving particular consideration to children and young people whose ability to make their views known is limited.

The functions of the Commissioner for Children and Young People as set out in the Act are:

- A to promote and advocate for the rights and interests of all children and young people in South Australia
- B to promote the participation by children and young people in the making of decisions that affect their lives
- C to advise, and make recommendations to, Ministers, State authorities and other bodies (including non-Government bodies) on matters related to the rights, development and wellbeing of children and young people at a systemic level
- D to inquire under section 15 into matters related to the rights, development and wellbeing of children and young people at a systemic level (whether a Governmental system or otherwise) to assist in ensuring that the State, as part of the Commonwealth, satisfies its international obligations in respect of children and young people
- F to undertake or commission research into topics related to children and young people; and
- G to prepare and publish reports on matters related to the rights, development and wellbeing of children and young people at a systemic level.

Without limiting any other provision of the Act, the Commissioner is required to consult with and engage children and young people in the performance of the Commissioner's functions under the Act, and in particular to seek to engage those groups of children and young people whose ability to make their views known is limited for any reason.

Commissioner's key objective is to champion a child's rights approach that positions children and young people's interests, development and wellbeing front and centre in public policy and community life. I also advocate that decision-makers change policy, attitudes and practice in favour of children and young people.

The Commissioner's advocacy can take many forms, from face-to-face discussions with decision makers, building alliances and collaborating with civil society, and developing strategies to raise public awareness of particular issues. It also includes direct representation of the views and opinions of children and young people to protect their rights and interests and deliver social justice.

The Commissioner aims to influence a range of decision-makers across politics, government, service providers and the broader community on a diversity of issues related to the wellbeing of South Australian children and young people.

Commissioner's Focus

The work that I do is underpinned by the United Nations Convention on the Rights of the Child (UNCRC) – the core international treaty which sets out the civil, political, economic, social and cultural rights to which all children are entitled.

This International Convention, adopted 30 years ago this year (20 November 1989), recognises that children and adults have very different needs, and that children and young people face particular challenges, because childhood involves stages of physical and emotional development that adults by definition, have already passed through.

My approach is underpinned by constructive dialogue, both with children and young people and with adult stakeholders. We engage in conversations that focus on the positive and build capacity in those with whom we work. We move beyond traditional problem solving approaches to ask positive questions, inspire constructive dialogue and focus on values, new ideas and solutions that can be achieved.

My work is explicitly focused on building relationships with and amongst children and young people as a strategy for achieving my objectives, as well as for achieving the following critical outcomes:

- A Decision makers are actively engaging children and young people as stakeholders and considering their rights and interests in a systemic way.
- B Children and young people are being given more opportunities to inform key decision makers on the effectiveness of the system in protecting and promoting their rights.
- C Children and young people, and their families, are better equipped to understand the digital world and feel empowered to access its benefits, as well as manage its risks.
- D Children and young people are given more opportunities for meaningful ways to participate and make a contribution across public, civic and community life.

The Commissioner fulfil's her functions under the Act through a range of these functions through a range of strategies and activities that can be broadly divided into the following four areas:

1 Rights Promotion and Protection

To promote and protect the rights of all South Australian children and young people to be respected, valued and heard. The Commissioner also informs children and young people, as well as the broader community, about their rights and the role the Commissioner plays in promoting, protecting and supporting these rights. This includes amplifying children's and young people's voices, enfranchising children's and young people's participation in public life, and developing policies that will expand opportunities for children and young people to enjoy meaningful participation in their community. The Commissioner works to ensure that the interests of children and young people are placed front and centre in everyday life, so that decision-makers are actively engaging children and young people as stakeholders.

Major activities include:

- Responding to individual enquiries
- Consulting with children and young people living with a disability

2 Awareness Raising of Systemic Issues

To achieve change, it is sometimes necessary to shift attitudes on a specific issue toward a particular group of children and young people in our community. Through reporting and awareness raising, the Commissioner seeks to change community attitudes, public opinion, beliefs and narratives, and thereby create public support on an identified issue. The Commissioner partners with the broader community in order to substantiate the issues that respond to and represent children and young people in a genuine way.

Major activities include:

- Engaging, including and empowering regional children and young people
- Researching the future of work

3 Engagement and Participation

The Commissioner engages, includes and empowers children and young people in matters relating to them. She supports them to be critical stakeholders in service and program planning, as well as in governance and operational activities. This is achieved through direct representation of children and young people on issues they themselves identify, as well as through consultation on issues identified by others. This enables the Commissioner to speak on behalf of children and young people with credibility.

The Commissioner actively supports individuals and systems to listen to, understand, and act on the views, experiences and information, from children and young people.

The Commissioner also works to develop systems and structures that can actively involve children and young people in decision making, particularly in areas that impact on their interests and wellbeing. At all times, the Commissioner seeks to engage in meaningful dialogue and debate around issues that children and young people have identified as having a negative effect on them.

Major activities include:

- D3 Digital Challenge
- Get Around It

4 Systemic Advocacy

The Commissioner utilises research, policy advocacy and investigative methodologies to lead and complement government and community involvement in development, implementation and evaluation of laws, programs and policies that impact on children and young people. This includes, more specifically, social policy development, legislative change, operational policy, and practice improvement/s.

Major activities include:

- The Bullying Project
- The Poverty Project

Current Situation

‘Currently the focus on children and young people’s rights across the South Australian government, community, and business is at best ad hoc. It is often siloed and does not embed any practical approaches to hearing, valuing and acting on the views and experiences of children and young people living across our community’

Throughout the year, children and young people across all systems and institutions told me that they have limited opportunities to participate in decisions being made about them. Nor did they receive enough information to make informed decisions and choices about the services with which they came into regular contact, such as education, youth justice, child protection and health.

In the second part of this report I highlight a number of projects, activities and outputs that directly relate to my strategic plan, determined by what children have told me they would like me to focus upon.

In the first section of this report, however, I have chosen to highlight a number of ongoing systemic issues with respect to the civil, health, welfare and education rights impacting the lives of many South Australian children and young people.

This is because too many children told me that they are unable to live a good life, feel safe and secure, have their health needs met, or be

included in education. Neither are they able to participate in their communities as valued citizens. This is despite the duty of ‘every person to safeguard and promote the outcomes’ of children and young people throughout South Australia.²

During the year, these issues have been identified and raised by South Australian children who are ‘doing it tough’. They have also been raised by their advocates, their parents and their carers. These are children and young people who, in their own words, are repeatedly being ‘excluded, pushed out, ignored, overlooked, disrespected, unsupported, ‘demonised’ and ‘written off’.

Despite extensive service systems, frameworks, dedicated professionals and community groups all operating in their favour, their rights are not being upheld. Nor are their needs being met.

These children and young people are not faceless. They have participated in the targeted consultations I have conducted via Youth Justice, Out of Home Care, Homeless Services, Flexible Learning Option Programs, Disability

Services, Employment Programs, Young Carer Groups, Mental Health Programs and Children of Prisoners groups.

They speak about surviving rather than thriving; about getting by, not about getting ahead; and of their day to day lives being filled with worry and anxiety.

The effect of a childhood spent growing up in this way has a lasting impact into adulthood. Children have told me about a lack of food, expensive and poor quality housing that doesn't allow for their own space, and no access to the Internet to do their homework.

I have frequently heard how they are told their issues are either too difficult for their school counsellors to deal with, or not bad enough for mental health services to intervene. They are consequently left to their own devices; to find their own resources and support – often calling upon their friends to provide it. Young people with mental health concerns in particular, continue to report being misunderstood, judged, and blamed for their condition and situation.

Others have talked about having caring responsibilities, or complex family situations that interfere with their schooling, and how their ability to connect to friends or attend sports events, or other recreational activities, is limited as a result. These marginalised young people ask why no-one notices how tough things are for them. They want adults to not only notice, but to care enough to find out what is happening in their lives, and to offer them solutions and practical support when they do.

They do not want adults to assume that they are simply disengaged or not interested in their own lives, or their school and community. They are often dealing with so many issues simultaneously that the social and emotional impact of carrying such a heavy load is that it becomes damaging to their health and well being. Over the longer term this can also impact on their self worth and personal identity.

What Needs to Change

Children do not choose their lives. They don't select their parents and they don't have the opportunities that adults have to change their situation. It is up to us to take active measures for those children in South Australia who are 'doing it tough'.

We need to support children to live the best lives they can; lives that enable them to have access to the 'good things' – the 'things' that most children take for granted.

They deserve more, and like all of us, they deserve someone to love, somewhere to live, someone to care about them, and something meaningful to do and hope for the future.

We must embrace a fundamental shift in culture and practice to meet our collective obligations to children and young people who are doing it tough. They have a right to be supported to be confident, resourced, resilient citizens who feel they belong, and who are able to participate in their family, school and broader communities:



Use of Case Study Examples

In identifying the specific issues children and young people doing it tough face, I have sought corroborating evidence via case studies on the issues that have been raised with me during the past year. I sincerely thank the following agencies for their contributions:

Anglicare SA, Australian Red Cross, Carers SA, Developing Minds, Uniting Care Wesley Bowden, Mission Australia, Sammy D Foundation, Shelter SA, Service to Youth Council, Uniting Care Country and Workskil.

These organisations are working in increasingly complex and challenging environments with diminishing resources. Their advocacy for children and young people remains strong, and I seek to support them in their efforts. I have included their case studies across health, education, justice, and child protection as they relate to my classification of:

- 1 System Blindness**
- 2 System Shortfalls**
- 3 System Failure**





Systemic Reporting

System Issues: which need our immediate attention

As Commissioner I am tasked with ensuring South Australia 'satisfies its international obligations in respect of children and young people'.³ The articles of the UNCRC also set out additional safeguards for the safety and development of children, and for increasing their capacity to be involved in decisions and act autonomously. These additional safeguards are divided into the three main themes of:

Participation, Provision and Protection.

The theme which resonates most within my work this year, is that of 'Protection'. Protection deals with exploitation of children and young people at work, as well as protection against physical, sexual and psychological abuse, discrimination and other mistreatments.

On the following pages are the systemic issues that I have identified through various projects I have undertaken (with the support of my team) during the 2018/2019 financial year.

They are grouped under the classification criteria defined earlier:

System Blindness, System Shortfalls and System Failure.

System Blindness



- 1 System and policy blindness to the rights and interests of groups of children, including children of incarcerated parents and young carers.

System Shortfalls



- 2 Lack of housing and support options for homeless children and young people under 15 years of age.



- 3 Lack of bail accommodation options for young people and lengthy periods remanded in custody.

System Failure



- 5 Lack of timely therapeutic support for young people from complex family situations and care backgrounds.



- 6 Increased use of suspension, part-time schooling and exclusion as a behaviour management strategy for children and young people.



-
- 4 Lack of systemic mental health supports for primary school aged children.
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- 7 Criminalisation and detention of children in residential care, and failure to protect them from harm.

It is my hope that by identifying these systemic issues which need our immediate attention, we can galvanise our efforts to make lasting positive change. I am advocating that we also involve children and young people in the design of the solutions needed to make this lasting change. Not just because it is the sensible thing to do, but because without their input we risk failing them again, perpetuating systems and processes that they have already told us aren't working for them.

System Blindness



Issue One

Policy and system blindness to the rights and needs of large groups of children, including children of incarcerated parents and young carers.

UN Convention on the Rights of the Child

Article 9

Children who have been separated from their parents have a right to stay in contact with them, and the State should provide the child with the essential information concerning the whereabouts of the parent.

Article 20

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

According to some estimates and modelling, approximately 5 percent of all Australian children are impacted by parental incarceration on an annual basis.⁴

There are no national data sets available to measure the actual number of children impacted. Consequently there is an absence of policy focus and support for these children. From my direct consultation with children and young people affected by parental incarceration, I have heard many negative impacts for children, including social isolation, bullying, changes to living and care arrangements, and severe financial stress. They also speak about anger, shame and guilt by association. Many children and young people are reluctant, and often instructed not to tell others about their situation, due to the social stigma and/or fear of involvement by statutory authorities.

From my observations and consultations with adult prisoners and their children, the imprisonment of a parent provides an opportunity to both identify children who are at risk of not achieving their potential, and to provide early intervention and referral for dedicated support services. If the parenting status of sentenced or remand prisoners was identified at the point of entry into the



system, the corrections system could be part of the process of breaking intergenerational incarceration, thereby reducing the risk of ongoing behavioural, emotional, health and education issues for thousands of South Australian children. Currently the adult corrections system is not systematically considering the interests of children. Nor do they see that through working with parents to reduce the likelihood of their children entering the system as an effective early intervention strategy.

There is currently no consideration given to the role of the state in providing children of prisoners with special consideration as per Article 20 of the UNCRC.

A proactive response that anticipates the issues for children and young people and provides a targeted support service, could have lasting, long-term benefits to children's mental and emotional wellbeing. This coupled with an approach that builds the capacity of the incarcerated parent to provide social and emotional support to their child (through practical parenting skills groups and formal peer led parenting support) is something both prisoners and children have told me would make a significant difference to their lives.

This could be reinforced through creating more supportive environments for children visiting incarcerated parents, including creation of visiting areas that have a more domestic feel. Their design could support physical contact between parents and children, and allow them to engage in shared activities during visits, thereby creating more normalised parent/child experiences.

Recommendation

I recommend that the Department of Correctional Services (DCS) adopt a child rights and child safe environments approach to all relationships and interactions with children and young people. This includes family visits, information for children on prison processes, and on prisoner reconnection and reintegration to family. In addition, DCS could focus on the parenting status of offenders, and invest in parenting support initiatives that work with male and female prisoners to prevent their children's involvement in offending.

Case Study: Andrew

Andrew is 18 years old. He now lives independently after three years of being homeless, couch surfing and living in youth shelters. When Andrew was 15 his life was turned upside down when his Father went to prison and he still struggles with the impact of this today.



Andrew lived with his Dad, a single parent. He doesn't really know his Mum with whom he never really had much contact.

The day Andrew's Dad was arrested by Police at the family home is the day his life changed. He describes being in a state of 'absolute confusion', and how 'everything felt unreal'. 'Everything did a flip that day' and he says he 'lost his sense of security' in his life.

Andrew explained that he had no idea what was going on or what was going to happen to him from that day forward. He didn't really have any other family he could call upon and he didn't know who or how to reach out for help. He had never heard of support services or youth shelters, and so had no idea how to find the support he needed. He wasn't even sure if anyone else had experienced something like this, so didn't know who he could ask. He explained not knowing where to go for help was one of the biggest issues he faced.

Andrew talked about the first time he moved into a youth shelter. He described the experience as being scary - how 'you suddenly go from living with people you know to living with strangers'. He said for a number of years he struggled with having somewhere more



permanent to live, putting himself in unsafe situations. This included living with young men who were kind enough to give him a place to stay rather than having to live in a men's shelter. He also spoke about how being young meant he had no control; how he couldn't decide what he wanted to do, or where he wanted to be.

Not having somewhere to live, was just one part of Andrew's situation. Andrew talked about having no money to buy food, and getting so used to eating very little that 'you started to view not eating as a way to save money'. He talked about the impact this had on his mental health; how 'it feels as though you are living in a world that no one else would understand' and where 'you lose your dignity as well as any hopes you had for the future'.

Andrew said some of his most vivid memories from the day his Dad got arrested included wondering where his stuff would go; even the toys he'd had since he was a kid. He said 'you eventually get used to not having any possessions after something like this happens, you don't get attached to things anymore'.

Andrew also talked about how he 'got told nothing'. He didn't know if he would see his Dad again. He didn't know what was happening.

He said one of the things he missed the most was spending birthdays and Christmas' together. He said it wasn't really about the presents, but that you stop celebrating, and that 'it's still these times of the year that he struggles most'. He also said he lost the ability to trust on that day too, and that's something he is still working on changing, but feels he has a way to go yet.

Andrew's Dad is still in prison, but he has more regular contact with him now. It's easier now that his life is a little more settled. Andrew has support and somewhere to live and he also has his own source of income.

Andrew said that in a situation like this, kids should be given as much information as possible from the start. He said that getting as much information about what is happening and about what will happen next, as well as who can help, is really important. He also said that knowing others are experiencing something similar is really helpful. Having 'good support, consistent access to food, somewhere safe to live and proper mental health support' were the key things he said he needed.

Young Carers

UN Convention on the Rights of the Child

Article 19

The State should put in place protective measures and social programs to provide necessary support for a child and for those in care of the child.

Article 31

Children have the right to relax, play and to join in a wide range of leisure activities

Carers SA estimates that there are 14,800 young people in South Australia under the age of 18 years who take on a caring role in their family. This equates to 2 or 3 students in every classroom.⁵ Many young carers emphasise that caring is a positive experience. However research clearly indicates that, when inadequately supported, the physical and mental health and wellbeing of a young carer can be seriously affected.

Young carers speak about frequently missing school because of their caring responsibilities; they have no time to complete homework, they feel worried and distracted when they are at school, and they often speak about limited connectedness with peers and teachers in their school community. They commonly experience lack of recognition of their caring roles by their teachers and school leaders placing many young carers 'at risk' of not making the successful transition from school into the workforce.

Young carers can gain independence and skills that will assist them in the future as a result of caring, however, the choices and opportunities are severely limited by the caring role. Young carers are often unable to leave the family home, gain employment and/or financial independence, or commit to intimate relationships.

Young carers are less likely to have meaningful friendships due to the demands of their caring role. This is exacerbated by their tendency to believe that they cannot trust people or talk to them about their caring role, and by the social stigma and misunderstanding associated with illness and disability across the community.

Young carers face critical level difficulty trying to balance their school attendance with their caring role. Trying to look after their own personal care and emotional health needs, often goes unrecognised or without the appropriate support. Young carers have frequently told me they feel singled out for what seem like minor things like uniform breaches and lateness. They also talk about concerns regarding the privacy of the family in the school environment. They fear intrusive questioning when they ask to see the school counsellor, and are given little or no flexibility with workload management in recognition of the heavy load they bear on the home-front, which can often include domestic duties.

Recommendation

I recommend that the Department for Education work with school leadership teams and Carer Support agencies to develop and implement a young carer support model for all schools. This model would include adoption of a single point of contact for information and advice for students with a significant caring role at home, with the focus being on supporting them to maintain their academic levels and social inclusion as well as their connection with peers and the wider school community.



Case Study: Zahra

Seventeen year old Zahra lives with her Mother and Brother, her Sister in Law and her nephew. Zahra lives with her Mother, Brother, his Wife and their infant son. Zahra, her Mother and her Brother came to Australia as refugees in 2013.

Zahra and her family came to Australia as refugees in 2013. Zahra's Mother has numerous physical and mental health issues and limited mobility. At times she lapses into unconsciousness and it is unsafe for her to be left alone for too long. She sleeps on and off during the day and has very disrupted sleep at night due to incontinence.

Zahra sleeps an average of 3-4 hours per night. Due to her Mother's incontinence the bed they share is usually soiled most nights, requiring Zahra to clean and shower her Mother and change the bedding daily. Zahra also administers her Mother's medication. As her Mother speaks no English, Zahra also takes her to all medical appointments, coordinating everything on her Mother's behalf. This all takes time away from her attendance at school. Zahra does all the cooking, cleaning, washing and other domestic chores for the household, including caring for her young nephew.

As soon as Zahra gets home from school she begins her caring duties with her study then left until late in the evening. There is no private space for her to study at home. A local agency provided some emotional support and linked her with a tutor which has really assisted Zahra to improve her education outcomes. The agency also helped Zahra with the purchase of school books, stationery, and uniforms and supplied her with food vouchers.

To further exacerbate Zahra's capacity to remain engaged with her studies, Zahra's whole family became ill from mould in the home they were living in, requiring her to advocate for relocation through the SA Housing Authority. After no response was forthcoming, the family had to find and relocate to a private rental property, placing them under further financial strain.



System Shortfalls



Issue Two

Lack of options for young people under 15 who are homeless and not receiving the resources and attention they need.

UN Convention on the Rights of the Child

Article 19

Governments should ensure that children and properly cared for and protected from violence, abuse and neglect by their parents.

Article 27

Children have the right to a standard of living that is good enough to meet their physical and mental needs. The government should provide material assistance and support programs, particularly in regard to nutrition, clothing and housing.

Homeless services data shows that over the past five years, the number of young people who are presenting for homelessness support has increased by 60 percent.⁶

Youth Homelessness Services are not appropriately resourced to support the numbers of young people aged 15 -25 years, let alone the additional number of 14 year olds or younger, who are experiencing homelessness, and who also need an intensive long term response to transition to their independence.

For young people under 15 years of age there are currently no funded homelessness shelter options. Of the twelve shelters within the youth homelessness sector, each have varying eligibility criteria. The majority of crisis beds are for young people aged 15 to 19 years, or 16 to 21 years. There is also crisis accommodation for young Aboriginal people aged 15 to 25 years and young women who are no less than 36 weeks pregnant or with children in their care. There are some options for young people under 15 for whom reunification with family is an option. This service may occasionally have an emergency bed available which may be offered for an overnight stay.⁷



With the lapse of the Commonwealth State Youth Protocol and introduction of the Housing and Homelessness Agreement, there has been a subsequent loss of a formal mechanism that recognises that youth homelessness is in fact a child protection concern.

Youth homelessness services continue to 'push back' to Department for Child Protection (DCP) for young people aged under 15 years. This is also in recognition that entering the system at this young age increases the likelihood of becoming trapped in a homelessness cycle.

A different response is needed for this younger age group. One that is grounded in a trauma informed approach and which works with families in the context of the child and their family's community. This response includes providing a stable, nurturing home environment with effective and targeted intervention from a number of government services including education, health and child protection services.

Youth homelessness remains an intractable issue within South Australia. The homelessness sector alone cannot resolve youth homelessness. South Australia needs an interdepartmental response that ensures education, health care,

youth justice, mental health and child protection services are all working together to best respond to the needs of individuals, families and their children. Plus, this combined response needs to occur prior to factors that lead to a young person becoming homeless take hold.

Accommodation and therapeutic services should be developed and designed to provide child focussed support, and to provide interventions for young people to re-engage with their families, schools, culture and the wider community.

Recommendation

I recommend that the Department for Human Services take a lead role in developing an interdepartmental response that ensures education, health care, youth justice, mental health and child protection services are all working together to formally plan for and respond to the needs of children under 15 years of age who are at extreme risk of ongoing homelessness.

Case Study: Ben

Ben identifies as Aboriginal. He is currently 15 years of age. Ben's first interaction with Trace-A-Place was when the DCP sought accommodation for him.

DCP advised Trace-A-Place that Ben had been released from the Adelaide Youth Training Centre into commercial care; that Ben was under a Custody of the Chief Executive Order. And although Ben's parents remained his legal guardians, under the interim Order, DCP remained responsible for his housing arrangements.

The DCP Cultural Advisor had confirmed there was no scope for placement within Ben's community, nor were there any housing options with appropriate family or friends. DCP advised that they were trying to avoid seeking a long term guardianship order for Ben, as they were of the opinion that there was no reason or need for such an order.

DCP was advised that as Ben was under 15 years of age, he could not be accommodated within the youth homelessness sector. They also raised concerns that a 14 year old was being exited from a state run facility into homelessness. In any event, there were no vacancies available in any of the National Housing and Homelessness Agreement (NHHA) funded youth crisis shelters at the time.

Ben's story highlights the lack of suitable alternative placements available for young people who are unable to live at home. This means that in practice these young people are being exited from detention, care, or hospital, into the youth homelessness sector. On any given day, there are not enough vacancies for all young people seeking accommodation to be placed.





Issue Three

Lack of bail accommodation options for young people leading to unnecessary periods in custody.

UN Convention on the Rights of the Child

Article 40

State parties must be treated in a manner consistent with the promotion of the child's sense of dignity, which takes into account the child's age and the desirability of promoting the child's reintegration... in society.

General Comment No. 28 on the Convention on the Rights of the Child

That children under 16 should not be detained and that deprivation of liberty is only ever used as a last resort. That diversionary practices always be used as the first port of call for children likely to come into contact with the child justice system.

Young people coming into contact with the youth justice system increasingly experience mental health issues, substance abuse problems, unstable home environments, homelessness, disability, poor health, and disengagement from school and their community.⁸

For the majority of these children and young people youth detention is not the best place to develop physically, psychologically or emotionally. South Australia has been steadily reducing the number of children and young people in the youth justice system and in detention for some years.

However there are a number of these children and young people who have not been sentenced and are being detained and refused bail, not because of a charge, but simply because they have nowhere suitable to live.

Currently there are no bail facilities for children and young people in South Australia.

Even if bail is granted for children and young people who are in unsafe home environments, or who are homeless, they may not be able to comply with the conditions imposed due to lack of suitable accommodation. This needs to be recognised and



addressed so that children can be granted bail and live in safe accommodation while their matter is before the court.

Lack of alternative accommodation should not be a reason for detention of un-sentenced children.

Options must be developed to cater for:

- children with no suitable family to be placed with
- complex health needs requiring acute support
- homeless young people.

Bail accommodation should provide access to support services, therapeutic care and a case plan that supports reintegration and development of social networks.

Young people remanded in custody also face additional issues such as unspecified periods of detention, as well as lack of access to therapeutic and/or support services and rehabilitation programs.

Advocates have confirmed that undefined lengths of time over which a young person is held on remand creates anxiety about their court and release dates. As a result, they can feel unsettled and may display challenging behaviours.

Often too, young people are sentenced with time served, meaning they exit detention with limited support. All young people leaving detention should have access to an exit plan that supports reintegration and development of social supports. This would reduce the risk of a young person returning to custody and repeating the cycle of being on remand and unable to access services.

Recommendation

I recommend that the State invest in a youth bail accommodation facility and that an independent lead agency oversee the development, implementation and monitoring of an individual release plan for every child and young person leaving detention. I also recommend the appropriate department collect transparent, year-on-year, whole of system data to track police and court bail conditions for all children and young people who come into contact with the youth justice system.

Case Study: James

James, a 16 year old male from a CALD background, has a range of complex issues including being the victim of family violence, physical abuse, cultural disconnection with his community, and racism at school and in the mainstream community.

James has been involved with the justice system since he was 12 years old. Between the ages of 12 and 15 years, James was either on remand, or if sentenced, had his remand deemed to be time served. This meant that he exited prison to re-enter the community without any individualised support.

At 15, James decided to change his life. He regularly engaged with his mentor, attended school and gained employment. James had successfully stayed in the community for over 11 months. However, two weeks prior to completing a good behaviour bond, James was arrested and returned to custody where he then spent more than 9 months on remand. As a result he lost his job, became disconnected from his school, and isolated from his family and friends.

James was held on remand because of a lack of accommodation facilities made available to him. His family said he was not welcome to stay at home due to the previous problems they had experienced. With disruptions in his medication schedule, his mental health deteriorated quickly so that James became frustrated and on occasions became violent. This resulting violence led to him being banned from accessing certain services again. Much of this could have been avoided, had James had a suitable bail address. Being held on remand for long periods of time meant all the effort James had put in to turning his life around, went down the drain.







Issue Four

Lack of systemic mental health supports
for primary school aged children.

UN Convention on the Rights of the Child

Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The government should help families who cannot afford to provide this.

The economic and social costs of mental health concerns in childhood are significant. Children with mental health challenges struggle to engage with, and do well at school. They're also known to be experiencing a poorer quality of life and physical health, as a result of living with parents and siblings who themselves may be managing greater stress and mental health challenges. According to recent figures, 13 percent of Australian primary school aged children (aged 4 to 11) meet the criteria for a mental health disorder, with this figure even higher for indigenous children and other at risk groups.⁹

Prioritising the treatment of children with mental health issues while they are still children is exponentially effective in reducing the incidence and severity of their mental health problems in adulthood. If untreated there can be long term implications for those children across their life-time. The associated economic, social and personal costs are significant.¹⁰ Addressing mental distress in childhood through ensuring access to early intervention services also creates a significant positive impact on health outcomes for the whole population.



Effective mental health treatment of children also positively impacts on their parent's wellbeing, thereby creating a double-positive outcome.

The lead Commonwealth agency for young people's mental health is Headspace. This service is designed specifically to meet the needs of young people aged 12 to 25. However, there is no equivalent Commonwealth for primary aged children. New national initiatives such as 'Be You' and 'Emerging Minds' are aimed at health and education professionals, rather than direct services to children.

State-based child mental health services have become more targeted with CAMHS now focussed on working with children who have acute mental distress. The bulk of children's mental health care is therefore provided by private psychologists under the Medicare Better Access initiative. Medicare does not, however, fund support and liaison for teachers and education staff. As school is where children are found most of the time, this is where treatment plans need to start.

Accessible services designed for children with ongoing mental health issues is lacking across all sectors, with severe shortages of psychologists working with 5 to 12 year olds. This results in lengthy wait times in major metropolitan areas, and few options outside metropolitan Adelaide. It is not surprising, therefore, a recent study found that only 2 percent of children aged 0 to 8 with a mental health condition actually accessed Medicare Benefits Services (MBS).¹¹

Recommendation

I recommend that the Department for Health and Wellbeing adopt a public health approach to children's mental health, increasing the number and variety of school based mental health supports and interventions for primary aged children.

Case Study: Karlee

Karlee, aged 10, lives with her Mum Alex, and her two younger siblings in metropolitan Adelaide. She was diagnosed with oppositional defiant disorder as well as with separation anxiety disorder by her paediatrician, who has recommended Karlee have psychological treatment. Alex called State based mental health services and was told Karlee did not meet their criteria for service.

Karlee's GP gave her a referral to a private child psychologist but when Alex rang the clinic, she discovered they had to wait three months to access their services. Using Google, Alex tried three other clinics; one had closed their waiting list altogether, while the other two had six month waits. So Alex made an appointment with the first psychologist and resigned herself to the long wait for Karlee's initial appointment. Distressed, she rang her own sister who lived in regional SA for ideas and support, as she knew they'd had similar issues with their child. Alex's Sister told her that there were no child psychologists within 200km available for her child to access.

During this time, Karlee stopped attending school and her anxiety symptoms worsened. Eventually the day of the appointment arrived. The psychologist met them in the waiting room and informed them that during the sessions Medicare Better Access funding required Karlee to be in the room at all times. This meant Karlee was present while Alex described Karlee's difficulties in following instructions and behaving in positive ways, as well as the details of her family history - which included

family violence. As she heard her Mum, Karlee become very distressed. She ran out of the room, crying and yelling, 'I hate all of you!' Alex and the psychologist were unable to get her to return for the rest of the session. As it turned out, this would be the last time Karlee would see the psychologist – she was so upset by the experience that she refused to attend any subsequent sessions.

Alex asked the psychologist if there were any group or telehealth sessions available anywhere online for children with challenging behaviours. She was told that unfortunately there were none available. Alex then asked whether she herself could attend sessions to help her know how to help Karlee. She was told she could do so, but that Medicare does not currently fund these sessions and she would therefore have to pay for them privately. Alex did not take up this option as she could not afford to.

Six months later, Karlee has still not returned to school and Alex has a negative, bitter feeling about psychological treatment for children.



System Failure



Issue Five

Lack of timely support for young people from complex families who are falling through the cracks.

UN Convention on the Rights of the Child

Article 24

Children have the right to good quality health care, clean water, nutritious food and a clean environment.

Article 26

The Government should provide extra money for the children of families in need.

Article 27

Children have the right to a standard of living that is good enough to meet their physical and mental needs. The government should help families who cannot afford to provide this.

Each young person's situation is unique. However there are a number of consistent themes relating to children and young people living in difficult situations. Their experience is characterised by a lack of a stable home life, no positive parental support, situational or entrenched poverty, and/or disengagement from school. Some young people across our community are being forced to 'bounce' around the system. This is often because they are either very young and have little support, are young and have gone under the radar, or are considered difficult to engage. These young people can often come from complex families characterised by mental illness, drug and alcohol misuse and domestic violence, or a combination of all three. Living in these families can impact on their ability to make positive, safe life choices.

These young people are often forced to look after themselves from an early age and generally 'grow up' much more quickly than their peers. They may have experienced a lack of boundaries, poor adult supervision and limited positive parental role modelling. They can come to the attention of police and youth justice as either victims of crime or for their own offending behaviour. Others may present at hospital emergency departments with mental distress and self-harming injuries. They are rarely admitted and when they are



will often be discharged with a referral to a mental health service where they may have to wait considerable periods of time before being seen. With no or little appropriate support they describe this process as being 'on a treadmill that goes nowhere'. They also describe this pattern of crisis, asking for help, not getting help and being moved on, as one of 'repeated rejection'. This consistent rejection by adults who are 'supposed to care' is a common experience for these children.

Due to their chaotic lives these children often also have the added challenge of an interrupted education through non-attendance and exclusion. This can mean disconnection from relationships with peers and the school community, impacting on their confidence. It may also exacerbate their mental and physical health, leading to difficulty developing positive friendships, participating in community and finding work opportunities.

The following case studies outline the daily challenges of three 15 year old South Australian girls who live in our community. They are now connected to support agencies that act as the consistent adults in their lives. However, the challenges they faced could have been minimised or even avoided had

the 'system' addressed their situations much earlier. It is apparent they did not know where or how to seek the support they needed. This presents an opportunity for teachers, coaches, tutors, police, carers, and other adults with whom they are in contact to provide this vital connection to support services. Although these three young girls are now doing okay, it is important to recognise that they and others like them need ongoing care due to the complexities of their families of origin.

Recommendation

I recommend that an appropriate child focused body be resourced to work with government and non-government organisations and young people with lived experience to develop and implement a Young People At Risk Framework. This would be underpinned by formal agreements and include provision for long term case management, therapeutic intervention and individualised support for young people who have complex needs.

Case Study: Katy

Fifteen year old Katy was enrolled in Flexible Learning Options (FLO) last year due to personal health and social issues. She has a speech impediment and low confidence communicating with adults and peers.

After 6 months in the FLO program, it was identified that Katy had spent the previous twelve months living independently in a caravan without heating, running water,

power, cooking facilities. Her caravan was located on a small town property approximately 45kms from her school and networks. She had been travelling independently on the bus the 45kms each way to school every day, and had maintained good attendance and grades whilst feeding herself, and managing to keep herself functioning. Katy's Father is elderly and unable to look after her, due to chronic depression. Her mother lives with her partner elsewhere.

Case Study: Chloe

Chloe is 15 years old and in Year 10 at school. In recent times Chloe's school attendance had declined and teachers were concerned about what was happening to her. Chloe disclosed that she was living in a chaotic environment. Chloe's Mother has an addiction to methamphetamines and her Father is currently in prison, as is her Step-Father. Chloe was experiencing physical and verbal abuse and her living situation with her Mother had become unsafe. Chloe was encouraged to engage with SAPOL to manage her initial safety concerns and then to

take out an Intervention Order against her Mother. Chloe was also enrolled in a Flexible Learning Options (FLO) program as she understands the importance of education.

Chloe's attendance and performance at school has improved and her resilience is slowly building. The school is very supportive of her situation, with Chloe's teachers fully informed of her circumstances and offering her daily support. Some teachers have provided Chloe with one-on-one help for work that she is finding difficult or falling behind on.

Case Study: Krissy

Krissy is 15 years old and couch-surfing. Her Mother has a drug addiction and is managing mental health issues. Krissy's Father lives in a boarding house and suffers from drug and alcohol misuse. She has two younger Sisters aged 8 and 10, as well as a younger Brother aged 3, all of whom still live with their Mother.

Periodically Krissy will stay with her Mother to keep in contact with her younger siblings and to help her

care for them. Krissy tries to keep this to a minimum, because when she is home her Mum will ask her to pay for drugs. Krissy feels obliged to do this as she does not want her siblings to suffer any abuse because of their Mother's drug addiction.

Krissy is doing her best to navigate the complexities of her difficult situation. She is caught between looking after her own needs and those of her siblings. As a result she was in



Katy did not feel comfortable staying with her Mother due to a range of safety and relationship issues she has with her Mother's partner.

Katy had no income. Homelessness Services were able to support her with accommodation, an independent income, and psychological support, including helping her to achieve her SACE.



Chloe has an extended family of cousins, aunties and grandparents. They have provided her with a place to sleep, 'taking her in' when she has needed to remove herself from home. Her case manager meets with her weekly to work through any issues Chloe has, offering support and advocating on her behalf. The wrap-around support Chloe is receiving is making all the difference in her life.



limbo; disengaged from education, community and friends, and with no close adult to provide her with guidance and direction.

Krissy was enrolled in a FLO program in 2018. She has also been attending fortnightly Headspace appointments and is now seeing a GP regularly for medication monitoring. Krissy has also completed a Senior First Aid Certificate and is working towards getting her learner driver permit.





Issue Six

Increasing use of suspension, part time schooling and exclusion as a behaviour management strategy for children and young people.

UN Convention on the Rights of the Child

Article 28

Children have the right to an education.

Discipline in schools should respect children's dignity.

Article 29

Education should develop a child's personality and talents to the full.

The goal of education systems is for all children to become successful, confident, and creative people, and to do so in a way that overcomes educational disadvantage and improves the life chances of vulnerable children.¹²

This year I have heard from many children and young people, their parents, advocates and therapists, about the sustained use of exclusion as a behaviour management tool for students with emotional and mental health challenges. Families have raised issues relating to a variety of practices, including very restricted hours of school time per day (eg 1.5 hours) school suspensions, time away from other students, and formal exclusion.

Mental health professionals have reported that many families are told their children must have therapy and/or medication prior to their children being allowed to re-attend or increase their hours at school following a period of exclusion. Given the low availability of child psychology services, this means many children miss extended amounts of school before they can access services. Advocates have also told us that schools inform them that they cannot manage the child's behaviour at school, because they are concerned about the safety of other children. For this reason, some believe the exclusion or restriction of hours is a legitimate strategy.



Other schools have reported to advocates that they use restricted hours partly because they 'don't want the child' to leave school after a negative interaction/behaviour. They would rather the child stay at school for a short period of positive time, rather than extend the time, and risk having to ask the child to leave due to a negative interaction. Most children experience negative emotions after being excluded from school.

Children and young people have told me that they experience decreased confidence in learning, increased identification with being 'abnormal' and 'different' following suspensions and exclusions:

“ ‘I have no friends.’

“ ‘I can't stop being angry, that's why I'm not allowed at school.’

“ ‘I'm one of those bad kids.’

It is very difficult to support children who are outside of a school based setting. This is due to the lack of practical opportunities there are to apply new skills without any or limited social interaction. In addition, parents/caregivers find the school exclusions/restriction experience distressing.

Advocates have said that the use of exclusion practices to manage students living with disability has a negative impact on their immediate and long term outcomes. They have described it as a form of systemic discrimination. This approach does not meet our obligation to take measures to support the dignity, self-reliance and community participation of children living with disability.¹³

A number of children have told me they feel rejected by their school and have feelings of shame, guilt and loss of purpose for extended time periods. They also can't understand why there is no consideration of the impact exclusion has on them, and the social disengagement it causes to which then impacts on their mental health.

Support services are equally concerned about the lack of opportunity and engagement from schools to allow individual advocacy, negotiation, or compromise to be applied in certain situations.

Suspension and exclusion are often punitive processes that can have long-term negative affects on educational attainment and engagement within the school system. Anything with the potential to have such a substantive detrimental impact on a child's wellbeing and future attainment must be subject to rigorous standards that are open to independent scrutiny.

Recommendation

I recommend that the Department for Education undertake a policy and practice review of the use of school suspensions and exclusions, with an emphasis on creating opportunities for children, young people and their families to have representation and direct involvement when their use is being considered, particularly in relation to their use on children living with disability.

Case Study: Scotty

Scotty is six and lives with his parents. He has a strong and supportive family network, including grandparents who live nearby and who take care of Scotty after school most days. Scotty's parents are both well-educated and work in professional roles.

In Reception, Scotty was diagnosed with level 2 Autism Spectrum Disorder (ASD). A Negotiated Education Plan was developed and he was provided with six hours a week of School Support Officer (SSO) support. No educational psychological assessment was done to identify whether Scotty's ASD might be affecting his learning capacity and in Year 1 Scotty's SSO support reduced to 45 minutes a week. He also participated in programs to support the development of his social and literacy skills.

The school started excluding Scotty from activities when he was in Reception. He would be sent to the office for parts of the day, sometimes for periods of up to five hours. Sometimes Scotty would be given restricted play, preventing him from going to the oval at recess and lunch. Scotty's family would often be asked to pick him up from school early. At times, they believed the decisions to exclude Scotty were made by teachers who were unaware of his autism.

Scotty received his first formal exclusion in the second half of Reception. It was enforced after he and another student got physical in the schoolyard. Of the two students, Scotty was the only one to be excluded. During Scotty's three day exclusion, he received no school work. After the exclusion, he was required to sign an

agreement in front of a group of staff. Scotty's Mum thinks he didn't really understand the document or the process.

Scotty's parents said they were confused about the processes that were used for decisions to exclude Scotty, including how this was discussed with him. They felt unclear as to the role they might play and want the school to communicate better with them and to seek more collaborative solutions. They're at a loss to know what to do to help Scotty remain in school in the future.

The entire family has been affected by Scotty's ongoing informal and formal exclusions from school. His Mum has had to halve her work hours to accommodate school requests to pick her son up early. This has taken a financial toll on the family, but even more significant is the emotional toll it has had.

The experience of exclusion from class time and school has damaged Scotty's self-confidence. His ability to form or sustain friendships has been compromised and the way he is seen within the school community is negative. He feels anxious about attending, not knowing if he will be there all day or be sent home, and this has led to daytime wetting. Scotty's Mum says he understands the need for consequences, but she's heartbroken to hear her young child tell her, 'I am a bad person, I can't be good... I am the naughty kid'.





Issue Seven

Criminalisation of children in residential care.

UN Convention on the Rights of the Child

Article 37

The arrest or detention of children should only be used as a last resort. Every child deprived of their liberty should be treated with humanity and respect and in a manner that accounts for the needs of the person's age.

Article 40

State parties have a duty to treat children that are accused of a crime to be treated in a manner consistent with the promotion of the child's sense of dignity and worth. Children have the right to legal help and fair treatment in the justice system that respect their rights.

Numerous studies across Australia have shown that incarceration at an early age has a detrimental impact on young people, significantly increasing the likelihood of reoffending. This includes even short periods of detention on remand.¹⁴ Children and young people in care who are then placed in residential care are reportedly 13 times more likely to come into contact with the youth justice system. Numerous advocates have reported that the residential care experience can lead to contact with youth justice.

Children are removed from environments into the care of the State to protect them from harm. It is therefore disturbing that the care environment they find themselves in can be managing their behaviour by imposing rules and setting consequences for actions that involve police, arrests, charges, youth court, remand and a criminal history. This is in stark contrast to what would ordinarily happen within the family environment, where other strategies, including those which are non-punitive, are more likely to be applied.

A Law Society Seminar this year raised concerns for children in residential care units being arrested as a form of discipline, ending up with a legal record for actions that would just be considered 'naughty' if they were at home.¹⁵



Children in care have complex lives. Placing groups of unrelated children in residential care can present significant issues for children and the staff who are responsible for them.

Residential care facilities can also be very unnatural environments; particularly as they are both a workplace and a home. This presents a unique set of issues that makes some children feel institutionalised from a young age.

Because of the institutional nature of some residential care facilities and its impact on children and young people, all operational protocols and practices in these units should ensure they protect children from the risk of criminalisation.

The standard response to children's frustration, despair and confusion should be behaviour support practices that provide opportunities for children to reflect upon, repair and resolve challenging situations without police involvement.

This requires practices that steer away from the use of rewards, loss of 'privileges', comparisons to others, and competition tactics and strategies, which often increase conflict and create division and suspicion toward others with whom these children are grouped. Practices need to move toward more supportive,

restorative approaches. At their core there needs to be a developmental education approach that acknowledges and supports children to express why they may have acted the way they did, including examining what impact their actions had on others. This approach needs to include behaviour changing strategies that demonstrate how they might act differently were they faced with a similar situation in the future.

Recommendation

I recommend that the Department for Child Protection (DCP) implement systemic measures that refer children away from the judicial system as a first resort. This includes DCP working with police regions to implement local protocols between residential care units and police stations to ensure vulnerable children and young people receive treatment and care, not police involvement.

Case Study: Jack

Jack is a 13 year old boy who was living with his Mother and younger Brother. In 2018, he and his Brother were taken into care.

Jack and his Brother were separated and Jack was placed in a residential care unit. As the unit was some distance from his home, Jack had to change primary schools. He also had to leave his special pet that he misses greatly. Jack attends school for one hour per day with carer support and says he has no friends at his new school. Prior to being in care, Jack had no criminal history. Jack has no contact with his Father.

Jack has been assessed as having the learning capacity of an eight year old. Given his low level communication skills, self-regulation, social skills and intelligence, his capacity to understand what was happening to him is limited. His psychological assessment revealed that Jack has a range of behavioural, psychosocial and health needs which require treatment.

During his first nine months in care, Jack was subject to numerous arrests and was placed on detention in police custody at the Adelaide Youth Training Centre. In one month he was arrested four times. Over the following four months, he was arrested a further seven times.

Police involvement was often for minor offences such as offensive language, with all charges subsequently withdrawn. But the process of police attendance and arrest was both distressing for Jack and clearly not in his best short or long term interests. This coupled with the fact that it was a completely new experience for him – Jack had had no history with youth justice prior to being taken into care – meant police involvement was having an adverse impact that was likely to have lasting negative consequences for him. Jack needed medical treatment, developmental education, and therapeutic care – not arrests and unnecessary detentions.





Where to Next...

Key State agencies must invest in major change to address the social inequality prevalent in the lives of too many South Australian children and young people. These kids are missing out on a range of opportunities that other children and young people across our community take for granted.

Not only this, they also face shelter, hygiene, food and general care and protection issues leaving them vulnerable and compromised. Add a lack of a capacity to engage fully in their education and school community, and their disconnection and overall plight of disadvantage becomes pronounced.

They are being placed on a difficult track toward adulthood in childhood. It's a track that the evidence shows will often force them to become adults who may be dependent on the state.

At the core of this failure is a requirement on the part of the 'system' and those who design it, to better understand the complexity of the lives of these individual children and young people so that their struggles can be minimised if not eliminated completely, which should be our aim.

These children and young people are not faceless. We know who they are. They have few choices and they continue to be let down by those of us who fail to acknowledge that they are children who are being negatively impacted by adult imposed rules and systems that have not been properly designed to meet their needs. Responding to their specific needs in ways that are consistent with a community who believes kindness and respect is what all children and young people deserve will make a difference.



We know what children need. We also know the risk factors they face when they find themselves part of a family in crisis.

Our current responses are inadequate, and fall far short of where they need to be. Not only do we need to prioritise children and young people's needs, we need to commit to focussing on their ongoing development to improve their physical, social, emotional and mental wellbeing.

We have a legal and moral duty to protect and provide for these children, which is clearly set out in the UNCRC and legislation. Our responsibility as leaders, decision makers and adults in children's and young people's lives is to ensure all decisions we make, and actions we take, are in the best interests of the child or young person concerned.

Our actions must also be tailored to meet individual needs. There is no one size fits all when it comes to individual kids who find themselves in need of our support. We can only support them appropriately if we commit to making decisions that will impact on their lives positively. To do this we need to talk to children and young people, listen to what they have to say, and ask them for input into the solutions that will make a real difference in their day to day lives. It is our responsibility too, to

follow through on the delivery of redesigned services that have kindness and respect at their core.

The case studies highlighted show us that there are many blind spots and that we are falling short in many areas. In some areas we are failing altogether. It stands to reason that if we are not meeting our own, State, national or international obligations now, then the longer we remain inactive, the worse the situation will become.

We must ask ourselves what it will take to make the changes necessary. Then we must act decisively to build a future for these kids that we can be proud of; one in which they can all flourish regardless of their background.

If we can't say this for all our kids then we're not delivering a future that is bright for all, and if we are to call ourselves an inclusive, caring community that must be our goal.

I look forward to hearing from those of you who would like to work with me to implement the changes our children and young people have recommended in those areas that are most relevant to them, and in the shortest possible timeframes.



Project Reporting



Programs, Projects and Initiatives

Throughout the 2018/2019 reporting year the Commissioner (with the support of her team) undertook a number of programs, projects, and initiatives across four key focus areas:

- | | |
|--|--------------------------------|
| 1 Rights Promotion and Protection | 3 Engagement and Participation |
| 2 Awareness Raising of Systemic Issues | 4 Systemic Advocacy |

Rights promotion and protection

A total of 34 enquiries into matters concerning potential rights protection issues related to the safety and wellbeing of South Australian children and young people were received from the general public through the 2018/2019 reporting year.

The nature of these enquiries ranged from asking for assistance to requesting referrals, and filing complaints about government and non-government community bodies and organisations in contact with children and young people. Of the enquiries received there were often multiple issues raised.

The nature of these enquiries were as follows:

| Description of concern or request | Number |
|--|--------|
| Foster/Kinship | 6 |
| Children in state care (DCP) | 6 |
| Child safety and/or wellbeing | 16 |
| Children's interaction with Family Court | 5 |
| Child safety, exclusion, discrimination and privacy in the education setting | 5 |
| Children being denied or given restricted access to relationships with parents/grandparents/siblings | 4 |
| SAPOL's interaction with children and young people | 3 |
| Provision of child-safe environments by agencies | 4 |
| Bullying of children (outside education settings) | 1 |
| Other concerns or issues raised | 2 |

Summary of CCYP requests for further information

Throughout the reporting year the Commissioner made requests for further information from Statutory Authorities in relation to the following matters concerning children and young people:

| Department | Concern | Outcome |
|---------------------------------|---|---|
| Department for Education | Privacy of Student data concerns in some schools being placed in public places. | The Department to send out information for schools that reminds them of the potential privacy issues associated with the collection and use of data. |
| SAPOL | How some police stations have responded to bullying. | SAPOL to send information to all police stations outlining the responsibilities all officers have in relation to bullying with a particular focus on children and young people who come into contact with the justice system. |
| Department for Child Protection | New foster care policy and provision to help assist foster families. | Informal advice received. |
| Department for Child Protection | Treatment of children in residential care units. | Interim response pending an inquiry. |

Major Projects

Use of exclusionary policies and practices in Australian schools and the impact they have on vulnerable children

The Commissioner is partnering with the University of South Australia and UNICEF to research how suspensions and exclusions are being applied in Australian schools. To date, a comparative analysis on the laws, policies and practices in all states has been undertaken with the next step being to collect data on the number of

suspensions and exclusions occurring. The Commissioner is talking to families and to children and young people about suspensions and exclusions and the affect they have on their lives. Findings from this project will be released next year.

Children and young people living with a disability

The Commissioner has partnered with a range of disability support providers to examine service delivery to identify key issues of importance to children and young people living with disability. The project is part way through a series of consultations with children and young people living with a disability across metropolitan South Australia. The sessions are providing these young people with an

opportunity to identify the key issues of importance to them. The consultations will enable their views to be heard and help to shape, design and implement models of collective advocacy that will inform service providers working within the disability sector on how to better meet the needs of South Australia's children and young people living with disability.

Submissions made by CCYP in relation to Rights Promotion and Protection

| Department | Subject | Date |
|--|---|-------------------|
| Chief Executive of the Department for Correctional Services | In relation to children of prisoner's rights and their right to have a relationship with a parent in prison | 24 September 2018 |
| Department for Education South Australian Principals Association State Committee of the Australian Psychological Society | Australian Anti-Ice Campaign In-School Education Workshop | 19 November 2018 |
| Chief Executive, Beyond Blue | Be You Initiative | 7 December 2018 |
| Director, Online Content and eSafety | Online Safety Charter – Consultation for feedback | 5 April 2019 |
| The Honourable Stephan Knoll MP | Reforming Local Government | 26 April 2019 |
| Mayor Burnside Council | Request for Skate Park | 22 July 2019 |

Awareness Raising of Systemic Issues

Major Projects

Hopes and Dreams Report and the Commissioner's Regional Network

The Hopes and Dreams regional engagement project commenced in February 2018. Its aim was to find out what children and young people living in South Australia hope for and what support they think they need to help their aspirations be realised. Regions visited included the Riverland, Murray Bridge, Adelaide Hills, the Yorke Peninsula, Ceduna, Barossa Valley, Whyalla and Mid-Murray regions. A total of 46 sessions were held with 611 children and young people aged 0 to 26 years.

The Hopes and Dreams Report, released in February 2019, summarised the outcomes from this in-depth engagement, raising awareness among community leaders and decision makers that young people want their local communities to support them to be connected, creative and confident.

The report also revealed a significant opportunity for communities to harness the enthusiasm and support of their children and young people so that they feel valued by their community, excited about its future, and committed to being part of its sustainability. The Commissioner continues to work with decision makers and community leaders in building the capacity of young people, placing them front and centre in regional areas.

The Hopes and Dreams Report was presented to the South Australian Social Affairs Cabinet Committee by the Premier of South Australia, who called the report 'a valuable resource for government in formulating and implementing key policy initiatives and programs to ensure we continue to respond appropriately.'

Future of Work Workshop

Creating key partnerships with local business is fundamental to the success of children and young people. The Future of Work workshops, undertaken in collaboration with the Committee for Adelaide, brought a diversity of South Australian businesses together to develop practical strategies to smoothing the transfer from learning to work. The workshop also explored ways in which students could be informed about future career

opportunities based in South Australia, and identified ways to include opportunities for young people to become involved in decision making. Participants were particularly interested in working towards a new scalable model of work experience that would build interest and skills across a variety of work places and geared to future jobs prospects..

Work Inspiration Project

During the year the Commissioner worked closely with the business community to advocate for and promote the creation of a comprehensive and united approach to work experience programs administered by South Australia's employers. The Commissioner has heard firsthand, from many regional and metropolitan young people, that they want and value access to quality work experience.

More than 70 schools across the state also told her they face ongoing challenges administering high quality work experience opportunities unless they're offered in sustainable ways. By pulling together the latest research from all stakeholders and the views of young people and their families, the Commissioner is determined to highlight this pressing issue by forging partnerships to affect structural change across South Australia.

Gaming & ESports

In 2018, the Commissioner heard from children and young people about the importance gaming and Esports has as a recreational activity in their lives. This was consistent across the State, although in regional South Australia it took on greater meaning due to a lack of activities and recreational options outside of traditional sport.

The overwhelming majority of young people consulted, emphasised the positive potential that their involvement in Esports and gaming offers them. This included their strongly communicated desire for Esports and gaming be seen as just another 'sport'.

They want more structured competitions and pathways to elite gaming and gaming related careers, where their rights are respected and where the messaging is positive. They want schools and community groups to have 'gaming clubs' just like other sports clubs.

In December 2018, the Commissioner supported the Playford heat of the FIFA 19 Champions for the northern suburbs of Adelaide organised by Northern Sound System.

The Commissioner also commissioned research by RMIT University into the Impact of Esports in our school working in partnership with the Australian Esports Association (AESA).

The findings were presented at an Esports High Schools Networking event hosted by the Commissioner in May, 2019 with approximately 70 relevant government, educators, researchers, and sport and health program coordinators. The event examined the rising popularity of Esports in the school setting and the role educators and governments can play in ensuring it is a safe, worthwhile and sustainable activity for all young people who participate.

Major Reports



Hopes and Dreams Report:
Commissioner for Children
and Young People's Regional
Engagement Tour Report



Growing confident, connected, creative regional kids:
A summary of the Hopes and
Dreams Report aimed at regional
influencers and decision makers.

Submissions made by CCYP in relation to Awareness Raising of Systemic Issues

| To | Subject | Date |
|--|---|------------------|
| The Honourable Stephen Wade MLC | State Public Health Plan | 8 October 2018 |
| Executive Director, Youth Services, Department Human Services | Connected Youth Justice State Plan | 15 November 2018 |
| Select Committee on Health in South Australia | An overview of Health Services in South Australia | 15 February 2019 |
| The Honourable Greg Hunt MP | National Action Plan for the Health of Children and Young People | 27 March 2019 |
| The Honourable Michelle Lensink MP | South Australian Disability Inclusion Plan | 30 April 2019 |
| Chief Executive, Department for Correctional Services | Children of Prisoners and the Women Offender Framework and Action Plan 2019-2024 | 30 May 2019 |

Engagement and Participation

Major Projects

Youthful Adelaide

The Youthful Adelaide focused on what Adelaide has to offer young people and how a city can be a place that not only welcomes young people, but celebrates their participation in the community. The Commissioner talked to children and young people in primary school, secondary school, as well as young people in University about what would make Adelaide a more youthful city from their point of view.

Young people told the Commissioner they want dedicated spaces that support their need to connect, build relationships, participate in community and have positive experiences. This includes physical and online spaces, with a common theme being that these spaces support

inclusion and safety, have a multi-purpose approach, involve young people in their design, and include them in their day to day operations.

In April 2019, the Youthful Adelaide report was released and distributed to key decision makers to inform them about what children and young people told the Commissioner was needed to make Adelaide 'more youthful'. The project also helped to establish an avenue for young people and the Adelaide City Council, so that their ideas could be incorporated into the design of Adelaide's new and improved city skate park.

Carclew Futures

The Commissioner worked with Carclew to develop a model of youth project governance and commissioning of arts funding. Ten creative thinkers aged 12 to 15 years from diverse backgrounds and areas of interest were selected as participants in the project. Over a five month period, they met regularly and were guided through an arts funding process which included establishing criteria, calling for entries, assessing entries and deciding which artists would be allocated funds for their projects.

The funding allocations were assessed alongside three guiding principles which included whether the work set an intention, had an environmental and ethical impact, and accessible to the community. A total of 17 applications were received with funding allocations announced in June 2019. Two recipients for the inaugural Carclew Futures funding received \$5,000 each towards their arts project, to be completed in the next 12 to 18 months.

The Commissioner's Digital Challenge

The Commissioner's Digital Challenge was launched throughout South Australia in January 2019. Designed to increase inclusive digital opportunity for all children in South Australia the foundational program was 'Learn to Speak Robot', a free digital thinking challenge to encourage children to engage with computational thinking and coding activities. The Challenge will evolve and expand with a new key area of the digital learning journey added each year. In 2020, design thinking will join the mix, then systems thinking, digital literacy and digital citizenship.

The Challenge runs from Term 1 to Term 3 each school year, and can be undertaken at schools and public libraries by individuals and community groups, or at home with family.

There has been solid engagement in its inaugural year with 214 schools across the state taking part along with 33 South Australian public libraries who ran the Challenge in 2019. The level of engagement is estimated to be in the

vicinity of more than 19,000 children and young people with the exact figure determined when the challenge ends in September 2019.

With multiple entry-points, children are also able to complete the Challenge outside of school. A number of South Australian Scout and Girl Guide groups took part, with a special 'speak Robot' Scout's and Guides' badge produced to recognise their achievement.

The Challenge is also an accredited Children's University (Adelaide) learning destination, and many children have completed The Challenge at home with their families.

A completely 'unplugged' (device-free) edition of the Challenge was designed for children aged 3-5 years, timed for release in August 2019.

D3: Digital Trust

In early 2019, a CCYP public poll of young people identified that the biggest problem they face when online is knowing who to trust. The results of the poll were explored further with a group of 200 young people who identified there was a real need to develop a tool that would enable young people to know when and what to block, ignore, report, and/or delete when they come across troubling, unsettling or unpleasant things in their online world.

The Commissioner partnered with AustCyber's South Australian Cyber Security Innovation Node to put this challenge out to South Australia's tech innovators and entrepreneurs via the 2019 D3 Digital Challenge: Digital Trust, Young, Online & Confident, using the South Australian Government's D3 Toolkit developed by the Department of Premier and Cabinet.

Five D3 Challenge Teams participated, pitching their proposed solutions to a panel of judges who included the South Australian Department for Education's STEM Ambassadors Program who had been invited to be part of the judging panel. The STEM Alumni worked with the Commissioner to inform the major Launch Pad award and determine the Young People's Choice Award.

Aboriginal Youth Engagement Project

In October 2018, the Commissioner, in collaboration with Reconciliation SA and Tauondi Aboriginal College, initiated an Aboriginal Youth Engagement project to explore the feasibility of establishing an Aboriginal Youth Council (AYC) in South Australia.

In July 2019, the Aboriginal Youth Engagement Project report was released. The findings of the consultation led to a recommendation that an inaugural Aboriginal Youth Summit be held in 2020. A call for expressions of interest has been sent to organisations and agencies inviting them to partner in an event which will form part of activities for Reconciliation Week 2020.

Get Around It

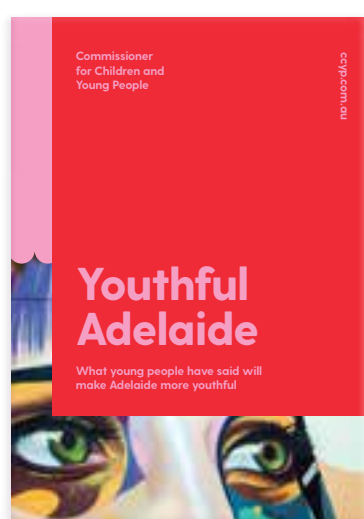
Get Around It came out of conversations the Commissioner had with young people across the State who told her they wanted more opportunities to share what they were doing with their peers.

An initiative designed to showcase 14 to 22 year old South Australian ‘thinkers, makers and doers’
Get Around It will over time become a ‘talent bank’ of

young South Australians who are having an impact in ways less well-known.

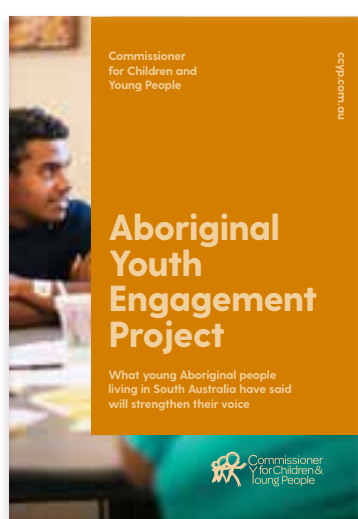
The project was launched during SA's 2019 Youth Week with 15 young people between 14 and 22 years showcased in the first six months, featuring entrepreneurial and creative young South Australians who include founders, musicians, artists, and writers.

Major Reports



Youthful Adelaide:

What young people have said will make Adelaide more youthful.



Aboriginal Youth Engagement Project:

What young Aboriginal people living in South Australia have said will strengthen their voice.

Systemic Advocacy

Major Projects

Family Law Consultation

In August 2018, the Commissioner released her What Children and Young People think should happen when families separate report; a formal submission to the Australian Law Reform Commission's inquiry into

Australia's Family Law system. It advocated for a more child-centred approach, which was echoed in the final recommendations released by the Australian Law Reform Commission in April 2019.

Multicultural Youth Symposium

The Leading for our Future Youth Symposium held in October 2018, reflected a significant collaboration between the Commissioner for Children and Young People and the Australian Migrant Resource Centre. It was attended by over 300 delegates, including young people from refugee and migrant backgrounds, service providers and employer groups.

The key objective of the symposium was to engage young people from refugee and migrant backgrounds to learn directly from their lived experience/s, and to

identify targeted solutions that will enable South Australia to harness the full economic potential of this group. The symposium highlighted the aspirations and commitment of refugee and migrant young people to contribute as productive citizens of South Australia.

The report of the symposium documents the key issues in, and barriers to, accessing employment as identified by young people, and the opportunities and suggestions they identified to address these issues and barriers.

The Bullying Project

The Bullying Project launched in November 2018, reflected consultations undertaken with children and young people about their knowledge and/or experiences of bullying. The project sought to understand bullying from a child and young person's perspective.

The project involved 283 children and young people who participated in a total of 23 consultations undertaken with public, independent and catholic schools across South Australia, including Flexible Learning Option providers. The project was successful in raising awareness amongst policy makers and the broader community of the need for early intervention, as well as the kinds of strategies children and young people want to see implemented to reduce bullying.

The Bullying Project report directly influenced development of a new strategy by the Department for Education in partnership with the South Australian Bullying Prevention Coalition to strengthen responses to bullying beyond the school gates.

The project has also led to the Commissioner being invited to act as a consulting partner with a local council. The pilot project is designed to bring together a parent engagement strategy and anti-bullying strategies within a community impact and engagement agenda. This continues the Commissioner's commitment to advancing the reach of the recommendations made by children and young people conveyed through the Bullying Project report.

The Poverty Project

The Poverty Project was a major project asking children and young people what they think poverty is, and what should be done to address it. The project consisted of a number of different engagement and participation activities including conversations, focus groups, a survey and a Poverty Summit.

In December 2018, a series of face-to-face conversations with children and young people were undertaken by the Commissioner to explore the issue of poverty. This included whether 'helping poor kids' and 'addressing poverty' were the same thing from their perspective and provided initial insight into how children and young people view poverty.

In January 2018, four focus groups with children and young people representing diverse backgrounds were undertaken. They included young carers, children in care, Aboriginal boarding students and young anti-poverty advocates who have experienced, or are living in poverty themselves. The focus groups provided invaluable insights into the impact that poverty has on a child and young person's life from a 'lived experience' perspective.

The Poverty Project survey was conducted online between February and July 2019, attracting a total of 1,145 respondents from SA children and young people aged 12 to 22 years. The results of the survey were used to inform the Poverty Summit which in turn will inform the Poverty Project report scheduled for release in Anti-Poverty Week 2019.

The Poverty Summit, delivered in partnership with UN Youth SA on 28 June, 2019 was attended by 193 students representing 28 SA schools. Students participated in a series of Summit workshops that invited their ideas on how poverty could be alleviated, if not eradicated in South Australia by 2030 in line with the United Nations Sustainable Development Goal 2030. Australia's United Nation's Youth Ambassador was keynote speaker, and a panel of young people representing different backgrounds and youth organisations, were invited to share their ideas and points of view on poverty and how it can be best be addressed.

Post School Transitions

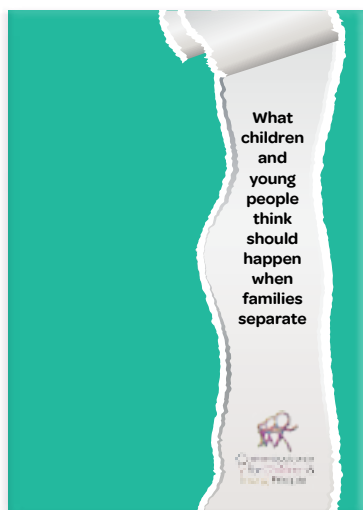
Youth unemployment and the transition young people make from education to work is an area of focus the Commissioner has identified for attention. It includes how this transition can be improved and what pathways are being presented to young people to support their career knowledge and aspirations.

A market research company has been commissioned to conduct research with South Australian parents of 14 to 20 year olds to understand:

- 1 whether they feel equipped to provide accurate and sufficient careers information
- 2 what they think about different post school options and which ones they value eg university, TAFE apprenticeships, starting a business, going on a gap year, etc; and
- 3 whether they want to be better informed on post school pathways and how they want to receive this information.

Their information will be used to inform ongoing discussions with the VET sector, thereby underpinning further exploration of work experience and employment transition options and innovations.

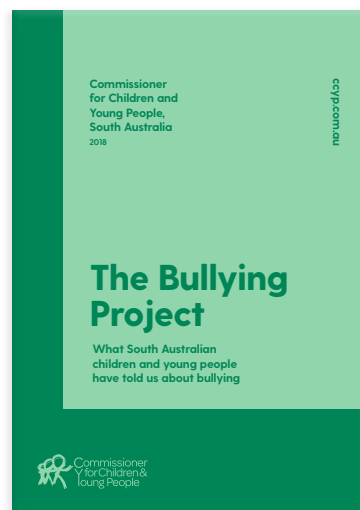
Major Reports



Children and Young People in the Family Law System:
What South Australian children and young people think should happen when families separate.



Leading for our Future Youth Symposium Report:
(produced in partnership with the Australian Migrant Resource Centre)



Report on the Bullying Project:
What South Australian children and young people have told us about bullying and how to address it.



Advocacy Priorities for South Australia's Children and Young People



Bullying Prevention Factsheets for Parents, Sports Clubs, Schools and Everyone

Submissions made by CCYP in relation to Systemic Advocacy

| To | Subject | Date |
|---|--|------------------|
| The Honourable John Gardner MP The Honourable Dr Susan Close MP The Honourable Tammy Franks MLC | An overview of Health Services in South Australia | 15 February 2019 |
| The Honourable Corey Wingard MP The Honourable Mr Lee Odenwalder MP | Criminal Law Consolidation (Throwing Objects at Vehicles) Amendment Bill 2018 | 17 October 2018 |
| The Independent National Security Monitor The Honourable Vicky Chapman MP | Prosecution and Sentencing of Children for Terrorism Offences Review | 22 October 2018 |
| Chief Executive of Department for Child Protection, Law Society Children and the Law Committee | The Controlled Substances (Youth Treatment Orders) Amendment Bill | 19 November 2018 |
| The Honourable Brian Martin AO QC | Sentencing Discount Scheme Review | 23 November 2018 |
| The Honourable Peter Dutton MP | National Public Register of Child Sex Offenders | 11 January 2019 |
| The Honourable Stephen Wade MP | Mandatory Treatment Bill – Part 2 | 25 March 2019 |
| United Nations Committee on the Rights of the Child | Concept note for a General Comment on children's rights in relation to the digital environment | 15 May 2019 |
| Select Committee on Poverty in South Australia | Poverty in South Australia | 13 August 2018 |
| Professor Helen Rhoades, Commissioner in Charge, Australian Law Reform Commission | Australian Law Reform Review of the Family Law System Discussion Paper | 16 November 2018 |
| Secretariat for the Steering Committee for the Review of Government Service Provision | Public health approach to child protection system | 20 March 2019 |
| The Honourable Steven Marshall MP | Letter to the Premier outlining top level issues raised by the Hopes and Dreams Report | 3 April 2019 |
| The Honourable John Gardner MP and Department for Education | Review of VET for schools | 26 July 2019 |



Statutory Reporting



Legislation administered by the agency

The South Australian Commissioner for Children and Young People is an independent position, established under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*.

This legislation was introduced to the South Australian Parliament in response to the Child Protection Systems Royal Commission 2014.

The purpose of the legislation was to create a statutory officer with powers and functions to advocate at a systemic level to improve the wellbeing of children and young people in South Australia.

External Relations and Communications

The main way in which the Commissioner interacts with her stakeholders and the broader South Australian community is via a dedicated website (www.ccyp.com.au). This is complemented by a suite of social media platforms that include Facebook, Instagram, LinkedIn and Medium.

There are two Instagram accounts – one for CCYP and one for Get Around It – a showcase initiative with an online component. Both are aimed specifically at young people aged 13 to 24 years.

The CCYP Facebook account takes a multi-faceted approach, posting articles that promote events and activities, sharing relevant stakeholder posts, announcing calls-to-action, polling, surveys, grant funding and other opportunities relevant to children and young people in the target age-group.

Younger children are engaged via the Department for Education Schools e-newsletters to staff and via targeted mailouts to schools and libraries.

In the case of the Commissioner's Digital Challenge a dedicated website (www.commissionersdigitallenge.net.au) has been created with interreaction promoted via direct marketing to schools, libraries

and relevant community organisations, such as boy scout and girl guide clubs, sporting organisations and clubs, special activity clubs and preschools and child-care centres.

A number of videos specially commissioned for various projects are available for view from the Commissioner's YouTube channel (CCYP_SA YouTube) with the highest number of views (68) for the Bullying Report Summary published in April 2019.

A stakeholder list consisting of approximately 1600 decision makers and government and not-for-profit and community leaders were sent e-notices via Campaign Monitor announcing initiatives and the release of major reports. An average of 65 percent of the eight communiques sent were opened by recipients.

Media releases announcing various project outcomes and release of reports are regularly distributed to mainstream print, radio, television and online editors and journalists. During this reporting period the Commissioner did 7 radio interviews, had 12 articles relevant to her work published in 9 metropolitan and 5 regional newspapers and 3 specialist magazines. She also published 5 self-authored articles on her Medium blog.

Who are the people that engage with CCYP on social media?

- On Instagram: 81 percent are based in Adelaide, 51 percent are 13-24 year olds, 70 percent identify as woman. They are most active from 3-9pm and are online most on Tuesday and Thursday.
- On Facebook: 32 percent are 18-24, and 54 percent are women. Facebook is a mixed bag of engagement. Most of our engagement comes from people aged 18-40.

Facebook and Instagram Growth (natural) Per month (average):

CCYP achieves over 2,000 Post Engagements per month – we post at least once a week and on average have 60 likes and 2 comments, 3 shares on each post.

CCYP achieves over 250 completely new viewers to our pages and we reach over 20,000 people; we show up on their feeds through natural analytics based on engagement.

As at 30 June 2019

- ccypsa/ on Facebook had 1,014 followers with an average 30 likes per post.
- ccyp_sa on Instagram had 553 followers with an average 220 views per story and 40 likes per post.
- getaroundit_sa Instagram had 424 followers with an average 50 likes per post.
- LinkedIn (Helen Connolly) had 1,355 followers with an average of 60 likes per post and 8 shares.
- Medium (medium.com/@ccypsa) had 34 followers with an average of 100 likes per article posted.
- YouTube (CCYP_SA) had 10 followers with an average of 40 views per video.

Largest post engagements

The Poverty Summit – Recommendations Video had a exceptional reach of 14,000 with 6,048 three second video views; 203 reactions, comments and shares and 365 post clicks.

Largest post engagements, organic reach:

- ccyp_sa
- The Commissioner at Battle of the Bands in Goyder (Instagram Photo): 44 Likes
- Youthful Cities Report Launch (Instagram Photo): 44 likes.
- getaroundit_sa
- Get Around It Promo (Instagram Video): 3,656 likes.

www.ccyp.com.au

Most popular website pages:

- CCYP landing page
- CCYP Reports page
- CCYP News and Media

Branding



Get Around It



Media Coverage

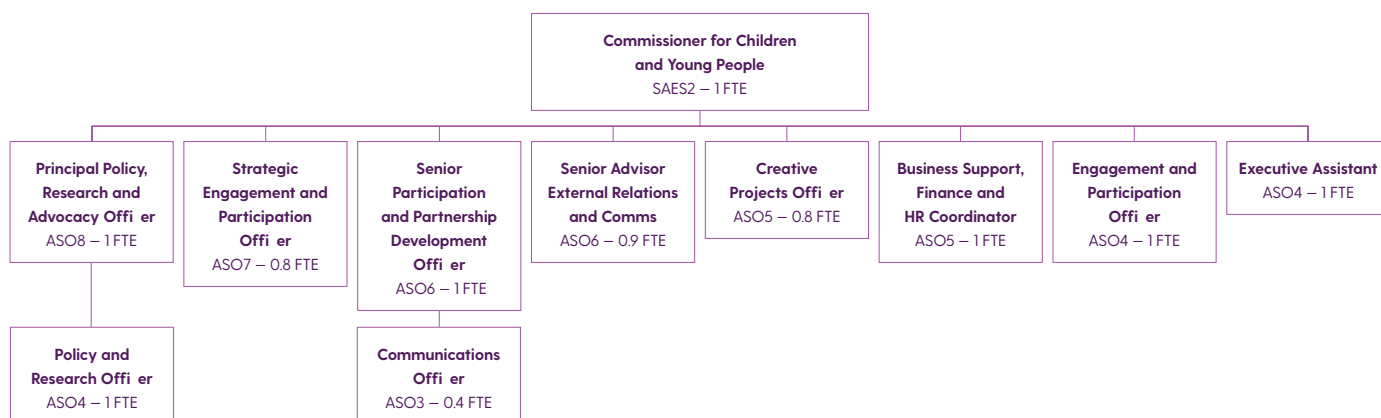
| Article/Quoted/Interviewed | Outlet | Date |
|--|----------------------------|--------------------|
| SA's First Commissioner Of Children & Young People Helen Connolly talks about her year-long tour through the State | CAAMA Radio | 3 July 2018 |
| Focus on children | West Coast Sentinel | 4 July 2018 |
| Mandatory drug treatment 'punitive': Children's Commissioner | InDaily | 10 July 2018 |
| Helen Connolly visits Port Augusta | The Transcontinental | 7 August 2018 |
| Calls to scrap mandatory drug detention laws | The Advertiser | 9 August 2018 |
| SA Commissioner Working with Regional Youth | Flow FM Radio | 13 August 2018 |
| Meeting the Commissioner for Children and Young People tour stop in the Barossa | Barossa Herald | 15 August 2018 |
| Youth Commissioner's 'Hopes and Dreams' tour | Barossa Herald | 15 August 2018 |
| Why pets are so important to children | My Child Magazine | 4 September 2018 |
| Commissioner arrives in Whyalla | Magic 105.9 FM – Triple W | 10 September 2018 |
| Commissioner comes to Whyalla | WIN TV | 10 September 2018 |
| Kids need a greater say in the family law system: Children's Commissioner | InDaily | 14 September 2018 |
| Commissioner for Children and Young People | Radio Adelaide 101.5 FM | 21 September 2018 |
| Attorney General's Bullying Roundtable Media Launch | CH7, CH9, TEN, ABC | 25 September, 2018 |
| Kids have their own ideas on how to stop bullies | The Advertiser | 3 November 2018 |
| SA students stand up to help tackle bullying | The Sunday Mail | 4 November 2018 |
| Criminalising bullies won't work: children's advocates | InDaily | 6 November 2018 |
| Children and young people share solutions for bullying | Radio Adelaide 101.5 FM | 9 November 2018 |
| The Commissioner for Children and Young People listened to the hopes and dreams of Mid Murray students last week | The Murray Valley Standard | 14 November 2018 |
| Experts deliver report to South Australian government warning against making bullying by children a crime | The Advertiser | 12 December 2018 |
| Young people on bullying: report from SA Commissioner for CYP | Medic SA – AMASA Magazine | December 2018 |

| Article/Quoted/Interviewed | Outlet | Date |
|---|--|------------------|
| All aboard the battle bus, child advocate urges | The Advertiser | 12 December 2018 |
| Listening to Kids: It's the law! | Kiddo Magazine | 12 January 2019 |
| Robot is the new language for kids | The Advertiser | 9 February 2019 |
| Volunteering alive and well for many South Australians | Vitality Magazine – Volunteering SA/NT | February 2019 |
| Commissioner urges leaders to listen to South Australia's regional children and young people | The Sector | 27 February 2019 |
| Pride, independence, uncertainty: how young regional South Australians feel about their lives | InDaily | 4 March 2019 |
| Rising popularity of gaming in schools prompts Esports research study | Australian Esports Association | 6 March 2019 |
| What do young people actually want? | Barossa Herald | 21 March 2019 |
| Young people know what will deliver a more youthful city – if only we'd ask them | Medium | 12 April 2019 |
| What can we do to make the City of Adelaide more youthful? | Radio Adelaide 101.5 FM | 16 April 2019 |
| Sit down and switch on with the Commissioner for Children and Young People | Kiddo Magazine | 24 April 2019 |
| Mental Health: what children and young people have told me they need from us | Medium | 22 March 2019 |
| The future of Adelaide? We want a prouder, louder, greener, brighter city, youth say | The Advertiser | 4 May 2019 |
| Federal Election Priority: Place our children and young people front and centre for a change | Medium | 31 May 2019 |
| Stop charging these children | Medium | 17 June 2019 |
| Children are by nature respectful | Medium | 31 May 2019 |
| Work experience for schoolkids is 'broken' | The Advertiser | 17 June 2019 |
| Commissioner Connolly talks about the D3 Digital Challenge | 5AA Radio | |

Commissioner's Involvement in Community Events

| Event Description | Date |
|---|---------------|
| CREATE Sibling Day Pop Up Stall: Meet and Greet with Children in Care | 6 April 2019 |
| Get Around It @ Rundle Mall | 12 April 2019 |
| Get Around It @ NEO 2019 Youth Week | 13 April 2019 |
| Get Around It @ Parkfest 2019 Youth Week | 17 April 2019 |

Organisation of the Agency



Related Agencies

The CCYP is administratively and operationally funded and supported by the Government of South Australia through the Department for Education.

The Guardian for Children and Young People, Child Development Council and the Child Death and Serious Injury Review Committee are all created under the OAB Act.

Work Health and Safety Issues

- There were no workplace injury claims in 2018–2019.
- There were no notifiable incidents
- There were no provisional improvements and prohibition notices.

Employment Opportunity Programs

| Program Name | Result of the Program |
|--------------------------------|---|
| Student placements/internships | Five students completed placements/internships/ with the CCYP learning about the role of the CCYP and contributing to specific CCYP projects. |

Executive Employment in the Agency

| Executive Classification | Number of Executives |
|--------------------------|----------------------|
| SAES2 | 1 |

Contractors

The following is a summary of external contractors engaged by the agency as well as the nature and cost of the work they were contracted to undertake.

| Contractor | Purpose | Value (\$) |
|--------------------------------|---|------------|
| Tauondi Aboriginal Corporation | Consultancy Services for Aboriginal Youth Representation Model | 27,727.27 |
| A Rossi | Development of a podcast project | 800.00 |
| Entrée Recruitment | Agency staff to cover Senior Advisor External Relations and Communications vacancy. | 40,655.50 |

Financial Performance of the Agency

The financial operations of the office are consolidated into and audited through the Department for Education. Accordingly, full financial reports are not provided as part of this annual report.

A summary of expenditure is provided below:

Financial summary of expenditure 2018/2019

Commissioner for Children and Young People

| Item | Actual (\$000) |
|--|----------------|
| Salaries and wages | 1,170 |
| Grants & Subsidies | 191 |
| Goods and services | 456 |
| Investing Payments for Property, Plant & Equipment | 0 |
| Total Expenditure | 1,818 |
| Contributed services – Shared Services SA | 5 |
| Other Revenue | — |
| Total Revenue | 5 |
| Net operating | 1,813 |

Financial summary of expenditure 2018/2019

Commissioner for Aboriginal Children and Young People

| Item | Actual (\$000) |
|--|----------------|
| Salaries and wages | 144 |
| Grants & Subsidies | 0 |
| Goods and services | 64 |
| Investing Payments for Property, Plant & Equipment | 0 |
| Total Expenditure | 209 |
| Contributed services – Shared Services SA | 0 |
| Other Revenue | 0 |
| Total Revenue | 0 |
| Net operating | 209 |

Appendix 1

List of consultations with SA Children and Young People by the Commissioner 2018-2019

| Project | Group Consulted | Date |
|-----------------------|---|-------------------|
| Youthful Cities | Adelaide young leaders | 2 August 2018 |
| Hopes and Dreams | Nuriootpa High School students | 14 August 2018 |
| Hopes and Dreams | Faith Lutheran College students | 14 August 2018 |
| Hopes and Dreams | Light Pass Primary School students | 14 August 2018 |
| Hopes and Dreams | Nuriootpa Council, student group | 14 August 2018 |
| Hopes and Dreams | Carers and Disability Link, student group | 14 August 2018 |
| Hopes and Dreams | Study Space, student group | 14 August 2018 |
| Hopes and Dreams | Barossa Council YAC group | 14 August 2018 |
| Youthful Cities | St John's Youth Services group | 15 August 2018 |
| Youthful Cities | Christian Brothers' College, student group | 28 August 2018 |
| Youthful Cities | UniSA International students | 28 August 2018 |
| Youthful Cities | UniSA students | 30 August 2018 |
| Hopes and Dreams | Gabmididi Manoo Children and Family Centre | 10 September 2018 |
| Hopes and Dreams | Whyalla High School students | 10 September 2018 |
| Hopes and Dreams | D'Faces students | 10 September 2018 |
| Hopes and Dreams | Whyalla Council YAC students | 10 September 2018 |
| Hopes and Dreams | Memorial Oval Primary School, Whyalla Playford | 11 September 2018 |
| Hopes and Dreams | Sunrise Christian School, Whyalla Norrie | 11 September 2018 |
| Hopes and Dreams | Eyre Futures FLO, Whyalla | 11 September 2018 |
| Hopes and Dreams | Samaritan College, Whyalla Stuart | 11 September 2018 |
| Youthful Cities | St Mary's College, Adelaide | 14 September 2018 |
| Youthful Cities | Eynesbury College, Adelaide | 17 September 2018 |
| Mechanism of Trust | Glenunga High School, Adelaide | 26 September 2018 |
| Children of Prisoners | OARS Community Transitions Family Fun Day, Yatala | 10 October 2018 |
| Youthful Cities | Marryatville High School, Adelaide | 1 November 2018 |

| Project | Group Consulted | Date |
|-----------------------|---|------------------|
| General conversation | Carclew children | 1 November 2018 |
| Hopes and Dreams | Swan Reach Area School students | 9 November 2018 |
| Hopes and Dreams | Cambrai Primary School children | 9 November 2018 |
| Hopes and Dreams | Mannum Community College, students | 9 November 2018 |
| Poverty | UN Youth group | 12 December 2018 |
| Mechanism of Trust | YMCA SA group | 13 December 2018 |
| Wellbeing | Hackham West Primary, children | 10 January 2019 |
| Poverty | Young Carers Camp, Aldinga | 16 January 2019 |
| Children of Prisoners | Adelaide Women's Prison, parents | 11 February 2019 |
| Gaming | Northern Sound, Playford Youth Network | 13 February 2019 |
| Mechanism of Trust | Mercedes College, students | 14 February 2019 |
| Children of Prisoners | Second Chances, children | 15 February 2019 |
| Youth Justice | Youth Justice Leadership and Advisory Group | 20 February 2019 |
| Participation | Carclew Futures | 7 March 2019 |
| Poverty | Wiltja Anangu Secondary College boarding students | 27 March 2019 |
| Gaming | Unley High School, students | 1 April 2019 |
| Mechanism of Trust | Campbelltown YAC | 1 April 2019 |
| Poverty | CREATE Foundation camp, Woodhurst | 16 April 2019 |
| Polling | Parkfest 2019, Light Square | 17 April 2019 |
| Children of Prisoners | Mylor Adventure Camp, teenage boys | 23 April 2019 |
| Poverty | Young Carers focus group | 24 April 2019 |
| Children of Prisoners | Adelaide Women's Prison, mothers and children | 16 May 2019 |
| General conversations | Child Development Council Charter Summit | 5 June 2019 |
| Kindness | Multicultural Youth South Australia | 13 June 2019 |
| Children of Prisoners | Mobilong Prison, fathers | 14 June 2019 |

List of speeches and presentations delivered by the Commissioner 2018-2019

| Host Organisation | Role | Date |
|--|---------------------|-------------------|
| Department for Education, Engagement and Wellbeing Directorate | Presentation | 2 July 2018 |
| Women in Risk Event | Panel Contributor | 25 July 2018 |
| SACOSS Policy Meeting | Presentation | 6 August 2018 |
| City of Onkaparinga Youth Team | Presentation | 10 August 2018 |
| SA Association of School Parent Communities | Presentation | 22 August 2018 |
| National NAPCAN Conference | Panel | 6 September 2018 |
| WISA SA Conference – ‘Let’s Talk about Jessie’ | Keynote speaker | 7 September 2018 |
| Catholic Counsellor Network PD Meeting | Guest speaker | 12 September 2018 |
| Child and Youth Services Team (DHS) | Presentation | 13 September 2018 |
| Esports Educational Seminar at Adelaide Oval | Opening address | 20 September 2018 |
| Social Work Services meeting at Women’s and Children’s Hospital | Guest speaker | 24 September 2018 |
| Centacare Children’s Services Unit | Guest speaker | 25 September 2018 |
| Attorney-General’s Bullying Roundtable | Guest speaker | 25 September 2018 |
| SA Child and Adolescent Health Community of Practice (CAHCoP) | Presentation | 27 September 2018 |
| Book Launch of Heaven Sent by Suzan Morgan at Julia Farr | Guest speaker | 7 October 2018 |
| AMRC Youth Symposium – Leading for Our Future at Festival Centre | Guest speaker | 12 October 2018 |
| Committee for Adelaide – The Future of Work Forum | Speech and workshop | 15 October 2018 |
| Launch of Children’s Week at Colonel Light Gardens School | Launch | 19 October 2018 |
| National Disability Services Committee | Guest speaker | 19 October 2018 |
| Communities for Children State Collective Symposium | Guest speaker | 1 November 2018 |
| Community Approach to Bullying Conference | Guest speaker | 5 November 2018 |
| St John’s Youth Services Justice for Young People Conference | Panel facilitator | 8 November 2018 |
| Children’s University Awards Ceremony | Guest speaker | 8 November 2018 |
| Microsoft – Her TechPath Networking Lunch | Guest speaker | 15 November 2018 |
| Opening of new Mission Australia FLO Centre at Aldinga | Opening address | 7 December 2018 |

| Host Organisation | Role | Date |
|---|--------------------|------------------|
| Battle of the Bands at Burra | Opening address | 8 December 2018 |
| World Youth Day Conference | Panel presentation | 21 January 2019 |
| Children's Research Foundation | Presentation | 19 February 2019 |
| Women's and Children's Health Network – WCHN staff | Guest speaker | 20 February 2019 |
| Launch of Leading for our Future – Youth Symposium Report | Address | 20 February 2019 |
| South Australian Libraries Youth and Children's Service | Presentation | 27 February 2019 |
| Tauondi Aboriginal College –Aboriginal Youth Council | Address | 27 February 2019 |
| Participation Conference – NSW Parliament House | Panel presentation | 28 February 2019 |
| Children's Week AGM | Presentation | 4th March 2019 |
| State Conference – Positive Education Association | Keynote Speaker | 2 March 2019 |
| School Counsellors and Psychologists meeting | Keynote speaker | 6 March 2019 |
| UN Youth SA Conference | Keynote speaker | 15 March 2019 |
| Association of Independent Schools of South Australia – Primary/Junior Heads meeting | Presentation | 20 March 2019 |
| Youth Suicide Prevention Summit | Keynote speaker | 29 March 2019 |
| Carclew Futures Launch | Address | 8 April 2019 |
| Book Launch – Children's Book on Death | Address | 9 April 2019 |
| Youthful Cities Report Launch | Opening address | 10 April 2019 |
| Busk Til' Dusk – Youth Music Event – Nuriootpa | Judge | 27 April 2019 |
| Gaming in Schools Conference | Opening address | 8 May 2019 |
| Visit of Delegation from Philippines | Presentation | 10 May 2019 |
| Second Chances | Panel presentation | 10 May 2019 |
| Visit of Delegation from Regional Parliament of Bali | Presentation | 21 May 2019 |
| South Australian Law Society – Children and the Law Committee Meeting | Guest speaker | 21 May 2019 |
| Regional Development Australia Conference | Conference speaker | 23 May 2019 |
| STEM Ambassadors Project | Guest speaker | 3 June 2019 |
| Disability Forum – Fulham Gardens Primary School | Guest speaker | 21 June 2019 |
| Poverty Forum | Opening address | 28 June 2019 |

Endnotes

- 1 Section 5 of the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*.
- 2 Section 5 of the *Children and Young People (Safety) Act 2017*.
This includes children being safe from harm, to do well, to enjoy a healthy lifestyle and to be active citizens given the opportunity to thrive (section 4).
- 3 Section 14(1)(e) of the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*.
- 4 Mitchell, L. Imprisonment & Family Structure: What is the evidence telling us. Family First Department, New Zealand
- 5 UCWB Submission 2019
- 6 Adelaide's Increasingly Complex Youth Homeless Population, 15 July 2019 accessed at
<https://www.syc.net.au/adelaides-increasingly-complex-youth-homeless-population/SYCsubmission>
- 7 *ibid*
- 8 *ibid*
- 9 Lawrence D, Johnson S, Hafekost J, Boterhoven De Haan K, Sawyer M, Ainley J, Zubrick SR (2015) The Mental Health of Children and Adolescents. Report on the second Australian Child and Adolescent Survey of Mental Health and Wellbeing. Department of Health, Canberra.
- 10 *ibid*
- 11 Lucas, N., Bayer, J. K., Gold, L., Mensah, F. K., Canterford, L., Wake, M., Nicholson, J. M. (2013). The cost of healthcare for children with mental health difficulties. *The Australian and New Zealand Journal of Psychiatry*, 47(9), 849-858. doi:<http://dx.doi.org/10.1177/0004867413491152>
- 12 Australian Government Productivity Commission Report on Government Services, School Education, 2019
- 13 Article 3, The United Nations Conventions on the rights of the Child
- 14 Shaw M. and Armstrong B., The Presumption of Doli Incapax , Shaw and Henderson, 31 January 2019
- 15 Law society, Doli Incapax Seminar, 31 January 2019

Acknowledgements

Thank you to all the children and young people who participated in various activities throughout the 2018/2019 year, sharing their insights, experiences and suggestions with me.

It is my privilege to be able to convey these contributions to those who are able to make the changes needed at the systemic level and to provide recommendations to them which are fully informed by the voices of children and young people across South Australia.

Thank you also to the various partners, stakeholders and contributors who have worked closely with me and my team to deliver the various projects and initiatives reported upon here. This work will assist in persuading government and other relevant industry and community stakeholders to make the changes necessary at the systemic level to improve the lives of all South Australian children and young people but particularly those in our community who are the most vulnerable.

Recognising Aboriginal and Torres Strait Islanders People

The SA Commissioner for Children and Young People acknowledges the unique contribution of Aboriginal people's culture and heritage to South Australian society. Although participant details were not recorded specifically in relation to cultural identity or background, a significant number of children and young people who took part in this project identified as Aboriginal.

For the purposes of this report the term 'Aboriginal' encompasses South Australia's diverse language groups and also recognises those of Torres Strait Islander descent. The use of the term 'Aboriginal' in this way is not intended to imply equivalence between Aboriginal and Torres Strait Islander cultures, recognising the similarities that do exist.

Suggested Citation

Connolly, Helen - Commissioner for Children and Young People SA.
Connolly, H. Commissioner for Children and Young People, South Australia.
Annual Report 2018/2019.

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