

2024 Child Rights Progress Reports

South Australia's progress on recommendations made
by the UN Committee on the Rights of the Child



Child Health



Child Justice



Child Protection



Disability



Education



Environment



Physical Punishment



No evidence



Some evidence



Clear evidence

2024 Child Rights Progress Report on Child Health

South Australia's progress on recommendations made
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About the Commissioner for Children and Young People

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](#) (OAB Act). This legislation was introduced to the South Australian Parliament in response to the [Child Protection Systems Royal Commission 2014](#).

The Commissioner promotes and advocates for the rights, development and wellbeing of all children and young people in South Australia and seeks to change laws, policies, systems and practice to uphold children's rights.

The work of the Commissioner for Children and Young People is guided by the [United Nations Convention on the Rights of the Child](#) (UNCRC); the core international treaty established in 1989 to which Australia is a signatory. This important agreement sets out the civil, political, economic, social, and cultural rights of children around the world.

The Commissioner aims to ensure that as a part of the Australian Commonwealth, South Australia enacts its international obligations under this Convention.

Each year the Commissioner produces a series of Child Rights Progress reports measuring South Australia's progress against recommendations made by the UN Committee on the Rights of the Child (the Committee).

This year's progress reports comprise:

- Child Health
- Child Justice
- Child Protection
- Disability
- Education
- Environment
- Physical Punishment

Data reported in the data tables are the most accurate available at the time of writing.



2024 Child Rights Progress Report on Child Health



South Australia's progress on recommendations made by the UN Committee on the Rights of the Child

What the data says

Measure	Year: Data	1 year change	5 year trend	5 year assessment
Proportion of 5–15 year olds who reported having a mental health condition. ¹	2023: 18.3% 2022: 18.8% 2021: 17.2% 2020: 19.4% 2019: 19.1%	Stable	Fluctuating, stable from base year	No change
Proportion of 16–17 year olds who reported having a mental health condition. ²	2023: 34.5% 2022: 31.7% 2021: 35.3% 2020: 35.8% 2019: 25.1%	Increased	Fluctuating, increase from base year	- Unfavourable
Proportion of 5–17 year olds who reported accessing a mental health service in the last 12-months. ³	2023: 16.6% 2022: 15.7% 2021: 14.6% 2020: 15.0% 2019: 17.9%	Stable	Fluctuating, slight decrease from base year	No change
Mental health-related presentations to emergency departments in public hospitals among 0–17 year olds (rate per 10,000 population). ⁴	0–11 year olds 2022/23: Not available 2021/22: 19 2020/21: 23 2019/20: 20 2018/19: 22	Not available	Not available	Not available*
	12–17 year olds 2022/23: Not available 2021/22: 232 2020/21: 314 2019/20: 245 2018/19: 238	Not available	Not available	Not available*
	0–17 year olds 2022/23: 79 2021/22: 91 2020/21: 121 2019/20: 95 2018/19: 93	Decreased	Fluctuating, decrease from base year	Favourable*
Chlamydia notification rates among females (15–19 years) (rate per 100,000 population)	2023: 1,531.9 2022: 1,464.4 2021: 1,438.6 2020: 1,275.9 2019: 1,585	Increased	Fluctuating, slight decrease from base year [^]	No change
Chlamydia notification rates among males (15–19 years) (rate per 100,000 population) ⁵	2023: 641.9 2022: 563.0 2021: 474.8 2020: 480.5 2019: 528	Increased	Fluctuating, increase from base year	- Unfavourable

What the data says

Measure	Year: Data	1 year change	5 year trend	5 year assessment
Gonorrhoea notification rates among females (15–19 years) (rate per 100,000 population)	2023: 303.6 2022: 224.2 2021: 196.4 2020: 146.8 2019: 189.8	Increased	Fluctuating, increase from base year	- Unfavourable
Gonorrhoea notification rates among males (15–19 years) (rate per 100,000 population) ⁶	2023: 249.6 2022: 165.2 2021: 163.3 2020: 137.0 2019: 169.0	Increased	Fluctuating, increase from base year	- Unfavourable
Proportion of South Australian 5–17 year olds who are reported to be overweight or obese. ⁷	2023: 33.1% 2022: 32.5% 2021: 29.7% 2020: 30.8% 2019: 26.3%	Stable	Fluctuating, increase from base year	- Unfavourable

* The age groups for Australian Institute of Health and Welfare reporting on mental health services provided in emergency departments changed in 2022–23, combining 0–17 year olds into one group where previously these were separated (0–11 years and 12–17 years).

^ Notification trends are influenced by the amount of testing. Testing declined during the COVID-19 pandemic which may account for lower numbers in those years.

Areas of concern include:

- Insufficient mental health services, particularly for primary school aged children, children and young people with disability and/or children and young people living outside of metropolitan areas.
- Children and adolescents not adequately addressed in South Australia's *Mental Health Act 2009* (SA).
- Lack of a statewide strategy for children and young people's health generally and reproductive and sexual health specifically.
- Inconsistent access to comprehensive relationships and sexual health education and lack of oversight of curriculum delivery.
- Barriers to safe access to sexual and reproductive health services and information, particularly for LGBTQIA+ children and young people.
- High rates of sexually transmitted infections among young people.
- High levels of food insecurity for households with children.
- Insufficient legal protections to prevent the sterilisation of children with disability without their consent.

Background

The UN Convention on the Rights of the Child (UNCRC) was the first international Convention to acknowledge that children have rights and that these rights should be protected. Australia ratified the UNCRC in 1990 and South Australia's [Children and Young People \(Oversight and Advocacy Bodies\) Act 2016](#) (OAB Act) states that all government authorities must seek to give effect to the UNCRC. The Convention sets minimum standards and obligations for the protection of children's and young people's rights, including their rights to have access to justice, education, health care and social services. All children have the right to have a say on all matters that affect them and for their views to be taken seriously. In making decisions about children their best interests should be the primary concern, as well as the right to be safe and to be free from discrimination.

Every five years, the Australian Government reports to the UNCRC Committee to explain how Australia is fulfilling its obligations in relation to child rights. In response to Australia's fifth and sixth periodic reports, the Committee highlighted key areas of concern and made recommendations to ensure governments at both the Commonwealth and State levels fulfil their obligations under the Convention. One of the Committee's main areas of concern requiring urgent attention is child health.

A Child's Right to Health

Article 24 of the UNCRC states that all children are entitled to 'the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health'. State parties should ensure that every child has access to health care services, with emphasis on the development of primary and preventative health care.

As the Committee on the Rights of the Child emphasises, a child's right to health is an 'inclusive right', extending beyond health promotion and access to services, to a right to live and grow in conditions that enable each child to develop to their full potential and attain the highest standard of health possible 'through the implementation of programmes that address the underlying determinants of health'.⁸ This aligns with the World Health Organisation's definition of health as 'complete physical, mental and social wellbeing' rather than 'merely the absence of disease or infirmity'.⁹

The Health System in South Australia

The Department for Health and Wellbeing is responsible for the high-level strategic directions and policy framework for SA Health. South Australia's ten local health networks are responsible for the provision of health services in line with the *Health Care Act 2008* (SA) and annual service agreements.

The Women's and Children's Health Network (WCHN) provides health services for children, young people, women and families, including a Child and Adolescent Mental Health Service (CAMHS), Child and Family Health Service (CaFHS), Youth Metropolitan Health, Child Protection Services (CPS) and Disability Services. The Child and Adolescent Health Community of Practice (CAHCoP) provides state-wide leadership in relation to child and adolescent health services.

South Australia has multiple plans and strategies that cover aspects of children and young people's health and wellbeing, including the State Public Health Plan 2019–2024, the South Australian Health and Wellbeing Strategy 2020–2025 and regional public health plans. However, there is no overarching strategy that aligns cross-government efforts to a set of common goals for children and young people's health, including physical, mental, dental and sexual health. The South Australian Health and Wellbeing Strategy 2020–2025 referred to the development of a Women's, Child and Youth Health Plan as an 'early priority' for completion by June 2020.¹⁰ Although a Summary Framework for Consultation for the Women's, Child and Youth Health Plan 2021–2031 was released in March 2021, the final plan is yet to be released.¹¹

The Mental Health Strategic Plan 2017–2022 and the Mental Health Services Plan 2020–2025 promote and provide access to mental health services in South Australia. The Mental Health Services Plan was listed in the 2023–24 State Budget as being targeted for review in 2023–24. There is no publicly available information on the process or outcomes of this review, nor what will follow the Mental Health Strategic Plan 2017–2022.

Several strategies at a national level seek to improve children's and young people's health, including the National Action Plan for the Health of Children and Young People: 2020–2030 and the National Children's Mental Health and Wellbeing Strategy. Several whole-of-population national health policies are also relevant to children and young people, including the National Preventive Health Strategy (2021–2030) and the National Oral Health Plan 2015–2024, as well as policies relating to chronic conditions, disability, physical activity, injuries, and drugs and alcohol.

Successive South Australian governments have committed to the National Sexually Transmissible Infections Strategy and associated state implementation plans (most recently, the Fourth National STI Strategy 2018–2022 and the SA Implementation Plan 2019–2023 respectively). These strategies seek to reduce the transmission of STIs, minimise their impact and 'eliminate the negative impact of stigma, discrimination, and legal and human rights issues on people's health'.¹²

In 2024, the South Australian Government established Preventive Health SA; a new independent agency established to 'prevent and reduce the burden of non-communicable health conditions and improve health equity across South Australia'.¹³ Preventive Health SA's Strategic Directions outline the agency's priorities, which include obesity prevention, tobacco, vaping, mental health, suicide prevention, alcohol and other drugs, and the determinants of health. This encompasses work that was previously sitting within Wellbeing SA or Drug and Alcohol Services South Australia (DASSA).

In September 2024, the Preventive Health SA Bill was introduced into parliament to legislate for Preventive Health SA to be a permanent part of South Australia's health system.

Some welcome developments in 2024 include:

- Expansion of the Child and Adolescent Virtual Urgent Care Service to cover mental health related matters 9am–9pm seven days a week.
- Efforts to reduce the costs of participating in sport and recreation activities, including expansion of the sports voucher scheme to double the number of vouchers made available per child.
- Release of the draft South Australian Alcohol and Other Drugs Strategy 2024–2031 with children and young people identified as a priority population.

South Australia's progress on the latest recommendations made by the UN Committee in relation to child health



No evidence that the UN Committee's recommendation is being addressed



Some evidence that the UN Committee's recommendation is being addressed



Clear evidence that the UN Committee's recommendation is being addressed

Current Status

The government should expand and fund the delivery of child targeted mental health and other necessary support services.



In 2023, 59.3% of the South Australian children and young people aged 5 to 15 years with a diagnosed a mental health condition in the South Australian Population Health Survey, reported receiving treatment. This is similar to 2022 (59.9%) but a decrease from the high proportion in 2021 (64.4%).¹⁴

In 2022–23 the proportion of South Australian children and young people receiving a Medicare Benefits Schedule (MBS) subsidised primary mental health care service (in person or via telehealth) was similar to the previous financial year: 0.8% of 0–4 year olds (0.9% in 2021–22), 5.8% of primary school-age children 5–11 year olds (6.1% in 2021–22), and 12.1% of secondary-school age 12–18 year olds (13.1% in 2021–22).¹⁵

Previous progress reports have noted the high rates of mental health presentations to emergency departments among 12–17 year olds. For 2022–23 reporting, the Australian Institute of Health and Welfare changed the age groups to combine children in the 0–11 years and and young people in the 12–17 years into one age group: 0–17 years. This change makes the overall rate much lower and obscures high rates of mental health emergency presentations among young people in the 12–17 years age group. It is important to separate these age groups out to ensure policies and services appropriately address the needs of children and young people across all age-groups, with a particular focus on those who have the greatest need.

As per 2021–22 reporting, the average annual change (percent) between 2017–18 and 2021–22 was decreasing (-1%) for 0–11 year olds, but increasing (+2%) for 12–17 year olds.¹⁶

The length of stay for children and adolescents accessing mental health services in acute units within South Australia's public hospitals remained steady at 6 days per 1,000 population between 2020–21 and 2021–22.¹⁷ The average annual change from 2017–18 to 2021–22 increased in South Australia (+4%) compared to a reduction in the national total (-2%).¹⁸

This suggests there continues to be insufficient services to meet the mental health care needs of South Australian children and young people with more non-clinical initiatives and community-based supports also needed to avoid hospitalisation wherever possible.

Reviews of services

A joint review of Child and Adolescent Mental Health Services (CAMHS) was commissioned by the Office of the Chief Psychiatrist and the Women's and Children's Health Network in 2022. The review noted significant gaps in the provision of services from the early years up to children aged 12 years and young people with disability. The review also noted a reduction in CAMHS capacity for assertive outreach and prevention, due to a 'shift to focusing more heavily on the tertiary end of care'.¹⁹

The final report made 94 recommendations to inform future service and workforce requirements, strategic directions and contemporary models of care. Recommendations included establishing an adolescent day program service to provide 'step-up and step-down options in the continuum of mental health care', developing an Intensive Community Care Service to target 'high risk and difficult to engage adolescents', and establishing a hospital outreach post-suicide engagement service for children and adolescents who are at risk in this regard.²⁰ The state government released an interim response to the CAMHS Review in May 2024, which considered combining the above recommendations 'to establish a service that is multi-functional'.²¹

Signed in February 2024, the Bilateral Agreement between the Commonwealth and South Australia on Mental Health and Suicide Prevention provides funding to establish a Head to Health Kids Hub that will provide multidisciplinary mental health care for children aged 0–12 years.²²

During the Estimates Committee in June 2024, the Hon Chris Picton, Minister for Health and Wellbeing, noted that Head to Health services have been 'rebadged' and 'a specific Head to Health centre focused on young children [is] to be based in Bedford Park'. However, this 'has not been contracted yet'.²³

A report released in 2024, examined the unmet mental health service needs of South Australians, highlighting insufficient expenditure on services for children and young people and gaps in the service available to those not eligible for support via the National Disability Insurance Scheme. In August 2024, the Australian Government released the Final Report of the Analysis of Unmet Need for Psychosocial Supports Outside of the NDIS, prepared by independent consulting firm Health Policy Analysis.²⁴

Legislative reviews and policy updates

In January 2024, the Office of the Chief Psychiatrist sought feedback on the response to the review of the *Mental Health Act 2009* undertaken by the SA Law Reform Institute (SALRI); in particular, how the Act can be amended to focus more on prevention and 'shift away from a crisis focused approach to mental health'.²⁵ The SALRI report recommended a separate review on the use of the Act for children and adolescents. Such a review has not been initiated and a draft Bill to amend the *Mental Health Act 2009* has not yet been introduced to Parliament.

Following consultation in 2023, SA Health released the Youth Mental Health Services Model of Care alongside a Consultation Summary Report.²⁶ The final Model of Care focuses more explicitly on human rights than the draft report did. It includes an appendix of human rights provisions in South Australian legislation with implications for the mental health sector.

The Commissioner remains concerned that South Australia lacks an overarching vision for children and young people's health.²⁷ The final Women's, Child and Youth Health Plan 2021–2031 was expected to be launched in 2022 following consultation throughout 2021, but this has not occurred.

Preventive Health SA released the draft South Australian Alcohol and Other Drug Strategy 2024–2030 for public consultation in June and July 2024.²⁸ The draft includes children and young people as a priority population.

Other support services

The 2024–25 State Budget provides \$5 million over four years to fund a range of programs to support youth mental health services, including expansion of the Child and Adolescent Virtual Urgent Care Service. Other initiatives supported by this funding are the delivery of workshops to support parents of children and teenagers with mental health issues. This includes delivery of education services and online support groups led by Eating Disorders Australia, to support carers and families of young people who have eating disorders.²⁹

Almost half (45%) of children who were vulnerable on 1 or more Australian Early Development Census (AEDC) domains in 2021, lived in Adelaide's northern metropolitan area.³⁰ The State Budget 2024–25 also committed \$4.3 million over four years for the Children in the North Alliance, which supports place-based, collaborative and community-led approaches to improving outcomes for children in South Australia's northern suburbs.³¹ In 2024, this funding has supported two nurses from the Lyell McEwin Hospital to be based at Swallowcliffe Primary School to help families navigate the health care system and access the services they need.³²

The Child Dental Benefits Schedule is currently significantly underutilised across Australia. In July 2024, the Australian Government released a response to the recommendations of the Senate Select Committee into the Provision of and Access to Dental Health Services in Australia, which 'noted' two recommendations (recommendations 22 and 23) focused on improving access to the Child Dental Benefits Schedule.³³

The School Mental Health Service continued in 2024, with the Department for Education's 2023 Annual Report (released in March 2024) noting the recruitment of more than 40 FTEs.³⁴

The government should ensure health systems and services meet the specific sexual and reproductive health needs of adolescents, including access to prescribed medical forms of contraception, safe abortion services and sexual health information.

South Australia currently lacks an overarching vision for children and young people's general health, let alone a statewide strategy that meets children and young people's specific reproductive and sexual health needs.

A range of structural barriers limit children and young people's rights to access comprehensive and inclusive sexual health information and services. Children and young people who are LGBTQIA+, Aboriginal and Torres Strait Islander, living outside metropolitan areas and/or living with disability, face particular barriers to accessing safe services and information.

In February 2024, South Australia's Department for Health and Wellbeing released a response to the recommendations of the South Australian Sexual Health Services Review (the Review). The Review recommended the state government establish a statewide strategic framework for sexual and reproductive health, including 'a policy framework that brings together sexual and reproductive health, including but not limited to STIs'.³⁵ While the proposed framework is not specific to young people, young people are a priority population in the Review, as well as in the Fourth National STI Strategy 2018–2022 and South Australian Sexually Transmissible Infections Implementation Plan 2019–2023.

The Department for Health and Wellbeing agreed in principle to the recommendation, but proposed that establishment of the overarching policy framework occur over a longer timeframe than the 12 months proposed and only 'once the Fifth National STI Strategy 2024–2030 is finalised'.³⁶ The Commissioner's 2023 progress report noted delays in the development of Australia's Fifth National STI Strategy. The Department of Health and Aged Care opened public consultation on the draft Strategy in November 2024.³⁷

Access to information and education

Access to comprehensive and inclusive relationships and sexual health education in South Australia remains inconsistent across schools and school sectors. Instead there is a range of curriculum frameworks and learning resources supporting the delivery of relationships and sexual health education (or elements of it) being used across the State. The South Australian Curriculum for Public Education – an adaptation of the Australian Curriculum developed for South Australian Reception to Year 10 students attending government schools – was released in 2024. There is no state-wide policy consistently mandating or prescribing school-based relationships and sexual health education, and no oversight mechanism to monitor or report on the delivery of such curriculum across primary and secondary schools.

SHINE SA provides training, curriculum resources and support for educators to facilitate the evidence-based Teaching It Like It Is Curriculum, as part of the Focus Schools Program. This program, currently delivered in almost 80% of government secondary

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schools, is aligned with the Australian Curriculum and South Australia's Child Protection Curriculum, and is recognised nationally as a best practice model due to its full compliance with UNESCO International Technical Guidance on Comprehensive Sexuality Education. Individual schools can elect to implement this program or not. They currently have the option of delivering alternative models, potentially including those which are not comprehensive, evidence-based, or inclusive of diversity.

Standardising and resourcing best-practice relationships and sexual health education protects children and young people's rights to access information and services that are essential to their health and wellbeing.³⁸ Age appropriate, developmentally appropriate and culturally appropriate education should begin in early childhood, and be consistently made available across all primary and secondary year levels across all school sectors. Additionally, targeted support is needed to ensure access for young people who may be disengaged from school, in out-of-home care and/or in contact with the justice system. The South Australian Sexual Health Services reviews recommendations to strengthen primary prevention and health promotion, include expanding the reach of SHINE SA's programs and improving access to 'community programs for young people not engaged in school'.³⁹

A wide range of non-government and for-profit external providers may deliver topic-focused programs, including those related to consent and respectful relationships. In 2024, the Department for Education developed a list of 'approved providers' for the delivery of sexual health education in government schools.⁴⁰ Greater oversight is needed to monitor the extent to which these providers are able to ensure quality, consistency and inclusivity.

Pregnancy and abortion rates and access to safe abortion services

The teenage pregnancy rate has been steadily declining in South Australia since 2008 and has remained at a similar level since 2019. In 2022, 1.5% of women who gave birth were aged under 20 years of age (compared to 1.6% in 2019, 1.8% in 2020, 1.4% in 2021, and 1.5% in 2022).⁴¹ The annual National Perinatal Data Collection continues to show that people giving birth who are under the age of 20 years are less likely than other age groups to have an antenatal visit in their first trimester, or to have five or more antenatal visits throughout their pregnancy.⁴² Their babies are also more likely to be pre-term, have low birthweight and have an Apgar Score (health assessment) of less than 7 out of 10 directly after birth. This highlights the urgent need for better sexual and reproductive health care for teenagers.

Abortion rates in South Australia for teenagers aged 15–19 years have been steadily declining since 2008, however, the rate did increase slightly from 8.3 per 1,000 women in 2022 to 9.6 per 1,000 women in 2023.⁴³ There were 12 terminations by young people under 15 years of age.⁴⁴ Pregnancy and abortion rates are currently measured as the number of women per 1,000 women, overlooking trans men and non-binary people who experience pregnancy and/or abortion.

South Australia's *Termination of Pregnancy Act 2021*, which came into effect in July 2022, decriminalised abortion in South Australia and set out conditions for which a late-term abortion can be undertaken. Access to safe and affordable abortion services varies significantly according to a range of factors, including young people's geographic location, Medicare status and type of termination and provider.

In September 2024, Liberal MP Ben Hood introduced a bill into South Australia's parliament that would have required people seeking an abortion after 28 weeks to undergo an induced birth and either keep the baby or put the baby up for adoption.⁴⁵ The Termination of Pregnancy (Terminations and Live Births) Amendment Bill 2024 was narrowly defeated in the Legislative Council in October 2024.

Access to contraception and sexual health services

There is inequitable access to contraception and sexual health services in South Australia, particularly in regional, rural and remote areas. There is currently no publicly funded sexual health service offered outside of the Central Adelaide Local Health Network. Alongside a disinvestment in specialist sexual health services, there is inadequate support at a systemic level for general practices to consistently deliver high quality, accessible, culturally safe and gender affirming reproductive and sexual health care.

South Australia's Community Pharmacy Oral Contraceptive (OCP) Resupply Services Scheme commenced in May 2024. The new scheme allows those on oral contraceptives to access advice and a resupply of their medication through their community pharmacist without the need for a doctor's prescription. The eligibility criteria for the initiative may limit its benefit to adolescents, as it is available to women aged 17 to 50 years who have been using an approved oral contraceptive pill continuously for two years.⁴⁶ It is also difficult to find clear information about how to access the scheme and which pharmacies are participating.

While emergency contraceptive pills are available through community pharmacies without a prescription, they are not listed on the Pharmaceutical Benefits Scheme and cost can be a barrier, particularly for young people. Long-acting reversible contraceptives (LARCS) are highly effective but uptake is low across all age groups, particularly among young people.

The 2024–25 Federal Budget includes a commitment of more than \$160 million to 'tackle gender bias in the health system, upskill medical professionals, and improve sexual and reproductive care' in line with the National Women's Health Strategy, Gender Equality Strategy and recommendations from the senate inquiry into universal access to reproductive healthcare.⁴⁷

In 2024, the Parliament of South Australia formed a Select Committee on Endometriosis to inquire and report on the prevalence and impacts of the illness, as well as what barriers exist to diagnosis, education, treatment and supports.⁴⁸ The Commissioner's Period Justice Working Group provided a submission recommending improved education with a specific focus on young people's experiences, including the impact that having endometriosis has on a young person's capacity to participate in education, sport and employment.⁴⁹

Access to gender affirming care

In July 2023, SA Health released the final state-wide Gender Diversity Model of Care.⁵⁰ The model aims to provide timely access to appropriate, evidence-based, and affirming health care and support for trans, gender diverse and gender non-binary children, young people and adults across South Australia.

There remains no publicly accessible information on how and when the model of care has been or will be implemented.⁵¹

Thorne Harbour Health SA provides a LGBTIQ+ mental health service for those aged 16 years and over in the Adelaide region, funded by Adelaide Primary Health Network (PHN). From 2016 to 2022, SHINE SA was funded by Adelaide PHN to provide peer and mental health support for trans and gender diverse people aged 12 years and over. SHINE SA and other providers continue to report experiencing high demand for gender related care and associated psychosocial, mental health and related supports, and there is now no similar referral point for those aged between 12 and 15 years of age.

Country SA PHN continues to fund SHINE SA's Gender Connect Country SA Service. This phone and web-based service provides peer support services for people of all ages who live in country SA who have questions about being or providing support to those who identify as trans, gender diverse or who are gender questioning. The service also provides resources, individual support and workplace training for healthcare professionals supporting trans and gender diverse people living in country SA.

In November 2023, a motion to establish an inquiry into young people seeking assistance for gender dysphoria was tabled in South Australia's Legislative Council. Health professionals and human rights experts urged Members of the Legislative Council (MLCs) to vote down the motion on the basis that it is harmful, unnecessary and inconsistent with evidence of the benefits of gender affirming care. The motion was defeated in February 2024, but several MLCs have continued to call for an independent review.

Sexually Transmissible Infection rates

In South Australia, the rate of sexually transmissible infections (STIs) has risen over the last decade with young people disproportionately impacted. Notification trends are influenced by the amount of testing in a population. Testing only increased modestly between 2011 and 2022, with a decline during COVID-19.⁵² Data for 2023, provided to the Commissioner by the Communicable Disease Control Branch of SA Health, allows for comparison to previous years with the following observations:

- Between 2022 and 2023, notification rates for both chlamydia and gonorrhoea among 15–19 year old males and females (per 100,000 population) increased.
- Between 2019 and 2023, rates of chlamydia among 15–19 year olds were consistently higher among females compared to males, and young people under 24 years consistently made up more than half of all chlamydia notifications.
- Between 2019 and 2020, chlamydia rates among females aged 15–19 years decreased from 1585 per 100,000 to 1275.9 per 100,000, before increasing year on year to 1531.9 per 100,000 in 2023. Rates among males aged 15–19 years also decreased between 2019 and 2020 (from 528 per 100,000 to 480.5 per 100,000) and have since increased year on year, with 641.9 per 100,000 recorded for 2023.
- Between 2019 and 2023, rates of gonorrhoea among 15–19 year olds were more evenly split between males and females, although the rate was higher for females. In 2023, young people under 24 years made up more than one third (36%) of all gonorrhoea notifications.

- Between 2019 and 2020, gonorrhoea rates among females aged 15–19 years decreased (from 189.8 to 146.8 per 100,000) before increasing year on year with 303.6 per 100,000 recorded in 2023. Rates among males similarly decreased between 2019 and 2020 (169.0 to 137.0 per 100,000) before increasing year on year, with 249.6 per 100,000 recorded in 2023.

Additional data for 2023 provided to the Commissioner by the Communicable Disease Control Branch of SA Health breaks down the notifications of STIs among children and young people under 18 years by age at notification:

- Chlamydia notifications at 13–15 years increased from 37 in 2022 to 56 in 2023. Chlamydia notifications at 16–18 years also increased from 559 in 2022 to 600 in 2023. In both 2022 and 2023, there were no chlamydia notifications at 0–12 years.
- Gonorrhoea notifications increased at both 13–15 years (from 16 in 2022 to 46 in 2023) and at 16–18 years (from 123 in 2022 to 178 in 2023). In both 2022 and 2023, there were 3 gonorrhoea notifications at 0–12 years.
- There were 5 syphilis notifications among 16–18 year olds in 2023, an increase from no notifications in 2022.⁵³

In 2023, place of residence at notification (where reported) shows that for 0–18 year olds, there were 461 notifications of chlamydia in the Adelaide region compared to 194 in the rest of SA, and 141 notifications of gonorrhoea in the Adelaide region compared to 86 in the rest of SA.⁵⁴

The Department for Health and Wellbeing's Agency Statement in South Australia's State Budget 2024–25 includes the following target for the 2024–25 financial year: 'Develop a comprehensive, long-term strategic framework to guide the South Australian Government's response to the human immunodeficiency virus, viral hepatitis, syphilis, and other sexually transmissible infections.'⁵⁵

Harmful sexual behaviour

There continues to be a lack of specialist therapeutic services for children displaying harmful sexual behaviours despite recommendations made by the Nyland Royal Commission. As reported in previous child rights progress reports, eligibility for existing services is largely restricted to those whose behaviour is classified as 'serious'. There needs to be greater investment in protective services that reduce harm and de-escalate behaviours at the earliest possible stage of intervention.

There is also limited data being collected on the prevalence of harmful sexual behaviour in children in South Australia. There are several government and non-government funded research projects underway focused on improving data and services and community responses, but South Australia lacks a statewide framework for responding to harmful sexual behaviour.

South Australia's Royal Commission into Domestic, Family and Sexual Violence commenced on 1 July 2024. The Royal Commission is an opportunity to improve access to comprehensive relationships and sexual health education, investment in prevention and early intervention, and the capacity of services, including sexual health services, to identify and respond to domestic, family and sexual violence.

Address the increasing rate of child obesity



Overweight and obesity rates among children and young people are based on measurements of body mass index (BMI) despite BMI being less accurate during puberty. According to the South Australian Population Health Survey:

- In 2023, the proportion of children reported to be obese was 11.7%, which is slightly lower than 2019 (13.5%) but similar to 2022 (11.0%).
- In 2023, the proportion of children reported to be overweight was 21.4%, up from 12.8% in 2019.
- In 2023, the proportion of children reported to be either overweight or obese was 33.1% – on the increase since 2018 (28.6%), 2019 (26.3%), 2020 (30.8%), 2021 (29.7%) and 2022 (32.5%).
- The proportion of children reported to be obese was higher in rural and regional locations compared to metropolitan areas. They were relatively similar across the socio-economic index for area (SEIFA) groupings, but with the proportion of children reported to be obese in the lowest socioeconomic areas almost double those of other SEIFA groups.⁵⁶

A report released in September 2024 by Preventive Health SA, projected the impact of increasing childhood obesity on life expectancy. It found that South Australia needs to reduce childhood obesity rates by 25% to restore baseline life expectancy.⁵⁷

The State Public Health Plan has set targets to address obesity, and the South Australian Health and Wellbeing Strategy 2020–25 committed to developing a ‘comprehensive, fully integrated response designed to address overweight and obesity at both population and individual level’.

There appears to be no publicly reported updates on South Australia’s progress towards these goals for 2024. Preventive Health SA’s 2023–24 Annual Report notes the delivery of the Healthy Food Environments Hub to ‘support South Australian schools and health facilities to implement healthy food and drink policies’.⁵⁸

Physical activity, active transport and infrastructure

The Australian Physical Activity and Exercise Guidelines recommend that children aged 5–17 years should undertake at least 1 hour of moderate to vigorous intense physical activity every day.⁵⁹ In 2023, 20.0% of children aged 5–17 years reported meeting this level of exercise, down from the previous three years: 2020 (28.3%), 2021 (25.0%) and 2022 (23.0%).⁶⁰

South Australia’s State Budget 2024–25 provides funding for the expansion of the sports voucher scheme to double the number of vouchers able to be claimed per child (from 1 to 2), or allow parents to claim a \$200 deduction on fees paid per child for one sport and recreation activity per calendar year.⁶¹

Preventive Health released the South Australian Walking Report Progress Data (2023), which reports on progress made against the objectives of South Australia’s Walking Strategy 2022–32. More South Australians are making short trips by walking, accessing green spaces for walking, and improving their health and wellbeing through walking.⁶² All data measures report on the percentage of South Australians aged 18+ years, however, there is no reporting on data for children and young people.

- **No evidence** that the UN Committee’s recommendation is being addressed
- **Some evidence** that the UN Committee’s recommendation is being addressed
- **Clear evidence** that the UN Committee’s recommendation is being addressed

According to the 2023 Benchmarking Adelaide report, Adelaide has the lowest proportion of people living in walkable neighbourhoods compared to similar cities around the world, with high levels of car dependence.⁶³ Public and active transport was the most frequently raised topic across submissions received from public and community advocacy groups in relation to South Australia's 20-Year State Infrastructure Strategy. The Strategy is expected to be presented to the State government in March 2025.

Food insecurity

The National Obesity Strategy 2022–32 recognises food insecurity as 'one of the main drivers of unhealthy weight'.⁶⁴ It is significant that households with children continue to be among the groups most heavily affected by food insecurity. While the proportion of households with children experiencing food insecurity decreased between 2023 and 2024, the improvement was only among non-single parent households. Food security among single-parent households continues to worsen over time, with more than two thirds (69%) of single-parent households experiencing food insecurity in the past 12 months and 41% experiencing severe food insecurity.⁶⁵

Governments should introduce legal protections to prevent sterilisation of children with disability without consent.

Lack of legal protections

While available data suggests sterilisations have become less common over recent years, the practice is still permitted by legislation in South Australia. While sterilisation is a 'prescribed treatment' under Section 61 of the *Guardianship and Administration Act 1993* (SA), there is no specific criteria or consistent standard that prescribes the circumstances in which a child may or may not be sterilised.

The final report of the Disability Royal Commission recommended that by the end of 2024 'all jurisdictions should amend or enact legislation prohibiting non-therapeutic procedures resulting in permanent sterilisation of people with disability' except where there is a threat to life, or the person with disability is an adult who has given voluntary and informed consent (Recommendation 6.41).⁶⁶ The South Australian Government's formal response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability was released on 31 July 2024. The government's response to Recommendation 6.41 is 'subject to further consideration', noting 'differences between legislative frameworks and current reform processes underway in some jurisdictions'.⁶⁷

Data gaps

As noted in previous reports, there is limited data available in relation to the sterilisation of children in Australia. The Australian Guardianship and Administration Council reports annually on sterilisation but this reporting is limited to tribunal-approved medical procedures on adults with cognitive disability. From 1 July 2022 to 30 June 2023, there were no cases of sterilisation of an adult with cognitive impairment approved by the South Australian Civil and Administrative Tribunal.⁶⁸ The 2022–23 Australian Sterilisation Data Report notes that the next (2023–24) report will include 'more demographic and other detail' in line with recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

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2024 Child Rights Progress Report on Child Justice

South Australia's progress on recommendations made
by the UN Committee on the Rights of the Child



About the Commissioner for Children and Young People

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](#) (OAB Act). This legislation was introduced to the South Australian Parliament in response to the [Child Protection Systems Royal Commission 2014](#).

The Commissioner promotes and advocates for the rights, development and wellbeing of all children and young people in South Australia and seeks to change laws, policies, systems and practice to uphold children's rights.

The work of the Commissioner for Children and Young People is guided by the [United Nations Convention on the Rights of the Child](#) (UNCRC); the core international treaty established in 1989 to which Australia is a signatory. This important agreement sets out the civil, political, economic, social, and cultural rights of children around the world.

The Commissioner aims to ensure that as a part of the Australian Commonwealth, South Australia enacts its international obligations under this Convention.

Each year the Commissioner produces a series of Child Rights Progress reports measuring South Australia's progress against recommendations made by the UN Committee on the Rights of the Child (the Committee).

This year's progress reports comprise:

- Child Health
- Child Justice
- Child Protection
- Disability
- Education
- Environment
- Physical Punishment

Data reported in the data tables are the most accurate available at the time of writing.



2024 Child Rights Progress Report on Child Justice



South Australia's progress on recommendations made by the UN Committee on the Rights of the Child

What the data says

Measure	Year: Data	1 year change	5 year trend	5 year assessment
Average daily number of children in SA Child Justice System: Detention.	2022/23: 25 2021/22: 30 2020/21: 25 2019/20: 35 2018/19: 38	Slightly decreased	Fluctuating, decrease from base year	+ Favourable
Average daily number of children in SA Child Justice System: Community-based supervision. ¹	2022/23: 188 2021/22: 151 2020/21: 138 2019/20: 169 2018/19: 156	Increased	Fluctuating, increase from base year	- Unfavourable
Number of individual children and young people admitted to Adelaide Youth Training Centre (AYTC). ²	2023/24: 312 2022/23: 324 2021/22: 292 2020/21: 256 2019/20: 328	Slightly decreased	Fluctuating, decrease from base year	+ Favourable
Number of Aboriginal children and young people admitted to AYTC (% of all detainees). ³	2023/2024: 177 (56.7%) 2022/23: 179 (53.3%) 2021/22: 138 (47.3%) 2020/21: 111 (43.3%) 2019/20: 159 (48.4%)	Stable	Fluctuating, increase from base year	- Unfavourable
Number of children under a guardianship order at time of their admission to AYTC (% of all detainees). ⁴	2022/23: 88 (27.2%) 2021/22: 83 (28.4%) 2020/21: 78 (30.4%) 2019/20: 93 (28.3%) 2018/19: 93 (31.1%) 2017/18: 77 (23.4%)	Slightly decreased	Fluctuating, increase from base year	- Unfavourable
Number of children aged 10-13 years (inclusive) at the time of their admission to AYTC (% of all detainees). ⁵	2022/23: 39 (12.0%) 2021/22: 52 (17.8%) 2020/21: 43 (16.7%) Not reported in previous years.	Decreased	Fluctuating, decrease from base year	+ Favourable
Number of children with a known diagnosed disability in AYTC (% of all detainees).*	2023/24: Not available 2022/23: 85 (25.3%)	Not available*		
Average daily no. of children with a known diagnosed disability in AYTC (% of daily population of all detainees). ⁶	2023/24: Not available 2022/23: No number provided (59.5%)			

* The Department of Human Services does not provide data on disability in relation to AYTC. The Training Centre Visitor started collecting data on disability, which is used here, although is likely to be an underestimate.⁷

**The Office of the Guardian for Children and Young People's annual reporting changed for 2023-24. It did not include updated figures in relation to numbers of children and young people in detention which had been reported upon in previous Training Centre Visitor reports and subsequently referenced in earlier Child Rights Progress Reports. Instead, the Guardian is publishing separate smaller reports throughout 2024-25.

Areas of concern include:

- Failure to implement and comply with basic requirements of the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT).
- The overrepresentation of vulnerable children in the criminal justice system, including children with a disability, children in care and Aboriginal children.
- The significant proportion of children on remand being detained in Adelaide Youth Training Centre (AYTC).
- Lack of commitment by the state government to develop a roadmap to raise the minimum age of criminal responsibility and lack of long term, consistent resourcing into diversionary practices.

Background

The UN Convention on the Rights of the Child (UNCRC) was the first international Convention to acknowledge that children have rights and that these rights should be protected. Australia ratified the UNCRC in 1990 and South Australia's *Children and Young People (Oversight and Advocacy Bodies) Act 2016* (OAB Act) states that all government authorities must seek to give effect to the UNCRC. The Convention sets minimum standards and obligations for the protection of children's and young people's rights, including their rights to have access to justice, education, health care and social services. All children have the right to have a say on all matters that affect them and for their views to be taken seriously. In making decisions about children their best interests should be the primary concern, as well as the right to be safe and to be free from discrimination.

Every five years, the Australian Government reports to the UNCRC Committee to explain how Australia is fulfilling its obligations in relation to child rights. In response to Australia's fifth and sixth periodic reports, the Committee highlighted key areas of concern and made recommendations to ensure governments at both the Commonwealth and State levels fulfil their obligations under the Convention. One of the Committee's main areas of concern requiring urgent attention is child justice.

Children's rights in relation to Child Justice

According to the UNCRC, children who come into contact with the criminal justice system have the same rights as all other children. This includes the right to be kept safe, to be heard, and to be treated in a way that promotes their dignity and worth.

The UNCRC also provides extra protections for children who enter the youth justice system. These include:

- placing an emphasis on prevention, rehabilitation and reintegration of young offenders over punishment
- using detention as a measure of last resort and for the shortest possible period; and
- setting the minimum age of criminal responsibility to the recommended 14 years.⁸

The Child Justice System in South Australia

Children who are in contact with the justice system are treated differently to adults in the legal system, with diversion being a key goal. The Department of Human Services (DHS) oversees and manages children who are placed in detention, or who are undertaking community service. It also manages diversionary services to keep children out of the justice system.

There is a separate criminal court for children (the Youth Court) and a separate facility for children who are detained (the Adelaide Youth Training Centre (AYTC)). Children who are on remand are often detained in the same facility with children who have been sentenced.

The *Young Offenders Act 1993* (SA) and the *Youth Justice Administration Act 2016* (SA) are the key pieces of legislation in relation to child justice. The Young Offenders Act outlines the three tiers of South Australia's child justice system, including two tiers of pre-court diversion: formal and informal police caution, and family conference. These apply where a young person is a first offender, or relatively low-level offender and admits to the alleged offending.

The criminal jurisdiction of the Youth Court deals with charges against young people between the ages of 10 and 18 years at the time of the alleged offence. The Youth Court hears and determines matters when charges have been laid, including matters that are disputed or related to more serious offences. The Youth Court has discretion to refer matters back to be dealt with by family conference or formal police caution.

The *Youth Justice Administration Act 2016* (SA) allows for the establishment of ‘training centres’ as ‘necessary or desirable for the care, rehabilitation, detention, training or treatment of youths’.

Since the Youth Justice State Plan 2020–2023 concluded in June 2022 there has been no public reporting on the implementation or evaluation of the Plan, and no new plan has been developed.

The Training Centre Visitor (TCV) was legislated under the *Youth Justice Administration Act 2016*. The TCV’s main function is to promote the safety and wellbeing of children detained in AYTC by upholding and advocating for the rights of the children; inspecting the centre; promoting the child’s best interests; advocating for children in the centre to resolve issues; and investigating systemic reform or any other matter referred to by the Minister.

Some welcome developments in 2024 include:

- Finalisation of the development of an enhanced support service model of care to improve responses for children and young people in AYTC with complex and disability-related needs. It is planned that this model will commence when the 12-bed counselling and sensory accommodation unit is opened.⁹
- Availability of the Child Diversion Program on a statewide basis, 24 hours a day, 7 days a week, to divert Aboriginal children aged 10 to 13 years away from the custodial system.
- Continuation of the trial Youth Aboriginal Community Court Adelaide (YACCA), which also aims to divert young Aboriginal children and young people away from the custodial system.
- Implementation of new training models for the AYTC recruits on support of young people in custody who are transgender/ diverse or from culturally and linguistically diverse backgrounds, alongside the Sensory and Environmental Framework which aims to reduce the physical and psychological impacts of the custodial environment.¹⁰

South Australia’s progress on the latest recommendations made by the UN Committee in relation to child justice:



No evidence that the UN Committee’s recommendation is being addressed



Some evidence that the UN Committee’s recommendation is being addressed



Clear evidence that the UN Committee’s recommendation is being addressed

Current Status

Explicitly prohibit the use of isolation and force, including physical restraints, as a means of coercion/discipline of children under supervision.

Behaviour management in AYTC



The behaviour management scheme in AYTC is based on a model where incentives are available as a child progresses (or regresses) through ‘phase’ levels. The rewards are based on staff assessments of a child’s personal interactions, hygiene, respect shown to staff, and compliance with rules. Low scores result in fewer privileges and more restrictions. This scheme is not necessarily trauma informed and continual professional education in trauma informed practice and disability is needed to ensure that children are not punished for behaviour that arises from a child’s trauma, mental health, or disability.

In September 2023, Youth Justice partnered with the University of Adelaide ‘to review and strengthen its current Case Management Model, with a particular focus on the capacity to integrate a more culturally safe and trauma informed approach to assessment and case planning.’¹¹ It is expected that the review of the case management model will be finalised in the 2024–25.¹²

Isolation and solitary confinement

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (United Nation Rules) explicitly prohibits use of isolation and solitary confinement of children as a disciplinary measure.¹³ Isolation and solitary confinement is a concern raised by children in AYTC.¹⁴

The Commissioner remains concerned about reports that children are spending up to 20 hours in their cells mainly due to ‘rolling unlocks’ amid staffing issues in response to incidents, or because they are on a ‘restricted routine’.¹⁵

Solitary confinement is inconsistent with international law, as well as principles and objects in South Australian legislation. It is the Commissioner’s position that detention should only be used as a last resort and that active efforts should be made to keep children who have been arrested, but not sentenced, out of detention and safe in their community where they will be connected to family and education. If staff shortages result in children being routinely locked in their rooms, children on remand should be released, including those under the care and protection of the Chief Executive of the Department for Child Protection.

Inconsistent reporting of incidents

An audit undertaken by the Training Centre Visitor in 2023 found a number of serious incidents – including the use of physical restraints – that were not appropriately recorded as ‘reportable incidents’ in accordance with the Centre’s Operational Order 33, putting children at risk. The TCV is currently formally inquiring into this matter.¹⁶

Promptly investigate all cases of abuse and maltreatment of children in detention, and adequately sanction the perpetrators.

In respect to preventing and reporting abuse and torture, Australia missed its deadline to fully implement the *Optional Protocol to the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment* (OPCAT).¹⁷ The Training Centre Visitor is the National Preventative Mechanism (NPM) for children in AYTC, but this has not been extended to other places of detention (contrary to OPCAT requirements). Australia has been criticised for not complying with basic OPCAT commitments and the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) cancelled its visit to Australia in February 2023.¹⁸

It is critical that governments must resource National Preventive Mechanisms (NPMs) so that they are able to fully and effectively carry out their functions and powers under OPCAT and prevent harm to children and young people.¹⁹ At the 23 February 2024 Standing Council on Attorneys General (SCAG) meeting, all participants affirmed their commitment to continue to cooperatively and progressively work together towards full implementation of OPCAT obligations.²⁰ Similar commitments have been noted in previous Child Rights Progress Reports. However, the South Australian Government’s position continues to be that funding to implement OPCAT is a matter for the Australian Government.²¹



As outlined in the previous sections, major concerns continue to include children being restrained and locked in their rooms and the overuse of restraint as a de-escalation technique.

In the 2023–24 year the TCV received 308 enquiries across 237 points of contact for children and young people: 278 were in mandate, with 29 referred to another team within the GCYP and 1 to an external provider. The top 5 enquiries for children and young people related to their physical health, the staff in the centre, the facilities, concerns in respect to fellow children and the need for cultural support.²²

The Training Centre Visitor also prioritises particularly vulnerable children that enter the centre, including children and young people aged between 10 and 13 years, those with significant and complex disability or mental health needs, and young people accused of significant offending (particularly when the circumstances are reported to the media).

Require decision-makers operating within child justice to consider what is in the best interests of the child.

South Australia's *Youth Justice Administration Act 2016* requires those administering the Act to give consideration 'at all times to promoting the wellbeing and best interests' of children. The *Young Offenders Act 1993* (SA), however, does not refer to the best interests of the child.

Despite the legislative mandate in the *Youth Justice Administration Act*, best interests does not appear to be a central consideration in decision making. This means vulnerable children in the community are overrepresented in the child justice system.

Placing children who often require a public health and trauma informed response in detention is not in their best interests. For example, the average daily detention population highlights the continued overrepresentation of children in the justice system who are under guardianship, Aboriginal children, and children with a known, diagnosed disability.

The following issues and practices appear to be contrary to children's best interests and are of concern:

- children facing extended periods of remand reportedly due to a lack of alternative accommodation options
- extended periods of isolation and time in cells due to staff shortages or modified routines; and
- over-representation of Aboriginal children in the child justice system.

The Training Centre Visitor has a statutory function to promote the best interests of young people in detention. Considering a child's best interests requires respect for young people's right to be heard. Consistent with the Charter of Rights for Youths Detained in Youth Justice Facilities, this includes ensuring mechanisms through which young people can advocate for themselves and others, make a complaint about their treatment, and be told what happens with their complaint.

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

In 2024, the Guardian and Training Centre Visitor developed an oversight framework for children in the state's out-of-home care and youth detention systems. It was developed to include opportunities for input from children and young people themselves and should bring greater accountability, transparency and consistency in the care and support being provided to children and young people within these mandates.²³

Raise the minimum age of criminal responsibility to an internationally accepted level and make it conform with the recommended minimum age of 14 years.

Research shows that the earlier children enter the criminal justice system the higher the risk that they will become entrenched within it and have continued interaction with correctional services.²⁴ South Australian research using the SA Better Evidence Outcomes Linked Data found that children who have early contact with the justice system, compared to children with late contact, experience more serious and extended periods in the criminal justice system. They were also more disadvantaged, had more serious child protection contact by the age of 10, with experience of mental health related hospitalisations from the ages of 12–18 years.²⁵

It is now well accepted that a public health approach is required to keep children safe, connected to school and to extended families and community, and to help prevent children from moving into the criminal justice system. This includes more intensive and active efforts and supports for children to increase their access to diversionary and restorative programs, re-engage them with community and promote prosocial behaviours.

In 2022–23, there were 39 children under the age of 14 years admitted to the Training Centre, or 2.5% of the total population in AYT. Two of these children were only 10 years of age and in primary school, though both were there for no longer than a day.²⁶

The rate of children aged 10 to 13 years undertaking community service is lower than the rate of children aged 10 to 13 years who are in detention. In 2022–23, there were 4.0 children per 10,000 aged 10–13 years undertaking community service compared to 4.4 per 10,000 in detention.²⁷ The rate is much higher for Aboriginal children and young people aged 10–13 years, with 65.7 per 10,000 undertaking community service and 56 per 10,000 in detention.²⁸ More should be done to address the systemic racial bias and to ensure this age group is kept out of detention by either being given community service or being diverted from the criminal justice system altogether.

There continues to be little movement on raising the minimum age of criminal responsibility in South Australia despite the Attorney-General releasing a discussion paper, 'Alternative diversion model for children under the raised age of criminal responsibility' for feedback in February.

Some concerns included:

- the lack of a rights-based approach that is guided by current international best practice
- the numerous exceptions to raising the age of criminal responsibility

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

- the extension of police powers that could result in more police-child interaction, not less'; and
- the lack of definition around the 'places of safety' and what these places look like to children and young people.²⁹

To date the Attorney-General has stated that he has no policy in relation to raising the minimum age of criminal responsibility, but prioritises safety, and will replace a justice response using a therapeutic model.³⁰

Nationally, there does not appear to be a unified approach on raising the minimum age of criminal responsibility across Australian states and territories, with only some states raising it. Concerningly, new governments in Northern Territory and Queensland have promised to reduce it again, despite the evidence that this will not make communities safer and not in the best interests of children.³¹

Actively promote non-judicial measures, such as diversion, mediation and counselling for children accused of criminal offences, and where possible the use of non-custodial sentences, such as probation or community service.

The Commissioner remains concerned about the piecemeal approach to resourcing, expanding, and evaluating alternative approaches to diversionary services in South Australia for children and young people. She recommends being guided by the latest report from the Age of Criminal Responsibility Working Group.³²

At a national level the Australian Government committed \$69 million over 4 years to establish a National Justice Reinvestment Program to support up to 30 community-led initiatives, with ongoing funding of \$20 million per year from 2026–27. It also committed \$12.5 million over four years to design and establish an independent National Justice Reinvestment Unit to coordinate these initiatives at a national level. To date, Healthy Dreaming Pty Ltd in Port Augusta has been granted funding in South Australia.³³

Other welcome developments during the year include:

- The Service to Aboriginal Youth (STAY) program, which focuses on early intervention, providing at-risk Aboriginal young people between the ages of 10 and 19 years with access to services, guidance to achieve their goals and strengthen their cultural and community connections and build long-term resilience. This program is being run through 9 providers (4 being Aboriginal Community Controlled Organisations) and is being delivered in the following locations: Yalata, Koonibba, Ceduna, Port Lincoln, Whyalla, Port Augusta, Port Pirie, Coober Pedy, the Riverland and Murray Bridge.³⁴
- The Child Diversion Program has been expanded across the state offering support 24 hours a day, 7 days a week to divert Aboriginal children aged 10 to 13 years away from the custodial system.
- The Aboriginal Youth Pathways to Employment Pilot, run by the South Australian Aboriginal Building and Civil Construction Academy in partnership with The Umbrella Collective, offers 'culturally appropriate training, mentoring, and employment within the building, civil, and construction industries.' There will be four intakes of 6 to 8 participants within 24 months. However, participants need to be 17 years of age and above to access the pilot program.³⁵

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- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

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- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

- The DHS is leading the Port Augusta Intensive Youth Response – alongside multiple key agencies – to provide wrap-around support for young people engaging with the child justice system.³⁶

Child diversions by police in South Australia are low when compared over the past 10 years, with 30.4% of alleged child 'offenders' being diverted in 2022–23 compared to 40.9% in 2013–14. The rates are lower for Aboriginal children and young people who are alleged to have offended, with only 22.5% of alleged Aboriginal offenders being diverted away from court in 2022–23 (compared to 35.7% for non-Aboriginal children).³⁷

The family conferencing team works with the young person, their parents, guardians, family and friends, the victim of the offence and their supporters, and a police youth officer to divert the young person away from the justice system. It usually requires the young person to pay compensation, carry out community service, apologise to the victim, and/or anything else deemed appropriate. South Australia has the lowest proportion of family group conferences in the nation resulting in a diversion agreement. In 2022–23, only 44.6% of conferences resulted in an agreement compared to the national average of 83.9%.³⁸ Although the number has increased, the real recurrent expenditure for these services has remained steady from \$1.9 million (\$11.10 per child) in 2014–15 to \$1.8 million (\$12.35 per child) in 2021–22 meaning more has to be done with less resources.³⁹

Other areas of concern are:

- The high rates of children in detention during 2022-23 (57.6%) who have had an interaction with the child protection system in the past ten years.⁴⁰ This reveals a lack of progress by government to address the criminalisation of children in out-of-home care for behaviour that would not result in police intervention had it occurred within a home environment.
- children are still being locked up in Police cells alongside adults, due to the denial of bail; and
- there is an overrepresentation of other groups of children in the child protection system, including Aboriginal children and children living with a disability.

Provide children in conflict with the law, with information about their rights and how to report abuses.

Children have the same rights as adults within the justice system, however, the Commissioner remains concerned that these rights are not being fully realised. Further, many children do not understand their rights, and often do not have the capacity to ensure their rights are being upheld. This includes the right to a lawyer and not being required to answer questions. When children are arrested, before questioning them police should do their utmost to ensure a parent or guardian is present.⁴¹

During the year, the Youth Court launched the Indigenous Bail Video, part of a series of videos produced through the Information Platform Project to develop an age and client-centric platform of resources to assist children and young people who are required to go to court.



During the year, there have been concerns raised by stakeholders about the lack of privacy in the AYTC, including officers being present when children are talking to their lawyers. Children in AYTC have rights relevant to their particular circumstances. These are set out in the Charter of Rights for Youths Detained in Training Centres (Charter of Rights). Core rights in the Charter of Rights include being treated with dignity, being able to make a complaint, having access to key services such as health and education, spending time outside, and having regular contact with family and community members.⁴²

Children in detention can provide feedback to AYTC through an internal feedback/complaint system, or through a Resident Incident Comment Sheets (RICS). Staff at the Centre are required to provide children with these forms, after a formal record of an incident has been made. Children in detention can also seek support from the Training Centre Visitor. Staff can also approach the TCV when they are concerned about a child and cannot resolve it through AYTC channels. Children can also ring or email the TCV.

During the year the TCV opened 222 advocacy files, 19 were 'out of mandate' where the TCV referred the child to the correct supports, with 37 resolved on the same day. Advocacy efforts covered issues around a child's health and wellbeing including health and safety risk, an unmet health need or delayed medical care; how staff respond, including unfair behaviour management, isolation and care concerns; rehabilitation, including access to quality education and cultural supports – for example, African Australian children and young people; maintenance and cleaning issues; and advocacy for a child under 14 years to be able to dispose of menstrual hygiene products.⁴³

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2024 Child Rights Progress Report on Child Protection

South Australia's progress on recommendations made
by the UN Committee on the Rights of the Child



About the Commissioner for Children and Young People

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](#) (OAB Act). This legislation was introduced to the South Australian Parliament in response to the [Child Protection Systems Royal Commission 2014](#).

The Commissioner promotes and advocates for the rights, development and wellbeing of all children and young people in South Australia and seeks to change laws, policies, systems and practice to uphold children's rights.

The work of the Commissioner for Children and Young People is guided by the [United Nations Convention on the Rights of the Child](#) (UNCRC); the core international treaty established in 1989 to which Australia is a signatory. This important agreement sets out the civil, political, economic, social, and cultural rights of children around the world.

The Commissioner aims to ensure that as a part of the Australian Commonwealth, South Australia enacts its international obligations under this Convention.

Each year the Commissioner produces a series of Child Rights Progress reports measuring South Australia's progress against recommendations made by the UN Committee on the Rights of the Child (the Committee).

This year's progress reports comprise:

- Child Health
- Child Justice
- Child Protection
- Disability
- Education
- Environment
- Physical Punishment

Data reported in the data tables are the most accurate available at the time of writing.



2024 Child Rights Progress Report on Child Protection



South Australia's progress on recommendations made by the UN Committee on the Rights of the Child

What the data says

Measure	Year: Number/%	1 year change	5 year trend	Assessment
Number of notifications to the Child Abuse Report Line (CARL) for all children. ¹	2023/24: 98,931 2022/23: 92,951 2021/22: 80,374 2020/21: 80,175 2019/20: 75,552	Increased	Increasing	- Unfavourable
Number of notifications to CARL for Aboriginal children. ²	2023/24: 24,291 2022/23: 22,759 2021/22: 18,600 2020/21: 18,754 2019/20: 17,364	Increased	Increasing	- Unfavourable
Percentage of all notifications screened in for further assessment or response. ³	2023/24: 40.4% 2022/23: 42.5% 2021/22: 43.2% 2020/21: 48.0% 2019/20: 52.3%	Decreased	Fluctuating, increase from base year	- Unfavourable
Percentage of notifications for Aboriginal children screened in. ⁴	2023/24: 46.0% 2022/23: 48.4% 2021/22: 49.7% 2020/21: 57.5% 2019/20: 63.0%	Decreased	Fluctuating, decrease from base year	+ Favourable
Number of children in out-of-home-care (at 30 June). ⁵	2024: 4,891 2023: 4,864 2022: 4,740 2021: 4,647 2020: 4,370	Increased	Increasing	- Unfavourable
Number of children in Residential Care (at 30 June). ⁶	2024: 721 2023: 701 2022: 649 2021: 604 2020: 413	Increased	Increasing	- Unfavourable
Proportion of Aboriginal children in care compared to proportion of Aboriginal children in SA population (at 30 June). ⁷	2023: 37.2%/4.9% 2022: 37.0%/4.8% 2021: 36.0%/4.9% 2020: 36.3%/4.9% 2019: 35.2%/4.8%	Stable	Increasing	- Unfavourable
Number (%) of children placed in accordance with the Aboriginal Child Placement Principle. ⁸	2023/24: 1,075 (61.0%) (estimated) 2022/23: 1,063 (60.7%) 2021/22: 1,043 (61.2%) 2020/21: 1,092 (65.2%) 2019/20: 1,003 (63.7%)	Stable	Fluctuating, decrease in percentage from base year	+ Favourable
Proportion of children in care requiring a case plan who have one (at 30 June). ⁹	2024: 94.0% 2023: 93.8% 2022: 96.2% 2021: 97.7% 2020: 87.3%	Stable	Fluctuating, Increase from base year	+ Favourable

Note: 'Children in out-of-home care' include children aged 0–17 years placed in care under a court order or administrative authority (usually a voluntary custody agreement). Children can be placed in different types of out-of-home care (OOHC) arrangements, including:

- family based care, including those in foster care, kinship care and family day care placements; and
- non-family based care, including children in residential care, independent living, and commercial property placements (ceased on 9 October, 2020).

Areas of concern include:

- Increasing numbers of SA children entering care year on year, despite a reduction in the number of children who entered care over the past year.
 - Increasing number of children being placed in residential care, including those under 10 years of age.
 - South Australia's proportion of expenditure per population on early intervention services per child, is the lowest in Australia.
 - South Australia is unlikely to meet its target of reducing the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care (OOHC) by 45% by 2031.
- The rate is increasing and is the second highest in Australia.
- High numbers of Aboriginal children not being placed in accordance with the ATSI Child Placement Principle and lack of focus on connections, family, community and culture.
 - Low number of children actively participating in their annual review.
 - Increasing number of children who are under the guardianship of the Chief Executive interacting with the justice system.
 - Lack of a systemic approach with SAPOL to prevention of the criminalisation of children in out-of-home care.

Background

The UN Convention on the Rights of the Child (UNCRC) was the first international Convention to acknowledge that children have rights and that these rights should be protected. Australia ratified the UNCRC in 1990 and South Australia's *Children and Young People (Oversight and Advocacy Bodies) Act 2016* (OAB Act) states that all government authorities must seek to give effect to the UNCRC. The Convention sets minimum standards and obligations for the protection of children's and young people's rights, including their rights to have access to justice, education, health care and social services. All children have the right to have a say on all matters that affect them and for their views to be taken seriously. In making decisions about children their best interests should be the primary concern, as well as the right to be safe and to be free from discrimination.

Every five years, the Australian Government reports to the UNCRC Committee to explain how Australia is fulfilling its obligations in relation to child rights. In response to Australia's fifth and sixth periodic reports, the Committee highlighted key areas of concern and made recommendations to ensure governments at both the Commonwealth and State levels fulfil their obligations under the Convention. One of the Committee's main areas of concern requiring urgent attention is child protection.

Children's Rights in relation to Child Protection

The UNCRC protects the right of every child to a standard of living that meets their physical, mental and social development needs (Article 27). Although parents have the primary responsibility to raise their children and to consider what is best for them, governments are required to provide services that support parents' efforts (Articles 5 and 18). Governments must also take appropriate measures – legislative, social, administrative, and educational – to protect a child from all forms of physical or mental violence, injury, abuse, neglect, or maltreatment (Article 19).

Where children are placed in alternative care, their situation must be regularly reviewed (Article 25) and authorities must ensure that a child can exercise all their rights, including access to education, healthcare, legal and other services. A child's identity, language, and privacy must be respected at all times (Articles 24, 28, 29, 16).

The child protection system in South Australia

The power and responsibilities of the South Australian Department for Child Protection (DCP) are established under the *Children and Young People (Safety) Act 2017* (SA).

The paramount consideration in the operation of the Act is to keep children and young people safe, with secondary issues including children and young people being heard and their views considered, fulfilling the need for love and attachment, protecting their self-esteem and supporting them to reach their full potential.¹⁰

At the time of writing a new Children and Young People (Safety and Support) Bill is being debated in Parliament. This Bill is now before a parliamentary select committee who will report back on the first day of sitting in 2025.¹¹

The government purports that this bill introduces some major changes, although some stakeholders have argued that these changes do not go far enough. Some of the changes proposed include:

- a whole of government State Strategy for the Safety and Support of Children and Young People
- embedding the Aboriginal and Torres Strait Islander Child Placement Principle into the standard of ‘active’ efforts (although active efforts have not been extended to all children)
- increasing the threshold of mandatory reporting from ‘harm’ to ‘significant harm’; and
- increasing the powers of Ministers and Chief Executives to intervene earlier. This includes the Minister directing Chief Executives of certain State authorities to meet to discuss an interagency approach for a child or group of children, however, these powers would be discretionary.

The DCP works with vulnerable families, government and non-government organisations, foster carers, and the community to care for and protect at risk children and young people. It does this by addressing incidents of abuse and neglect and by keeping them safe from further harm.

The Department of Human Services (DHS) delivers early intervention programs aimed at keeping children safe, with their families.

There are also independent bodies that specifically oversee children and young people who enter care. These include South Australia’s:

- Guardian for Children and Young People (GCYP) who promotes the rights of all children and young people under guardianship, or in the custody of the Chief Executive of DCP.
- Children and Young Person Visitor (CYP Visitor) who promotes the rights of children and young people under guardianship, or in the custody of the Chief Executive of DCP and who are living in residential care.

National and State Plans and Strategies

The National Framework for Protecting Australia’s Children (2021–2031) was launched in 2021, setting out a national 10-year framework to improve the lives of children, young people and families experiencing disadvantage or who are vulnerable to abuse and neglect. This framework is being implemented through two 5-year action plans, complemented with dedicated strategies and action plans for Aboriginal and Torres Strait Islander children.

The vision outlined in DCP’s Strategic Plan 2022–26 is ‘for all children and young people to grow up safe, healthy, connected and feeling loved so they reach their full potential’.¹²

Some welcome developments in 2024 include:

- Recognition of Kornar Winmil Yunti Aboriginal Corporation (KWY) as an organisation for consultation in relation to placement of an Aboriginal child or young person in out-of-home care.
- Expansion of the scope of the Taikurtirna Tirra–apinhi Program to include all DCP country offices to assist with identifying options for placement of Aboriginal and Torres Strait Islander infants, children and young people with ATSI kin and community.¹³
- Refreshment of DCP’s Statement of Commitment to foster and kinship carers, which guides the work of the department and its relationships with carers by committing to five key principles – to inform, support, consult, value and respect carers.¹⁴

South Australia’s progress on the latest recommendations made by the UN Committee in relation to Child Protection



No evidence that the UN Committee’s recommendation is being addressed



Some evidence that the UN Committee’s recommendation is being addressed



Clear evidence that the UN Committee’s recommendation is being addressed

Current Status

To ensure adequate human, technical and financial resources are allocated to child protection services and to strongly invest in measures for children and their families aimed at avoiding the removal of children from their families.



In 2022–23 there was a total growth in real expenditure on child protection services up to \$813,871 million from \$731,533 million in 2021/22.¹⁵ However, the investment into early intervention services to keep children safe at home remained the same at around 20% of overall expenditure.¹⁶ There was a smaller increase in combined family support services, intensive family support services, and protective intervention services of 5%. This compares to an 11.5% increase in investment in care and protection services.¹⁷

In 2022–23 South Australia’s expenditure on protective intervention services per child in the population is the lowest in Australia and 41% less than the national average. South Australia’s expenditure on combined family support services, protective intervention services and intensive family support services per child in the population is also lower than the national average at 33.2% in 2022–23.¹⁸

The number of children aged 0–17 years who were placed in out-of-home care slightly increased by 27 (0.6%) at 30 June 2024 compared to the previous year. For Aboriginal children this figure increased by 62 (3.5%) in the same period.¹⁹ This increase in the number of children and young people entering out-of-home care indicates investment in measures to avoid removal of children have been inadequate.

The number of families and children accessing Tier 1 and Tier 2 early intervention services have decreased. Some of the service programs on offer include:

Tier 1: Out-of-home care prevention and intergenerational impact programs

- Including specific support for young women under 25 years whose children have been removed, and who are at risk of repeat removals. In 2023–24, there were 122 families accepted into programs associated with 313 children and 5 young women. This number is down on the previous year where 147 families with an associated 349 children and 13 young women were accepted into these programs.²⁰

Tier 2: Intensive Family Services

- Intensive Family Support (IFS) Services provides 6–9 months of targeted support services to families with children aged 0–18 years who have multiple complex needs and who have been identified as being at high to very high risk. These services are delivered by government through partnerships with non-government organisations, including a number of Aboriginal Community Controlled Organisations (ACCOs). During the reporting period 2023–24, there were 1,415 families referred, with 3,053 associated children. This compares with 1,580

- No evidence that the UN Committee’s recommendation is being addressed
- Some evidence that the UN Committee’s recommendation is being addressed
- Clear evidence that the UN Committee’s recommendation is being addressed

families and 3,704 associated children accepted into these services throughout the previous year.

Tier 3: Family Support Services

- The Strong Families Strong Communities Program commenced on 1 July 2023, developed to assist families at medium to low level risk. At the time of writing there is no data on the families the program has supported or reached.²¹
- Families Growing Together and Parenting SA deliver parenting programs via face to face and online formats and through Parent Easy Guides. During 2023–24 these programs supported 1,687 families, up from 964 families in 2022–23.
- The Family by Family Program is a peer support program comprising a network of families who are supporting other families to make lasting change. This includes support for families whose children are seen to be at risk of child abuse and neglect. In 2023–24, the program supported 132 families with 286 associated children, up from 109 families with 242 associated children in the previous year.
- Pathway Service and Child and Family Safety Networks (CFSNs) are multi-agency networks that provide regional coordinated responses to referrals (pre-birth to 18 years). CFSNs supported 3,879 families who were referred to various services in 2023–24 down from 4,254 referrals in 2022–23.²²

Family Group Conferencing

Family Group Conferencing (FGC) can be run by the Youth Court and DCP.

DCP has continued to expand its use of FGC, making it available across the state and with a focus on Aboriginal and Torres Strait Islander Families, including any concerns relating to unborn children.

DCP commissioned the Australian Centre of Child Protection (ACCP) to evaluate the implementation and outcomes of FGCs. The ACCP assessed implementation and outcomes from FGCs held between 1 January 2020 and 31 January 2024. The report found high levels of satisfaction by families involved in FGCs, and that children and young people who participated in FGCs were less likely to be placed in out-of-home care. By contrast, children who were not involved in FGCs were up to 150% more likely to be placed in care.²³

During the 2023–24 year, 284 FGCs were held involving 538 children and young people. This included 125 Aboriginal families with 241 associated children and young people. Of these families, 91.5% continued to care for their children after the FGC with this proportion similarly high for Aboriginal families at 90.4%.²⁴

This increase in FGCs led by DCP has produced a marked decrease in referrals to FGC made by the Youth Court. In the 2023–24 reporting year there were 40 children referred to FGCs²⁵ by the Youth Court, significantly less than the 1,049 children referred in 2017–18 following the full implementation of the *Children and Young People (Safety) Act 2017*.²⁶

To strongly invest in measures developed and implemented by Aboriginal and Torres Strait Islander children and communities to prevent their placement in out-of-home care, provide them with adequate support while in alternative care, and facilitate their reintegration into their families and communities.



South Australia has committed to Closing the Gap Target 12: To reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in OOHC by 45% by 2031. Progress against this target has worsened year on year since 2019 (the baseline year). The rate of Aboriginal children aged 0–17 years in OOHC increased from 75.3 per 1,000 children in 2019 to 94.1 per 1,000 children in 2023.²⁷ South Australia has the second highest rate of children in OOHC in Australia, with this rate having increased more than in any other jurisdiction.

The number of Aboriginal children in care has increased between 30 June 2023 and 30 June 2024 at 1,817 – an increase from 1,755 children in 2022–23.²⁸ Aboriginal children comprise 37.1% of SA children who are in out-of-home care.²⁹

The rate of case plan completion for Aboriginal children and young people in care increased slightly from 91.9% to 93.8%. Similarly those children and young people in care who have an approved Aboriginal Cultural Identity Support Tool rose from 91.3% to 93.5%.³⁰

The percentage of Aboriginal children in care who were placed in accordance with the Aboriginal and Torres Strait Islander Placement Principle in 2022–23 is estimated to be 60.2%, a reduction from 61.2% in 2021–22 and 65.2% in 2020–21.³¹ The Commissioner remains concerned how the principle is being applied, both in placing children and providing the opportunity for children to maintain connection with family, community and culture.

During 2024, the DCP:

- Finalised implementation of the peak body for Aboriginal children and young people in South Australia, Wakwakurna Kanyini.³²
- Commenced the co-creation of an Aboriginal Community Controlled Procurement and Investment Strategy.

On 13 June 2024, South Australia's Commissioner for Aboriginal Children and Young People (CACYP) April Lawrie, launched Holding on to Our Future, the final report on the Inquiry into the removal and placement of Aboriginal children in South Australia.

The report makes six headline findings including:

1. No accountability and oversight for improving outcomes for Aboriginal children, or monitoring performance in applying the Aboriginal and Torres Strait Islander Child Placement Principle.
2. Insufficient funding to meet demand for early intervention.
3. Unnecessary removals that are disproportionate and growing, causing long-term harm.
4. Failure to include Aboriginal and Torres Strait Islander community voices in the drafting of the Aboriginal and Torres Strait Islander Child Placement Principle.
5. A need to involve Aboriginal people in decisions about Aboriginal children.
6. Systemic racism and cultural bias in child removal and placement decisions.

On 28 November 2024, the government responded to the final report, 'supporting' 24 of the recommendations, with 4 subject to 'further consideration' and 4 'not supported'.³³

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

To ensure that children in alternative care have access to the mental health and therapeutic services necessary for healing and rehabilitation and to enhance preventive measures to avoid children drifting from care into crime.



Section 11 (1) of the *Children and Young People Safety Act 2017* stipulates that all young people should be placed in a safe, nurturing, stable and secure environment, with preference for placements with a person who has an existing relationship with the young person. Following best practice guidance, residential care should only be considered as a last resort.

Local and world-wide evidence points to children in out-of-home care having more adverse health, economic, educational and wellbeing outcomes than children who remain with their families.³⁴ Children in care are also more likely to come into contact with the justice system and to therefore be known to police, especially those children and young people who are placed in residential care.

The number of children and young people being placed in residential care continues to increase year-on-year, nearly doubling from 413 at 30 June 2020 to 721 at June 2024, with this number including 280 Aboriginal and Torres Strait Islander children and young people.³⁵ Although this year has seen a slight decrease in the rate of infants entering OOHC, South Australia still has the highest per capita rate of infants placed in OOHC, with 7.1 in every 1,000 children under one year of age at 30 June 2023. For Aboriginal children this figure was around seven times higher, at 45.4 per 1,000 children.³⁶

To reduce the number of children and young people being placed into residential care DCP is committing to programs that will try and place them with their families, community, or within a familial environment.

Some of these programs include:

- Finding Families program which helps to identify safe, secure and sustainable family placements with kin or community for children and young people in residential care. This program is prioritising children under 10 years, sibling groups and Aboriginal children and young people.³⁷
- Taikurtirna Warriapinthe program to be expanded to include all DCP country offices assisting with identifying placement options for Aboriginal and Torres Strait Islander infants, children and young people, so that where possible they are being placed with ATSI kin and community.
- Approval and training of 313 new family-based carers.

The Guardian for Children and Young People has opened an inquiry into the Finding Families initiative following receipt of information relating to advocacy matters where children and young people's rights may not have been fully considered. The inquiry will look into the initiative and identify any concerning conduct, monitoring any adverse outcomes that may be occurring for children and young people placed in care through this program.³⁸

In respect to services and programs for children in residential care, the following are being implemented:

- continued roll out of the Sanctuary Model in DCP operated residential care homes (aka Power To Kids), including training for 93% of DCP Residential Care staff with a total of 9 training sessions held in 2023-24; and

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

- continuation of the My Place program which helps children entering residential care feel at home by personalising their bedrooms and relaxation spaces.

2023–24 was the first full year in which the Child and Young Person Visitor (CYPV) program was fully implemented. The Visitor program involved the CYPV visiting 47 houses in which 127 children and young people were living, engaging directly with 92 children and young people.⁴⁰ The top five enquiries children and young people in residential care asked the Visitor were in relation to securing a safe and stable placement, having regular contact with significant others, receiving appropriate care, having capacity to participate in decision-making, and being in a kind and nurturing environment.⁴¹

To strongly invest in measures to ensure that children, their families and communities participate in decision-making in order to guarantee an individualised and community-sensitive approach to prevent removal.

The expansion of access to Family Group Conferencing must be continued to prevent increased numbers of children and young people being removed from their families and placed into OOHC.

As highlighted in the recent evaluation by Australia's Centre for Child Protection, children and young people whose families were involved in Family Group Conferencing were significantly less likely to be placed in care.⁴²

Annual Reviews are a key mechanism for ensuring children and young people's care arrangements are being undertaken in their best interests. It is important for children and young people to be able to participate in decision-making so they can inform case planning that affects their lives.

The Guardian for Children and Young People's latest annual report raised several systemic concerns around the low participation rates of children and young people in their annual review. This reflected 'a high rate of adults scheduling around their own convenience, and determining that children and young people did not need to be in the room'.

Of the OOHC annual reviews audited in 2023–24:

- 33.7% of children were in attendance
- 31.4% of children and young people were not invited to attend their own annual review due to their age, school, or behaviour; and
- 30.2% of children and young people invited to participate had to decline due to their review being scheduled during school hours (15.1%); a proportion of children and young people were not interested (11.6%); or the review panel refused to reschedule due to conflict. Of the annual reviews audited, the majority were attended by DCP workers and family-based carers. Birth families attended 10.5% of audited reviews.⁴³

As reported in previous sections, there has been a slight increase in the number of services working to prevent removal of children and young people from their families, but investment in early intervention programs remains low at around 20% of total expenditure.

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- **Clear evidence** that the UN Committee's recommendation is being addressed



The South Australian Government needs to undertake a systemic reset moving towards a public health approach, away from investing when children and families are already in crisis. Instead, investment needs to be undertaken sooner with extra supports provided at an earlier stage to support keeping children and young people safely with their families wherever possible.

There has not been much movement in the number of referrals to intensive family support services led by DHS.

During the 2023–24 year there were:

- 704 referrals for intensive family support services accepted by government provider Safer Family Services (up slightly from 700 in 2022–23)
- 503 referrals for intensive family support services accepted by non-government organisations (down from 630 in 2022–23); and
- 206 referrals for intensive family support services accepted by Aboriginal Community Controlled Organisations (down from 230 in 2022–23).

To provide adequate training to child protection carers on the rights and needs of children with disabilities to prevent their maltreatment and abuse.

There was a disappointing response by the State and Commonwealth governments to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability. The final report noted the overrepresentation of Aboriginal children and young people living with a disability in OOHC, and their vulnerability to abuse in institutional environments. Through a number of recommendations the Commission advocated for a First Nations approach to promotion of the right to self-determination and culture, which includes supporting parents in ways that enable their children to remain with their families.⁴⁴ In response, the South Australian Government accepted all recommendations applicable to the state 'in-principle' only.⁴⁵

The Department for Child Protection's Disability Access and Inclusion Plan 2020–24 continues to be implemented.

During the reporting period, DCP:

- extended staff and carer training, including developing new training resources on Foetal Alcohol Spectrum Disorder (FASD) and Autism
- provided regular training to kinship workers, residential care staff and ACCOs*;
and
- provided input into development of training materials to be used in partnership with sporting organisations, supporting children and young people with disability in care participate in sport.

*The Department did not report how many staff or carers had completed training.⁴⁶

There appears to be no publicly reported data on the number and proportion of children and young people in care who are living with disability or who had a NDIS plan in place in 2023–24. In previous years, this detail was reported in the Department for Child Protection's annual report.

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- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

Of the 326 advocacy files opened in 2023–24 by South Australia's Guardian for Children and Young People, 69.6% had a known diagnosed disability.⁴⁷ In 2022–23, 70% of houses visited by the Child and Young Person's Visitor were to homes with children who had a diagnosed disability. Of the children with a diagnosed disability, just over one in two (55.9%) were reported as having a current NDIS plan.⁴⁸ Although this data was not reported on in the 2023–24 annual report, it is understood that it will be released in the next few months.

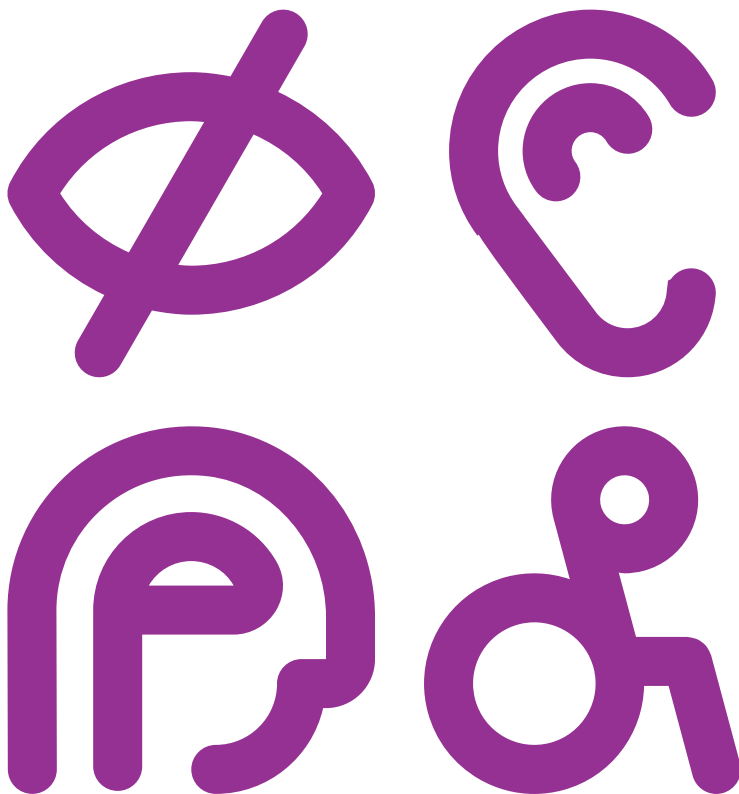
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2024 Child Rights Progress Report on Disability

South Australia's progress on recommendations made
by the UN Committee on the Rights of the Child



About the Commissioner for Children and Young People

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](#) (OAB Act). This legislation was introduced to the South Australian Parliament in response to the [Child Protection Systems Royal Commission 2014](#).

The Commissioner promotes and advocates for the rights, development and wellbeing of all children and young people in South Australia and seeks to change laws, policies, systems and practice to uphold children's rights.

The work of the Commissioner for Children and Young People is guided by the [United Nations Convention on the Rights of the Child](#) (UNCRC); the core international treaty established in 1989 to which Australia is a signatory. This important agreement sets out the civil, political, economic, social, and cultural rights of children around the world.

The Commissioner aims to ensure that as a part of the Australian Commonwealth, South Australia enacts its international obligations under this Convention.

Each year the Commissioner produces a series of Child Rights Progress reports measuring South Australia's progress against recommendations made by the UN Committee on the Rights of the Child (the Committee).

This year's progress reports comprise:

- Child Health
- Child Justice
- Child Protection
- Disability
- Education
- Environment
- Physical Punishment

Data reported in the data tables are the most accurate available at the time of writing.



2024 Child Rights Progress Report on Disability



South Australia's progress on recommendations made by the UN Committee on the Rights of the Child

What the data says

Measure	Year: %	1 year change	5 year trend	5 year assessment
Proportion of students in South Australian schools receiving adjustments due to disability. ¹	2023: 29.2% 2022: 28.4% 2021: 28.3% 2020: 27.7% 2019: 26.3%	Stable	Increasing	+ Favourable
Proportion of Reception to Year 6 students suspended from SA government schools who have Inclusive Education Support Program (IESP) funding. ² (% of students suspended/% of enrolments)	2023: 28.4%/7.5% 2022: 32.3%/7.5% 2021: 34.8%/8.2% 2020: 39.9%/9.8% 2019: 30.4%/9.9%	Decreased	Fluctuating, slight decrease from base year	No change
Proportion of Reception to Year 6 students excluded from SA government schools who have IESP funding. ³ (% of students excluded/% of enrolments)	2023: 52.5%/7.5% 2022: 60.7%/7.5% 2021: 63.3%/8.2% 2020: 63.1%/9.8% 2019: 41.9%/9.9%	Decreased	Fluctuating, increase from base year	- Unfavourable
Proportion of children and young people in out-of-home care who have a current National Disability Insurance Scheme (NDIS) plan. ⁴	2024: Not reported 2023: Not reported 2022: 26.1% 2021: 23.5% 2020: 19%	Not available*		
Number of children with a known diagnosed disability detained in Adelaide Youth Training Centre (AYTC) (% of all detainees).	2023/24: Not available 2022/23: 85 (25.3%)	Not available**		
Average daily number of children with a known diagnosed disability in AYTC (% of average daily population).	2023/24: Not available 2022/23: No number provided (59.5%)			
Proportion of South Australia's general population who are NDIS participants (at 30 June). ⁵	0-6 year olds 2024: 5.4% 2023: 5.3% 2022: 4.6% 2021: 4.2% 2020: 3.6%	Stable	Increasing	+ Favourable
	7-14 year olds 2024: 9.3% 2023: 8.6% 2022: 7.8% 2021: 7.3% 2020: 6.4%	Stable	Increasing	+ Favourable
	15-18 year olds 2024: 7.2% 2023: 6.4% 2022: 5.5% 2021: 4.6% 2020: 3.9%	Stable	Increasing	+ Favourable

Notes:

- Data related to children with disability varies across data sources. This is due to differences in the definition of disability and age groups used for reporting purposes. There are also challenges in tracking data over time due to inconsistency and irregularity in terms of what data is made publicly available, particularly regarding children with disability who are not NDIS participants.
- Suspensions and exclusions data from non-government school sectors is not publicly available or reported on.
- * The annual reports for the Department for Child Protection (DPC) no longer include the proportion of children and young people in out-of-home care who have a current NDIS plan.

...>

** The Department for Human Services (DHS) does not provide data on disability in relation to Adelaide Youth Training Centre. The Training Centre Visitor started collecting data on disability in 2022, which is reported here, although it is likely to be an underestimate. For the 2023–24 annual reporting period the Guardian for Children and Young People, Training Centre Visitor, Child and Young Person's

Visitor and Youth Treatment Orders Visitor combined mandatory reporting into one report for all four roles. This report did not include updated figures for South Australian children and young people with disability who are in care and in youth detention. The Guardian intends to publish more detailed reports throughout the 2024–25 year on children and young people in care and youth detention.

Areas of concern include:

- Lack of complete, consistent and disaggregated data across key systems and areas of the UNCRC in relation to children and young people with disability.
- Failure to fully accept the recommendations made by the Disability Royal Commission in relation to education and restrictive practices impacting people with disability.
- Insufficient legal protections to prevent sterilisation of children and young people with disability without their consent.
- Few mechanisms to support the engagement and participation of children and young people with disability in decision-making at the school, community, and systemic levels.
- Over-representation of children and young people with disability in child protection and youth justice systems, particularly Aboriginal children and young people.
- High proportion of children and young people with disability being suspended or excluded from South Australian primary and secondary schools.
- No child-focused safeguarding mechanisms or independent oversight to protect children and young people with disability from exclusionary and restrictive practices across health, education, residential care and youth justice settings.

Background

The United Nations Convention on the Rights of the Child (UNCRC) was the first international Convention to acknowledge that children have rights and that these rights should be protected. Australia ratified the UNCRC in 1990 and South Australia's [*Children and Young People \(Oversight and Advocacy Bodies\) Act 2016*](#) (OAB Act) states that all government authorities must seek to give effect to the UNCRC. The Convention sets minimum standards and obligations for the protection of children's and young people's rights, including their rights to have access to justice, education, health care and social services. All children have the right to have a say on all matters that affect them and for their views to be taken seriously. In making decisions about children their best interests should be the primary concern, as well as the right to be safe and to be free from discrimination.

Every five years, the Australian Government reports to the UNCRC Committee to explain how Australia is fulfilling its obligations in relation to child rights. In response to Australia's fifth and sixth periodic reports, the Committee highlighted key areas of concern and made recommendations to ensure governments at both the Commonwealth and State levels fulfil their obligations under the Convention. One of the Committee's main areas of concern requiring urgent attention is disability.

The rights of children with disability

Article 23 of the UNCRC recognises that all children with disability have a right to a full and independent life in conditions that ensure their dignity, and which facilitate a child's active participation in their community. The rights of children with disability are also set out in Article 7 of the United Nations Convention on the Rights of Persons with Disabilities, which overlaps with the UNCRC in articulating that:

- the best interests of a child shall be a primary consideration in all actions concerning children with disability; and that
- children and young people with disability have the right to express their views freely in all matters affecting them, with their views being given due weight in accordance with their age and maturity.

State authorities must recognise and provide appropriate support and special care to ensure children and young people with disability are able to access and participate in education (Articles 28 and 29), healthcare (Article 24), justice (Article 40), recreation (Article 31) and preparation for employment (Article 23) on the same basis as others, and in a way that supports the child's full social integration and individual development. This assistance

should also take into account the financial resources of the child's family (Article 23(3)).

Compared to all other states and territories, South Australia has consistently had the highest NDIS participation rates across all three NDIS age groups for children and young people aged 18 years and under. The only exception to this (at 30 June 2024) was Victoria, which had a slightly higher participation rate among children aged 0 to 6 years (5.5% compared to 5.4% in South Australia).⁶

The rights of children and young people with disability are embedded in South Australia's *Disability Inclusion Act 2018* (the Act), which emphasises that children with disability should be considered a priority group who have different needs and vulnerabilities.

The Act requires each state authority to develop a Disability Access and Inclusion Plan (DAIP) that must give effect to the objects and principles of the Act and acknowledge that there are risks and principles specific to children with disability. The Act states that children with disability should 'be given developmentally appropriate opportunities to participate in decisions that affect them' and that any 'decisions made should be child-centred'.

The Act was independently reviewed in 2022. Based on the review's findings, the Disability Inclusion (Review Recommendations) Amendment Bill was introduced in June 2023, passing through both state houses of parliament in June 2024.

In late 2023, the Department for Human Services started consultations on a new State Disability Inclusion Plan 'for 2024 and beyond' to follow on from South Australia's first State Disability Inclusion Plan 2019–2023 (also known as Inclusive SA). In mid-2024, the state government released a report summarising feedback, which will be used to develop the new State Plan and supporting the development of Disability Access and Inclusion Plans (DAIPs).

The final report of the Australian Government's Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission) was released in September 2023 and made 222 recommendations. Key findings and recommendations relevant to children and young people with disability relate to data collection, providing inclusive education and employment, and eliminating restrictive practices.

In July 2024, the South Australian Government published a written response to the final report.⁷ The Disability Reform Ministerial Council's Disability Reform Roadmap for 2024–25 indicates that a detailed implementation plan for joint recommendations will

be agreed to in November 2024, with the first Disability Royal Commission Progress Report expected to be released in June 2025.⁸

The final report of the Independent Review of the National Disability Insurance Scheme (NDIS Review) was released in December 2023 and made 26 recommendations with 139 actions for reform. The NDIS Review report recommended that National Cabinet 'jointly invest in a continuum of mainstream, foundational and specialist supports to address the needs of all children with disability and developmental concerns'.⁹ A formal response to the NDIS Review is due in December 2024 and implementation of the recommended reforms will begin in January 2025.¹⁰

The National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024, passed through federal parliament in August 2024. It is the first of legislative changes responding to the recommendations from the NDIS Review report. Consultation on the second NDIS Bill is set to occur at the end of 2024 and early 2025.¹¹

The second annual report of Australia's Disability Strategy 2021–2031 Outcomes Framework was released in October 2024. The first implementation report was published at the end of 2023 and covers the financial years 2021–23. An updated Strategy as well as new Targeted Action Plans, a revised Data Improvement Plan, and Australia's Disability Strategy Review Report are expected to be published in December 2024.¹² Full evaluation of Australia's Disability Strategy is expected to commence in mid-2025 with reporting due in 2026.

Some welcome developments in 2024 include:

- Formation of the National Disability Data Asset Council to oversee the use of the asset and to make recommendations to the Disability Reform Ministerial Council regarding data improvement and use of data to improve outcomes for people with disability.
- Amendments to the *Disability Inclusion Act 2018* (SA) to require the State Disability Inclusion Plan and Disability Access and Inclusion Plans to address the needs of children with disability.
- Memorandum of Understanding and Intragovernmental Data Sharing Agreement between the Public Advocate and the Chief Executive of the Department for Child Protection to better support young people in the transition from Child Protection to adult guardianship.
- Continued expansion of the Disability and Development Program of the Department for Child Protection with a focus on staff and carer training.
- Inquiry into the potential for a Human Rights Act for South Australia by the Social Development Committee.

South Australia's progress on the latest recommendations made by the UN Committee in relation to disability



No evidence that the UN Committee's recommendation is being addressed



Some evidence that the UN Committee's recommendation is being addressed



Clear evidence that the UN Committee's recommendation is being addressed

Current Status

To ensure that data collected on children's rights covers all areas of the Convention, that they are disaggregated by age, sex, disability, geographic location, ethnic origin, national origin and socioeconomic background, and that they identify children in situations of vulnerability, including children with disabilities.

Inconsistent definitions and data gaps



The Commissioner remains concerned about incomplete and inconsistent data being collected and publicly reported in relation to children and young people with disability across key systems and areas of the UNCRC.

Systemic barriers and challenges relating to data include:

- inconsistent definitions of disability across datasets and jurisdictions
- underdiagnosis and underreporting of disability
- failures to record disability data and inconsistent collection, reporting and sharing across agencies; and
- lack of data disaggregated by age, gender, geographic location, socioeconomic status and/or cultural background.

Inconsistent definitions and data gaps have implications for the design, delivery and implementation of policy and services. These gaps and inconsistencies make it difficult to determine whether governments are meeting their human rights obligation to ensure that children with disability are accessing the support they need.

The Disability Royal Commission highlighted several areas where data is lacking across settings or jurisdictions, including in relation to:

- people with disability who are from culturally and linguistically diverse backgrounds
- people with disability who are LGBTQIA+
- use of restrictive practices, violence, abuse, neglect, exploitation and sterilisation of people with disability
- school experiences and post-school trajectories of young people with disability
- children with disability who are in youth detention; and
- disaggregated NDIS data relating to complaints, reportable incidents, and behaviour support for children and young people with disability.

As noted in previous reports, data relating to children and young people with disability tends to focus on the prevalence of diagnosed disability and provision of services. There continues to be limited mechanisms to capture children and young people's views and experiences in relation to their rights and wellbeing.

Of particular concern is the lack of data about children and young people with disability in relation to their:

- safety, including their sexual health and safety
- citizenship, including electoral enrolment and participation
- inclusion, including ‘everyday’ decision making at all levels of government; and
- educational engagement and attainment beyond enrolment and completion figures. (For example, measures relating to ‘participation in school education’ in Australia’s Disability Strategy 2021–2031 Outcomes Framework are currently limited to the proportion of people with disability who completed years 10 or 12).¹³

The Department for Education published no further updates regarding their disability data reform project in either the Department’s 2023 Annual Report or 2024 Support and Inclusion Reform Newsletters. The reform project seeks to ‘establish a single source of truth for disability data across the department’.¹⁴

State and federal commitments to data improvement

The South Australian Government’s response to recommendations made by the Disability Royal Commission notes that state, territory and Commonwealth governments are working to develop an ‘action plan with agreed timeframes, to drive data collection (including gender disaggregated data) and reporting on data-related Disability Royal Commission recommendations’.¹⁵ This action plan is expected to be published in 2024. Inclusive SA’s Annual Report (2022–23) notes that ‘work to support improved data capturing will be considered further when the new State Disability Inclusion Plan is developed, along with other disability-related policies and initiatives’.¹⁶

The Disability Royal Commission recommended all governments commit to establishing the National Disability Data Asset (NDDA) ‘as a national resource for longitudinal analysis of linked data across service systems’, including education, health, housing, the NDIS, child protection and justice systems.¹⁷

The South Australian Government accepted the Disability Royal Commission’s joint recommendation in principle, noting that all governments ‘are working together to determine costs and funding arrangements beyond 2025’.¹⁸ The National Disability Data Asset Council was established in early 2024. At a meeting in July 2024, the Council agreed on ‘how disability will be captured in the first set of data that will be available’.¹⁹ The first sets of analysis from the National Disability Data Asset are expected to be available in late 2024, with the Asset expected to be fully operational in 2026.

To prohibit by law the sterilisation of girls with disabilities without consent.

Lack of legal protections

While available data suggests sterilisation of children with disability has become less common over recent years, the practice is still permitted under South Australian legislation. While sterilisation is a 'prescribed treatment' under Section 61 of the Guardianship and Administration Act 1993 (SA), there is no specific criteria or consistent standard that prescribes the circumstances in which children with disability may or may not be sterilised.

The final report of the Disability Royal Commission recommended that by the end of 2024 'all jurisdictions amend or enact legislation prohibiting non-therapeutic procedures resulting in permanent sterilisation of people with disability' except where there is a threat to life, or the person with disability is an adult who has given voluntary and informed consent (Recommendation 6.41).²⁰ The South Australian Government's formal response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability was released on 31 July 2024. The government's response to Recommendation 6.41 is 'subject to further consideration', noting 'differences between legislative frameworks and current reform processes underway in some jurisdictions'.²¹

Data gaps

As noted in previous reports, there is limited data available in relation to the sterilisation of children in Australia. The Australian Guardianship and Administration Council reports annually on sterilisation, but this reporting is limited to tribunal-approved medical procedures on adults with cognitive disability. From 1 July 2022 to 30 June 2023, there were no cases of sterilisation of an adult with cognitive impairment approved by the South Australian Civil and Administrative Tribunal.²² The 2022–23 Australian Sterilisation Data Report notes that the next (2023–24) report will include 'more demographic and other detail' in line with recommendations from the Disability Royal Commission.²³

To conduct awareness-raising campaigns aimed at government officials, the public, and families, to combat the stigmatisation of and prejudice against children with disabilities and promote a positive image of such children.

The Inclusive SA State Disability Inclusion Plan

According to the 2023 Inclusive SA Annual Report, tabled in Parliament in September 2024, 47% of the 97 State authorities had developed Disability Access and Inclusion Plans (DAIPS) that supported children with disability.²⁴ Previous Inclusive SA Annual Reports had reported on the percentage of state authorities whose DAIPS committed to engaging children with disability in decision making and/or the co-design of activities, and to supporting young people with disability to participate in decision-making.

The Outcome Areas and actions reported on in the 2023 Annual Report do not match those reported on previously. The new Outcome Areas and actions align with Australia's Disability Strategy 2021–31. Supporting young people with disability to actively participate in decision making previously related to Action 11. In the most recent report, Action 33 is broader: to provide opportunities for active participation in decision making for people living with disability, 'with particular focus on the identified priority groups', including children and young people.

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

In 2024, the *Disability Inclusion Act 2018* (SA) was amended to require that the State Inclusion Plan and Disability access and inclusion plans 'include strategies to ensure that the needs of' particular groups of people with disability – including children with disability – 'are properly addressed'.²⁵ These welcome amendments are based on the findings of the 2022 review of the Act.

In 2024, the Department for Human Services published a Consultation Report on the next State Disability Inclusion Plan, summarising key themes of the statewide consultation undertaken in 2023. The report highlighted the importance of addressing the experiences of children and young people with disability, with a particular focus on:

- improving support during key transition periods, including school and post-school transitions, as well as transitions between living and care arrangements
- addressing the impact of school exclusions, suspensions and segregation
- integrating their needs into the design of policies and programs
- improving the accessibility of transport and infrastructure, including the design of playgrounds and play spaces; and
- embedding key articles of the UNCRC.²⁶

While the Consultation Report does not include timelines for future phases of the Plan's development, it notes that further consultation will take place prior to finalisation.²⁷

State Autism Strategy

In 2024, following public consultation, SA's Autism Strategy 2024–2029 was released. The Strategy outlines the State government's commitment to supporting the inclusion and participation of children with autism in education settings, improving transitions during and beyond school years, and accessibility of transport and infrastructure for people of all ages.²⁸

Community attitudes and participation

The second annual report on Australia's Disability Strategy Outcomes Framework includes seven new measures relating to community attitudes about the rights and needs of people with disability.²⁹ The data available to date is not disaggregated by age or other characteristics, and it largely focuses on the self-reported confidence of adult employers or professionals working with people with disability, making it difficult to monitor the extent to which children and young people specifically feel valued, respected and represented. The Department for Human Services is supporting the collection of this data and has noted in the 2023 Inclusive SA Annual Report that it will be able to provide data related to community attitudes 'when the NDDA is fully operational'.³⁰

The next iteration of Australia's Disability Strategy Survey is expected to be conducted in 2024 and results should be available in 2026 as part of the fourth annual report.

The Inclusive SA Plan 2019–2023 includes an action to increase the involvement of children with disability in sports and cultural activities via the sports voucher and arts programs. The sports voucher scheme has expanded to include swimming and dance, as well as Scouts and Girl Guides. In 2024, there were 4% of children with disability accessing the sports voucher program – the same proportion as in 2023, with an increase from 3% in 2022.³¹

The Disability Commission made recommendations in relation to strengthening awareness and understanding of the rights of people with disability, including through guidance materials and education and training programs. The Commission also emphasised the importance of establishing supported decision-making frameworks for people with disability. Along with New South Wales and Western Australia, South Australia's consideration of the Disability Commission's supported decision-making principles is 'subject to legislative review processes in their respective jurisdictions'.³²

To provide adequate training to child protection carers on the rights and needs of children with disabilities to prevent their maltreatment and abuse.

At 30 June 2023, the proportion of South Australian children with disability living in out-of-home care was 31.1%; a slight increase from 29.5% in 2022 and 24.2% in 2021. South Australia's proportion is higher than the national proportion of 21.3%.³³ The Department for Child Protection's 2023–24 Annual Report does not include the number or proportion of children and young people in care with a National Disability Insurance Scheme (NDIS) plan. Earlier annual reports included the proportion of children with disability living in out-of-home care who were receiving supports through a NDIS plan (26.1% at 30 June 2022, up from 23.5% in 2021 and 19% in 2020).

Department for Child Protection resources

According to the Department for Child Protection 2023–24 Annual Report, the department continued to expand its Disability and Development Program with a focus on staff and carer training.³⁴ This included development of new training resources on Fetal Alcohol Spectrum Disorder (FASD) and on Autism with regular training for kinship carers and training materials developed in partnership with sports organisations aimed at supporting greater participation in sport by children and young people with disability who are living in out-of-home care.

In 2024, the Department of Child Protection launched a new Carers Voice webpage to share information about consultations with carers. A recent consultation about improvements to the Caring Together newsletter highlighted that carers are seeking more advice on caring for children, 'especially if they have complex needs'.³⁵

The Department also updated new versions of the 'Who can say OK?' booklet and quick guide, which includes updated information about NDIS planning and the NDIS process.³⁶ A new Statement of Commitment to Foster and Kinship Carers was launched by the department in October 2024, following consultation with carers and other impacted groups.

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

Support for children with disability leaving care

In 2024, the Office of the Public Advocate signed a Memorandum of Understanding and Intragovernmental Data Sharing Agreement with the Chief Executive of the Department for Child Protection to improve information exchange to support young people in the transition from Child Protection to adult guardianship.³⁷

The Children and Young People (Safety and Support) Bill 2024 was introduced in the House of Assembly in October 2024 following public consultation. The draft Bill includes provisions to strengthen support for young people leaving care, including 'assistance in accessing disability services'. At the time of writing, the Bill has been referred to a parliamentary select committee.

Children in voluntary out-of-home care

The Parliament of South Australia's Social Development Committee highlighted the experiences of children in voluntary out-of-home care (VOOHC) in its inquiry into the impact of the NDIS on South Australians with complex disability who are, or who are at risk of, residing for long periods in inappropriate accommodation. Tabled in September 2023, the Committee made several recommendations to improve support for children with complex disability to remain in family-based settings.³⁸ There has been no formal state government response to the inquiry's recommendations in 2024.

Criminalisation of children in residential care

The criminalisation of children in out-of-home care, particularly those in residential care, is an ongoing systemic concern that disproportionately impacts children with disability. There appears to have been no clear progress made in 2024 preventing criminalisation of children in out-of-home care, or implementation of recommendations made by South Australia's Guardian for Children and Young People's via the 'Dual-Involved Project' (June 2022) which aims to increase diversion and early intervention supports for South Australian children and young people.

To ensure that all children living with disabilities have access to inclusive education in mainstream schools and are provided with the support they need.

Suspensions and exclusions

The Commissioner remains concerned about the high proportion of primary school aged children with disability being excluded from South Australian primary schools. Although the proportion of primary school students with disability being suspended or excluded decreased between 2022 and 2023, children with disability are still much more likely to be suspended or excluded than children without disability. Data provided to the Commissioner by the Department for Education shows:

- Students with disability (receiving funding through the Inclusive Education Support Program [IESP]) made up 7.5% of total enrolments, but 30.6% of the total number of primary students who received a take-home, suspension and/or exclusion in 2023; a slight decrease from 34.5% in 2022.

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

- Students with disability (according to the Nationally Consistent Collection of Data on students with disability, which includes IESP students) made up 33.1% of total enrolments in 2023 but accounted for 75.6% of the total number of primary school students who received a take-home, suspension and/or exclusion. This is a slight increase from 73.6% in 2022.³⁹

Data on the proportion of suspensions and exclusions of students in Reception to Year 12 who are receiving disability adjustments is not consistently being reported upon publicly. According to the most recent data available, reported in the independent Graham inquiry into suspension, exclusion and expulsion processes in South Australian government schools, the proportion of:

- students receiving disability adjustments made up 56.6% of suspensions in 2019, up from 42.5% in 2016; and
- students receiving disability adjustments made up 67.5% of exclusions in 2019, up from 48.5% in 2016.⁴⁰

The Department for Education's revised procedures for take-home, suspension, exclusion and expulsion of students, came into effect in 2024. The revised procedure includes students with disability as a priority group 'at higher risk of exclusionary responses' and requires decision makers to consider 'what adjustments have been made to support access and inclusion' for students with disability.⁴¹

Data is not reported publicly in relation to the participation and engagement of students with disability in non-government schools, including suspensions and exclusions data. In 2024, Catholic and Independent school leaders have agreed to report annually to the Education Minister on how often students with disability are suspended, excluded or refused enrolment.⁴²

Department for Education's reforms

The final report of the Review of the *Disability Inclusion Act 2018* (SA) requested that the Department for Education report on 'the extent to which children with disability are able to participate in mainstream learning and social experiences at school'.⁴³ The Department for Education's response to this request in the 2023 Inclusive SA Annual Report notes the following key reforms:

- release of new practice guides for educators to support learners with functional needs
- recruitment of Autism Inclusion Teachers in all public primary schools including combined Reception to Year 12 schools
- improved access to Inclusive Education Support Program funding; and
- release of the new suspension, exclusion and expulsion of students procedure.

The new reporting requirements also require the Department for Education to report on how the success of initiatives 'designed to assist children living with disability are measured' and recent results against these measures. The only reference to measures in the Department's 2023 reporting is the 'success measures' documented as part of the Strategy for Public Education.

The Department for Education's Preschool Inclusion Project supports preschools to understand and access the Inclusive Education Support Program. A total of 224 preschools were engaged in the project throughout 2023, with 34 new sites engaging with the project from Term 1, 2024.⁴⁴

The NDIS Review and 'Foundational Supports'

The NDIS Review report 'Working together to deliver the NDIS' released in December 2023, highlighted that the high rates of children entering the NDIS not only reflects high rates of disability among children but 'is also a consequence of fewer supports for children with disability in mainstream settings'.⁴⁵ State, territory and Commonwealth governments are developing a Foundational Supports Strategy, with 'phased implementation' of the supports expected to commence from 2025-26.⁴⁶ At the time of writing, the federal Department of Social Services was consulting on the kinds of supports that should be made available to children with disability outside of the NDIS, including in mainstream schools.

Response to Disability Royal Commission recommendations

The South Australian Government did not fully accept all of the Disability Royal Commission's recommendations relating to education. South Australia only 'noted' the recommendation to phase out segregated education, which many advocates see as one of the Royal Commission's 'most crucial recommendations'.⁴⁷

South Australia has accepted 'in principle' to:

- provide equal access to mainstream education and enrolment
- prevent the use of exclusionary discipline
- improve the provision of reasonable adjustments
- support career guidance and transitions
- support a National Roadmap to Inclusive Education
- strengthen oversight and enforcement of inclusive education practices
- ensure First Nations expertise in inclusive education units; and
- improve funding support, student and parental communication, workforce capabilities, data collection and complaints management.⁴⁸

Restrictive practices in education settings

Beyond the NDIS Restrictive Practices Authorisation Scheme, there continues to be no legislative scheme or mechanism for independent oversight to protect children with disability from exclusionary or restrictive practices being applied in the education system. The next recommendation provides further detail on the need to address restraints and seclusions/exclusions against children with disability in a range of settings and in line with the findings and recommendations made by the Disability Royal Commission.



Legal frameworks for the authorisation and oversight of restrictive practices

The Commissioner remains concerned that there is no independent safeguarding or oversight mechanism in place to protect children and young people with disability from the use of restrictive practices across health, education, residential care, and youth justice settings.

South Australia's legislation regulating restrictive practices remains limited to those applied to NDIS participants by registered NDIS service providers. There has been no further progress in 2024 to legislate for the regulation of restrictive practices outside of the NDIS.

The Disability Royal Commission made recommendations to reduce and eliminate restrictive practices across a range of settings, including to:

- take immediate action to prohibit certain practices, including the seclusion of children in all settings (Recommendation 6.36)
- establish legal frameworks for the authorisation, review and oversight of restrictive practices in all disability, health, education and justice settings (Recommendation 6.35); and
- improve collection and reporting of restrictive practices data, including by age, gender, cultural diversity, disability status and restraint type (Recommendation 6.39).

South Australia accepted these recommendations 'in principle', noting that 'further scoping is required to understand how the legal framework could be extended and implemented' across all settings, and to 'understand how this reform will intersect with recommendations of the NDIS Review'.⁴⁹

Legislative protections for human rights

Previous reports have noted that a Human Rights Act would strengthen protection of rights for all children and provide enforceable remedies where the rights of children with disability have been breached, including in cases of restraint and seclusion.

In May 2024, the federal Parliamentary Joint Committee on Human Rights reported on the Inquiry into Australia's Human Rights Framework, recommending that the government establish 'comprehensive and effective' human rights protection in legislation through the establishment of a Human Rights Act.⁵⁰ In December 2023, the Parliament of South Australia's Social Development Committee began an inquiry into the potential for a Human Rights Act for South Australia.⁵¹ Submissions closed in February 2024, and public hearings are continuing at the time of writing.

The Disability Royal Commission recommended that states and territories should strengthen disability rights protection in state and territory laws. The South Australian Government response notes this recommendation is 'subject to further consideration' and will be considered in conjunction with the outcomes of the federal Inquiry into Australia's Human Rights Framework.⁵²

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

Health settings

When considering recommendations from the independent review of the *Mental Health Act 2009* (SA), the Office of the Chief Psychiatrist noted 'no changes to the Act are proposed for restrictive practices'. In 2024, SA Health revised the suite of documents related to minimising restrictive practices, including the Minimising Restrictive Practices in Public Health Care Services Policy and the Clinical Guideline. The updates include a greater focus on vulnerable groups, including children.⁵³

Youth justice settings

While the South Australian Government has accepted 'in principle' the Disability Royal Commission's recommendation to prohibit solitary confinement in youth detention, it is unclear how this will be implemented. South Australia fully accepted recommendations to ensure screening and assessment for children and young people with disability in youth detention, and to ensure staff receive appropriate disability training. The Guardian for Children and Young People has raised concerns about the South Australian Government's position that 'current policies and practices in South Australia are consistent with' the above recommendations. This position directly contradicts findings from the Training Centre Visitor's 2022–23 Annual Report, which highlight the under-assessment and diagnosis of disability, and raises concerns about the use of isolation practices.⁵⁴ South Australia did not accept recommendations to raise the minimum age of criminal responsibility to 14 years, or to implement the Optional Protocol to the Convention Against Torture or Degrading Treatment or Punishment (OPCAT).

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2024 Child Rights Progress Report on Education

South Australia's progress on recommendations made
by the UN Committee on the Rights of the Child



About the Commissioner for Children and Young People

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](#) (OAB Act). This legislation was introduced to the South Australian Parliament in response to the [Child Protection Systems Royal Commission 2014](#).

The Commissioner promotes and advocates for the rights, development and wellbeing of all children and young people in South Australia and seeks to change laws, policies, systems and practice to uphold children's rights.

The work of the Commissioner for Children and Young People is guided by the [United Nations Convention on the Rights of the Child](#) (UNCRC); the core international treaty established in 1989 to which Australia is a signatory. This important agreement sets out the civil, political, economic, social, and cultural rights of children around the world.

The Commissioner aims to ensure that as a part of the Australian Commonwealth, South Australia enacts its international obligations under this Convention.

Each year the Commissioner produces a series of Child Rights Progress reports measuring South Australia's progress against recommendations made by the UN Committee on the Rights of the Child (the Committee).

This year's progress reports comprise:

- Child Health
- Child Justice
- Child Protection
- Disability
- Education
- Environment
- Physical Punishment

Data reported in the data tables are the most accurate available at the time of writing.



2024 Child Rights Progress Report on Education



South Australia's progress on recommendations made by the UN Committee on the Rights of the Child

What the data says

Measure	Year: Data	1 year change	5 year trend	5 year assessment
Proportion of students in South Australian government and non-government schools receiving adjustments due to disability. ¹	2023: 29.2% 2022: 28.4% 2021: 28.3% 2020: 27.7% 2019: 26.3%	Stable	Increasing	+ Favourable
Total incidents of students being suspended in government schools (at Term 2). ²	Total suspensions 2023: 14,480 2022: 5,548 2021: 5,128 2020: 5,003 2019: 5,252	Increased*	Increasing	- Unfavourable
Number of primary school suspension incidents (% of total) ³ 2023: Semester 1 2020–2022: Term 2 only	Primary school suspensions 2023: 4,370 (30.2%) 2022: 1,869 (33.7%) 2021: 2,559 (50.0%) 2020: 2,633 (52.6%) 2019: 2,439 (56.0%)	Increased (number of incidents)	Fluctuating, decrease from base year (per term)	- Unfavourable
Number of secondary school suspension incidents (% of total) ⁴	Secondary school suspensions 2023: 10,110 (69.8%) 2022: 3,679 (66.3%) 2021: 2,569 (50.1%) 2020: 2,370 (47.4%) 2019: 2,309 (44.0%)	Increased	Increasing	- Unfavourable
Total number of incidents of students being excluded in government schools. ⁵ 2023: Semester 1 2020–2022: Term 2 only	Total exclusions 2023: 673 2022: 281 2021: 207 2020: 254 2019: 229	Increased*	Increasing	- Unfavourable
Number of primary school exclusion incidents (% of total) ⁶	Primary school exclusions 2023: 154 (22.9%) 2022: 64 (22.8%) 2021: 85 (41.1%) 2020: 97 (38.2%) 2019: 112 (48.9%)	Increased (number of incidents)	Increasing	- Unfavourable
Number of secondary school exclusion incidents (% of total) ⁷	Secondary school exclusions 2023: 519 (77.1%) 2022: 217 (77.2%) 2021: 122 (58.9%) 2020: 157 (61.8%) 2019: 117 (51.1%)	Increased (number of incidents)	Fluctuating, increase from base year	- Unfavourable

What the data says

Measure	Year: Data	1 year change	5 year trend	5 year assessment
Proportion of Reception to Year 6 students suspended from government primary schools. ⁸ (% of students suspended/% of enrolments)	Children with Inclusive Education Support program (IESP) funding 2023: 28.4%/7.5% 2022: 32.3%/7.5% 2021: 34.8%/8.2% 2020: 39.9%/9.8% 2019: 30.4%/9.9%	Decreased	Fluctuating, slight decrease from base year	No change
	Aboriginal children 2023: 20.3%/7.4% 2022: 20.6%/7.2% 2021: 21.1%/7.0% 2020: 20.1%/6.7% 2019: 21.9%/6.6%	Stable	No change	No change
	Children in out-of-home care 2023: 6.2%/1.4% 2022: 6.8%/1.4% 2021: 7.3%/1.4% 2020: 6.9%/1.4% 2019: 6.3%/1.2%	Stable	Fluctuating, stable from base year	No change
	Boys 2023: 81.3%/51.9% 2022: 81.7%/51.9% 2021: 82.3%/51.9% 2020: 82.7%/51.9% 2019: 83.7%/51.8%	Stable	Decrease from base year	+ Favourable
Proportion of Reception to Year 6 students excluded from government primary schools. ⁹ (% of students excluded/% of enrolments)	Children with Inclusive Education Support program (IESP) funding 2023: 52.5%/7.5% 2022: 60.7%/7.5% 2021: 63.3%/8.2% 2020: 63.1%/9.8% 2019: 41.9%/9.9%	Decreased	Fluctuating, increase from base year	- Unfavourable
	Aboriginal children 2023: 23.4%/7.4% 2022: 25.1%/7.2% 2021: 20.8%/7.0% 2020: 18.2%/6.7% 2019: 22.4%/6.6%	Slightly decreased	No change	No change
	Children in out-of-home care 2023: 9.6%/1.4% 2022: 12.8%/1.4% 2021: 7.5%/1.4% 2020: 9.1%/1.4% 2019: 9.1%/1.2%	Decreased	Fluctuating, increase from base year	No change
	Boys 2023: 82.0%/51.9% 2022: 86.3%/51.9% 2021: 88.8%/51.9% 2020: 88.3%/51.9% 2019: 89.0%/51.8%	Decreased	Decrease from base year	+ Favourable

What the data says

Measure	Year: Data	1 year change	5 year trend	5 year assessment
Proportion of Aboriginal and Torres Strait Islander young people (aged 15–24) who are in employment, education or training. ¹⁰	2021: 55.5% 2016: 57.6%	Annual data not available	Decreasing	- Unfavourable
Proportion of Year 4 to Year 12 students reporting being bullied ‘weekly’. ¹¹	2024: 18% 2023: 18% 2022: 16% 2021: 17% 2020: 19%	Stable	Fluctuating, stable from base year	No change
Proportion of Year 4 to Year 12 students who have an important adult at school. ¹²	2024: 60% 2023: 59% 2022: 57% 2021: 58% 2020: 57%	Stable	Fluctuating, increase from base year	No change
Proportion of Year 4 to 12 students who feel connected to school. ¹³	2024: 60% 2023: 59% 2022: 60% 2021: 64% 2020: 61%	Stable	Fluctuating, stable from base year	No change

Note: Year 7 moved to secondary schools in 2022.

*While not directly comparable due to the change in measurement from Term 2 to Semester 1, 2023 figures are more than double 2022 figures.

Areas of concern include:

- High proportions of children with disability, Aboriginal children and children in out-of-home care being excluded from primary schools. Primary school children should not be suspended, excluded or expelled from school.
- No child-focused safeguarding or independent oversight mechanisms in place to protect children with disability from exclusionary and restrictive practices in education settings.
- Attendance levels and Attendance rates for Aboriginal and Torres Strait Islander children and young people have been declining over the past 6 years.
- Lack of commitment by the Commonwealth and State governments in respect to the education recommendations made by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Background

The UN Convention on the Rights of the Child (UNCRC) was the first international Convention to acknowledge that children have rights and that these rights should be protected. Australia ratified the UNCRC in 1990 and South Australia's [Children and Young People \(Oversight and Advocacy Bodies\) Act 2016](#) (OAB Act) states that all government authorities must seek to give effect to the UNCRC. The Convention sets minimum standards and obligations for the protection of children's and young people's rights, including their rights to have access to justice, education, health care and social services. All children have the right to have a say on all matters that affect them and for their views to be taken seriously. In making decisions about children their best interests should be the primary concern, as well as the right to be safe and to be free from discrimination.

Every five years, the Australian Government reports to the UNCRC Committee to explain how Australia is fulfilling its obligations in relation to child rights. In response to Australia's fifth and sixth periodic reports, the Committee highlighted key areas of concern and made recommendations to ensure governments at both the Commonwealth and State levels fulfil their obligations under the Convention. One of the Committee's main areas of concern requiring urgent attention is access to education.

Child's right to education

Articles 28 and 29 of the UNCRC recognise the rights of every child to access and participate in education that respects their dignity and develops their individual personality and talents to the full. A good education is central to lifelong physical and mental health outcomes, social inclusion and employment prospects. Education is not only a human right in itself, but also a fundamental means of realising other rights and greater social inclusion.

The right of every child to an education is embedded in South Australia's *Education and Children's Services Act 2019*. The Act also states that the best interests of the child must be the paramount consideration in all decisions pertaining to the Act.

Education is also one of the five key dimensions of the South Australian Outcomes Framework for Children and Young People, which recognises the importance of children entering the school system 'ready to take advantage of the learning environment', having positive learning experiences and being engaged in school, further education, training or work.




The school system in South Australia

South Australia's school system is comprised of three compulsory stages: preschool, primary and secondary school. Children aged 6 to 16 years are required to engage in formal education. Children may attend government or non-government (Catholic or independent) schools, as well as authorised home schooling options. The majority of children in South Australia attend government schools.

Some welcome developments in 2024 include:

- \$48.3 million over three years to support disengaged students with significant personal barriers, including mental health concerns, unstable accommodation, family difficulties, addiction, pregnancy and parenting through the Tailored Learning Provision program. The redesigned model gives schools greater oversight of the programs offered, puts more individualised supports in place for each student based on their needs and challenges, and encourages supports to be delivered within the school setting rather than off-site and away from their peers.¹⁴
- Commitments in the 2024–25 State Budget addressing cost of living pressures, include the expansion of the school breakfast program and the subsidy for materials and services charge increasing from \$100 to \$200 for the 2025 school year.¹⁵
- The government is investing approximately \$1.9 billion to implement the recommendations from the Royal Commission into Early Childhood Education and Care over the life of the reforms until 2032.¹⁶

South Australia’s progress on the latest recommendations made by the UN Committee in relation to education

-  **No evidence** that the UN Committee’s recommendation is being addressed
-  **Some evidence** that the UN Committee’s recommendation is being addressed
-  **Clear evidence** that the UN Committee’s recommendation is being addressed

Current Status




To intensify its efforts to prevent and address bullying in schools, including online bullying, through the eSafety Commissioner and provide support to child victims, in particular lesbian, gay, bisexual, transgender and intersex children.

Overall, there has been a slight reduction in bullying experiences as reported by all South Australian government school students since 2019. Results from the Department for Education’s 2024 Wellbeing and Engagement Collection show:

- The proportion of all students reporting being bullied ‘weekly’ is stable at 19% in 2020 to 18% in 2024.
- A decrease in ‘weekly’ or ‘monthly’ verbal bullying (55% in 2020 to 50% in 2024), in physical bullying (36% in 2020 to 32% in 2024), cyberbullying (26% in 2020 to 22% in 2024) and social bullying (50% 2020 to 43% in 2024).
- Physical, verbal and social bullying become less frequent as students get older, whereas the frequency of cyberbullying remains relatively steady across year levels. Across all bullying types, 21% of Year 4 students reported being bullied ‘weekly’, compared to 16% of Year 10 students and 11% of Year 12 students.¹⁷

In April 2024, the Department for Education released the Key Achievements Report in relation to the state-wide bullying prevention strategy titled Connected: A community approach to bullying prevention within the school gates and beyond.¹⁸ Initiatives from the Connected strategy were implemented between 2019 and 2022. The final evaluation report, released in August 2024, found:

- Increased staff awareness, understanding and confidence around bullying behaviours with:
 - 2,500 educators completing bullying prevention training modules
 - 856 educators using bullying prevention lesson plans
 - more schools being funded to promote the National Day of Action; and
 - positive trends reported by staff in relation to how their site assists in promoting student safety.
- High uptake in the use of the online policy tool, but a low completion rate of schools developing a local bullying prevention policy utilising the tool itself.
- The public-facing bullying website associated with the strategy is not as effective as had been hoped, with direct communication to educators found to be more impactful.
- A slight reduction in self-reporting of bullying has occurred over the life of the Strategy. However, there have been year-on-year declines in students reporting school connectedness and friendship/peer belonging. Experiences of bullying remain high with over 50% of students annually reporting having experienced regular bullying during the school year. There has also been an increase in the reporting of bullying incidents.¹⁹

-  **No evidence** that the UN Committee’s recommendation is being addressed
-  **Some evidence** that the UN Committee’s recommendation is being addressed
-  **Clear evidence** that the UN Committee’s recommendation is being addressed

Data from the non-government sector was not made available for this evaluation. The Department for Education reported that it will refresh and promote the resources created under the Connected strategy.

The Department for Education has also released its Safe and Supported Learning Environments – Plan of Action 2024–2026.²⁰ This Plan was developed in 2023 to tackle violence and bullying behaviour in schools. It builds on previous actions to address bullying and also commits to:

- building students’ skills and knowledge to deal with bullying, providing support for their peers, and training other students through a students’ ‘train the trainer’ model
- providing educators and schools with training and new resources to better understand challenges faced by LGBTQIA+ students; and
- updating the department’s bullying prevention requirements in schools using good practice examples from schools where there has been a reduction in bullying.²¹

Bullying against lesbian, gay, bisexual, transgender and intersex children

In terms of support for LGBTQIA+ students, the Department for Education’s Supporting Gender Diverse, Intersex and Sexually Diverse Children and Young People Policy along with its Gender Diverse and Intersex Child and Young People Support Procedure states that discrimination based on sexual orientation, gender identity, and/or intersex status ‘must be addressed’ in anti-bullying policies across all department preschools, schools and childcare settings. It remains unclear as to how implementation of the policy is monitored. Whilst versions of this policy and procedure have remained in place over changes of government, legislation is needed to ensure the rights of LGBTQIA+ students are protected. Policies or procedures of this kind are not consistently in place. Neither are they made publicly available or monitored across South Australia’s Catholic and Independent schools.

The *Equal Opportunity Act 1984* (SA) continues to allow some organisations (including religious schools) to discriminate on the basis of a student’s sexuality or gender identity. A private member’s Equal Opportunity (Religious Bodies) Amendment Bill 2024 was tabled by the Greens on 28 August 2024. It deletes exemptions that allow for certain faith-based institutions to discriminate against the LGBTQIA+ community in employment and in accessing services. The Bill has not progressed.

There has also been little movement in relation to national laws after several bills did not succeed through parliament due to their “controversial” nature.²² In 2023, the Australian Government asked the Australian Law Reform Commission to inquire into religious educational institutions and anti-discrimination laws with a report outlining findings tabled in March this year. As yet, there has been no formal response to the report. The acceptance of the recommendations should:

- Substantially narrow the circumstances in which discrimination by religious educational institutions of their students and staff is permissible at law.
- Maximise the enjoyment of human rights and appropriately manage the intersection of rights.

- Ensure any restriction of rights is justifiable under international law.
- Make federal law more consistent with state and territory laws and the law in comparable overseas jurisdiction.²³

To strengthen the school-based Respectful Relationships initiative to promote gender equality and respect.

A range of curriculum frameworks and learning resources support the delivery of relationships and sexual health education (or elements of it) in South Australia. The South Australian Curriculum for Public Education – an adapted version of the Australian Curriculum developed for Reception to Year 10 students in South Australian government schools – was released in 2024. However, there is no state-wide policy consistently mandating or prescribing school-based relationships and sexual health education, and no oversight mechanism to monitor or report on the delivery of such curriculum across primary and secondary schools.

Comprehensive relationships and sexual health (CRSH) education is crucial to promoting children's rights and gender equality. The right of South Australian children and young people to access comprehensive relationships and sexual health (CRSH) curriculum in primary and secondary school is inconsistent. In South Australia, SHINE SA is the approved provider that trains and supports teachers in South Australian public schools to facilitate evidence-based, best practice Teaching It Like It Is CRSH curriculum. At present, individual schools may elect to implement the SHINE SA program, or deliver alternative models, potentially including those which are not comprehensive, evidence-based, or inclusive of diversity.

At a national level, there has been increasing momentum at all levels of government to address family and domestic violence. The National Plan to End Violence against Women and Children 2022–2032, includes an action to strengthen positive, equal and respectful relationships between all people in public and private spheres.²⁴ Recommendation 59 of the Commonwealth Inquiry into family, domestic and sexual violence highlights the importance of all governments working in partnership to ensure school students receive age-appropriate respectful relationships education that embeds prevention approaches in a range of settings, including schools.²⁵

In July 2023 the Australian government allocated \$77.6 million to develop high quality, age-appropriate, evidence-based respectful relationships education, including consent and sexuality education, to help prevent gender-based violence and promote healthy and respectful relationships between young people.

This includes:

- Establishing a national respectful relationships education expert working group with jurisdictional, non-government and expert representation to guide program design and advise schools on delivery methods that are evidenced based and suited to their school communities.
- Undertaking a rapid review of how respectful relationships consent education programs are currently being taught in schools.

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

- Development of a national framework or guide for schools to use to support the delivery of high-quality respectful relationships education, including consent and sexuality education.
- Investment in a grants process to complement and support existing consent and respectful relationships education being undertaken by state, territory, and non-government school sectors.

In January 2024, the Australian government launched the Commonwealth Consent Policy Framework Development: Promoting Healthy Sexual Relationships and Consent Among Young People²⁶ to support any organisation working to prevent sexual violence. The policy framework has been developed specifically to promote healthy sexual relationships and sexual consent to young people. This is to ensure agencies provide young people with consistent messaging about consent and to support a unified approach to prevention of sexual violence.

To ensure that all children with disabilities have access to inclusive education in mainstream schools and are provided with the support they need, and to address the use of restraints and seclusion.

There was a disappointing response by the Commonwealth and State governments in respect to the recommendations made by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. In respect to education, main recommendations included:

- providing equal access to mainstream education and enrolment
- preventing use of exclusionary discipline against students with disability
- improving the provision of reasonable adjustments
- developing a 'National Roadmap to Inclusive Education'
- implementing a careers guidance and transition support service for students with disability; and
- strengthening oversight and enforcement of inclusive practices and improve data collection, workforce capacity, student and parental communication, First Nations expertise, funding and complaints management.²⁷

None of the recommendations were fully 'accepted' by either the Commonwealth or State governments. Of the 15 recommendations made, the South Australian government accepted 13 in principle and 'noted' two, including the recommendation to phase out segregated education. The Australian Government's response was similar, with five of the 15 recommendations allocated to the states, 8 accepted in principle, and two noted.

Students with disability are disproportionately impacted by informal and formal exclusionary practices that limit or reject their enrolment, participation and engagement in education. This includes practices that limit the hours students can attend school, isolate students from peers and restrict children's rights.

Data provided to this office by the Department for Education shows a slight decrease in the proportion of primary school-age children with a disability being excluded.²⁸ However, these children are still much more likely to be excluded than children without a disability.

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed



- Students with disability (receiving funding through the Inclusion Education Support Program) make up 7.5% of total enrolments, but 30.6% of the total number of students who received a take-home, suspension and/or exclusion in 2023 (this is lower than in 2022 with 7.5% of total enrolments but 34.5% of the total number of primary school students who received a take-home, suspension and/or exclusion).
- There was no real change for students with disability (according to the Nationally Consistent Collection of Data on students with disability, which includes IESP students) between 2022 and 2023. These students make up only 33.1% of total enrolments but accounted for 75.6% of the total number of primary school students who received a take-home, suspension and/or exclusion in 2023 (which is slightly higher than 2022 with 33.0% of total enrolments and 73.6% of students who received a take-home, suspension and/or exclusion).

In 2022, students with disability made up an estimated 22.8% of enrolments in South Australian independent schools.²⁹ In 2022, students with disability made up 23.6% of total enrolments in Catholic schools, with 13.2% receiving supplementary, 3.8% substantial or 0.8% extensive levels of adjustment.³⁰ Non-government schools do not currently report publicly on suspensions and exclusions data. In 2024, Catholic and Independent school leaders have agreed to report annually to the Education Minister on how often students with disability are suspended, excluded or refused enrolment.

During the 2023 reporting period all government primary schools received an allocation for an Autism Inclusion Teacher (AIT). Over 440 schools had an appointed AIT during the year. AITs were supported through professional learning and professional support networks during their first year of appointment.³¹

A new Inclusive Education Support Program (IESP) Supplementary Level grant was introduced to schools in term 1 of 2024. This allows schools greater autonomy and flexibility to support students with disability and schools will no longer have to apply for IESP level 1 to 3 funding.³²

Restraints and seclusion

There has been no further progress in 2024 in terms of cross-government legislation for regulating restrictive practices outside of the NDIS. Educational institutions are not authorised to undertake planned restrictive practices, however, there is guidance in respect to unplanned restrictive practices. The Department for Education's Protective Practices guidelines allow staff to 'make legitimate use of physical restraint' as a 'last resort' where a student is causing harm to themselves or others. The guidelines acknowledge that staff must consider 'the age, stature, disability, understanding and gender of the child or young person' and that 'inappropriate use of physical restraint/ restrictive practices may constitute assault'.³³

To address the shortcomings of the Closing the Gap measures for Aboriginal and Torres Strait Islander children and to reach the targets on school attendance, retention rates, literacy and numeracy standards by paying particular attention to these children in remote areas and investing in teachers' cultural competency of these communities' history.



There has been some investment and progress made in relation to increasing enrolments for Aboriginal and Torres Strait Islander (ATSI) children in the early education space, in addition to retaining and keeping them in education. But the results are mixed.

Early childhood education data

Closing the Gap Target 3 – Children are engaged in high quality, culturally appropriate early childhood education in the early years.

In 2023, 106.7%* of South Australia's ATSI children in the Year Before Fulltime Schooling (YBFS) age cohort were enrolled in a preschool program. This is an increase from about the 96.3% baseline.³⁴ (*the enrolment proportions may exceed 100% for some areas due to the numerator and denominator being from different sources).

Closing the Gap Target 4 – By 2031, increase the proportion of Aboriginal and Torres Strait Islander children assessed as developmentally on track in all five domains of the Australian Early Development Census (AEDC) to 55%.³⁵

In 2023, 31.3% of South Australia's ATSI children were developmentally on track in all five domains, up from 26.8% from the baseline year in 2016, showing a slight improvement.³⁶

In August 2023, South Australia's Royal Commission into Early Childhood Education and Care released its Final Report. The State government accepted recommendation 14, to strengthen the Aboriginal Community Controlled Organisation sector, and implement Aboriginal three-year-old preschool.

In South Australia's 2024 Budget the government allocated \$14 million over four years to:

- partner with Aboriginal communities on a co-design process to increase the benefits ATSI children receive from existing pre-school (it will start in 2024–25); and
- invest in early childhood education and care via Aboriginal Community Controlled Organisations and align Closing the Gap initiatives with outcomes for early childhood.³⁷

Primary and Secondary School data

Closing the Gap Target 5 – By 2031, increase the proportion of Aboriginal and Torres Strait Islander people (age 20–24) attaining year 12 or equivalent to 96%.

In 2023, 64.6% of South Australia's Aboriginal and Torres Strait Islanders had completed year 12 or the equivalent by the age of 24 – similar to the percentage recorded in 2021 – but up from 61.4% in 2016.³⁸

Closing the Gap Target 6 – By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged 25–34 years had completed non-school qualifications of Certificate III or above.

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

In 2023, 42.2% of South Australia's Aboriginal and Torres Strait Islanders in the 25–34 year old age group had completed a non-school qualification of Australian Qualifications Framework (AQF) Certificate Level III or above; a slight increase from 39.8% in 2021.

Closing the Gap Target 7 – By 2031, increase the proportion of Aboriginal and Torres Strait Islander young people (15–24 years) who are in employment, education, or training to 67%.

In 2023, 55.5% of South Australia's 15 to 24-year-old Aboriginal and Torres Strait Islanders were fully engaged in employment, education, or training, down from 57.6% in 2021.

The last three measures are only updated approximately every 4 years. However, data from ACARA shows a decrease in South Australian Aboriginal and Torres Strait Islander young people completing vocational education and training with 2,000 students in 2022, down from 5,000 in 2019.³⁹ On a positive note, Aboriginal and Torres Strait Islanders are more likely to complete their education compared to the rest of the population. It is not known why these numbers have been decreasing.

Aboriginal children and young people are less likely to attend school when compared to the whole of South Australia's child population. The attendance rates in Years 1–10 are lower for South Australian students who identify as Aboriginal and Torres Strait Islander; down to 75.0% compared to 88.0% attendance levels for all students.

In 2023, the overall attendance level (meaning the percentage of total enrolled students attending school more than 90% of the time) is lower for ATSI students at 31.7% compared to 59.7% for all students. This means that in 2023, 68.3% of ATSI students missed more than 4 weeks of school.

In 2023, there were 421 ATSI school students who completed their South Australian Certificate of Education, up from 347 last year.⁴⁰ There were also 28 Aboriginal students who received recognition for Aboriginal Cultural Knowledge and Learning.

During 2024, the Department for Education expanded support for Aboriginal learners participating in programs that lead to post-school transitions. Six new school-based academies were established to strengthen Aboriginal languages education. There are also Aboriginal languages curriculum resources for six South Australian Aboriginal languages currently in development.

In respect to primary and secondary students, the Department for Education continued to implement targeted initiatives as per the Aboriginal Education Strategy as well as undertaking other initiatives throughout the year that included:

- Launching the new 2023 to 2026 Stretch Reconciliation Action Plan (RAP)⁴¹ building on the previous plan, with particular focus on embedding reconciliation initiatives into the organisation and use their field of influence to drive reconciliation.
- Working with the South Australian Aboriginal Community Controlled Organisation Network (SAACCON) to support education and skills targets under the National Agreement on Closing the Gap.

- Introducing a new funding model for Aboriginal children and young people in schools to commence from 2024. The new model provides schools with more flexible and predictable funding, supporting informed, localised decision making responsive to the needs and interests of their Aboriginal students.
- Implementing the Aboriginal Voice Framework to embed Aboriginal perspectives and expertise in department policies and projects.
- Implementing a Culturally Responsive Framework through the Aboriginal Workforce Plan (2021–2031).
- Developing curriculum resources for Aboriginal languages in partnership with Aboriginal language communities to support the teaching and learning of Aboriginal languages in schools.

In respect to initiatives relating to Aboriginal students, in 2023:

- 658 students from over 63 regional and metropolitan schools participated in the Workabout Program, delivering 1,477 accredited and non-accredited training outcomes. (Some students took up training opportunities and there were 17 employment outcomes for Aboriginal learners); and
- 1,119 Aboriginal learners participated in the South Australian Aboriginal Secondary Training Academy (SAASTA) Programs across regional and metropolitan schools.⁴²

To invest more in improving education at the early childhood, primary and secondary levels, paying particular attention to children living in remote areas, Aboriginal and Torres Strait Islander children, children with disabilities, children in marginalised and disadvantaged situations, children in alternative care and children from refugee and migrant backgrounds.

In July 2023, the Department for Education released a new purpose statement for public education and strategy for public education, covering four interrelated areas of impact: wellbeing, equity and excellence, learner agency and effective learners. Progress has been recorded below.

The development of the Better and Fairer Schools Agreement (2025–2034) is said to 'ensure all public schools receive full and fair funding over the life of the Agreement and put every public school on a path to 100 percent of the School Resourcing Standard.'⁴³ To date, due to the continued underfunding of public schools, only three States have signed the agreement. In August 2024, it was reported that the South Australian government will not sign on to the new agreement unless the Commonwealth Government increases its funding commitment to 25% of SRS.⁴⁴

Evidence of progress at different levels of education

Educational outcomes for Aboriginal and Torres Strait Islander children and young people are below the national average and more needs to be done to realise their full potential.

Early childhood education data

The South Australian Government is investing approximately \$1.9 billion through to 2032 to implement the recommendations made by the Royal Commission into Early Childhood Education and Care over the life of the reforms.⁴⁵ The government response consists of seven core elements to reduce the rate of South Australian children entering school developmentally vulnerable from 23.8% to 15% over 20 years.

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

To date, the Department for Education has:

- amended its School and Preschool Enrolment Policy to reflect eligible 3-year-old preschool enrolments, increasing access from 12 hours a week to 15 hours a week with a \$9.5 million budget in 2024–25⁴⁶
- introduced a mid-year intake into Preschool from 2023, and for Reception from 2024;⁴⁷ and
- developed a targeted strategy to increase the number of service providers, including Autism SA, offering early intervention services in children's centres.

The Commissioner will follow the progress of these recommendations, particularly those related to improving equitable outcomes, noting that preschool uptake is not equal, nor compulsory.

Primary and secondary data

A total of 15,699 students completed their South Australian Certificate of Education (SACE) in 2023, up from 14,676 students in 2022, but similar to the 15,738 students who completed in 2021. In respect to VET Certificate III, 2,930 students completed the Certificate as part of their SACE in 2023, down from 3,042 students in 2022 and down further from 3,586 in 2021.⁴⁸

In October 2024, the Department for Education announced it will be rolling out its Tailored Learning Provision program at the start of 2025, with an investment of \$48 million over three years.⁴⁹ This followed a successful trial at 12 public high schools that provided additional supports for vulnerable students, including those with mental health concerns, unstable accommodation, family difficulties, pregnancy and parenting. During the trial, the 12 schools reported improvement in student attendance as a direct outcome of the extra youth workers and supports that were provided and resulted in stronger engagement with the students and their families.⁵⁰

The redesigned model gives schools greater oversight of the programs offered, puts more individualised supports in place for each student based on their needs and challenges, and encourages supports to be delivered within the school setting rather than off-site and away from peers.

Country and rural areas

In 2023, there were 48,140 full-time equivalent students enrolled in South Australian schools located in rural, regional and remote areas, making up 28.4% of all government school enrolments. According to the Report on Government Expenditure 8,989 students were from remote areas (8,834 full-time equivalent students). Of the 3,790 rural, regional and remote students who completed SACE last year, 89 received merits. The overall completion rate was up from 2,351 in 2022 and 2,566 in 2021.⁵¹

Key deliverables against the Country Education Strategy 2022, as reported in the Department for 2023 Education Annual Report, include:

- improved accessibility to psychology and speech pathology services in rural, regional and remote areas by expanding a tele-practice service and finalising availability of an External Provider Panel (EPP) to these sites; and
- establishing a South Australian Rural Youth Ambassadors Program.⁵²

Children in care

South Australia's 2022/2023 Child and Young Person Visitor's (CYP Visitor's) Annual Report noted that only 45% of young people visited in residential care were engaged in full time education. There is no data available on this year's percentages as this will only be reported upon in the new year. The figures are based on information provided by the Department for Child Protection and non-government organisations. The CYP Visitor 'believes that this may be a "best case scenario"'.¹

Children and young people in care are over-represented in exclusions, take homes and suspension data. In 2023, children in care made up 1.4% of enrolments, but 6% of take homes, suspensions and exclusions. There is a joint Plan of Action with the Department for Child Protection to ensure this group of children is given access and the appropriate supports to achieve good educational outcomes and remain in education.⁵³

The new Children and Young People (Safety and Support) Bill has now been tabled with provisions that strengthen post care support up to 25 years of age. This followed the review of the *Children and Young People (Safety) Act* which recommended the Act 'require certain levels of service provision for children and young people in care and leaving care', particularly in the areas of education, health, disability support and housing.⁵⁴

Children in poverty

According to Australian Curriculum, Assessment and Reporting Authority (ACARA) data, in 2021 more than one quarter (27.3%) of students enrolled in all schools in South Australia were in the lowest quartile of socio-educational advantage (SEA), increasing to 33.7% of students enrolled in government schools in 2022.⁵⁵ As noted in previous reports, Tasmania and Northern Territory are the only two states and territories with a higher proportion of students with low socio-educational advantage.

Key commitments in the 2024–2025 State Budget seek to support children living in disadvantaged and marginalised situations. They include:

- \$24 million in 2024–25 to deliver a \$200 reduction in the annual materials and services charge for students attending government schools. This initiative expands and extends this support for a further year and will support up to 120,000 school children and their parents and carers.
- \$127.3 million over four years to increase the minimum 15 hours of preschool to 30 hours for 2,000 children aged 3 and 4 years who are at greatest risk of developmental vulnerability. This includes creation of integrated hubs to be co-designed with local communities, opening progressively over the life of the reform, and including two initial demonstration hubs opening in late 2025.⁵⁶

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2024 Child Rights Progress Report on the Environment

South Australia's progress on recommendations made
by the UN Committee on the Rights of the Child



About the Commissioner for Children and Young People

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](#) (OAB Act). This legislation was introduced to the South Australian Parliament in response to the [Child Protection Systems Royal Commission 2014](#).

The Commissioner promotes and advocates for the rights, development and wellbeing of all children and young people in South Australia and seeks to change laws, policies, systems and practice to uphold children's rights.

The work of the Commissioner for Children and Young People is guided by the [United Nations Convention on the Rights of the Child](#) (UNCRC); the core international treaty established in 1989 to which Australia is a signatory. This important agreement sets out the civil, political, economic, social, and cultural rights of children around the world.

The Commissioner aims to ensure that as a part of the Australian Commonwealth, South Australia enacts its international obligations under this Convention.

Each year the Commissioner produces a series of Child Rights Progress reports measuring South Australia's progress against recommendations made by the UN Committee on the Rights of the Child (the Committee).

This year's progress reports comprise:

- Child Health
- Child Justice
- Child Protection
- Disability
- Education
- Environment
- Physical Punishment

Data reported in the data tables are the most accurate available at the time of writing.



2024 Child Rights Progress Report on the Environment



South Australia's progress on recommendations made by the UN Committee on the Rights of the Child

Areas of concern include:

- Disproportionate impacts of climate change on the rights of present and future generations of children and young people.
- Few mechanisms to support children and young peoples participation in climate-related policy and decision-making, including legislative reviews and consultation processes.
- Lack of mandated curriculum and policy to support the delivery of consistent and substantive education on climate change or disaster resilience to children and young people.
- Key emissions reduction targets not yet enshrined in South Australia's legislation, despite having been already outlined in policy.
- Australian Senate's rejection of the Climate Change Amendment (Duty of Care and Intergenerational Equity) Bill 2023, which would have required decision makers to consider the health and wellbeing of current and future children when making decisions likely to contribute to climate change.
- Failure to substantially reform federal environmental laws in line with commitments following the independent review of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Background

The UN Convention on the Rights of the Child (UNCRC) was the first international Convention to acknowledge that children have rights and that these rights should be protected. Australia ratified the UNCRC in 1990 and South Australia's *Children and Young People (Oversight and Advocacy Bodies) Act 2016* (OAB Act) states that all government authorities must seek to give effect to the UNCRC. The Convention sets minimum standards and obligations for the protection of children and young people's rights, including their rights to have access to justice, education, health care and social services. All children have the right to have a say on all matters that affect them and for their views to be taken seriously. In making decisions about children their best interests should be the primary concern, as well as their right to be safe and to be free from discrimination.

Every five years, the Australian Government reports to the UNCRC Committee to explain how Australia is fulfilling its obligations in relation to child rights. In response to Australia's fifth and sixth periodic reports, the Committee highlighted key areas of concern

and made recommendations to ensure governments at both the Commonwealth and State levels fulfil their obligations under the Convention. One of the Committee's main areas of concern requiring urgent attention is the environment.

The impact of climate change on children's rights

This is the Commissioner's fourth progress report on children's rights in relation to the environment and climate change.

South Australian children and young people consistently raise concerns about the environment and climate change, including in the context of conversations about poverty, health, education and transport.¹ This highlights the significant impact climate change is having on children's and young people's daily lives and how they feel about the future. For many children and young people, key to their concern is their sense of justice. They recognise that climate change heightens social and economic inequalities and disproportionately impacts vulnerable people and communities.

There are few mechanisms to support the participation of children and young people in policy and decision-making as it relates to the impact of climate change on the environment and on their lives. There is also limited information made by and for children and young people about climate change-related risks, impacts and solutions, including what action is already being taken, and what opportunities are available to them to contribute to these efforts. A lack of information undermines children's and young people's trust in adults and institutions and exacerbates their climate anxiety.

The United Nations Committee on the Rights of the Child (the Committee) has emphasised the undeniable impact climate change is having on children's rights, including their right to life, non-discrimination, health, education, play, and access to an adequate standard of living. In August 2023, the Committee published General Comment No. 26 on Children's Rights and the Environment with a Special Focus on Climate Change. It provides comprehensive guidance on the obligations of all State parties that are signatories to the UNCRC in relation to protection of the environment. The General Comment highlights that a 'clean, healthy and sustainable environment is both a human right in itself and necessary for the full enjoyment of a broad range of children's rights'.²

Beyond responsibility for protecting children's rights from immediate harm, General Comment No. 26 also outlines the fact that States 'bear responsibility for foreseeable environment related threats arising as a result of their acts or omissions now'.³ The guidance recognises children as 'agents of change' and highlights the need for States to consider children's views in environmental decision-making as well as highlighting the critical role education plays in preparing children to take action.⁴ The General Comment itself is informed by a comprehensive consultation process that engaged thousands of children globally.

In the Committee's Concluding Observations on Australia's most recent periodic reports, the Committee raised particular concerns in relation to the following:

- Australia's insufficient progress on the emissions reduction targets set out in international agreements; and
- the 'disrespect from those in authority' for the rights of children to express their views (Article 12 of the UNCRC), evident in government responses to protests led by Australian children and young people.

In October 2021, the Committee ruled that a State party can be held responsible for the negative impact of its carbon emissions on the rights of children, both within and outside its territory.⁵

In March 2022, Australia's Full Federal Court overturned an earlier decision that had ruled that the Federal Environment Minister had a duty of care to protect children and young people from climate harm when exercising functions under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).⁶ Despite ultimately overturning the 2021 decision, the Full Federal Court upheld the earlier finding of fact that the risk of harm from climate change to children remains.

On 3 August 2023, the Senate referred the Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023 to the Senate Environment and Communications Legislation Committee for inquiry and reporting upon by 1 February 2024. The Duty of Care Bill sought to amend the *Climate Change Act 2022* (Cth) to require decision makers to consider the health and wellbeing of current and future children when making decisions likely to contribute to climate change.

In June 2024, the Senate Committee released the inquiry report, which noted 'several positive aspects of the bill' but ultimately recommended that the Duty of Care Bill *not* be passed.⁷ Noting the government is already implementing 'important reforms', the Senate Committee did not consider the bill 'fit for purpose or that it would effectively achieve its stated aim'. This was despite overwhelming support for the intent of the Bill expressed throughout the inquiry. Of the 403 submissions to the inquiry, only one opposed the Bill outright.

According to the 2023 Global Climate Litigation Report, Australia has the highest number of climate litigation cases per capita globally, defined as cases that 'raise material issues of law or fact relating to climate change mitigation, adaptation, or the science of climate change'.⁸ The report notes that children and young people play a leading role in these cases, many of which demonstrate links between human rights and the impact of climate change.

South Australia's climate change, environment, and emergency management policy frameworks

Responsibility for the environment is shared between federal, state and local governments. The Australian Government is responsible for ratifying international treaties and can pass laws giving effect to such conventions. While Australia is party to the Paris Agreement, South Australia has passed State legislation that 'limits the status of international treaties to that of non-binding policy documents only'.⁹

The main federal environment legislation is the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Following the independent review of this Act, the Australian Government released the Nature Positive Plan in 2022, which outlined commitments to reform Australia's environmental laws. In addition, the *Climate Change Act* (Cth) came into effect in September 2022. It sets out Australia's greenhouse gas emissions reduction targets and provides for annual climate change statements.

South Australia has passed several laws relating to the environment, including the *Environment Protection Act 1993* (SA), the *Native Vegetation Act 1991* (SA), the *Planning, Development, and Infrastructure Act 2016* (SA) and the *Landscape South Australia Act 2019* (SA). These laws are administered by a range of state departments and agencies. Local councils also have some environmental responsibilities, including rubbish collection, recycling and local development approvals.

The priority actions the South Australian Government is taking to tackle climate change are outlined in two key documents: South Australia – Responding to Climate Change, and South Australian Climate Change Actions, released in 2022.¹⁰ These actions build on those outlined in policies that were released under the former State government (the Marshall Liberal Government), including Directions for a Climate Smart South Australia, the Climate Change Science and Knowledge Plan, and the Climate Change Action Plan 2021–2025. Some key commitments include delivering South Australia's Hydrogen Jobs Plan, supporting the uptake of low and zero emissions vehicles, and developing a more circular economy, which includes the implementation of South Australia's Waste Strategy 2020–2025 and South Australia's Food Waste Strategy.

South Australia's *Climate Change and Greenhouse Emissions Reduction Act 2007* sets targets to reduce greenhouse gas emissions, promotes renewable sources of energy, and provides for measures to address climate change and 'achieve a sustainable future of the State'.¹¹ The Premier's Climate Change Council was established in 2008 under this Act to provide independent advice to the Minister for Environment and Water on climate change adaptation, energy efficiency, establishment and achieving of targets, and the impacts of climate change on business and community.

South Australia's independent environment protection regulator, the Environment Protection Authority (EPA), releases a State of the Environment Report (SOER) for South Australia at least every five years. These reports provide an assessment of the current state of South Australia's environment, including trends and key pressures. It includes details of the efforts and opportunities available to better protect and improve the environment.

The South Australian Government is required to respond to the report's recommendations. The Department for Environment and Water also publishes a set of Trend and Condition Report Cards, with the most recent report cards published in 2023.¹²

The *Emergency Management Act 2004* (SA) provides the legal framework and governance for emergency management across the state. This legislation establishes the State Emergency Management Committee whose functions include preparing and reviewing the State Emergency Management Plan (SEMP).

The South Australian Fire and Emergency Services Commission (SAFECOM) works with the South Australian Country (CFS) and Metropolitan Fire Services (MFS) as well as the State Emergency Service (SES) to provide emergency management planning across the state. SAFECOM led the development of Stronger Together: South Australia's Disaster Resilience Strategy 2019–2024, which provides a foundation for state and local government, businesses and the non-government and community sectors, to 'collectively strengthen the resilience of South Australians to survive, adapt and grow, no matter what happens'.¹³

While states and territories have primary responsibility for emergency management, the Australian Government supports state responses through the Australian Defence Force and National Emergency Management Authority (NEMA). The National Disaster Risk Reduction Framework outlines a coordinated approach to reducing disaster risk, and the National Strategy for Disaster Resilience sets out a national resilience-based approach to disaster management. Neither of these national frameworks mention children or young people, despite being guided by the Sendai Framework for Disaster Risk Reduction 2015–2030 (Sendai Framework) which requires 'all-of-society engagement and partnership'.¹⁴

Some welcome developments in 2024 include:

- the launch of several programs funded by the South Australian Disaster Risk Reduction Grants, which support children and young people's participation and leadership in emergency preparedness projects and emergency services organisations; and
- funding for the implementation of South Australia's *Hydrogen and Renewable Energy Act 2023*.

South Australia's progress on the latest recommendations made by the UN Committee in relation to the environment



No evidence that the UN Committee's recommendation is being addressed



Some evidence that the UN Committee's recommendation is being addressed



Clear evidence that the UN Committee's recommendation is being addressed

Current Status

To ensure that children's views are taken into account in developing policies and programs addressing climate change, the environment and disaster risk management, and to increase children's awareness and preparedness for climate change and natural disasters.

South Australian disaster preparedness and awareness initiatives

As noted in previous reports, Focus Area 3 of Stronger Together: South Australia's Disaster Resilience Strategy 2019–2024 is 'children and young people actively engaged in reducing their risk and increasing their self-reliance'.¹⁵ The Commissioner continues to be represented on the State Emergency Committee's Resilience Recovery and Engagement Sub Committee to raise the voices of children and young people.

Several child and youth focused projects received funding in the 2022–23 round of South Australian Disaster Risk Reduction Grants progressed in 2024, including:

- Youth in Emergencies Development Program, launched in February 2024, which is a collaboration between the Australian Red Cross, Commissioner for Children and Young people, Country Fire Service SA, and Duke of Edinburgh International Awards. The program supports students in years 9 to 12 learn about the impacts of emergencies and disasters and develop skills to prepare for them, including through design of local resilience-building and preparedness projects.¹⁶
- SAFECOM's children and young people in emergency services organisations project, which seeks to increase the recruitment and retention of young cadets and volunteers in emergency services. According to South Australia's Budget for 2024–25, finalising this project is one of SAFECOM's targets for the next financial year, alongside delivering the final report on the Stronger Together strategy and commencing 'a future resilience strategy taking a systems approach'.¹⁷

In the 2023–24 financial year, the fourth round of the South Australian Disaster Risk Reduction Grants were awarded.¹⁸ The most recent round of approved projects has a less explicit focus on supporting children and young people compared to previous rounds. Nevertheless, several broader projects are likely to recognise and benefit children and young people, including the review of the People at Risk Emergencies Framework. The Commissioner is contributing to this review, which is being led by the South Australian Council of Social Service and Australian Red Cross, in consultation with health, emergency management and community services.¹⁹

Federal disaster preparedness and awareness initiatives

The second round of the Australian Government's Disaster Ready Fund for projects in 2024–25 were announced in August 2024. This includes funding for an Enhancing Youth Resilience project in South Australia, which will teach first aid skills in regional and remote primary schools and 'ascertain the relevance of the program in the disaster resilience context'.²⁰

The Naturally Brave program also received Disaster Ready Funding and will be delivered in 20 schools across Adelaide and the Eyre Peninsula in 2025. The program is designed to promote awareness of disasters and encourage resilience and empathy among primary school students, and is a collaboration between Growing with Gratitude, Bushfire Kids Connect and Makers Empire.²¹

In August 2024, the Senate Select Committee on Australia's Disaster Resilience tabled the final report of an inquiry into Australia's preparedness, response and recovery workforce models, as well as alternative models to disaster recovery. While the Committee's report does not mention children specifically, it does recommend that the Australian Government 'consider ways to incentivise young Australians to participate in volunteer organisations that provide support for disaster response and recovery'.²² This follows the release of a discussion paper on Alternative Commonwealth Capabilities to Crisis Response by the federal Department for Home Affairs in August 2023. As noted in the 2023 progress report, the Commissioner made a submission recommending that decision makers meaningfully involve children and young people in emergency preparation and response.²³

Disaster resilience education

The Stronger Together strategy recommends a consistent approach to disaster resilience education. The revised Australian Curriculum includes more references to climate change than previous versions, and 'sustainability' is a cross-curriculum priority. The Australian Institute for Disaster Resilience has mapped disaster resilience education to version 9.0 of the Australian Curriculum.²⁴ Several programs and resources focused on climate change and sustainability continue to be implemented in schools across South Australia, including Green Adelaide's Climate Ready Schools program and the Wipe Out Waste program.

Despite these initiatives, there continues to be no state or national policy framework guiding the consistent delivery of substantive climate change and/or disaster resilience education across all school sectors. Neither are there any oversight mechanisms to monitor delivery of this curriculum. As such, this education is often dependent on the goodwill of individual schools or educators and is likely to be delivered with inconsistency across schools, year levels and subjects.

Children and young people's views in policy development

There are few mechanisms for children and young people to influence environment and climate change policy. South Australia's Youth Environment Council is an annual program delivered by Green Adelaide to support students in Years 7 to 11 to pursue school or community based environment and sustainability projects. Although the Premier's Climate Change Council has a 'youth member' they are over 18 years of age. The federal Department of Climate Change, Energy, the Environment and Water sought applications for a new Youth Advisory Council in August 2024, but membership is only open to 18 to 30-year-olds.

The 2023 progress report noted that the Consultation Paper to inform South Australia's next Youth Action Plan included a potential action to introduce 'direct mechanisms for young people to influence environment and climate change policy, and to provide advice to the Minister for Climate, Environment and Water'.

At the time of writing, the Youth Action Plan has not yet been finalised.

The UN Committee on the Rights of the Child has recommended that state parties ‘develop toolkits for holding public consultations with children and young people on issues that affect them, including on climate change and the environment’.²⁵

The South Australian Government is yet to develop such toolkits. However, as reported in 2023, the Department for Environment and Water provided funding for the Conservation Council and South Australians for Climate Action to host state-wide community conversations on climate change.

The final report on these consultations was published in mid-2024 and seeks to assist the South Australian Government ‘in understanding the views of the community’ and inform strategies to meet emissions reduction targets.²⁶ Although the Conversation Guides and Host Kits developed throughout the 2023 process did not specifically refer to engaging with children and young people, the final report includes ‘community specific summary reports’ including one dedicated to young South Australians.²⁷ This report was informed by advice from the Commissioner as well as young people’s direct involvement in the community conversations.

South Australia’s State of the Environment Report 2023 was published in December 2023 and officially launched in March 2024. The report includes reporting on ‘liveability’ for the first time, recognising the importance of the environment to health and wellbeing.²⁸ However, the report does not specifically mention children and young people or consider their views.

The National Health and Climate Strategy was released in December 2023 and outlines a ‘whole-of-government plan to address the health and wellbeing impacts of climate change and address the contribution of the health system to climate change’.²⁹ The Strategy acknowledges that infants, children and young people will disproportionately experience the adverse health impacts of climate change. SA Health released a draft Climate Change Framework for public consultation in May 2024, setting out a vision for a ‘climate resilient health system’.³⁰ The Commissioner made a submission highlighting the impact of climate change on children and young people’s health, the need to engage children and young people and to develop an overarching plan for children and young people’s health.³¹

Consultation to inform the independent review of South Australia’s *Single-use and Other Plastic Products (Waste Avoidance) Act 2020* was open between August and October 2024.³² The Commissioner provided a submission on behalf of the South Australian Student Representative Council (SA SRC). The Commissioner recommended that the review focus on school canteens as an important setting where reusable food and beverage containers be introduced and provided the review with the SA SRC Greening our Canteens campaign position brief.³³ Green Industries SA will be summarising the findings of the Review and preparing a report for the Deputy Premier in December 2024.

To promptly take measures to reduce its emissions of greenhouse gases by establishing targets and deadlines to phase out the domestic use and export of coal and to accelerate the transition to renewable energy, including by committing to meeting 100 per cent of its electricity needs with renewable energy.



As per General Comment No. 26, States not only have immediate obligations under the UNCRC in relation to the environment, but they also bear responsibility for foreseeable environment-related harms that arise because of their acts or omissions in the present.

State emissions reduction targets and legislation

The South Australian Government has committed to the following emissions reduction targets:

- Achieving net zero emissions by 2050.
- Reducing net emissions by more than 50% by 2030 (from 2005 levels).
- Achieving 100% net renewable energy generation by 2030.³⁴

At the time of writing, these targets have not yet been enshrined in legislation. As reported in 2022 and 2023 progress reports, the targets set out in South Australia's *Climate Change and Greenhouse Emissions Reduction Act 2007* have not been updated since commencement of the Act in 2007, despite some of the targets having been met in 2013–14.³⁵ The previous attempt to legislate these targets – the *Climate Change and Greenhouse Emissions Reduction (Targets) Amendment Bill 2023* – lapsed at the end of the 2023 parliamentary sitting year.

A new bill – the *Climate Change and Greenhouse Emissions Reduction (Miscellaneous) Amendment Bill 2024* – was introduced to the South Australian Parliament on 29 August 2024. This Bill passed the House of Assembly on 15 October 2024 and was read a second time in the Legislative Council on 17 October 2024.³⁶

Renewable energy

Previous progress reports have noted that the proportion of South Australia's electricity generation coming from renewable energy has been increasing year on year. This proportion was 74.9% between October 2023 and October 2024, remaining steady with the previous year at 75% between October 2022 and 2023.³⁷

The 2024–25 South Australian State Budget provides \$4.1 million over four years for the implementation of the *Hydrogen and Renewable Energy Act 2023*, which came into effect in July 2024.³⁸ South Australia's Hydrogen Jobs Plan secured development approval in August 2024 to build a renewable hydrogen power plant near Whyalla by 2026, with site works expected to begin in late 2024.³⁹

The Local Government Net Zero Accelerate Program was officially launched in January 2024, led by the Local Government Association and supported by funding from the Department for Environment and Water.⁴⁰ The trial is equipping 15 local councils across South Australia to identify and report on their carbon emissions profile and act to reduce emissions in line with a best practice guide.⁴¹

Transport and infrastructure policy developments

Transport remains the largest source of emissions. The most recent report on the operation of the *Climate Change and Greenhouse Emissions Reduction Act 2007* was released in December 2023 and highlights that 'more effort will be needed to address major sources of emissions across a range of sectors including transport,

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

manufacturing industries and construction, agriculture and industrial processes.⁴² The delivery of the statewide electric vehicle charging network progressed in 2024, with over 530 charging points across 140 sites in 52 metropolitan, regional and rural locations.⁴³

As reported in 2023, Adelaide has the lowest proportion of people living in walkable neighbourhoods when compared to similar sized cities around the world.⁴⁴ It is significant that public and active transport was the most frequently raised topic across submissions received from public and community advocacy groups in relation to South Australia's 20-Year State Infrastructure Strategy.⁴⁵ The Strategy is expected to be presented to the South Australian Government in March 2025.

In September 2024, the State Planning Commission released a draft Greater Adelaide Regional Plan for consultation, along with a report summarising engagement from the stage 1 consultations undertaken throughout 2023.⁴⁶ Summaries of the youth workshop and youth survey highlighted the importance of affordable public transport and prioritising the environment and action on climate change.⁴⁷ The final Greater Adelaide Regional Plan is expected to be released in the first quarter of 2025.

Federal emissions reduction targets and legislation

At the federal level, the Climate Change Authority's second Annual Progress Report found that 'Australia is not yet on track to meet its 2030 emissions reduction target' as set out in the *Climate Change Act 2022* (Cth).⁴⁸ In May 2024, the Australian Government released Australia's Future Gas Strategy, which outlines 'how gas will support our economy's transition to net zero'.⁴⁹ This strategy has been criticised by environmental and climate groups for being likely to lead to more, rather than less emissions.⁵⁰

Under the United Nations Framework Convention on Climate Change (UNFCCC) and Paris Agreement reporting frameworks, countries only report on domestic emissions rather than fossil fuel exports. It is significant that a 2024 examination found that Australia's global fossil fuel carbon footprint is three times larger than its domestic footprint with close to 80% of Australia's total fossil fuel footprint in 2022 due to exported carbon.⁵¹ The government's focus on maintaining high levels of fossil fuel exports appear to be 'completely inconsistent' with international commitments to reduce emissions.⁵²

The second Annual Climate Change Statement for 2023 does not reference children and young people other than with a vague mention to support 'young Australians' to reskill and upskill in the 'clean energy workforce'.⁵³

In June 2024, the Senate Environment and Communications Legislation Committee rejected the Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023, which would have required decision makers to consider the health and wellbeing of future generations when making decisions likely to contribute to climate change.⁵⁴

In 2024, the Australian Government continued consulting on reforms to Australia's environmental laws set out in the Nature Positive Plan. The independent review of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the EPBC Act) concluded in 2020, found that Australia's environmental legislation is 'outdated and

requires fundamental reform'.⁵⁵ The Australian Government's response to this review – the Nature Positive Plan – indicated that a new legislative package would be introduced into Parliament before the end of 2023.

According to the federal Department of Climate Change, Energy, the Environment and Water, 'Stage 1' of these reforms was considered 'completed' at the end of 2023 and included establishing the Nature Repair Market and expanding the water trigger.⁵⁶ While the 2024–25 Federal Budget provides funding to progress Stage 2 and 3 reforms, the government has not provided a timeline or any detail regarding delivery of Stage 3. Many stakeholders and advocates have criticised the government's delayed and staged approach to reform along with a lack of transparency and calls for accountability for 'failure to progress the full reform agenda'.⁵⁷

The following Bills did not pass the Senate in 2024 after the Prime Minister withdrew from negotiations, under pressure from the mining industry:

- Nature Positive (Environment Protection Australia) Bill 2024.
- Nature Positive (Environment Information Australia) Bill 2024.
- Nature Positive (Environmental Law Amendments and Transitional Provisions) Bill 2024.⁵⁸

The Senate Environment and Communications Legislation Committee's report on the above Bills noted significant concerns from submitters that the newly established institutions would be left to administer 'largely unchanged' and 'fundamentally broken' legislation without broader and immediate reforms to the EPBC Act.⁵⁹

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2024 Child Rights Progress Report on Physical Punishment

South Australia's progress on recommendations made
by the UN Committee on the Rights of the Child



About the Commissioner for Children and Young People

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](#) (OAB Act). This legislation was introduced to the South Australian Parliament in response to the [Child Protection Systems Royal Commission 2014](#).

The Commissioner promotes and advocates for the rights, development and wellbeing of all children and young people in South Australia and seeks to change laws, policies, systems and practice to uphold children's rights.

The work of the Commissioner for Children and Young People is guided by the [United Nations Convention on the Rights of the Child](#) (UNCRC); the core international treaty established in 1989 to which Australia is a signatory. This important agreement sets out the civil, political, economic, social, and cultural rights of children around the world.

The Commissioner aims to ensure that as a part of the Australian Commonwealth, South Australia enacts its international obligations under this Convention.

Each year the Commissioner produces a series of Child Rights Progress reports measuring South Australia's progress against recommendations made by the UN Committee on the Rights of the Child (the Committee).

This year's progress reports comprise:

- Child Health
- Child Justice
- Child Protection
- Disability
- Education
- Environment
- Physical Punishment

Data reported in the data tables are the most accurate available at the time of writing.

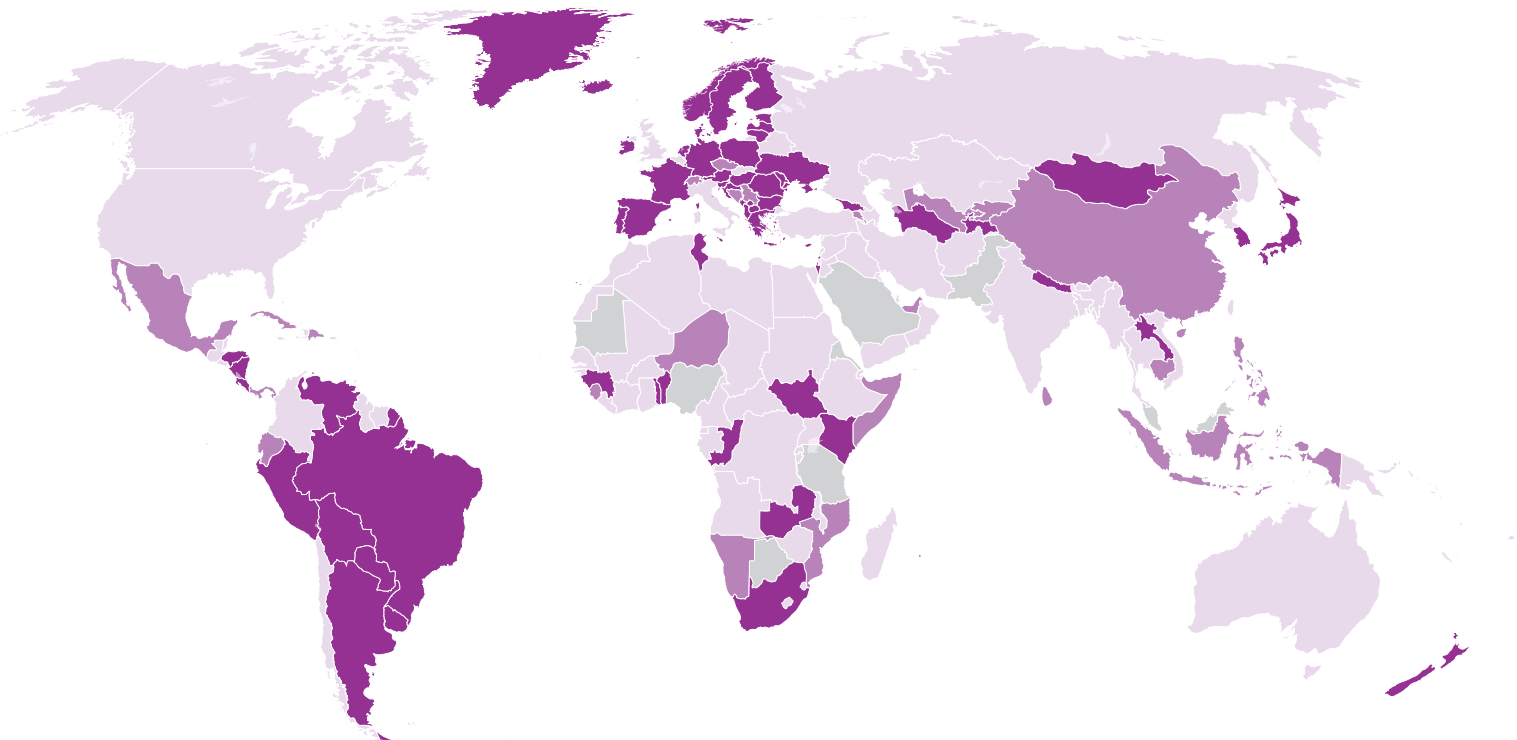


2024 Child Rights Progress Report on Physical Punishment



South Australia's progress on recommendations made by the UN Committee on the Rights of the Child

Physical punishment around the world



Map adapted from End Corporal Punishment, Global progress, <https://endcorporalpunishment.org/global-progress/>

As at June 2024, 67 sovereign states have achieved prohibition of physical punishment in all settings including in the home (up from 65 in May 2023). The latest country to prohibit physical punishment was Tajikistan. A further 26 states have expressed a commitment to enacting full prohibition. Of those the Czech Republic and Switzerland have been included, with three states losing their committed status due to lack of progress. This includes Chile, Ghana and Myanmar¹.

- Countries where physical punishment is prohibited in all settings
- Countries where governments are committed to full prohibition of physical punishment
- Countries where physical punishment is prohibited in some settings
- Countries where physical punishment is not fully prohibited in any setting

Area of concern:

- Despite considerable evidence identifying the harm caused by physical punishment and repeated calls by the UNCRC for full prohibition, state and federal governments continue to permit violence against children by their parents.

Children do not have the same protections as adults when it comes to assault and the experience of physical punishment by children remains unacceptably high.

Background

The UNCRC was the first international convention to acknowledge that children have rights and that these rights should be protected. Australia ratified the UNCRC in 1990 and South Australia's *Children and Young People (Oversight and Advocacy Bodies) Act 2016* (OAB Act) states that all governmental authorities must seek to give effect to the UNCRC.

The Convention sets minimum standards and obligations for the protection of children and young people's rights, including their rights to have access to justice, education, health care and social services. All children have the right to have a say on all matters that affect them and for their views to be taken seriously. In making decisions about children their best interests should be the primary concern, as well as the right to be safe and to be free from discrimination.

Every five years, the Australian Government reports to the UNCRC Committee to explain how Australia is fulfilling its obligations in relation to child's rights. This means that the State must provide feedback on how they have fulfilled their obligations under the Convention in the areas over which they have responsibility such as crime, child protection, and health.

In response to Australia's fifth and sixth periodic reports, the Committee highlighted key areas of concern and made recommendations to ensure our governments at both the Commonwealth and State levels, fulfil their obligations under the Convention. One of the Committee's main areas of concern requiring urgent attention is physical punishment.

Rights in relation to Physical Punishment*

According to the Convention on the Rights of the Child, children should not be subjected to any form of violence. This includes children being safe from violence from parents/guardians (Art. 19) at school (Art. 28), and against cruel and degrading treatment (Art. 37). Specifically, the Committee on the Rights of the Child recommends:

- explicitly prohibiting physical punishment in law in all settings, including in the home, in public and private schools, in detention centres and in alternative care settings, and to repeal the legal defence of “reasonable chastisement”; and
- development of awareness-raising and education campaigns that promote positive and alternative forms of discipline and that underscore the adverse consequences of physical punishment.

*also called corporal punishment.

Australian context

According to the Australian Maltreatment Study a high proportion of Australians (62.5%) experienced corporal punishment in childhood. Approximately half of all parents surveyed (53.7%) had used corporal punishment. A quarter of Australians (26.4%) believe corporal punishment is necessary to raise children, while 73.6% do not view it as being necessary.²

The Parenting & Family Research Alliance (PAFRA) has led the Ending Physical Punishment of Australian Children campaign launched in 2023. PAFRA is a multidisciplinary collaboration that brings together dedicated experts to conduct research, communication and advocacy pertaining to parenting, families and evidence-based parenting support.

In May 2024, PAFRA released a Joint Statement calling for the end of physical punishment in all settings throughout Australia.

To date the Joint Statement has been endorsed by:

- Grandparents Victoria and Kinship Carers Victoria
- Australian Lawyers for Human Rights & President Kerry Weste
- Lawyers for Human Rights
- Multicultural Youth Advocacy Network (MYAN)
- Academy of Child and Adolescent Health
- College of Nursing and Health Sciences, Caring Future Institute, and
- Flinders University, and chairperson for Australian College of Children and Young People's Nurses (ACCYPN).

Why should Physical Punishment be outlawed?

Physical punishment is a legalised form of assault. All other forms of assault in South Australia has been outlawed, including adult to adult assault, child to adult assault, and child to child assault.

Some adults argue that physical punishment is justified to ‘teach children a lesson’. But the fact is assault does not teach anyone a lesson. There is now overwhelming evidence to suggest that physical punishment is not an appropriate teaching method or behaviour management strategy for children and can have long term negative effects on their lives.

Research has found that the impact of physical punishment and severe maltreatment on children:

- has been associated with emotional and behavioural difficulties at school³

- does not reduce defiant or aggressive behaviour, nor does it promote long-term positive behaviour in children.⁴ (An analysis of 75 studies across 13 countries found that the use of ‘spanking’ was associated with negative child outcomes 99% of the time)⁵
- results in adverse effects on students in school, including on their academic performance and can lead to behavioural issues (for example, violent behaviour and aggressive conduct)⁶
- results in children being 2.6 times⁷ more likely to experience mental health problems than children who do not experience physical punishment
- results in children being 2.3 times⁸ more likely to go on to experience significant harm through more serious forms of physical abuse
- results in these children being more likely to believe that violence is accepted and encouraged by society, which may lead to them behaving in a more violent manner during adolescence and adulthood,⁹ and
- can negatively affect children’s brain development.¹⁰

South Australia’s progress on the latest recommendations made by the UN Committee in relation to physical punishment



No evidence that the UN Committee’s recommendation is being addressed



Some evidence that the UN Committee’s recommendation is being addressed



Clear evidence that the UN Committee’s recommendation is being addressed

Current Status

Australia should explicitly prohibit corporal punishment in law in all settings, including in the home, in public and private schools, in detention centres and in alternative care settings, and to repeal the legal defence of ‘reasonable chastisement.’

In South Australia, parents and guardians can still physically punish children under section 20(2) of the *Criminal Law Consolidation Act 1935*.¹¹ This Act provides for contact between persons that would generally be regarded as accepted within the community. There is also a common law defence of chastisement¹² where a child’s age, the reason for the punishment (did it occur to ‘teach the child a lesson’ or ‘because the person snapped’), the child’s behaviour and seriousness of the contact are all considered.

South Australia has prohibited physical punishment in all schools via the *Education and Children Services Act (2019)*, which outlaws physical punishment in pre-school services (s32) and in all South Australian schools (s83). The common law defence is, however, still available to educators if the conduct lies within “the limits of what would be generally accepted in the community as normal incidents of social interaction or community life.”¹³ The *Protective practices Behaviour guidelines for staff and volunteers working with children and young people*¹⁴ has been adopted by all schools in the state and makes corporal punishment a violation.

South Australia has adopted national provisions for early childhood services, enshrined in the *South Australian Education and Early Childhood Services (Registration and Standards) Act 2011*.¹⁵ Section 166 of this Act prohibits the use of physical punishment by providers, nominated supervisors, staff members, volunteers, and day care providers of an approved education and care service.

In residential care facilities, carers and employees are prohibited from physically punishing a child under the *Family and Community Services Regulations 2009*.¹⁶ However this has not stopped reports of children being arrested by the police to manage behaviour, which could result in some physical handling that could amount to assault.¹⁷



To develop awareness-raising and education campaigns that promote positive and alternative forms of discipline and that underscore the adverse consequences of corporal punishment.

- **No evidence** that the UN Committee's recommendation is being addressed
- **Some evidence** that the UN Committee's recommendation is being addressed
- **Clear evidence** that the UN Committee's recommendation is being addressed

The Department for Education has some resources that can be accessed by educators on alternative behaviour management responses that attempt to promote positive and inclusive behaviour. This includes teachers promoting and modelling positive behaviour. There are also online courses for educators on positive behavioural management.

Parenting SA¹⁸ has free Parent Easy Guides for parents covering a variety of topics, including respectful relationships, positive approaches to guiding behaviour, being good role models and many others. There are also seminars that parents can attend.

The Adults Supporting Kids website, developed by the Department for Human Services (DHS) also provides information for parents, carers and guardians.

The government supported Families Growing Together¹⁹ program supports 'families by empowering them with the knowledge and skills they need to connect and grow together. This helps them lay strong foundations for their children and young people'. There are a few workshops on offer and these can all be accessed online.

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- 17 Wright. P. *Final Report of the South Australian Dual Involved Project*. Guardian for Children and Young People, 2022. Accessed at 20 November 2023 at <https://gcyp.sa.gov.au/wordpress/wp-content/uploads/2022/07/OGCYP-Final-Report-of-the-South-Australian-Dual-Involved-Project.pdf>.
- 18 Go to <https://parenting.sa.gov.au/>.
- 19 Go to [DHS – Families Growing Together](#).