

The Australian College of Children and Young People's Nurses

Coordinated submission to the

**WA Inquiry in relation to Review of the Commissioner for Children and Young People Act 2006 –
Joint Standing Committee**

6th March 2015

**Submitted by Ms Catherine Marron
Chair of Board of Directors ACCYPN**



The Chair
Joint Standing Committee on the Commissioner for Children and Young People
Parliament of Western Australia
Parliament House
PERTH WA 6000
Via email: jscccyp@parliament.wa.gov.au

The Australian College of Children and Young People's Nurses (ACCYPN) provides this submission on behalf of its members to the Joint Standing Committee regarding the WA Inquiry in relation to Review of the Commissioner for Children and Young People Act 2006.

ACCYPN wishes to provide comment on the recommendations regarding the Commissioner's proposed child abuse complaints functions, in particular around approaches that may have been adopted in other jurisdictions, or that our members would recommend.

Feedback regarding the specific recommendations

Recommendation 12:

ACCYPN agrees that the education and outreach programs should play a significant part of the Commissioner's functions. Providing education and support for children and young people with regard to disclosure of child abuse whilst in the care of a government agency or institution is significantly important. ACCYPN supports advocacy for children and young people, to uphold their rights under the United Nations Convention on the Rights of the Child, in particular with reference to Article 19: Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them (www.unicef.org).

In relation to the monitoring of the way in which government agencies deal with complaints of child abuse referred by the Commissioner or otherwise received by the, ACCYPN recommends that how the Commission proposes to monitor this needs to be specified, and made clear and transparent.

Recommendation 13:

ACCYPN agrees that the Commissioner's functions should extend to government agencies and other health service providers, in accordance with upholding the rights of the child as above (UNCRC Article 19). ACCYPN would advocate for a visitor program and include visiting government facilities and other service provider facilities- as an awareness raising function. Formal advice should be received by the agency or service provider facility in relation to any visit.

Recommendation 14:

ACCYPN supports the Commissioner's functions to include a review of all allegations related to emotional and psychological abuse, as well as neglect as it is well documented that where a child is being neglected there is a good chance there is also physical abuse attached. ACCYPN has significant concerns that the elements of neglect and emotional abuse have been removed from the legislation in some jurisdictions.

Recommendation 15:

Under power of referral it would be to the police service rather than the WA police. "Disclosures of child abuse to the Commissioner will most often entail referral to the WA Police Service, DCPFS, the CCC and the agency where the government officer is employed". The commissioner should be able to refer any information obtained to the relevant agency as is the case as per the NSW Commission for children and Young People ACT 1998. Where the commissioner receives a complaint about public sector programs, this should be advised through the area health service or health district.

Recommendation 16:

ACCYPN supports that the act should be amended to ensure protection for people raising child protection concerns. Protection of privacy of persons making reports or raising concerns will assist to reduce barriers to reporting where persons have concerns for the outcomes of making such a report or raising concerns.

Closing statement

ACCYPN views the recommendations positively. ACCYPN particularly supports recommendations that address the protection of persons who raise concerns to the Commissioner. The protection afforded to complainants may address barriers to reporting amongst nurses who may have concerns about making a report and/or their concerns about the outcomes of making a report. ACCYPN also supports the focus on the roles of education and monitoring of government agencies' management of complaints.

Signed: 
Catherine Marron
Chair, Board of Directors, Australian College of Children and Young People's Nurses

Date: 6 13 115