

Submission
to
the Queensland Government Consultation
on “Putting Queensland Kids First”

February 2024



AUSTRALIAN
CHILD RIGHTS
TASKFORCE

The Australian Child Rights Taskforce (the Taskforce) welcomes the opportunity to provide this contribution to the Queensland Government’s Consultation for “*Putting Queensland Kids First: Giving our kids the opportunity of a lifetime*”. It is an opportunity to build comprehensive planning and monitoring to ensure coordinated and measured improvements in outcomes for children and their families in Queensland. We believe that using a child rights approach will provide the framework to achieve this.

The Child Rights Approach

The United Nations Convention on the Rights of the Child (the Convention) reflects a fundamental shift that occurred during the 20th Century in the way that children were viewed. Previously, children were largely viewed as the property of adults. This shift to an understanding of children as rights holders is increasingly reflected in legal and policy systems and in program and service delivery settings throughout the world.

The use of a child rights approach in legal systems and policy development has occurred alongside the development of a comprehensive internationally recognised set of principles based on the Convention that guide the design and improvement of service systems. The approach and principles offer an effective alternative to out-dated welfare models and drive the development of best practice from an internationally recognised and respected knowledge base. It offers the opportunity of review and reform through collaborative practice in international human rights and child rights knowledge that is built on an ever-developing foundation of evidence-based and tested standards.

The Australian Child Rights Taskforce and its work

The Taskforce¹ is a coalition of over 100 organisations, networks and individuals committed to the protection and development of the rights of children and young people in Australia. UNICEF Australia convenes the Taskforce, and its work is guided by a Steering Committee and Policy Working Groups. One of the key roles of the Taskforce is to hold Australian Governments to account on the implementation of the *United Nations Convention on the Rights of the Child* (the Convention). When Australia ratified the Convention in 1990, this represented a commitment that every child in Australia should enjoy the rights set out in the Convention.

The Taskforce has published a series of reports (most recently ‘The Children’s Report’)², that have examined the implementation of the Convention to assist the United Nations Committee on the Rights of the Child³ (the UN Committee) in its review of Australia’s performance. These reports acknowledge that while Australia is a wonderful place for most of its children, there remains significant structural and material disadvantage for many children.

These reports have informed the recommendations of the UN Committee⁴ which have covered a range of policy areas where improvements were considered necessary, including in youth justice, child protection and alternative care, education, health, and mental health and in the circumstances of groups of children including indigenous children, children with disabilities and children from migrant communities. The UN Committee has also noted that despite Australia’s ratification of the Convention in 1990, it has yet to incorporate rights effectively and consistently into monitoring, policy, and legislative frameworks to benefit children and that there are unacceptable gaps in the legal protection of children’s rights.

¹ <http://www.childrights.org.au/welcome>

² <https://apo.org.au/node/200771>

³ <http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

⁴ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/AUS/CO/5-6&Lang=En

Child Rights in Queensland

The Queensland Government and community has already had the benefit of the use of the child rights framework through the work of the Queensland Family and Child Commission (the Commission). Produced by the Commission, the Queensland Child Rights Report 2023⁵ (the Report) analyses how Queensland meets children’s rights, and identifies the changes needed to ensure a child rights approach across government policy, planning, legislation, and systems can deliver better and more equitable outcomes for Queensland children.

The Taskforce applauds and supports the work of the Commission in using a child rights framework and recommends that the approach set out in the Report should be incorporated into the development of the final version of “Putting Queensland Kids First: Giving our kids the opportunity of a lifetime”. Using a child rights framework will support key internationally recognised principles for best practice policy, programming, and planning for children at a state-wide level.

By ensuring that the document “Putting Queensland Kids First” (the Document) is explicit in its commitment to uphold the rights of all children, there will be attention given to how policy and programs will provide better outcomes for children and how those outcomes are measured. And not just for some children. There will be the opportunity to examine access and equity and to drive improvements to ensure that all children enjoy the benefit of the rights to which they are entitled.

A child rights framework will recognise children as rights holders. It will drive efforts to ensure that systems are child centred. It will involve the principle of non-discrimination and support a focus on building on existing strengths and guiding the application of additional support where required. A child rights approach is the best way to guarantee the right of all children to access services and supports that they need and deserve, with accountability and without discrimination.

Benefits of a Child Rights Approach

The Commission and the Taskforce have worked collaboratively to understand the benefits of a child rights approach for the Queensland and Australian communities and governments. In the current context, the Taskforce recommends that attention should be given to incorporating into the policy, programming, and planning to be guided by “Putting Queensland Kids First” the following features:

- a. *Ensuring a comprehensive and ongoing commitment to planning and measurement across portfolios*
- b. *An integrated approach to planning and coordination of services and programs that is genuinely led across Government Departments and agencies (if necessary, with independent and community accountability)*
- c. *Addressing entrenched disadvantage using an intersectional approach that acknowledges and addresses the ongoing impacts of poverty, racism, and intergenerational trauma.*
- d. *Celebration of the culture and strengths of Aboriginal and Torres Strait Islander peoples and facilitates their leadership and contributions.*
- e. *Taking a longitudinal approach and entrenching development beyond government cycles.*
- f. *Facilitates opportunities for recognised best practice early intervention to address challenge and risk.*
- g. *Building the engagement of children into all stages of the Plan with appropriate investment and time.*

⁵ <https://www.qfcc.qld.gov.au/child-rights/report>

Consultation Questions

We offer the following comments in response to the consultation questions.

1. *What are the core principles you think should inform our approach to supporting children, young people and families?*

The current proposed core principles are useful and appropriate.

We would add as a principle a commitment to uphold the rights of all children and to use a child rights approach to planning, policy, and programming.

2. *What are the key protective factors in keeping children and young people on positive trajectories, and how can we further boost these?*

The current proposed protective factors are valuable, particularly in the design of interventions.

A child rights approach has the broader goal of supporting the development of more and ongoing strategies and interventions that will work towards measurable goals in child and adolescent development across service systems and interventions.

For example, the current factors don't address the role of technology in the lives of children. There is no mention of addressing issues of access and equity for children with disability (despite the recent announcements of greater commitments by state and territory governments following the Disability Royal Commission and the National Disability Insurance Scheme Review). There is no clear child-centred approach outlined to support children's agency and participation in decision making in family, school, and community and in supporting respectful relationships.

3. *Are there any other priorities you think that Putting Queensland Kids First should consider? (beyond those identified in the consultation draft)*

Rather than including a necessarily finite list of priorities, we recommend the building of a child rights approach across policy and planning that will develop and support flexible, innovative, and where possible, evidence-based strategies. This would be consistent with and better able to support the partnership approach proposed in this Document.

4. *How can we best support connection to culture and community for children, young people, and families?*

The right to family and culture are key foundational principles set out in the Convention⁶. The adoption of a child rights approach will guide the work to establish and maintain connection to culture and community.

International human rights principles include the rights of indigenous peoples and communities to self-determination. Investment in this approach according to these principles will support connection to culture and community for children, young people, and families.

5. *What would it look like for us to work together as partners, all committed to improving outcomes for children and young people?*

A child rights approach calls for a partnership between government, families, children, and the community. The Taskforce supports the call for an overarching Plan for Queensland's Children, as proposed by the Queensland Family and Child Commission. This Plan would build and support such a partnership.

It would guide the establishment of a vision for Queensland's children and a practical roadmap to achieve it, using the features set out above as the benefits of a child rights approach.

We conclude this submission with a couple of elaborating reflections.

⁶ Preamble to the Convention and Articles 5, 7, 8, 9, 18 and 30 - <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

Child Rights and Child Safety

In recent years, **the Royal Commission into Institutional Responses to Child Sexual Abuse**⁷ (the Royal Commission) and numerous other official inquiries and reports have detailed widespread mistreatment of children in a range of settings. Governments and institutions have failed to act in the best interests of children in the provision of care, support, and services. These failings reflect a lack of understanding of the unique needs of children as well as a lack of structural and systemic protections to ensure that their rights are respected and upheld in practice.

The Taskforce continues to be concerned that existing service systems are ineffective to keep children and young people safe. It reflects the under-development in many sectors of child-centred practices and the lack of coordinated commitment to recognition of children's rights and to the creation of child safe environments. This was addressed by the **Royal Commission** in its recommendation for the implementation and monitoring of **Child Safe Standards** in all organisations that work with and deal with children and young people (including governments). This approach is consistent with a child rights approach and reflects best practice in child safety and protection.

The Taskforce is committed to the implementation of Child Safe Standards in each state and territory jurisdiction, including Queensland. The standards should be based on the **National Principles for Child Safe Organisations**, as endorsed by all Australian governments⁸.

Children's Participation in Decision Making

A critical element of a child rights approach is the participation of children involved and affected. Children have the right to participate in all decisions that affect them. This is based on the right to be heard (Article 12 of the Convention). Children's lived experience should be considered in design, implementation, and monitoring.

However, it is important to recognise that power imbalances and a lack of confidence in engaging with adult authority figures limit the ability and the trust required for children to speak up about their experience. Children are often unable to use adult-designed and adult-centric mechanisms. Access to child-friendly and child-safe approaches⁹ that support them to express their concerns, to be heard and taken seriously, are a critical factor for children's involvement in settings and systems, including where mistreatment may occur. The current service system lacks these effective settings and systems to enable children and young people to be involved in decision making and where necessary, to complain about their treatment. Additional barriers may exist for children with disabilities, from different cultural backgrounds, and those with limited literacy. A rigorous review of the existing service system guided by a child rights approach is required so that children can safely and confidently access opportunities to be heard.

The Australian Child Rights Taskforce

For Contact and More Information:

James McDougall - Phone: +61 (0)419 243 179

Email: james@policyconsultants.com.au

⁷ Australian Government, Royal Commission into Institutional Responses to Child Sexual Abuse (2017)

⁸ <https://childsafe.humanrights.gov.au/national-principles/about-national-principles>

⁹ Commissioner for Children and Young People WA "Child Friendly Complaints Guidelines" (2021); UNICEF "Tools to Support Child Friendly Practices: Child Friendly Complaint Mechanisms" (2019)