

Annual Report 2017-18

'Every young South Australian counts'



Government of
South Australia



Child
Development
Council

GPO Box 1152
Adelaide South Australia 5001

T (08) 8463 6429

E ChildrenSA@sa.gov.au

W www.childrensa.sa.gov.au

© Government of South Australia, October 2018

National Library of Australia Cataloguing-in-Publication entry:

Author: Child Development Council. South Australia.

Title: Annual Report

Edition: 2017-18

ISSN: 2209-8534

To:

Hon John Gardner MP
Minister for Education

This Annual Report is to be presented to Parliament to meet the statutory reporting requirements of Part 6 of the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Oversight and Advocacy Bodies) Regulations 2017* and meets the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

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

Submitted on behalf of the Child Development Council by:

Dr Anne Glover AO

Presiding Member

Child Development Council



9/10/2018

Signature

Date

Chair's foreword

I am pleased to present the inaugural Child Development Council (Council) Annual Report to the Parliament of South Australia (SA) under Part 6, Section 56(2) of the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* (OAB Act).

The Council's key function is to prepare and maintain a whole-of-State Outcomes Framework for Children and Young People (birth to 18 years) for a cooperative, whole-of-Government approach to objectives or policies affecting children and young people.

This framework will enable longitudinal tracking and reporting of five key dimensions of development; Health, Safety, Wellbeing, Education and Preparedness for Adulthood. It is anticipated that it will be instrumental in guiding the South Australian Government's work related to the provisions of services for children and young people across our State, and will target policy, legislation, funding and services to support our youngest citizens' optimal development.

As the last of the four oversight and advocacy bodies in the OAB Act to be set up, the Council formally commenced after the March State Election, with an inaugural meeting being held on 28 March and an initial planning session on 7 May 2018.

Since establishment, the Council has been served by a small Secretariat of 1.8 FTE. A senior statistician will soon come on board for the complex and specialised work of establishing and managing a robust and credible set of measures for South Australia's children and young people.

Despite being drawn from disparate backgrounds, Council members share a firm commitment to supporting the development of South Australia's youngest citizens. I thank Dr Neil Wigg, Deputy Presiding Member, and all other Council members, for the expertise and dedication that each brings to the table. During the Council's short existence, it has been a pleasure to explore and push boundaries together; think and plan outside existing paradigms; and begin the process of identifying innovative tools to improve outcomes for children and young people in South Australia.

In 2018-19, I look forward to leading the Council to completing development of the Outcomes Framework accompanied by a Charter for Children and Young People, in order to commence, in earnest, the process of improving the outcomes for our youngest citizens in more measurable ways. I look forward to working collaboratively with many South Australians including children, young people and their parents, carers and families.

Contents

Chair's foreword.....	4
Contents	5
Glossary.....	6
Legislation.....	7
Council purpose.....	9
Council role.....	9
Council establishment, reporting and operation	10

Glossary

Charter	Charter for Children and Young People
CDSIRC	Child Death and Serious Injury Review Committee
Commissioner	Commissioner for Children and Young People
Council	Child Development Council
Department	Department for Education
FTE	Full-time equivalent
Guardian	Guardian for Children and Young People
Minister	Minister for Education
Nyland Report	<i>The Life They Deserve: Child Protection Systems Royal Commission Report (August 2016)</i>
Outcomes Framework	Outcomes Framework for Children and Young People
OAB Act	<i>Children and Young People (Oversight and Advocacy Bodies) Act 2016</i>
PS Commissioner	Commissioner for the Public Sector
Royal Commissioner	Hon Justice Margaret Nyland AM, Commissioner, Child Protection Systems Royal Commission
SA	South Australia
YJA Act	<i>Youth Justice Administration Act 2016</i>
YJA Regs	<i>Youth Justice Administration Regulations 2016</i>

Legislation

Children and Young People (Oversight and Advocacy Bodies) Act 2016

Part 6, Division 1—Child Development Council

55—Functions and powers of Council

- (1) The primary function of the Council is to prepare and maintain the Outcomes Framework for Children and Young People.
- (2) The Council has the following additional functions:
 - (a) to advise and report to the Government on the effectiveness of the Outcomes Framework in—
 - (i) keeping children and young people safe from harm; and
 - (ii) ensuring that children and young people are cared for in a way that allows them to realise their potential; and
 - (iii) improving the physical and mental health, and the emotional wellbeing, of children and young people; and
 - (iv) improving the participation of children and young people in educational and vocational training; and
 - (v) improving the participation of children and young people in sporting, creative, cultural and other recreational activities; and
 - (vi) ensuring that children and young people are properly prepared for taking their position in society as responsible citizens; and
 - (vii) maintaining the cultural identity of children and young people;
 - (b) to promote the implementation of the Outcomes Framework in respect of matters affecting children and young people under the laws of the State;
 - (c) such other functions as may be assigned to the Council under this or any other Act or by the Minister.
- (3) In performing the functions under this section, the Council should, as far as is reasonably practicable, seek to work collaboratively with –
 - (a) State authorities and Commonwealth agencies that have functions that are relevant to those of the Council; and
 - (b) relevant industry, professional and community groups and organisations.
- (4) Subject to this Act, the Council has such powers as may be necessary or expedient for the performance of the Council's functions.

Part 6, Division 2—Outcomes Framework for Children and Young People

57—Outcomes Framework for Children and Young People

- (1) There is to be an Outcomes Framework for Children and Young People.
- (2) Without limiting any other matter that may be included in the Outcomes Framework, the Outcomes Framework must include a Charter for Children and Young People.
- (3) The Outcomes Framework is to be prepared by the Child Development Council.
- (4) The Council must, in preparing the Outcomes Framework –
 - (a) act in accordance with any instructions of the Minister; and
 - (b) consult with –
 - (i) the Commissioner; and
 - (ii) any other person or body prescribed by the regulations, and may consult with any other person or body that the Council thinks appropriate; and
 - (c) engage children and young people, and their parents, carers and families; and
 - (d) ensure an appropriate focus on the needs of priority population groups; and
 - (e) develop performance indicators against which progress in relation to the development and wellbeing of children and young people in the State can be tracked over time.
- (5) The regulations may make further provisions with regard to the Outcomes Framework including, without limiting the generality of this subsection, provisions relating to –
 - (a) how the Outcomes Framework is to be prepared; and
 - (b) the form of the Outcomes Framework and any variation of the Outcomes Framework; and
 - (c) the kinds of information to be included in the Outcomes Framework; and
 - (d) consultation requirements relating to the Outcomes Framework; and
 - (e) consideration and approval of the Outcomes Framework by the Minister; and
 - (f) requirements as to the ongoing review of the Outcomes Framework; and
 - (g) variation or substitution of the Outcomes Framework, including provisions limiting a matter referred to in a preceding paragraph.

- (6) The Outcomes Framework, and any variation or substitution of the Outcomes Framework, has effect from the time it is approved by the Minister.
- (7) The Council must, on the Outcomes Framework or a variation of the Outcomes Framework being approved by the Minister –
 - (a) cause the Outcomes Framework or variation to be published in the Gazette; and
 - (b) cause the Outcomes Framework to be published on a website determined by the Minister.

Children and Young People (Oversight and Advocacy Bodies) Regulations 2017

12—Outcomes Framework for Children and Young People

- (1) For the purposes of section 57(4)(b)(ii) of the Act, the following persons and bodies are prescribed:
 - (a) the Minister to whom the administration of the Children and Young People (Safety) Act 2017 is committed;
 - (b) the Department (within the meaning of the Children and Young People (Safety) Act 2017);
 - (c) the Minister to whom the administration of the Education Act 1972 is committed;
 - (d) the administrative unit of the Public Service assisting a Minister with the administration of the Education Act 1972;
 - (e) the Minister to whom the administration of the Health Care Act 2008 is committed;
 - (f) the administrative unit of the Public Service assisting a Minister with the administration of the Health Care Act 2008;
 - (g) the Guardian for Children and Young People.
- (2) Pursuant to section 57(5) of the Act, the Outcomes Framework must contain provisions of the following kinds:
 - (a) provisions designed to provide a common basis across the whole of government for creating strategies, setting objectives or developing or implementing policies related to or affecting children and young people;
 - (b) provisions addressing the needs of children and young people in each of the following areas:
 - (i) health;
 - (ii) safety;
 - (iii) wellbeing;
 - (iv) education;
 - (v) preparedness for adulthood;
 - (c) provisions requiring cooperation and, where appropriate, collaboration between State authorities and other persons or bodies performing functions and duties that relate to or affect children and young people;
 - (d) provisions designed to improve outcomes for Aboriginal and Torres Strait Islander children and young people in each of the areas referred to in paragraph (b), as well as any other areas particularly affecting Aboriginal and Torres Strait Islander children and young people;
 - (e) provisions designed to enable outcomes for children and young people in the State to be measured and reported on (including provisions requiring the collection of specified data relating to performance indicators referred to in section 57(4)(e) of the Act), and may contain such other provisions as the Council or Minister thinks fit.
- (3) Pursuant to section 57(5) of the Act, the Council must (in addition to the consultation required under section 57(4)(b) of the Act) undertake additional consultation in respect of the preparation of the Outcomes Framework as follows:
 - (a) consultation with such persons or bodies as may be specified by the Minister;
 - (b) such other consultation (including, without limiting the generality of this paragraph, community consultation) as may be required by the Minister.
- (4) Pursuant to section 57(5) of the Act, the Child Development Council may, with the approval of the Minister, vary or substitute the Outcomes Framework.
- (5) Subject to this regulation, in preparing a variation or substitution of the Outcomes Framework, the Council must undertake the following consultation:
 - (a) in the case of a variation determined by the Minister to be a minor variation—
 - (i) consultation with the Commissioner; and
 - (ii) such other consultation as may be required by the Minister;
 - (b) in any other case—the consultation required by section 57(4)(b) of the Act and subregulation (3) in the preparation of the Outcomes Framework.
- (6) Pursuant to section 57(5) of the Act, the Child Development Council must review the Outcomes Framework at least once in each 3 year period.

Council purpose

The purpose of the Child Development Council (Council) is to monitor and report on the health, safety and wellbeing of South Australia's children and young people (birth to 18 years).

Council role

The South Australian Parliament has assigned specific key functions to the Council in Part 6 of the OAB Act including to:

- prepare and maintain a *whole-of-State, whole-of-Government* Outcomes Framework for Children and Young People (Outcomes Framework) including a Charter for Children and Young People (Charter)
- report to the South Australian Government on the effectiveness of the Outcomes Framework in improving the outcomes of children and young people (birth to 18 years)
- promote the implementation of the Outcomes Framework by State authorities including all State Government and Local Government agencies.

As one of the four oversight and advocacy bodies in the OAB Act, the Council will help to guide and inform the work of state and local government agencies through the Outcomes Framework and the Charter.

By tracking, and reporting on, how well children and young people are doing, over time, in the five prescribed areas of Health; Safety; Wellbeing; Education and Preparedness for Adulthood, a robust and credible Outcomes Framework will target and inform policy, funding and services to enable our youngest citizens to flourish.

Council establishment, reporting and operation

1. Establishment

In August 2014, the Hon Justice Margaret Nyland AM (Royal Commissioner) was invested with the powers of a Royal Commissioner to inquire into the adequacy of existing laws and policies relevant to SA's child protection system. Two years later, in August 2016, the Royal Commissioner provided a report to His Excellency the Hon Hieu Van Le AO, Governor of South Australia; *The Life They Deserve: Child Protection Systems Royal Commission Report (August 2016)* (Nyland Report).¹

The *Children and Young People (Oversight and Advocacy Bodies) Act 2016* (OAB Act) was committed to the Minister for Education (Minister) upon assent with the commencement of some provisions being suspended.

The OAB Act contained provisions to establish the Council, the Commissioner for Children and Young People (Commissioner), the Guardian for Children and Young People (Guardian) and the Child Death and Serious Injury Review Committee (CDSIRC).

The commencement on 18 December 2017 of the OAB Act's remaining un-commenced provisions enabled the Minister to start the process of establishing the Council.

Following a call for expressions of interest in January 2018, the Minister signed letters of appointment to the Presiding Member, Deputy Presiding Member and eight Council members on 15 February 2018, appointing them pursuant to the OAB Act, Part 6, Division 1, (ss 46-48) for two years until 14 February 2020.²

The Council's inaugural meeting was held on 28 March 2018 after the Caretaker period and the South Australian State Election on 15 March 2018. The Council held an initial planning session on 7 May 2018 and met again on 18 June 2018.

¹ The Life They Deserve: Child Protection Systems Royal Commission Report (August 2016) is available at https://www.agd.sa.gov.au/sites/g/files/net2876/f/complete_report_child_protection_systems_royal_commission_report.pdf?v=1494388953

² The Commissioner for Children and Young People is an ex officio member of the Council (Part 6, Division 1, s 46(3)). The Commissioner may attend and participate in meetings but not vote on Council decisions.

During the Council's establishment phase a comprehensive members' orientation information package was developed. Members also received an informal report; *Review and Analysis: Children and Young People (Oversight and Advocacy Bodies) Act 2016 (SA) and Children and Young People (Oversight and Advocacy Bodies) Regulations 2017 (SA)* that unpacked the statutory provisions regarding the roles of the Council and the other three entities in the OAB Act.

The report explained the legislative requirements regarding the Outcomes Framework, pointed out opportunities for collaboration and identified legislative anomalies that the Council may wish to address in the future. The report was used as part of the Council's initial communication and consultation with key stakeholders and is available on the Council's website.

At a strategic planning workshop on 7 May, the Council determined its anticipated achievements by 2020 including key focus areas expressed as goals, agreed objectives, and measures of outcomes for each goal. A work plan was developed to capture and operationalise these goals and objectives set against timelines.

The Chair conducted an analysis of the inaugural membership and has asked the Minister to consider appointing a member with legal qualifications (from the original pool of applicants).

2. Development of Outcomes Framework

The Council's key function is to develop an Outcomes Framework with robust measures of outcomes and proxy indicators, clearly delineated for Aboriginal children and young people. The Outcomes Framework must include a Charter for Children and Young People (Charter).

During these initial months of the Council's establishment, much effort has gone into researching state, national and international frameworks, along with a range of relevant charters eg the Canadian Children's Charter – Children First Canada. Draft outcome statements that will frame performance indicators were developed and the Council commenced the process of clarifying its focus on improving the outcomes of Aboriginal children and young people.

3. Communication

The Council has established a website and commenced a social media presence with a Facebook page. In the interest of more effective internal communication, a members' portal has been created. The Chair has commenced the process of proactively connecting broadly with key stakeholders to inform the Council's first priorities in accordance with the legislative requirements.

4. Collaboration

The Council is required to foster a cooperative, whole-of-Government approach to the setting of objectives or the development and implementation of policy relating to, or affecting, children and young people.

In May 2018, the Council collaborated with the Commissioner and the Guardian for a combined response to the National Children's Commissioner's call for submissions for an independent report to the United Nations Committee on the Rights of the Child about Australia's implementation of the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

On 15 June 2018, the Chair wrote to the Commissioner for Public Sector Employment (PS Commissioner), advocating for the involvement of children and young people in the selection process for SA's first Commissioner for Aboriginal Children and Young People. On 22 June 2018, the Chair met with the PS Commissioner and further advised regarding the recommended process.

In June 2018, the Council and the Guardian collaborated on a joint informal review and analysis of the *Youth Justice Administration Act 2016* (YJA Act) and the *Youth Justice Administration Regulations 2016* (YJA Regs). The Guardian's mandate includes children and young people in out of home care and/or in youth justice detention. The aim was to better understand the impact of the YJA Act and the YJA Regs on the outcomes of children and young people in SA and to:

- ensure an appropriate level of focus on priority population groups

- pay close attention to the needs of Aboriginal and Torres Strait Islander children and young people.³

5. Consultation

The Chair’s initial consultation with the relevant Ministers aimed at hearing firsthand how the Council could accommodate and support ministerial priorities and visions for SA’s youngest citizens.

6. Reporting

The Council’s reporting obligations are set out in Part 6, Division 1 (s 56 (1)-(3)) of the OAB Act. The Council must report to the Minister on the performance of its functions or on any other matter at the Minister’s request. The Council must also report annually to the Parliament of South Australia. The Council’s annual report must be provided to the Minister no later than 31 October in each year and the Minister must table it in both Houses of Parliament within six sitting days of receipt.

7. Organisational chart



As an independent, statutory entity, the Council Secretariat is located outside of a government agency. The Council and CDSIRC Secretariats are co-located. This is reflective of both being oversight and advocacy entities under the OAB Act and in the interest of maximising collaboration and economies of scale savings.

³ Aboriginal children and young people are over-represented in the youth justice system. In 2016-17, an average of 48.5 per cent of those in detention identified as being Aboriginal or Torres Strait Islander, compared with 4.5 per cent of SA’s child population (and 62.4 per cent of the Adelaide Youth Training Centre’s daily average population were Aboriginal or Torres Strait Islander). As acknowledged in the *Children and Young People (Safety) Act 2017*, ‘outcomes for Aboriginal and Torres Strait Islander children and young people in care have historically been poor’ (s 4(3)).

8. Council members

Council members represent a wide range of experience and expertise, international, national and local, ranging from education and child care, health and paediatrics, psychology, bullying, epidemiology, youth justice, mental health and guardianship.

During the 2017-18 financial year the Council's membership comprised:

Voting members (Appointed from 15 February 2018 – 14 February 2020)

Dr Anne Glover AO	Dr Neil Wigg
Dr Sally Brinkman	Mr Daniel Hyndman
Mr Anthony Minniecon	Associate Professor Barbara Spears
Ms Vivienne St John Robb	Ms Joanne Wickes
Ms Annette Williams	

Non-voting member (Appointed from 15 February 2018 – 14 February 2020)

Ms Ann-Marie Hayes, Department for Education.

Ex officio (Non-voting)

Ms Helen Connolly, Commissioner for Children and Young People.

9. Council meetings

Members' attendance at Council two meetings and one planning session in 2017-18:

Name	Date			TOTAL
	28/3	7/5 *	18/6	
Sally BRINKMAN	✓	A	✓	2
Anne GLOVER	✓	✓	✓	3
Daniel HYNDMAN	✓	✓	✓	3
Anthony MINNIECON	✓	✓	✓	3
Barbara SPEARS	✓	✓	A	2
Vivienne ST JOHN ROBB	✓	✓	✓	3
Joanne WICKES	✓	✓	A	2
Neil WIGG	✓	✓	✓	3
Annette WILLIAMS	✓	✓	✓	3
Helen CONNOLLY	✓	✓	✓	3
Ann-Marie HAYES	✓	A	✓	2
TOTAL attendances	11	9	9	29

✓ = Attended

A = Apologies

* = Planning Session

10. Financial matters

Revenue and expenditure

The Council is funded by the South Australian Government⁴ and, currently, that funding is administered through the Department for Education (Department). Full financial reports for the Council are consolidated into, and audited through, the Department (with the Council being reported as an *administered* item in the Department's 2017-18 financial statements).

The Council's budget for the full 2017-18 financial year was \$409 000. The financial summary below of expenditure for 2017-18 indicates that the Council's *pro rata* budget from 18 December 2017 to 30 June 2018 was \$244 000.

Financial summary of expenditure from 18 December 2017 to 30 June 2018			
Item	Actual	Budget	Variation
Salaries and wages	\$97 000	\$178 000	\$81 000
Goods and services	\$58 000	\$66 000	\$8 000
Total Operating Result	\$155 000	\$244 000	\$89 000

⁴ The OAB Act, Part 6, Division 1, provides that '(t)he Minister must provide the Council with the staff and other resources that the Council reasonably needs for carrying out the Council's functions' (s 53). This is in addition to Section 54 of the OAB Act that provides for ministerial arrangements to be made for the use of staff, equipment or facilities of a government agency.