



**AUSTRALIAN MEDICAL ASSOCIATION
(SOUTH AUSTRALIA) INC**

14 October 2016

Hon John Rau MP
Attorney-General
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Hon Susan Close MP
Minister for Education and Child Development
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Dear Attorney-General and Minister Close

Call for the Government to work further on the Children and Young People (Oversight and Advocacy Bodies) Bill 2016

The AMA(SA) commends the Government for its action to establish a Commissioner for Children and Young People for South Australia. The AMA(SA) has sought a Commissioner for Children for SA for over ten years. Many other advocacy groups concerned about the wellbeing, health and safety of children in this state have also long called for the introduction of this role.

However, the AMA(SA) is concerned that the current Bill does not provide for the high hopes and expectations for this important role.

The Children and Young People (Oversight and Advocacy Bodies) Bill 2016 is more than just a bill to establish a Commissioner. It includes provisions regarding the Guardian for Children and Young People, the Child Death and Serious Injury Review Committee and Youth Advisory Committee, and a new Child Development Council, which we understand is to replace the Council for the Care of Children, which has been in operation for more than a decade.

The AMA(SA) provided feedback on both the initially released section of the Bill relating to a Commissioner and the subsequently released full Bill. The timeframe for consultation was relatively short, and the subsequent Bill introduced in the House of Assembly and passed on the same day did not appear greatly changed from the consultation version, raising concerns about the incorporation of feedback.

Since then, key advocacy bodies concerned with the care, wellbeing, rights and safety of children have spoken out on their concerns that the Bill in its current form needs more work, with a number of valid concerns raised. All of these need to be considered very carefully.

In addition to concerns raised by the AMA(SA), with a number of questions still unanswered, issues have been raised by the SA Council of Social Service (SACOSS); Youth Affairs Council of SA (YACSA); Guardian for Children and Young People; Aboriginal Legal Rights Movement

(ALRM); Child and Family Welfare Association SA; the Council for the Care of Children; and the Law Society of SA.

SACOSS, YACSA, the Guardian for Children and Young People, ALRM, Child and Family Welfare Association SA and Council for the Care of Children have voiced their concerns that the Bill “in its current form contains ambiguities and confusion about the roles of different bodies, how they relate to one another and how they will be resourced”. The AMA(SA) agrees that urgent action is required to resolve these issues.

The relationships, and clarity of roles and responsibilities between the different bodies charged with working on behalf of children and their wellbeing is critical. In particular, the articulation and rationale around the role of the proposed Child Development Council is unclear.

It also must be remembered and recognised that the safety, health and wellbeing of children stretches across multiple areas, beyond child protection and statutory bodies, and including the health sector and children’s centres that fall under DECD, as well as the community. Prevention must also be integral, and has been insufficiently addressed in the current dialogue, which focusses on child protection – the ‘ambulance at the bottom of the cliff’.

We concur with the concerns of the Law Society SA at “the haste in which the current Bill was drafted, consulted and debated in parliament” and that “rushing through legislation and not adequately consulting with children, young people and the various advocacy bodies that will most likely be informing the work of the Commissioner will do this role a disservice.”

All stakeholders should be brought together to ensure the best possible solutions for children and young people in this state. We stress that the Government has more work to do on the current Bill and urge the Government to heed the concerns of the above mentioned groups and work with everyone involved in this important sector, as well as members of the Upper House, to improve the Bill. We will be providing this feedback to members of the Upper House also.

South Australia has been late to establish a Commissioner for Children and Young People, despite the many voices calling for one. Many hours have been spent by many individuals and organisations sharing their feedback, questions and concerns to help inform this Bill and the bills that came before it. Don’t let those voices go unheard by failing to address their concerns in the rush to tick off the task.

The critical tasks of role clarifications, intentions, and funding, deserve time being spent to get them right. There is a strong body of support behind the establishment of a Commissioner: we urge the Government to make the most of that support by working with these organisations to provide the necessary assurances and improvements to the Bill to ensure that it lives up to the promise it could offer. Now is not the time to get this wrong.

Yours sincerely

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