



**Response to
the *Children Bill*
and
White Paper**

September 2005

“... childhood is entitled to special care and assistance; ... the family ... should be afforded the necessary assistance so that it can fully assume its responsibilities [to the wellbeing of its children, and] ... that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”.

Convention on the Rights of the Child¹

Foreword

The Victorian Council of Social Service (VCOSS) is the peak body of the social and community sector in Victoria. VCOSS works to ensure that all Victorians have access to and a fair share of the community’s resources and services, through advocating for the development of a sustainable, fair and equitable society.

VCOSS members reflect a wide diversity, with members ranging from large charities, sector peak organisations, small community services, advocacy groups and individuals in social policy debates.

The VCOSS vision is on where social wellbeing is a national priority, and:

- Ensures everyone has access to and a fair share of the community’s resources and services
- Involves all people as equals, without discrimination
- Values and encourages people’s participation in decision making about their own lives and their community

This is consistent with Article 25 (1) of the 1948 Universal Declaration on Human Rights² which states:

“Everyone has the right to a standard of living adequate for the health and wellbeing of [her or] himself and of [her or] his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood.”

Introduction

VCOSS welcomed and endorses the Victorian State Government’s Review of the *Children and Young Person’s Act 1989*, and congratulates the Minister for initiating this important reform process following the community sector’s call for reform of the service system for children, young people and families. VCOSS also commends the Office for Children within the Department of Human Services (DHS) for the work they have undertaken over the past two years and for their commitment to the involvement of key stakeholders through consultation processes.

The Review of the *Children and Young Person’s Act 1989* is a generational opportunity for significant reform to the structure and delivery of services to support and promote the wellbeing of children, young people and families, and strengthen child protection services. VCOSS believes broad systemic reform, backed by increased resourcing, is required to address the current challenges and issues that exist across the various elements of the early childhood, children, young people, family support, and child protection system. VCOSS welcomes the opportunity for the community sector and other key stakeholders to contribute to the ongoing Review process.

VCOSS again notes its concern at the consultation timelines that have been used over the past two years. Generally, the timeframes for the sector to provide comment on the proposals have been very tight. The proposals for reform of the service system for children, young people and families, particularly those included in the *Technical Options Paper* and the *Children's Bill*, are extensive and complex, requiring careful consideration. The timelines set in this process have placed undue stress on community sector organisations. VCOSS advocates that the Government, through DHS, should ensure that future legislative reviews factor in a longer consultation period with community sector organisations to better enable them to provide a considered response.

VCOSS welcomes the consultations facilitated by the Office for Children with representatives from The Allen Consulting Group. VCOSS, together with the Centre for Excellence in Child and Family Welfare, hopes that this work, combined with the work that is currently underway under the Placement and Support Services Sector Development Plan, will herald the changes that our respective members have identified as long required.

VCOSS' submission

The VCOSS submission provides a broad overview of the key issues and principles that should underlie the reforms to be made across legislation, policy, and the service system, and then provides a response to a number of the specific proposals outlined in the Children Bill and the Policy White Paper. It is based on consultations, held on 4 August and 29 August, and ongoing discussions with our members and other key stakeholders and experts working in this area.

A key concern that has been highlighted by all VCOSS members and other stakeholders is the need to ensure that any of the proposals for change are accompanied by a commitment of resources. It is critical that the Government follow-through on the final reforms with a sound implementation strategy that is reinforced with a sustained economic and social investment to ensure positive change in the wellbeing of children, young people and families. Too often in the past this has not occurred.

VCOSS members' submissions

VCOSS encouraged its members to actively engage with this last consultation process, many of whom have direct experience of the current children, young people, family support and child protection and placement systems. The VCOSS submission focuses on broad principles for the reform process. VCOSS acknowledges that a number of VCOSS members and other key stakeholders have significant expertise to contribute to the Review process, particularly this final stage.

VCOSS endorses the submissions and recommendations of:

- Centre for Excellence in Child and Family Welfare (The Centre);
- Catholic Social Services Victoria (CSSV);
- Federation of Community Legal Centres – Victoria [check];
- Youth Affairs Council of Victoria (YACVic);
- Council to Homeless Persons (CHP)
- Victorian Aboriginal Child Care Agency (VACCA)
- Anglicare Victoria;
- MacKillop Family Services; and
- Youthlaw.¹

VCOSS directs particular attention to the submissions of The Centre and YACVic, both of which provide particular expertise and make a valued contribution to the consideration of the key issues relating to the Children Bill and the Policy White Paper. VCOSS strongly endorses the key points of support and areas of concern raised in each organisation's submission.

¹ VCOSS does not support Youthlaw's view that children under 7 years of age do not require independent representation

General Overview

VCOSS strongly supports the Victorian Government's action in putting issues of social justice and disadvantage back on the political agenda through its Social Policy Statement and the first implementation stage outlined in *A Fairer Victoria*. The reforms to the service system to support the wellbeing of children, young people and families are aligned with this vision, and is supported by VCOSS.

VCOSS endorses the focus on best interests being paramount, the move to wellbeing and earlier intervention and an increased role for family support services, and views these as supporting the policy objectives outlined in the White Paper. VCOSS notes however that there is a lack of synergy between the *Children Bill* (the Bill) and the White Paper. While the Policy White Paper has a very clear structure, it is difficult to make connections between it and the Bill. For example, the White Paper includes significant detail regarding families and communities, yet there is little on families and communities in the Bill.

The Bill also does not reflect the Government's stated objective of whole of government or joined-up government. The Government has noted the importance of joined-up government and joined-up services in addressing both areas of disadvantage and the particular needs of vulnerable children, young people and families.³ As noted by MacKillop Family Services, some areas of legislation have been defended on the ground that more definite processes or requirements would 'trespass' another minister's area of responsibility. Such an approach is not acceptable given the Government's stated objective. VCOSS advocates that the new legislation should include a mechanism for monitoring other departments' impacts in children, young people and families.

There is also a lack of emphasis or detail in the *Children Bill* regarding how the community and family strengthening role of community sector organisations will be achieved. Given that promoting stronger families and communities is a stated object of the Children Bill, VCOSS advocates that greater clarity is provided in the new legislation as to how this will be achieved.

To ensure inclusivity across the service system, VCOSS advocates that name of the new Act should be the *Children, Young People and Families Act*, to acknowledge young people as the current legislation does.

VCOSS notes that the current *Children Bill* does not provide for a Ministerial Advisory Council to be formed, as does the current legislation. VCOSS does not view the establishment of the Victorian Children's Council as an appropriate replacement for a MAC, given its narrow focus and narrower age range. VCOSS advocates the either the new Act or the broader Child Well-Being and Safety Bill include a provision for the formation of a Ministerial Advisory Council.

Response to specific proposals in the Children Bill and Policy White Paper

Child Wellbeing and Safety Bill

VCOSS is disappointed that an exposure draft of the *Child Well-being and Safety Bill* was not released for consideration by the community sector. *Protecting Children: The next steps* states that the Bill will "set out the responsibilities of families, communities and service providers and establish high-level principles to guide delivery of all child, youth and family services."⁴ Given the clear importance of this information, VCOSS advocates that the Bill

should be released for consultation with the community sector, and not be introduced in Parliament without consultation.

Principles of the Child Wellbeing and Safety Bill

Given that the *Child Well-being and Safety Bill* was not broadly released for consideration by the community sector, it has been difficult for sector organisations to provide an informed view regarding the principles for this Bill.

VCOSS advocates that the Principles of the Child Well-being and Safety Bill should:

- Include the principle of Best Interests and that the best interests of the child must always be paramount;
- Acknowledge 'young people' as a specific demographic, and those young people who are independent of a family as defined by the Act;
- Recognise the unique rights and status of Indigenous peoples and communities, and the need to promote the cultural identity of any Aboriginal child or young person;
- Recognise of the diversity of culture among children and young people, and the need to provide services that respond effectively to their cultural needs and identity;
- Recognise of the fundamental role of families as the primary carers for children and young people, and the need for services to support this role at each level;
- Recognise of the importance of maintaining links with a child or young person's local community networks

Principles in the Children's Bill

VCOSS endorsed the proposal in the *Technical Options Paper* to develop a set of guiding principles to provide a framework for policies and practices developed under the new Act, and so welcomes the inclusion of the Decision Maker Principles and Best Interest Principles in the *Children's Bill*.

VCOSS again advocates that it is appropriate for an explicit reference to be included in the new legislation to the United Nations Convention on the Rights of the Child (CROC). CROC provides a framework to which all legislation, policy and programs should adhere, having a clear relevance to the design of the whole system to promote and support the wellbeing of children, young people and families.

Best Interests

VCOSS endorses the inclusion of the principle of *Best Interests* in the Children's Bill, and views it as appropriate that that *Best Interests* is the paramount consideration in *all* decisions concerning children and young people. This is consistent with the *Convention on the Rights of the Child* (Article 3). VCOSS welcomes the detailing in the Bill the various factors that are encompassed in 'Best Interests', as it is important that Best Interests be defined in a comprehensive and holistic way to ensure that all relevant factors are taken into account in decision making concerning children and young people.

In light of this, VCOSS believes that the following factors should also be incorporated into the principle of *Best Interests*:

- Recognition of the unique rights and status of Indigenous peoples and communities;
- Aboriginal cultural identity

Currently the Bill does not give sufficient weight to the Aboriginal cultural identity of the child or young person. Article 30 of CROC explicitly recognises the right of Indigenous

children to enjoy their traditional culture, practice their own religion and use their traditional language.

- ❑ Recognition of the importance of siblings to remain together when placed in out of home care
- ❑ Clearer distinction between cultural identity and cultural background

Focus on Children

VCOSS welcomes the acknowledgement by the Victorian Government of the importance of early childhood and the policy focus it has put in place, for example in *A Fairer Victoria*. In promoting the wellbeing of children, it is important however to ensure that coordinated approaches exist along the continuum of 0 - 18 years, which is the definition for a child in the Bill.

The *Children Bill* is strongly focused on children aged 0 - 8 years and lacks a sufficient focus on young people aged 12 - 18 years. While VCOSS commends the stated planning provisions for children 0 - 6 years (the Statewide Children's Plan), VCOSS is concerned at the lack of expressly stated planning provisions for children over 8 years, and advocates that a similar service plan be developed for children and young people aged 8 years and above to complement the work of the Victorian Children's Council.

Lack of focus on Young People

There is a key concern across the community sector at the lack of focus on young people, those 'children' aged 12 - 18 years, in the *Children Bill* and the White Paper. An outline of these concerns is provided in the submission from the Youth Affairs Council of Victoria (YACVic), which VCOSS endorses.

VCOSS is particularly concerned at the lack of focus on the needs of young people, particularly the needs of those young people in residential care. The response to these young people is completely inadequate, particularly in light of the recent research by The Centre for Excellence in Child and Family Welfare. As one VCOSS member, MacKillop Family Services, states in its submission, "it is glaringly obvious here that the legislation sets high standards for community sector organisations, yet a very low standard for the Department."

VCOSS notes that the language adopted for both the *Child Safety and Well-Being Bill* and the *Children Bill* reflects the lack of focus on the needs of young people. The persistent use of the word 'children', despite that 'children' has been defined as being from 0 - 18 years is problematic. There is significant concern across the community sector that the lack of focus on the needs of young people that has existed in the current service system, will continue despite the reforms, resulting in young people being further marginalised with the system. Young people are relatively 'invisible' in the Children Bill and there is a concern that this will translate into a lack of service provision to meet their specific needs. VCOSS, together with YACVic, advocates that a more appropriate and inclusive title for the new legislation would be the *Children, Young People and Families Act*, and that 'children and young people' be used throughout the new Act rather than 'children'.

As noted above, VCOSS advocates that a similar service plan to the Statewide Children's Plan be developed for children and young people aged 8 years and above to complement the work of the Victorian Children's Council.

Community Intake

VCOSS supports the move to establish a community-based intake system through which secondary services will be authorised to receive referrals where there are significant concerns about a child or young person.

The key concerns of VCOSS regarding the community intake model are:

- ❑ There is a need for a clearer definition between the two pathways – VCOSS members recommend that the pathway to Community Intake be called a 'referral' and the pathway directly to Child Protection be called a 'report';
- ❑ Significant strengthening of the universal and secondary service system is urgently required to ensure that the Community Intake model is successful. This strengthening requires both an increased investment and the facilitation of cross-sector ways of working. To achieve positive outcomes for all children, young people and families, VCOSS continues to endorse the key direction within the *Public Parenting and Establishing Priorities for Gain* reports of building a culture of prevention by developing and strengthening cross-sectoral approaches to support the wellbeing of children, young people and families.
- ❑ Networking
 - The networking aspect of the community intake model will need to be adequately resourced. A key learning of VCOSS members who are involved in the Family Support Innovations Projects is that the networking aspect has required more resources both initially in establishing networks and in the ongoing maintenance of these networks.
 - There must also be an acknowledgement that different community sector organisations are at different stages – those organisation that have been involved in the Family Support Innovations Project will be at a more advance level than organisations who have not.
- ❑ The proposed timeframe of October 2006 is considered by the community sector as too short a timeframe for networks to be adequately formed and for service boundary alignment. This is critical given the focus on bringing in services from the wider community service system into the intake networks. Significant cross-sector work is required to support the effective implementation of the Community Intake model.
- ❑ There needs to be intake points in the community-based intake models are effective in catering for the needs of young people and that community sector organisations are adequately resourced to meet the specific needs of young people.
- ❑ The lack of adequate Aboriginal services at the local and regional level needs to be addressed to ensure that Indigenous families can receive culturally appropriate services at the time of community intake.

Indigenous Reforms

VCOSS strongly endorses the views, issues and recommendations made in the submission by the Victorian Aboriginal Child Care Agency (VACCA). VCOSS advocates that at all times, the Government, through its departments, should continue to work closely with Indigenous communities and organisations, particularly VACCA, in relation to the reforms to the service system for children, young people and families.

VCOSS also advocates that Aboriginal agencies are resourced to undertake the various functions that the Children Bill outlines. An emphasis on capacity building of both Indigenous communities and organisations is required. Any capacity building activities must be undertaken in a whole of government framework. For example, Aboriginal Affairs Victoria is undertaking and planning further capacity building initiatives for Indigenous communities, and so any other initiatives from within the Department for Human Services should compliment and build on these. Further, significant capacity building of Aboriginal agencies is also required, particularly around organisational infrastructure development and workforce development. It would be both regrettable and unacceptable if, as a consequence of

inadequate support or funding, the Victorian Indigenous community was to bear the brunt of criticism for placement failures.

VCOSS advocates that a 10 year plan is required to support the capacity building of Indigenous organisations. Within this plan, opportunities for partnership between mainstream and Aboriginal agencies should be explored to support the wellbeing of Indigenous children, young people and families who receive services through mainstream agencies during this period.

VCOSS supports the recommendation of VACCA for there to be included in the final Act a requirement of the Secretary to ensure that there is capacity building of both Aboriginal agencies and cultural competence for mainstream agencies to ensure the development of

- a sweep of Aboriginal child and family services from early intervention to tertiary are available in each region to facilitate intake;
- capacity building, Aboriginal governance systems, research and skill development across the Aboriginal services sector;
- cultural competence for the non-indigenous community services sector and
- performance standards compliance for service delivery to Aboriginal children and families.

VCOSS particularly notes the following issues:

Self-determination

As noted in the submission by VACCA, neither the Bill nor the White Paper address the critical issue of self-determination for Aboriginal communities in relation to their rights to determine how to support the wellbeing of their children and young people. Without mentioning self-determination in the legislation the tone of the reforms becomes one of transferring responsibilities rather than transferring rights.

VCOSS advocates that any new legislation should recognise self determination for Indigenous peoples in relation to children's wellbeing, as the current *Children and Young Person's Act 1989* does.² Specifically, VCOSS supports VACCA's call for the new legislation to refer to the fundamental principle of self-determination in Sections:

- 11 (Chapter 1 Part 2 Division 4) in relation to Decision Making Principles
- 100 (Chapter 4, Part 2) in relation to the Minister paying due respect to the principle
- 103 (Chapter 4, Part 3) in relation to the Secretary paying due respect to the principle

Aboriginal Child Placement Principle

VCOSS welcomes the inclusion of the Aboriginal Child Placement Principle in the Children's Bill. VACCA raises a number of issues in relation to Sections 12, 13 and 14. VCOSS supports the recommendations that are made by VACCA.

Capacity building of Aboriginal agencies and cultural competence for mainstream providers

As noted by VACCA, clarity is required in the Bill regarding how the much needed process of capacity building for both Indigenous and non-indigenous child and family welfare agencies and workers is to occur. VCOSS supports the recommendation of VACCA for there to be included in the Bill a requirement of the Secretary to ensure that there is capacity building of both Aboriginal agencies and cultural competence for mainstream agencies.

² *Children and Young Persons Act 1989 Section 119*. Victorian Parliament.

VCOSS supports the transfer of responsibilities of the Secretary to the heads of Indigenous agencies, and advocates that the Government facilitate and resource the required capacity building of Indigenous agencies and communities. In moving to transfer the power of the Secretary for responsibility for decisions about a child's care to the head of an Aboriginal agency, it is critical that it is recognised that a 10 to 15 year plan is required to support this process. Within this plan, opportunities for partnership between mainstream and Aboriginal agencies should be explored to support the wellbeing of Indigenous children, young people and families who receive services through mainstream agencies.

Cultural Plans

VCOSS supports the intention to require *Cultural Plans* to be developed for all Indigenous children and young people in out of home care to better support their cultural connections. The establishment of *Cultural Plans* are particularly important where Indigenous children and young people are placed with a non-Indigenous carer.

Kinship Care

VCOSS supports the emphasis placed on the significant role of Kinship Carers in supporting the wellbeing of Indigenous children and young people. Within the Kinship Care program, it is important to acknowledge the particular needs of Kinship Carers and to ensure that additional supports are there to meet these needs. Currently Kinship Care is not regulated, nor do Kinship Carers receive the same level of support and reimbursement as Foster Carers, yet they are asked to provide similar care to that of Foster Carers. VCOSS advocates that in order to support the policy objectives outlined in the White Paper, Kinship Carers must receive the required levels of support and assistance to better enable them to meet the complex needs of Indigenous children and young people placed in their care.

Resourcing

VCOSS believes broad systemic reform, backed by increased resourcing, is required to address the current challenges and issues that exist across the various service system elements that promote and protect the wellbeing of children, young people and families. Without a sustained increased investment across the universal, secondary and tertiary levels of the service system the final reforms will not achieve the change the Government has outlined in the White Paper. This is a key learning from the implementation of the current *Children and Young Person's Act 1989*.

To promote the wellbeing of children and young people, parents and families must have the supports they require:

The wellbeing of young children – their safety, good care, a sense of security, confidence in relationships, opportunities for play and exploration, engagement with people, culture and the environment – is underpinned by the resources available to parents.⁵

Without appropriate and timely supports, the wellbeing of children and young people is undermined.

VCOSS welcomes the consultations with the community sector facilitated by the Office for Children with representatives from The Allen Consulting Group. However we note our concern at the tight timeframes which have restricted the capacity of the community sector to actively and effectively engage. VCOSS advocates that the community sector should continue to be engaged in the decision making concerning the resourcing implications of the introduction of the proposed reforms beyond the engagement of The Allen Consulting Group.

Quality Assurance Reforms

VCOSS strongly supports measures that will enhance quality service provision and better support the wellbeing of children, young people and families. As such, VCOSS supports the establishment of minimum standards and the move to the development of quality improvement framework. VCOSS endorses the key elements of an appropriate accreditation system detailed in the submission from The Centre for Excellence in Child and Family Welfare, and notes that The Centre has completed extensive work on a quality accreditation process, which should be linked to any quality improvement framework. VCOSS believes further discussion is required regarding the development of a systemic Quality Assurance Review Strategy, particularly as the models outlined in the White Paper do not clearly articulate the processes to be used under the new legislation. A quality improvement framework and culture should be encouraged across both the community and social services sector and government agencies, however VCOSS believes that any such framework should not be mandated in the new legislation.

VCOSS particularly notes the following issues:

Training

A key issue is that additional resourcing will be required to support the training needs of community sector organisations to enable them to meet the minimum standards and ensure ongoing quality improvement processes.

Timeframe

Currently a three-year timeframe is proposed in relation to the responsibilities, monitoring and review of community sector organisations. VCOSS advocates that the timeframe should be five years, in-line with the usual sector standard, and that the timeframe, whether three or five years, should not be included in the legislation better enable the development of more flexible service agreements.

Registration and cultural standards

The Children Bill provides a new registration process for community sector organisations providing services to children, young people and families, including that in order to gain registration, mainstream services will need to demonstrate that they meet cultural standards. VCOSS supports the recommendation of VACCA that the new legislation should include cultural standards in its definition of performance standards (Section 55), specifically that:

- ❑ Aboriginal cultural competence be included in this section
- ❑ There be a requirement for the Secretary to ensure that Aboriginal cultural competence for mainstream providers is developed in consultation with registered Aboriginal agencies and that Aboriginal agencies are resourced to undertake this function

VCOSS also advocates that any cultural standards or framework include a recognition of cultural and linguistically diverse (CALD) communities.

VCOSS supports the view of VACCA that organisations, both Aboriginal and mainstream, must be licenced before they are able to provide Aboriginal child and family services.

Lack of consistent regulation

In the establishment of standards and the maintenance of [quality improvement framework](#) VCOSS advocates that similar processes and patterns be developed across service areas. This is particularly so for community sector organisations that operate across a number of service areas, for example disability services and out of home care.

VCOSS is concerned that regulations framework contrasts with the recommendations by the Kirby Panel for a 'common regulated space' where regulation includes all parties– both community and social service sector organisations and government agencies.⁶ VCOSS advocates that any regulations should apply equally to community sector organisations and Government agencies.

Power to appoint an Administrator

VCOSS does not support the proposal for an Administrator to manage contracted services in cases of non-compliance. Such a step is punitive and would further undermine the partnership between DHS and funded agencies. VCOSS strongly endorses the submission of The Centre for Excellence in Child and Family Welfare in relation to the power to appoint an Administrator.

The provisions as they exist currently are highly intrusive and displace provisions under other legislation such as the Associations Incorporation Act, the Cooperatives Act and the Corporations Act. The Department of Human Services currently has the power to intervene through organisations' Funding and Service Agreements (FASAs), and VCOSS views this as the best option where intervention is required following established cases of non-compliance. VCOSS advocates that alternative options to ensure quality of service should be established, including the de-registering of an organisation.

Out of Home Care

VCOSS notes that one of the most concerning elements not contained in the *Children Bill* is any outline of fundamental changes to existing Out of Home Care models. VCOSS advocates that the new legislation must include a framework that supports the development of new out of home care models, including therapeutic out of home care.

Stability planning

VCOSS supports the intention of the *Children Bill* and stated objective in the White Paper to provide improved stability in the lives of vulnerable children and young people, and supports the timeliness of stability plans. VCOSS endorses the submission of The Centre for Excellence in Child and Family Welfare in relation to stability planning, and supports.

Leaving Care provisions

VCOSS welcomes the inclusion of the leaving care provisions in the *Children Bill*, however remains concerned regarding two key issues:

- That the provisions for young people leaving care to be supported only to 21 years, not 25 years.
- That there is no obligation on the Secretary nor the establishment of an entitlement by young people leaving care to services.

The *Children Bill* provides a limited view of ongoing State support. VCOSS advocates that a system is required that recognises that varying levels and periods of support are required by young people leaving care.

The Children Bill also does not support stated Government policy around a commitment to whole of government or joined-up processes, as it does not ensure a whole of government approach to young people leaving care whose needs generally span the range of government

services such as housing, health (particularly mental health), and education. VCOSS advocates that the new legislation clearly specify the responsibility of the Secretary to provide services as required to young people leaving care VCOSS also advocates that the specific responsibilities of the Secretary in providing assistance to young people leaving care be clearly outlined in the legislation. As noted in the submission from The Centre, legislation in the United Kingdom, New South Wales and Western Australia are more specific regarding the types of services young people are able to access.

Representation of Children under 7 years

VCOSS is concerned at the lack of independent representation for children under seven years in the *Children Bill*. VCOSS believes that it is the right of every person to have independent, trained representation before a court, particularly so for those who are vulnerable, whether or not they are mature enough to give instruction. VCOSS advocates that independent representation be made available for children under seven years involved in protective proceedings, particularly Indigenous children and young people and children and young people from culturally and linguistically diverse backgrounds. This representation would not need to be legal representation, but should be independent, as exists in the United Kingdom.

Advocate for Children in Care and the Charter of Rights for Children in Care

VCOSS is concerned that neither the Advocate for Children in Care nor the Charter of Rights for Children in Care are included in the Children Bill. VCOSS understands that the Advocate for Children in Care will now fall under the Office of the Child Safety Commissioner, which is outlined in the *Child Well-being and Safety Bill*. VCOSS advocates that the Charter of Rights for Children in Care should be referenced and scheduled in the new legislation to ensure a strong and meaningful voice for children and young people in care.

Therapeutic Treatment Orders

VCOSS supports the focus on therapeutic services for children and young people with sexually abusive behaviours. However, VCOSS is concerned that currently the *Children Bill* only makes Therapeutic Treatment Orders available for those children and young people within the child protection or juvenile justice system with sexually abusive behaviours.

VCOSS advocates that:

- therapeutic treatment not only be restricted to 10 - 14 year olds who display sexually abusive behaviours but also be available for:
- Young people over 14 years who have been found guilty of such an offence; and
- Children and young people displaying other behaviours such as violence and self-harming.

¹ Office of the High Commissioner for Human Rights, *Convention on the Rights of the Child*, see:

<http://www.unhchr.ch/html/menu3/b/k2crc.htm>

² See <http://www.un.org/Overview/rights.html>

³ As outlined, for example in *A Fairer Victoria; Protecting Children: The next steps*

⁴ *Protecting Children: The next steps*, Office for Children, Department of Human Services Victoria, July 2005, p.9.

⁵ Family and Community Support Branch, Community Care, DHS, *Establishing priorities for gain: The health, development, learning and wellbeing of Victoria's young children*, DHS, Melbourne, 2004.

⁶ Department of Human Services, *The report of the Panel to oversee the consultation on Protecting Children: The Child Protection Outcomes Project*, DHS, Melbourne, 2004.