



Submission to the
Children and Young People Bill 2007
(Exposure Draft)

March 2007

The Youth Coalition is the peak youth affairs body in the Australian Capital Territory. We are responsible for representing, promoting and protecting the rights, interests and wellbeing of people aged between 12 and 25 years and those who work with them.

Submission to the Children and Young People Bill 2007 (Exposure Draft)

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Contents

- 3 Summary of Recommendations**
- 6 Overall Comments on the Bill**
- 7 Chapter 1: Preliminary**
- 8 Chapter 2: Administration**
- 9 Chapter 3: Family Group Conferences**
- 12 Chapter 4: The Children’s Court and Other Courts**
- 13 Chapter 5: Children and Young People and Criminal Matters**
- 14 Chapter 7: Criminal matters - sentencing and non-conviction options**
- 15 Chapter 9: Criminal Matters - Transfers**
- 16 Chapter 10: Criminal Matters – Detention Places**
- 18 Chapter 12: Criminal Matters – Discipline at Detention Places**
- 19 Chapter 14 – Care and Protection – General**
- 20 Chapter 17: Care and Protection – Emergency Situations**
- 21 Chapter 20: Care and Protection – Therapeutic Protection of Children and Young People**
- 22 Chapter 22: Care and Protection – Police Assistance**
- 23 Chapter 26: Research involving Children and Young People**

Summary of Recommendations

Recommendation 1.

The role of the Commissioner for Children and Young People be incorporated throughout the legislation and the commissioner be accorded at least the same levels of access to documents as the Human Rights Commissioner.

Recommendation 2.

The Bill include the establishment of Child Death Review Team or the Child Death Review Team be established in other relevant legislation.

Recommendation 3.

The expression and consideration of children and young people's views be further emphasised by including this as an object in the Act.

Recommendation 4.

Section 13 of the Bill include the person's domestic partner as a member of their family.

Recommendation 5.

The Childrens Services Council be renamed to reflect that it concerns both children and young people as it reports on the entire act and is not restricted to children's services.

Recommendation 6.

The Section 106 be amended to have at least 5 members on the Children Services Council.

Recommendation 7.

Section 107 (3) be amended to include at least one representative of community based youth services on the Council.

Recommendation 8.

Section 140(d) be made applicable to organisations – such as residential care services - and not individuals to prevent systemic discrimination against kinship and foster carers.

Recommendation 9.

The name family group conferences be altered to reflect the nature of the conferences being not confined to family. Alternatives could include Support Plan Conference, Care Plan Conference or Wellbeing Plan Conference.

Recommendation 10.

Section 211 be amended to include a provision for any other person the child or young person wants to be at the family group conference to be invited.

Recommendation 11.

Section 211(b) be amended to allow the child or young person to choose whether or not they choose to participate and if they do choose to participate, they can choose an advocate to accompany them.

Recommendation 12.

Subsection (2)(b) be amended to further define what is meant by “does not have the capacity to agree” to ensure that it is only used where young people have, for instance, a severe intellectual disability that precludes young people from making a fully consensual agreement.

Recommendation 13.

Section 215 (2) be amended to include another subsection that specifies that the child or young person must also sign the agreement if they were at the conference and consent to the agreement.

Recommendation 14.

Section 216 be amended to include a provision that the family group conference outcome report also includes details about whether or not the child or young person participate, how they participated and/or why they did not participate.

Recommendation 15.

Section 217 be amended to specify that a copy of the family group conference agreement be given not only to each person invited to the family group conference, but also to the child or young person and that this agreement is explained verbally to the child or young person.

Recommendation 16.

Section 313 be amended to include a support person chosen by the child or young person in the people who can present in the Children’s Court proceedings.

Recommendation 17.

Section 313(c) be amended to replace the term parent with the more inclusive definition of a member of the child or young person’s family or their relative be able to attend the proceedings in the children’s court. We suggest that this should be based on the wishes of the child or young person.

Recommendation 18.

Section 402 be amended to include the provision of support services to young offenders to ensure they are supported and prepared to re-enter the community.

Recommendation 19.

The use of restorative justice be further emphasised throughout this chapter as an effective alternative for some young people.

Recommendation 20.

The Bill include a section that requires consideration be given to the impact that association and place restrictions have on young people access to basic services such as health, housing, education and income support.

Recommendation 21.

The Bill ensures that the Chief Executive includes the young detainee’s view when deciding whether or not to transfer them to a correctional facility.

Recommendation 22.

The Bill ensures that sufficient distinctions exist to protect the rights and recognise the differences in detention practices that are required for young people on remand and those who are sentenced.

Recommendation 23.

Section 1048 be amended to include sufficient safeguards on the use of information obtained by the Chief Executive from other Chief Executives.

Recommendation 24.

Division 10.6.3 and Standing Order DI2007-8 be amended to ensure that a significant person is nominated by the young person and notified immediately when young detainees are isolated.

Recommendation 25.

A detailed process of review for leave decision disputes is included in this part to ensure that children and young people in detention are able to have decisions about urgent leave reviewed in a timely manner.

Recommendation 26.

The example given under this section of 'using common areas at a detention place for mixing with other detainees' be removed as it mistakenly suggests that anything in addition to solitary confinement at a detention place is a privilege and not a right.

Recommendation 27.

The Bill include the charter of rights for children and young people in care to ensure that these rights are recognised and upheld.

Recommendation 28.

The Bill broaden the list of people a child or young person must be given reasonable contact with when under emergency action orders to include any other person of significance to the child or young person so as to ensure contact with other important people in children and young people's lives such as grandparents, extended family and family friends.

Recommendation 29.

The same accountability measures of a register of searches and notification of a person with parental responsibility that are provided under the protocol for searching young detainees are also applied to children and young people under therapeutic protection orders.

Recommendation 30.

This section be amended to ensure that information is only required to be given to the police officer when the safety or wellbeing of the child or young person, or any other person, is endangered.

Recommendation 31.

The Bill either remove the clause restricting research involving children and young people to only occur during non business hours or to amend the clause to provide that research can only take place during times mutually agreed upon by the child/young person and the researcher.

Overall Comments on the Exposure Draft

The Exposure Draft of the *Children and Young People Bill 2007* is a welcome piece of legislation that will address many significant issues for children and young people in the ACT. The centrality of a human rights framework underpinning the legislation is an important addition that highlights the value of the *Human Rights Act 2004* as a guiding piece of legislation in the ACT.

In addition to strongly supporting the human rights framework used throughout the Bill, we also support the incorporation of detailed processes for procedures such as searches that have previously been largely policy based. We also recognise that the participation and involvement of young people in decisions that affect them have been vastly enhanced, but suggest that in some cases, these could be extended further.

Our most substantial concern is that this draft does not adopt a key recommendation of the *Territory as Parent Report* and incorporate a Charter of Rights for Children and Young People in Care. This was specifically recommended in this report and is essential to ensure that the rights, interests and wellbeing of children and young people in care are protected. We strongly urge the ACT Government include a Charter of Rights for Children and Young People in Care in the final Bill.

Role of the Children and Young People Commissioner:

The draft makes constant reference to the Human Rights Commissioner but does not once mention the Children and Young Person's Commissioner. The role of the Commissioner should be highlighted throughout the Bill as they will have a central role in the matters covered in this piece of legislation. We are concerned that this role has not been more fully incorporated into the draft.

Recommendation 1.

The role of the Commissioner for Children and Young People be incorporated throughout the Bill and the commissioner be accorded at least the same levels of access to documents as the Human Rights Commissioner.

Child Death Review Teams:

The establishment of a Child Death Review Team under the Children and Young People Commissioner was a recommendation by the Territory as Parent report by Cheryl Vardon. The ACT Response to the Vardon report noted that the ACT Government was considering legislative support for the teams in the review of the *Children and Young People Act 1999*. Child death review teams have not been included in this review of the legislation.

Reports on care and protection in the ACT have consistently noted the importance of child death review teams that are independent of government and chaired by the Commissioner for Children and Young People. We are unsure of how the Child Death Review Team is incorporated into legislation and given independence from the ACT Government given they are not incorporated in this review nor in the Human Rights Commissioner Act 2006.

Recommendation 2.

The Bill include the establishment of Child Death Review teams or Child Death Review Teams be established in other relevant legislation.

Chapter 1: Preliminary

Section 7 – Main objects of the Act

This section outlines the main objects of the Act. There are eight subsections that outline a range of positive objects. However, there is no mention of the importance of children and young people expressing their views and of ensuring that children and young people's views are taken into account. This is mentioned in various sections of the draft however children and young people's participation in decision making that affects them in an important concept that should be central to the whole operation of the Act.

The express and consideration of children and young people's views is also an important part of the Convention on the Rights of the Child under Article 12. This article states that:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Recommendation 3.

The expression and consideration of children and young people's views be further emphasised by including this as an object in the Act.

Section 13 – Who is a family member of a person

The definition of family is comprehensive but fails to recognise the domestic partner. Young people's domestic partners are important family members who should be given similar rights and be included in that same matters that other family members are under the Act. This also creates an inconsistency between the inclusion of the domestic partner under S1001 of this Act for young detainees.

Recommendation 4.

Section 13 of the draft be altered to include the person's domestic partner as a member of their family.

Chapter 2: Administration

Part 2.2 – Childrens Services Council

The purpose of the Children Services Council is to report to the minister about any matter they request and to make recommendations about the Act. The Act covers both children and young people and this is also reflected in the name of the Act - Children *and* Young People Act. The name *Children* Services Council is therefore not reflective of the real purpose of this council, rather it should include young people or in another way be renamed to ensure it is reflective of its purpose.

Recommendation 5.

The Childrens Services Council be renamed to reflect that it concerns both children and young people as it reports on the entire act and is not restricted to children’s services.

Section 106 Children Services Council members

The membership of the Children Services Council is currently a minimum of 3 members, of which only half are required to be present to form a quorum. This is not a sufficient number to ensure that the council has a range of perspectives represented.

Recommendation 6.

The Section 106 be amended to have at least 5 members on the Children Services Council.

Section 107 (3) – Appointment of Children Services Council members

There is currently a requirement that there is a representative of both kinship and foster carers and of indigenous people. We suggest that in order to ensure there are a diversity of perspectives in the Council, that there also be at least one representative of community based youth services on the Council. As community based youth services work closely with many young people affected by this Act, it is reasonable and beneficial that there be at least one representative of these services on the Council.

Recommendation 7.

Section 107 (3) be amended to include at least one representative of community based youth services on the Council.

Section 140 (d) – What is *Suitability information*?

We are concerned that the inclusion of the “soundness of the entity’s financial reputation and the stability of the entity’s financial background” in information that can be considered in the Chief Executive’s decision to declare foster carers and kinship carers suitable. While we recognise that financial backgrounds can be important, we believe that this provision can lead to the systemic exclusion of particular groups within society from having the opportunity to be responsible for children and young people.

Recommendation 8.

Section 140(d) be made applicable to organisations – such as residential care services - and not individuals to prevent systemic discrimination against kinship and foster carers.

Chapter 3: Family Group Conferences

Part 3.1 – Family group conferences

The experience of family group conferences in the ACT has highlighted that while family can be important, there are also a range of other stakeholders in young people's lives who are not considered family by this Act. Young people may have others within their lives who the conference is more relevant to and may not in fact have family who attend the conference. This makes the family group conference a title that is not accurate for many young people's experience of group conferences. This title can, then, dissuade some young people from considering family group conferences as an option as the title is not descriptive of what the conferences can be. This is also reflected in the *Review of the Children and Young People Act: Second Report on Key Findings*. Some possible alternatives include support plan conference, care plan conference or wellbeing plan conference.

Recommendation 9.

The name family group conferences be altered to reflect the nature of the conferences being not confined to family. Alternatives could include Support Plan Conference, Care Plan Conference or Wellbeing Plan Conference.

Section 211 – Family group conferences who must be invited

This section includes a listing of all the people who must be invited to the family group conference including parents. However it does not provide for the child or young person to nominate people to be invited. Other significant people in the child or young person's life are essential to include in the family group conference is the child or young person believes they should be there.

Recommendation 10.

Section 211 be amended to include a provision for any other person the child or young person wants to be at the family group conference to be invited.

Section 211(b) – Family group conferences who much be present

Currently the Act gives the family group conference facilitator the power to make a decision about whether or not the child or young person should attend based on the child or young person's ability to understand and take part. The consultations undertaken by the Youth Coalition suggested that the child or young person should always be given the choice of whether or not they participate and should they choose to participate, they should always be given the option of having an advocate attend with them to explain what is happening in the conference. This is also reflected in the *Review of the Children and Young People Act: Second Report on Key Findings*.

Recommendation 11.

Section 211(b) be amended to allow the child or young person to choose whether or not they choose to participate and if they do choose to participate, they can choose an advocate to accompany them.

Section 214 (2)(b) Family group conferences – young person does not agree

We are concerned that the family conference facilitator has the capacity to decide whether or not a child or young person over the age of 15 years or older has or “does not have capacity to agree”. Given that the vast majority of 15 year olds are competent to participate, we assume that this provision is specifically targeted at young people who have a severe intellectual disability or in a similar situation. As such, we are concerned that this clause could be used to exclude young people from the process when they genuinely disagree with the decision.

Recommendation 12.

Subsection (2)(b) be amended to further define what is meant by “does not have the capacity to agree” to ensure that it is only used where young people have, for instance, a severe intellectual disability that precludes young people from making a fully consensual agreement.

Section 215 (2) – Family Group Conference before family group conference agreement

This section outlines the people who must sign the family group conference agreement and stipulates that there must be the signatures of the “parties” but does not specifically state that the child or young person must sign it. We suggest that the child or young person must also sign the agreement if they consent to the agreement.

Recommendation 13.

Section 215 (2) be amended to include another subsection that specifies that the child or young person must also sign the agreement if they were at the conference and consent to the agreement.

Section 216 – Family group conferences – outcome report

This section provides an outline of what must be included in the outcome report of the family group conference. This report then goes to the Chief Executive. The participation of young people in the process is of utmost importance and children and young people should be given every possible opportunity to participate in appropriate and meaningful ways. In order to ensure that every possible step has been taken to include children and young people in the process, Section 216 should be amended to include another provision that requires the family group conference facilitator to report on the participation of the child or young people in the process. This should state whether or not the child or young person participated in the conference, how they participated and/or what steps were taken to include the child or young person in the process. This ensures that there are some accountability measures for the inclusion of child and young people in family group conferences.

Recommendation 14.

Section 216 be amended to include a provision that the family group conference outcome report also includes details about whether or not the child or young person participated, how they participated and/or why they did not participate.

Section 217 – Family group conference agreement – copy to people invited

The agreement reached by the family group conference is forwarded from the Chief Executive to each person invited to the conference however, it does not require that this agreement is forwarded to the child or young person. It is obviously important for the child or young person to understand this agreement and to ensure that the child or young person fully understands the agreement we suggest that a requirement be included under this section that a written copy of the agreement is given to the child or young person and that the agreement is verbally explained to the young person.

Recommendation 15.

Section 217 be amended to specify that a copy of the family group conference agreement be given not only to each person invited to the family group conference, but also to the child or young person and that this agreement is explained verbally to the child or young person.

Chapter 4: The Children’s Court and Other Courts

Section 313 – Childrens Court proceedings not open to public

Under this section outlining who can be present at the Childrens Court proceedings there are a number of people who are connected to the child or young person who is the subject of the proceedings, however, there is no requirement that the child or young person can have a person there who will support them. The requirement for the parent of the child to attend does not ensure that the child or young person wants their parent to attend and the stipulation that the court can admit “anyone else the court admits as the child’s or young person’s representative” does not necessarily include a support person.

Recommendation 16.

Section 313 be amended to include a support person chosen by the child or young person in the people who can present in the Children’s Court proceedings.

Section 313 (c) – Childrens Court proceedings not open to public

This requirement ensures that the child or young person’s parents are able to be present in the proceedings of the Childrens Court. This does not extend to other family or relatives of children or young people and therefore excludes a family member who may be more appropriate than a parent or who may be more central in the child or young persons life. In order to ensure that the child or young person is as supported as possible, we recommend that this be amended to include a member of the family or a relative of the child or young person.

Recommendation 17.

Section 313(c) be amended to replace the term parent with the more inclusive definition of a member of the child or young person’s family or their relative be able to attend the proceedings in the children’s court. We suggest that this should be based on the wishes of the child or young person.

Chapter 5: Children and Young People and Criminal Matters

Section 402 – Young offender principles

This section outlines the principles that will apply to decision making about children and young people in criminal matters. These principles include the opportunity to re-enter the community but do not cover the importance of support and rehabilitation while in detention. In order for children and young people to successfully re-enter the community, as the principles state, there must also be a principle covering the provision of support services to children and young people in the youth justice system to ensure they are prepared to re-enter the community.

Recommendation 18.

Section 402 be amended to include the provision of support services to young offenders to ensure they are supported and prepared to re-enter the community.

Chapter 7: Criminal Matters- Sentencing and Non-Conviction Options

Restorative Justice:

We do not believe that the draft sufficiently emphasis the importance of restorative justice as an effective option for young offenders. Restorative justice has the potential to be a highly effective tool to use with young people both within sentencing but also more broadly in a range of matters and settings, including in schools. We suggest that the final Bill include restorative justice in a range of applications and particularly in the sections concerning youth justice.

Recommendation 19.

The use of restorative justice be further emphasised throughout this chapter as an effective alternative for some young people.

Division 7.7.2 – Good behaviour orders – non-association conditions

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Division 7.7.3 – Good behaviour orders – place restriction conditions

The use of good behaviour orders that place restrictions on both the places young people can go and the people they can associate have the potential to threaten young people access to a range of services and pose a threat to basic human rights. Given the small size of the ACT, it is possible that some young people could be given association and place restrictions that prohibit them from accessing vital services including health services, housing, education and income support. In making association and place restrictions, we therefore believe that consideration must be given to the impact that these restrictions may have on young people's access to vital services.

Recommendation 20.

The Bill include a section that requires consideration be given to the impact that association and place restrictions have on young people access to basic services such as health, housing, education and income support.

Chapter 9: Criminal Matters - Transfers

Section 913 – Transfer to correctional centres

This section outlines the matters to which the Chief Executive must give consideration to when transferring an adult from a youth detention facility to a correctional facility. They cover a range of different areas but do not include the views of the young detainee. This should be an important consideration for the Chief Executive alongside the other matters that are already on this list of matters.

Recommendation 21.

Section 913 be amended to ensure that the Chief Executive includes the young detainee's views when deciding whether or not to transfer them to a correctional facility.

Chapter 10: Criminal Matters – Detention Places

Remand and Sentenced Distinctions:

We are concerned that the draft does not provide sufficient distinctions between those who have been sentenced and those who are on remand. The Human Rights Audit of Quamby by the ACT Human Rights Office found that there was an unacceptable level of mixing and too little distinction between those on remand and those who are sentenced. While the draft identifies those on remand have a presumption of innocence and are separated from, those who have been sentenced, this is the extent of distinctions in the place of detention.

Recommendation 22.

The Bill ensures that sufficient distinctions exist to protect the rights and recognise the differences in detention practices that are required for young people on remand and those who are sentenced.

Section 1048 – Health Reports

The powers outlined for the Chief Executive to request information from another Chief Executive are extensive and there is the possibility that this could pose a threat to the right to privacy young people have if this information was misused. These powers are a concern for the Youth Coalition and we recommend that sufficient safeguards are put in place surrounding this information. Particularly, there should be limitations to the use and distribution of this information to ensure that only those who really must have the information are given it. This could parallel the strategy put in place for the protection of care and protection information through the use of protected and sensitive information.

Recommendation 23.

Section 1048 be amended to include sufficient safeguards on the use of information obtained by the Chief Executive from other Chief Executives.

Division 10.6.3 – Segregation & Standing Order DI2007-8 (Use of a Safe Room)

The provisions included in the draft and in the Standing order regarding the segregation of young detainees requires that notification of segregation must be given 'promptly' to the parent or person who has day-to-day responsibility for the young detainee, while the standing order requires notification of the parent by email within 24 hours. This does not provide a sufficient notification requirement given that the Chief Executive can be both the 'parent' and the power that required the young detainees to be secluded. It also does not notify a person the young person nominates which may be more important to them than their parent.

The Seen and Heard Report makes specific recommendations about the isolation of young detainees. It suggests that if a detainees aged under 16 is isolated for more than three hours, or if a detainee aged 16-18 is isolated for more than 6 hours, their legal representative and a significant other must be notified immediately.

Recommendation 24.

Division 10.6.3 and Standing Order DI2007-8 be amended to ensure that a significant person is nominated by the young person and notified immediately when young detainees are isolated.

Part 10.8 – Young Detainees – leave

This part outlines the circumstances in which leave can be granted by the Chief Executive to young people in detention. Leave is an important aspect of young detainees lives as it either enables or restricts their ability to engage with the community and also for compassionate reasons. While this, like all decisions made under the Act, are able to be reviewed, given the important and urgent nature of leave, it is recommended that a review process be added to this part to ensure that decisions about leave are accountable and in the best interests of the children and young people involved.

Recommendation 25.

A detailed process of review for leave decision disputes is included in this part to ensure that children and young people in detention are able to have decisions about urgent leave reviewed in a timely manner.

Chapter 12: Criminal Matters – Discipline at Detention Places

Section 1304 – Meaning of privilege

This section gives examples of privileges that can be removed through disciplinary processes. The first example is that it is a privilege for young detainees to mix in a common area with other young detainees. The opportunity to interact with other detainees should be a right within any youth detention centre and not a privilege. To remove the right to mix with other detainees is essentially to put a young person in solitary confinement. It would also be concerning if this also restricted young people's opportunity to access to open air and exercise.

Recommendation 26.

The example given under this section of 'using common areas at a detention place for mixing with other detainees' be removed as it mistakenly suggests that anything in addition to solitary confinement at a detention place is a privilege and not a right.

Chapter 14 – Care and Protection – General

Charter of Rights

Recommendation 3.7 of the Territory as Parent report by Cheryl Vardon states that a Charter of Rights for Children and Young People in Care should be incorporated into the Children and Young People Act. This has not been reflected in the draft. The importance of including the rights of children and young people in care is of the highest priority. Children and young people in care are some of the most vulnerable members of our society and they face significant marginalisation and disempowerment. Their experiences in the care and protection system and with both government and non-government agencies always highlights low levels of both awareness of rights and of awareness and engagement in complaints processes. To ensure that the rights of children and young people in care are upheld, the Charter of Rights for Children and Young People in Care should be made enforceable through this legislation.

Recommendation 27.

The Bill includes the charter of rights for children and young people in care to ensure that these rights are recognised and upheld.

Chapter 17: Care and Protection – Emergency Situations

Section 1812 – Emergency Action – contact with family

This sections outlines the people with whom a child or young people who is the subject of an emergency action must be given contact with by the Chief Executive or a police officer. The list includes parents, siblings or any other person who has day-to-day or long-term responsibility for the child or young person. However the draft does not allow for the child or young person to have contact with any other person of significant who may be of significance in a young person's life but not have responsibility for day-to-day or long-term matters (eg. grandparents, aunts, uncles, cousins, family friends etc) and may be much more appropriate than the immediate family for the child or young person.

Recommendation 28.

The Bill broadens the list of people a child or young person must be given reasonable contact with when under emergency action orders to include any other person of significance to the child or young person so as to ensure contact with other important people in children and young people's lives such as grandparents, extended family and family friends.

Chapter 20: Care and Protection – Therapeutic Protection of Children and Young People

Division 20.3.5 – Searches

The provisions outlined for searches of young detainees include a range of accountability measures with a search registry and the contacting of a person with parental responsibility for the child or young person. These accountability measures are not duplicated in the sections on searches for children and young people under therapeutic protection orders who undergo searches. These provisions are essential in ensuring that intrusive searches occur only when there is a danger to the welfare of the child or young person or to another person. The registry also ensures that searches are not unduly targeted at particular children and young people. As the explanatory statement notes, strip searches are ‘inherently degrading’ and should therefore be subject to the most thorough of accountability measures.

Recommendation 29.

The same accountability measures of a register of searches and notification of a person with parental responsibility that are provided under the protocol for searching young detainees are also applied to children and young people under therapeutic protection orders.

Chapter 22: Care and Protection – Police Assistance

Section 2403 – failure to answer police questions

There is concern that this provision can compromise the role of community sector workers to building trusting and meaningful relationships with the children and young people they work with. The ability for police officers to compel any individual to divulge information relevant to an action of the Chief Executive is a power that is not limited to emergency situations where the health or wellbeing of a child or young person is being threatened. This power can, then, be used to acquire confidential information from those who young people trust and have confidence in when the matter may not be serious. This, then, has the potential to undermine the right of children and young people in care to privacy.

Recommendation 30.

This section be amended to ensure that information is only required to be given to the police officer when the safety or wellbeing of the child or young person, or any other person, is endangered.

Chapter 26: Research involving Children and Young People

Section 2803 2(e) – Approval of research project procedures

The new section on research involving children and young people is welcomed, however it contains a provision that research can only be conducted during ‘normal business hours’. This limitation appears overly prescriptive and not in the best interests of good research nor in the interests of many children or young people who would want to take part. It appears that this would unnecessarily restrict researchers’ ability to conduct good quality research when they can only speak to young people during normal business hours. We suggest that the times of the research should be mutually agreed upon by both the children and young people involved and the researcher.

Recommendation 31.

The Bill either removes the clause restricting research involving children and young people to only occur during nor business hours or to amend the clause to provide that research can only take place during times mutually agreed upon by the child/young person and the researcher.