



Table of Functions Australian and New Zealand Children's Commissioners and Guardians (ANZCCG) 2018

The Australian and New Zealand Children's Commissioners and Guardians (ANZCCG) comprises international, national, state and territory children and young people commissioners, guardians and advocates.

The ANZCCG aims to promote and protect the safety, wellbeing and rights of children and young people in Australia, and ensure that the best interests of children and young people are considered in public policy and program development across Australia.

This document aims to identify the roles and functions of ANZCCG members and to identify key commonalities and differences in the legislative and operational frameworks in which each member performs their role.

Due to layout constraints, this document comprises two tables:

- Table 1 sets out the role and functions of ANZCCG members who are children and young people commissioners/advocates.
- Table 2 sets out the role and functions of ANZCCG members who are children and young people guardians/visitors.

Please note: The information contained within this document may change from time to time. Those seeking to rely on its content are encouraged to check the currency of the information with the relevant ANZCCG member.

Table A: Commissioners/Advocates

Table A: Commissioners/ Advocates	Federal	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	NZ	
Statutory office/officer	National Children's Commissioner Australian Human Rights Commission	eSafety Commissioner	Public Advocate and Children and Young People Commissioner, ACT Human Rights Commission	Office of Advocate for Children and Young People	Children's Commissioner	Queensland Family and Child Commission	Commissioner for Children and Young People	Commissioner for Children and Young People	Commission for Children and Young People & Commissioner for Aboriginal Children and Young People	Commissioner for Children and Young People	Children's Commissioner
Current Commissioner/ Guardian/ Advocate	Megan Mitchell	Julie Inman Grant Commissioner	Jodie Griffiths-Cook	Andrew Johnson	Colleen Gwynne	Cheryl Vardon, Principal Commissioner Phillip Brooks, Commissioner	Helen Connolly	Leanne McLean	Liana Buchanan (Principal Commissioner) Justin Mohamed (Commissioner for Aboriginal Children and Young People)	Colin Pettit	Judge Andrew Becroft
Website		esafety.gov.au	http://hrc.act.gov.au/chi	acyp.nsw.gov.a	occ.nt.gov.au	qfcc.qld.gov.au	ccyp.com.au	childcomm.tas.gov.au	www.ccyp.vic.gov.au	ccyp.wa.gov.au	occ.org.nz

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	https://www.humanrights.gov.au		http://drenyoungpeople/ http://hrc.act.gov.au/public-advocate/	u/							
Legislative base	<i>Australian Human Rights Commission Act 1986 (Cth)</i>	<i>Enhancing Online Safety Act 2015 (Cth) ('the Act')</i>	<i>Human Rights Commission Act 2005</i> <i>Human Rights Act 2004</i> <i>Children and Young People Act 2008</i> <i>Mental Health Act 2015</i> <i>Family Violence Act 2016</i> <i>Personal Violence Act 2016</i>	<i>Advocate for Children and Young People Act 2014 (NSW)</i>	<i>Children's Commissioner Act 2013 (NT)</i>	<i>Family and Child Commission Act 2014 (Qld)</i>	<i>Children and Young People (Oversight and Advocacy Bodies) Act 2016 (SA)</i>	<i>Commissioner for Children and Young People Act 2016 (Tas) ('CCYP Act')</i>	<i>Commission for Children and Young People Act 2012 (Vic) ('CCYP Act')</i> <i>Child Wellbeing and Safety Act 2005 (Vic)</i>	<i>Commissioner for Children and Young People Act 2006 (WA)</i>	<i>Children's Commissioner Act 2003 (NZ)</i>
Target group & age range	All Australian children and young people but the Commissioner may give particular attention to children who are at risk or vulnerable. Means people under the age of 18.	Promotes and enhances online safety for all Australians. Administers a cyberbullying complaints service for Australian children and young people aged under 18 years. Provides targeted online safety resources for children and young people.	Children and young people aged 0-17 years (Children and Young People Commissioner) Children and young people experiencing vulnerability, not age limited (Public Advocate)	All children and young people aged 0-24 years in NSW, giving priority to the interests and needs of vulnerable and disadvantaged children and young people.	Vulnerable children in NT aged 0-25 years.	Children and young people – children aged 0 to 18, and young people aged 18-21.	All children and young people in SA aged 0-17 and must engage with groups of children and young people whose ability to make their views known is limited for any reason.	All children and young people who have not yet attained the age of 18 years in Tasmania, with special regard for the interests and needs of children and young people who are vulnerable or disadvantaged for any reason.	All children and young people in Victoria, with a particular focus on vulnerable children. Vulnerable children and young people are defined in the <i>CCYP Act</i> as: <ul style="list-style-type: none"> • a child protection client • a youth justice client • a person attending a youth justice unit • a child who is receiving/or has received services from a registered community service 	All children and young people in WA aged 0 to 17, with special regard to Aboriginal and Torres Strait Islander children and young people and those who are vulnerable or disadvantaged for any reason.	All children and young people in Aotearoa New Zealand under the age of 18.

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									<ul style="list-style-type: none"> • a child who has died from abuse or neglect • a person under the age of 21 years who is leaving, or who has left, the care of the Secretary to live independently. <p>In addition, the Child Safe Standards are underpinned by three overarching principles, which require organisations to consider the increased vulnerability of Aboriginal children, those from culturally and linguistically diverse backgrounds and children with disabilities.</p>		
Appointment & term	<p>The Commissioner is appointed by the Commonwealth Governor-General.</p> <p>The National Children's Commissioner holds office for the period specified in the instrument of appointment. The period must not exceed 7 years.</p>	Appointed by the Minister for Communications by written instrument, for a period not exceeding five years.	The Commissioner is an independent statutory officer appointed by the Executive, for a five year term, eligible for reappointment.	Appointed by the Governor and Cabinet for a period of five years, eligible for reappointment for a further five years.	Appointed by the Administrator on recommendation of the responsible Minister, for a period not exceeding five years, eligible for reappointment.	The Principal Commissioner and the Commissioner are appointed by the Governor in Council on the recommendation of the Minister, for a term of not more than three years.	Appointed by the Governor for a period not exceeding 7 years. Eligible for reappointment once, but total term cannot exceed 10 years.	Appointed by the Governor on the recommendation of the Minister for Human Services ('the Minister') for a term not exceeding five years. Eligible for reappointment for a single further term not exceeding five years.	Appointed by the Governor in Council for a term not exceeding five years. Eligible for reappointment.	Appointed by the Governor under recommendation of the Premier, for a five year term, eligible for reappointment once.	Appointed by the Governor-General under the recommendation of the Minister for Social Development, for a five-year term and may be reappointed.

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						must be an Aboriginal person or a Torres Strait Islander.					
Independence	The Commission is an accredited 'A status' national human rights institution.	The Commissioner is an independent statutory office supported by the Australian Communications and Media Authority.	The Children and Young People Commissioner and Public Advocate are members of the ACT Human Rights Commission. All members of the Commission are statutory office holders and the Commission is not subject to the direction of anyone else in relation to its functions. The Minister may direct the Commission to inquire into and report on a matter that can be complained about under the <i>Human Rights Commission Act 2005</i> .	Independent statutory office, reporting to the NSW Parliamentary Joint Committee on Children and Young People.	Independent statutory office not subject to the direction of anyone in relation to the way in which the Commissioners functions are performed or the order of priority the Commissioner gives to investigations.	Reports to the Minister, currently the Attorney-General.	Independent of direction or control by the Crown or any Minister or officer of the Crown.	Independent statutory office. Must act independently, impartially and in the public interest.	Yes	Independent statutory office, reporting to the Western Australian Parliament.	Independent Crown Entity under the Crown Entities Act 2004 (NZ).
Reporting requirements	Reports to the Minister each year. The Minister must table each report before the Parliament of Australia.	Contribute to joint Annual Reports of the Australian Communications and Media Authority and Office of the eSafety Commissioner. The Commissioner's functions include: <ul style="list-style-type: none"> publishing reports and papers relating to online safety for Australians providing the Minister reports about online safety for Australians. 	Required to table an annual report to Parliament. Can table special reports to Parliament.	Annual report of the Advocate's operations during the year tabled in Parliament. The Advocate may also make a report to Parliament on any particular issue or general matter relating to the Advocate's functions, on his own initiative or as requested by	Report to the responsible Minister on inquiries and matters relating to the Commissioner's functions. Provide the responsible Minister with an annual report on the operation of the <i>Children's Commissioner Act</i> . May publish a report on the performance of a function of the Commissioner or relating to a	Annual report and annual report on child deaths in Queensland, tabled in Parliament by the Minister.	Must report to the Minister on the performance of the Commissioner's functions by 31 October every year. The Minister of Education must table the report to both houses of parliament..	Must prepare and provide an annual plan to the Minister. Must prepare and provide an annual report to the Minister and Secretary; must cause the annual report to be tabled in Parliament. May cause other reports to be tabled in Parliament.	Required to table an Annual Report to Parliament. From October 2018, the CCYP Act (s23A) requires that the Commission's Annual report include information on its monitoring role of preventative detention for that financial year.	Joint Standing Committee on the Commissioner for Children and Young People monitors the Commissioner's exercising of functions.	Report to the Minister for Social Development quarterly. Annual Report tabled in Parliament by the Minister. Statement of Performance Expectations outlining performance measures, priorities and budget, produced yearly and tabled in Parliament. Statement of Intent outlining strategic direction

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				the related Minister.	complaint or investigation to be approved by the Speaker.						produced every 4-5 years and tabled in Parliament.
Functions	<p>Commissioner functions are:</p> <ul style="list-style-type: none"> to submit a report to the Minister to promote discussion and awareness about Australian children's rights to undertake research or other programs to promote Australian children's rights to examine whether Commonwealth legislation recognises and protect Australian children's rights 	<p>Functions of the Commissioner are to:</p> <ul style="list-style-type: none"> promote online safety for Australians support and encourage the implementation of measures to improve online safety for Australians coordinate activities of Commonwealth Departments, authorities and agencies relating to online safety for children collect, analyse, interpret and disseminate information relating to online safety for Australians support, encourage, conduct, accredit and evaluate educational, promotional and community awareness programs that are relevant to online safety for Australians make, on behalf of the Commonwealth, grants of financial assistance in relation to online safety for Australians support, encourage, conduct and evaluate research about online safety for Australians advise the Minister about online safety for Australians consult and cooperate with other persons, organisations and 	<p>The Commissioner's key functions include:</p> <ul style="list-style-type: none"> Provide advice to government and service agencies about how to improve services for children and young people; Consult with children and young people and promote their participation in decision making. <p>The Public Advocate's key functions in relation to children and young people include:</p> <ul style="list-style-type: none"> Advocate for the rights of children and young people; Foster the provision of services for children and young people, and support the establishment of organisations that support children and young people; Promote the protection of children and young people from abuse and exploitation; Monitor the provision of services for the protection of children and young people; 	<p>The Advocate's key functions are to advocate for and promote the safety, welfare and well-being of children and young people; to promote the participation of children and young people in the making of decisions that affect their lives and to encourage government and non-government agencies to seek the participation of children and young people appropriate to their age and maturity; to conduct special inquiries into issues affecting children and young people; to make recommendations on legislation, reports, policies, practice, procedures and services affecting children and young people; to conduct, promote and</p>	<p>Key functions include:</p> <p>Dealing with complaints about required services or on the Commissioner own initiative matters that may form a ground for making a complaint.</p> <p>Monitoring service providers; the administration of the <i>Care and Protection of Children Act 2007</i> (NT); implementation of government decisions; the way in which the CEO of Territory Families deals with suspected or potential harm to, or exploitation of children in care.</p> <p>Reporting to the responsible Minister on matters relating to the functions of the Children's Commissioner and vulnerable children in the NT.</p> <p>Promoting the rights, interests and wellbeing of vulnerable children in the NT.</p>	<ul style="list-style-type: none"> provide oversight of child protection system promote and advocate safety and wellbeing of children and young people inform and educate the community coordinate a research program assist with evaluation provide expert advice build capacity across sectors analyse and evaluate policies and practices maintain the Queensland child death register conduct research into child death prevention. 	<p>Key functions include:</p> <p>Promote and advocate for the rights and interests of all children and young people.</p> <p>Promote the participation of children and young people in the making of decisions that affect their lives.</p> <p>Advise and make recommendations to Ministers, State authorities and other bodies.</p> <p>To inquire into matters related to the rights, development and wellbeing of children at a systemic level.</p> <p>To assist in ensuring the State satisfies its international obligations.</p> <p>Prepare and publish reports on matters related to the rights, development and wellbeing of children and young people at a systemic level.</p>	<p>General functions include:</p> <p>Advocating for all children and young people in the State generally.</p> <p>Acting as advocate for a detainee under the <i>Youth Justice Act 1997</i> (Tas).</p> <p>Researching, investigating and influencing policy development into matters relating to children and young people generally.</p> <p>Promoting, monitoring and reviewing the wellbeing of children and young people generally.</p> <p>Promoting and empowering the participation of children and young people in the making of decisions, or the expressing of opinions on matters, that may affect their lives.</p> <p>Assisting in ensuring the State satisfies its national and international obligations in respect of children and young people generally.</p> <p>Encouraging and promoting the establishment by organisations of appropriate and accessible mechanisms for the participation of children and young</p>	<p>CCYP Act:</p> <ul style="list-style-type: none"> to provide advice to Ministers, Government Departments, health services and human services about policies, practices and the provision of services relating to the safety or wellbeing of vulnerable children and young persons; and to promote the interests of vulnerable children and young persons in the Victorian community; and to monitor and report to Ministers on the implementation and effectiveness of strategies relating to the safety or wellbeing of vulnerable children or young 	<p>Key functions include:</p> <p>Advocating for all children and young people.</p> <p>Monitoring laws, policies and practices that affect the wellbeing of children and young people.</p> <p>Promoting and valuing the voice of children and young people and the positive contributions they make to our society.</p> <p>Consulting children and young people, parents, families and government and non-government organisations.</p> <p>Researching the latest trends and information that relate to children and young people.</p> <p>Inquiring on behalf of children and young people about issues relating to their wellbeing.</p>	<p>Our main functions include:</p> <p>Monitoring and assessing the services of Oranga Tamariki and its contracted care services, delivered under the Oranga Tamariki Act 1989 and Children's and Young People's Well-being Act 1989;</p> <p>Monitoring the nine Oranga Tamariki residences in our role as a National Preventive Mechanism in respect of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT);</p> <p>Investigating the actions of Oranga Tamariki in regard to services provided for individual children and young people under the Oranga Tamariki Act 1989;</p> <p>Encouraging the development of</p>

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	<p>governments on online safety for Australians</p> <ul style="list-style-type: none"> • advise and assist persons in relation to their obligations under the <i>Enhancing Online Safety Act 2015</i> • monitor and promote compliance with the <i>Enhancing Online Safety Act 2015</i> • promote and formulate, in writing, guidelines or statements that: <ul style="list-style-type: none"> (i) recommend best practices for persons and bodies involved in online safety for Australians; and (ii) are directed towards facilitating the timely and appropriate resolution of incidents involving cyber-bullying material targeted at an Australian child. 	<ul style="list-style-type: none"> • Listen to and investigate concerns from children and young people about services for the protection of children and young people; • Deal with entities providing services on a child or young person's behalf. 	<p>monitor research into issues affecting children and young people; to promote the provision of information and advice to assist children and young people; and to prepare, in consultation with the related Minister, a 3-year strategic plan for children and young people in the state.</p>				<p>people in matters that may affect them.</p>	<ul style="list-style-type: none"> - persons; and - to provide advice and recommendations to the Minister about child safety issues, at the request of the Minister, and - to promote child-friendly and child-safe practices in the Victorian community; and - the functions relating to working with children; and - the functions relating to out of home care; and - the functions relating to inquiries; and - any other functions conferred on the Commission <p>Child Safety and Wellbeing Act</p> <p><u>Reportable conduct</u></p> <ul style="list-style-type: none"> - to educate and provide advice to 		<p>Oranga Tamariki policies and services that promote the welfare of children and young people, their families and whānau; Systemic advocacy and investigation of issues compromising the interests, rights and wellbeing of children and young people; Investigating any decision or recommendation made, or any act done or omitted, in respect of any child in that child's personal capacity; Enquiring generally into, and reporting on any matter, practice or procedure that relates to the welfare of children; Raising awareness and understanding of the United Nations Convention on the Rights of the Child (UNCROC) and advancing and monitoring the application of UNCROC by the State; Developing mechanisms for hearing and sharing children's</p>

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									<p>entities in order to assist them to identify reportable conduct and to report and investigate reportable allegations to educate and provide advice to regulators to promote compliance by entities with the reportable conduct scheme</p> <ul style="list-style-type: none"> - to oversee the investigation of reportable allegations - to investigate reportable allegations if (i) it considers it to be in the public interest to do so; or (ii) an entity or regulator will not, or is unable to, investigate or engage an independent person or body to investigate - if it considers it to be in the public interest to 		<p>voices and perspectives. The services and activities that fulfill our statutory requirements include:</p> <p>Ensuring the voices of children and young people and their families and whānau are included in our work and directly inform our monitoring findings and the advice we provide;</p> <p>Demonstrating best-practice in listening to children and using their views in decision-making;</p> <p>Providing child-centred advice to Select Committees, Ministers, government and non-government organisations;</p> <p>Maintaining a 'Child Rights Advisory Service' telephone line; raising awareness of children's interests among New Zealanders generally.</p>

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									<p>do so, to investigate whether reportable allegations have been inappropriately handled or responded to by an entity or a regulator</p> <ul style="list-style-type: none"> - to make recommendations to entities to address the findings of investigations referred to in paragraph (d) or (e); (g) to exchange information (including the findings of investigations into reportable allegations and the reasons for those findings) with Victoria Police, regulators, entities and the Secretary to the Department of Justice and Regulation; - to monitor the compliance of entities with the 		

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									<ul style="list-style-type: none"> - reportable conduct scheme - to report to the Minister and to Parliament on trends in the reporting and investigation of reportable allegations and the results of those investigations - to perform any other function conferred on the Commission under this Part <p><u>Child Safe Standards</u></p> <ul style="list-style-type: none"> - to educate and provide advice to relevant authorities to promote compliance by relevant entities with the Child Safe Standards - to educate and provide advice to relevant entities to ensure, in their operations — (i) the safety of children is promoted; 		

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									<ul style="list-style-type: none"> and (ii) child abuse is prevented; and (iii) allegations of child abuse are properly responded to - to oversee and enforce compliance by relevant entities with the Child Safe Standards - to perform any other functions conferred under this Part or exercise any powers specified under this Part. 		
Powers	The Commissioner may obtain information from Commonwealth government agencies if she believes they have information or a document relevant to the performance by the Commissioner of functions.	The Commissioner has power to do all things necessary or convenient to be done for or in connection with the performance of his or her functions.	The Commissioner has no specific investigatory powers. The Public Advocate has significant powers to compel information and access the documents and facilities of ACT child welfare services.	For the purpose of a special inquiry, the Advocate may hold hearings; consult with such persons as the Advocate thinks fit; and require employees of government agencies to attend hearings or to provide specified information.	The Commissioner has the powers necessary to perform the Commissioner's functions.	Functions are to be performed in ways that <ul style="list-style-type: none"> • engage with children, young people and families • ensure the interests of Aboriginal people and Torres Strait Islanders are represented • promote Aboriginal and Torres Strait Islander providers • be sensitive to ethnic and cultural identity 	The Commissioner has the power to do anything that is necessary or expedient for the performance of their functions. For the purpose of an inquiry, the Commissioner has the same powers as those conferred in the <i>Royal Commission Act (SA) 1917</i> .	The Commissioner has the power to do all things necessary or convenient to be done in connection with the performance of their functions and the exercise of their powers. The Commissioner has broad powers to, investigate, review, monitor, require information, report and make recommendations on matters relating to the rights and wellbeing of children and young people in the State generally (s11 & s12, CCYP Act). Certain matters are specified to be outside the	The Commission has the power to do all things necessary or convenient to perform its functions (both Acts)	The Commissioner has power to do all things necessary or convenient to be done for or in connection with the performance of their functions. Without limiting the former, they may also produce and publish information on matters relating to their functions.	In performing or exercising the Commissioner's functions or powers under the Act, the Commissioner must have regard to the following matters: (a) the Convention; (b) the principle that the Commissioner should give serious consideration to the views of children and take those views into account.

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					<ul style="list-style-type: none"> consult with agencies build agency capacity. 		jurisdiction of the Commissioner (s14, CCYP Act).			<p>(c) the principle that the Commissioner should recognise the diversity of children in New Zealand;</p> <p>(d) the principles stated in sections 5 and 6 of the Oranga Tamariki Act 1989, so far as they are applicable and with all necessary modifications.</p> <ul style="list-style-type: none"> Special powers to require provision of information and/or documents. Powers to access Court records. Protected from legal proceedings. 	
Self-motion inquiry power	No	Not prohibited from doing so under the Act in certain circumstances.	<p>The ACT Human Rights Commission has an own motion inquiry power, but this is not separately attributed to the Children and Young People Commissioner.</p> <p>The Public Advocate has the power to investigate any matters in relation to which the Public Advocate has a function.</p>	The Advocate may undertake an own initiative special inquiry into issues affecting children and young people.	The Commissioner may undertake an own initiative investigation or an inquiry. At the direction of the responsible Minister the Commissioner must undertake an inquiry.	Yes – own-motion reports related to functions can be given to the Minister.	The Commissioner may in their absolute discretion conduct and inquiry into the policies, practices and procedures of a State authority (or authorities) relating to the rights, development and wellbeing of children and young people (either generally or a particular group) but only if it is of a particular significance to children and young people; is systemic in nature; and in the public interest.	The Commissioner may initiate an inquiry into a matter within statutory functions. The Commissioner does not have authority to investigate or review a specific decision made in respect of an individual case or specific circumstances unless requested to do so by the Minister.	Legislated capacity to initiate inquiry into the safety or wellbeing of a vulnerable child or young person; a group of vulnerable children or young persons, or the provision of identified services provided to a child, group of children, a primary family carer or a group of primary family carers, if the Commission identifies a persistent or	On own motion or at request of Minister conduct a special inquiry; monitor certain aspects of complaint handling, conduct inquiries into legislation etc.	Yes – can instigate an inquiry

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									recurring systemic issue.		
Inspection and/or monitoring program	No	No	Children and Young People Commissioner – no Public Advocate – yes, youth justice facilities and records.	No specific systemic monitoring program is legislatively required, but given that the legislation requires the Advocate to look into systemic issues, the Advocate conducts regular consultations in Juvenile Justice Centres and is trialing an exit interview program for young people leaving detention.	Scheduled monitoring activities regarding the administration of the <i>Care and Protection of Children Act</i> . No systemic inspection schedule.	No	No systematic monitoring or inspections undertaken.	The Commissioner conducts a systemic out-of-home care monitoring program.	OOHC monitoring program currently under development. The Commission currently undertakes reactive Youth Justice inspections. Proactive monitoring program to be developed in 2019. IVP visit both Youth Justice locations monthly.	No systematic monitoring or inspections undertaken.	Scheduled programme of monitoring services provided by Oranga Tamariki to children in care.
Visitor Program for Children (or similar)	No	No	No – Official Visitors for both youth justice and out-of-home care residences are appointed separately.	NA	No	No – Community Visitors currently operated by Office of the Public Guardian.	No	No	Yes – Youth Justice	No	As above (monitoring oversight not individual advocacy for children in care which is the responsibility of an NGO funded by government called Voyce Whakarongomai www.voyce.org.nz)
Complaint handling / individual advocacy	Commissioner has no complaint handling function. The Australian Human Rights	Yes Administers a: • complaints system for cyberbullying material targeted at an	Children and Young People Commissioner – no Public Advocate - undertakes individual	NA	Complaint handling.	No – complaints and individual advocacy handled by the Office of the Public Guardian,	No	No complaint handling function. Individual advocacy function for children and young people	No prescribed capacity in legislation.	No	As above. No capacity for full independent complaints function. We have an 0800

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	<p>Commission's Investigation and Conciliation Section may investigate and attempt to conciliate complaints alleging discrimination.</p> <p>The Commission can also investigate and attempt to resolve complaints about alleged breaches of human rights against the Commonwealth and its agencies. If the complaint is not resolved and the Commission is of the opinion that the act or practice is inconsistent with or contrary to any human rights, it must report to Parliament.</p> <p>Advocates for children's rights through reports to the Minister, promoting discussion and awareness about children's rights, undertaking research, educational and other programs to promote respect for children's rights, examining Commonwealth enactments to ascertain whether they recognize and protect children's rights and consulting with children, Commonwealth, State and Territory governments and other appropriate organisations,</p>	<p>Australian child;</p> <ul style="list-style-type: none"> complaints and objections system for the non-consensual sharing of intimate images <p>Operates the reporting mechanism for Australians to complain about offensive and illegal online content and investigates related complaints under schedules 5 and 7 of the <i>Broadcasting Services Act 1992</i>. Types of offensive or illegal content may include, among other things: child sexual abuse content; content advocating terrorism; and sexually explicit content.</p>	<p>advocacy for young people in youth justice, child protection, mental health and other services and systems for children and young people; investigates concerns raised by children and young people.</p>			<p>Queensland Ombudsman and others.</p>		<p>detained under the <i>Youth Justice Act 1997</i> (Tas).</p>			<p>Child Rights Line which people can call when they have a complaint about Oranga Tamariki. The senior advisor managing the line supports callers to make their own formal complaint directly to Oranga Tamariki and monitors the management of the complaint. Serious concerns raised with the Commissioner by professionals such as Judges are formally referred to Oranga Tamariki under the Commissioner's investigation mandate and closely monitored until they are resolved.</p>

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Accreditation scheme	No	Yes. The Office of the eSafety Commissioner administers, on behalf of the Commonwealth, a certification scheme for online safety program providers for Australian schools. See https://www.esafety.gov.au/education-resources/certified-training-providers	No	NA	No	No	No	No	No	No
Working with Children Check	No	Does not administer a WWCC. All staff and contract trainers who work directly or indirectly with children are required to possess WWCC's.	No – administered by Access Canberra	NA	No	No – currently administered by Blue Card Services.	No	No	No direct responsibility. CCYP Act requires review of the administration of the Working with Children Act every three years and report findings to the Minister and the Secretary.	No
Reportable Conduct Scheme	No	No	No – administered by ACT Ombudsman	NA	No	No	No	No	Yes	No
Child Safe Organisations	As part of the Child Safe Organisations project, the Australian Government commissioned the National Children's Commissioner, Megan Mitchell, to lead the development of National Principles for Child Safe Organisations .	The Office is developing resources to support institutions to implement the child safe principle relating to online safety.	Currently advisory only	NA	No	No	No	The Commissioner promotes awareness of child safe principles and practices in Tasmania.	Yes	The Commissioner's Child Safe Organisations WA program promotes and supports the implementation of child safe principles and practices in organisations in Western Australia. The program aims to help agencies

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<p>The National Principles were developed under the guidance of Community Services Ministers across Commonwealth, state and territory governments under the National Framework for Protecting Australia's Children 2009-2020. The Principles respond to recommendations by the Royal Commission into Institutional Responses to Child Sexual Abuse.</p> <p>The National Principles aim to provide a nationally consistent approach to creating organisational cultures that foster child safety and wellbeing across all sectors in Australia. This will help to keep children and young people safe and reduce future harm in organisational settings.</p> <p>The Australian Government also commissioned the Australian Human Rights Commission to develop practical tools and resources to help organisations implement the National Principles.</p>									<p>identify and manage any risks that affect the safety and wellbeing of children and young people, including physical and sexual abuse, bullying and accidental injury.</p>	
Serious	No. Is a member of								Yes – CCYP Act	

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Table A: Commissioners/ Advocates	Federal		ACT	NSW	NT	QLD	SA	TAS	VIC	WA	NZ
incident/child death review	the Australian and New Zealand Child Death Review and Prevention Group.	No	Yes – the Children and Young People Commissioner is a member the ACT Children and Young People Death Review Committee.	The Advocate is to sit on the Child Death Review Team. The Advocate also chairs the new NSW Child and Young Person Injury Prevention Working Group.	No	No	No	No	require the Commission to conduct an inquiry into the death of a child who was a child protection client at the time of his or her death, or within 12 months before his or her death. Capacity to initiate inquiries into serious incidents involving vulnerable children (individual, group or systemic inquiries).	No	Oranga Tamariki sends all practice analysis documentation for serious incidents and deaths to the Office for monitoring review and feedback. A decade ago, the Commissioner carried out full death reviews however NZ now has a Family Violence Death Review Committee within our Health, Quality and safety Commission, so the Office no longer carries out this function.
Direct consultation with children and young people	Yes	The form of the consultation varies. Consultation occurs when developing education programs directed at young people, to inform the content and delivery of the program. Where directly relevant, the views of children and young people are included in policy development and in relation to in-house research conducted by the Office.	Children and Young People Commissioner – Yes Public Advocate - Yes	Yes, direct consultation with children and young people is one of the Advocate's key functions.	Yes	Yes – Youth Advisory Council established in 2018. A number of initiatives are informed through direct consultation with children and young people.	Yes	Yes. Required to establish a Children and Young People Consultative Council.	Direct consultation with children and young people through our systemic inquiries. The Commission's Youth Justice Independent Visitor Program is a further mechanism for engaging with children and young people. Child engagement framework currently under development.	Yes	Yes – this is a vital part of the Commissioner's mandate and happens substantially through our monitoring interviews with children and young people involved with Oranga Tamariki and through Mai World surveys through schools, focus groups and individual interviews.
Other			The Public Advocate also has responsibility	The Advocate also					From October 2018, the Commission has		

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Table A: Commissioners/ Advocates	Federal		ACT	NSW	NT	QLD	SA	TAS	VIC	WA	NZ
			for adults experiencing vulnerability, particularly as it relates to complex disability and/or mental health needs.	coordinates the Youth Advisory Council.					new powers to monitor detention of children aged 14-17 who are detained under preventative police detention (PPD) or preventative detention orders (PDOs).		

Table B: Guardians/Visitors

Table B: Guardians/Visitors	New South Wales	Queensland	South Australia	
Statutory office/officer	The Children's Guardian	Office of the Public Guardian	Guardian for Children and Young People	Training Centre Visitor
Current Commissioner/Guardian/Advocate	Janet Schorer	Natalie Siegel-Brown	Penny Wright	Penny Wright
Website	https://www.kidsguardian.nsw.gov.au/	www.publicguardian.qld.gov.au	http://www.gcyp.sa.gov.au/	http://www.gcyp.sa.gov.au/
Legislative base	<p><i>Children and Young Persons (Care and Protection) Act 1998</i></p> <p><i>Children and Young Persons (Care and Protection) Regulation 2012</i></p> <p><i>Child Protection (Working with Children) Act 2012</i></p> <p><i>Child Protection (Working with Children) Regulation 2013</i></p> <p><i>Child Protection (Offenders Registration) Act 2000</i></p>	<p><i>Public Guardian Act 2014</i></p> <p><i>Public Guardian Regulation 2014</i></p>	<p><i>Children and Young People (Oversight and Advocacy Bodies Act) 2016</i> (CYP OAB 2016)</p>	<p><i>Youth Justice Administration Act 2016</i> (YJA Act 2016)</p>
Target group & age range	<p>All children and young people up to 18 years, with a particular focus on children in out-of-home care</p> <p><i>Children and Young Persons (Care and Protection) Act 1998</i></p> <p>S 181(1) The principal functions of the Children's Guardian are as follows:</p> <p>(b) to promote the best interests of all children and young persons in out-of-home care</p> <p>(c) to ensure that the rights of all children and young persons in out-of-home care are safeguarded and promoted</p> <p>(g) to exercise functions relating to the employment of children, including the making and revocation of exemptions from the requirement to hold an employer's authority</p> <p>Children ages 0 to 16 years Young people ages 16 to 18 years</p> <p><i>Child Protection (Working with Children) Act 2012</i></p>	<p>Children and young people in Queensland aged 0-17 years in the child protection system or staying at a visitable site, with priority given to those who are most vulnerable.</p> <p>The Public Guardian can continue to assist a young person to transition from child protection to independence after the young person turns 18.</p>	<p>CYP OAB 2016</p> <p>s 26(1)(a) ... children under the guardianship, or in the custody, of the Minister, and in particular those in alternative care</p> <p>s26(1)(b) ... in particular, any such child who has suffered, or is alleged to have suffered, sexual abuse</p> <p>s26(2)(b) ... pay particular attention to the needs of children under the guardianship, or in the custody, of the Minister who have a physical, psychological or intellectual disability</p> <p>Ages 0 – 18</p>	<p>YJA Act 2016</p> <p>Children and young people in custody resident in a training centre (the Adelaide Youth Training Centre)</p> <p>s14(2)(b) must pay particular attention to the needs and circumstances of residents of a training centre who—</p> <p>(i) are under the guardianship, or in the custody, of the Minister ...; or (ii) are Aboriginal or Torres Strait Islander youths; or (iii) have a physical, psychological or intellectual disability</p> <p>Ages 10-18</p>

Table B: Guardians/Visitors	New South Wales	Queensland	South Australia	
	<p>s3 The object of this act is to protect children: (a) by not permitting certain persons to engage in child-related work, and (b) by requiring persons engaged in child related work to have working with children check clearances</p> <p>Children means persons under the age of 18 years</p>			
Appointment & term	<p>Appointed by the Governor for a term not exceeding 5 years</p> <p>Not eligible to be appointed for more than 2 terms of office (whether or not consecutive)</p> <p><i>Children and Young Persons (Care and Protection) Act 1998 , s178, s178A</i></p>	<p>The Public Guardian is appointed by the Governor in Council on the recommendation of the Minister (Attorney-General and Minister for Justice), for a term of not more than 5 years.</p> <p>The Public Guardian may be reappointed.</p>	5 year appointment by Governor.	5 year appointment by Governor.
Independence	<p>Independent statutory office reporting to the Minister for Family and Community Services and to Parliament</p> <p><i>Children and Young Persons (Care and Protection) Act 1998 – s178F – Children's Guardian not a public service employee</i></p> <p>The office of Children's Guardian is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office (except as provided by section 178C).</p>	<p>Independent statutory office which reports to the Minister. The Public Guardian is not under the control or direction of the Minister.</p>	<p>CYP (OAB Act)</p> <p>s21(2) – The Guardian is independent of direction or control by the Crown or any Minister or officer of the Crown</p> <p>NOTE – s24 – The Minister must provide the Guardian with the staff and other resources that the Guardian reasonably needs for carrying out the Guardian's functions.</p>	<p>YJA Act 2016</p> <p>s12—Independence</p> <p>(1) In exercising his or her functions and powers under this Act, the Training Centre Visitor must act independently, impartially and in the public interest.</p> <p>(2) The Minister cannot control how the Visitor is to exercise the Visitor's statutory functions and powers and cannot give any direction with respect to the content of any report prepared by the Visitor.</p> <p>NOTE – s13 – The Minister must provide the Training Centre Visitor with the staff and other resources that the Visitor reasonably needs for exercising the Visitor's functions.</p>
Reporting requirements	<ul style="list-style-type: none"> Annual report to Parliament on operations during that year Special report as requested by the Minister <p><i>Children and Young Persons (Care and Protection) Act 1998 - s187 Annual reports to Parliament</i></p> <p>(1) The Children's Guardian is required to prepare, within the period of 4 months after 30 June in each year, a report of the operations of the Children's Guardian during the year ended on that 30 June and furnish the report to the Presiding Officer of each House of Parliament.</p> <p><i>s188 Special reports to Parliament and to Minister</i></p>	<p>Annual report, tabled in Parliament by the Minister.</p>	<p>CYP (OAB Act)</p> <p>s28—Reporting obligations</p> <p>Guardian must, at the request of the Minister, provide a report on the performance of the Guardian's functions or any other matter.</p> <p>Guardian must report annually to the Minister - who must, within 6 sitting days, lay copies before both Houses of Parliament..</p> <p>s29—Guardian may provide other reports</p> <p>Guardian may prepare and provide the Minister (or another Minister responsible for a particular</p>	<p>YJA Act 2016</p> <p>s18—Reporting obligations of Training Centre Visitor</p> <p>Must, every year, forward a report to the Minister ... who must, within 6 sitting days lay copies of the report before Parliament..</p> <p>TCV may prepare a special report to the Minister - who must, within 2 weeks, lay copies of the report before Parliament..</p> <p>s19—Other reports</p> <p>TCV may prepare a report to the Minister on any</p>

Table B: Guardians/Visitors	New South Wales	Queensland	South Australia	
	<p>(2) The Children's Guardian is to make such a special report to the Minister on any particular issue or general matter requested by the Minister. The special report may be furnished to the Presiding Officer of each House of Parliament.</p>		<p>area) with reports on matters related to the Guardian's functions - the Minister must, within 6 sitting days lay a copy of the report before both Houses of Parliament.</p>	<p>matter - Minister must</p> <p>-if <u>Parliament is sitting</u> - lay before Parliament within 6 sitting days, or</p> <p>-if <u>Parliament is not sitting</u> - deliver copies to the President of the Legislative Council and the Speaker of the House to publish immediately and lay before their respective Houses at the earliest opportunity.</p>
Functions	<p>The Children's Guardian has a range of functions to promote and regulate the quality of child safe organisations and people. These are predominantly to perform regulator functions including:</p> <ul style="list-style-type: none"> • accrediting and monitoring the designated agencies that arrange statutory out-of-home care in NSW • maintaining and monitoring the NSW Carers Register, a centralised database of people who are authorised, or who apply for authorisation, to provide statutory or supported out-of-home care • registering and monitoring agencies that provide, arrange or supervise voluntary out-of-home care • accrediting non-government adoption services providers • authorising the employment of children under the age of 15, and child models under the age of 16, in the entertainment sector • administering the Working With Children Check and encouraging organisations to be safe for children • administering the Child Sex Offender Counsellor Accreditation Scheme – a voluntary accreditation scheme for persons working with those who have committed sexual offences against children. <p><i>Children and Young Persons (Care and Protection) Act 1998 - s181 Principal functions</i> <i>Child Protection (Working with Children) Act 2012 – s37, 38, 39</i></p>	<p>Broad mandate to protect the rights and interests of individual children and young people in the child protection system or staying at a visitable site (residential facilities, detention centres, corrective services facilities, authorised mental health services, and disability facilities).</p> <p>Key functions in relation to children and young people in the child protection system include:</p> <ul style="list-style-type: none"> • developing a trusting relationship with the child • providing advice and information to the child • supporting the child at court and tribunal conferences, mediations, family group meetings and other meetings • helping the child to: <ul style="list-style-type: none"> ○ resolve issues and disputes ○ make official complaints ○ seek or respond to the revocation or variation of a child protection order ○ initiate an application to the tribunal for review of a child protection matter • monitoring plans for the child to ensure adherence • working with providers of a service or facility to the child • seeking to resolve disputes about reviewable decisions • helping an independent Aboriginal or Torres Strait Islander entity to support the child in referring matters to the tribunal • supporting the child at court and tribunal proceedings • making submissions, calling witnesses and testing evidence in court and tribunal proceedings on child protection matters. <p>The Public Guardian administers a community visitor program to promote and protect the rights and interests of children under care staying at visitable homes and all children staying at visitable sites. The key functions of the community visitor program are set out in the relevant section below.</p>	<p>CYP OAB 2016</p> <p>s26—Functions and powers of Guardian</p> <p>The Guardian must —</p> <p>promote the best interests of children under the guardianship, or in the custody, of the Minister, in particular those in alternative care</p> <p>advocate for their interests (in particular, for any such child who has suffered, or is alleged to have suffered, sexual abuse)</p> <p>monitor their circumstances</p> <p>provide advice to the Minister on quality of care and whether needs are being met</p> <p>inquire into and provide advice to the Minister in relation to systemic reform necessary to improve the quality of care provided in alternative care</p> <p>investigate and report on matters referred by the Minister.</p> <p>In carrying out these functions the Guardian must—</p> <p>encourage children affected by issues that the Guardian has under consideration to express their own views and give proper weight to those views</p> <p>pay particular attention to the needs of children under the guardianship, or in the custody, of the Minister who have a physical, psychological or intellectual disability; and</p> <p>receive and consider information, reports and materials relevant to carrying out the Guardian's functions.</p>	<p>YJA Act 2016</p> <p>s14—Training Centre Visitor's functions</p> <p>TCV functions include -</p> <p>conduct visits to training centres</p> <p>conduct inspections of training centres</p> <p>promote the best interests of the residents of a training centre</p> <p>advocate for the residents to promote the proper resolution of issues relating to their care, treatment or control</p> <p>inquire into, and provide advice to, the Minister in relation to any systemic reform necessary to improve—</p> <ul style="list-style-type: none"> - quality of care, treatment or control of residents -management of a training centre - and to inquire into and investigate any matter referred by the Minister. <p>In exercising these functions the TCV—</p> <p>must encourage residents to express their own views and give proper weight to those views; and must pay particular attention to the needs and circumstances of residents of a training centre who—</p> <ul style="list-style-type: none"> - are under the guardianship, or in the custody, of the Minister -or who are Aboriginal or Torres Strait Islander youths -or have a physical, psychological or intellectual disability.

Table B: Guardians/Visitors	New South Wales	Queensland	South Australia	
Powers	The Children's Guardian has a range of powers under legislation to enable them to carry out their functions. This includes powers of entry and inspection referenced under the 'Inspection and/or monitoring program' section.	The Public Guardian has the power to do all things necessary or convenient to be done to perform their functions.	(see section above) CYP OAB 2016 s26—Functions and powers of Guardian (3) Subject to this Act, the Guardian has such powers as may be necessary or expedient for the performance of the Guardian's functions.	s14(3) of the YJA Act (3) The Visitor has the powers necessary or expedient for, or incidental to, the exercise of the Visitor's functions. TCV may compel information - s15(1) A government or non-government organisation that is involved in the provision of services under this Act or the Young Offenders Act must, at the Training Centre Visitor's request, provide the Visitor with information relevant to the exercise of the Visitor's functions.
Self-motion inquiry power	Yes <i>Children and Young Persons (Care and Protection) Act 1998 - s188 Special reports to Parliament and to Minister</i> (1) The Children's Guardian may, at any time, make a special report on any particular issue or general matter relating to the functions of the Children's Guardian and furnish the report to the Presiding Officer of each House of Parliament.	No	Yes s26(1)(e) gives the capacity to inquire into, and provide advice to the Minister in relation to, systemic reform necessary to improve the quality of care provided for children in alternative care.	Yes s14(1)(e) of the YJA Act – to inquire into, and provide advice to, the Minister in relation to any systemic reform necessary to improve— (i) the quality of care, treatment or control of residents of a training centre; or (ii) the management of a training centre
Inspection and/or monitoring program	Yes <ul style="list-style-type: none"> Accrediting and monitoring of statutory out-of-home care and adoption service providers, including powers to enter and inspect premises. Registering and monitoring of voluntary out-of-home care service providers, including powers to enter and inspect premises. Powers to enter and inspect a place of employment of children as part of administering the authorisation of employment of children in the entertainment sector. Administering and monitoring of compliance with the Working With Child Check 	The role of the community visitor program includes monitoring of visitable homes and visitable sites (refer to functions section above and visitor program section below).	Yes s26(1)(e) gives the capacity to monitor the circumstances of children under the guardianship, or in the custody, of the Minister.	Yes s14(1)(b) of the YJA Act –to conduct inspections of training centres as required or authorised under this Part.
Visitor Program for Children (or similar)	No	Yes The Public Guardian administers a community visitor program for children and young people which provides statewide monitoring, oversight	Yes Penny Wright holds the separate statutory Child and Young Person's Visitor position under Chapter 9 of the <i>Children and Young People</i>	Yes s14(1)(a) of the YJA Act –to conduct visits to training centres as required or authorised under this Part.

Table B: Guardians/Visitors	New South Wales	Queensland	South Australia	
		<p>and advocacy services to:</p> <ul style="list-style-type: none"> children and young people under care staying at a visitable home (including foster and kinship care) all children and young people staying at a visitable site (residential facilities, detention centres, corrective services facilities, authorised mental health services, and disability facilities). <p>Key functions of community visitors include:</p> <ul style="list-style-type: none"> developing a trusting and supportive relationship with the child advocating on behalf of the child seeking information and facilitating access to support services inquiring into and reporting on the adequacy of information given to the child about their rights inquiring into and reporting on the physical and emotional wellbeing of the child inspecting and reporting on the appropriateness of visitable homes and visitable sites ensuring the child's needs are being met by the responsible person at the visitable home or visitable site inquiring into and reporting on any other matter at the request of the Public Guardian. 	<p>(Safety) 2016</p> <p>Section 18(1)(a) of that Act requires her, inter alia, to conduct visits to, and inspections of, prescribed facilities as required or authorised under this Chapter – these are residential care facilities.</p>	
Complaint handling / individual advocacy	<p>No</p> <p><i>Children and Young Persons (Care and Protection) Act 1998 - s180 Functions – Generally</i></p> <p>(2) Despite any provision of this or any other Act, the Children's Guardian is not entitled to carry out any of the following functions:</p> <p>(a) an investigation into the death of a child that is subject to investigation by the coroner under the <i>Coroners Act 2009</i> or review or investigation by the Ombudsman,</p> <p>(b) the investigation or resolution of a dispute that is the subject of a community services complaint within the meaning of Part 4 of the <i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i>.</p>	<p>Yes</p> <p>The Public Guardian has individual advocacy functions for children and young people the child protection system or staying at a visitable site.</p> <p>These functions are delivered through the community visitor program, complemented by the legal advocacy program for children and young people in the child protection system.</p> <p>Community visitors advocate on behalf of children and young people by listening to, giving voice to, and facilitating the resolution of, the child or young person's concerns and grievances. Community visitor advocacy often takes the form of short to medium term, non-legal, issue-based advocacy support.</p> <p>Child Advocate Legal Officers (CALOs) perform child advocate functions which relate to legal matters. The participation advocacy undertaken by CALOs involves providing information to a child or young person about their rights, ensuring their access to information, explaining their legal</p>	<p>CYP OAB 2016 s26(1)</p> <p>Advocates for the interests of children under the guardianship, or in the custody, of the Minister and, in particular, for any such child who has suffered, or is alleged to have suffered, sexual abuse.</p> <p>The Guardian has no direct complaint handling function but advocates for individual children and young people under guardianship or in custody and may assist them to refer their complaints to an appropriate Inquiry Agency.</p>	<p>YJA Act 2016 s14(1)(d)</p> <p>(d) to act as an advocate for the residents of a training centre to promote the proper resolution of issues relating to the care, treatment or control of the residents</p> <p>The TCV has no direct complaint handling function but advocates for individual children and young people in custody and may assist them to refer their complaints to an appropriate Inquiry Agency.</p>

Table B: Guardians/Visitors	New South Wales	Queensland	South Australia	
		<p>options, supporting them to express their views and wishes and advocating for their participation in decision making.</p> <p>The Public Guardian can help children and young people in the child protection system make an official complaint about a matter to someone. The Public Guardian can also make a complaint about services provided to a relevant child, or refer a complaint on a relevant child's behalf, to a complaints agency or other government service provider.</p> <p>The Queensland Ombudsman is responsible for oversight of complaints handling by agencies involved in the child protection system.</p>		
Accreditation scheme	<p>Yes</p> <ul style="list-style-type: none"> • Accreditation of statutory out-of-home care and adoption service providers • Child sex offender counsellors voluntary accreditation scheme 	No	No	No
Working with Children Check	Yes	No – currently administered by Blue Card Services in the Department of Justice and Attorney-General (Qld).	No	No
Reportable Conduct Scheme	The Reportable Conduct Scheme will transition from the NSW Ombudsman to the Children's Guardian in 2019.	No	No	No
Child Safe Organisations	<p>Yes</p> <p>The Office of the Children's Guardian encourages organisations to use a range of responses to manage the potential risks in their individual environments, including meeting their Working With Children Check legal obligations.</p> <p>The Office of the Children's Guardian provide face to face and online training for organisations that work with children and young people to support them to implement strategies to promote child safety.</p> <p>In September 2017 the Office of the Children's Guardian released Principles for Child-Safe Organisations to support organisations to think about strategies that can keep children safe. These principles are consistent with the Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child</p>	No	No	No

Table B: Guardians/Visitors	New South Wales	Queensland	South Australia	
	<p>Sexual Abuse.</p> <p>The Office of the Children's Guardian will also be consulting on how best to implement mandatory requirements for child-related organisations to meet the Royal Commission's Child Safe Standards.</p>			
Serious incident/child death review	<p>No – However, under the <i>Children and Young Persons (Care and Protection) Act 1998 (s172)</i>, the Children's Guardian must be notified of the death of a child or young person in statutory or supported out-of-home care. This ensures the Children's Guardian can consider the designated agency's response and ensure appropriate systems are in place within the agency.</p>	No	<p>No</p> <p>The separate Child Death and Serious Injury Review Committee (CDSIRC) is enabled in the CYP OAB 2016.</p>	<p>No</p> <p>The separate Child Death and Serious Injury Review Committee (CDSIRC) is enabled in the CYP OAB 2016.</p>
Direct consultation with children and young people	No specific requirement in legislation	<p>Yes on an individual basis in the performance of the Public Guardian's functions.</p> <p>No advisory committees or equivalent.</p>	<p>s27—Participation of children and young people in development of practices, etc.</p> <p>The Guardian must establish and maintain processes to ensure the participation of children and young people in strategic, policy or systemic practice development or review processes.</p>	s14(2)(a) - the TCV must encourage residents of a training centre to express their own views and give proper weight to those views
Other		<p>The Public Guardian also has a role to protect the rights and interests of adults with impaired capacity for a matter.</p> <p>The Public Guardian has the following functions in relation to an adult with impaired capacity for a matter:</p> <ul style="list-style-type: none"> • protecting the adult from neglect, exploitation or abuse • providing the community visitor program to protect the rights and interests of the adult if the adult resides at a visitable site • investigating complaints and allegations about actions by an attorney, guardian, administrator, or another person purporting to act under an authority • mediating and conciliating between attorneys, guardians, administrators and others, if the Public Guardian considers this appropriate to resolve an issue • acting as attorney if appointed or authorised • acting as guardian if appointed by the Queensland Civil and Administrative Tribunal • giving short-term approval for the use of containment or seclusion • consenting to a forensic examination • seeking help (including help from a government agency, or other institution, welfare organisation or provider of a service) 		<p>Discussion is underway to formalise a TCV role in undertaking OPCAT National Preventative Mechanism responsibilities with respect to children and young people in the youth justice system.</p>

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Table B: Guardians/Visitors	New South Wales	Queensland	South Australia	
		<p>or facility) for, or making representations for, an adult with impaired capacity</p> <ul style="list-style-type: none"> educating and advising persons about, and conducting research into, the operations of the <i>Public Guardian Act 2014</i>, the <i>Guardianship and Administration Act 2000</i> and the <i>Powers of Attorney Act 1998</i>. 		