

**COMMITTEE ON THE
RIGHTS OF THE CHILD**

**WRITTEN REPLIES BY THE GOVERNMENT OF AUSTRALIA
CONCERNING THE LIST OF ISSUES (CRC/C/Q/AUS/3) RECEIVED
BY THE COMMITTEE ON THE RIGHTS OF THE CHILD RELATING
TO THE CONSIDERATION OF THE SECOND AND THIRD PERIODIC
REPORTS OF AUSTRALIA (CRC/C/129/Add.4)**

[Received on 9 August 2005]

CRC/C/RESP/90

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PART I

A. Data and statistics, if available

1. Number and percentage of children under 18 living in Australia

Not all data requested is available. Australia's last Census was in 2001, prior to our last report. Data in Table 1.1 is estimated numbers by age and sex for 2002, 2003 and 2004. Data in Table 1.2 is from the 2001 Census and is the most recent estimate of Indigenous children by state and territory. Data in Table 1.3 is based on ASGC Remoteness Category. Note that there are some missing values in this table, because remoteness categories are derived from 2001 Statistical Local Areas (SLAs) and these have been revised slightly since 2001. The estimates therefore have some unallocated or missing children numbers for each age group. Also note that ABS collects data in 4 year age groupings, so the cumulative data is for children under 19.

Table 1.1 - Estimated Resident Population By Single Year Of Age, Australia(a)

Age	2002			2003			2004		
	Females	Males	Total	Females	Males	Total	Females	Males	Total
0	119896	126263	246159	120108	126265	246373	123690	130160	253850
1	123410	130135	253545	120279	126692	246971	120598	126716	247314
2	125187	131217	256404	124004	130710	254714	120781	127232	248013
3	125500	131989	257489	125806	131850	257656	124711	131368	256079
4	125372	131952	257324	126140	132763	258903	126446	132579	259025
5	127946	134827	262773	126148	132747	258895	126696	133533	260229
6	129239	136577	265816	128684	135555	264239	126765	133513	260278
7	132497	139529	272026	129892	137265	267157	129427	136205	265632
8	132111	140180	272291	133191	140216	273407	130612	137937	268549

9	133149	140286	273435	132865	140901	273766	133891	140918	274809
10	134307	141066	275373	133930	141142	275072	133535	141609	275144
11	135001	141966	276967	135108	141828	276936	134530	141808	276338
12	133577	140856	274433	135795	142883	278678	135757	142487	278244
13	132591	138678	271269	134357	141629	275986	136495	143671	280166
14	131427	137447	268874	133232	139553	272785	135031	142250	277281
15	131199	137894	269093	132018	138097	270115	134135	140431	274566
16	132630	139157	271787	131622	138479	270101	133213	139314	272527
17	133776	139296	273072	133405	140011	273416	133564	140422	273986
18	132252	138781	271033	134983	141099	276082	136230	142860	279090
Total	2471067	2598096	5069163	2471567	2599685	5071252	2476107	2605013	5081120

Source: ABS - 3201.0 Population by Age and Sex, Australian States and Territories Estimated Resident Population By Single Year Of Age, Australia(a)

Table 1.2 - Number of indigenous children by state (children 0-14)

2001 Census data	NSW	VIC	QLD	WA	SA	Tas	ACT	NT	Australia
Indigenous as a % of the child population	4	1.1	6.4	6.4	3.4	7.1	2.3	40.5	4.5
Indigenous as a % of all Indigenous Children	30	6	28	14.3	5.5	3.8	0.8	11.4	100
Total Indigenous	53,873	10,794	50,189	25,622	9,778	6,878	1,497	20,428	179,059

Source: ABS - 2001 Census - Cat No. 2015.0

Table 1.3 - Number of children under 19 across ASGC remoteness categories

2004	0-4	5-9	10-14	15-19	Total
1. Major Cities	720113	723247	743245	792392	2978997
2. Inner Regional	346825	388376	417439	396436	1549076
3. Outer Regional	144990	163183	174221	153193	635587
4. Remote	24997	26535	26035	20267	97834
5. Very Remote	22189	22509	20625	16544	81867
6. Missing	5167	5647	5608	4551	20973
Total	1264281	1329497	1387173	1383383	5364334

2003	0-4	5-9	10-14	15-19	Total
1. Major Cities	715861	726014	739155	790278	2971308
2. Inner Regional	348742	390459	414371	393670	1547242
3. Outer Regional	148040	165786	174369	152551	640746
4. Remote	25411	26570	25641	19917	97539
5. Very Remote	22551	22895	20687	17015	83148
6. Missing	4332	4584	4224	3364	16504
Total	1264937	1336308	1378447	1376795	5356487
2002	0-4	5-9	10-14	15-19	Total
1. Major Cities	714772	729349	731908	788906	2964935
2. Inner Regional	350475	391999	409544	391614	1543632
3. Outer Regional	151578	168840	174224	153659	648301
4. Remote	25996	27164	25577	20292	99029
5. Very Remote	25188	25452	22682	19353	92675
6. Missing	2412	2609	2226	1648	8895
Total	1270421	1345413	1366161	1375472	5357467

2.Budget allocations and trends (in percentages of the national budget or GDP)

a) education (different types of education, i.e. pre-primary, primary and secondary education)

Table 2.1 shows Australian Government budget allocations to education for 2002-03 to 2005-06 financial years in terms of actual and estimated data, disaggregated by function and sub-function.

Table 2.1 – Australian Government Expenses related to Education by function and sub-function, 2002-03 to 2005-06 Financial years (actual and estimated data)

Education Summary of Expenses	2002-03 Actuals \$m	2003-04 Actuals \$m	2004-05 Actuals \$m	2005-06 Estimates \$m
Higher Education	4,017	4,549	4,735	5,164
Vocational and other education	1,323	1,332	1,425	1,571
Non-Government Schools	3,869	4,452	5,091	5,508
Government Schools	2,143	2,284	2,595	2,851
Schools	6,013	6,735	7,686	8,359
Student Assistance	641	650	569	530
General Administration	0	0	1	1
School education – specific funding	115	130	118	105
Total	12,109	13,398	14,533	15,729*
Total Australian Government expenditure	169,247	182,005	195,012	206,081
% of total Australian Government expenditure associated with Education Function	7.2%	7.4%	7.5%	7.6%

(Source – Budget Paper No 1 (Budget Strategy and Outlook) 2005-06, 2004-05 Expenses and Net Capital Investment
Table A1: Estimates of expenses by function and sub-function)

* Note, totals may not add due to rounding

b) child care services, including day care centres

Disaggregated data for 2003-2005 on budget allocations for Child Care services, including day care centres

Table 2.2 - Funding for Child Care 2003-05		
	2003-04	2004-05
Child Care Support Program	\$m	\$m
Long Day Care	\$16,130	\$17,854
Family Day Care	\$71,660	\$72,399
In Home Care	\$3,756	\$4,322
Outside School Hours Care	\$7,491	\$8,791
Occasional Care	\$7,096	\$7,252
Inclusion Support	\$41,306	\$48,335
Other support components	\$52,353	\$67,444
Total CCSP	\$199,792	\$226,397
JET child care	\$12,880	\$15,264
Child Care Benefit	\$1,387,946	\$1,519,254
Departmental funding	\$124,966	\$153,269
Total	\$1,725,584	\$1,914,184

c) health care (different types of health services, i.e. primary health care, vaccination programmes, adolescent health care and other health care services for children)

Overall Australian Government spending on health as a proportion of GDP in 2004-05 was 4.1%. Data on budget allocations and trends in percentages of national budget or GDP is not separately collected so as to be able to disaggregate data relating to health care programmes for children.

d) programmes and services for children with disabilities

The Literacy, Numeracy and Special Learning Needs (LNSLN) Programme is an Australian Government key targeted programme and will provide an estimated \$2.1 billion over the 2005-2008 quadrennium. The programme aims to improve the literacy, numeracy and other learning outcomes of students who are educationally disadvantaged, including students with disabilities. The LNSLN Programme is comprised of three distinct elements:

- Schools Grants Element;
- National Projects; and
- Non-Government Centres Support.

e) support programmes for families

Family Assistance Programme

In 2003-04 the total budget allocation for the Family Assistance programme was \$15,842,754,000, amounting to 2.01% of GDP. Actual figures for the Family Assistance programme are not available for the 2004-05 financial year. The GDP for 2004-05 is also not yet available.

Stronger Families and Communities Strategy 2004–2009

The Stronger Families and Communities Strategy is an Australian Government initiative giving families, their children and communities the opportunity to build a better future. The original Strategy ran from 2000–2004. In 2004, the Australian Government committed additional funding of \$490 million to the Strategy for 2004-2009.

The first Strategy assisted communities develop local solutions to local problems. More than 660 projects were funded including Early Childhood Programs; Parenting Skills Programs; Relationship Skills Programs; Mentoring and Leadership Programs; Community Building Programs; and Volunteering Programs.

The new Stronger Families and Communities Strategy continues the principles of the original Strategy but with a greater focus on early childhood development. The new Strategy is guided by the latest research and consultation feedback from the National Agenda for Early Childhood. It aligns with the following four key action areas identified in the Agenda:

- Healthy young families
- Early learning and care
- Supporting families and parenting
- Child-friendly communities.

The Strategy consists of four main streams:

1. *Communities for Children (\$142.4 million over five years)*

Targets 45 disadvantaged communities providing funding for local early childhood initiatives.

2. *Early Childhood—Invest to Grow (\$70.5 million over four years)*

Provides funding for national early childhood programs and resources. It ensures that Australia continues to be one of the world leaders in best practice in the early childhood development field.

3. *Local Answers (\$137.0 million over five years)*

Gives communities the power to develop their own solutions and help them help themselves by supporting locally developed and implemented projects which provide help in such areas as parenting and relationship skills, community strengthening and participation for young parents, volunteering, mentoring and leadership. Local Answers funds **Volunteer Small Equipment Grants**. Grants of up to \$3000 are available to local community organisations for the purchase of equipment. A total of \$14.6 million is earmarked for this initiative for 2004-2009.

4. *Choice and Flexibility in Child Care (\$125.3 million over four years)*

Continues the groundbreaking work of the first Strategy by providing parents with flexible and innovative childcare solutions. It funds the continuation of the in-home

care program and provides additional places for families without other formal childcare options. There are incentives for long day care providers to set up in areas of high need, and funding continues for the quality assurance systems for family day care and outside school hours care.

f) support for children living below the poverty line (please also specify the criteria for 'poverty' and indicate the number of children living below the poverty line)

Australia has never had an official poverty line, so the Australian Government would be unable to indicate the number of children living in families below any such measurement.

g) programmes to support indigenous families and/or children

The Australian Government provides funding for a large range of programmes to support indigenous families and children.

Jobs Education and Training Program (JET)

In remote Indigenous communities, the Government helps Indigenous parents access education, training and employment opportunities through the Jobs Education and Training (JET) Child Care program. Provision of child care in Indigenous communities allows parents to participate in the workforce as well as in activities like the Community Development Employment Program (CDEP), training programs and community business.

Community Housing and Infrastructure Program (CHIP)

In addition to funding specific programmes to support indigenous families and children, the Australian Government has provided over \$350 million in 2004-05 in funding for Indigenous housing and infrastructure programmes, primarily to address Indigenous housing needs in rural and remote areas. This funding is used to deliver a number of programmes aimed to reduce overcrowding, improve the safety, health and sustainability of housing and improve essential services like water, sewerage and roads.

Table 2.3 - Funding for Indigenous housing and infrastructure programmes

Program name	Total expenditure for 2003-04	Total allocation for 2004-05	Total allocation for 2005-06
Community Housing & Infrastructure Program	\$201.3m	\$249.8m	282.9m (*includes FHBH)
Aboriginal Rental Housing Program (ARHP)	\$101m	\$102m	93m
Fixing Houses for Better Health (FHBH)	\$3m	\$3m	*
TOTAL Funding	\$305.3m	\$354.8m	375.9m

Indigenous Parenting and Family Wellbeing

Indigenous Parenting and Family Wellbeing promotes the importance of strong families among Aboriginal and Torres Strait Islander peoples while strengthening parenting skills and participation in family life.

Table 2.4 – Funding for Indigenous Parenting and Family Wellbeing

Program name	Total allocation for 2003-04	Total allocation for 2004-05	Total allocation for 2005-06
Indigenous Parenting and Family Wellbeing	\$1.8m	\$1.8m	\$1.9m

Aboriginal and Islander Child Care Agencies

Aboriginal and Islander Child Care Agencies provide a range of services focused on children, including alternative care services and placement (fostering and adoption), family reunifications and related family wellbeing.

Table 2.5 – Funding for Aboriginal and Islander Child Care Agencies

Program name	Total allocation for 2003-04	Total allocation for 2004-05	Total allocation for 2005-06
Aboriginal and Islander Child Care Agencies	\$3.397m	\$3.518m	\$3.614m

Indigenous Child Care

The Child Care Support Program (CCSP) is a package of assistance to child care services with the goal of supporting and promoting access to quality child care for children, families and communities. The CCSP is in addition to assistance provided directly to families through Child Care Benefit (CCB). CCB assists families with the costs of child care.

The CCSP, implemented on 1 July 2005, aims to provide improved access to, and better support for, child care services, especially for Indigenous and rural/remote communities. The funding for the Child Care Support Program was increased by \$25 million to \$226 million in 2004-05, and for 2005-06 funding is \$232 million.

Approximately 270 Indigenous specific child care services have been established to meet the child care needs of Indigenous children and their families. Specific funding for Indigenous Child Care Services comes from the Child Care Support Program total allocation shown above.

Table 2.6 – Funding for Indigenous Child Care Support Program

Program name	Total allocation for 2003-04	Total allocation for 2004-05	Total allocation for 2005-06
Indigenous Child Care	\$20.5m	\$21.0m	\$Not available

Family Violence Programs

The Department of Family and Community Services manages two family violence programs which seek to reduce family violence in Indigenous communities, namely:

- The Family Violence Partnership Programme (FVPP); and

- The Family Violence Regional Activities Programme (FVRAP)

Family Violence Partnership Programme (FVPP)

- The Family Violence Partnership Programme aims to:
 - support and complement state and territory government initiatives addressing Indigenous Family Violence;
 - build on the Australian Government's commitment to tackling family violence in Indigenous communities; and
 - develop local solutions to issues that contribute to violence, such as alcohol and drug abuse, and address causal factors to family violence, particularly socio-economic and participatory issues, to effect sustainable change.
- FVPP has an allocation of \$37.3 million over four years (2004-05 to 2007-08) for funding initiatives to reduce and prevent Indigenous family violence, sexual assault and child abuse.
- Target groups within the community are rural and remote Indigenous communities, Indigenous victims (or those at risk of becoming victims) of family violence and/or community violence, women, children and youth, and victims of sexual assault. In instances where it can be demonstrated that projects will contribute to sustainable intervention and behavioural change, perpetrators of family violence may also form part of the target group.

Family Violence Regional Activities Programme (FVRAP)

The overall objective of FVRAP is to provide practical and flexible support for grassroots projects that have been identified by the community as a local priority to address family violence, sexual assault, child abuse and/or child protection, and to also trial new approaches to reduce family violence in Indigenous communities, by:

- promoting and supporting community organisations to develop community based, culturally appropriate ways of reducing and preventing family violence in Indigenous communities;
- supporting projects with a holistic approach, which address the social, emotional and cultural wellbeing of the whole community and include, where

appropriate, traditional approaches to family relationships including traditional lore;

- supporting effective solutions which involve all elements of the community, reflecting the important roles of men, women, children, elders, and community leaders;
- increasing the skills of communities in understanding, preventing and responding to family violence, leading to stronger communities which are able to respond effectively to family violence beyond the life of the project;
- fostering collaboration between local agencies and community based organisations in the prevention of family violence, including through mentoring and evaluation; and
- gathering information on a range of innovative and culturally appropriate responses to family violence that can inform government policy and other community organisations working to reduce family violence.
- FVRAP has an allocation of around \$4 million annually.

Note: Disaggregated figures are not available

Family and Community Networks Initiative

In the 2002/03 Commonwealth Budget, \$6.8 m over 4 years was allocated to the Family and Community Networks Initiative.

The Family and Community Network Initiative (FCNI) program was developed to enhance the capacity of communities and services to work together effectively to address the needs of families and communities. This is achieved by strengthening family and community agency networks; improving access to information; and delivering initiatives that focus on local solutions to local problems.

Since 2003 FCNI projects have focused upon supporting Indigenous communities, in particular those participating in the Council of Australian Governments' Indigenous Community Coordination Pilots (ICCP). Between 2003 –2005, twenty-nine diverse projects have been funded in Indigenous communities across Australia. A Review of the FCNI project is currently underway.

Note: Disaggregated figures are not available

h) the protection of children who are in need of alternative care including the support of care institutions

Data is not available in this form.

i) programmes and activities for the prevention of and protection from child abuse, child sexual exploitation and child labour

The Department of Family and Community Services (FaCS) administers the Child Abuse Prevention appropriation (budgetary allocation history of which is in the table below), but that is not the full extent of activities funded by FaCS that could fall in the category of child abuse prevention. Many aspects of many programs, payments, services and initiatives targeted at families and children have an element of child abuse prevention. It would be very difficult to isolate the funding for programs that specifically target child abuse prevention. In regard to funding under the Child Abuse Prevention appropriation, the amounts are as follows:

<i>Table 2.7 – Child Abuse Prevention Appropriation by Year, Allocation and Expenditure</i>		
Financial Year	Budget Allocation	Year to Date Expenditure
2001-02	\$3,923,000	\$3,488,620
2002-03	\$4,013,000	\$3,852,661
2003-04	\$4,113,000	\$3,845,945
2004-05	\$4,187,000	\$4,040,979
2005-06	\$4,283,000	

j) juvenile justice

The data on juvenile justice is being compiled and will be provided to the Committee as soon as it becomes available.

k) juvenile crime prevention and rehabilitation

The data on juvenile crime prevention and rehabilitation is being compiled and will be provided to the Committee as soon as it becomes available.

l) other social services

The data provided in response to questions 2(a) – (k) covers a wide range of social services. The Australian Government would be happy to discuss any further matters on which the Committee seeks information.

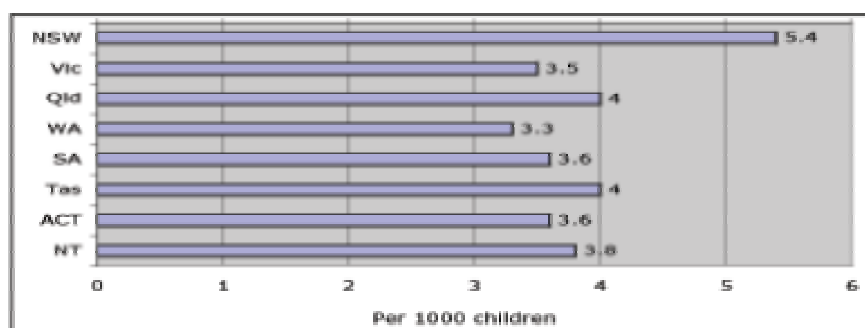
3. Children deprived of a family environment and separated from parents

a) separated from their parents;

The most recent statistics from the Australian Institute of Health and Welfare (AIHW) suggest that as of 30 June 2003 there were 20,297 Australian children living in out-of-home care. Table 3.1 provides a breakdown of the rate of children (per 1000) in out-of-home care in each state/territory.

Between 1997 and 2003 the number of children in out-of-home care has risen by 45% (an increase of 6,318 children).

Table 3.1 - Rate of children (per 1000) in out-of-home care in Australian states/territories at 30, June 2003



(Source: AIHW, 2004)

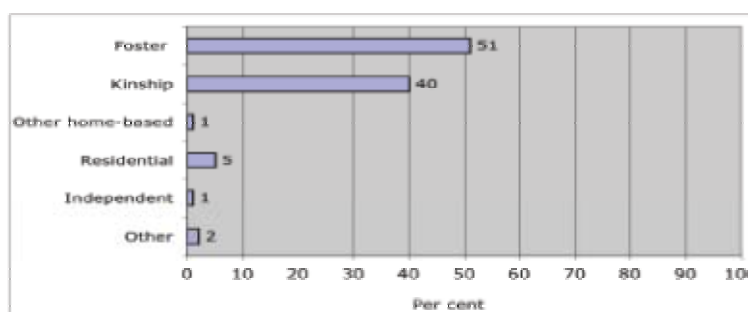
b) placed in institutions

Data is not available in this form.

c) placed with foster families

AIHW statistics show that 51% of all children living in out-of-home care in Australia are cared for by foster parents (see Table 3.2). A further 40% of children in out-of-home care are living in kinship foster care (i.e., with their extended family).

Table 3.2 - Children in out-of-home care: type of placement as of 30 June 2003.



(Source: AIHW, 2004)

Of children in out-of-home care, South Australia has a relatively high proportion in foster care (82%), and New South Wales has a relatively high proportion placed with relatives or kin (57%).

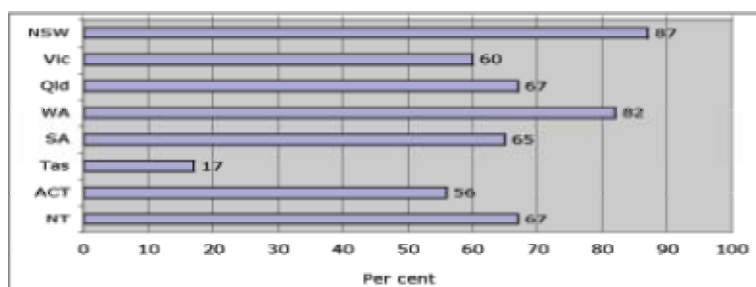
Aboriginal and Torres Strait Islander children comprise 2.7% of children in Australia, yet constitute 20% of those placed in out-of-home care. As of June 2003, there were 4,750 Aboriginal children in out-of-home care in Australia, a placement rate of 22.8 per 1,000 children aged 0-17 years. There was substantial variation across the states and territories, with the placement rate varying from 5.3 per 1,000 in Tasmania to 40.5 per 1,000 in Victoria. In all jurisdictions, the proportion of Indigenous children on placement orders was higher than that for other children: in Victoria, it was 13 times higher; in NSW, WA and the ACT, it was over 8 times higher; and in the NT, the rate was nearly 3 times higher.

All Australian States and Territories have adopted the Aboriginal and Torres Strait Islander Child Placement Principle that guides the placement of Indigenous children when they are placed in care. The Principle lays down the placement preferences to be followed when placing an Indigenous child. Consideration must first be given to a placement with kin (extended family); then to other families in the child's community, and then other Indigenous carers. Placement with non-Indigenous carers is therefore the placement of last resort.

As of June 2003, 77% of Aboriginal and Torres Strait Islander children in out-of-home care were in the care of an Indigenous family or relative (in accordance with the ATSI Child Placement Principle); the remaining 23% had not been placed with an Indigenous family or a relative. Compliance with the Child Placement Principle

varies significantly across the states and territories, ranging from 17% in Tasmania to 87% of placements in New South Wales made in accordance with the Principle (see Table 3.3).

Table 3.3 - Proportion of Aboriginal and Torres Strait Islander children in out-of-home care who were placed according to the ATSI Child Placement Principle



Source: AIHW (2004)

d) adopted domestically

The following tables set out the number of children adopted domestically (by age and gender) for the years 2002-03 and 2003-04. Australia does not currently have data for the year 2004-05.

Table 3.4 - Number of children adopted domestically by age and gender 2002-2004						
Number of children adopted domestically	2002-3			2003-4		
	M	F	U	M	F	U
Under 1	58	72		129	87	
1-4	83	104		62	141	
5-9	38	34		16	28	
10-14	24	20		8	11	
15+	10	14	1	7	5	8
Unknown			13			
TOTAL	212	245	14	222	272	8
	TOTAL for 2002: 472			TOTAL for 2003: 502		

(Source: Australian Institute of Health and Welfare, *Adoptions Australia 2003 – 04*, p. 43; Australian Institute of Health and Welfare, *Adoptions Australia 2002 – 03*, p. 42)

Table 3.5 - Number of indigenous children adopted domestically, 2002-2004		
2002-3	2003-4	2004-5
2	1	

(Source: Australian Institute of Health and Welfare, *Adoptions Australia 2003 – 04*, p. 22.)

e) adopted abroad

The number of children adopted abroad for the years 2002-2005 is 0. All Australian children were adopted within Australia.

f) migrant unaccompanied persons below 18

The data relating to migrant unaccompanied persons below 18 is being compiled and will be provided to the Committee as soon as it becomes available.

4. Children with disabilities

a) living with their families

Data is not available in this form.

b) in institutions

Data is not available in this form.

c) attending regular schools

Table 4.1 shows the number of students with disabilities attending government and non-government schools by primary or secondary status, full and part-time attendance status and year.

Table 4.1 – Numbers of students with disabilities that are eligible for Government funding
Government Sector

Year	Primary	Part time	Secondary	Part time
	Full time		Full time	
2004	61893	1483	41825	643
2003	60720	1438	39364	638
2002	59180	1615	36360	560
2001	59335	3051	33080	418

Non Government Sector

Year	Primary	Part time	Secondary	Part time
	Full time		Full time	
2001	11939	275	7982	111
2002	12623	281	8468	128
2003	13331	293	9208	128
2004	14089	306	9929	136

d) attending special schools

Data is not available in this form.

e) not attending any school

Data is not available in this form.

5. Abduction to or from Australia

The following table sets out the number of parental child abductions which come under The Hague Convention on the Civil Aspects of International Child Abduction (The Hague Convention) for the years 2002-03, 2003-04, 2004-05 and from 1 January 2005 – 30 June 2005.

Table 5.1 - Number of parental abductions into and out of Australia (under The Hague Convention on the Civil Aspects of International Child Abduction)				
	2002	2003	2004	2005 (up to 30 June 2005)
Abducted to	94	55	86	37
Abducted from	156	150	118	56

The Australian Government can provide statistics on applications for financial assistance where a child has been abducted to a non-Hague country. Five applications were received in 2002, 10 applications in 2003 and 9 applications in 2004. These statistics do not include cases where people did not inquire about financial assistance or did inquire but did not pursue the application.

6. Child abuse

a) number of reported cases of child abuse

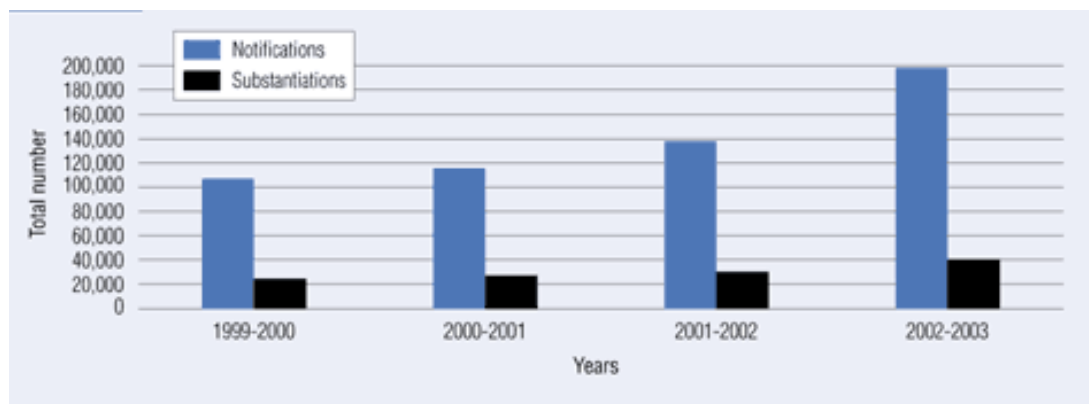
There is no accurate information about the *prevalence* of child abuse in Australia. 'Prevalence' refers to the total number of children who have experienced abuse or neglect in the Australian community. Such information is usually collected via a large survey of the population.

The most accurate statistics that are available about child abuse in Australia are the numbers of reports of suspected child abuse made to statutory child protection departments. While these figures give some indication of the *incidence* (or numbers) of child abuse and neglect being reported to authorities in Australia, it is well known that fewer cases of abuse are reported than are occurring in the Australian population.

In Australia, state and territory governments have the statutory responsibility for protecting children from child abuse and neglect. Definitions of what constitutes child abuse vary across the different states and territories. Similarly, child protection legislation, including mandatory reporting requirements and child protection practice, differs between the states. Thus it is difficult to obtain consistent and comparable national statistics.

The most recent national figures from the Australian Institute of Health and Welfare indicate that in Australia during 2002-2003 there were 198,355 reports of suspected cases of child abuse and neglect made to state authorities. This figure has risen significantly over the last five years from 91,734 reports in 1995-1996. These figures do not necessarily mean that the actual occurrence of child abuse and neglect has increased over this time, but they do show that the reporting of cases to child protection services has increased.

Table 6.1 – Total number of notifications and substantiations for child abuse and neglect in Australia, 1999-2003



(Source – AIHW, 2003)

Table 6.1 shows that, of reported cases, 40,416 were substantiated. 'Substantiated' means that a report of suspected abuse was made and investigated, and child protection authorities determined that there was reasonable cause to believe that the abuse or neglect had occurred.

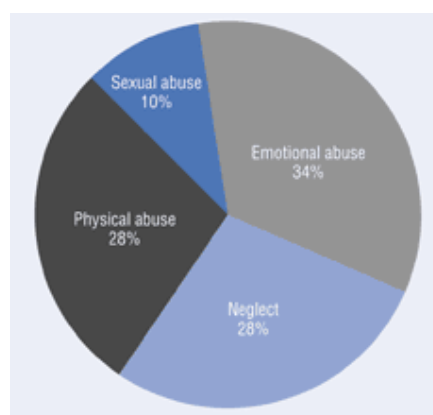
Of the substantiated cases: physical abuse comprised 28 per cent; sexual abuse 10 per cent; emotional abuse 34 per cent; neglect 28 per cent.

In all jurisdictions (except the ACT) girls were approximately three times more likely than boys to be the subject of a substantiation of *sexual abuse*. In all jurisdictions (except the ACT) boys were more likely than girls to be the subject of a substantiation for *physical abuse*.

The rates of substantiated abuse or neglect decreased as age increased, with children under one year old being the most likely to be subject to a substantiated report of abuse, and children aged 15-16 years the least likely.

Nationally, Aboriginal and Torres Strait Islander children were more likely to be subject to substantiated reports than were other children. This rate ranged from almost twice as likely in Queensland, through to nearly ten times more likely in Victoria.

Table 6.2 – Types of abuse/neglect in substantiated cases across Australia, 2002-03



(Source: AIHW, 2003)

b) number and percentage of reports which have resulted in either a court decision or other types of follow-up

Some children who are found to have suffered abuse and neglect are removed from their homes by child protection authorities and placed in out-of-home care. In 2002-2003, 12,819 children were admitted to care, bringing the total number of children in care to 20,297. Approximately one quarter (23 per cent) of the children in care in 2002-2003 were under five years of age, 31 per cent were aged 5-9, 32 per cent of children in care were aged 10-14 with 14 per cent of children in care being aged 15-17.

Most children who were removed from their homes were placed in out-of-home care (92 per cent). Home-based care means that a child is living with a carer who is partially reimbursed for the costs of caring for the child. This may be a family member (kinship care), someone who knows the child, a foster carer, or some other home-based arrangement. Of those children in home-based care, 51 per cent were in foster care, 40 per cent were in the care of relatives, and 1 per cent were with another type of home-based carer.

A small proportion of children (5 per cent) removed from their homes are placed in residential care where staff are paid to care for them. The total number of children in residential care in 2002-2003 was 1,063. Children in residential care were substantially older than other children in out-of-home care, with 46 per cent aged between 10-14 years, and a further 35 per cent aged between 15-17 years.

In June 2002, there were 4,750 Aboriginal and Torres Strait Islander children in out-of-home care. This represents 23 per cent of the total number of children living in out-of-home care.

7. Education

a) the enrolment and completion rates in percentages of the relevant group in pre-primary schools, in primary schools and in secondary schools

Enrolment

The data for enrolments is disaggregated to represent all students by age, sex and level of education in 2002, 2003 and 2004, and also to represent indigenous students by age, locality, level of education and sex.

All students

Table 7.1 – Enrolment in all schools by age and level of education, 2002

Total Primary	Age as at 1 July 2002							
	5 and under	6	7	8	9	10	11	12
Males	96,479	134,313	138,639	138,880	139,143	138,806	138,972	63,124
Females	97,746	127,669	131,133	131,307	132,207	131,792	131,670	52,957
Persons	194,225	261,982	269,772	270,187	271,350	270,598	270,642	116,081
Total Secondary								
Males	3	1	3	4	11	25	1,306	75,862
Females	1	1	3	1	5	24	1,663	78,865
Persons	4	2	6	5	16	49	2,969	154,727
Total Students								
Males	96,482	134,314	138,642	138,884	139,154	138,831	140,278	138,986
Females	97,747	127,670	131,136	131,308	132,212	131,816	133,333	131,822
Persons	194,229	261,984	269,778	270,192	271,366	270,647	273,611	270,808
Total Primary								
	13	14	15	16	17	18	19	20 and over
Males	3,695	96	41	13	4	2		
Females	2,232	98	35	22	11	4	1	2
Persons	5,927	194	76	35	15	6	1	2
Total Secondary								
Males	132,464	134,096	127,437	110,860	84,157	19,342	2,703	1,945
Females	127,332	127,957	122,986	111,457	89,230	16,739	2,207	1,993
Persons	259,796	262,053	250,423	222,317	173,387	36,081	4,910	3,938
Total Students								
Males	136,159	134,192	127,478	110,873	84,161	19,344	2,703	1,945
Females	129,564	128,055	123,021	111,479	89,241	16,743	2,208	1,995
Persons	265,723	262,247	250,499	222,352	173,402	36,087	4,911	3,940
								All students
								992,207
								938,886
								1,931,093
								690,219
								680,464
								1,370,683
								1,682,426
								1,619,350
								3,301,776

(Source: Australian Bureau of Statistics Cat. No 4221.0 Schools Australia 2002)

Table 7.2 – Enrolment in all schools by age and level of education, 2003

Age as at 1 July 2003									
Total Primary	5 and under	6	7	8	9	10	11	12	
Males	95,203	134,523	135,666	139,358	139,810	139,951	138,657	63,739	
Females	97,218	128,006	128,564	131,840	132,199	133,014	131,072	53,767	
Persons	192,421	262,529	264,230	271,198	272,009	272,965	269,729	117,506	
Total Secondary									
Males	3	2	2	2	5	17	1,327	76,734	
Females		1	1	4	2	21	1,622	79,906	
Persons	3	3	3	6	7	38	2,949	156,640	
Total Students									
Males	95,206	134,525	135,668	139,360	139,815	139,968	139,984	140,473	
Females	97,218	128,007	128,565	131,844	132,201	133,035	132,694	133,673	
Persons	192,424	262,532	264,233	271,204	272,016	273,003	272,678	274,146	
Total Primary									
	13	14	15	16	17	18	19	20 and over	All students
Males	3,828	100	31	17	7	1	2		990,893
Females	2,465	72	18	15	13	12	1	1	938,277
Persons	6,293	172	49	32	20	13	3	1	1,929,170
Total Secondary									
Males	136,363	136,275	128,641	111,925	84,310	19,951	2,812	1,726	700,095
Females	130,836	129,931	124,285	112,534	88,925	16,790	2,468	2,029	689,355
Persons	267,199	266,206	252,926	224,459	173,235	36,741	5,280	3,755	1,389,450
Total Students									
Males	140,191	136,375	128,672	111,942	84,317	19,952	2,814	1,726	1,690,988
Females	133,301	130,003	124,303	112,549	88,938	16,802	2,469	2,030	1,627,632
Persons	273,492	266,378	252,975	224,491	173,255	36,754	5,283	3,756	3,318,620

(Source: Australian Bureau of Statistics Cat. No 4221.0 Schools Australia 2003)

Table 7.3 – Enrolment in all schools by age and level of education, 2004

Age as at 1 July 2004									
Total Students	5 and under	6	7	8	9	10	11	12	
All students	192,086	261,825	265,116	266,107	273,030	273,811	274,736	272,825	
Primary	192,086	261,825	265,112	266,102	273,019	273,785	272,087	121,390	
Secondary			4	5	11	26	2,649	151,435	
Total Primary									
	13	14	15	16	17	18	19	20 and over	All students
All students	276,370	273,708	256,569	225,534	174,204	37,073	5,354	3,616	3,331,964
Primary	6,283	79	18	5					1,931,791
Secondary	270,087	273,629	256,551	225,529	174,204	37,073	5,354	3,616	1,400,173

(Source: Australian Bureau of Statistics Cat. No 4221.0 Schools Australia 2004)

Indigenous Students

Table 7.4 – Full-time Indigenous student enrolments in Preschool for years 2002, 2003 and 2004						
	Indigenous Total	Indigenous males	Indigenous females	Metropolitan Zone	Provincial Zone	Remote Zone
2002	8,729	4,470	4,259			
2003	9,025	4,656	4,369			
2004	9,055	4,624	4,431	2,448	3,630	2,977

(Source: DEST National Indigenous Preschool Census 2002 – 2004)

Table 7.5 - Indigenous students enrolments in Preschool by age for years 2002, 2003 and 2004						
	3 year old or less	4 year olds	5 years or older	Metropolitan Zone	Provincial Zone	Remote Zone
2002	2,186	5,283	1,260			
2003	2,069	5,604	1,341			
2004	2,246	5,533	1,276	2,448	3,630	2,977

(Source: DEST National Indigenous Preschool Census 2002 – 2004)

Note:

1. In 2002 there were 2 students and in 2003 there were up to 37 additional students whose details are not known.
2. National Indigenous Preschool Census is conducted in August each year.

Table 7.6 - Indigenous students enrolments in Primary and Secondary School for 2002, 2003 and 2004 by sex

Year	School	Indigenous Total	Indigenous males	Indigenous females
2002	Primary	82,432	n/a	n/a
	Secondary	39,215	n/a	n/a
	Total enrolments 2002	121,647	61,914	59,733
2003	Primary	84,078	n/a	n/a
	Secondary	41,814	n/a	n/a
	Total enrolments 2003	125,892	64,145	61,747
2004	Primary	86,562	n/a	n/a
	Secondary	43,885	n/a	n/a
	Total enrolments 2004	130,447	66,579	63,868

(Source Australian Bureau of Statistics, Schools Australia 2002, 2003 and 2004 Catalogue No.4221.0)

**Table 7.7 - Indigenous full time students by age and level of school education 2002, 2003 and 2004
Age as at 1 July**

Year	School	> 12	13	14	15	16	17	18	19	Total
2002	Primary	81,521	693	116	57	28	13	3	1	82,432
	Secondary	5,035	9,226	9,000	7,235	4,935	2,862	685	237	39,215
	Total	86,556	9,919	9,116	7,292	4,963	2,875	688	238	121,647
2003	Primary	83,261	652	83	35	22	12	11	2	84,078
	Secondary	5,290	9,970	9,663	7,711	5,212	3,049	648	334	41,814
	Total	88,551	10,559	9,746	7,746	5,234	3,061	659	336	125,892
2004	Primary	85,831	670	38	18	5				86,562
	Secondary	5,262	10,433	10,370	8,226	5,409	3,111	749	325	43,885
	Total	91,093	11,013	10,408	8,244	5,414	3,111	749	325	130,447

(Source Australian Bureau of Statistics, Schools Australia 2002, 2003 and 2004 Catalogue No.4221.0)

Table 7.8 - Indigenous Full-time Students 2004, By category of school and level of school education

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
MALES									
Government									
Primary	11 604	2 156	11 238	2 476	6 346	1 361	4 442	312	39 935
Secondary	6 420	1 100	4 850	941	2 503	958	1 501	172	18 445
Total	18 024	3 256	16 088	3 417	8 849	2 319	5 943	484	58 380
Non-government									
Primary	1 178	170	1 167	223	1 072	163	563	58	4 594
Secondary	687	121	1 225	106	718	125	582	41	3 605
Total	1 865	291	2 392	329	1 790	288	1 145	99	8 199
All schools									
Primary	12 782	2 326	12 405	2 699	7 418	1 524	5 005	370	44 529
Secondary	7 107	1 221	6 075	1 047	3 221	1 083	2 083	213	22 050
Total	19 889	3 547	18 480	3 746	10 639	2 607	7 088	583	66 579
FEMALES									
Government									
Primary	10 949	2 158	10 642	2 377	5 741	1 261	4 069	248	37 445
Secondary	6 283	1 207	4 797	997	2 452	910	1 391	161	18 198
Total	17 232	3 365	15 439	3 374	8 193	2 171	5 460	409	55 643
Non-government									
Primary	1 163	182	1 165	244	1 034	147	592	61	4 588
Secondary	720	172	1 220	131	601	111	637	45	3 637
Total	1 883	354	2 385	375	1 635	258	1 229	106	8 225
All schools									
Primary	12 112	2 340	11 807	2 621	6 775	1 408	4 661	309	42 033
Secondary	7 003	1 379	6 017	1 128	3 053	1 021	2 028	206	21 835
Total	19 115	3 719	17 824	3 749	9 828	2 429	6 689	515	63 868
PERSONS									
Government									
Primary	22 553	4 314	21 880	4 853	12 087	2 622	8 511	560	77 380
Secondary	12 703	2 307	9 647	1 938	4 955	1 868	2 892	333	36 643
Total	35 256	6 621	31 527	6 791	17 042	4 490	11 403	893	114 023
Non-government									
Primary	2 341	352	2 332	467	2 106	310	1 155	119	9 182
Secondary	1 407	293	2 445	237	1 319	236	1 219	86	7 242
Total	3 748	645	4 777	704	3 425	546	2 374	205	16 424
All schools									
Primary	24 894	4 666	24 212	5 320	14 193	2 932	9 666	679	86 562
Secondary	14 110	2 600	12 092	2 175	6 274	2 104	4 111	419	43 885
Total	39 004	7 266	36 304	7 495	20 467	5 036	13 777	1 098	130 447

b) rates of literacy under 18 years old

Literacy rates of under 18 year old Australian students are measured in various ways.

OECD Program for International Student Assessment (PISA)

The 2003 PISA results for 15 year old Australian students show that Australia has performed very well, achieving a mean score in reading of 525 which is significantly above the OECD average of 494. Australia was clearly outperformed (ie the difference is statistically significant), by one country in reading literacy (Finland). Australia had the 4th highest mean score (also the same as in 2000) and the OECD has estimated that Australia ranked between 3rd and 5th among OECD countries and between 3rd and 6th among all participating countries. (See **Table 7.9**)

Australian females achieved better reading scores than males - female 545, males 506. Both sexes achieved significantly higher than the OECD average of 494. Indigenous students in Australia achieved a score of 444, significantly below the OECD score of 494 and all Australian students 525.

Australia was also among the countries with the lowest proportions of students at the lowest level of proficiency, i.e. scoring Below Level 1, (3.6%). Of the top performing countries in reading, Finland had only 1.1%, Korea 1.4% and Canada 2.3% of their students Below Level 1.

Despite the low proportions of students (Below Level 1) in Australia relative to many other countries, it is nevertheless a concern that more than one in ten Australian students (11.8%) performed only at Level 1 or Below Level 1. For Indigenous students the proportion who achieved at these levels was almost four in ten (38%), with 15% unable to achieve even Level 1.

In reading skills, Australia had one of the lowest proportions of students, achieving at the lowest level (3.6% Below Level 1); however, it is still of concern that more than one in ten (11.8%) of students only achieved at Level 1 or below (16.5% of males, 7.1% of females and 38% of Indigenous students).

Table 7.9 - Mean Scores in Reading Literacy

	Reading Literacy
Australia	525 (2.1)
Male	506 (2.8)
Female	545 (2.6)
Indigenous	444 (8.6)
OECD average	494 (0.6)
Top Country	543 (1.6) Finland

Ministerial Council on Education, Employment and Youth Affairs (MCEETYA) National Report on Schooling

Reports from the MCEETYA's National Report on Schooling in Australia show the vast majority of students in 2002 and 2003 met the reading and writing benchmarks. The national literacy and numeracy benchmarks represent the *minimum acceptable standards* of literacy and numeracy that a student must have in order for the student to make progress at school.

However, results for Indigenous students and boys' literacy cause concern.

- Achievement of Indigenous students was well below that for all students, and all other sub-groups of students, in each domain and year level. In 2003 the gap between all students and Indigenous students ranged from 14 percentage points in Year 3 reading to 23 percentage points in Year 7 reading. (see **Table 7.10**)
- In 2002 and 2003, boys had lower achievement than girls in reading and writing in Years 3, 5 and 7. (see **Tables 7.10 and 7.11**)

There were no significant differences between the results of students with a Language Background Other Than English (LBOTE) and all students for reading and writing.

Geolocation data, reported for the first time in 2003, shows that students in very remote regions, achieve the benchmarks at significantly lower rates than other

students in other geolocations. Students in **remote** areas, also tended to achieve at lower rates. (see **Table 7.12**).

Table 7.10 - Percentage of students achieving the Reading benchmark by Sub-group						
READING	*Year 3		*Year 5		*Year 7	
	2002	2003	2002	2003	2002	2003
Male	90.6 \pm 2.2	90.8 \pm 2.0	87.2 \pm 1.8	86.8 \pm 1.8	86.8 \pm 1.0	87.1 \pm 1.1
Female	94.1 \pm 1.5	94.3 \pm 1.4	91.5 \pm 1.4	91.6 \pm 1.4	91.6 \pm 0.8	91.9 \pm 0.8
Indigenous	76.7 \pm 4.1	78.8 \pm 6.9	68.0 \pm 3.5	67.7 \pm 4.1	65.3 \pm 2.9	66.5 \pm 3.1
LBOTE	90.2 \pm 2.0	90.0 \pm 2.0	87.1 \pm 1.8	88.7 \pm 1.6	85.6 \pm 1.3	86.4 \pm 1.3
Australia	92.3 \pm 1.7	92.5 \pm 1.7	89.3 \pm 1.5	89.0 \pm 1.5	89.1 \pm 0.8	89.4 \pm 0.9

Note: The achievement percentages reported in this table include 95% confidence intervals, for example, 80% \pm 2.7%.

Table 7.11: Percentage of students achieving the Writing benchmark by Sub-group						
WRITING	Year 3		*Year 5		*Year 7	
	2002	2003	2002	2003	2002	2003
Male	91.8 \pm 1.8	89.9 \pm 2.0	91.5 \pm 1.6	92.2 \pm 1.5	87.3 \pm 2.6	89.2 \pm 2.2
Female	95.5 \pm 1.1	94.7 \pm 1.2	95.7 \pm 0.9	96.1 \pm 1.1	94.1 \pm 1.4	95.2 \pm 1.2
Indigenous	77.1 \pm 3.1	75.2 \pm 4.1	76.4 \pm 3.8	79.6 \pm 3.8	71.6 \pm 4.8	74.4 \pm 4.4
LBOTE	95.0 \pm 1.3	92.3 \pm 1.4	92.1 \pm 1.2	92.5 \pm 1.2	89.0 \pm 2.4	91.0 \pm 2.1
Australia	93.6 \pm 1.2	92.2 \pm 1.5	93.6 \pm 1.1	94.1 \pm 1.1	90.7 \pm 1.7	92.1 \pm 1.7

Note: The achievement percentages reported in this table include 95% confidence intervals, for example, 80% \pm 2.7%.

Table 7.12 - Percentage of students meeting the benchmarks by geolocation in 2003

	Reading			Writing			Numeracy		
	Year 3	Year 5	Year 7	Year 3	Year 5	Year 7	Year 3	Year 5	Year 7
Metro-politan	93.1 ±1.5	90.0 ±1.4	90.5 ±0.8	93.1 ±1.4	94.8 ±1.0	93.1 ±1.6	94.7 ±1.0	91.8 ±1.1	82.5 ±0.8
Provincial	91.7 ±2.0	87.7 ±1.7	88.2 ±1.1	91.4 ±1.8	93.6 ±1.4	90.7 ±2.0	94.1 ±1.3	89.8 ±1.9	79.3 ±1.1
Remote	87.1 ±3.4	81.5 ±3.1	82.5 ±3.2	82.3 ±3.7	88.0 ±3.1	83.6 ±3.5	87.6 ±3.2	82.2 ±3.6	74.8 ±3.6
Very Remote	71.2 ±5.7	62.5 ±5.0	61.0 ±5.4	63.6 ±5.9	68.9 ±5.2	67.0 ±5.3	71.2 ±5.7	61.2 ±5.4	51.1 ±4.9

Note:

1. The achievement percentages reported in this table include 95% confidence intervals, for example, 80% ± 2.7%.
2. Year 3 - Ages vary from 8 years 2 months – 9 years 3 months
3. Year 5 – Ages vary from 10 years 2 months - 11 years 3 months
4. Year 7 – Ages vary from 12 years 2 months - 13 years 2 months.

Table 7.13 - Rates of literacy for Indigenous Australians under 18 years old for Years 3, 5 and 7 in 2001, 2002 and 2003.

Benchmark	2001		2002		2003	
	Indigenous	All Students	Indigenous	All Students	Indigenous	All Students
Yr 3 reading	72.0 (± 4.8)	90.3 (± 2.0)	76.7 (± 4.1)	92.3 (± 1.7)	78.8 (± 6.9)	92.4 (± 1.7)
Yr 5 reading	66.9 (± 3.6)	89.8 (± 1.3)	68.0 (± 3.5)	89.3 (± 1.4)	67.7 (± 4.1)	89.0 (± 1.5)
Yr 3 writing	67.8 (± 4.9)	89.5 (± 2.3)	77.1 (± 3.5)	93.6 (± 1.2)	75.2 (± 4.1)	92.2 (± 1.5)
Yr 5 writing	79.9 (± 3.3)	94.0 (± 1.0)	76.4 (± 3.8)	93.6 (± 1.1)	79.6 (± 3.8)	94.1 (± 1.1)
Yr 3 numeracy	80.2 (± 3.9)	93.9 (± 1.2)	77.6 (± 3.6)	92.8 (± 1.3)	80.5 (± 3.7)	94.2 (± 1.1)
Yr 5 numeracy	63.2 (± 3.7)	89.6 (± 1.3)	65.6 (± 3.7)	90.0 (± 1.3)	67.6 (± 3.9)	90.8 (± 1.2)
Yr 7 Reading	60.1 (± 3.1)	88.4 (± 0.9)	65.3 (± 2.9)	89.1 (± 0.8)	66.5 (± 3.1)	89.4 (± 0.9)
Yr 7 Writing	74.3 (± 4.6)	92.6 (± 1.6)	71.6 (± 4.8)	90.7 (± 1.7)	74.4 (± 4.4)	92.1 (± 1.7)
Yr 7 Numeracy	48.6 (± 2.8)	82.0 (± 0.9)	51.9 (± 3.0)	83.5 (± 0.9)	49.3 (± 2.9)	81.3 (± 0.8)

Note:

1. The achievement percentages reported in this table include 95% confidence intervals, for example, 80% \pm 2.7%.
2. All Students = the total of Indigenous and non-Indigenous students who sat the test.

Source: Australian National Report on Schooling 2003.

c) rate of children completing primary and secondary school

All states have a compulsory schooling age policy, most usually up to 16 years of age. Students completing primary school at Year 7, and in two states at year 8, move into secondary schooling. The rate of students completing primary school is almost 100 %. The completion of compulsory secondary schooling is accompanied by a certificate in some states and does not draw any formal recognition in other states. Year 12 student completions can occur through a diverse array of formal certification and through school based or other informal mechanisms.

Table 7.14 – Percentage of 20-24 year olds with Year 12 Qualification or equivalent.				
Males	2001	2002	2003	2004
Yr 12	67.1	66.4	67.6	69.6
Post-school	11.7	13.4	12.1	11.3
KPM1	78.7	79.8	79.7	80.9
Females				
Yr 12	74.0	74.9	76.2	77.3
Post-school	8.8	8.3	8.3	7.5
KPM1	82.9	83.2	84.5	84.8
Persons				
Yr 12	70.5	70.6	71.9	73.4
Post-school	10.3	10.9	10.2	9.4
KPM1	80.8	81.5	82.1	82.8

(Source: ABS Survey, education and work, unpublished data 20-24 year olds with Year 12 qualification or equivalent)

Note: KPM 1 refers to Key Performance Measure 1, which is the Proportion of the Population in the 20-24 age group who have completed Year 12 or Vocational Qualification or Higher

Table 7.15 - Year 12 completion rates (a), by locality (b) and gender, Australia 1997-2003 (per cent)

Year	Metropolitan(c)			Provincial (d)			Remote			Total		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total
1997	59	72	67	55	72	63	43	62	52	60	72	66
1998	64	75	69	57	74	65	46	61	53	62	74	68
1999	64	76	70	57	75	66	44	67	55	62	75	69
2000	65	75	70	58	76	67	45	62	53	63	75	69
2001	65	74	69	58	74	66	44	62	52	62	74	68
2002	66	75	70	58	75	67	45	62	53	63	75	69
2003	66	75	71	58	73	66	47	62	54	64	75	69

(Source: DEST, derived from data supplied by State secondary accreditation authorities and the ABS)

Notes:

(a) These figures are estimates only. They express the number of Year 12 completions as a proportion of the estimated population that could attend Year 12 in that calendar year. It is important to note that there are variations in assessment, reporting and certification methods for Year 12 across States and Territories.

(b) Definitions are based on the agreed MCEETYA Geographic Location Classification.

(c) Includes state capital city Statistical Divisions (SD), all of the ACT and other Statistical Districts of population 100,000 or more.

(d) Includes Darwin SD, Statistical Districts of population less than 100,000 and other non-remote areas.

d) number and percentage of drop-outs and repetitions

Data is not collected in this format.

e) teacher per child ratio

In tables 7.16 – 7.18, teaching staff are defined as staff who spend the majority of their time in contact with students, i.e. support students either by direct class contact or on an individual basis, and have teaching duties, that is, are engaged to impart the school curriculum. For the purpose of this collection, teaching staff include principals, deputy principals, and senior teachers who may be involved in administrative duties. Excluded are emergency and casual relief teaching staff. The tables should not be used as a measure of class size. They do not take account of teacher aides and other non-teaching staff who may also assist in the delivery of school education.

These student/teacher ratios are produced by dividing the number of full-time students and full-time equivalent of part-time students by the number of full-time teaching staff and full-time equivalent of part-time teaching staff.

Table 7.16 – Students/Teaching Staff ratios (a), by Category of School (b) and level of education 2002

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
GOVERNMENT									
Primary	17.5	16.5	15.7	16.8	17.7	16.1	14.0	15.8	16.7
Secondary	12.5	12.4	13.1	12.5	12.4	13.4	10.9	12.0	12.6
Total	15.1	14.5	14.7	15.0	15.4	14.8	13.0	13.9	14.8
NON-GOVERNMENT CATHOLIC									
Primary	18.9	18.4	17.7	18.3	18.5	19.5	17.1	20.0	18.5
Secondary	13.3	13.3	13.1	12.9	13.2	13.4	12.2	13.7	13.3
Total	15.8	15.8	15.4	15.8	15.9	16.1	15.2	16.3	15.7
NON-GOVERNMENT INDEPENDENT									
Primary	15.5	13.8	15.8	16.6	15.9	14.5	16.2	15.2	15.3
Secondary	10.6	10.9	12.3	11.7	11.5	11.4	10.5	11.4	11.2
Total	12.4	11.8	13.6	14.0	13.2	12.6	12.4	12.7	12.7
NON-GOVERNMENT TOTAL									
Primary	17.7	16.9	16.9	17.5	17.5	17.4	16.8	18.7	17.3
Secondary	12.2	12.1	12.7	12.3	12.4	12.5	11.1	12.9	12.3
Total	14.5	14.1	14.6	14.9	14.7	14.5	13.8	15.2	14.5
ALL SCHOOLS									
Primary	17.6	16.6	16.0	17.0	17.7	16.3	14.5	16.7	16.9
Secondary	12.4	12.3	12.9	12.4	12.4	13.1	11.0	12.4	12.5
Total	14.9	14.4	14.6	15.0	15.2	14.7	13.1	14.4	14.7

(Source: ABS Cat No 4221.0 Schools, Australia, 2004)

Note:

- (a) Full-time students only.
- (b) Includes non-government affiliation.

Table 7.17 – Students/Teaching Staff ratios (a), by Category of School and level of education 2003

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
GOVERNMENT									
Primary	17.3	16.2	15.5	15.9	16.8	16.0	13.9	15.1	16.4
Secondary	12.6	12.1	13.0	12.9	12.2	13.4	11.6	11.9	12.5
Total	15.0	14.3	14.5	14.7	14.8	14.8	13.1	13.5	14.6
NON-GOVERNMENT CATHOLIC									
Primary	18.6	18.1	17.5	18.5	18.5	19.0	18.5	19.3	18.3
Secondary	13.1	13.1	13.1	12.9	13.2	13.3	10.5	13.7	13.1
Total	15.5	15.5	15.3	15.8	15.8	15.8	15.1	16.0	15.5
NON-GOVERNMENT INDEPENDENT									
Primary	15.4	13.6	15.7	16.5	15.6	14.6	17.9	15.3	15.1
Secondary	10.4	10.8	12.1	11.6	11.7	11.3	9.9	11.4	11.1
Total	12.3	11.7	13.5	13.9	13.2	12.5	12.6	12.8	12.6
NON-GOVERNMENT TOTAL									
Primary	17.5	16.5	16.7	17.6	17.3	17.2	18.3	18.1	17.1
Secondary	12.0	12.0	12.6	12.2	12.5	12.4	10.2	12.9	12.1
Total	14.2	13.8	14.4	14.9	14.6	14.3	13.9	15.0	14.3
ALL SCHOOLS									
Primary	17.3	16.3	15.8	16.4	16.9	16.2	14.6	16.1	16.6
Secondary	12.3	12.1	12.9	12.7	12.3	13.1	11.1	12.3	12.4
Total	14.7	14.1	14.5	14.8	14.8	14.6	13.3	14.0	14.5

(Source: ABS Cat No 4221.0 Schools, Australia, 2004)

Table 7.18 – Students/Teaching Staff ratios by Category of School and level of education 2004

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
GOVERNMENT									
Primary	17.0	16.2	15.4	16.2	16.2	15.9	13.5	14.2	16.2
Secondary	12.5	12.1	13.0	12.5	11.7	13.2	11.0	11.8	12.4
Total	14.8	14.2	14.4	14.6	14.3	14.6	12.6	13.0	14.5
NON-GOVERNMENT CATHOLIC									
Primary	18.5	18.0	17.4	18.2	18.2	19.2	18.0	19.2	18.2
Secondary	13.1	13.0	13.1	12.7	13.2	13.7	10.1	13.6	13.1
Total	15.5	15.4	15.3	15.6	15.7	16.1	14.4	16.0	15.4
NON-GOVERNMENT INDEPENDENT									
Primary	15.0	13.4	15.5	16.0	15.4	14.3	18.2	14.9	14.9
Secondary	10.3	10.4	11.8	11.5	11.6	11.0	9.6	11.4	10.9
Total	12.1	11.4	13.3	13.6	13.1	12.2	12.4	12.7	12.4
NON-GOVERNMENT TOTAL									
Primary	17.2	16.4	16.6	17.2	17.0	17.2	18.1	17.9	16.9
Secondary	11.9	11.7	12.5	12.1	12.4	12.4	9.8	12.8	12.0
Total	14.1	13.6	14.3	14.6	14.5	14.3	13.4	14.9	14.1
ALL SCHOOLS									
Primary	17.1	16.3	15.7	16.5	16.4	16.2	14.2	15.4	16.4
Secondary	12.3	12.0	12.8	12.3	12.0	12.9	10.6	12.2	12.3
Total	14.6	14.0	14.4	14.6	14.3	14.5	12.8	13.7	14.3

(Source: ABS Cat No 4221.0 Schools, Australia, 2004)

f) number of children attending public schools, and
g) number of children attending private schools

Data in relation to questions 7(f) and 7(g) is presented together, disaggregated in terms of all students and indigenous students, by level of education, category of school and year.

All students

Table 7.19 – Students (a) by Category of School and Level of Education (b) 2002					
Level of Education	Government	Catholic	Non-Govt Independent	Total	All schools
New South Wales					
Primary	449,482	125,425	54,505	179,930	629,412
Secondary	304,218	110,191	60,960	171,151	475,369
Total	753,700	235,616	115,465	351,081	1,104,781
Victoria					
Primary	316,843	101,416	38,405	139,821	456,664
Secondary	216,574	79,130	62,125	141,255	357,829
Total	533,417	180,546	100,530	281,076	814,493
Queensland					
Primary	284,262	58,324	34,173	92,497	376,759
Secondary	155,802	44,535	42,491	87,026	242,828
Total	440,064	102,859	76,664	179,523	619,587
South Australia					
Primary	112,111	26,592	19,797	46,389	158,500
Secondary	57,728	16,866	15,517	32,383	90,111
Total	169,839	43,458	35,314	78,772	248,611
Western Australia(c)					
Primary	151,599	35,016	19,137	54,153	205,752
Secondary	81,745	24,636	22,593	47,229	128,974
Total	233,344	59,652	41,730	101,382	334,726
Tasmania					
Primary	36,300	6,820	3,520	10,340	46,640
Secondary	25,208	6,034	4,468	10,502	35,710
Total	61,508	12,854	7,988	20,842	82,350
Northern Territory					
Primary	20,249	3,302	1,590	4,892	25,141
Secondary	7,957	1,514	2,062	3,576	11,533
Total	28,206	4,816	3,652	8,468	36,674
Australian Capital Territory (c)					
Primary	20,904	8,797	2,524	11,321	32,225
Secondary	16,355	8,392	3,582	11,974	28,329
Total	37,259	17,189	6,106	23,295	60,554
Australia					
Primary	1,391,750	365,692	173,651	539,343	1,931,093
Secondary	865,587	291,298	213,798	505,096	1,370,683
Total	2,257,337	656,990	387,449	1,044,439	3,301,776

(Source: ABS Cat No 4221.0 Schools, Australia, 2004)

Notes:

- (a) Full-time students only
- (b) Includes non-government affiliation

(c) Includes one government primary school in Jervis Bay Territory with 80 students

Table 7.20 – Students (a) by Category of School and Level of Education (b) 2003

Level of Education	Government	Catholic	Non-Govt Independent	Total	All schools
New South Wales					
Primary	444 854	125 062	56 467	181 529	626 383
Secondary	305 026	111 592	64 335	175 927	480 953
Total	749 880	236 654	120 802	357 456	1 107 336
Victoria					
Primary	316 475	99 761	39 268	139 029	455 504
Secondary	218 875	80 152	64 572	144 724	363 599
Total	535 350	179 913	103 840	283 753	819 103
Queensland					
Primary	285 876	59 266	36 264	95 530	381 406
Secondary	159 149	45 318	43 898	89 216	248 365
Total	445 025	104 584	80 162	184 746	629 771
South Australia					
Primary	110 217	27 363	20 364	47 727	157 944
Secondary	57 633	17 277	15 961	33 238	90 871
Total	167 850	44 640	36 325	80 965	248 815
Western Australia					
Primary	149 869	34 954	19 870	54 824	204 693
Secondary	80 439	25 216	23 702	48 918	129 357
Total	230 308	60 170	43 572	103 742	334 050
Tasmania					
Primary	35 975	6 670	6 635	10 305	46 280
Secondary	25 182	6 160	4 754	10 914	36 096
Total	61 157	12 830	8 389	21 219	82 376
Northern Territory					
Primary	20 146	3 258	1 842	5 100	25 246
Secondary	8 321	1 410	2 026	3 436	11 757
Total	28 467	4 668	3 868	8 536	37 003
Australian Capital Territory (c)					
Primary	20 301	8 700	2 713	11 413	31 714
Secondary	16 294	8 432	3 726	12 158	28 452
Total	36 565	17 132	6 439	23 571	60 166
Australia					
Primary	1 383 713	365 034	180 423	545 457	1 929 170
Secondary	870 919	295 557	222 974	518 531	1 389 450
Total	2 254 632	660 591	403 397	1 063 988	3 318 620

(Source: ABS Cat No 4221.0 Schools, Australia, 2004)

Notes:

- (a) Full-time students only.
- (b) In 2003 a Pre-year 1 trial operated in a small number of schools in Qld.
- (c) Includes one government primary school in Jervis Bay Territory with 64 students.

Table 7.21 – Students by Category of School and Level of Education 2004

Level of Education	Government	Catholic	Non-Govt Independent	Total	All schools
New South Wales					
Primary	440 309	125 440	58 230	183 670	623 979
Secondary	303 920	112 770	66 380	179 150	483 070
Total	744 229	238 210	124 610	362 820	1 107 049
Victoria					
Primary	316 143	99 002	40 277	139 279	455 422
Secondary	220 073	80 974	65 831	146 805	366 878
Total	536 216	179 976	106 108	286 084	822 300
Queensland (a)					
Primary	287 406	60 839	37 899	98 738	386 144
Secondary	161 400	46 121	45 290	91 411	252 811
Total	448 806	106 960	83 189	190 149	638 955
South Australia					
Primary	108 786	27 573	21 091	48 664	157 450
Secondary	57 080	17 591	16 401	33 992	91 072
Total	165 866	45 164	37 492	82 656	248 522
Western Australia(b)					
Primary	150 222	35 180	20 675	55 855	206 077
Secondary	79 544	25 787	24 658	50 445	129 989
Total	229 766	60 967	45 333	106 300	336 066
Tasmania					
Primary	35 918	6 797	3 694	10 491	46 409
Secondary	24 767	6 250	4 836	11 086	35 853
Total	60 685	13 047	8 530	21 577	82 262
Northern Territory					
Primary	19 801	3 123	1 991	5 114	24 915
Secondary	8 534	1 490	2 091	3 581	12 115
Total	28 335	4 613	4 082	8 695	37 030
Australian Capital Territory					
Primary	19 788	8 721	2 886	11 607	31 395
Secondary	16 033	8 467	3 885	12 352	28 385
Total	35 821	17 188	6 771	23 959	59 780
Australia					
Primary	1 378 373	366 675	186 743	553 418	1 931 791
Secondary	871 351	299 450	229 372	528 822	1 400 173
Total	2 249 724	666 125	416 115	1 082 240	3 331 964

(Source: ABS Cat No 4221.0 Schools, Australia, 2004)

Notes:

(a) In 2003 a Pre-year 1 trial operated in a small number of schools in Qld.

(b) Data for Western Australia have been affected by changes in scope and coverage over time.

Indigenous students

Table 7.22 – Indigenous Children attending public schools

	Year		
	2002	2003	2004
Number of children	110,900	114,850	118,754

(Source: DEST National Schools Statistical Collection 2002 – 2004)

Table 7.23 – Indigenous Children attending private schools

	Year		
	2002	2003	2004
Number of children	19,489	20,093	20,748

(Source: DEST National Schools Statistical Collection 2002 – 2004)

Note:

1. The 'private' school data provided at Table 7.23 includes all non-government schools.
2. Regarding the data presented, in 2002 the two data sources quoted have a difference of 11 students in total. The ABS Schools Australia data does not disaggregate by government and non-government schooling.
3. Total students in Tables 7.22 and 7.23 include students in preschool, primary school and secondary school.

8. Health (sexual, mental, substance abuse)

Sexually Transmitted Infections

Table 8.1 - Number of diagnoses of notifiable sexually transmissible infections by age group and sex for 2003

Age Group (Years)	Chlamydia		Gonorrhoea		Syphilis		Donovanosis	
	Male	Female	Male	Female	Male	Female	Male	Female
0-4	41	48	6	9	5	7	0	0
5-14	45	276	42	120	1	8	0	3
15-19	1594	5629	592	729	73	108	1	2

(source: National Centre in HIV Epidemiology and Clinical Research. HIV/AIDS, viral hepatitis and sexually transmissible infections in Australia Annual Surveillance Report 2004.)

This represents an increase in the number of diagnoses of chlamydia and gonorrhoea in these age groups from 2002.

Data for 2004 is provisional and so is not shown.

Early Pregnancy

Among teenage mothers aged 15-19 years, the birth rate declined from 27.4 births per 1,000 women in 1982 to 17.1 in 2002. Even in the last few years, the decline has been large, down from 22.0 in 1992 to 17.7 in 2000. When compared with the 1982 rate, the 2002 rate represents an overall decline of 38% (Australian Institute of Health and Welfare 2004).

Youth suicide

Data is only available until 2003. Since 1995, those aged 15 to 24 years have been the target of suicide prevention efforts. In 2003 there were 300 deaths in this age range, continuing the declining trend from the peak in 1997. This rate was just below the all ages average (at 11.0 per 100,000 compared with 11.1 per 100,000). Indeed the lowest age-specific death rate of any age group for males was in the 15-19 year age group (12.7 per 100,000).

Table 8.2 – Youth Suicide in Australia 1990-2003 (15-24 Year olds)

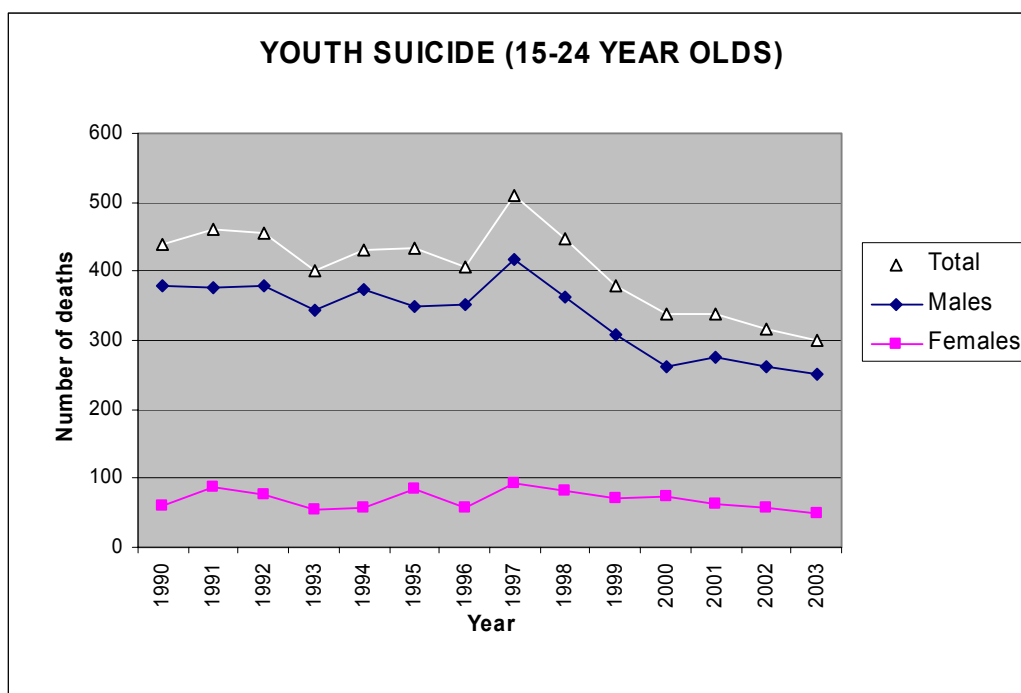


Table 8.3 - Deaths by Suicide Australia – Youth Suicide 15 -24 years

Suicides				Age standardised death rate per 100,000			
	Males	Females	Total	Males	Females	Total	Sex
Year	Number	Number	Number	Rate	Rate	Rate	Ratio
1990	379	60	439	27.0	4.4	15.9	6.1
1991	376	86	462	26.7	6.3	16.7	4.2
1992	378	77	455	27.0	5.7	16.5	4.7
1993	345	55	400	24.7	4.1	14.6	6.0
1994	374	57	431	27.0	4.3	15.9	6.3
1995	350	84	434	25.4	6.4	16.1	4.0
1996	351	56	407	25.7	4.3	15.2	6.0
1997	416	93	509	31.0	7.2	19.3	4.3
1998	364	82	446	27.4	6.4	17.1	4.3
1999	309	71	380	23.3	5.6	14.6	4.2
2000	263	75	338	19.7	5.8	12.9	3.4
2001	276	63	339	20.4	4.8	12.8	4.3
2002	261	56	317	19.0	4.3	11.8	4.4
2003	251	49	300	18.0	3.7	11.0	4.9

(Source: ABS Causes of Death, Australia 1990 to 2003)

Tobacco use

Estimates of tobacco use by younger people should be interpreted with caution due to the low prevalence and smaller sample sizes for these age groups.

Table 8.4 - Tobacco smoking status: proportion of the population aged 12–19 years and all ages, by age and sex, Australia, 2004

Smoking Status	Age Group (Per cent)				
	Males				
	12–15	16–17	18–19	Aged 12–19	Aged 12+
Daily	2.0	7.5	17.5	7.3	18.0
Weekly	0.6	2.1	2.6	1.4	2.0
Less than weekly	0.4	2.0	1.2	1.0	1.9
Ex-smokers(a)	1.5	2.9	5.4	2.9	28.3
Never smoked(b)	95.5	85.5	73.3	87.4	49.9
Total	100	100	100	100	100
	Females				
Daily	2.6	14.5	16.3	9.1	15.8
Weekly	0.1	1.3	2.3	1.0	1.2
Less than weekly	0.4	0.7	1.7	0.8	1.3
Ex-smokers(a)	0.9	2.1	5.6	2.4	22.9
Never smoked(b)	95.9	81.4	74.0	86.7	58.8
Total	100	100	100	100	100
	Persons				
Daily	2.3	10.9	16.9	8.1	16.9
Weekly	0.4	1.7	2.5	1.2	1.6
Less than weekly	0.4	1.4	1.4	0.9	1.6
Ex-smokers(a)	1.2	2.6	5.5	2.6	25.5
Never smoked(b)	95.7	83.5	73.7	87.1	54.4
Total	100	100	100	100	100

(Source: 2004 National Drug Strategy Household Survey)

(a) Smoked at least 100 cigarettes (manufactured and/or roll-your-own) or the equivalent amount of tobacco in their life, and no longer smoke.

(b) Never smoked 100 cigarettes (manufactured and/or roll-your-own) or the equivalent amount of tobacco in their life.

Note: Statistical significance testing was not undertaken for this table.

- Fewer than one in twelve persons aged 12–19 years reported smoking daily.
- In 2004, approximately 96% of 12–15-year-olds reported having never smoked; this result was consistent for both males and females.
- In 2004, 16–17-year-old females were almost twice as likely as their male counterparts to smoke daily.

Recent Illicit Drug Use

Estimates of illicit drug use by younger people should be interpreted with caution due to the low prevalence and smaller sample sizes for these age groups.

Table 8.5 - Recent Illicit Drug Use: proportion of the population aged 12 years and over, by selected age and drug type, 2004.

Drug Type	Age Group (Per cent)				
	12–15	16–17	18–19	Aged 12–19	Aged 12+
Marijuana/cannabis	5.2	18.0	26.5	13.8	10.9
Pain-killers/analgesics(a)	2.0	3.2	3.2	2.6	3.0
Tranquillisers/sleeping pills(a)	0.2	1.2	1.6	0.8	1.0
Steroids(a)	—	—	0.1	0.1	—
Barbiturates(a)	0.1	0.3	0.8	0.3	0.2
Inhalants	1.1	0.5	0.9	0.9	0.4
Heroin	0.1	0.3	0.2	0.2	0.2
Methadone(b)	0.1	0.2	0.2	0.2	0.1
Other opiates/opioids(b)	0.1	0.4	0.6	0.4	0.2
Meth/amphetamine (speed)(a)	0.7	3.0	8.8	3.3	3.1
Cocaine	0.2	0.8	1.8	0.8	1.0
Hallucinogens	0.4	1.0	2.6	1.1	0.7
Ecstasy	0.6	2.8	8.8	3.2	3.3
Ketamine	—	—	1.0	0.3	0.1
GHB	0.1	0.2	0.6	0.3	0.1
Injected drugs	0.2	0.5	0.9	0.5	0.4
Any illicit	7.6	20.9	30.8	16.8	14.9
None of the above	92.4	79.1	69.2	83.2	85.1

(Source: 2004 National Drug Strategy Household Survey)

(a) For non-medical purposes.

(b) Non-maintenance.

Notes

1. 'Any illicit' does not include 'other opiates', ketamine, GHB or injecting drug use for those aged 12–13 years. Statistics reported for these substances are based on those people aged 14 years and over only.

2. Statistical significance testing was not undertaken for this table.

- The table relates to recent use of illicit drugs, that is, within 12 months preceding the report.
- In 2004, approximately one in twenty (5.2%) 12–15-year-olds used marijuana/cannabis in the previous 12 months compared with one in five (18.0%) 16–17-year-olds and one quarter of 18–19-year-olds.
- Approximately 3% of 12–19-year-olds used painkillers/analgesics for non-medical purposes, meth/amphetamines (speed) and ecstasy in 2004.
- For all other substances, less than 1% of 12–19-year-olds used the substance in the preceding 12 months.

Alcohol Use

Estimates of alcohol use by younger people should be interpreted with caution due to the low prevalence and smaller sample sizes for these age groups.

Table 8.6 - Alcohol drinking status: proportion of the population aged 12–19 years and all ages, by age and sex, Australia, 2004

Drinking Status	Age Group (Per cent)				
	Males				
	12–15	16–17	18–19	Aged 12–19	Aged 12+
Daily	0.1	1.0	1.3	0.6	11.6
Weekly	3.3	21.9	51.5	20.1	46.0
Less than weekly	28.3	53.2	32.8	35.6	27.1
Ex-drinker (a)	3.3	2.9	1.4	2.7	5.9
Never a full glass of alcohol	64.9	21.0	13.0	41.0	9.4
Total	100	100	100	100	100
	Females				
Daily	—	0.3	0.9	0.3	5.6
Weekly	3.2	21.3	39.1	16.8	33.9
Less than weekly	29.8	57.2	48.8	41.1	38.6
Ex-drinker(a)	2.2	3.5	1.2	2.3	8.0
Never a full glass of alcohol	64.8	17.7	10.0	39.2	13.8
Total	100	100	100	100	100
	Persons				
Daily	0.1	0.6	1.1	0.5	8.6
Weekly	3.3	21.6	45.4	18.5	39.9
Less than weekly	29.1	55.2	40.6	38.5	32.9
Ex-drinker(a)	2.8	3.2	1.3	2.5	6.9
Never a full glass of alcohol	64.8	19.4	11.6	40.1	11.6
Total	100	100	100	100	100

(Source: 2004 National Drug Strategy Household Survey)

(a) Has consumed at least a full serve of alcohol, but not in the last 12 months.

Note: Statistical significance testing was not undertaken for this table.

- Fewer than one in 1000 persons (0.1%) aged 12–15 years of age reported drinking daily and approximately one in 200 (0.6%) 16–17-year-olds reported drinking daily in 2004.
- In 2004, approximately 30% of 12–15-year-olds reported drinking less than weekly; this result was consistent for both males and females.
- In 2004, 87.1% of 18–19-year-olds reported drinking daily, weekly or less-than-weekly, compared with 77.4% of 16–17-year-olds and 32.4% of 12–15-year-olds.

9. Children infected or affected by HIV/AIDS

Cases of AIDS and deaths following AIDS by sex and age group, cumulative to 31 December 2004, and for two previous yearly intervals

Table 9.1 – Cases of AIDS by sex and age group, cumulative to Dec 2004 (a)							
Age group	1 Jan 03 - 31 Dec 03		1 Jan 04 - 31 Dec 04		Cumulative to 31 Dec 04		
	Male	Female	Male	Female	Male	Female	Total
0-2	0	0	0	0	9	9	18
3-12	0	0	0	0	21	11	32
0-12	0	0	0	0	30	20	50
13-19	0	0	0	0	27	4	31
Total	0	0	0	0	87	44	131

Table 9.2 – Deaths following AIDS by sex and age group, cumulative to Dec 2004 (b)							
Age group	1 Jan 03 - 31 Dec 03		1 Jan 04 - 31 Dec 04		Cumulative to 31 Dec 04		
	Male	Female	Male	Female	Male	Female	Total
0-2	0	0	0	0	5	6	11
3-12	0	0	0	0	17	6	23
0-12	0	0	0	0	22	12	34
13-19	0	0	0	0	14	3	17
Total	0	0	0	0	58	27	85

(Source: Australian HIV Surveillance Report April 2005)

(a) Cases are classified by age at diagnosis

(b) Deaths are classified by age at death

Number of new diagnoses of HIV infection by sex and age group, cumulative to 31 December 2004, and for two previous yearly intervals

Table 9.3 – New diagnoses of HIV infection							
Age group	1 Jan 03 - 31 Dec 03		1 Jan 04 - 31 Dec 04		Cumulative to 31 Dec 04		
	Male	Female	Male	Female	Male	Female	Total
0-2	0	0	0	1	44	22	67
3-12	0	2	0	0	90	24	114
0-12	0	2	0	1	134	46	181
13-19	5	4	7	6	443	100	552
Total	5	8	7	8	711	192	914

(Source: Australian HIV Surveillance Report April 2005)

10. Juvenile justice

a) persons below 18 who have allegedly committed a crime, reported to the police

The relevant data is being compiled and will be provided to the Committee as soon as it becomes available.

b) persons below 18 who have been sentenced and type of punishment or sanctions related to offences including length of deprivation of liberty

The relevant data is being compiled and will be provided to the Committee as soon as it becomes available.

c) persons below 18 who have been tried as adults

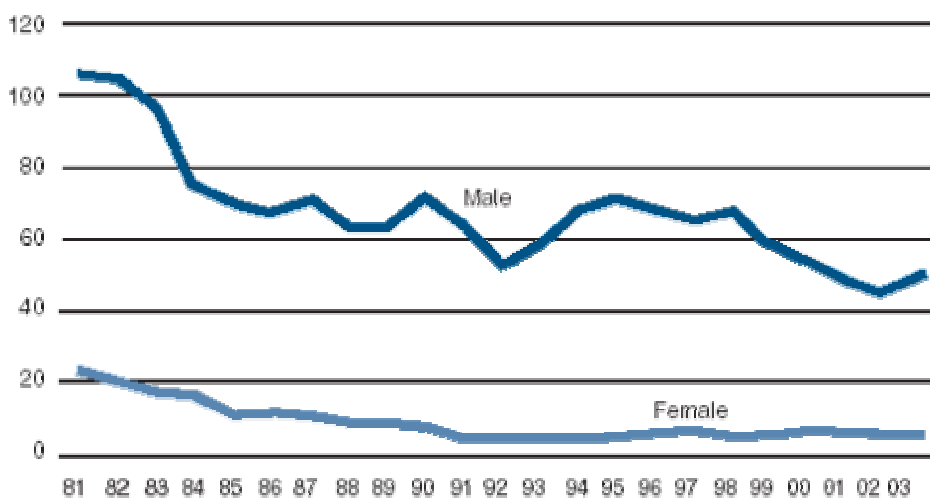
The data on persons below 18 who have been tried as adults is being compiled and will be provided to the Committee as soon as it becomes available.

d) detention facilities for juvenile delinquents and their capacity

The relevant data is being compiled and will be provided to the Committee as soon as it becomes available.

e) persons below 18 detained in these facilities and minors detained in adult facilities

Persons in juvenile corrective institutions by gender, rate per 100,000 juveniles, 1981-2003



- Between 1981 and 2003, the overall incarceration rate for juveniles declined 57% from 65 to 28 per 100,000.
- In 2003, the rate for males declined to 50 per 100,000 from 105 in 1981. The rate for females dropped from 23 to 5.
- The percentage of females in the total juvenile prison population has dropped since 1981, at which point females made up 17% of the total. This figure remained at about 6% between 1991 and 1995 before rising to 10% in 2000. In 2003 it was 9%.
- In 2003, the male incarceration rate was almost 10 times higher than the rate for female juveniles.

f) persons below 18 kept in pre-trial detention and the average length of their detention

The relevant data is being compiled and will be provided to the Committee as soon as it becomes available.

g) reported cases of abuse and mistreatment of children occurred during their arrest and detention.

The relevant data is being compiled and will be provided to the Committee as soon as it becomes available.

11. Special protection measures

a) the number of children involved in sexual exploitation, including prostitution, pornography and trafficking and the number of those children who were provided access to recovery and reintegration services

Data is not available in this form.

b) the number of children involved in substance abuse and the number of those children who received recovery and reintegration services

Data is not available in this form.

c) the number of migrant unaccompanied minors, asylum-seeking and refugee children, as well as the number of children awaiting expulsion; the number of them kept in administrative detention and the average length of their detention

The relevant data is being compiled and will be provided to the Committee as soon as it becomes available.

d) the number of children involved in labour who are under 16

Unable to be provided. The Australian Bureau of Statistics have not and do not currently collect statistics of this nature, but will in an upcoming survey scheduled for April 2006.

e) street and homeless children;

There are no estimates of the number of 'street children' in Australia. A study based on the 2001 Census suggested that on Census night in 2001, there were around 36,000 children aged 18 years or under who were homeless. Under the definition of homelessness used in the study, homeless people include those who are sleeping rough or are in improvised dwellings (primary homelessness), those who have no usual residence and are staying with friends or relatives or at crisis accommodation (secondary homelessness) and those who are living in boarding houses (tertiary homelessness).

Data on children who were assisted by the Supported Accommodation Assistance Program (SAAP) which provides transitional accommodation and related support to homeless people or those at risk of being homeless, show that in the past three years, the number of children assisted remain more or less stable. The numbers of children aged under 18 years who came to SAAP as clients in their own right (unaccompanied

by a parent or guardian) were around 11,300 in 2001-02, 11,100 in 2002-03 and 11,200 in 2003-04. The majority of these children were between 15-17 years old. A larger group of children accompanied one or more adults who were clients of SAAP services. The numbers of these accompanying children were 50,800 in 2001-02, 53,800 in 2002-03 and 52,700 in 2003-04. Most of the accompanying children were under 12 years old.

B. General Measures of Implementation

1. Activities related to recommendations contained in the Committee's previous concluding observations on the initial report of Australia

i) Australia's reservation to article 37(c)

The reservation concerns the imprisonment of adults and children together. It remains necessary because of the demographics, geographic size and isolation of some remote and rural areas of Australia. The small centres of population in remote areas and the distance of some of these centres from larger towns and cities necessitate this reservation at present, however Australia will continue to review this situation.

ii) Absence of a comprehensive policy for children at the Federal level and disparities between different States' legislation and practices, including budgetary allocations

The federal nature of Australian government means that responsibility for supporting children and their families, and the communities in which they live, is shared by all three tiers of government. The non-government and private sector play many important roles as well.

The Australian Government responsibilities include supporting the social and economic participation of families, which in turn contributes to good environments for children.

State and Territory Government responsibilities include: preschool, primary and secondary school provision; child care delivery and regulation; child protection services and legislation; and the public health, housing, police and criminal justice systems.

The Australian Government and State and Territory governments cooperate to build a more consistent national approach to issues related to children through a number of Ministerial Councils, particularly those responsible for community and disability services, health, education and training, and Indigenous affairs. There are, for example, established mechanisms in place to ensure state and federal boundaries are minimised around children's services, child protection and foster care.

For its part, the Australian Government has a proud record in delivering support and opportunity for children and their families and since the second and third reports under the Convention were submitted in March 2003, has actively strengthened this investment. It is through strong economic management that the Australian Government is able to deliver a high level of financial and program assistance to families that help give children the best start in life.

Each year the Australian Government spends more than \$20 billion on assistance to families, and the last two budgets have seen significant increases in financial support and child care assistance available to help families with raising children, including the introduction of a universal maternity allowance and a 30% child care tax rebate.

The 2005/06 budget included a number of new measures in support of children, such as funding to improve Aboriginal and Torres Strait Islander child and maternal health, major reforms to the family law system to reduce the impact of relationship breakdown on children and more funding for child care.

On top of this financial support, the Australian Government invests in a number of programs which strengthen the families and communities in which children grow. These include: parenting courses, relationship services, home visiting, volunteer programs, playgroups, outreach services, family support, and the Responding Early Assisting Children Program (REACH).

The Australian Government is also investing heavily in bringing together an early childhood evidence base in Australia through, for example, commitments to the longitudinal studies of Australian children and Indigenous Australian children and the Australian Research Alliance for Children and Youth.

The Stronger Families and Communities Strategy is a major initiative giving families, their children and communities the opportunities to build a better future. The original Strategy ran from 2002-2004. In 2004, the Australian Government committed additional funding of \$490 million for the next phase of the Strategy to 2009. The new Strategy has a greater focus on early childhood development in recognition that

early childhood provides a window of opportunity when interventions are most effective and can greatly improve the life chances of children.

The Strategy is underpinned by a new comprehensive policy for children that the Australian Government is currently finalising with State and Territory governments. Called the National Agenda for Early Childhood, this policy framework focuses on prevention and early intervention for children 0-8 years but has a long-term vision to improve outcomes for children into adolescence and beyond.

This is in response to compelling evidence about the importance of early childhood for establishing the foundations for a range of health, learning, and social outcomes throughout life. It is also in recognition that issues for children cannot be addressed in isolation from the family, community and broader social environments in which children live and therefore require responses coordinated across sectors, government departments and levels of government.

The National Agenda for Early Childhood is intended to provide an overarching framework for coordinating and promoting consistency in the range of prevention and early intervention supports and services already available for young children and their families across Australia and to guide future investment to ensure all children receive the best possible start in life.

Within a universal approach, the National Agenda has an emphasis on improving outcomes of vulnerable groups of children, and in particular Indigenous children. Additionally, there is a focus on building and disseminating the evidence base, ensuring a suitably qualified and sustainable workforce, and improving monitoring and reporting on how Australian children are faring.

Four priority areas have been identified for the National Agenda:

- Healthy young families;
- Early learning and care;
- Supporting parents and families; and
- Child friendly communities.

The Australian Government has received the support of State and Territory Ministers to identify specific priorities under the National Agenda where collaboration is most needed and can make the biggest difference to the lives of young children and their families.

It is hoped that the National Agenda policy framework will be ready for public release later in 2005. It is anticipated that the National Agenda will be implemented through Ministerial Council processes as well as through bilateral arrangements according to different priorities and interests in different jurisdictions.

Even in its development, the National Agenda has already been influential in raising awareness about the importance of the early years, informed policy and program decisions by the Australian Government and enabled productive dialogue between levels of government around issues for children requiring a collaborative response.

iii) Problems faced by Indigenous children and children from non-English speaking backgrounds with regard to their enjoyment of the same standards of living and levels of service

Indigenous children:

The Australian Government acknowledges the social and economic difficulties faced by many Indigenous people including children, and is strongly committed to overcoming them.

The well-being of Indigenous children is founded on a number of interlinking factors, including community development and safety, housing, health, education, training and post-school opportunities. The Australian Government is committed to improving the accessibility and responsiveness of mainstream health, education and other programs to better meet the needs of Indigenous children, whether in urban or remote areas. The Government also funds a range of Indigenous specific programs, including primary health and medical services and education and child care services.

The Australian Government's new Ministerial Taskforce on Indigenous Affairs has identified early childhood interventions as one of three priority areas for action.

One of the key objectives of the National Agenda for Early Childhood is to drive action that will reduce disparity in outcomes between groups of Australian children, with particular emphasis on improving outcomes for Indigenous children.

Additionally, the Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA) is drafting a Universal Prevention Policy Framework to give further focus and emphasis to healthy Indigenous child development in Australia. This approach recognises that many adverse youth outcomes, including suicide, self-harm, substance misuse, child abuse and juvenile and adult offending develop along the same causal pathways.

Children from non-English speaking backgrounds

The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA's) settlement services focus on early intervention and the targeting of high-needs groups among new arrivals in their early years of settlement. While the Australian Government understands that some migrants require targeted assistance in the early years of settlement, it is expected that they should have equal access to the mainstream services available to the Australian-born population, such as education, employment and health. In line with this expectation, access and equity principles have been formally adopted by mainstream agencies to ensure that the needs of a culturally diverse population are able to be met.

While all migrants face challenges in establishing themselves in Australia, some face greater barriers than others. Research on the experiences of new arrivals has identified a number of indicators that have a significant impact on settlement success. The intersection of settlement need indicators - English language proficiency, visa category, length of establishment of the migrant community and the ratio of new arrivals to the resident population - can help to identify new arrivals who are likely to need a higher level of assistance. The settlement services target group is defined as those permanent residents who have arrived in the last five years as humanitarian entrants, or as family stream migrants with low levels of English proficiency.

Australia assists thousands of refugees and others in need of humanitarian assistance through its Integrated Humanitarian Settlement Strategy (IHSS). Many humanitarian entrants are traumatised by the experiences which have caused them to leave their

home countries. Under the IHSS, the Australian Government helps humanitarian entrants by providing on-arrival assistance, co-ordinating their cases, helping them find somewhere to live and establish a household, and providing torture and trauma counselling where it is needed.

The Australian Government recognises that entry into Australia marks only the beginning of the resettlement process. Humanitarian entrants are provided with government assistance to become fully participating members of the Australian community.

iv) Corporal punishment

Corporal punishment in schools is prohibited in all States and Territories, except in the Northern Territory and South Australia.

Currently in the Northern Territory, Section 11 of the *Criminal Code* provides that a person who may justifiably apply force to a child for the purposes of discipline, management or control may delegate that power either expressly or by implication to another person who has the custody or control of the child either temporarily or permanently and, where the other person is a school teacher of the child, it shall be presumed that the power has been delegated unless it is expressly withheld.

However, while this remains lawful, it is now policy for all government schools in the Northern Territory not to act on that delegated authority.

The position in South Australia is that corporal punishment is prohibited as a matter of policy (not law) in State schools but not in private schools. It follows that the infliction of corporal punishment in a school would not necessarily carry a civil or criminal sanction. However, the legal position is the common law. It therefore follows that if the corporal punishment breaches the common law standard, civil or criminal sanctions could follow.

While the other State and Territory legislation does not generally make corporal punishment a criminal offence, it does prohibit the inclusion of corporal punishment in discipline guidelines and codes in schools: *Education Act 2004* (ACT) ss7(4); *Education Act 1990* (NSW) ss35(2A) and ss47(h). A child who has had corporal punishment inflicted on them, in spite of the discipline guidelines, may have redress

under State and Territory criminal or civil law to make a complaint of assault or tortious injury.

In Tasmania, the *Education Act 1994* (TAS) provides that a principal or teacher must not administer corporal punishment to a student. A fine not exceeding 50 penalty units (\$5000) applies where this provision is breached.

Australian States and Territories are also primarily responsible for laws relating to corporal punishment in the home. The common law provides parents or carers of children with the defence of lawful or reasonable chastisement to what would otherwise be an assault. At least one Australian jurisdiction (New South Wales) has codified this common law defence and defined what does not count as reasonable correction of children's behaviour under the *Crimes Act 1900* (NSW) s61AA . It provides that in criminal proceedings brought against a person for applying physical force to a child, it is a defence if the force was applied by the parent or a person acting for a parent, and the application of force was reasonable having regard to the age, health, maturity or other characteristics of the child, the nature of the misbehaviour and other circumstances. It also provides that the application of physical force, unless trivial or negligible, is not reasonable if the force is applied to the head or neck of the child, or any part of the child's body in a way that is likely to cause harm to the child that lasts for more than a short period. This legislation also bans the use of a stick, strap or other object. Some States have also undertaken community education programs relating to the use of corporal punishment administered by parents or carers.

This conforms to the 1998 report of the Model Criminal Code Officers Committee (MCCOC) which stated that 'at the present, it goes too far to criminalise a corrective smacking by a parent or guardian, so long as the force used is reasonable.' MCCOC did recommend that a legislative standard of reasonableness be established and that the use of objects in such a way as to cause or risk causing injury be prohibited.

In the Northern Territory, Section 27 of the *Criminal Code* provides that a parent or guardian of a child is justified in applying force to a child for the purpose of disciplining, managing or controlling the child. The force that may be applied must not be intended or be likely to cause death or grievous harm. Grievous harm is defined as any physical or mental injury of such a nature as to endanger or be likely to endanger life or to cause or be likely to cause permanent injury to health.

In addition to sanctions available under criminal law, each Australian State and Territory has child protection laws which allow for the protection of children from abuse or neglect and include mandatory reporting requirements.

v) Local legislation allowing police to remove children and young people congregating

The Committee has expressed concern about local legislation allowing police to remove children and young people who are congregating. The Government has sought and is awaiting up-to-date information about legislation and policies of States and Territories in relation to this issue and will provide further information to the Committee shortly. The Government can advise at present, however, that both the Northern Territory and Queensland do not have laws allowing police to remove children and young people who are congregating.

The Government is also able to provide the Committee with information in relation to one State, Western Australia, which was accurate as at February 2005. Again, any updated information in relation to this will be provided to the Committee shortly.

In Western Australia, a strategy has been introduced to address the growing problem of young, unsupervised and often vulnerable children roaming the streets of Perth's main adult entertainment district, Northbridge, at night. The policy came into effect on Saturday 28 June 2003, and only applies on Thursday, Friday and Saturday nights.

The policy is called the 'Young People in Northbridge Policy' and is a set of procedures that have been put in place, under the *Child Welfare Act 1947* (WA), to deal with the large number of unsupervised young vulnerable children on the streets of Northbridge at night. While policy has been referred to as 'The Curfew', it is not technically a curfew at all. The policy does not involve the criminal system, rather it assists children and keeps them out of the criminal justice system.

For the safety and security of children, young people and the patrons of Northbridge, restrictions on access to the precinct apply to those children and young people who are physically or morally vulnerable, and not under the immediate care of a parent or

adult – this applies to primary school aged children during hours of darkness, and young people aged 13-15 after 10pm. Restrictions also apply to any children or young people engaging in anti-social, offending or health compromising behaviour.

The policy does not apply to those children and young people who have legitimate reasons for being in Northbridge, to go to or from employment, are resident in Northbridge, or are under the immediate care of a parent or a responsible adult.

The policy provides guidance to the police and others in the application of Section 138B of the *Child Welfare Act 1947* (WA) in relation to Northbridge. The Act requires the police and others (for example, welfare agencies) to apprehend children and young people who are at risk of physical and moral danger or are misbehaving and return them to their usual place of residence.

Since the introduction of the policy there are fewer unsupervised children and young people on the streets of Northbridge at night, and fewer children and young people have been apprehended by the police (*Young People in Northbridge Policy: Policy Update June 2004*, Office of Crime Prevention WA Department of the Premier and Cabinet).

vi) The spread of homelessness among young people

The Australian Government has a number of programs in place to reduce homelessness among young children with an emphasis on early intervention.

Reconnect is an early intervention program that seeks to improve the level of engagement in family, work, education and the community of young people who are homeless or at risk of homelessness. It provides support through counselling, mediation, and practical help to the whole family.

The Job Placement Education and Training program (JPET), administered by the Department of Employment and Workplace Relations (DEWR), assists young people aged 15 to 21, who are homeless or at risk of homelessness to overcome personal and

social barriers and engage more fully in the life of their communities in order to achieve greater social and economic participation.

The National Homelessness Strategy (NHS) enables the Australian Government to provide leadership in approaches to the prevention and reduction of homelessness. In the 2005-06 Budget the Australian Government provided \$10 million over four years to the NHS. The NHS will focus on: conducting Complex Demonstration Projects to develop innovative ways to prevent and respond to homelessness; the Commonwealth Advisory Committee on Homelessness (CACH), which provides independent expert advice to the Minister on issues relating to homelessness; and raising awareness about and building the knowledge base on homelessness issues.

The Transition to Independent Living Allowance (TILA) is a one-off payment to support young people leaving some types of out-of-home care to alleviate the financial difficulties associated with accessing accommodation, education and/or employment. TILA consists of a payment of up to \$1000, which is provided to an organisation supporting the young person's transition to independence. The supporting organisation then purchases goods or services to assist the young person to make a successful transition to independence.

The Newly Arrived Youth Support Services (NAYSS) provides services that specifically target young people from diverse cultural and linguistic backgrounds who are newly arrived to Australia. It includes funding for combined Reconnect and JPET 'multi-function' service outlets, providing early intervention assistance for young people who are either homeless or at risk of homelessness and those attempting to gain new skills or enter the workforce.

The Household Organisational Management Expenses (HOME) Advice Program is an early intervention program that provides assistance to families, particularly those with young children who are at risk of becoming homeless. Centrelink and community organisations are funded through the HOME Advice Program to work collaboratively to deliver prevention and early intervention services to around 400 families each year.

Young people who have nowhere to sleep for the night can seek accommodation and assistance from Supported Accommodation Assistance Program (SAAP). SAAP is the Australian Government's major response to homelessness and those at risk of homelessness. Funding for the financial year 2004-05 totalled \$310 million, with the Australian Government's share being \$175 million or 56 per cent, and the State and Territories share being \$135 million. There are 1,300 SAAP services in Australia.

In addition to young people who were assisted by SAAP as clients in their own right, there were 52,700 children, most of whom were aged under 12 years, who accompanied adults to SAAP services. Most of these adults were women escaping domestic violence.

The Australian Government also offers a wide range of income support assistance to young people vulnerable to homelessness, such as Youth Allowance, Fares Allowance, Remote Area Allowance, Rent Assistance, and Health Care Cards.

The Innovative Health Services for Homeless Youth (IHSY), administered by the Department of Health and Ageing, is an ongoing program aimed at responding to the complex needs of homeless and otherwise at risk young people, targeted to high needs (primarily metropolitan) locations. The range of services include community and youth health services, services for homeless youth, health promotion, mental health services, alcohol and other drug detoxification services, Indigenous health services, a sexual assault centre, and a young parents' programme.

The YP4 Program, currently running in Victoria, is a pilot model aimed at achieving effective 'joined up service delivery'. It involves a partnership between Community Agencies such as the Brotherhood of St Laurence, Hanover Welfare Services, Melbourne Citymission, and Loddon Mallee Housing Services, aiming to deliver multiple relevant services from single locations, funded by the Victorian State Government, the Department of Family and Community Services, the Department of Employment and Workplace Relations, and Centrelink.

vii) Treatment of asylum-seekers and refugees and their children, and their placement in detention centres

The Committee has expressed concern about the treatment of asylum seekers and refugees, and their children, and their placement in immigration detention facilities. The Committee has previously recommended legislation and policy reform to guarantee that children of asylum seekers and refugees are reunified with their parents in a speedy manner, and also recommended that no child be deprived of his/her citizenship on any ground, regardless of the status of his/her parent.

The overwhelming majority of asylum seekers and their children remain lawfully in the Australian community while their claims are assessed and have access to publicly funded medical services and welfare support arrangements while they await decisions on their claims. The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) is required by law to detain people because they are unlawful non-citizens, not because they are asylum seekers. Only about 30% of people in immigration detention at any one time are pursuing issues flowing from a claim for asylum and the vast majority of asylum seekers are not detained while their claims are processed. Any asylum seekers in immigration detention are comprised of unauthorised arrivals, visa overstayers, those who have breached their visa conditions and whose visas have been cancelled.

Asylum seekers in immigration detention who apply for a protection visa receive priority processing of their application. No refugee who has satisfied all criteria for a protection visa, including public interest criteria, remains in detention. Applicants are released into the community as soon as a protection visa is granted.

The Government takes the responsibility for the care of people in immigration detention as a serious commitment, and ensures that the period of detention for persons in immigration detention is as short as possible.

Children in Immigration Detention

As at 29 July 2005, all families with children were moved from immigration detention facilities into the community. The 7 families in Villawood Immigration Detention Centre were moved on 28 July 2005 and the 11 families in other mainland facilities on 29 July 2005.

This is in line with a number of legislative changes to the *Migration Act 1958* (“the Act”), which came into effect on 29 June 2005, in order to ensure that the current immigration detention policy is administered with greater flexibility, fairness and in a more timely manner.

The Australian Government amended the Act to provide an additional non-compellable, non-delegable power for the Minister to specify alternative detention arrangements for a person and the conditions which will apply to that person’s detention.

The objective of these amendments is to ensure that families with children in immigration detention will be placed in the community, under flexible community detention arrangements, with conditions set to meet their individual circumstances. Examples of conditions which may be specified by the Minister include living at a specified address, reporting to DIMIA regularly and not engaging in paid work. The families will not be supervised or escorted by the Detention Service Provider or DIMIA officers.

If families do not abide by the conditions, the Minister can alter the conditions (such as requiring more frequent reporting) or the families could be returned to a Residential Housing Project (RHP). RHPs were developed as a more domestic and independent family environment, providing families with housing or motel-style accommodation in a community setting.

The Act has also been amended to state that ‘the Parliament affirms as a principle that a minor child shall only be detained as a measure of last resort’.

The Second Reading Speech to the Bill made it clear that the overall intention of the package of amendments was to ensure that the best interests of minor children are taken into account and that any alternatives to detention of children are considered in administering the relevant provisions.

In future, all families with children who enter into immigration detention (which occurs primarily as a result of compliance action) will be placed in the community under community detention arrangements as soon as possible, following a decision by the Minister.

In the first instance, families will be placed in a RHP closest to their city of prior residence (where available) while their primary processing is completed and assessments take place on their prospect for removal. These primary assessments will take no longer than 3-4 weeks, during which time the Minister can make a determination for their alternative detention in the community. All families who enter immigration detention facilities will be considered for community detention arrangements within four weeks of their entry.

It is the Government's intention that where primary assessment is being undertaken, removal is imminent or conditions of community detention have been breached, families (including fathers) will be housed in a RHP in the capital city of their prior residence (where available) rather than an immigration detention centre.

This intention was reflected in the Second Reading Speech and the Explanatory Memorandum to the Bill.

Long-term Detainees

In addition to the amendments which granted the Minister the power to specify alternative detention arrangements and conditions, the Act was also amended to require the Secretary of DIMIA to report to the Commonwealth Ombudsman on persons who have been detained for two years or more, and for the Ombudsman to provide assessments and recommendations relating to those persons to the Minister, including statements to be tabled in Parliament.

The new Removal Pending Bridging Visa (RPBV) came into effect on 11 May 2005. It was introduced to enable the release, pending removal, of people in immigration detention who have been cooperating with efforts to remove them from Australia, but whose removal is not reasonably practicable at this time. It provides greater flexibility to release from immigration detention a small number of people who have spent an extended period in immigration detention facilities. The RPBV is part of the government's commitment to constantly review the detention caseload to identify cases where alternative arrangements could be considered.

Standards and Services in Immigration Detention

For persons in immigration detention, the provision of detention services is governed by a set of Immigration Detention Standards (IDS), which have been developed in consultation with the Australian Commonwealth Ombudsman's Office. The IDS place strong emphasis on the sensitive treatment of the detention population which may include survivors of torture and trauma, family groups, children and elderly people, persons with a fear of authority, and persons who are seeking Australia's protection under the Refugee Convention.

Immigration detention is continually subject to scrutiny from external agencies such as the Human Rights and Equal Opportunity Commission, the Commonwealth Ombudsman, the United Nations High Commissioner for Refugees and the Immigration Detention Advisory Group to ensure that immigration detainees are treated humanely, decently and fairly.

A number of programs are run within immigration detention facilities that contribute to detainee development and quality of life and considerable focus is put into ensuring that detainees are encouraged to explore their interests and to participate in programs and activities.

All detainees have access to health care 24 hours a day, seven days a week, with access to specialists where required.

All detainees are free to practise their religion of choice, and religious services are conducted within the centres on special observance days.

Persons in Australia's immigration detention facilities are treated with respect and dignity and are provided with safe and secure detention, including essential and culturally appropriate services within it. In fact, the immigration detention process is unquestionably among the most closely scrutinised of Australian Government programs.

International Obligations

Australia's Temporary Protection Visa (TPV) arrangements are fully consistent with Australia's obligations under the Refugees Convention to provide protection and basic support for refugees. This includes the right to work, Special Benefit, Rent Assistance, Family Allowance, Maternity Allowance and Family Tax payment. TPV

holders are also eligible for Medicare, the Early Health Assessment and Intervention Program and, if required, Torture and Trauma counselling.

Children of TPV holders get the same access to public primary and secondary schooling as do all other Australian permanent residents and citizens.

Since 1 July 2002 any minors holding either permanent or temporary visas under the Humanitarian Program are eligible to take part in the English as a Second Language Program, which addresses the special educational needs of newly arrived migrant students.

Permanent Protection Visa holders are able to access immediately the full range of social security payments and services available to all permanent residents.

The wide range of services and benefits available to those granted a protection visa, including children and families, is consistent with the Convention on the Rights of the Child and reflects Australia's commitment to upholding its international obligations.

Family Reunification Rights for Refugee Children:

Families who arrive and seek protection in Australia together are entitled to remain together as a family unit in Australia. Members of a family unit are entitled to be assessed in one application, but can choose to submit separate claims. Where children are separated from family members due to the release of one party from detention, or where individuals have made separate applications for protection, applications from members of split families are identified and expedited so as to ensure that family reunification takes place as soon as possible.

Where family members are in different countries, the Australian Government does not consider it appropriate to provide family reunion to asylum seekers pending recognition of their status as a refugee. If a person is found not to be a refugee, there are no impediments to their departure from Australia and they may rejoin family members in another country.

Australia has provisions for separated immediate family members of humanitarian entrants including children, to reunite with the humanitarian entrant in Australia under the offshore humanitarian resettlement program subject to the relationship being

declared at the time of the initial application. Humanitarian visa holders in Australia, (including Permanent Protection Visa (PPV) holders) who seek the entry of immediate family members to Australia are required to propose such entry. Humanitarian visa holders may also apply to sponsor family members under the Family Migration Program.

Refugees who hold Temporary Protection Visas (TPVs) do not have an automatic right to bring family members to Australia. Family members of TPV holders overseas can apply to travel to Australia under Australia's Migration, temporary entry or Humanitarian Programs. There is provision for TPV holders who are still in need of protection to be granted a permanent visa earlier than 30 months where the Minister considers it to be in the public interest. They would then have the same entitlements as other PPV holders.

Family unity with respect to children and their parents seeking asylum in Australia and who are in detention in Australia:

As discussed above, as at 29 July 2005, all families with children were released from immigration detention facilities into residence determination arrangements.

In the future, children who are accommodated in immigration detention facilities will be in the company of a parent who is their primary carer, except in exceptional circumstances. It has been the Government's experience that in the majority of cases children benefit from being with their birth parent/s rather than being in foster care.

The provisions of Article 37 of the CROC must be read together with other elements of the Convention. These include, for example, Article 9 of the CROC which obliges Australia to 'ensure that a child shall not be separated from his or her parents against their will, except...when such separation is necessary for the best interests of the child'. That is, it is consistent with the CROC for children to remain with their parents in immigration detention unless there are specific grounds for separation.

The Australian Government has a strong commitment to respond to the needs of children in immigration detention. Every possible care is taken to ensure that children in immigration detention are properly cared for and are safe. The Government works closely with Australian child welfare agencies to safeguard the welfare of children in detention.

viii) Juvenile justice, in particular the disproportionately high percentage of Indigenous children in the juvenile justice system

Australia is committed to working to address Indigenous incarceration rates and in particular to address the disproportionate number of young Indigenous people in the juvenile justice system.

The Australian Government is delivering a range of programs and services to Indigenous Australians (a record \$3.144 billion in 2005-06) to address Indigenous disadvantage.

The Government recognises that improved outcomes in areas such as health, education, employment and economic development are likely to lead to improved justice outcomes for Indigenous Australians.

The Australian Institute of Criminology (AIC) monitors the number of juveniles in detention around Australia.

From 1982 to 2003 (most recent available data) there has been a general decline in the number of persons aged 10 to 17 in juvenile detention. Data based on Indigenous status is only available from 1994, but the rates of detention for both Indigenous and non-Indigenous young people have been declining since then.

Australia is working to improve its national data collection on juveniles in the criminal justice system. The AIC and the Australian Institute of Health and Welfare (AIHW) have developed a Juvenile Justice National Minimum Data Set (NMDS). This important new national collection, which includes an Indigenous indicator, will provide information on the broad characteristics of the way in which individuals move through the juvenile justice system.

2. The Convention in domestic courts

The Committee has expressed its concern that there is no right of citizens to launch complaints in the local courts on the basis of the Convention on the Rights of the

Child (the Convention). The Convention has, however, been invoked directly in domestic courts in a number of family law cases.

3. Measures taken to improve the system for collection of disaggregated data on children under 18

Australia has a comprehensive set of existing frameworks and mechanisms for monitoring health and wellbeing of children and young people. For instance, there is extremely good data around childhood immunisation through the Australian Childhood Immunisation Register.

Current policy interest in children and early childhood intervention has however highlighted some gaps and weakness in data available on children and given rise to a proliferation of data related activity across Australia.

The Australian Council for Children and Parenting, which advises the Minister for Families and Communities, hosted two national workshops, in March 2004 and July 2005 to consult with key data and policy experts on options for improving monitoring and reporting in Australia.

Following the first workshop, the Australian Government's Institute of Health and Welfare (AIHW) developed a new report on the progress of Australia's children in terms of health, development and wellbeing as well as family and community factors which influence child development. This report, *A Picture of Australia's Children*, was released in May this year. It was influenced by and complements the National Agenda for Early Childhood, a broad policy framework currently being finalised with State and Territory governments to guide prevention and early intervention activity in Australia.

At the second workshop there was widespread support for a project under the Ministerial Councils for health and community services to develop headline indicators for child health and wellbeing to provide a core set of nationally agreed indicators relevant to children's policy and to enable comparisons across different groups of children.

The Australian Bureau of Statistics is currently reviewing the available information on children and youth with a view to producing an Information Development Plan to

improve the quality and quantity of data available on children and youth and to facilitate access to this data.

Currently there are three national-level research projects in Australia, which have a particular focus on children and will provide important new sources of data both cross-sectional and longitudinal, related to areas under the Convention. These are:

- the Longitudinal Study of Australian Children, *Growing Up in Australia*, which began collecting data in 2004 on two large nationally representative samples of Australian children, and asks questions relevant to children's development, such as family functioning, parenting, child care, health and education;
- the Longitudinal Survey of Indigenous Children, *Footprints in Time*, which will similarly track the circumstances and outcomes of two cohorts of Indigenous children over time; and
- The Australian Early Development Index Project, *Building Better Communities for Children*, which is a three year project to test a modified version of a Canadian-developed population measure of early childhood development in 60 Australian communities.

Other activity to improve data collection on children under the Convention includes:

- Partnerships between the Australian Institute of Health and Welfare (AIHW) and the Australian Bureau of Statistics (ABS) with State and Territory authorities to improve the completeness of Indigenous identification in key data collections;
- A new framework for reporting against key indicators of Indigenous Disadvantage produced by the Productivity Commission, including specific indicators around early child development and growth, school engagement, childhood and transition to adulthood;
- Implementation of a new Juvenile Justice National Minimum Data Set (mentioned above) to provide information on the flow of young offenders

through the justice system and interventions over time, disaggregated by age, sex and Indigenous Status;

- Development of a Children's Services National Minimum Data Set to provide nationally comparable data on children who use child care and preschool services and the child care workforce;
- Work being undertaken by the National Child Protection and Support Services (NCPASS) to broaden the scope of the national data collection on child protection and to improve comparability across jurisdictions, including the development of data dictionaries and a requirement for data to be provided in unit record format;
- Implementation of a new, more robust statistical linkage key that will allow for analyses of Supported Accommodation Assistance Program (SAAP) Services data over time, including housing instability of children linked to use of other welfare services with an Indigenous identifier for children; and
- In addition to annual assessments of students at Years 3, 5 and 7 against national benchmarks in reading, writing and numeracy, national sample assessments are being conducted in the areas of Year 6 science and Years 6 and 10 civics and citizenship, and information and communications technology.

4. Mechanisms for the evaluation and the assessment of the implementation of the Convention

National monitoring and reporting

Australia has well-established mechanisms for data collection and reporting on children and young people and is working to improve the quality of this data over time as highlighted above. The Australian Early Development Index project, in particular, will provide Australia with a useful new planning and monitoring tool to improve community supports and services for young children and their families in the years prior to school entry.

Family Impact Statements

A great emphasis is placed in the Convention on the beneficial aspects of family life, the reliance of children on parents for nurturing and the ideological commitment to the family as the ideal location for development. The Australian Government is committed to supporting the family unit and for this reason has introduced Family Impact Statements (FIS) in February 2005 to help Cabinet assess the potential impacts of new policy, programs and legislation on Australian Families.

The Department of Family and Community Services is responsible for the administration of the FIS process which is currently being refined. Draft guidelines have been developed to help agencies understand FIS requirements.

The factors to be taken into account when drafting a FIS include:

- economic factors, such as income support and family payment provisions, and impacts on family income and assets;
- access to services and infrastructure, including the availability and affordability of major services, impacts on family safety and impacts on community programs and supports for families; and
- family functioning, including impacts on family relationships, family law, early childhood development and care, parenting and carer support and work/family balance.

Evaluation of the new Stronger Families and Communities Strategy

The Government believes the greatest impact for young children, their families and communities will be achieved through action in the four priority areas of the National Agenda for Early Childhood, a broad policy framework currently being finalised with State and Territory governments. These priority areas are: healthy young families, supporting families and parents, early learning and care and child-friendly communities.

The Stronger Families and Communities Strategy for 2004-2009 continues a major Australian Government initiative in support of children within families and communities. This second phase of the Strategy has been informed by the National Agenda for Early Childhood and has a strengthened focus on early childhood intervention. The Strategy supports an evidence-based approach and also seeks to

build the evidence about what works to improve outcomes for children in the Australian context through project specific and national evaluation of the Strategy.

The Government has commissioned a consortium of expert evaluators to develop and implement a National Evaluation Framework for the Stronger Families and Communities Strategy. Outcomes have been developed in each of the four priority areas to measure the appropriateness, effectiveness and efficiency of the Stronger Families and Communities Strategy.

5. Measures taken in response to HREOC's Inquiry: "A last resort? National Inquiry into Children in Immigration Detention", including information on funding cuts to HREOC

HREOC functions relating to children's rights

The Human Rights and Equal Opportunity Commission plays a key role in promoting an understanding and acceptance of human rights in Australia, including the rights recognised under the Convention on the Rights of the Child.

The Commission has undertaken a number of inquiries and produced reports on a range of issues relating to the rights of children, including:

- a report on age discrimination issues, including distinctions adversely affecting young people in employment: *Age Matters: A Report on Age Discrimination* (2000)
- a National Inquiry into Children and the Legal Process: *Seen and Heard: Priority for Children in the Legal Process* (1997)

The Commission continues to play an active role in human rights education. For example, the Commission is currently conducting a research project and national survey designed to assess young people's understanding of human rights, with particular emphasis on the Convention on the Rights of the Child.

Australian Government funding of the Commission

The Australian Government funding of the Commission for the financial year 2005-06 remains at a comparable level to recent years (\$12.093m).

The Government considers that the Commission's current funding is adequate to discharge its functions. As with any agency, any request by the Commission for additional funding would be considered by the Government.

HREOC inquiry into children in immigration detention

The Government does not agree with the findings of the HREOC report. The Government rejects the Commission's view that Australia's system of immigration detention is inconsistent with our obligations under the Convention on the Rights of the Child. While the HREOC report considered the adequacy and appropriateness of Australia's treatment of child asylum seekers and other children who were held in immigration detention from 1999 to 2002, DIMIA and the then Detention Services Provider could not properly test many of the allegations due to the HREOC report withholding information, on privacy grounds.

Irrespective of HREOC's report, the Government has developed, and continues to improve upon, a system that ensures that the number of children in immigration detention is very limited.

As discussed in Part I B.1.(vii) above, the *Migration Act* now provides for an additional non-compellable, non-delegable power for the Minister to specify alternative detention arrangements for a person and the conditions which will apply to that person's detention. The objective of this amendment is to ensure that families with children in immigration detention will be placed in community detention arrangements with conditions set to meet their individual circumstances.

As at 29 July 2005, all families with children were moved from immigration detention facilities into the community.

6. Findings and follow-up of the independent evaluation of Federal, State and Territory responses to the "Bringing Them Home" report

The Human Rights and Equal Opportunity Commission report '*Bringing Them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*' was released in April 1997.

Following the release of the report, a total of \$117 million was allocated by the Australian Government in two separate funding rounds for initiatives in response to the report including family reunion, counselling and family support services to victims.

The Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA), in response to a Senate Inquiry recommendation, agreed to sponsor an independent evaluation of government and non-government response to '*Bringing Them Home*'.

The purpose of the evaluation was to review and evaluate progress (for the period up until the end of 2002) made by governments and non-government organisations against their response objectives. It was noted that not all recommendations were responded to universally by jurisdictions. Rather, jurisdictions have focused on those recommendations that they felt were the most significant and within their remit to deal with.

The project also undertook to identify best practice, and to create a comprehensive inventory of current initiatives related to '*Bringing Them Home*'.

The report '*Evaluation of Responses to Bringing Them Home report*' was released in February 2004. It concluded that a vast amount of work has been done since 1997 to improve Indigenous disadvantage across all jurisdictions and significant progress has been made. In addition to the specific commitments which were given as part of their responses to the *Bringing Them Home* report, all governments were seen to be delivering a wide range of policies, programs and strategies to assist Indigenous people.

In relation to evaluation and accountability, the report concluded that any future evaluation would benefit from the application of an evaluation framework across all of the responses to identify the impact and benefits of the program. The reporting framework should include realistic performance indicators as well as a process evaluation.

The recommendations from the Evaluation are being considered by MCATSIA.

7. Abolition of ATSIC

The Aboriginal and Torres Strait Islander Commission Amendment Bill, which abolished the Aboriginal and Torres Strait Islander Commission (ATSIC) was passed in Federal Parliament on 16 March 2005, and ATSIC ceased to exist on 24 March 2005. ATSIC Regional Councils remained in place until 30 June 2005. The decision to abolish the Aboriginal and Torres Strait Islander Commission (ATSIC) was made in the context of the Australian Government's new arrangements for the administration of Indigenous Affairs.

ATSIC was established in 1990 as a Commonwealth statutory authority which would represent and advocate on behalf of Indigenous people, advise government on Indigenous policy issues, and deliver a range of services to Indigenous people.

The decision to abolish ATSIC followed an independent Review of ATSIC, completed in November 2003, which found that ATSIC had not lived up to expectations. While not recommending the abolition of ATSIC, the Review concluded that ATSIC had lost touch with the concerns of Indigenous Australians and no longer had the confidence of Indigenous communities. ATSIC was an elected body, but only one in five of those eligible to vote in ATSIC elections did so.

The Review was undertaken by an independent three member panel, which included an Indigenous panel member, highly respected in the Indigenous and wider Australian community. The Review process involved widespread public consultation with Indigenous people and other stakeholders. The Government took into account the views of Indigenous Australians reflected in the report of the Review.

No programs have ceased as a result of the Australian Government's Indigenous Affairs reforms. Indigenous-specific programs previously administered by ATSIC have been transferred to mainstream departments.

The Australian Government's Indigenous-specific expenditure has increased by \$214 million in 2005-06 to a record \$3.144 billion.

The Australian Government introduced new arrangements for the administration of Indigenous Affairs on 1 July 2004. Please refer to Part III – new institutions for information on the new arrangements for the administration of Indigenous affairs.

8. Effects of anti-terrorist legislation on children's rights to peaceful assembly and association

The Australian Government is conscious of the need to protect our community from the threat of terrorism without unfairly or unnecessarily encroaching on the individual rights and liberties that are fundamental to our democratic system.

An integral part of Australia's counter-terrorism legislation and measures is the inclusion of appropriate safeguards, which maintain the balance between security and individual rights and freedoms.

A child's right to peaceful assembly and association has not been affected by the introduction of Australia's recent counter-terrorism legislation (*Security Legislation Amendment Act 2002*, *Anti-terrorism Act 2004*, *Anti-terrorism Act No 2 2004*, *Anti-Terrorism Act No 3 2004*, and the *Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Act (2003)*).

The *Anti-terrorism Act 2004* conferred a number of new powers on authorities, including to arrest and question terrorist suspects for up to 24 hours of actual questioning time. The automatic initial investigation period for 'terrorism offences' for adults is four hours. However, in recognition of the particular vulnerability of children, the initial investigation period for 'terrorism offences' committed by a minor is two hours. Extensions of time may only be granted if a judicial officer is satisfied of a number of matters, including that further detention is necessary to preserve or obtain evidence or complete the investigation and the investigation is being conducted properly without delay. In addition, regardless of any fixed questioning time that has been authorised, a person can only be detained without charge for a reasonable time, having regard to all the circumstances.

Amendments made to the *Australian Security Intelligence Organisation Act 1979* by the *Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Act 2003* enable ASIO to obtain a warrant to question, and in limited circumstances

detain, a person who may have information relevant to a terrorism offence. Questioning takes place before a ‘prescribed authority’ (a retired judge) and in a framework involving extensive safeguards and protections. This legislation also recognises that young persons have particular needs and require extra care. Accordingly, persons under the age of 16 cannot be questioned under the legislation, and special protections apply to persons aged between 16 and 18 years. These protections include an additional requirement (that the person will commit, is committing or has committed a terrorism offence) before a questioning warrant can be issued, additional contact rights, a limit of two hours of questioning without a break, and a requirement that young persons can only be questioned in the presence of a parent, guardian or another person who is capable of representing the person’s interests.

The *Anti-terrorism Act* (No. 2) 2004 created the new offence of ‘Association with terrorist organisations’. It is an offence to intentionally associate with a person who is a member or who promotes or directs the activities of a listed terrorist organisation where that association provides support that would help the terrorist organisation to continue to exist or expand. The Act includes numerous safeguards to ensure that the implied freedom of political communication is not infringed. Association with a close family member that relates only to a matter that could reasonably be regarded as a matter of family or domestic concern is a defence. This is of particular relevance to children.

9. Health status of regional, rural and remote Australians – findings of the Australian Institute of Health and Welfare

In 2003, the Australian Institute of Health and Welfare (AIHW) published two reports relating to rural, regional and remote health:

1. Rural, regional and remote health: A Study on Mortality, October 2003; and
2. Rural, regional and remote health: Information Frame Work and Indicators, Version 1.

These publications did not provide specific data on the relative status of children. In 2003, children between the ages 0-14 numbered approximately 3.9 million and made up 20% of the population.

Children in Australia generally enjoy good health with some exceptions. Children from Aboriginal and Torres Strait Islander descent and children from lower socioeconomic backgrounds experience poorer health and development outcomes and generally reduced wellbeing when compared to other Australian children.

Since 1983, infant mortality has declined almost by half, from 9.6 per 1 000 births in 1983 to 4.8 per 1 000 births in 2004. In the same period, childhood mortality has reduced by over 50% for the 0-14 age group. Most deaths occur in the 1-4 age group and there has been a decline of 45% in the death rate for those children from 1983 to 2003. This is considered to be due to the decline in the rates of deaths for Sudden Infant Death Syndrome (SIDS) from 84% to 17% in 2003.

The major cause of death among children 0-14 in 2003 was due to injury and poisoning. Injury prevention and control is one of the seven Australian Government's National Health Priority Areas (NHPA). The Australian Government also provides funding for Giddy Goanna Ltd, an organisation which produces a range of items and media programs to educate children and their families living in rural Australia about injury prevention, healthy eating and physical activity.

The major disease burden of Australia's children is asthma, diabetes and cancer. These three diseases, as with injury prevention, are treated as National Health Priority Areas. In 2001, approximately 527 000 children between 0-14 had asthma as a long term condition, with a prevalence rate of 13.2%. In 2000-01, the average annual rate of new cases of Type 1 diabetes for children between 0-14 years was approximately 20 per 100 000 and in the period 1982 to 2001, the age standardised incident rate of cancer for children from 0-14 years increased by 0.6% per year.

10. Efforts to provide training, awareness and information on the Convention on the Rights of the Child and human rights generally, and in the school curriculum

The Australian Government places great importance on the role of human rights education in protecting and promoting human rights. The most lasting and effective way to reduce discrimination and promote respect for human rights is through education. The Government is strongly committed to fostering human rights education at both the domestic and international levels.

National Framework for Human Rights – National Action Plan

On 23 December 2004, the Australian Government published and launched a new Framework for the protection of human rights in Australia. The Framework identifies Australia's existing protections and the Government's five key priorities for human rights in Australia. Human rights education and awareness is identified as one of these key priorities.

Consultation with NGOs

Non-Government Organisations (NGOs) have significant input into the development of Government policy. The Australian Government values NGO views and ideas, and regularly consults with NGOs across the broad range of issues faced by government.

Such consultations assist the Government to better understand stakeholder priorities and align policy with community needs.

For example, the Attorney-General's Department and the Department of Foreign Affairs and Trade convene regular NGO forums on human rights. These forums, usually attended by the Attorney-General and the Minister for Foreign Affairs respectively, provide an opportunity for the Government to engage with community groups and NGOs on human rights issues of public interest.

Promoting human rights education domestically

Grants to the National Committee for Human Rights Education

On 28 June 2005, Attorney-General Philip Ruddock announced the grant of \$10,000 to the National Committee for Human Rights Education.

The Committee was established in 1998, with support from the Government, to develop strategies for the effective and coordinated delivery of human rights education throughout Australia.

The \$10,000 grant is to assist the Commission in conducting its '*Citizen of Humanity*' human rights awareness project in Australian schools. This project encourages students to take time to reflect on human rights and their importance in our community. The project has been successfully launched and trialled in a number of States.

This grant follows on from previous grants provided by the Australian Government to assist the Committee with conference and administrative costs. The conferences held by the Committee provide a focal point for consultation and dialogue on emerging human rights issues.

For example, in 2003, the Australian Government provided a grant of \$20,000 to assist the Committee in hosting the conference '*Human Rights: New Paradigms and New Responsibilities*' and associated costs. A key focus of this conference, held in December 2003, was children's human rights.

Human Rights and Equal Opportunity Commission

The Human Rights and Equal Opportunity Commission has a major focus on human rights education. It has a vital role in promoting, on behalf of the Australian Government, awareness of, and respect for, human rights in the community, including through an emphasis on human rights education programs in our schools.

In recognition of the importance of the Commission's role in human rights education, the Government is committed to legislative reform of the Commission to make education and the dissemination of information the Commission's primary focus.

Promoting human rights education internationally

As well as domestic and regional initiatives, the Government has pursued the protection and promotion of human rights through international forums, including through co-sponsoring resolutions at the Commission on Human Rights.

For example on Human Rights Day 2004 (10 December 2004) the Australian Government called on all States to progress human rights education through proclaiming a World Programme for Human Rights Education.

Most recently, Australia introduced a resolution to the United Nations General Assembly leading to the adoption of the Plan of Action for the first phase of the World Programme, which focuses on primary and secondary school systems. The General Assembly adopted the Plan of Action on 15 July 2005.

The World Programme will carry forward the global framework for human rights education beyond the Decade for Human Rights Education (1994-2004), and ensure a priority focus on human rights education is maintained within the international agenda.

School Curriculum

States and Territories have primary responsibility for school education, including the development and implementation of curriculum. The Australian Government plays a collaborative role in identifying and developing national priorities for schooling, including civics and citizenship education and values education.

Funding for Civics and Citizenship Education

The Australian Government is strongly committed to ensuring that when students leave school they have an understanding and appreciation of Australia's system of government and civic life. This includes an understanding of human rights and of their responsibilities as citizens. From 1997 to 2008 it is investing over \$35 million in civics and citizenship education in Australian schools.

In the 2004 Budget the Government provided funding of \$4.9 million for its Civics and Citizenship Education programme over four years (2004-2008) to build on the work of the previous *Discovering Democracy* programme (1997-2004). This includes funding for a national website (<http://www.civicsandcitizenship.edu.au>) and national activities including Celebrating Democracy Week in schools and the National Schools Constitutional Convention.

The National Schools Constitutional Convention brings senior student delegates from each State and Territory to discuss constitutional issues. More than 60,000 students have participated in feeder conventions in the States and Territories and more than 1300 students have participated in the National Conventions since 1995. *Celebrating*

Democracy Week provides opportunities for schools across Australia to highlight their work in civics and citizenship education.

National Testing and Nationally Consistent Curriculum Outcomes in Civics and Citizenship Education

The Australian Government's Civics and Citizenship programme supports the *National Goals for Schooling in the Twenty-first Century*, in particular the goal that students, when they leave school, should "be active and informed citizens with an understanding and appreciation of Australia's system of government and civic life".

Civics and citizenship is now a national priority. Australian Government, State and Territory Ministers of Education have all agreed to develop nationally consistent curriculum outcomes in civics and citizenship education, along with English, mathematics, science and information communications technology, through the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA).

Work is currently being undertaken to develop National Statements of Learning in English, Mathematics, Science and Civics and Citizenship for Years 3, 5, 7 and 9. The purpose of the National Statements of Learning is to identify some common elements in all curriculum policies for English, Mathematics, Science and Civics and Citizenship across Australia which will provide a common basis for education systems to develop greater consistency. The National Statements of Learning for Civics and Citizenship will become available in 2006.

Late last year, MCEETYA conducted the first national assessment of civics and citizenship education for a representative sample of Year 6 primary and Year 10 secondary school students as the basis for this national reporting. Future tests are planned for 2007 and 2010. The Civics and Citizenship Assessment Domain for the national test is available on the MCEETYA website: <http://www.mceetya.edu.au/taskfrce/civics.htm>.

There are two key performance measures (KPMs):

- KPM 1: *Civics: Knowledge and Understanding of Civic Institutions and Processes* includes 'Knowledge of key concepts and understandings relating to

civic institutions and processes in Australian democracy, government, law, national identity, diversity, cohesion and social justice.'

- KPM 2: *Citizenship: Dispositions and Skills for Participation* includes 'Understandings related to the attitudes, values, dispositions, beliefs and actions that underpin active democratic citizenship.'

Under KPM 1:

- Year 6 students are expected to be able “to identify the rights and responsibilities of citizens in Australia's democracy”, and
- Year 10 students are expected to be able “to analyse Australia's role as a nation in the global community”.

Discovering Democracy (1997-2004)

Discovering Democracy helped students to learn about Australia's democratic heritage and the values underpinning it, including equality, liberty, fairness, trust, mutual respect and social co-operation. Funding (\$31.6 million) was provided for curriculum resources, teacher professional development and national activities to support the programme. The priority in the first quadrennium was curriculum resources; in the second quadrennium it was teacher professional development. The curriculum resources included:

- primary school units on *Rules and Laws* and *People Power*, and
- secondary school units *Democratic Struggles* and *Human Rights* (available, with all the other *Discovering Democracy* units at <http://www.civicsandcitizenship.edu.au>).

The upper primary unit *People Power* investigates three popular movements which demonstrate that in a democracy rights may be gained by people mobilising for specific causes (the 1965 Freedom Ride, the Eight-Hour Day movement and the Equal Pay for Women campaign)

The upper secondary unit *Human Rights* looks at some key historical events which resulted in people securing human rights, notably the Declaration of the Rights of Man and Citizen from the French Revolution of 1789, and the United Nations Universal Declaration of Human Rights of 1948.

The evaluation of *Discovering Democracy* emphasised “the need for schooling to assist young people to develop an understanding of their place in the world, and to have a principled and informed basis for acting in this world (*Evaluation of the Discovering Democracy Programme 2000-2003*, p xxii, available at <http://www.dest.gov.au/schools/publications/2004/index.htm>).

The evaluation also found that “the opportunity for ‘developing skills and values for participation as informed, reflective and active citizens (e.g., mutual respect, empathy, and critical thought)’” was a highly valued component of the *Discovering Democracy* programme (p 24).

Values Education

In addition, the Australian Government in its 2004-2005 Budget announced funding of \$29.7 million over four years (2004-2008) to help make values education a core part of schooling. This includes funding for:

- curriculum and assessment resources to help all schools teach values;
- clusters of schools implementing good practice approaches;
- values education forums in every school in Australia involving the whole school community;
- drug education forums in every school; and
- national partnership projects with parents, teachers, school principals and teacher educators, and an annual national values education forum.

The *National Framework for Values Education in Australian Schools*, endorsed by all State and Territory Ministers, highlights the development of “*student responsibility in local, national and global contexts*” as a key component for schools to focus on in their values education efforts.

The Framework includes nine *Values for Australian Schooling*:

- Care and compassion;
- Doing your best;
- Fair go;
- Freedom;
- Honesty and trustworthiness;
- Integrity;
- Respect;
- Responsibility; and
- Understanding, tolerance and inclusion.

These values (particularly, perhaps, respect, responsibility and understanding, tolerance and inclusion) help students appreciate their local, national, regional and global responsibilities and help them to understand human rights.

It is a condition of Australian Government financial assistance to the States and Territories for government and non-government schools in the period 2005-08 (with funding worth \$33 billion in total) that the agreed national Values for Australian Schooling are displayed prominently in every school.

11. Priority issues affecting children requiring the most urgent attention with regard to the implementation of the Convention

In general terms and by international standards, most Australian children are doing well. Australia is a prosperous country and in the last 50 years has achieved dramatic increases in life expectancy, declines in infant and maternal deaths, reductions in child injury, reductions in infectious diseases, and increases in the number of students who complete year 12.

There are however, particular groups of children whose needs warrant special attention.

Aboriginal and Torres Strait Islander children

Aboriginal and Torres Strait Islander children continue to experience poorer health, learning and social outcomes than non-indigenous children for a range of complex reasons best understood in a historical, cultural and geographic context. Improving outcomes for Indigenous children is widely acknowledged as a priority requiring urgent attention with regard to the implementation of the Convention.

There are a range of targeted programs funded by both the Australian Government and State and Territory governments to improve outcomes for Indigenous children and their families.

Mental health problems

Combating increasing rates of mental health problems in children and young people and reducing youth suicide are priority issues requiring urgent action under the Convention.

There are specific Australian Government programs aimed at prevention of mental health problems in children and young people, including beyondblue: the National Depression Initiative and the Mind Matters program in schools.

Increasing rates of child abuse substantiations

Increasing rates of child abuse substantiations in Australia is another emerging area of concern and a priority for action under the Convention.

Child protection is a State and Territory government responsibility in Australia and there are a wide range of services in place to assist children who experience or are at risk of all forms of child abuse and neglect. Increasingly, State and Territory governments are investing in prevention and early intervention approaches to address the risk factors for child abuse and neglect before problems arise.

For its part, the Australian Government supports vulnerable families through the provision of family assistance and income support, and a range of prevention and early intervention programs. These include: housing programs, Aboriginal and Torres Strait Islander programs, family relationship counselling services, and early childhood initiatives targeting disadvantaged communities through the Stronger Families and Communities Strategy.

PART II

Copies of the text of the Convention in all official languages of Australia

The text of the Convention in Australia's official language, English, can be obtained electronically from the following source:

<http://www.austlii.edu.au/au/other/dfat/treaties/1991/4.html>

Part III

New bills or enacted legislation

The Government is introducing changes to the *Family Law Act 1975* to support the right of children to have meaningful relationships with both their parents after separation through the *Family Law Amendment (Shared Parental Responsibility) Bill 2005*. The amendments will support and encourage joint parental responsibility and promote parents consulting together on important parenting decisions such as where a child goes to school or major health issues. In addition, to implement the Family Law Council report, *Recognition of Aboriginal and Torres Strait Islander Child-rearing Practices*, the Government has also included amendments in relation to Indigenous children so that children of Indigenous origins have the right, with other members of their group, to enjoy their own culture, consistent with article 30 of the *Convention on the Rights of the Child*.

The *Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Act 2002*, the *Social Security Amendment (Further Simplification) Act 2003* and the *Social Security Amendment (Extension of Youth Allowance and Austudy Eligibility to New Apprentices) Bill 2005* respectively make changes to social security conditions, rent assistance definitions and extend Youth Allowance and Austudy to Trainees and New Apprentices, thus having a positive impact on young people who access these services.

As discussed in Part I B.1.(vii) above, on 17 June 2005 the Prime Minister announced a number of changes to the *Migration Act 1958*. The Act now provides for an additional non-compellable, non-delegable power for the Minister to specify alternative detention arrangements for a person and the conditions which will apply to that person's detention. The objective of this amendment is to ensure that families with children in immigration detention will be placed in community detention arrangements with conditions set to meet their individual circumstances. As at 29 July 2005, all families with children were moved from immigration detention facilities into the community.

Under the *Australian Citizenship Act 1948* a child under 18 years will never lose Australian citizenship provided one responsible parent is an Australian citizen or where such loss would render the child stateless. The Act also provides for resumption of Australian citizenship for people over 18 years who lost Australian citizenship as a result of a parent's loss or deprivation of Australian citizenship.

Under amendments to the Act that commenced on 1 July 2002, children under 16 years who acquire Australian citizenship with their parents have been given their own citizenship certificates. Proposed changes to the Act, announced in July 2004, for which draft legislation is expected to be introduced later in 2005, will remove the age limit for registration of Australian citizenship by descent or resumption of citizenship by those who have renounced Australian citizenship to retain another citizenship. To be considered in this context is the current provision that children automatically lose Australian citizenship if their Australian citizen parents renounce their Australian citizenship.

The *Criminal Code Amendment (Suicide Related Material Offences) Act 2005* will come into effect as part of the Commonwealth *Criminal Code* on 6 January 2006. This Act will make it an offence to use a carriage service, including the Internet, to distribute material that counsels or incites committing or attempting to commit suicide. While these offences apply to all age groups, in Australia internet usage is highest among people of 15 to 19 years of age, with children 10-14 years old having the third highest rate of usage. As a result, it is likely that these new offences will have greatest impact in protecting vulnerable youth.

The *Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Act 2004* came into effect on 1 March 2005 and inserted new child pornography and child abuse offences into the *Criminal Code*. The new offences target the use of the Internet to access, transmit and make available child pornography and child abuse material, as well as the possession or production of such material with intent to place it on the Internet. These offences complement existing offences prohibiting the importation of such material into Australia, and each of these offences carries a maximum penalty of ten years imprisonment. The Act also makes it an

offence to use a carriage service to procure or 'groom' a person, who is under 16 years of age, for the purpose of engaging in sexual activity with that person or so that a third person can engage in sexual activity with that person. This legislation also allows the Australian Federal Police to proactively police the Internet to facilitate the arrest of predatory adults before they have the opportunity to sexually abuse children. Further, the offences in the Act have extended geographical jurisdiction outside Australia.

The *Criminal Code Amendment (Trafficking in Persons Offences) Act 2005* which commenced on 3 August 2005 creates new and revised trafficking in persons offences in the *Criminal Code Act 1995*. This comprehensively criminalises trafficking in persons activity, fulfilling Australia's obligations under the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention Against Transnational Organized Crime*.

Part 1AD of the *Crimes Act 1914* (Cth) now also contains a protective regime for child witnesses and complainants in proceedings for Commonwealth sexual offences. These provisions recognise that child complainants and witnesses are particularly vulnerable and are intended to minimise the distress and trauma experienced by child complainants and child witnesses in giving evidence.

The ILO Convention 182 (C182) and its accompanying Recommendation (R190) concerning the worst forms of child labour were adopted by the June 1999 International Labour Conference (ILC). The Australian Government is committed to ratification of C182 as soon as possible. While Tasmania is the only jurisdiction yet to be confirmed as compliant, the following legislative changes have been made in State and Territory jurisdictions since the last report to achieve compliance with the provisions of C182: *Crimes Legislation Amendment (Pornography Offences) Act 2004 (No 3)* (ACT), *Criminal Code Amendment (Child Abuse Material) Act 2004* (NT), *Fair Work Act 1994* (SA) (amended to incorporate C182 and cross-references ILO Convention 138, Minimum Age, 1973), *Criminal Code Amendment (Child Exploitation) Act 2005* (Tas), *Children and Community Services Act 2004* (WA).

New institutions

Family Relationship Centres

A central part of the Government's family law reforms is a national network of 65 Family Relationship Centres which will assist parents to make arrangements for children after separation and will also be a point of referral and information for families seeking assistance. They will provide information, advice and dispute resolution services to separated families to help them reach agreement on parenting arrangements without the need to go to court. The national network will be supported by a national telephone information and advice line and a web-site.

New arrangements for the administration of Indigenous Affairs

On 1 July 2004 the Australian Government introduced new arrangements for the administration of Indigenous affairs. A Ministerial Taskforce on Indigenous Affairs (MTF) has been established and is providing leadership and strategic direction at the national level, and is advised by a Secretaries Group on Indigenous Affairs and a National Indigenous Council (NIC). The NIC is an expert advisory body that is not intended to replace ATSIC or be a representative body. Members were chosen for their expertise and experience in particular policy areas and are not representing particular regions, organisations or agencies. The NIC's charter requires it to provide expert advice to Government on how to improve outcomes for Indigenous people, including improving program performance and service delivery in a whole-of-government environment. The NIC will also promote constructive dialogue and engagement between government and Aboriginal and Torres Strait Islander people, communities and organisations. While the NIC will be a major source of advice to the Australian Government, the Government will also consult other Indigenous boards and committees, community organisations and leaders. The MTF is made up of Australian Government Ministers whose portfolios administer programs that affect Indigenous Australians, while the Secretaries Group on Indigenous Affairs is made up of the heads of departments that fall within those portfolios. The MTF, in consultation with the NIC, has identified three areas for priority attention which include: early childhood intervention, including health and early educational outcomes; safer communities; and building Indigenous wealth, employment and entrepreneurial culture.

Newly implemented policies

The Stronger Families and Communities Strategy is a major initiative giving families, their children and communities the opportunities to build a better future. More detail is contained in Part 1B of this document at page 58. The National Agenda for Early Childhood is intended to provide an overarching framework for coordinating and promoting consistency in the range of prevention and early intervention supports and services already available for young children and their families across Australia and to guide future investment to ensure all children receive the best possible start in life. More detail is contained in Part 1B of this document at page 58.