



Submission to the Select Committee on Children and Young People (Safety and Support) Bill 2024

January 2025



Commissioner
Y for Children &
Young People

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Introduction

Thank you for the opportunity to once again advocate for stronger legislation to reset the child protection system in South Australia. We all want to ensure children and their families get the right help at the right time so that children remain with their family and community.

As I have consistently maintained, getting it right for all children and young people in this state means promoting their rights to be heard; maintaining meaningful relationships and connections with family, community and culture; reframing risk away from what is 'going wrong' towards what can be built on; building trust with families; and listening to children and families about their experience of the system and the support they need.

As my joint letter with the Commissioner for Aboriginal Children and Young People and the Guardian for Children and Young People stipulated, the Bill is not ready. It is not aligned with the commitments and objectives articulated within and it will not create the meaningful change that children and young people, their families and communities need. There are also parts with the potential to cause new harms.

The Bill, in its current form, will be ineffective to turn the tide on the overrepresentation of Aboriginal children and young people in care. It is inconsistent with the United Nations Convention on the Rights of the Child, the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Convention on the Rights of Persons with Disabilities.

This submission outlines some of the minimum amendments that need to be made to get this Bill up to 'standard', building upon my previous submissions and recommendations made by both the Commissioner for Aboriginal Children and Young People and the Guardian for Children and Young People.

I recommend that the Select Committee on the Children and Young People (Safety and Support) Bill:

- 1. Strengthen the foundations of the Bill.**
- 2. Introduce comprehensive principles of child participation.**
- 3. Make the best interests of the child the paramount principle and consideration in decision making.**
- 4. Establish a stand-alone principle of placement with order of priority.**
- 5. Require the standard of 'active efforts' for all children.**
- 6. Ensure consistent application of the terms 'harm' and 'significant harm'.**

I also ask you that you refer to my previous submissions and reports:

- 2022 [Submission on the Review of the Children and Young People \(Safety\) Act 2017](#) and [Submission on the Review of the \(Safety\) Act 2017 – Child Voice & Participation](#).

- 2023 [Best Interests Report: Listening to children and young people's experiences within the child protection system.](#)
- 2024 [Submission on the draft Children and Young People \(Safety and Support\) Bill 2024.](#)

Yours sincerely,



Helen Connolly

Commissioner for Children and Young People

1. Strengthen the foundations of the Bill.

Although this iteration of the Bill appears to strengthen children and young people's rights, it also provides inconsistent priorities of these rights by stating that some rights are desirable while others are a need. For example, there is a 'desirability' of 'the child or young person's family having primary responsibility for the child or young person's upbringing, protection and development' (UNCRC Article 5), but a 'need to protect the child or young person from harm and risks of harm' (UNCRC Article 19).

This is in direct contrast to how human rights principles should be embedded in legislation – as universal, inalienable, indivisible and interdependent. To amend this inconsistency, any words that prioritise one right over the other should be deleted and the principles converted to a statement.

2. Introduce comprehensive principles of child participation.

I submit that the current drafting of clause 13 could be strengthened by substituting 'voice' with 'participation' and outlining comprehensive 'principles of participation' for children. The current wording – 'voices of children and young people to be heard' – could be construed too narrowly and is inconsistent with the majority of other jurisdictions that prefer 'participation' (see Appendix – Principles of participation).

I am particularly concerned that 'get out clauses' remain in the draft Bill and will provide 'excuses' for decision makers to not hear from children and young people if they determine it is 'not in a child's best interests' or that the child does not have the developmental capacity to do so. No other jurisdiction in Australia has provisions in legislation that allow adults to use their determination of a child's best interests to override the child's right to be heard. I urge the Committee to ensure such clauses are redacted.

Principles of participation are legislated in other jurisdictions, including in Queensland, Western Australia, New South Wales and Northern Territory. Legislation in New South Wales, for example, outlines the 'principle of participation' to ensure that all children and young people are 'able to participate' in decisions that affect their lives. Principles include providing assistance that is necessary to have a child or young person to express their views, adequate information in a manner or language that they can understand, information about the outcome of the decision and an opportunity to respond to the decision.

As discussed in my previous child voice submission and [Best Interests Report](#), the best interests of the child can only be met if they are included and supported to participate in decisions. All decision makers should be listening to children – their voices, non-verbal cues and behaviour – to understand how they feel about their situation and what they want to improve about their situation.

As the United Nations Committee on the Rights of the Child has emphasised, the dichotomy between protection and participation is a false one and:

There can be no correct application of Article 3 [the best interests of the child] if the components of Article 12 [hearing the child] are not respected. Likewise, Article 3 reinforces the functionality of Article 12, facilitating the essential role of children in all decisions affecting their lives.ⁱ

The Guardian for Children and Young People has consistently reported the low percentage of children being part of their annual reviews, which reflects ‘a high rate of adults scheduling around their own convenience and determining that children and young people do not need to be in the room’.ⁱⁱ Of the annual reviews audited by in 2023-24, only 33.7% of children attended their own annual review and 15% had to decline due to their review being scheduled during school hours. This is despite the fact the Department for Child Protection’s current manual of practice states that the child’s views should be included.

3. Make the best interests of the child the paramount principle and consideration in decision making.

As previously stated, it is disappointing and somewhat embarrassing to see that South Australia will continue to be the only jurisdiction in Australia where ‘safety’ is the paramount principle of child protection legislation. In the Northern Territory, Victoria and Tasmania, best interests is the paramount principle. In Queensland, New South Wales and Western Australia, safety is only one part of a paramount principle that also includes wellbeing and best interests (see Appendix – Primary principles).

The objective of the Act must not limit decisions to ‘protect[ing] children and young people from harm’ but instead seek to promote children’s best interests and rights in a holistic way. Safety as the paramount consideration creates risk frameworks that result in fear-based decision-making and bias favouring removals rather than an evidence-based assessment of risk and best interests in its broader context.

This prioritises the short-term ‘safety’ of a child or young person over long-term outcomes. Risk-based decision making can also deny opportunities for children in care that other children take for granted. This includes the child having a bicycle, going to friend’s places, or going on holidays or camps. Although these decisions could be seen as bearing risk, these are important opportunities for children to learn, develop, gain connections and feel like they belong and are not the ‘other’.

Including best interests as the paramount consideration will ensure decisions incorporate a more holistic and long-term view of a child’s life, development, relationships, health and wellbeing. Decisions made in this context will drive better outcomes for all children and young people and reduce the high numbers of children and young people entering the child protection system.

4. Establish a stand-alone principle of placement with order of priority.

If the State removes children and young people from their family, it is vital that any legislation protects them from having every aspect of their lives turned upside down. Legislation in both New South Wales and Victoria note the importance of following 'the least intrusive intervention' and the importance of 'allowing the education, training or employment of the child to continue without interruption or disturbance' respectively.

Where the current Act includes standalone placement principles under section 11, this Bill includes a weaker principle of placement (inserting the term 'desirable'), which is hidden within the Best interests principle and only applicable to case planning. At the same time, the Chief Executive is not required to prioritise one placement decision over another (clause 130).

To clarify any confusion arising from priority of placement, a stand-alone principle of placement should be reinserted. This principle should reflect the order of priority outlined in the draft 'Best interests' principle. This will align South Australia's legislation with other jurisdictions and should be central to any decision made by the state or courts. I also urge you to consider more detailed feedback from the Commissioner for Aboriginal Children and Young People and the Guardian for Children and Young People in relation to the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle.

It is also recommended that the principle of placement should require decision makers to prioritise the child's experiences above what is expedient for the system. This principle should include a commitment to:

- Continue ongoing positive, trusting and nurturing relationships with persons of significance to the child, including the child's parents, siblings, extended family members and carers; and
- Provide stable living arrangements, with connections to the child's community, that meet the child's developmental, educational, emotional, health, intellectual and physical needs.

5. Require the standard of 'active efforts' for all children.

I welcome the implementation of active efforts for Aboriginal and Torres Strait Islander children and young people. As noted in my previous submissions, the guiding principles should embed a requirement of active efforts to be made for all children and young people. This will ensure consistency of approach within the child protection system, with the aim of changing the culture of the system.

All children and young people deserve the highest standard of practice to keep them healthy and safe with their family and community and culture. The requirement of 'active efforts' will enshrine a stronger commitment by the state to provide support services and resources for families and communities to promote children's rights, wellbeing and safety.

When New South Wales accepted the recommendation for active efforts for Aboriginal and Torres Strait Islander children and young people as a result of the Family is Culture Review, the government made the decision to ensure it applies to all children and young people (See Appendix – Active Efforts). As stated in Hansard, it ‘ensures that the highest standard of practice is the norm and is applied consistently across the board. We want to get it right for Aboriginal children and all children. This bill gives us that opportunity.’ⁱⁱⁱ

Active effort principles should embed a requirement for all-of-government to take active efforts to keep children at home and in community, recognising that outcomes can often be worse for children who are taken from their family.

Most of the services that should be in a position to address the structural determinants of abuse and neglect – including housing and homelessness services, healthcare services, mental health services and drug and alcohol services – are not administered by the Department. The principle of ‘active efforts’ should therefore be embedded in all legislation governing agencies that provide services to children and families and front of mind when developing the State Strategy.

A requirement of ‘active efforts’ will strengthen the legislative base for early intervention and family preservation and reunification. As asserted in my previous submissions, support services should be extended to all parents and families both prior to and post-removal to improve their parenting capacity and readiness for reunification. Regardless of whether reunification happens, it is in the child’s best interests that the parents address the protective concerns. Even where removal is necessary and reunification is not achievable at one point in time, it is important to work with and support parents to address underlying trauma and parenting concerns and to ensure a relationship is maintained.

6. Ensure consistent application of the terms ‘harm’ and ‘significant harm’.

I support the increase in the threshold for reporting from the risk of harm to significant harm. I understand the intention behind the Bill including ‘significant harm’ as well as ‘harm’ is to allow the system to respond to those at greatest risk while diverting those at lower risk to the services they require to keep them out of the statutory child protection system. However, it appears the threshold for actions is being inconsistently applied throughout the Bill.

I note that significant harm is only being applied in relation to mandatory reporting and the removal of children by child protection officers, undermining the intention of inserting the higher threshold in the first place. For example, it appears that the court can issue certain orders if there is ‘a reasonable suspicion that a child or young person is at risk of harm’. This could translate to children and young people still being removed at the lower threshold of ‘risk of harm’ when the purpose of the lower threshold is to protect children’s rights to remain safely in their homes.

I concede that the lower threshold should allow courts to make orders to ensure support for children and their families to remain at home, but at the same time there is a danger that it will not stem the flow of children being removed even when there is no 'significant harm'. I therefore recommend that the Bill be fully reviewed to ensure that the intention behind the Bill remains and addresses the high numbers of children being removed from their birth families.

More guidance, including providing examples on what significant harm looks like, would assist practitioners and those working with children and families to ensure consistency of practice.

Appendix

Principles of Participation

Jurisdiction - Legislation	Examples of principles of participation
<p>NSW - <i>Children and Young Persons (Care and Protection) Act 1998 No 157</i></p>	<p>s10F Child participation</p> <p>If a decision is, or is to be, made under this Act in relation to a child:</p> <p>(a) the child –</p> <p>(i) should be provided with adequate information and explanation about the decision in a manner that the child can understand; and</p> <p>(ii) if appropriate having regard to the child's maturity and understanding, should be provided with the opportunity to respond to the proposed decision; and</p> <p>(iii) if appropriate having regard to the child's maturity and understanding, should be provided with the opportunity to express his or her views freely; and</p> <p>(iv) should be provided with assistance in expressing those views; and</p> <p>(b) the views of the child should be taken into account, having regard to the child's maturity and understanding.</p>
<p>NT – <i>Care and Protection Act 2007</i></p>	<p>S11 The principle of participation</p> <p>(1) To ensure that a child or young person is able to participate in decisions made under or pursuant to this Act that have a significant impact on his or her life, the Secretary is responsible for providing the child or young person with the following–</p> <p>(a) adequate information, in a manner and language that he or she can understand, concerning the decisions to be made, the reasons for the Department's intervention, the ways in which the child or young person can participate in decision-making and any relevant complaint mechanisms,</p> <p>(b) the opportunity to express his or her views freely, according to his or her abilities,</p>

	<p>(c) any assistance that is necessary for the child or young person to express those views,</p> <p>(d) information as to how his or her views will be recorded and taken into account,</p> <p>(e) information about the outcome of any decision concerning the child or young person and a full explanation of the reasons for the decision,</p> <p>(f) an opportunity to respond to a decision made under this Act concerning the child or young person.</p> <p>(2) In the application of this principle, due regard must be had to the age and developmental capacity of the child or young person.</p> <p>(3) Decisions that are likely to have a significant impact on the life of a child or young person include, but are not limited to, the following—</p> <p>(a) plans for emergency or ongoing care, including placement,</p> <p>(b) the development of care plans concerning the child or young person,</p> <p>(c) Children’s Court applications concerning the child or young person,</p> <p>(d) reviews of care plans concerning the child or young person,</p> <p>(e) provision of counselling or treatment services,</p> <p>(f) contact with family or others connected with the child or young person.</p>
<p>QLD – <i>Child Protection Act 1999</i></p>	<p>5E Principles for participation of children</p> <p>(1) This section applies if a person—</p> <p>(a) exercises, or will exercise, a power under this Act that affects, or may affect, a child; or</p> <p>(b) makes, or will make, a decision under this Act that affects, or may affect, a child.</p> <p>(2) Unless a provision of this Act states otherwise, the person must ensure the following in relation to the exercise of the power or the making of the decision—</p>

	<p>(a) the child is given meaningful and ongoing opportunities to participate;</p> <p>(b) the child is allowed to decide whether or not the child will participate;</p> <p>(c) the child is given information that is reasonably necessary to allow the child to participate;</p> <p>(d) the child is advised about what help is available to the child;</p> <p>(e) the person understands and considers, or makes a genuine attempt to understand and consider, any views expressed by the child;</p> <p>(f) the child is allowed to express views that are different to views previously expressed by the child;</p> <p>(g) communication with the child is carried out in a way that is appropriate for the child;</p> <p>(h) a record of views expressed by the child is made that, if appropriate, uses the child's words.</p> <p>(3) If the child decides to participate in the exercise of the power or the making of the decision, the person must ensure that—</p> <p>(a) the child is allowed to decide how the child will participate; and</p> <p><i>Examples of how a child may decide to participate—</i></p> <ul style="list-style-type: none"> • communicating verbally or non-verbally communicating directly with a particular person • communicating indirectly through a trusted person, including, for example, a member of the child's family or family group, the child's carer or the public guardian • communicating indirectly through an independent person, including, for example, the child's legal representative or health practitioner • communicating indirectly through a written statement or an audio or video recording • communicating indirectly through an expert in a report prepared by the expert • participating separately from particular persons
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	<p>(b) the person listens to and engages with, or makes a genuine attempt to listen to and engage with, the child; and</p> <p>(c) the child is given help to participate if the child requires it.</p> <p>(4) If the child decides not to participate, or is otherwise unable to participate, in the exercise of the power or the making of the decision, the person must ensure—</p> <p>(a) the person obtains, or makes a genuine attempt to obtain, the views of the child in another way that is appropriate for the child; and</p> <p><i>Example of a way to obtain a child's views that may be appropriate—</i></p> <p>a report prepared by a psychologist for the child</p> <p>(b) the child's decision, or inability, does not operate to the detriment of the child in relation to the exercise of the power or the making of the decision.</p> <p>(5) This section does not apply to a court or the tribunal.</p>
<p>Tas – Children, Young Persons and Their Families Act 1997</p>	<p>10F Child participation</p> <p>When a decision involving a child is made:</p> <p>(a) the child:</p> <p>(i) should be given adequate information and explanation in a way that the child can understand; and</p> <p>(ii) should be given the opportunity to respond to the proposed decision; and</p> <p>(iii) should be given the opportunity to express the child's wishes and views freely; and</p> <p>(iv) should be given assistance in expressing those wishes and views; and</p> <p>(b) those wishes and views should be taken into account, having regard to the child's maturity and understanding.</p>
<p>WA – Children and Community Services Act 2004</p>	<p>S10 Principles of child participation</p> <p>(1) If a decision under this Act is likely to have a significant impact on a child's life then, for the purpose of ensuring that the child is</p>

	<p>able to participate in the decision-making process, the child must be given –</p> <p>(a) adequate information, in a manner and language that the child can understand, about –</p> <p>(i) the decision to be made; and +</p> <p>(ii) the reasons for the Department’s involvement; and</p> <p>(iii) the ways in which the child can participate in the decision-making process; and</p> <p>(iv) any relevant complaint or review procedures; and</p> <p>(b) the opportunity to express the child’s wishes and views freely, according to the child’s abilities; and</p> <p>(c) any assistance that is necessary for the child to express those wishes and views; and</p> <p>(d) adequate information as to how the child’s wishes and views will be recorded and taken into account; and</p> <p>(e) adequate information about the decision made and a full explanation of the reasons for the decision; and</p> <p>(f) an opportunity to respond to the decision made.</p> <p>(2) In the application of the principle set out in subsection (1), due regard must be had to the age and level of understanding of the child concerned.</p> <p>(3) Decisions under this Act that are likely to have a significant impact on a child’s life include but are not limited to –</p> <p>(a) decisions about placement arrangements or secure care arrangements in respect of the child; and</p> <p>(b) decisions in the course of preparing, modifying or reviewing care plans or provisional care plans for the child; and</p> <p>(c) decisions about the provision of social services to the child; and</p> <p>(d) decisions about contact with the child’s parents, siblings and other members of the child’s family and with other people who are significant in the child’s life.</p>
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Primary Principles

Jurisdiction - Legislation	Examples of primary principles
ACT - <i>Children and Young People Act 2008</i>	<p>s8 Best interests of children and young people paramount consideration</p> <p>(1) In making a decision under this Act in relation to a particular child or young person, the decision-maker must regard the best interests of the child or young person as the paramount consideration.</p> <p>(2) In making a decision under this Act otherwise than in relation to a particular child or young person, the decision-maker must consider the best interests of children and young people.</p>
NSW - <i>Children and Young Persons (Care and Protection) Act 1998</i>	<p>s9(1) This Act is to be administered under the principle that, in any action or decision concerning a particular child or young person, the safety, welfare and well-being of the child or young person are paramount.</p>
NT - <i>Care and Protection Act 2007</i>	<p>s10 Best interests of child</p> <p>(1) When a decision involving a child is made, the best interests of the child are the paramount concern.</p> <p>(2) Without limiting subsection (1), consideration should be given to the following matters in determining the best interests of a child:</p> <p>(a) the need to protect the child from harm and exploitation;</p> <p>(b) the capacity and willingness of the child's parents or other family members to care for the child;</p> <p>(c) the nature of the child's relationship with the child's family and other persons who are significant in the child's life;</p> <p>(ca) the need to strengthen, preserve and promote positive relationships between the child and the child's parents, family members, kinship group and other persons who are significant in the child's life;</p> <p>(cb) in circumstances where the child has been removed from the care of the child's family, all possibilities related to reunifying the child with the child's parents;</p> <p>(d) the wishes and views of the child, having regard to the maturity and understanding of the child;</p>

	<p>(e) the child's need for permanency in the child's living arrangements;</p> <p>(f) the child's need for stable and nurturing relationships;</p> <p>(g) the child's physical, emotional, intellectual, spiritual, developmental and educational needs;</p> <p>(h) the child's age, maturity, gender, sexuality and cultural, ethnic and religious backgrounds;</p> <p>(ha) if the child is an Aboriginal child – the child's right to enjoy the Aboriginal culture and tradition of the child's family and community including the need to maintain ongoing contact with the child's family and connection to country and language;</p> <p>(i) other special characteristics of the child</p>
<p>QLD – <i>Child Protection Act 1999</i></p>	<p>s5A Paramount principle</p> <p>The main principle for administering this Act is that the safety, wellbeing and best interests of a child, both through childhood and for the rest of the child's life, are paramount.</p> <p><i>Example– If the chief executive is making a decision under this Act about a child where there is a conflict between the child's safety, wellbeing and best interests (whether immediate or long-term in nature), and the interests of an adult caring for the child, the conflict must be resolved in favour of the child's safety, wellbeing and best interests.</i></p>
<p>Tas – <i>Children, Young Persons and Their Families Act 1997</i></p>	<p>s10E: Best interests of child</p> <p>(1) In performing functions or exercising powers under this Act, the best interests of the child must be the paramount consideration.</p> <p>(2) Without limiting the matters that may be taken into account in determining the best interests of a child, the following matters are to be taken into account for that purpose:</p> <p>(a) the need to protect the child from physical, psychological and other harm and from exploitation;</p> <p>(b) the views of the child, having regard to the maturity and understanding of the child;</p> <p>(c) the capacity and willingness of the child's parents or other family members to care for the child;</p>

	<p>(d) the nature of the child's relationships with his or her parents, other family members and other persons who are significant in the child's life, including siblings;</p> <p>(e) the child's need for stable and nurturing relationships with his or her parents, other family members, other persons who are significant in the child's life and the community;</p> <p>(f) the child's need for stability in living arrangements;</p> <p>(g) the child's physical, emotional, intellectual, spiritual, developmental and educational needs;</p> <p>(h) the attitude to the child, and to the responsibilities of parenthood, demonstrated by each of the child's guardians;</p> <p>(i) the need to provide opportunities for the child to achieve his or her full potential;</p> <p>(j) the child's age, maturity, sex, sexuality and cultural, ethnic and religious backgrounds;</p> <p>(k) any other special characteristics of the child;</p> <p>(l) the likely effect on the child of any changes in the child's circumstances;</p> <p>(m) the least intrusive intervention possible in all the circumstances;</p> <p>(n) the opportunities available for assisting the child to recover from any trauma experienced –</p> <p>(i) in relation to being separated from his or her parents, family and community; or</p> <p>(ii) as a result of abuse or neglect;</p> <p>(o) any persuasive reports of the child being harmed or at risk of harm and the cumulative effects of such harm or risk.</p>
<p>Vic – Children, Youth and Families Act 2005</p>	<p>s10 Best interests principles</p> <p>(1) For the purposes of this Act the best interests of the child must always be paramount.</p> <p>(2) When determining whether a decision or action is in the best interests of the child, the need to protect the child from harm, to protect his or her rights and to promote his or her development (taking into account his or her age and stage of development) must always be considered.</p>

	<p>(3) In addition to subsections (1) and (2), in determining what decision to make or action to take in the best interests of the child, consideration must be given to the following, where they are relevant to the decision or action—</p> <p>(a) the need to give the widest possible protection and assistance to the parent and child as the fundamental group unit of society and to ensure that intervention into that relationship is limited to that necessary to secure the safety and wellbeing of the child;</p> <p>(b) the need to strengthen, preserve and promote positive relationships between the child and the child's parent, family members and persons significant to the child;</p> <p>(c) the need, in relation to an Aboriginal child, to protect and promote his or her Aboriginal cultural and spiritual identity and development by, wherever possible, maintaining and building their connections to their Aboriginal family and community;</p> <p>(d) the child's views and wishes, if they can be reasonably ascertained, and they should be given such weight as is appropriate in the circumstances;</p> <p>(e) the effects of cumulative patterns of harm on a child's safety and development</p>
<p>WA – Children and Community Services Act 2004</p>	<p>s7 Paramount consideration is best interests of child In performing a function under this Act in relation to a child, the paramount consideration is the best interests of the child.</p>

Active Efforts

Jurisdiction - Legislation	Definition of Active Efforts
<p>NSW - Children and Young Persons (Care and Protection) Act 1998</p>	<p>s9A Principle of making “active efforts”</p> <p>(1) The Secretary must act in accordance with the principle of active efforts in exercising functions under this Act.</p> <p>(2) The principle of active efforts means—</p> <p>(a) in taking action to safeguard or promote the safety, welfare and well-being of a child or young person—making active</p>

	<p>efforts to prevent the child or young person from entering out-of-home care, and</p> <p>(b) for a child and young person who has been removed from the child's or young person's parents or family—</p> <p>(i) making active efforts to restore the child or young person to the child's or young person's parents, or</p> <p>(ii) for a child or young person for whom it is not practicable or in the child's or young person's best interests to be restored to the child's or young person's parents—to place the child or young person with family, kin or community.</p> <p>Note— See the permanent placement principles in section 10A and the placement principles for Aboriginal and Torres Strait Islander children and young persons in section 13.</p> <p>(3) Under the principle of active efforts, the Secretary must also ensure active efforts are—</p> <p>(a) timely, and</p> <p>(b) practicable, thorough and purposeful, and</p> <p>(c) aimed at addressing the grounds on which the child or young person is considered to be in need of care and protection, and</p> <p>(d) conducted, to the greatest extent possible, in partnership with the child or young person and the family, kin and community of the child or young person, and</p> <p>(e) culturally appropriate, and</p> <p>(f) otherwise in accordance with any requirements prescribed by the regulations.</p> <p>(4) Without limiting subsections (1)–(3), active efforts include—</p> <p>(a) providing, facilitating or assisting with access to support services and other resources, and</p> <p>(b) if appropriate services or resources do not exist or are not available—considering alternative ways of addressing the relevant needs of the child or young person and the family, kin or community of the child or young person, and</p> <p>(c) activities directed at finding and contacting the family, kin and community of the child or young person, and</p>
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	<p>(d) the use of any of the following—</p> <p>(i) a parent responsibility contract,</p> <p>(ii) a parent capacity order,</p> <p>(iii) a temporary care arrangement under Chapter 8, Part 3, Division 1,</p> <p>(iv) alternative dispute resolution under section 37, and</p> <p>(e) another matter, activity or action prescribed by the regulations.</p> <p>(5) To avoid doubt, this section is subject to the requirement under section 9(1) that this Act is to be administered under the principle that, in any action or decision concerning a particular child or young person, the safety, welfare and well-being of the child or young person are paramount.</p>
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ⁱ United Nations Committee on the Rights of the Child, General Comment No. 12 (2009) The right of the child to be heard, p. 18. Available at <https://www.refworld.org/docid/4ae562c52.html>.

ⁱⁱ Guardian for Children and Young People and Training Centre Visitor, 2023–2024 Annual Report, Office of the Guardian for Children and Young People, 2024, https://gcyp.sa.gov.au/wordpress/wp-content/uploads/2024/11/GYCP_TCV_CYPV_YTOV_Annual-Report-2023-24.pdf.

ⁱⁱⁱ Parliament of New South Wales. Legislative Council Hansard – 13 October 2022. Children and Young Persons (Care and Protection) Amendment (Family is Culture) Bill 2022. The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services). Accessed at <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/'HANSARD-1820781676-90494'>.