



Government
of South Australia

1 July 2015

Senator Rachel Siewert
Chair, Senate Inquiry into Out of Home Care
PO Box 6100
Parliament House
Canberra ACT 2600
c/o: community.affairs.sen@aph.gov.au

The Council for the
Care of Children

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Dear Senator

Re: Proof of Citizenship requirements for Australian passports and record keeping for children and young people under guardianship of the Minister

In 2006, the Government of South Australia established the Council under the South Australian *Children's Protection Act 1993* in lieu of a Children's Commissioner. The Council's functions extend to all children and young people from birth up to 18 years in South Australia ('SA').

The Council advises government and key stakeholders with the aim of ensuring children and young people in SA are cherished, nurtured and respected. The Council's work is informed by the United Nations Convention on the Rights of the Child ('UNCRC') and other international rights instruments. Broadly speaking, the Council's role and goals can be summarised as:

- advocating for and supporting the active participation and social inclusion of children and young people as valued citizens
- improving outcomes for children and young people by providing expert advice on their rights, needs and interests and the implications for policy, practice, and research
- raising awareness of issues impacting on children and young people
- monitoring the wellbeing of children and young people
- promoting the wellbeing, safe care and development of vulnerable children and young people (especially those who are living with disability and/or under the guardianship of the Minister and/or of Aboriginal or Torres Strait Islander descent).

The Council seeks out the views of children and young people and amplifies their voices to to inform decisions about policy, legislation and practice. The Council has presented the views of children and young people in out of home care to the SA Government and the Council's first report of conversations with young people in youth detention informed the design and operation of the new Goldsborough Campus of the Adelaide Youth Training Centre. Copies of extracts of the confidential reports are attached.

The Council's monitoring framework, *A Snapshot of Young South Australians, June 2013* reports on outcomes in five dimensions including that children and young people in SA:

- are healthy (enjoying good physical and emotional health and living healthy lives)
- stay safe, are nurtured (being cared for, nurtured and protected from harm and neglect)
- enjoy and achieve getting the most out of life and developing skills for life, according to their capabilities)
- make a positive contribution (being actively involved with their peers, families, culture, community and society, according to their capabilities)
- are prepared for adult life (gaining knowledge and skills to participate as adults and not being prevented by social and economic disadvantage from achieving in life).

In February 2015 a matter came to our attention that potentially affects many vulnerable children and young people, and in particular, children and young people in out of home care. I have written to

relevant government ministers in SA and to the Commonwealth Minister for Social Services and the Minister for Immigration and Border Protection and I have brought this matter to the attention of Ms Megan Mitchell, National Children's Commissioner. I also met with the Australian Children's Commissioners and Guardians ('ACCG') on 21 May 2015.

I now bring this matter to the attention of the Senate Inquiry.

Some children and young people, especially those who are vulnerable, experience significant barriers in proving their Australian citizenship before they can apply for an Australian passport. These concerns relate to the requirement that persons born after 20 August 1986 must demonstrate their proof of citizenship by providing the birth certificate of one of their birth parents born before that date. If the applicant's parents were born after that date, they must provide the birth certificate of one of their grandparents.

The difficulties are poignantly conveyed by two de-identified, yet actual and current, examples below that were brought to the Council's attention in February 2015 by an advocate working with young people in SA. These examples of two young people (now aged 19 and 20 years) respectively, suggest other vulnerable children and young people may face similar obstacles.

Young person A – 'Adam'

Adam is an Aboriginal young man who was born in SA and who has lived with his carers since birth. Although Adam moved to Queensland with his carers when he was still very young and they obtained legal guardianship of him and his siblings, they eventually returned to live in SA.

In late 2014, Adam commenced the process of applying for an Australian passport because he wanted to participate in an international volunteering program for young people from 18-25 years. Adam soon discovered that he had to provide 'Proof of Citizenship'. He was told that, as a person born post-1986, he could obtain 'Proof of Citizenship' by providing a copy of one of his birth parent's birth certificates or, in the absence thereof, he could provide *evidence* that constitutes proof of his citizenship. Although Adam's own birth certificate identifies his birth parents (and their places of birth ie a country town in SA and one in New South Wales) and he had 'Proof of Aboriginality', reportedly, that did not provide sufficient evidence of citizenship.

Adam felt traumatised by what he perceived to be significant obstacles in obtaining the required evidence and sought help from a trusted adult who acted as his advocate. Adam's 'advocate' contacted the Department for Immigration and Border Protection ('DIBP') on his behalf to clarify the requirements and to assist Adam to gather and provide the required documentation.

The aim was to help Adam to obtain an Australian passport by the end of February 2015 to allow sufficient time for the approval of a visa application, in readiness for Adam's planned departure in April 2015.

The advocate explained to the DIBP that Adam was not in a position to provide a copy of one of his birth parent's birth certificates as he had limited information about them and no contact or relationship with them.

The DIBP advised:

- 'Proof of Aboriginality' was not a form of evidence that qualifies as 'Proof of Citizenship'
- Adam's foster parents' birth certificates could not be accepted as 'Proof of Citizenship' even though he had been with them since birth
- a letter from Families SA, or an equivalent agency in Queensland, confirming that Adam was under the guardianship of the relevant government Minister as his 'legal guardian' from his birth to when he turned 18, could also not be accepted as 'Proof of Citizenship'.

Fortunately, with the assistance of his advocate, Adam managed to gather enough evidence and received 'Proof of Citizenship', obtain an Australian passport and a visa to participate in the international volunteering opportunity from 22 April to 29 May 2015.

Young person B – ‘Eve’

Eve is an Aboriginal young woman from SA who lives with her birth parents. In seeking to apply for an Australian passport, she was advised to provide one of her birth parent’s birth certificates as ‘Proof of Citizenship’. Eve was unable to obtain her mother’s birth certificate and in attempting to obtain her father’s birth certificate she discovered that her father had not been registered at birth (as is the case with many Aboriginal people of his generation).

It was difficult for Eve to come to terms with the concept that ‘Proof of Aboriginality’ was insufficient evidence for ‘Proof of Citizenship’ and she also sought assistance from an advocate with the process of applying for ‘Proof of Citizenship’. Eve’s advocate was advised that the following could be taken into account as evidence for ‘Proof of Citizenship’:

- Medicare card (apparently Eve did not yet have one, and applying would cause delay)
- Medical records (although Eve tracked down medical records from when she was 10 she was not able recall the name of general practitioner(s) during the first 10 years of her life and was unable to track down any medical records in relation to her early years)
- School records (Eve approached her primary school(s) and initially they advised that they either did not have the records or that the records had been archived. Intervention by the advocate proved successful and on 20 February 2015 Eve was able to collect a letter and records with evidence of her early education)
- Statutory Declaration (Eve did not have one but was able to obtain a statutory declaration regarding proof of residence)
- Photographs (Eve was told she could provide photographs that show her presence in Australia during her early years. Unfortunately, Eve did not have such photographs).

Having gathered what she hoped would be sufficient evidence Eve lodged an application for ‘Proof of Citizenship’ on 23 February 2015. She knew that the timelines for obtaining her ‘Proof of Citizenship’, applying for an Australian passport (at additional expense due to the lateness of the application) and for a visa were exceptionally tight and she thought she might miss out on participating in the international volunteering opportunity. Fortunately she has been able to participate.

Issues and concerns

The hurdles highlighted by these real-life scenarios appear to reflect a systemic issue facing other children and young people in Australia who are vulnerable through no fault of their own. The process of providing evidence for ‘Proof of Citizenship’ appears to be one that would daunt adults, let alone children and young people who may be emotionally and physically vulnerable and whose vulnerability may be compounded by a lengthy process that requires them to obtain evidence that may be impossible or difficult to obtain.

The Council has been advised by the young people’s advocate that, apparently, ‘Proof of Aboriginality’ is acceptable for the purposes of Federal Police checks for pre-employment checks in recognition of the knowledge that many Aboriginal people were not registered at birth. It necessitates the applicant completing a statutory declaration to obtain confirmation from a recognised Aboriginal organisation. It is puzzling that ‘Proof of Aboriginality’ cannot be accepted as evidence or part-evidence for ‘Proof of Citizenship’. The advocate has advised that a confirmation letter from a government agency that states the relevant state or territory government Minister is (or was) the legal guardian of a child or young person cannot be accepted as part of the evidence for ‘Proof of Citizenship’ either.

Reportedly, the acceptable evidence for ‘Proof of Citizenship’ can include health records for the first 10 years of life; school records for the same period; a Medicare Card; photographs and/or bills with one’s name and place of residence.

Action - taken and proposed

As identified earlier in this letter, I raised the matter with the Commonwealth Minister for Social Services and the Minister for Immigration and Border Protection and others. I have received

contradictory responses from DSS and DIBP regarding whether proof of Aboriginality should have been accepted as proof of citizenship, as attached. Further, this does not resolve the matter for non-Aboriginal people who have been in care who may not have access to their parents' birth certificates or who may not have access to the other documentation to demonstrate their citizenship.

Following the discussion on 21 May 2015 at the ACCG, I am planning on writing to the DSS and the DIBP again to seek some clarity whether proof of Aboriginality is evidence or not and the requirement regarding birth parents' birth certificate (as it would appear this applies to anyone born after 20 August 1986 - ie from a point in time, not over a set period - and the number of people this applies to is likely to continue to grow and in time include grandparents' birth certificates and eventually even great grandparents' birth certificates!). Copies of the responses received to date from the DSS and (on behalf of Minister Morrison) and from Minister Dutton are attached for information.

Ms Megan Mitchell will also liaise with the DSS and the DIBP regarding the possibility of including the matter as an action under the third action plan for the National Framework for Protecting Australia's Vulnerable Children.

The young people's advocate has been asked to liaise with the two young people about potentially testing the matter via the Australian Human Rights Commission complaints mechanism at <https://www.humanrights.gov.au/complaint-information> on the basis of:

- the citizenship requirements being discriminatory where proof of Aboriginality is available (under article 6 of the United Nations Declaration on the Rights of Indigenous Peoples, every indigenous individual has the right to a nationality)
- children and young people in care may be further traumatised by the process and requirements
- record keeping at a state/territory level.

The Council believes that these matters should be easy to resolve through broadening accepted proof of citizenship documentation to include signed statements from the State or Territory Government that a passport applicant was under the long term guardianship of the minister/executive while they were young children, and in the cases of Aboriginal applicants to include proof of Aboriginality. If this is not possible, then ensuring that applicants have the ability to have materials to support their proof of citizenship application, retained by the state or territory government and available to them upon leaving care would be appropriate.

The Council would value your consideration of this matter.

The Council Secretariat may be contacted via email: DECDChildrenSA@sa.gov.au or by telephone: (08) 8463 6429.

Yours sincerely

Prof Fiona Arney
Chair
Council for the Care of Children

cc The Hon Margaret Nyland AM, Commissioner, Child Protection Systems Royal Commission
Ms Megan Mitchell, National Children's Commissioner

Attachments:

Copies of correspondence received from the DSS and Minister Dutton and report extracts.



**THE HON PETER DUTTON MP
MINISTER FOR IMMIGRATION
AND BORDER PROTECTION**

Ref No: MC15-002995

Professor Fiona Arney
Chair
Council for the Care of Children
GPO BOX 1152
ADELAIDE SA 5001

Dear Professor Arney

Thank you for your letter of 27 February 2015 concerning the difficulties some vulnerable children and young people may experience when seeking to obtain evidence of Australian citizenship for the purpose of an application for an Australian passport. I apologise for the delay in responding.

Persons born in Australia on and after 20 August 1986 are Australian citizens by operation of law only if they had a parent who was an Australian citizen or permanent resident at the time of their birth. Persons born in Australia who do not become Australian citizens at the time of their birth may, by operation of law, become Australian citizens on their tenth birthday if they were ordinarily resident in Australia throughout the ten years commencing from their birth.

The *Australian Citizenship Act 2007* (the Act) provides that an Australian citizen can cease to be an Australian citizen in a number of ways. For example, a person may apply to renounce their Australian citizenship, and until 4 April 2002 a person lost their Australian citizenship by operation of law if that person, whilst outside Australia, acquired a foreign citizenship in particular circumstances. The Act also provides that former citizens may apply to resume Australian citizenship. Consequently, a person's citizenship status at a particular point in time is determined with regard to if and when the person acquired Australian citizenship and any subsequent events that may have impacted on their citizenship.

Generally, a person born in Australia who acquired Australian citizenship by operation of law will not have been issued with any form of citizenship certificate and will not be recorded as a citizen by the Department of Immigration and Border Protection unless the person has applied for a notice of evidence of Australian citizenship (notice of evidence) for a specific purpose. A notice of evidence is a legal document that can be used whenever it is necessary to show evidence that a person is an Australian citizen.

A notice of evidence may only be issued when my delegate is satisfied as to the person's identity and that the person is an Australian citizen. Consequently, applicants are required to provide evidence of their identity and, if available, evidence of a parent's Australian citizenship or permanent residence.

While the majority of applicants for a notice of evidence will be able to provide the requested supporting documentation it is recognised that some applicants may not be able to do so and it is a policy requirement that particular care and sensitivity be given to applications from:

- Indigenous Australians who may have little or no documentation;
- British and Maltese child migrants who may have limited documentation;
- people born in Australia whose births have not been registered.

Australian passports may only be issued to Australian citizens. The Australian Passport Office (APO) requires that passport applications be accompanied by documents that enable the APO to confirm the passport applicant's identity and Australian citizenship. A primary requirement of the APO is that the passport applicant provides one of the following documents:

- a full Australian birth certificate issued by an Australian state or territory Registry of Births, Deaths and Marriages, and if the passport applicant was born in Australia on or after 20 August 1986, proof that at least one of the applicant's parents was an Australian citizen or permanent resident at the time of the applicant's birth; or
- an Australian citizenship certificate or notice of evidence; or
- a previous Australian passport where the applicant is eligible to use the streamlined passport renewal process.

In the cases of 'Adam' and 'Eve' provided in your letter, they were referred to the Department to obtain a notice of evidence as the APO was unable to be satisfied from their available documentation that 'Adam' and 'Eve' were Australian citizens.

As the cases of 'Adam' and 'Eve' set out in your letter have been depersonalised it is not possible to determine from the Department's records if, in addition to the issues raised in your letter, there were particular aspects of the cases that were problematic. I am, however, able to offer the following brief comments on the cases.

Both 'Adam' and 'Eve' appear to have had difficulty providing identity documents for their birth parents. While 'Adam's' birth certificate included the names and places of birth of his parents, it would also be necessary to establish his parents' dates of birth in order to properly identify them and consider whether they had lost or renounced Australian citizenship prior to 'Adam's' birth.

In 'Eve's' case, the request for evidence of her early life in Australia suggests that in the absence of sufficient evidence to find that 'Eve' became an Australian citizen at birth,

the delegate was considering a finding that she became an Australian citizen on her tenth birthday.

In your letter you also sought clarification as to whether Proof of Aboriginality and confirmation of legal guardianship may be relevant in establishing if a person is an Australian citizen.

Proof of Aboriginality documents are issued by a range of organisations throughout Australia and attest to the holder's identification as an Aboriginal person, their Aboriginal descent and their acceptance as an Aboriginal person by an Aboriginal community. The Proof of Aboriginality documents held by 'Adam' and 'Eve' would have been given weight as evidence of their identity. However, a Proof of Aboriginality document is not evidence of the holder's Australian citizenship as it is issued for a different purpose and without the issuer having had access to relevant material.

Similarly, a confirmation letter from a government agency that states the relevant state or territory government Minister who is or was the legal guardian of a child, would also be given weight as evidence of the child's identity but would not be sufficient to establish that the child is an Australian citizen.

If you have further queries about the documentation required to support an application for a notice of evidence you may contact Ms Kathy Bourne, Director, Citizenship Operations. [REDACTED]

Post-lodgement enquiries about applications for notices of evidence may be sent to the delegate assessing the application, or to Ms Amber Thurston, Assistant Director, Citizenship Parramatta. [REDACTED]

Thank you for bringing this matter to my attention.

Yours sincerely

PETER DUTTON



Australian Government
Department of Social Services

MC15-002870

Professor Fiona Arney
The Council for the Care of Children
GPO Box 1152
Adelaide SA 5001

Dear Professor Arney

Thank you for your letter of 5 March 2015 to the Minister for Social Services, the Hon Scott Morrison MP, requesting that barriers vulnerable children face in proving their Australian citizenship to obtain a passport are considered under the Third Action Plan for the National Framework for Protecting Australia's Children 2009-2020. The Minister has asked me to reply to you on his behalf.

While determining Australian citizenship is a matter for the Department of Immigration and Border Protection, the Australian Passport Office (APO) in the Department of Foreign Affairs and Trade (DFAT) is responsible for documentation requirements to obtain an Australian passport. DFAT has advised that, in the examples you have provided, Proof of Aboriginality should have been accepted and regret that it was not.

DFAT has confirmed that the APO will accept a letter on official letterhead from a Community Elder, a Community Leader, a Community Council, a Church Mission, an associate Aboriginal or Torres Strait Islander body or a government body as evidence to support a passport application for an Aboriginal or Torres Strait Islander person. The letter is to state the applicant's name, date and place of birth and that the person is directly descended from a person born prior to 1986 in Australia. Interview locations (APOs and accredited Australian Post Offices) will be reminded that this evidence is accepted.

Where a child is the subject of a Child Protection order, the child welfare agency should refer to 'A guide to lodging child passport applications' (attached) when making a passport application. In the guide, the agency is referred to their nearest APO if the child is an Aboriginal or Torres Strait Islander person and they cannot provide standard evidence of citizenship. Acceptable evidence in these applications is considered on a case-by-case basis with all available information.

Thank you again for writing.

Yours sincerely

Anne O'Rourke
for **Lara Purdy**
Acting Branch Manager
Financial Capability and Children's Policy Branch

20 April 2015



Australian Government
Department of Foreign Affairs and Trade

AUSTRALIAN
PASSPORT OFFICE

Child Welfare or Protective Agencies:

A guide to lodging child passport applications



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Lodging a Child Passport Application

This guide provides an overview of how a Child Welfare or Protective Agency should complete a Child Passport Application when applying for the passport of a child in the care of the Minister, Chief Executive or Director-General of that Agency. It does not provide an outline of the legislative regime or considerations behind the issuance of a passport.

Who may complete and lodge an application?

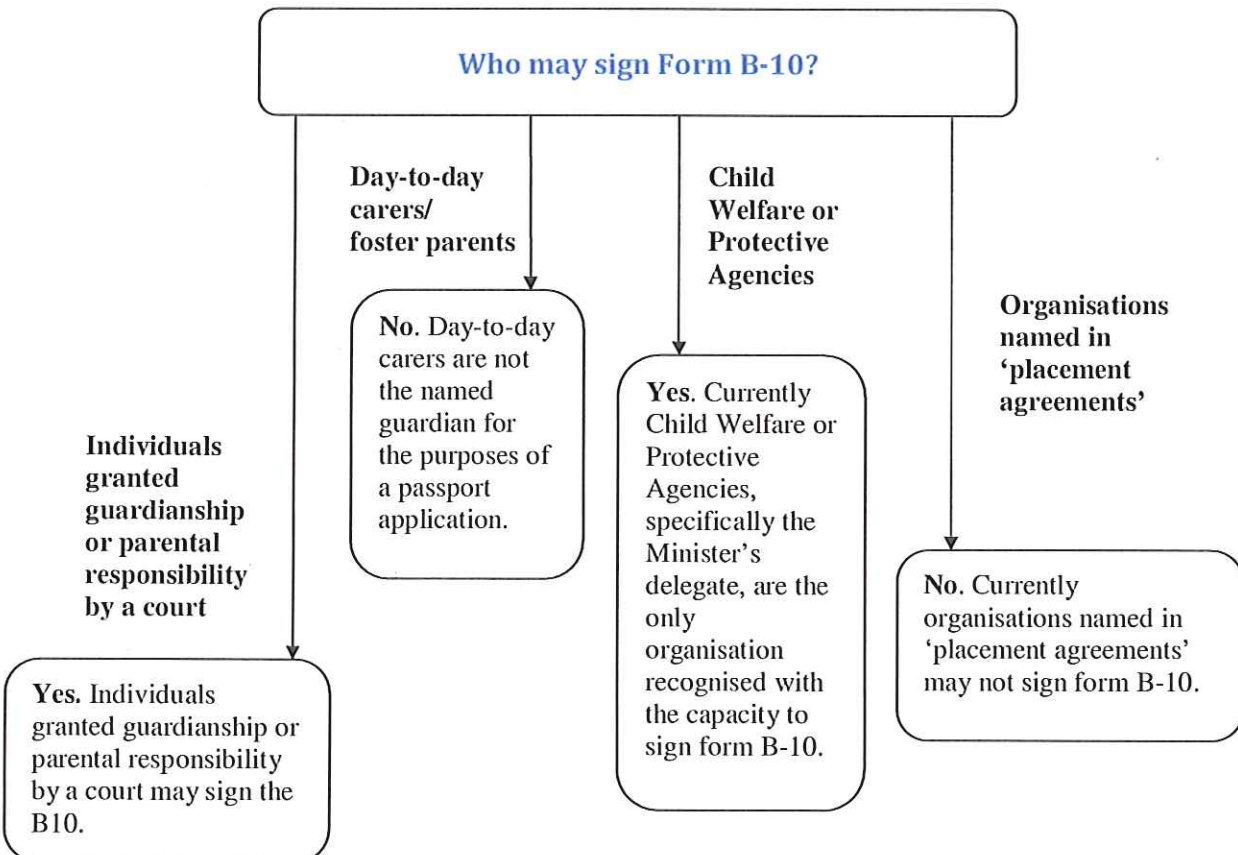
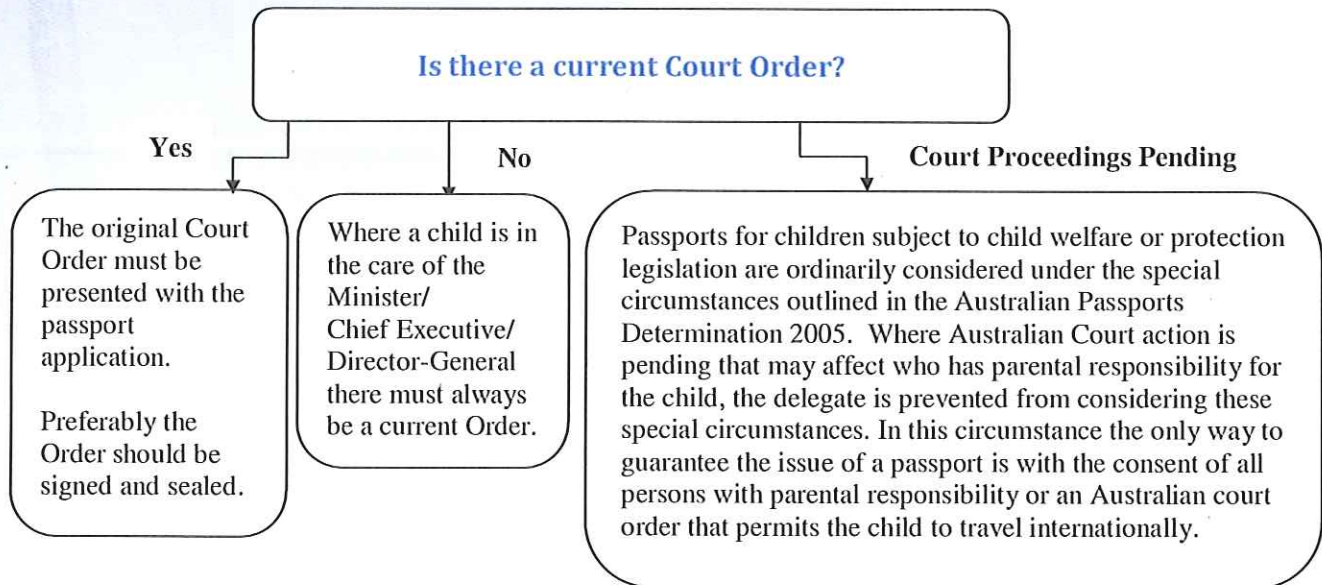
- Ideally the delegate of the Minister, Chief Executive or Director-General responsible for that child would complete and lodge the Child Passport Application.
- Where the delegate is unable to complete and lodge the application, the delegate must complete Question 5 on Form B-10, nominating who is lodging (this includes caseworkers, carers or NGOs).
- Individuals granted guardianship or parental responsibility by a court may also sign the B10.

Points to note

- Due to the unusual nature of this type of application, where possible, applications should be lodged in a State or Territory Passport Office.
- The Australian Passport Office works directly with State and Territory Child Welfare or Protective Agencies to resolve any issues that may arise when lodging a Child Passport Application for a child in the care of the Minister, Chief Executive or Director-General. Case workers are therefore encouraged to approach their Head Office for guidance should they have any concerns.
- While we will endeavour to process applications as quickly as possible, generally an additional three to four weeks on top of normal processing times is required.



Quick Reference Guide





Who has Parental Responsibility?

For the purposes of the *Passports Act 2005* there may be a number of parties with parental responsibility.

The Minister/Chief Executive/Director-General

Yes. For cases where the child is in the care of the Minister/CEO/Director-General, the relevant Child Welfare or Protective Agency will have been given parental responsibility by a Court Order and delegation. The relevant delegate must therefore, consent to the issue of a passport. The delegate's consent is given by the declaration contained on Form B-10.

Where a child has been transferred between Child Welfare or Protective Agencies the 'record of transfer' must be provided with the application.

Note: Signed declarations will only be accepted where the supporting legislative authority/legislation is also provided.

Individuals granted guardianship or parental responsibility by a court

Yes. The court order must be provided and a Form B10 completed.

Parents/Family

Yes. Court orders made under an act other than the *Family Law Act 1975* will not *extinguish* parental responsibility for the purposes of a passport application. Parents therefore retain parental responsibility.

Any form of parental responsibility *granted* by a Court Order (ie care over the child's cultural heritage) is also recognised by the *Australian Passport Act 2005*.

In both of these situations, when appropriate the relevant parent/family member's consent should be sought, or a statement outlining why it was not obtained must be provided on Form B-10.

Placement Agreements

No. Organisations operating under a 'placement agreement' do not have parental responsibility.



Does the child have evidence of Australian citizenship?

Evidence of Australian citizenship can be either parent's full Birth Certificate (where the parent was born before 20 August 1986), either parent's Australian passport (issued before the child's birth), or a permanent residency status or Citizenship Certificate issued to the child or either parent (before the child's birth).

If the child's parent was born in Australia after 20 August 1986 evidence of one of their parent's (the child's grandparent) Australian citizenship will need to be presented.

Please see the Child Passport Application for more detail.

No

Yes

This must be provided as per the passport application.

Is the child Indigenous?

Yes

No

Please contact the
Passport Office in
your State or
Territory.

Where the child and the relevant Child Welfare or Protective Agency do not have access to the parent's documents, or obtaining evidence of citizenship is complex, a request can be made to the Department of Immigration and citizenship (DIAC) for evidence of the child's citizenship using DIAC form 119 (Application for evidence of Australian citizenship), available from the DIAC website. A statutory declaration is often required when the parent's documents are not available.

Please allow ample time for DIAC to process this request.



Preventing the issue of a passport

A person with parental responsibility for a child may raise a Child Alert which warns DFAT there may be circumstances that need to be considered before a passport can be issued to a child.

An alert may be raised by submitting a Child Alert Request (Form PC9). Forms are available at passport offices, from our website www.passports.gov.au or by phoning APIS on 131 232.

Does the child already have an
Australian passport or a travel
document issued by another country?

Yes

A child alert will not stop a child from travelling if they already have an Australian passport or a travel document issued by another country. You may seek a court order to have the child's name placed on the Airport Watch List by the Australian Federal Police. Further information on this can be found at www.afp.gov.au/policing/family-law/family-law-kit.



Completing the Application Form

Below is a breakdown of how to complete the Child Passport Application. Particular attention has been paid to areas known to cause confusion. A sample of the PC4 form has been provided at Attachment A (Page 12)

Child Passport Application (PC4)

Question 1 – Date of travel

- Complete as normal.

Question 2 – Personal details

- Complete as normal.

Question 3 – Confirming the child's citizenship

- Where any of the documents listed in Question 3.a can be presented complete as normal.
- Where the child or the child welfare agency does not have access to, and cannot gain access to, any of the documents listed in Question 3.a, an application must be made to the Department of Immigration and Citizenship (DIAC) to obtain 'evidence of citizenship'. At the time of this guideline's publication this could be applied for using Form 119 available on the DIAC website.
- If the child identifies as Indigenous and does not have evidence of their Australian citizenship, further advice should be sought by contacting the passport office in your state or territory.

Question 4 – Name changes

- All documentation regarding a change to the child's name must be provided with the application.

Question 5 – Security question

- Complete all details known.

Question 6 – Passport type

- Complete as normal.

Question 7 – Contact details of the person lodging and emergency contact

- In addition to the set questions please indicate your organisation and position.

Question 8 – Address

- Complete as normal.
- Please note that this will be the address the passport is delivered to.

Question 9 – Previous Australian passport or travel document

- Complete all details known.



Question 10 – Loss or theft of Australian passport

- Complete all details known.

Question 11 – Guarantor

- Where a child is placed into care and the guarantor requirements cannot be met – the date the child was placed into care will be taken into account when deciding whether the guarantor provided by the applicant has known the child for a suitable time frame. If this occurs, a Form B-11 outlining why the requirement could not be met must be provided with the application.
- If the child has been placed into care within the last 12 months, a suitable guarantor should have known the child for the majority of that time.

Question 12 – The child

- Complete as normal.

Question 13 – Mother

- Complete all details known.

Question 14 – Father

- Complete all details known.

Question 15 – Declaration

- Where appropriate Child Welfare Agencies must seek the consent of the child's biological parents. The child's biological parents will retain 'parental responsibility' for the purposes of a passport application regardless of an order intending to extinguish it made under State/Territory legislation (ie; a 'Children and Young Persons' Act).
- If parental consent is unable to be obtained, Question 4 on Form B-10 must outline why the requirement could not be met. Record as much detail as possible as simply completing this form will not guarantee that the application is successful.

Question 16 – Child's photograph and signature

- Complete as normal.

Question 17 – Declaration by parent

- This section should be completed by the person submitting the application.
- Position details of the person signing Section 17 must also be provided under the signature.



Document Checklist

Below is a list of documents generally required when submitting a passport application for a child in the care of the Minister or Chief Executive Officer. The list is not comprehensive and other documents may be required depending on the application.

- Completed child passport application form
- Birth certificate
- Proof of citizenship (see 'Does the child have evidence of citizenship?' above)
- Form B-10 (see 'Who may complete Form B-10' above)
- Court orders
- Colour photographs signed by appropriate guarantor
- 'Record or transfer' between Child Welfare Agencies (if applicable)
- Documentation regarding name changes (if applicable)
- Current passport (if one is held)
- Form B-11 (if additional information has to be provided)

Note: No other B Form should be required.



Passport Office Locations

<p>Adelaide Passport Office <i>Address:</i> Level 5, East Wing MTA Building 55 Currie Street ADELAIDE SA 5000</p> <p><i>Passport counter hours:</i> 8.30am – 4.00pm, Monday to Friday Passport application interviews are by appointment only.</p>	<p>Brisbane Passport Office <i>Address:</i> Level 17 150 Charlotte Street BRISBANE Qld 4000</p> <p><i>Passport counter hours:</i> 8:30am – 4:00pm, Monday to Friday</p>
<p>Canberra Passport Office <i>Address:</i> R G Casey Building Sydney Avenue BARTON ACT 0221</p> <p><i>Passport counter hours:</i> 8.30am – 4.00pm, Monday to Friday Passport application interviews are by appointment only.</p>	<p>Darwin Passport Office <i>Address:</i> Level 5, Northern Territory House 22 Mitchell Street DARWIN NT 0800</p> <p><i>Passport counter hours:</i> 8.30am – 4.00pm, Monday to Friday Passport application interviews are by appointment only.</p>
<p>Hobart Passport Office <i>Address:</i> Level 1 111 Macquarie Street HOBART TAS 7000</p> <p><i>Passport counter hours:</i> 8.30am – 4.00pm, Monday to Friday</p>	<p>Melbourne Passport Office <i>Address:</i> Level 13, Casselden Place 2 Lonsdale Street (corner of Spring Street) MELBOURNE VIC 3000</p> <p><i>Passport counter hours:</i> 08:30am – 4:00pm, Monday to Friday</p>
<p>Newcastle Passport Office <i>Address:</i> Level 1 77 Hunter Street NEWCASTLE NSW 2300</p> <p><i>Passport counter hours:</i> 8:30am – 4:00pm, Monday to Friday.</p>	<p>Perth Passport Office <i>Address:</i> Level 17, Exchange Plaza Sherwood Court PERTH WA 6000</p> <p><i>Passport counter hours:</i> 08:30am – 4:00pm, Monday to Friday</p>
<p>Sydney Passport Office <i>Address:</i> Level 7 Gateway House 26 Lee Street (near Central Station) SYDNEY NSW 2000</p> <p><i>Passport counter hours:</i> 8:30am – 4:00pm, Monday to Friday.</p>	

All passport offices should be contacted by calling 131 232



ATTACHMENT A – Sample PC4



Application for an Australian Passport Child

APPOINTMENTS

Only certain applicants should lodge their forms at a passport office in Australia.

- Appointments are essential.
- See notes on page 5.

Protect your identity

Lost or stolen passports cause inconvenience and may be used by others to assume your identity for illegal activities.

Keep your passport safe at all times.

Australian Passport Information Service

131 232

If you have any questions about this form or about how to get an Australian passport, or if you wish to comment about our service, offer suggestions for improvement, or register a complaint, you may telephone us on 131 232 (from anywhere in Australia), visit our website at www.passports.gov.au, or write to the following address:

Director, Passport Operations Section
Department of Foreign Affairs and Trade
R.G. Casey Building
John McEwan Crescent
Barrabool ACT 2621

Check before travelling

Visit the Department's website at www.smarttraveller.gov.au to view the latest travel advice.

Form PC4_2011 (Page 1 of 11)

Who can apply for an Australian passport?

All Australian citizens can apply—if you have any questions or doubts about your Australian citizenship, see the notes on page 5 or call the Department of Immigration and Citizenship on 131 880.

Who should use this form to apply?

Use this form if:

- the child is under 18 years of age, and
- the child has never been married—if the child has been married, they should use the Application for an Australian Passport: Adult form and take their marriage certificate to the passport interview.

If you need the passport in a hurry: The Australian Passport Office is committed to issuing a travel document within ten working days. This timeframe excludes the time taken for the passport office to receive the application (from the Australia Post passport interview outlet) and the time taken to deliver the document from the passport office to the applicant. If you need to travel urgently, ask about our Priority Processing Service (two working days turnaround from when all documentation is received). An additional fee applies.

Parental consent

By law, the written consent of each person or organisation who has a parental responsibility for the child is required before a passport may be issued to a child. For further information, read the notes on page 2 or telephone 131 232 for advice.

Your checklist

The following things will help you complete the form correctly and minimise the need for us to ask you for further information:

Completing the form

- Use **BLACK INK** and print within the boxes in **BLOCK LETTERS**
- If you are not required to give information in some parts of the form, leave the boxes blank—do not mark or cross them out.
- Make sure that section 11 is completed by an appropriate guarantor, who is not related to the child (please check the criteria for a guarantor on page 4).
- Make sure that sections 13, 14 and 15 are completed by the child's parents or persons with parental responsibility (see notes on pages 2 and 3 for definitions and details of the information we need).

Lodging the form

- The application form and all supporting documents should be lodged (by a parent/person with a parental responsibility for the child) at an Australia Post outlet. The person lodging the application should also bring proof of their identity.
- In certain circumstances (see page 5), you must lodge at a passport office (by appointment only)
- Check the passports website at www.passports.gov.au or call 131 318 to find the nearest Australia Post outlet that will accept your passport application. You may need to ring Australia Post for an appointment.

Bring to the passport interview

- The completed form (with section 11 completed by the child's guarantor).
- The application fee. Phone 131 232 for current fees. Preferred payment methods are EFTPOS, Mastercard, Visa or cash (cheques are not accepted).
- The child's full birth certificate showing the names of the child's parents and the child's full name at birth. (Birth extracts and commemorative certificates are not acceptable).
- Proof of the child's Australian citizenship (see page 2).
- Documents that explain any changes of name that the child or parents have had from those on the child's birth certificate (see pages 2 and 3).
- Two new colour photographs, with one signed as a true photo of the child by the guarantor (see page 4).
- Any current Australian travel document the child has.

You must provide original documents (and photocopies):

Lodge your form at POST

Keep this card in case of queries and, if you are eligible to collect your passport, present this card at collection.

If you have any questions about your application phone 131 232 or visit the passports website: www.passports.gov.au and quote form number:



ATTACHMENT A – Sample PC4

2 Notes for completing the form

Completing the form

Throughout this form, questions are asked about the child. If this form is completed by someone else on behalf of the child (e.g. by a parent), please make sure that details relate to the child.

For example:

Mother's current name Write the full name of the child's mother

Parental consent

Please show us the child's original full birth certificate that shows the names of their parents, and make sure that both parents complete sections 13–15 of this form.

Throughout this form, the term 'parent(s)' means the child's mother, father or other person with a parental responsibility for the child (see definition below).

- If you cannot show us the full birth certificate, please telephone 131 232 for advice.
- If the current names of either parent are different from those on the birth certificate, please show us documents that explain the change of name (i.e. a certificate of name change from the Registrar of Births, Deaths and Marriages (RBDM) or a marriage certificate issued by a celebrant or RBDM).
- If court orders concerning the child are in force, please show us those orders.
- If either parent has died, please show us evidence of death (e.g. a death certificate).
- If you cannot get consent from both parents (e.g. you don't know the whereabouts of one parent) telephone 131 232 for advice.
- Parental consent is valid for six months from the date the parent signs at section 15; after that period, consent must be re-confirmed before processing can continue.
- The consent section of this form can be lodged at any Australia Post outlet, Passport Office or overseas Australian mission

It is a requirement of the *Australian Passports Act 2005* that written consent to the issue of an Australian passport to an unmarried person under 18 years of age, must be provided by each person who has a parental responsibility for the Applicant. Consent may not be conditional and is required for the full validity of the passport.

A person has a parental responsibility for a child if, and only if:

- the person:
 - is the child's parent (including a person who is presumed to be the child's parent because of a presumption (other than in section 69Q) in Sub-division D of Division 12 of Part VI of the *Family Law Act 1975*); and
 - has not ceased to have parental responsibility for the child because of an order made under the *Family Law Act 1975*; or
- the person has a residence order or a contact order in relation to the child; or
- the person has a specific issues order in relation to the child under which the person is responsible for the minor's long-term or day-to-day care, welfare and development; or
- the person is entitled to guardianship or custody of, or access to, the child under a law of the Commonwealth, or of a state or a territory.

What citizenship and identity documents will you need to provide?

Note: you must provide original documents (and photocopies)

ALL APPLICANTS

When you apply for a child's Australian passport, you must provide the child's FULL birth certificate as well as any current valid Australian passport they have. Please note that birth extracts and commemorative certificates are not acceptable.

- A full birth certificate showing the names of both parents.
- A current valid Australian passport (if the child has had one) You must bring the child's current passport with you to the interview where it will be cancelled. This passport will no longer be valid. If the passport contains valid visas that the child wishes to continue using, contact the appropriate embassy/consulate.

APPLICANTS BORN IN AUSTRALIA

If the child was born in Australia, you will need to provide an original document that confirms one parent's Australian citizenship or permanent residency AT THE TIME OF THE CHILD'S BIRTH or a passport for the child that was issued on/after 01/1/2000 and valid for a minimum of two years.

- Proof of one parent's Australian citizenship or permanent residency at the time of the child's birth
 - One parent's full Australian birth certificate (which shows that the parent was born before 20/08/86)
 - One parent's Australian passport (issued on/after 20/08/86, but before the child's birth and valid for a minimum of two years)
 - One parent's citizenship certificate
 - One parent's permanent residency status

APPLICANTS BORN OVERSEAS

If the child does not have an Australian birth certificate, you will need to provide the child's full overseas birth certificate (with an official English translation if in a foreign language) and proof of the child's Australian citizenship. Please note that commemorative certificates are not acceptable.

- An Australian citizenship certificate OR Extract from the register of citizenship by descent OR Extract from the register of Australian births abroad

Form PC4_0811 (Page 2 of 15)



ATTACHMENT A – Sample PC4

Notes for completing the form

3

Signing the form

The declaration at section 17 must be signed by a parent.

If the child is between 10 and 18 years of age, we expect them to sign the form at section 16 (unless they are unable to sign for themselves). This signature will appear in the passport.

If the child is under 10 years of age, they are not required to sign.

It can be difficult to fit signatures into the required space, so there are some spaces to practise on page 5 of this application.

Things to check on the documents you provide

If the child's name has changed since birth or obtaining Australian citizenship

- If the child has changed his or her name, please provide details of the most recent change on the form.
- You must bring originals and photocopies of documents that explain all name changes (including anglicisation) since the child's birth or the child obtained Australian citizenship, e.g. court order.

If the child was born overseas

- Please bring the child's full overseas birth certificate, and the child's Australian citizenship certificate.
- The passport will be issued in the child's birth (or citizenship) name unless you have formally registered another name with the Registrar of Births, Deaths and Marriages (RBDM). You must provide an original (and photocopy) of the RBDM name change certificate.

If the child has a current valid Australian passport

- You must bring it to the passport interview where it will be cancelled regardless of any remaining validity. The passport will no longer be valid. If the passport has valid visas that the child wishes to continue using, contact the appropriate foreign embassy/consulate.

If the documents are written in a foreign language

- You must provide an English translation by an approved translation service of any foreign language documents you use to confirm the child's identity.

Lodging the application

The child's passport application must be lodged by the applicant or a parent of the child.

The person lodging the application must bring to the interview documents that confirm their identity (see requirements at right).

To confirm your identity at lodgement

- You must provide documents that show your name, photograph, signature and current address.

Lost and stolen passports

Lost or stolen travel documents provide criminals with the opportunity to assume another identity, to carry out criminal activity in another name, and to travel illegally. The *Australian Passports Act 2005* contains measures to encourage Australians to better protect their travel document.

A passport is only officially considered lost or stolen after the loss or theft has been reported to a passport office.

Where this form is being used to obtain a replacement travel document for one that has been lost or stolen, you will need to pay an additional fee on top of the normal lodgement fee. The amount will depend on the number of travel documents you have lost or had stolen over the past five years from date of lodgement of this form.

Report the number of travel documents you have lost or had stolen in the past five years at section 10 of this form. This information cannot be provided at interview and you must complete section 10 before you lodge this form. For information on the additional fee you will be required to pay, go to the passports website at www.passports.gov.au or call the Australian Passport Information Service on 131 232.

Any lost and stolen fee must be paid on lodgement. If the loss or theft of the document falls within certain limited compassionate circumstances, a refund of the fee may be applicable.

Australian travel documents reported lost or stolen are permanently cancelled and will no longer be valid for further travel.

Where a document is recovered and returned, by the holder, to a passport office in Australia or an Australian mission overseas within three months of it having been recorded as lost or stolen, a refund of the basic lost and stolen fee may be made.

WARNING It is a criminal offence under the *Australian Passports Act 2005* to make false or misleading statements. (There are penalties of up to 10 years' imprisonment or a fine of \$110,000, or both.) The *Australian Passports Act 2005* also provides penalties for Australians who do not report the loss or theft of their Australian travel document to an Australian passport office (call 131 232), or an Australian mission overseas, or to www.passports.gov.au as soon as is practicable.

Form PC4_P01 (Page 3 of 11)



ATTACHMENT A – Sample PC4

4 Notes for completing the form

Providing two identical photographs of the child



- You must provide two recent colour photographs of the child with the application form.
- The photographs must be clear, and of the appropriate size.
- One photograph must be signed by a guarantor as a true photo of the child.

The two identical photographs must:

- be no more than six months old
- be between 35mm and 40mm in width, and between 45mm and 50mm in height
- be of good quality colour and on high quality paper, with no ink or marks on the image
- have a plain, light-coloured background
- have appropriate brightness and contrast and show the child's skin tones naturally
- be taken with uniform lighting (no shadows across the face)
- be in sharp focus and clear.

The photographs must:

- be of the child's head and top of the shoulders
- show the child's shoulders square on (not portrait style with the child looking over one shoulder)
- show the child's face square (both edges of the face should be visible)
- show the child looking straight at the camera, and head not tilted
- be taken with a neutral expression (not laughing or frowning) with the child's mouth closed
- be close up, so that the head takes up between 32mm and 36mm of the photo (see diagram below)
- show the child's eyes open and clearly visible, and no hair in the eyes
- show the child's eyes clearly through glasses—if the child wears them—with no flash reflection off the glasses, and no tinted lenses (if possible, avoid heavy glasses frames—the child should wear lighter framed glasses if he or she has them)
- show the child without any hat or other head covering (if a head covering is worn for religious reasons, we will accept a photograph of the child wearing it, but the facial features from bottom of chin to top of forehead and both edges of the face must be clearly shown).

NOTE: Due to security printing requirements, images reproduced in passports will not be photographic quality and will appear different from the photographs supplied. Digital photographs: Photographs taken with digital cameras must be high quality colour and printed on photo-quality paper, otherwise the photograph will be rejected. See www.passports.gov.au for more information about passport photograph guidelines.

A guarantor must endorse the child's photograph and complete part of the form

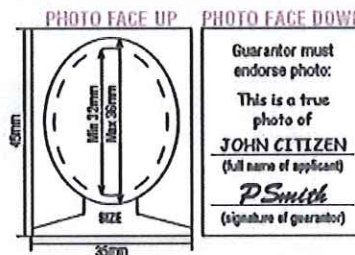
The child's guarantor must:

- be an Australian citizen who is 18 years of age or over
- not be related to the child by birth or marriage
- not be in a de facto relationship with a parent of the child (this includes a same sex relationship)
- not live at the same address as the child or a parent of the child
- have known the child for at least 12 months, or since birth
- be able to endorse the back of one photograph by writing 'this is a true photo of (child's full name)' and signing their name
- possess a current (unexpired) Australian passport that was issued with at least two years' validity, or have been on the Commonwealth Electoral Roll at their current address for the past 12 months.

Please check that the guarantor you choose can fulfil all of the above requirements before they sign the child's photograph. If the person you chose does not fulfil all the requirements you will have to supply new photographs and information from another guarantor.

Endorsing the photograph

This diagram shows the area the face should take up and how the guarantor should endorse the child's photograph.



form PC4_01/11 (page 4 of 11)



ATTACHMENT A – Sample PC4

Interview appointments at Passport Offices in Australia

5

Passport applications should be lodged at an Australia Post outlet. Lodgement at a passport office in Australia is by appointment for applicants whose travel:

- is imminent
- is for unforeseen, compassionate reasons

- requires a Certificate of Identity, a Convention Travel Document, a Document of Identity other than for travel to Norfolk Island, a diplomatic passport or an official passport.

If your application meets one of the above criteria, ring 131 232 to make an appointment at your nearest passport office.

Australian citizenship

To obtain an Australian passport you must declare that you are an Australian citizen (i.e. by birth in Australia, registration by descent or grant of citizenship).

You could have lost your Australian citizenship if you gained the citizenship of another country prior to 4 April 2002. Contact the Department of Immigration and Citizenship for further information.

Australian citizenship and citizenship of other countries

Adults

Before 22 November 1984 an adult Australian citizen who, while outside Australia, gained the citizenship of another country by some voluntary or formal act other than marriage, automatically lost their Australian citizenship on the date on which they gained the citizenship of that country.

From 22 November 1984 until 3 April 2002, an adult Australian citizen over 18 automatically lost Australian citizenship if they became a citizen of another country by doing something (such as making an application for that other citizenship) with the sole or dominant purpose of gaining that other citizenship. This would have occurred regardless of whether the person was in Australia or overseas at the time of gaining the other citizenship.

From 4 April 2002 an Australian citizen no longer loses their Australian citizenship simply by taking on the citizenship of another country. However, a person will still lose Australian citizenship if they formally renounce Australian citizenship, are deprived of Australian citizenship or serve in the armed forces of a country at war with Australia.

Children:

Prior to 4 April 2002, a child under 18 years (under 21 prior to December 1973) may have lost Australian citizenship if the responsible parent of the child ceased to be an Australian.

- The child will not have ceased to be an Australian citizen if:
- this would have resulted in the child having no citizenship, or
 - the other responsible parent was an Australian citizen.

Proof of Australian citizenship

If you require proof of your Australian citizenship, the Department of Immigration and Citizenship (DIAC) can provide you with documentary evidence that you are an Australian citizen. A fee will be charged for this service.

If you need further information and assistance, please contact any office of DIAC in Australia, or any Australian mission overseas, or visit the website: www.citizenship.gov.au or contact the DIAC information line on 131 880.

Refund of application fee

The application fee is only refundable in extenuating or unusual circumstances. A decision not to issue a passport or travel-related document is generally not considered to be an extenuating or unusual circumstance.

A decision not to refund an application fee is a reviewable decision under section 48(j) of the *Australian Passports Act 2005*. For further information on how to apply for a refund or seek a review of a decision, please contact the Australian Passport Information Service on 131 232 or visit the passports website at www.passports.gov.au

Practice signature spaces

Aim to keep your signature within the white box, although it may extend into the pale tinted area around the white box.



ATTACHMENT A – Sample PC4

Department of Foreign Affairs and Trade

CHILD Passport Application

Use **BLACK INK** and print within the boxes in **BLOCK LETTERS**
Use **CROSSES** in boxes marked with an 'X' **DO NOT MARK** 'INTERVIEWING OFFICER USE ONLY' sections or circles e.g. 1

1 Date of travel

Does the child intend to travel within the next two months? No Yes Date of travel / /

2 Personal details—to appear on the passport

a Child's name
This must be the child's current name at the time the application is lodged.

Family name
Given names

b Child's birth details
The child must present their Australian birth certificate or if born overseas, their Australian citizenship and foreign birth certificates.

Male Female Date of birth / / 4A
Town or city of birth as shown on birth certificate
Country of birth (if not appear on passport)

3 Confirming the child's citizenship—you MUST answer ALL questions. If 'YES', provide details and original documents

a Does the child have an Australian birth certificate?
If the child has been issued with an Australian birth certificate this section MUST be completed.

Yes No Go to section 3b

Registration number (include any letters) Date of registration of birth 2A
State of issue Date of issue of certificate
Family name as shown on certificate
Given names as shown on certificate

If the child has an Australian citizenship certificate go to 3b below.
Please mark which one of the following documents you are providing (both the original and a photocopy) to prove that the child is an Australian citizen or to prove that one of the child's parents was either an Australian citizen or a permanent resident of Australia at the time of the child's birth.

- Your Australian passport issued on/after 01/01/2000 and valid at least two years
- One parent's full Australian birth certificate (parent born prior to 20/06/85) Mother's Father's 2B
- One parent's Australian passport (issued on/after 20/06/85 but before the child's birth and valid for a minimum of two years) Mother's Father's
- One parent's Australian citizenship certificate Mother's Father's
- One parent's Australian permanent resident status Mother's Father's

b Does the child have an Australian citizenship certificate (or extract from the register of citizenship by descent/Australian births abroad)?

Yes No Go to section 4

Certificate number (include any letters) Date of issue / / 3
Family name as shown on certificate
Given names as shown on certificate

4 Name changes—you must provide documents that explain any changes of name from those on the child's birth certificate

Is the child's current name (given in section 2) different from the name given in section 3 (above)?
See name change notes on page 3

Yes No Go to Section 5

Date current name was registered / /
Please complete the following details about the document you are providing to explain this name change:

Revised birth certificate
Change of name certificate issued by the Registrar of Births, Deaths and Marriages 4B
Certificate/registration number (include any letters) Date of issue / / State of issue

Form PC4_J011 (Page 7 of 11)



ATTACHMENT A – Sample PC4

CHILD Passport Application

5 Security question—this question may be asked to confirm the child's identity

What was the mother's family name at her birth? (Family name only) 5

6 Passport type

What type of passport does the child need?	Ordinary passport <small>(32 visa pages)</small>	Frequent traveller <small>(64 visa pages)</small> A higher fee applies	Document of Identity for travel to Norfolk Island ONLY
--------------------------------------------	-----------------------------------------------------	------------------------------------------------------------------------------	--------------------------------------------------------------

7 Contact details of person lodging the application and emergency contact

a Telephone numbers and email address

Daytime phone number	Evening phone number
Mobile	Fax
Email (must be written clearly in UPPER case, with one letter in each box)	

b Who can we contact in an emergency?

Full name

Relationship to applicant

Daytime phone number

Evening phone number

Address

8 Address

The child's residential address

Unit or house number and street (or rural delivery address)

This must be the child's home address, not a PO Box nor a business address.

Locality/suburb

State/territory

Postcode

9 Previous Australian passport or travel document

Has the child ever been issued an Australian passport or travel document?

No Yes **Go to section 11**

a Number (include any letters) of the child's most recently issued document (if known)

b Date of issue (if known) / /

10 Loss or theft of most recently issued (or concurrent) Australian passport or travel document

Has the child lost or had stolen their most recently issued (or concurrent) Australian passport or travel document?

No Yes **Go to section 11**

a Number (include any letters) of the child's most recently issued lost or stolen document (if known)

b Was this passport/travel document lost or stolen? Lost Stolen

c Date incident occurred (if known) / /

d How many Australian passports or travel documents (including the one above) has the child lost or had stolen in the past five years? 1 2 3 or more

NOTE: If replacing an emergency passport and the document can be presented at interview, do not complete this section.

(See notes on page 3)



ATTACHMENT A – Sample PC4

CHILD Passport Application

11. A guarantor must complete this section—see the notes below for who can be a guarantor

To qualify as a guarantor you must:

- not be related to the child by birth or marriage
- not be in a de facto relationship with a parent of the child (this includes a same sex relationship)
- not live at the same address as the child or a parent of the child
- have known the child for at least 12 months
- be able to satisfy and complete either **A** or **B** below, and sign the declaration
- be an Australian citizen who is 18 years of age or over
- endorse the back of one photograph by writing 'This is a true photo of (child's full name)' and signing it
- possess a current (unexpired) Australian passport that was issued with at least two years' validity, or be on the electoral roll (as an unrestricted Commonwealth Electoral Roll registration, at your current address for the past 12 months).

Use **BLACK INK** and **BLOCK LETTERS**

Full name of guarantor

Family name

Given names

Male Female

Date of birth

Proof of identity (of guarantor). Guarantor must complete either **A** or **B** below

A Australian passport details—if you have a current Australian passport.

Passport number (include any letters)

Date of expiry

Family name as shown on passport

Given names as shown on passport

OR

B Electoral Roll details —if you are enrolled as an unrestricted Commonwealth Electoral Roll registration and have been on the roll at your current address for the past 12 months.

Family name as shown on Commonwealth Electoral Roll

Given names as shown on Commonwealth Electoral Roll

Current address (as shown on the Commonwealth Electoral Roll)

Locality/suburb

State/territory

Postcode

Declaration by guarantor

Have you endorsed and signed the back of one photograph? You must endorse one photograph of the child before they can lodge the application

WARNING

It is a criminal offence under the Australian Passports Act 2005 to make false or misleading statements. (There are penalties of up to 10 years' imprisonment or a fine of \$110 000, or both.)

I have personally known the child applicant named below for a period of

years

months

You MUST complete 'years' and 'months' known boxes on the left

Family name of child applicant (as shown in Section 2a)

Given names of child applicant (as shown in Section 2a)

I declare:

that the statements that I have made are true and correct.

I understand that:

the Department of Foreign Affairs and Trade (DFAT) may disclose the information that I have provided in this section of this application to any organisation or individual that can verify the information.

Signed

Further details about DFAT's rights, obligations and policies in relation to obtaining and disclosing information are available in the Protecting Your Privacy brochure or at www.passports.gov.au

Date signed

Daytime phone number

The person completing this form MUST ensure that sections 12–17 are completed



ATTACHMENT A – Sample PC4

CHILD Passport Application

12 The child—the child's name must be repeated here so that each parent can identify the child for whom they are giving consent

Child's full name— Family name
to appear on the passport
(as written in section 2 of this form) Given names **15**

13 Mother—family name written at **(A)** MUST be COPIED from the child's birth certificate

A Mother's name as shown on child's birth certificate Family name
Child's full birth certificate must be provided at interview. Given names **16A**

B Mother's current name Family name
If these names are not completed or they differ from the names shown on the child's birth certificate you must submit original evidence that explains the reason (e.g. a certificate of name change issued by the Registrar of Births, Deaths and Marriages, marriage certificate, death certificate or court order). If consent cannot be provided, telephone 131 232 for advice. Given names **17**
Residential address
Locality/suburb
State/Territory Postcode
Daytime phone number

C Have you ever held an Australian passport? No Yes Number (if known, include any letters)

14 Father—family name written at **(A)** MUST be COPIED from the child's birth certificate

A Father's name as shown on child's birth certificate Family name
Child's full birth certificate must be provided at interview. Given names **16B**

B Father's current name Family name
If these names are not completed or they differ from the names shown on the child's birth certificate you must submit original evidence that explains the reason (e.g. a certificate of name change issued by the Registrar of Births, Deaths and Marriages, marriage certificate, death certificate or court order). If consent cannot be provided, telephone 131 232 for advice. Given names **18**
Residential address
Locality/suburb
State/Territory Postcode
Daytime phone number

C Have you ever held an Australian passport? No Yes Number (if known, include any letters)

15 Declaration and consent

- I consent to the child named in section 12 travelling internationally.
- I declare that all persons with parental responsibility for the child have provided consent for the child to travel internationally, or, where this has not occurred, a statement under the Australian Passports Act 2005 and all other court orders in relation to the child have been provided.
- I signed this declaration in front of a witness who is:
 - not related to the child by birth or marriage
 - not in a de facto relationship with any person having parental responsibility for the child, nor living at the same address.

Mother (named in section 13 above)

Mother's signature
Date signed / /
Witnessed by (must be aged 18 or over)
Name (witness)
Daytime phone (witness)

Father (named in section 14 above)

Father's signature
Date signed / /
Witnessed by (must be aged 18 or over)
Name (witness)
Daytime phone (witness)

Form PC 4001 (Page 16 of 17)



ATTACHMENT A – Sample PC4

CHILD Passport Application

16 Child's photograph and signature—this signature will appear on the passport (see notes on signing on page 3)

PHOTO FACE UP PHOTO FACE DOWN

The child (not the person signing for the child) must sign using a black pen, taking care to stay within the box. There are practice signature boxes on page 5.

If the child is under 10 years of age, or is unable to sign, place an 'X' in the box at the right

OR Child's signature

17 Declaration by parent (see notes on signing on page 3)

I understand that:

- the child's photograph will be used for biometric matching purposes (biometric matching allows the passport photograph to be electronically compared with other facial images to confirm identity)
- the Department of Foreign Affairs and Trade (DFAT) may disclose the information that has been provided in or with this application to any organisation or individual that can verify the information to establish the child's identity and eligibility for an Australian travel document
- DFAT may publicise or pass details of any lost or stolen document to federal, state, territory or foreign governments, including police and other agencies, and international organisations, such as Interpol, to restrict the illegal use of those documents
- DFAT may confirm or verify the validity of any Australian travel document, or disclose the minimum necessary information held in relation to the child's Australian travel document to facilitate the child's international travel, or disclose the information for other specified purposes, on the request of specified organisations
- DFAT may use the information for passport testing, training and research (phone 131 232 if you object)
- DFAT may use the information for the provision of consular services.

I declare that:

- information about all persons with parental responsibility for the child and any current court orders in relation to the child have been provided with this application
- the child is an Australian citizen
- the statements that I have made and the information that I have given in, or in connection with, this application are true and correct

WARNING It is a criminal offence under the Australian Passports Act 2009 to make false or misleading statements. (There are penalties of up to 10 years' imprisonment or a fine of \$110,000, or both.)

Parent's signature _____

Date signed _____ / _____ / _____

Signed by Mother / Father / Other person with a parental responsibility

Full name of person signing _____

Further details about DFAT's rights, obligations and policies in relation to obtaining and disclosing information are available in the Protecting Your Privacy booklet or at www.passports.gov.au

INTERVIEWING OFFICER USE ONLY — Use 'X' to select, or circles 'O'

APPLICATION LODGEMENT, PASSPORT ISSUE AND DELIVERY

Lodgement	Mother of child	Father of child	Child applicant	Other (specify in space provided)
Priority fee paid	Prev. PPT cancelled			
Method of delivery	Registered Post	Collect from passport office		
Gratis issue	Updating photograph	Replacing limited validity	Other (specify in space provided)	
Lost/stolen fee calculated	1	2	3 or more	
Sponsoring authority (Passport Office use only)	Number of attached pages (i.e. statements, copies of court orders, permanent residence evidence must be attached)			

INTERVIEWER'S DECLARATION

I declare the attached photograph is a true photo of the applicant, if present at interview. I have conducted an interview and confirmed the information provided in this application for an Australian travel document against original documentation submitted, and copies of original documentation are attached where required.

WARNING It is a criminal offence under the Australian Passports Act 2009 to make false or misleading statements. (There are penalties of up to 10 years' imprisonment or a fine of \$110,000, or both.)

Signature _____ Work Centre Code _____

User ID _____

Date signed _____ / _____ / _____

Interviewer's full name (please print) _____

COMMENTS

Form PC4-Child (Page 11 of 17)



ATTACHMENT B – Sample B-10 Form

		Statement under the Australian Passports Act 2005		Form B-10	
Australian Government		Application for an Australian travel document			
Department of Foreign Affairs and Trade		Child subject to an order made under State or Territory child welfare law			
<p>Completing this form: This form is to be completed and submitted with a passport application for a child (ie. a person under 18 years who has never married) where an order of a State or Territory court under a child welfare law grants parental responsibility or guardianship of a child to one parent or to a person other than the child's parents. (Child welfare law is as defined in Part VII of the Family Law Act 1975.)</p> <p>All questions must be answered in full. Use BLACK INK and please print clearly.</p> <p>The form must be completed by the person (where the child is in State/Territory care – the delegate) who holds parental responsibility for the child.</p>					
1 Named guardian delegate					
Details of the person granted parental responsibility or guardianship	Full name	*****			
	Position (when lodged by Government department)	*****			
2 Child's details					
Details of the child subject to the child welfare order	Family name	*****			
	Given names	*****			
	Previous names	*****			
	Date of birth	(DD/MM/YY)			
	Date of proposed travel	(DD/MM/YY)			
	Are there any sibling applications?	No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, sibling name's *****			
3 Court orders					
Details of the court order granting parental responsibility or guardianship	Name of court	*****			
	Order registration number	*****			
	Date of court order	(DD/MM/YY)	Is this the most recent court order?	No <input type="checkbox"/> Yes <input type="checkbox"/>	
	<p>Are you aware of any other court orders in existence or pending, which may affect the rights of the child to travel internationally or which may affect another person's rights or parental responsibility for the child?</p> <p>No <input type="checkbox"/> Yes <input type="checkbox"/> Please give details below</p> <p>*****</p>				



ATTACHMENT B- Sample B-10 Form

<p>4 Additional consent</p> <p>This will generally include the child's biological parents and any person granted access to the child under a court order.</p> <p>(Please note that under the Australian Passports Act 2008 only an order made under the Family Law Act 1975 can extinguish parental responsibility.)</p>		<p>Yes <input type="checkbox"/> No <input type="checkbox"/> Please outline why any consent not obtained</p>	
<p>5 Lodgment (Government only)</p> <p>Details of the person authorised by the delegate to lodge application</p> <p>(Complete when the delegate is unable to lodge the passport application personally)</p>		<p>Full name</p>	<p>Position</p>
<p>6 Declarations</p> <p>Declaration to be made by the named guardian/ delegate only</p> <p>(If lodged by a government department - the declaration must be signed by the delegate and a certified copy of their work identification attached)</p>		<p>I consent to the above-mentioned child travelling internationally</p> <p>I declare that</p> <ul style="list-style-type: none"> I am the delegate of the Minister, Chief Executive or Director-General in relation to the above mentioned child (where applicable) all persons with parental responsibility for the child have provided consent for the child to travel internationally, or, where this has not occurred, a statement under the Australian Passports Act 2008 and all other court orders have been provided the person identified in Section 5 of this form may lodge a passport application in relation to the child (where applicable) the information I have given on this form is complete and correct and that I am aware that the penalty for making a false or misleading statement either in writing or orally to obtain an Australian travel document is imprisonment for 0 years or 1000 penalty units, or both 	
		<p>I understand that</p> <ul style="list-style-type: none"> The child's photograph will be used for biometric matching purposes (biometric matching allows the passport photograph to be electronically compared with other facial images to confirm identity) The Department of Foreign Affairs and Trade (DFAT) may disclose the information that has been provided in or with the application to any organisation or individual that can verify the information to establish the child's identity and eligibility for an Australian travel document DFAT may publish or pass details of any lost or stolen document to federal, state, territory or foreign governments, including police and other agencies, and international organisations, such as Interpol, to restrict the illegal use of these documents DFAT may confirm or verify the validity of any Australian travel document, or disclose the minimum necessary information held in relation to the child's Australian travel document to facilitate the child's international travel, or disclose the information for other specified purposes, on the request of specified DFAT may use the information for passport testing, training and research (phone 131 332 to object) DFAT may use the information for the provision of consular services 	
		<p>I, _____ agree that by signing this form I am declaring that everything I have recorded in this form is true and correct. I further declare that I have read and understood this Section (Section 8), and agree to the consent and declarations contained within.</p>	
		<p>Signature</p>	<p>Date</p>

Extract: New beginnings Report

of consultation with young people at the new Goldsborough Campus of the Adelaide Youth Training Centre



February 2014

The Council for the
Care of Children



 Government of
South Australia

Enquiries about or comments on this report should be addressed to:

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Extract:

New beginnings report¹

of consultation with young people at the new Goldsbrough Campus of
the Adelaide Youth Training Centre

Crying Inside

I'll tell you a little story I'll begin at the start
'bout how doin' crime tore my whole life apart.
Went from stealing cars for the adrenalin buzz
To doing house breaks and robbin' kids on the bus.
I learnt from my mistakes and being deceitful,
I need to get a good job and meet a new group of people.
From choosing this pathway I lost my son,
Then a few months later I lost his mum.
But I brought it on myself, from doing things dumb
Stealin' and taking drugs and goin' on the run.
'Cause when they took my son it gave me a fright
I miss changing nappies in the middle of the night.
The whinges and whines, the kicks screams and cries,
And every time I think of him it brings tears to my eyes.
I think about him every night, I can feel my heart and it's cryin' inside.
No matter what happens I will die with pride
Even though I have that eaten away feeling inside.
When I get him back I'm gonna hold him so tight,
And never let him go right out of my sight.
I want everyone to know I've rearranged my ways
That I've put my mind to writing, I've changed these days.
So stand up and feel the shiver down your spine
As this sophisticated master mind start spittin' out the rhymes.
And feel the vibe through the crowd that I send,
When I rap so in sequence and keep goin' to the end.
Its flowin' so sequential with high hopes is essential.

¹ The confidential *New beginnings* report has been provided to the Minister for Communities and Social Inclusion, the Chief Executive, Department for Communities and Social Inclusion (DCSI) and the Director Youth Justice, DCSI.

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Background to the consultation

The government in South Australia (SA) established the Council for the Care of Children (the Council) in 2006 under the *Children's Protection Act 1993*. The Council advocates for, and, promotes, the rights, interests and social inclusion of children and young people in SA. The Council has a legislative mandate in children and young people who are of Aboriginal and Torres Strait Islander descent and/or who live with disability and/or who are under the care and custody of the Minister.

The Council's mandate is informed by the *United Nations Convention on the Rights of the Child*, *United Nations Convention on the Rights of Persons with a Disability* and the *United Nations Declaration on the Rights of Indigenous Peoples*. In supporting the *South Australia's Strategic Plan* and the *Seven Strategic Priorities* especially *Every chance for every child*, the Council works to improve the lives of children and young people by providing informed advice to the government and other key stakeholders.

In 2010, the government in SA commenced the building of a new secure youth training facility to replace the Magill Youth Training Centre (MYTC) and the Cavan Youth Training Centre (CYTC) for young people over 15 years. As part of the process to inform the building and service model, young people living in the two existing youth training centres were provided with the opportunity to voice their opinions.

In mid-2011, the Council and Youth Justice of the then Department for Families and Communities (DFC) agreed that the Council would hear from young people in the CYTC and the MYTC. Twenty young people participated; 12 at the CYTC and eight at the MYTC. Eighteen of them were male and two were female and their ages ranged from 14 – 20 years. Their opinions about their living conditions, the challenges they faced, and areas for improvement were documented in a confidential report in September 2011, the *Voices from Within*² report. The report was well received by Youth Justice, DFC, and assisted DFC with the development of a contemporary paradigm of service delivery for a new training centre.

² The New beginnings report is not publicly available; however, an excerpt of the report is available on the Council's website http://www.childrensa.sa.gov.au/assets/documents/Voices%20from%20Within%20extract_Sept2011.pdf.

Introduction

The new Goldsborough Campus of the Adelaide Youth Training Centre ('AYTC' or 'Centre') opened in August 2012. It consists of distinct buildings including administrative offices, a health centre, educational and recreational facilities and five 12-bed units (60 beds in total). The buildings are within spacious grounds with perimeter security. The well-kept gardens that include quiet spaces and a vegetable garden are maintained by residents who are undertaking horticulture studies

In 2013, the construction company Hansen Yuncken was awarded the Australian Institute of Building SA professional Excellence Award (in the Research, Development and Technology category) for its leadership in the design of the Centre. Hansen Yuncken received a High Commendation Award from the Master Builders Association SA for Excellence in a Commercial/Industrial Building over \$50 million for its ability to meet project objectives relating to time, quality and cost.

In 2013, six YEC students who entered the National Dorothea Mackellar Poetry Competition were chosen as the winners of the competition from hundreds of entries from Australian schools. Excerpts from several of the poems are included in this report and the Council is deeply indebted to the generosity of the young people in allowing their work to be featured anonymously.

Light Fades Gradually

These walls cover criminals...Changing individuals?
Lost souls, Flying outta bullet holes.
Counting down the minutes as the sun sets. Darkness creeps.
Quickly, take your last breath and chuck on a skivvy.
Lost in these mind games with the law
Felony acts taking control.

Stuck in the shadows, haunted by darkness.
Struggling for light, like a soul outta sight.

Just ordinary routines, tryin' to get my life clean.
Killing off this drug fiend that's burning off my self-esteem.
This is pure essence to ya standard reference.
Others call this magic medicine, like ya bible to a reverend.
Blessin', not second guessin',
or questions - class is in session

Stuck in the shadows, haunted by darkness
Stuggling for light, like a soul outta sight.

Dropping shadows, pin pointing fingers
Crime rates go up as the cash lingers.
Frozen reality...So dark...So cold.
Light fades gradually...

What young people said in 2011 and in 2013

The Aboriginal words 'Kurlana Tapa' at the entrance to the new Goldsborough Campus of the AYTC mean 'new path'. The words correspond well with statements in December 2013 from 18 young people (15 male and three female) who participated in the consultation (participants) about their experiences of life there.

In 2011, participants at the CYTC and the MYTC talked about unclothed searches and the use of physical restraint. In December 2013, the former barely raised a mention and the latter appeared to be viewed as being used as a last resort to keep residents safe.

As in 2011, the matter of education took centre stage in December 2013 with 83% of participants recognising the importance of acquiring knowledge, gaining qualifications and of learning being enjoyable. One young person eloquently said: 'Being here has whetted my appetite to learn. It has been a journey of self-discovery. I have grown into my own skin'.

Participants in December 2013 said male residents can request to move from one unit to another to avoid conflict or to be with friends or family members. The female residents do not have this option as there is only one 12-bed unit for female residents and the female participants spoke of some frustration associated with this.

Aboriginal participants spoke of being housed together when possible and this enables them to feel more settled. Some older participants saw themselves as positive mentors and role models to the younger male residents. Male and female participants said they would like to have more interaction between all residents.

An extract of the consultation process, information provided by the AYTC management team and recommendations is provided at appendix 1.

Not What He Seems

You see his love for her, now and from afar
But from years gone by she wears a scar.

The man you see, he ain't no prize
His actions past, you should despise.

For what he saw accumulated,
In later life he duplicated.

Did your love continue, or was it fear?
How did you bear to have him near?

Household brutality, it kills the soul
Of wife and kids, the family whole.

He saw the pain he caused and created,
Your trust in him, he violated.

Despite the slaps, kicks and shoves
In her eyes he still saw love.

He remembers well the day it came
When guilt and dishonour, he was to blame
The promise he made her, remains unbroken
No longer anger is done or spoken.

Each day is fresh in every way
Except the debt that he must pay.

Don't offer your hand for his recognition
Or feel he's strong by this admission.

Listen for those who suffer in silence
Speak up and protect them to end the violence.

Summary of key recommendations

The recommendations in the *New beginnings* report were informed by the comments and opinions of the participants in December 2013. However, the report to DCSI also makes recommendations relevant to the AYTC practices and processes. The report acknowledged that the AYTC management team might be instigating changes relating to some of the recommendations and the Council stated a commitment to working with the key stakeholders who have responsibility for young people in the AYTC.

Information provided before and during admission to the Centre

As in 2011, the December 2013 consultation identified a lack of information for young people entering the AYTC. An information package can provide essential and useful information for a young person arriving at the AYTC. The Council recommended that an orientation and information booklet in an easy to read format is developed.

Day to day life at the Centre

Many participants valued the organised activities that allowed for socialising between residents. The Council recommended strategies to build on the existing programs that foster the development of residents' social skills through shared activities. The Council recommended that solutions are considered to reduce the reported impact of a high turnover of short-term female residents on the longer term residents.

Cultural status and cultural needs

Aboriginal participants said they were reasonably satisfied with issues relating to their culture, particularly in being permitted to reside with other Aboriginal residents where possible. They indicated they would like to hold more cultural events.

The Council recommended opportunities for Aboriginal residents to come together and to celebrate their culture through art and culturally appropriate events.

Education

Most participants spoke of the education programs with a high level of satisfaction. The main discontent was a reported lack of follow through in providing a hairdressing course. The absence of internet access for research caused frustration.

The Council recommended that the curriculum continues to be developed to expand the learning options of all residents, especially those aged 17 years or older and consideration is given to the limited use of the internet to enable residents whose study requires personal research to develop such skills.

Youth Advisory Council and complaints

Complaints management via use of the complaints system was an area of dissatisfaction for more than three-quarters of participants. They rated the Youth Advisory Council (YAC) more positively.

The Council recommended that strategies are developed to strengthen residents' confidence in the AYTC complaints handling processes.

Staffing matters

At the time of the interviews, it was apparent that no specific training relating to disability or autism had been included in the staff training. It is well established that children and young people with cognitive disability, including intellectual disability, learning difficulties, acquired brain injury, foetal alcohol syndrome and autism spectrum disorders are over-represented in the juvenile justice system. The 2009 Young People in Custody Health Survey undertaken by Juvenile Justice and Juvenile Health (NSW) found of those in juvenile detention, 14% had a possible intellectual disability (IQ of 69 and under) and 32% scored in the borderline intellectual disability range (IQ of 70 – 79). The report is available at: www.justicehealth.nsw.gov.au.

Exit planning

Participants who were due to leave were aware that some planning was taking place but seemed uncertain about the process. The Council recommended that:

- an exit plan with identifiable milestones and goals is developed with each eligible resident when they enter the AYTC and that the plan is regularly reviewed and updated with the resident.
- early connection is made with external agencies regarding a resident's transition into the community to clarify the roles of any agencies who will be involved in supporting the young person in the community.
- an exit planning booklet is developed to help residents understand the exit planning process and timelines and that it contains helpful hints regarding transition to the community.

Conclusion

‘Many people, over years, have contributed to this work and have been committed to DCSI’s vision for a new approach to Youth Justice in South Australia.’

Director, Business Affairs, DCSI

Young people who are detained may themselves be victims of abuse and neglect, family dysfunction and social disadvantage. There is a fine balance between providing a nurturing environment that enables and supports personal growth and development and being a custodial caretaker overseeing a group of young people who have committed offences that require their incarceration.

The consultation indicated that the AYTC management team did not take the detention of young people lightly and viewed their confinement as an opportunity to help them to gain new skills and to encourage positive change in their lives.

It cannot be presumed that the recommendations in the *Voices from Within* report in September 2011 was the primary influence in the changes observed at the AYTC. However, the voices of young people at the CYTC and the MYTC influenced the development and execution of programs and services and contributed to the creation of a more therapeutic environment at the new Centre.

The Council is hopeful that the recommendations in the New Beginnings report will contribute to good outcomes for the young people who spend time at the AYTC.

References

Justice Health and Juvenile Justice (2011), *2009 Young People in Custody Health Survey*. Justice Health Statewide Services NSW

Australian Institute of Health and Welfare (2013), *Youth detention population in Australia 2013*. Juvenile Justice Series Number 13. Cat. no. JUV 31. Canberra: AIHW

Appendix 1

The consultation process and extracts of information provided by the AYTC management team and the Guardian for Children and Young People

Prior to the commencement of the consultation, a questionnaire was developed by the Council and staff from the Youth Justice, Community Engagement and Organisational Support Division, DCSI. The questionnaire is similar to one used in the consultation in 2011 with minor differences.

The questionnaire focussed on eight concepts defined as:

- Information provided before and during admission to the Centre
- Day to day life at the Centre
- Education
- Contact with family (and significant others)
- Health
- Providing feedback
- Staff
- Exit planning

Residents aged 15 years and above who were in the AYTC at Goldsborough Road in December 2013, were invited to take part in the consultation.³ Letters informing residents about the proposed consultation as well as consent forms were distributed via staff to the four male and one female 12-bed units. Eighteen residents agreed to be interviewed (three female and 15 male, aged 16 – 21 years). This represented about 36% of the population of residents.

Two participants chose to be interviewed together while the remainder elected to be interviewed individually. The interviews ranged from 45 minutes to two hours and took place after school and over one weekend over seven calendar days. Seventeen interviews were held at the community centre (where visits take place) and one in a unit. The community centre overlooks recreational areas and gardens of native vegetation and there are rooms down one side (where the consultations were held). Although security staff escorted participants to and from the community centre, during the interviews they remained outside of the interview room.

Before each interview, the interviewer established that participants were aware that they had a choice about being involved. The interviewer explained the background to the consultation and confirmed consent to participate.

Participants were reminded that:

- the process was confidential

³ All residents at the AYTC are 15 years or older.

- no personal information or identifying markers would be included in any report that was generated following the completion of the interviews and
- their participation was voluntary and that they could choose not to answer a particular question(s) and/or to stop the interview at any time.

All participants were willing to answer all of the questions. Three interviews were interrupted due to scheduled sporting activities or family meetings however, all three participants returned to complete the interview at a new time.

The AYTC management team provided an overview of the Centre's operations and the changes that have taken place since the Centre replaced the CYTC & the MYTC in August 2012 for young people 15 years and older.

Admission and assessment

On admission, the Assessment and Case Coordination Team undertakes a thorough evaluation of the young person's circumstances. The multidisciplinary Assessment and Case Coordination Team consists of case coordinators (including two Aboriginal case coordinators), senior practitioners, cultural consultants, program coordination staff and specialist administration staff that support the team.

During assessment information is collected from the young person and from other sources including SAPOL, schools, family members, case managers, social workers (if applicable), behaviour support staff, accommodation staff and health workers. The young person's cultural status is recorded and if there are specific orders such as Guardianship orders in place these are also recorded. An individualised plan is developed for each young person whose term of detention will be longer than four weeks and he or she is assigned a custodial case manager.

Medical, mental health and allied health services

The Health Centre operates from Monday to Friday and locums and agency nurses are used out of hours if required. A doctor's clinic occurs weekly on each campus. CAMHS staff have a daily presence and interact with unit staff and teams. Psychologists attend unit meetings. Psychiatric services operate fortnightly. A Dental clinic operates weekly. Drug and Alcohol Services SA (DASSA) provides drug and alcohol assessment and intervention services and offers a specifically designed 10-week drug and alcohol group program at the Centre. Medical, CAMHS and allied health services staff facilitate access to external specialist medical services for residents as required.

Critical incidents

Bi-monthly, Advocates from the Office of the Guardian for Children and Young People (GYCP) visit the Centre to meet with residents and to review incident reports. The Council sought information from the GCYP about formal processes for the visits

including any Memoranda of Agreement and about what occurs during a typical visit. In February 2014, the GCYP advised of agreed, written processes between the GCYP and the Centre for formal and informal visits. During a typical bi-monthly visit, the Advocates review records, interview the delegated Manager⁴ about safety issues and talk with residents in accordance with the following agreed process:

- interview the manager of the Centre about recent changes, care concern investigations, training provided and other issues notified in advance
- review records for the preceding month (including critical incident reports, written records of complaints and use of safe room logs)
- obtain the comments of the residents during an informal visit to two of the units
- clarify identified problems with the on-duty manager
- interview other staff as required
- report observations to the GCYP and the General Manager AYTC and the Director Youth Justice and
- discuss persistent issues with the Director Youth Justice on a quarterly basis.

An extract of the GCYP's response to three questions about critical incidents is:

What constitutes a critical incident?

A critical incident involves a serious breach of procedures for a safe environment and may consist of physical assault, threats of violence, smuggling in of banned products, drug use or deliberate property damage.

What are the options for responding to incidents eg restraint or counselling?

The AYTC staff undertake training in behaviour management which emphasises de-escalation (of tension) and non-physical intervention. Undoubtedly incidents are avoided because of the use of de-escalation techniques. Physical restraint is to be used a last resort only to prevent harm and in accordance with the *Family and Community Services Regulations 2009 (SA)*.

How were incidents reported, managed and concluded?

Over time the incident reports have improved in detail and review. Most now include comments from the young person about the incident.

Education

The AYTC management stated the YEC focuses on accreditation of learning using the national curriculum in the South Australian Certificate of Education (SACE), Technical and Further Education (TAFE) and Vocational Education and Training (VET). Sewing is also taken up by many of the female and male students.

⁴ The GCYP advised in February 2014 that prior to the commencement of monitoring activities at the new Centre, the General Manager had advised the GCYP that the responsibility for preparing for and participating in visits from the GCYP was to be delegated to the two Accommodation Managers.

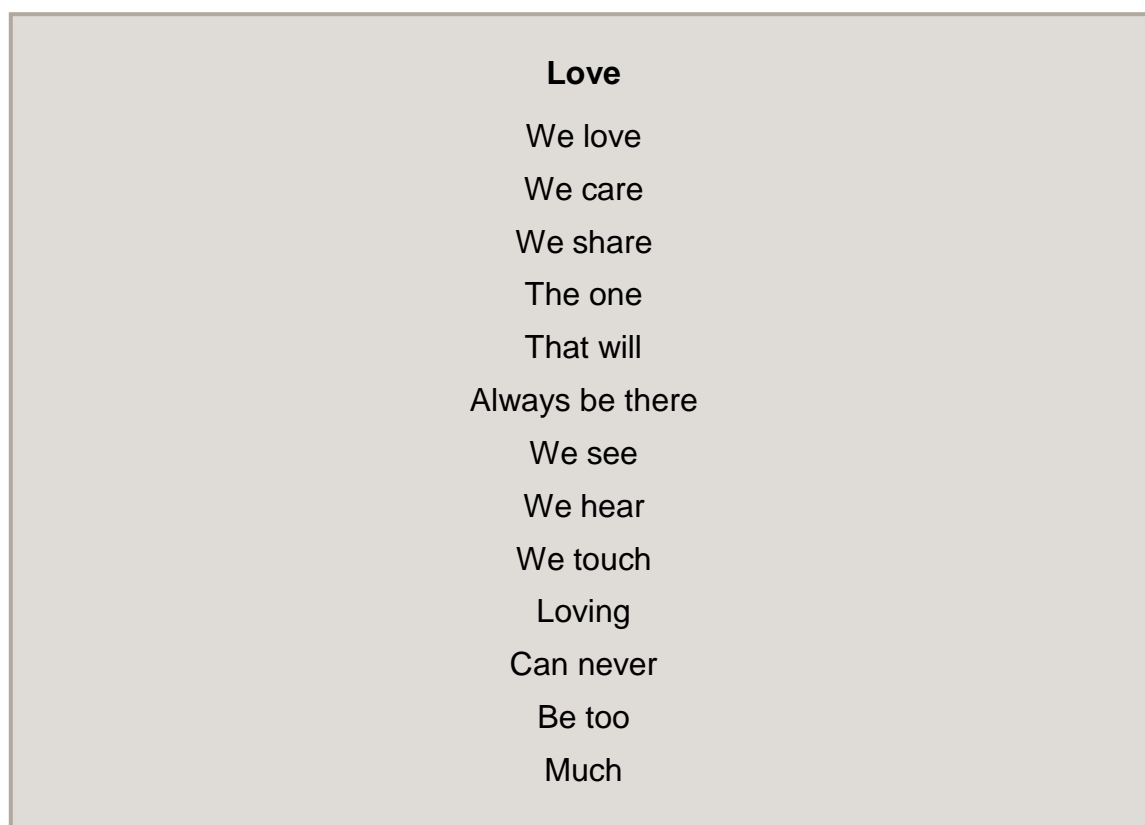
In December 2013, the YEC offered the following certificate courses:

- Food handling and hospitality
- Woodwork
- Horticulture
- Building Links program
- Building and Construction
- Community services
- Business studies
- Youth work.

Contact with family and significant others

Telephone calls

Calls are permitted to people on a pre-approved list of individuals or couples. The pre-approved list can be altered on request.



Visits

Residents are permitted to receive visitors twice a week with one visit taking place during the week and the other over the weekend. Special visits can and do occur and are generally approved for visits with a resident's child(ren). The visits are held in the main part of the community centre which can accommodate larger groups.

Love

I'm locked
You're my key
Promise to never set me free
I got you
You got me
We are whole
Soul meets soul
Let love
Take control

Youth Advisory Council and complaints

Youth Advisory Council (YAC)

The YAC was established in August 2013 and meets on a monthly basis. The election of representatives is by peer selection (or a resident can volunteer to represent his or her unit.⁵ The YAC membership includes management staff from accommodation, administration and case coordination and the catering manager. There is a set agenda for meetings and representatives can add items three to four days before a meeting.

Complaints

Complaints boxes have been installed in units and residents can lodge issues, complaints and feedback on a feedback/suggestion form in the complaints box. All submissions are dealt with in the same way, the only difference being that a personal response cannot be given to a resident who has anonymously raised an issue or made a complaint. Reportedly the nature of issues and complaints is varied.

In February 2014, the Council asked the GCYP to respond to the following questions about complaints reviewed by GCYP Advocates during their last visit:

What was the nature of the complaints?

The issues raised by residents were commonly about personal hygiene products, the quality of the food, staff conduct and misunderstanding of the 'phases' used for behaviour and clothing.

⁵ Only residents who have reached Phase Two or higher can take up the YAC roles.

In talking to unit residents do they raise matters that are similar or dissimilar to the written complaints? Can you give an example please?

The discussion invariably covers some of the same topics as the written complaints and new topics or more detail about the issues. At the last visit residents talked more about post-release anxiety, education and rehabilitation programs, contact with support staff and their comments about the complaint process itself.

Were responses to complaints deemed satisfactory?

All written responses were respectful. When the Centre first opened, responses were inconsistent with some being appropriate and informative and others being stock replies with a lack of detail. Following a meeting between the GCYP Senior Advocate and the General Manager AYTC in August 2013, there have been significant improvements. In the GCYP report on August and September 2013, the Advocates reported that the responses were appropriate, informative and respectful.

Staffing matters

Staff Training

The AYTC management team indicated that the Centre has a dedicated training team consisting of a supervisor and two staff members. They undertake the staff training programs and work closely with the DCSI College for Learning and Development on conducting and developing programs including Certificate IV in Youth Justice. Eighty per cent of all training programs are managed internally and all unit staff are required to have, or attain, this qualification within a 12 - 24 month period.

Accommodation unit staff

The AYTC management team stated the accommodation unit staff have the responsibility of ensuring each unit runs smoothly on a day-to-day basis. They aim to provide the residents under their care with exemplars of positive role modelling relating to conflict resolution, building healthy and respectful relationships, and being mindful of how one's behaviour, both negative and positive, can impact on others' wellbeing.

Exit planning

Amongst other things, an exit planning booklet that contains helpful hints regarding transition to the community and to help residents understand the exit planning process and timelines would be useful.

Appendix 2



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Consultation with Young People at Adelaide Youth Training Centre *Information for Participants*

Background

In 2011, the Council for the Care of Children spoke with many young people who lived at Magill and Cavan Training Centres about what it is like to live there. Young people were also asked about how the new centre, now known as the Adelaide Training Centre, could improve support and services and with preparing any young person who was about to return back into the community. Their thoughts and ideas were very important and helped to shape the way the Adelaide Training Centre provides support and services to young people who live there.

The Council said that it would return to talk with young people once the new centre had been opened for 12 months.

The Council and the Department for Communities and Social Inclusion – Youth Justice is interested in hearing from young people about their experiences in living at the centre.

What does it mean if I agree to take part in the consultation?

You will be interviewed individually about your ideas about the support, services and activities provided at the centre.

What will be asked?

The interviewer will ask you about:

- The information you received when you first arrived at the centre
- Your day-to-day life at the centre
- What school / activities / programs are provided at the Education Centre
- What services are provided to improve your health and wellbeing
- The staff at the centre

- What help is provided to help you return to the community – *if you are about to leave the centre*
- What works and what doesn't

Confidentiality

The ideas and views that you and other young people give us will be put together into a report, but no names will be used anywhere in it – so who said what will remain confidential to the interview, and will not be told to staff or anyone else.

If we are concerned about your safety or wellbeing, we are obliged to tell someone who is responsible for you.

Results of the consultation

The results from the interviews will be put together in a report which will be shared with staff of the Department for Communities and Social Inclusion. No names will be used in the report anywhere or ever told to other people.

Agreement

If you decide you would like to take part, you will be asked to sign at the bottom of this form.

By signing it, you are telling us that:

- You understand what you have read and been told about the consultation;
- You agree to take part;
- You agree to the use of your views in a report as described above.

You will be given a copy of this Information Form to keep.

I would like to be interviewed

Signed: _____ **Witness:** _____

Date: _____

Appendix 3



**Government
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Questionnaire for Adelaide Youth Training Centre Participants

Information provided to young people

1. When you were told you were going to spend time at the Adelaide Youth Training Centre (AYTC) did you know anything about the place? If yes, what did you know and who told you? If no, what sort of place did you think you were going to?
2. Before you arrived here, did anyone explain to you what was going to happen once you got here?
3. What information was given to you when you arrived at here at the AYTC? (*prompts – about rules, your rights, what happened when things went wrong (behaviour management), services in the centre*)
4. Were you given any written information when you arrived? (*prompts - a booklet about the rules and your rights*)
5. What information was given to you about living in your unit here at the AYTC? Can you tell me what your first day was like?
6. Was there anything you would have liked to have been told about the AYTC or about living here and had to find out for yourself? (*prompt – how did you find out what you wanted to know*)

Day to day life

7. Can you tell me what you do on a normal day during the week (Mon – Fri) starting from when you get up, until when you go to bed?
8. Can you tell me what you do on the weekends starting from when you get up until when you go to bed?
9. How do you have a say in the activities you are involved in during the week and on weekends? (*prompt – if so when and what*).
10. Are there other young people in the centre that you share activities with or like to spend time with?
11. Can you tell me how young peoples' behaviour is managed in the centre? (*prompt = when young people are doing well, when things go wrong, when there are problems between young people*)
12. If you are from an Aboriginal or Torres Strait Islander background, or from another culture that is not Australian, how are your cultural needs taken into account? (*prompt – how does this happen*)

Education

13. With the schooling/education provided at the centre:
 - a) What has been most helpful to you?
 - b) What has been the least helpful?
 - c) What courses are you doing now? (*prompt – high school or TAFE certificate course*)
14. What opportunities are there here at the AYTC for you to be involved in job related learning experiences or activities? Can you tell me about them?
15. Are there activities/courses you would like to be involved in that are currently not being offered at the education centre?

Visit by family / Significant others

16. How often are you able to contact your family by telephone?
17. What does the centre do to support or help you have contact with your family?

Health

18. What supports and services are available in the centre with your health and wellbeing?
19. Do you think these supports and services at the centre have helped you? (*prompt – if not, do you have any suggestions how these could be changed so that your needs are met*)

Providing feedback

20. How do young people share their views, ideas and make suggestions about activities and day-to-day life at the centre? (*prompt – if so, what are they*)

Staff

21. Who has been the most helpful person while you have been at the centre? (*prompt – unit staff, teacher, psychologist, social worker, youth worker*)

22. Why do you say this person(s) has been the most helpful?

Exit planning – for young people who will be leaving AYTC

23. As time draws near to when you leave AYTC, what has happened here to help you prepare for the move back into the community?

24. Who has helped you to prepare for the move?

25. During your time at the centre, what activities, support and services have helped you increase your confidence about returning to the community?

26. Can you name three things that would make (or would have made) your time at the centre a more positive experience?

Voices from Within

An extract from the Council for the Care of Children Annual Report 2010-11 regarding conversations with young people at Cavan and Magill Training Centres about their experiences and their thoughts on areas for improvement to services and programs

September 2011

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In May 2011, the Chair and the Principal Consultant of the Council for the Care of Children met with staff of the Youth Justice Strategy Unit in the Department for Families and Communities. Following this, Families SA asked the Council to consult with young residents in the two Youth Training Centres at Cavan and Magill, about their experiences and their thoughts on areas for improvement to services and programs, as part of the planning for the new Youth Training Centre.

From its inception in 2006, the Council had advocated, with others, for a new Youth Training Centre to be built to replace the antiquated and inappropriate facility at Magill. As planning for the new facility was underway, the Council was very pleased to support this work by consulting with young people, who were resident in the training centres, about their vision for a new Centre and their ideas for improvements. The new secure youth training centre will become operational in July 2012; and this consultation was undertaken as part of the commitment by the Department for Families and Communities, to provide a facility based on world's 'best practice' standards.

The Council contracted Ms Lis Burtnik to facilitate one-on-one interviews on its behalf with young people from both centres, and gather information through a structured questionnaire. The development of the questionnaire was undertaken by the Council, in conjunction with Youth Justice staff.

12 young people from Cavan and eight from Magill were interviewed. Young people from Cavan were in the 16 to 20 year age group, while those from Magill were 14 to 17 years of age. At the time the interviews were held, this represented 35% of the Cavan population and around 25% of Magill residents. The latter figure is more difficult to calculate given the transiency in detention of this population. Of the participants, 18 were male and two were female. An additional person was interviewed who had been a previous resident of Magill and who had gone on to build a successful life and now acts as a mentor to several young people at Cavan (see later, *A success story* –

What Charlie said). The young people who were interviewed were in either Magill or Cavan for periods ranging from five days to three years.

The young people at the Cavan and Magill Training Centres, who participated in the interviews, provided a rich insight into their time in detention and its impact on their lives. There were a number of things that young people said that the Council highlighted in its response to the Department for Families and Communities.

- The development of simple information packages in the form of a pre-admission brochure 'Where you are going' and a booklet on 'The rules (including code of conduct), routines and programs' at the time of admission to the Centre: this would allow for a clear and consistent flow of information for young people. Given that young people admitted to the Centre may have problems with literacy and/or learning or other disability, the information needs to be in a simple format, with graphics to underpin the written messages. Staff going through the information with the young person to ensure they understood is essential. A signing off process by the young person and a unit staff member would ensure that, the orientation process has been completed, and it could be a point of future reference for both the young person and staff.
- Approaches to and use of strip searching: the Council highlighted a recent report commissioned by the UK Office of the Children's Commissioner, *'I think I must have been born bad' - Emotional wellbeing and mental health of children and young people in the youth justice system*,¹ which recommended that 'strip searching should only be used when there is a clear risk to safety and security identified by robust intelligence, and not as a routine procedure.'
- The importance of maintaining a skilled and consistent workforce: to help young residents cope, learn and rehabilitate, and ensure that they receive the best opportunity to re-establish a balance in their lives, and leave the Centre with a sense of hope and direction. The Council believes that an appropriate staff mix should include mental health

¹ Office of the Children's Commissioner UK, (2011) *'I think I must have been born bad' - Emotional wellbeing and mental health of children and young people in the youth justice system*. Office of the UK Children's Commissioner, June 2011.

workers and those with a sound knowledge of drug and alcohol issues. It also agreed with young people that having a gender balance of male and female staff is beneficial.

- Individual learning packages benefit young people in detention, and allow for a personalised approach to each person's capacity to learn and absorb new information: continuity of learning based on young people's prior education or training, such as apprenticeships, is an important goal.
- Preparing young people to return to everyday life requires a coordinated approach, which is not only the responsibility of the Centre, but also that of external agencies and significant others connected to the young person: a well-developed plan needs to begin early, identifying who is responsible for what, and ensuring that specific milestones are met.
- A collaborative effort is required to provide a young person with the best opportunity to reconnect to their community: this effort could entail getting the young person job ready, or finding them a place to live, or linking them back into school and family. This initiative would ensure that the young person, after leaving the centre, would have a supportive network to help to guide their progress. A mentoring program is a fundamental component of best practice, and one that should form part of the day-to-day practice of the Centre.

The Council was appreciative of the staff at both Centres who talked to young people about the project and encouraged them to be involved. They also made available a private space where interviews could take place. Above all, the Council acknowledges and thanks the young people who gave such considered and frank opinions, and shared many painful and often tragic events in their lives. The quality of information provided to the Department for Families and Communities was so much richer because of their candour and courage to speak out. As Ms Burtnik observed:

'The wisdom of their lived-in experiences offers those charged with their care, an opportunity to initiate change and provide an environment that enhances learning, reduces the probability of re-

offending and provides young people with the skills to cope with life back in the community.'

The Council will continue to work with the Youth Justice Strategy Unit staff in 2011-12, and is most encouraged by the approach being undertaken by them in planning the new Youth Training Centre and the way it will operate.

A success story – What Charlie said

Looking at and talking with Charlie today it is difficult to imagine that just a few short years ago, he was well on the way to becoming a serial offender who was moving through the juvenile justice system and would eventually find himself in prison.

Charlie is the youngest son of Cambodian immigrants who left that land to escape the Pol Pot regime. His parents settled with their first two children in a northern suburb of Adelaide where Charlie was born. His parents were enthusiastic about their adopted country and, like many immigrants, believed that their children would have opportunities that would never have been possible in the land of their birth. They believed that receiving a good education was the key to success.

Charlie recounts that, almost from the start of his schooling, he was made to feel different. He and his siblings were the only Asian children in the school at that time. Although he could not put a name to it, he was a target of racial discrimination.

Charlie was a bright boy, well-liked by his teachers, but affected by the intolerance and racial taunts of some of the children. The first sign of real trouble appeared when he was 10 years old. He began to react to the teasing and was often involved in fights with older boys. Because he felt isolated at school, he began to mix with his brothers' friends in and outside of the school yard.

By the time Charlie entered high school, he had the reputation of being a trouble maker. According to Charlie, teachers gave up on him. He was not offered counselling or any other form of support. He was seen as '*too much work and not worth the effort.*' His life of petty crime flourished despite his family's support and concern. By the time he celebrated his 15th birthday, Charlie was well known to the police and the courts. He was able to escape formal detention due to the support provided by his family. Charlie said that he and his mates viewed the court system as the '*get out of jail free card.*'

The social pressure of his '*gang*' made him more susceptible to commit petty crimes in order to gain approval and accolades. During this time, he sustained a serious knife wound that could have led to the amputation of his left arm had it not been for the intervention of his sister. Still, this did not deter him from breaking the law for several more months.

Then, at 16, his world changed. His last criminal act was viewed by the courts as too serious to be given a '*tap on the wrist.*' Immediately after his court appearance, he was placed on remand for six weeks at the Magill Training Centre. Charlie reports that he and his family were shocked by the verdict. His father in particular was deeply distressed and, to this day, his mother has never been told of his time there. The family protected her by telling her that Charlie had gone away on a holiday.

Despite his life of misadventure, Charlie knew virtually nothing about Magill and nor did his friends. None of his group had ever been sent there. Arriving at the Centre, he was immediately taken to a room and strip searched, then told to shower and put on clothes that the Centre provided. He was then taken to his unit and shown his room. It was late in the day and the other boys were preparing for the evening meal. Aside from one other resident, he was the only Asian boy.

No staff member explained what was happening or what would happen over the next few weeks. Indeed, there was never a time when he was

advised about the '*rules and regulations*.' He learned about these from the other residents. He was there over the Christmas holidays, and there were no formal activities or regular patterns to the days. Time dragged, bedtime came early and there was limited reading material to take back to his room.

All this gave him time to reflect on his life and what he saw frightened him. '*If this was junior jail, what would a real prison be like?*' The reality of how his actions had impacted on his family also set in. His family's despair and sense of helplessness, particularly the effect on his father, now became clear. His father's words about education being the key to success began to make sense. Charlie states that being sent to Magill was the turning point in his life.

Fortunately for him, there was a youth worker who took time to develop a relationship with him. Charlie describes him as '*enthusiastic, passionate about his work, displaying empathy and understanding*.' He stood out from the other staff members. He began to explore with Charlie his options once he left the Centre. Charlie had dropped out of school the previous year, and so he needed to reconnect with the education system. They mapped out a plan for him for him to attend the Education Centre at Magill once he left the Centre.

Charlie was released back to his family after six weeks under a home detention order for the next eight months. He was committed to changing his life. He restarted his education, firstly at the Education Centre and then at Marden Senior College. The positive impact of the Magill youth worker on Charlie cannot be overstated, and it was his influence that made him determined to take up similar work. He applied to undertake qualifications in youth work with Mission Australia. Initially, he was turned down being told he was too young and inexperienced, and to reapply when he was a bit older. He persevered and was finally accepted, and successfully completed the course a few months later.

Alongside his studies, Charlie put his boundless energy into martial arts training under the watchful eye of his brother. He says that Thai Boxing is a sport that not only incorporates physical fitness but overall health, wellbeing and mental discipline. During this time, he also gained qualifications to become a registered personal trainer.

His sport has given him immense satisfaction and in December 2010, he was crowned South Australian State champion in the 68kg category. This year, he is focusing on the national championship, with an eye to entering the international arena.

When asked what helped to maintain his commitment to turn his life around, Charlie listed the following:

- A strong and loving family;
- A youth worker who showed him life could be different;
- Not returning to his old environment including his mates;
- Finding more positive outlets for his energy and frustration;
- Education and gaining qualifications;
- Employment;
- Mentors who guided him through the rough patches; and
- Positive role models.

The 24 year old Charlie of today is a very different person from the young risk taker of yesterday. He is employed as a Lead Mentor/Sports Role Model by the Whitelion organisation, which is committed to providing support to young people involved with the criminal justice system. Through this role, he has been able to mentor several young people at Cavan. He is passionate about his work and believes '*I can make a difference because I was one of them not long ago.*'

Because of his past experience and his mentor role at Cavan, Charlie is well placed to provide an insight into the impact of detention on young lives. In discussing the proposed new centre which will amalgamate both Cavan and Magill, Charlie believes that, alongside the new physical environment, the service structure needs to refresh and improve. He outlined these improvements as:

- Staff who are committed, empathetic and skilled;
- A permanent workforce with less reliance on casuals;
- More youth workers;
- More mentors;
- Key workers who are matched to each resident – '*right worker – right kid*';
- A formal orientation program for new residents – rules, regulations, rights and responsibilities;
- Flexible learning programs;
- Flexible recreational programs;
- A more intensive transition program with more interaction between community organisations and the Centre;
- Ensuring young people return to a safe environment in the community – a critical key to success;
- Ongoing involvement of community organisations ;
- Connection to community mentors; and
- Family reconciliation and support.

There are many young 'Charlies' in our communities. They are influenced by their families, their culture, their environment and most significantly, by their peers. When any or all of these go awry, trouble invariably follows. Young people who find themselves in the criminal justice system often

need a circuit breaker to redirect their lives away from the negative influences that have placed them before the courts.

According to Charlie:

'For a young person to have a future after crime, they not only need to have a system and a community that supports and guides but also strong role models, who inspire and motivate the person to change and not take the easy way out and return to old haunts and habits. Hard but not impossible. I did it and I want to help others to do it.'