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## **Human Rights Bill 2018**

Submission to the Community Safety Committee –  
Queensland Parliament

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26 November 2018

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## About UNICEF

1. UNICEF is a multilateral organisation that works in over 190 countries to promote and protect the rights of children. UNICEF supports child health and nutrition, clean water and sanitation, quality basic education for all boys and girls, and the protection of children from violence, exploitation, abuse and HIV. UNICEF is unique among world organisations for our rights based and participatory approach to working with children and young people.
2. UNICEF Australia is a national committee of UNICEF, which advocates for the rights of all children and works to improve public and government support for child rights and international development. As part of our domestic policy and advocacy work for children in Australia, UNICEF Australia lodged a submission to the Legal Affairs and Community Safety Committee's Human Rights Inquiry in April 2016. A copy of that submission is provided at **Appendix 1**.

## *UNICEF Australia's consultations in Queensland*

3. The UNICEF Australia Young Ambassador program allows us to work with a small group of young people aged 15-24 years with diverse backgrounds and life experiences. The philosophy of the program relies on developing the existing skills of selected ambassadors, and a peer-to-peer model as they have contact with and mentor other children and young people.
4. Over the course of a year, UNICEF Australia conducts intensive training with selected Young Ambassadors in child rights, effective communication with children and young people, media, and engagement with decision makers. We then provide platforms for them to amplify the voices of children and young people with decision makers and the community.
5. Indiana, 16 years, is one of nine current Young Ambassadors for the 2018-19 program. She lives in Queensland and is completing Year 11. Indiana is passionate about child rights education, as well as having a particular interest in menstrual health/hygiene and development.
6. Indiana and the other Young Ambassadors are currently conducting a national consultation with children and young people across Australia. Based on what the

Young Ambassadors hear, they will create a report to deliver to decision-makers in 2019.

7. In October 2018, Indiana and our Child and Youth Participation Coordinator, Vanessa, conducted four consultations in Queensland including with students in mainstream classes at secondary school, young people with disabilities and young people who no longer engage with the standard education system. Indi has at least an additional 7 consultations planned with young people in regional Queensland areas for early December 2018.
8. This submission includes written responses and views expressed by children and young people in Queensland who participated in the October consultations. We wish to acknowledge with gratitude their contributions. We urge the Committee to consider these views of children and young people as it considers the necessity, shape and benefit of the Queensland Human Rights Bill.

#### Executive summary

An issue that is important to me is... *that everyone should be treated the same even if they are LGBT, had a bad past, different nationality*

- Alexandra, 12 years

An issue that is important to me is... *everyone should be treated the same and to not be judged on what they look like*

- Sophie, 13 years

9. UNICEF Australia welcomes the Human Rights Bill before the Queensland Parliament. The Human Rights Bill, if passed, stands to better protect the rights of children and adults.
  
10. As outlined in this brief submission, children and young people from Queensland have indicated that they are concerned about equality, access to mental health services, and the right to education, amongst other things. The Human Rights Bill, and the important acknowledgement of rights to education and health services, reflects some of these concerns.
  
11. As such, we commend in particular the inclusion of the right to education and the right to health services within the bill. The recognition of these rights, and measures to help protect access to such essential services, is critical during childhood and adolescence. We further commend the recognition of cultural rights, in particular, of Aboriginal and Torres Strait Islander Peoples.
  
12. UNICEF Australia is supportive of many features of the Bill, including:
  - The inclusion of economic, social and cultural rights (including the right to education and health services);
  - A recognition of the best interests of the child;
  - The new system for human rights complaints within the Queensland Human Rights Commission;
  - Statements of compatibility with human rights; and
  - The definition of 'functional public entities' including private companies engaged to deliver services to the public on behalf of government.
  
13. This brief submission provides several recommendations on how to enhance the Human Rights Bill, based on what we have heard from children and young people in Queensland, and on the *Convention on the Rights of the Child*. In particular, we recommend additional wording to articulate the right to health as right of everyone to the enjoyment of the highest attainable standard of physical and mental health as a means to help address the concerns of children and young people around mental health and bullying in particular, and specifying that the best interests of the child should be a primary consideration in actions concerning children. Further, we make recommendations to strengthen the implementation of the bill, the Statement of Compatibility mechanism and remedies for a breach of human rights.

## Summary of recommendations

**Recommendation 1:** That the Bill should expressly recognise ‘the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.’

**Recommendation 2:** That, consistent with the *Convention on the Rights of the Child*, section 26 should be amended to state that best interests of the child should be a primary consideration in decisions concerning children and, when decisions are made about the adoption of a child, the best interests of the child should be the paramount consideration.

**Recommendation 3:** That the right to education should be explicitly protected in the Human Rights Bill. The Bill should provide guidance on the ramifications of the right to education with regard to policies and processes relating to all forms of school exclusions (suspensions and expulsions).

**Recommendation 4:** That the Bill should be amended to require the Statement of Compatibility to consider the major human rights treaties that Australia has ratified:

- the International Covenant on Civil and Political Rights (ICCPR);
- the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- the Convention on the Elimination of all Forms of Discrimination Against Women;
- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- the Convention on the Rights of the Child (CRC);
- the Convention on the Rights of Persons with Disabilities; and
- the International Convention on the Elimination of All Forms of Racial Discrimination.

**Recommendation 5:** That the Queensland Government resource and equip the Queensland Human Rights Commission to ensure that children of all ages can participate in accessible and quality human rights education.

**Recommendation 6:** That the Queensland Government resource and require the Queensland Human Rights Commission to ensure that its policies, processes and materials regarding the complaints process are child-friendly.

**Recommendation 7:** That the statutory review of the human rights act should include consideration of introducing a standalone cause of action for a breach of human rights.

## Specific rights included in the bill

14. In addition to many important civil and political rights (including, important protections for children in criminal justice processes), UNICEF Australia welcomes the inclusion

of a number of economic, social and cultural rights within the Human Rights Bill. In particular, we are extremely supportive of the inclusion of:

- The right to education;
- The right to health services;
- The right to culture; and
- The right to protection of the family, and the best interests of the child.

15. This section makes some brief observations to outline the need for enhanced wording in the sections outlining these rights to be more consistent with their form under international human rights law.

#### **Right to mental health services**

I think every adult should know... That bullying happens a lot, but nothing is done. Since nothing happens we don't say anything because it's useless.

- Morgan, 13 years

I think every adult should know... that every kid will experience some form of depression or anxiety as a student.

- Noah, 13 years

I think every adult should know... that children are getting bullied which can ~~some~~ sometimes cause depression, self harm or suicide

- Alexandra, 12 years

16. It is clear from the Young Ambassador Consultations in Queensland that mental health is a key concern of children and young people living today. Children and young people have frequently stressed their concern that bullying is a contributing factor to mental illness, and they are concerned about self-harm and suicide. This is consistent with other surveys, which have also identified mental health as a top national issue for young people.<sup>i</sup>
17. As the Explanatory Memorandum of the bill identifies, Article 12 of the *International Covenant on Economic, Social and Cultural Rights* outlines the right to health. It provides:
- 1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.*
18. However the bill as currently drafted does not adopt this wording. Instead, it states:
- Every person has the right to access health services without discrimination. A person must not be refused necessary emergency medical treatment.*
19. It is our understanding of this text that it is more limited than the right at international law, providing only that health care services should be accessible on a non-discriminatory basis. Although it is appropriate to include protections against discrimination in the provision of health care, UNICEF Australia submits that this section should be amended to recognize the positive right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The benefit of doing so would be to focus the legislative and executive decision making, and judicial interpretation, on the right to health as requiring 1) access to health services to the fullest extent possible (on a ‘progressive realisation’ basis) (not just on a non-discriminatory basis), and that these services should encompass services for the physical and mental aspects of health. This would be more consistent with the *International Covenant on Economic, Social and Cultural Rights*. It could also help public functions to be exercised in a way to better meet the concerns of young people with regard to mental health services in particular, and ensure policy coherence with the stated commitment of the Queensland Government to respond to bullying and cyberbullying.<sup>ii</sup> For example, the Queensland Government Anti-Cyberbullying Taskforce recognised that an element of a social and public health approach to cyberbullying involved: ‘*Support services focussed on reducing and responding to cyberbullying - Health, mental health, advice and support services need to be equipped and informed about responding to cyberbullying.*’<sup>iii</sup> In our view, articulating



the right to health as including ‘*the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*’ would help achieve this in practice.

**Recommendation 1:** That the Bill should expressly recognise ‘the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.’

### *Best interests of the child*

20. The recognition of the principle of the best interests of the child (s 26(2)) is a significant inclusion, and UNICEF Australia welcomes this. The United Nations Committee on the Rights of the Child has recommended that Australia “strengthen its efforts in bringing its domestic laws and practice into alignment with the principles and provisions of the Convention, and ensure that effective remedies are consistently available in cases of violation of the rights of the child.”<sup>iv</sup> In UNICEF Australia’s view therefore, inclusion of the principle of the best interests of the child is an important step towards this.

21. However, the wording of Article 3 of the *Convention on the Rights of the Child* states:

*1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*

22. An inherent aspect of protecting the best interests of the child is that it be taken as a ‘primary consideration’ in decisions concerning an individual child, a group of children, or all children generally. The United Nations Committee on the Rights of the Child has explained this as follows:

37. *The expression “primary consideration” means that the child’s best interests may not be considered on the same level as all other considerations. This strong position is justified by the special situation of the child: dependency, maturity, legal status and, often, voicelessness. Children have less possibility than adults to make a strong case for their own interests and those involved in decisions affecting them must be explicitly aware of their interests. If the interests of children are not highlighted, they tend to be overlooked.*

38. *In respect of adoption (art. 21), the right of best interests is further strengthened; it is not simply to be “a primary consideration” but “the paramount consideration”. Indeed, the best interests of the child are to be the determining factor when taking a decision on adoption, but also on other issues.*

39. *However, since article 3, paragraph 1, covers a wide range of situations, the Committee recognizes the need for a degree of flexibility in its application. The best interests of the child – once assessed and determined – might conflict with other interests or rights (e.g. of other children, the public, parents, etc.). Potential conflicts between the best interests of a child,*

*considered individually, and those of a group of children or children in general have to be resolved on a case-by-case basis, carefully balancing the interests of all parties and finding a suitable compromise. The same must be done if the rights of other persons are in conflict with the child's best interests. If harmonization is not possible, authorities and decision-makers will have to analyse and weigh the rights of all those concerned, bearing in mind that the right of the child to have his or her best interests taken as a primary consideration means that the child's interests have high priority and not just one of several considerations. Therefore, a larger weight must be attached to what serves the child best.*

40. *Viewing the best interests of the child as "primary" requires a consciousness about the place that children's interests must occupy in all actions and a willingness to give priority to those interests in all circumstances, but especially when an action has an undeniable impact on the children concerned.*

23. UNICEF Australia submits that this section should therefore specifically state that the best interests of the child should be a primary consideration in decisions concerning children and, when decisions are made about the adoption of a child, the best interests of the child should be *the* paramount consideration (interpreted in line with the Aboriginal and Torres Strait Islander Child Placement Principle).

**Recommendation 2:** That, consistent with the *Convention on the Rights of the Child*, section 26 should be amended to state that best interests of the child should be a primary consideration in decisions concerning children and, when decisions are made about the adoption of a child, the best interests of the child should be the paramount consideration.

**Right to education**

I think every adult should know...

That it isn't easy for every one to get an education. That some people don't have an income.

Some people don't have a support group.

I think decision-makers should...

Reduce the prices on education fees and on food.

- Aaliyah, 12 years

I think decision-makers should...

education shouldn't be a price but a right.

- Sophie, 13 years

An issue that is important to me is...

the way that students are assessed at school. The Australian educational system, needs to understand that every student has their own strengths and weaknesses, and these students need to be assessed on how well they can perform their strengths. "You can't judge a fish on it's ability to climb a tree."

- Noah, 15 years

An issue that is important to me is...  
The education could be a lot better, we learn about stuff we don't need and also we are told to sit and be quiet but most kids lose interest and choose to fail because they aren't interested.

- Josh, 16 years

I think decision-makers should... know that going to school should be a right and that everyone should go to school and enjoy what they are learning.

- Alexandra, 12 years

24. As previously stated UNICEF Australia supports the explicit protection of the right to education in the Queensland Human Rights Bill 2018. We note the positive benefits for children in the ACT who have protected the right to education. This means that the Queensland Government will need to consider the practical of question of what a right to education means with regard to suspensions and expulsions. In the ACT, children who are subject to suspensions are still accommodated within the school rather than being sent home. This means that schools are required to both consider and action strategies to respond to behavioural concerns, while not disrupting the child's education.

25. UNICEF Australia also acknowledges the additional stressors that suspensions create for low income, and economically insecure families. It is important to consider the primary purpose of suspensions, particularly in contexts where children will not be supervised at home due to parents' core work commitments.
26. In light of the views expressed by children and young people in Queensland, and the concerning trends around school exclusion and the reported 'Sense of belonging at school' reported by students across Australia, UNICEF Australia welcomes the inclusion of the right to education in the Queensland Human Rights Bill as a timely measure. The recognition that education be 'appropriate to their needs' is very positive, and seemingly responds to the concerns of children and young people that education can be inflexible. In our view, the inclusion of the right to education in the Human Rights Bill stands to improve educational outcomes and the school environment for children in Queensland.
27. UNICEF Australia acknowledges some of the positive views of children in flexi-school environments expressed below, though these consultations were limited. We also acknowledge the importance of curriculum and pedagogy more broadly being sufficiently adaptable and flexible so as to be relevant and meaningful to children. Flexi-school curricula is frequently tends to be highly limited with and these models should not be used routinely to divert children from mainstream education because of behavioural issues or where children are at risk. Mainstream education must be geared towards teaching students' positive self-regulation and assisting problem solving, support and referral where children experience risk.
28. As part of the Young Ambassador consultations in Queensland, we have heard from students attending a flexible learning centre. They reported positive experiences with the approaches of the teachers in these centres, and their focus on the individual needs of the students, and their wellbeing. Students at this centre reported:
- "They actually care about your wellbeing and don't just say go to class and do this and that, they actually ask you what you need in life."*
- "...and the benefits being it's a small school there are kids who don't get along in... there's really very little amount of kids to not get along with to start with and if you do you can sit in a different classroom and get help with the teacher if you need it. You can come in in break times and school and stuff like... there's always... you can always... yeah... touch base with a teacher privately once they have time".*

29. The young people we heard from also stressed the need for teaching approaches to be adaptable, and efforts made to work with children and their individual abilities and strengths:

*“Some people learn through face to face talking and if you’re sitting there looking at the board and the teacher is yelling at you and you don’t get it right”*

*“There are different ways people learn and we need to adapt to it”*

*“The government should be more open to different ways of learning”*

30. As these comments from young people indicate, access to education is a key concern of young people in Queensland. They stressed the hope and expectation that education will be delivered in a way that is sensitive to the needs, strengths and capabilities of individual students, and that teachers involve, listen to and engage students in their learning.

31. Other studies have also indicated the need to better engage students in their education and to foster a sense of belonging at school. For example, the Programme for International Student Assessment (PISA) ‘Sense of belonging at school’ results for Australia, including Queensland, also indicate that Australian students significantly lower levels of a sense of belonging at school when compared to the average reported by countries of the Organisation of Economic Cooperation and Development.<sup>v</sup> This was particularly pronounced for children from low socio-economic background, children in remote areas, indigenous students and female students.<sup>vi</sup>

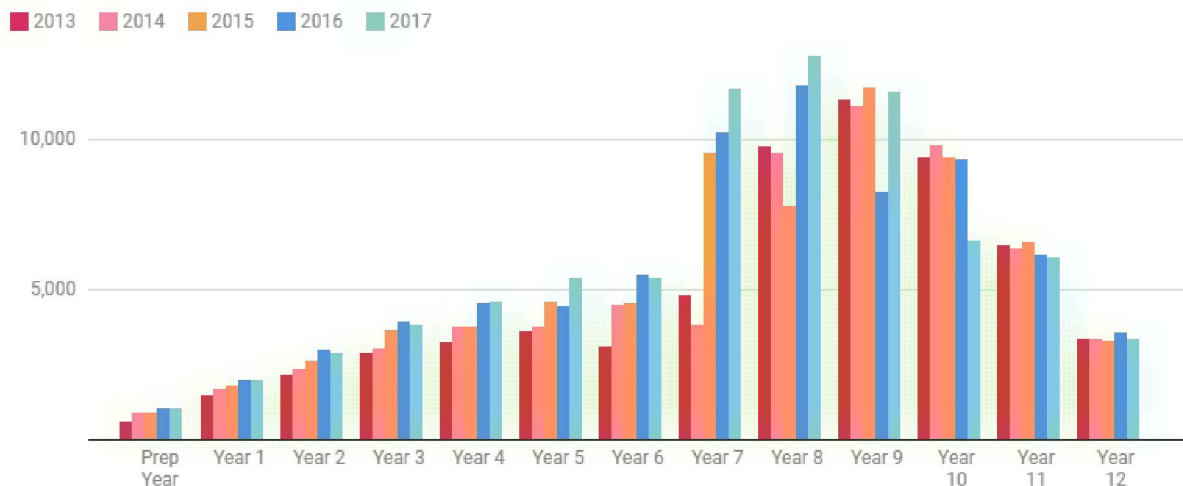
32. At the same time, UNICEF Australia notes with concern that policies adopted in recent years by the Queensland Government have coincided with an increase in the number of students being subject to enrolment cancellation, exclusion and suspension.<sup>vii</sup> Children who are suspended or excluded from school are at increased risk of coming into the criminal justice system, often called the ‘school to prison pipeline’.<sup>viii</sup>

33. UNICEF Australia believes there is urgent need to assess and reform school disciplinary practices in all Australian jurisdictions, including Queensland, to ensure that they seek to realise the right of all children to education. As part of this, education should be delivered in a way that it sensitive to the needs and capabilities of individual children, provide options for flexible learning, allow for suspension and



exclusion only in exceptional circumstances and provide children and families with due process throughout any process involving the consideration of suspension, exclusion or cancellation of enrolment.

### Number of suspensions in Queensland schools 2013-2017, by year level



This chart counts both long and short suspensions. It does not count suspensions for special or ungraded students.

Source: Queensland Department of Education - [Get the data](#)

Source: Linda J. Graham, 'Expanding suspension powers for schools is harmful and ineffective' *The Conversation*, 13 November 2018 <<https://theconversation.com/expanding-suspension-powers-for-schools-is-harmful-and-ineffective-106525>>.

34. The benefit of protecting the right to education is that it will empower education policy makers and educators to use all efforts to help engage and keep a child in education, and ensure that suspensions and exclusions are only ever used as a last resort and in the most exceptional circumstances (for example, when the safety of staff and students is compromised).

**Recommendation 3:** That the right to education should be explicitly protected in the Human Rights Bill. The Bill should provide guidance on the ramifications of the right to education with regard to policies and processes relating to all forms of school exclusions (suspensions and expulsions).

### Statements of Compatibility

35. At the federal level, the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) adopts a broad definition of 'human rights' for the purposes of Statements of Compatibility, and, more broadly, the work of the Parliamentary Joint Committee on Human Rights. Section 3 of that Act outlines:

*'human rights' means the rights and freedoms recognised or declared by the following international instruments:*

- (a) the International Convention on the Elimination of all Forms of Racial Discrimination done at New York on 21 December 1965 ([1975] ATS 40);
- (b) the International Covenant on Economic, Social and Cultural Rights done at New York on 16 December 1966 ([1976] ATS 5);
- (c) the International Covenant on Civil and Political Rights done at New York on 16 December 1966 ([1980] ATS 23);
- (d) the Convention on the Elimination of All Forms of Discrimination Against Women done at New York on 18 December 1979 ([1983] ATS 9);
- (e) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 10 December 1984 ([1989] ATS 21);
- (f) the Convention on the Rights of the Child done at New York on 20 November 1989 ([1991] ATS 4);
- (g) the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006 ([2008] ATS 12).

36. Although the Explanatory Memorandum of the Bill recognises these obligations on Australia, the rights included are limited to select rights as outlined in the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*. UNICEF Australia submits that, as a minimum, the Statement of Compatibility should require policy makers to consider impacts on human rights as outlined in all of the major human rights treaties to which Australia is a party, including in particular for children, the *Convention on the Rights of the Child*.

**Recommendation 4:** That the Bill should be amended to require the Statement of Compatibility to consider the major human rights treaties that Australia has ratified:

- the International Covenant on Civil and Political Rights (ICCPR);
- the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- the Convention on the Elimination of all Forms of Discrimination Against Women;
- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- the Convention on the Rights of the Child (CRC);
- the Convention on the Rights of Persons with Disabilities; and
- the International Convention on the Elimination of All Forms of Racial Discrimination.

### Supporting measures to aid the promotion and protection of the human rights of children and adults in Queensland

*“Only just now did we learn [about our rights] but we need to know before now”*

*“I feel like it should be compulsory to learn about the laws, rather than just like you can do the legal studies and stuff. Everyone needs to know about their rights”*



**- Queensland secondary school students**

37. We note the objects of the Bill are to:

- protect and promote human rights;
- help build a culture in the Queensland public sector that respects and promotes human rights; and
- help promote a dialogue about the nature, meaning and scope of human rights.

38. We also note and welcome the expanded functions of the re-named Queensland Human Rights Commission, including (clause 61):

- to promote an understanding and acceptance, and public discussion, of human rights and the HR Act in Queensland; and
- to make information about human rights available to the community;
- to provide education about human rights and the HR Act.

39. UNICEF Australia submits that human rights education for all members of the community, including children, is critical to help encourage such dialogue and understanding, as well as to foster respect for the human rights of others. We encourage the Queensland Government to resource and equip the re-named Queensland Human Rights Commission to ensure that children of all ages can participate in accessible and quality human rights education. Materials and methods of teaching should be accessible for children of all ages, abilities and locations.

40. Additionally, we encourage the Queensland Government to resource and require the Queensland Human Rights Commission to ensure that its policies, processes and materials regarding the complaints process are accessible and understandable for children and adolescents, and their caregivers. Staff working on complaints involving children and young people should be specially trained on communicating effectively with children and young people. As outlined in our 2016 Submission to the Committee (paragraphs [35]-[36]):

*Importantly for children, young people and others who might be experiencing disadvantage and marginalisation, avenues to access remedies must be accessible, affordable and be accompanied with appropriate advice and support for them to effectively use these mechanisms.*

*For children in particular, complaints processes must be child sensitive, and incorporate due consideration to the individuals age, cultural background, maturity and specific circumstances. Personnel who have contact with children in the course of complaints procedures should be adequately trained in communicating effectively with children in their early, middle and*

*adolescent years. This includes relying on simple language, explaining the principles of privacy and consent, ensuring that parents, guardians or identified support people are present wherever possible, explaining the complaints process and its implications, and checking for understanding.*

**Recommendation 5:** That the Queensland Government resource and equip the re-named Queensland Human Rights Commission to ensure that children of all ages can participate in accessible and quality human rights education.

**Recommendation 6:** That the Queensland Government resource and require the Queensland Human Rights Commission to ensure that its policies, processes and materials regarding the complaints process are child-friendly.

### Justiciability of rights

41. We note that the model outlined in the Bill does not incorporate a ‘stand-alone’ cause of action for a breach of a child or adult’s human rights. UNICEF Australia submits that it is desirable for a breach of human rights to be a standalone cause of action. As explained by the United Nations Committee on the Rights of the Child:<sup>ix</sup>

*For rights to have meaning, effective remedies must be available to redress violations. This requirement is implicit in the Convention and consistently referred to in the other six major international human rights treaties. Children’s special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights. So States need to give particular attention to ensuring that there are effective, child-sensitive procedures available to children and their representatives. These should include the provision of child-friendly information, advice, advocacy, including support for self-advocacy, and access to independent complaints procedures and to the courts with necessary legal and other assistance. Where rights are found to have been breached, there should be appropriate reparation, including compensation, and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration, as required by article 39.*

*...the Committee emphasizes that economic, social and cultural rights, as well as civil and political rights, must be regarded as justiciable. It is essential that domestic law sets out entitlements in sufficient detail to enable remedies for non-compliance to be effective.*

42. It is therefore desirable that the Queensland Government seek to introduce a standalone cause of action over time.

**Recommendation 7:** That the statutory review of the human rights act should include consideration of introducing a standalone cause of action for a breach of human rights.

## Contact

If you have any questions or if we can be of further assistance, please contact Alison Elliott, Senior Policy Adviser, at UNICEF Australia, on [REDACTED] or [REDACTED]

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<sup>i</sup> See, for example, Bullot A., Cave, L., Fildes, J., Hall, S. and Plummer, J. *Mission Australia Youth Survey 2017*, Mission Australia (2017) 4 <<https://www.missionaustralia.com.au/what-we-do/research-evaluation/youth-survey>>.

<sup>ii</sup> Queensland Government, *Queensland Anti-Cyberbullying Taskforce* <<https://campaigns.premiers.qld.gov.au/antibullying/taskforce/>>.

<sup>iii</sup> Queensland Government Anti-Cyberbullying Taskforce, *Adjust Our Settings* (September 2018) 23 <<https://campaigns.premiers.qld.gov.au/antibullying/taskforce/assets/anti-cyberbullying-taskforce-final-report.pdf>>.

<sup>iv</sup> Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 44 of the Convention – Concluding Observations: Australia*, UN Doc. CRC/C/AUS/CO/4 (28 August 2012), [12].

<sup>v</sup> Australian Council for Educational Research, *Programme for International Student Assessment - PISA Australia in Focus: Number 1 – Sense of belonging at school* (2017) 16-17 <<https://research.acer.edu.au/cgi/viewcontent.cgi?article=1031&context=ozpisa>>.

<sup>vi</sup> Ibid.

<sup>vii</sup> Linda J. Graham, 'Questioning the impacts of legislative change on the use of exclusionary discipline in the context of broader system reforms: a Queensland case-study' *International Journal of Inclusive Education* (2018) DOI: 10.1080/13603116.2018.1540668 <<https://www.tandfonline.com/doi/full/10.1080/13603116.2018.1540668>>.

<sup>viii</sup> Sheryl A Hemphill, David J Broderick and Jessica A Heerde, *Trends and Issues in crime and justice* No. 531 - *Positive associations between school suspension and student problem behaviour: Recent Australian findings*, Australian Institute of Criminology, June 2017 <<https://aic.gov.au/publications/tandi/tandi531>>.

<sup>ix</sup> United Nations Committee on the Rights of the Child, *General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)*, UN Doc. CRC/GC/2003/5, 27 November 2003 [24]-[25].