

Parliament of New South Wales  
Legislative Council

STANDING COMMITTEE ON SOCIAL ISSUES

INQUIRY INTO  
CHILDREN'S ADVOCACY

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Standing Committee on Social Issues

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## COMMITTEE MEMBERSHIP

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The Hon. Ann Symonds, M.L.C., Chair, Australian Labor Party

The Hon. Dr. Marlene Goldsmith, M.L.C., Deputy Chairman, Liberal Party

The Hon. Dorothy Isaksen, M.L.C., Australian Labor Party

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Dr Jennifer Knight - Committee Director (until 25 April 1996)

Ms Alexandra Shehadie - Acting Director (from 26 April 1996)

Mr Glen Baird - Senior Project Officer

Ms Heather Crichton - Committee Officer (until 20 March 1996)

Ms Jane Millett - Committee Officer (from 6 May 1996)

Ms Julie Langsworth - Chair's Research Assistant (until 26 June 1996)

Ms Tanya van den Bosch - Chair's Research Assistant (from 5 August 1996)

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## TERMS OF REFERENCE

### INQUIRY INTO CHILDREN'S ADVOCACY

That the Standing Committee on Social Issues inquire into and report on:

1. the degree to which the needs of children throughout New South Wales are being effectively advocated for and promoted in the areas of health, education, law and justice and care and protection;
  2. The adequacy of the organisation and co-ordination of existing agencies responsible for children's advocacy such as the NSW Ombudsman, the NSW Child Protection Council, the Official Visitors program, the Community Services Commission, the Health Care Complaints Commission, and the National Children's and Youth Law Centre; and
  3. The adequacy of current mechanisms for redressing of children's grievances.
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## FUNCTIONS OF THE STANDING COMMITTEE ON SOCIAL ISSUES

The functions of the Standing Committee on Social Issues are to inquire into, consider, and report to the Legislative Council on:

- any proposal, matter or thing concerned with the social development of the people in all areas of New South Wales;
- the equality of access to the services and benefits including health, education, housing and disability services provided by the Government and non-Government sector to the people in all areas of New South Wales;
- recreation, gaming, racing and sporting matters; and
- the role of Government in promoting community services and the welfare of the people in all areas of New South Wales.

## OPERATIONS OF THE COMMITTEE

Matters for inquiry may be referred to the Committee by resolution of the Legislative Council, a Minister of the Crown, or by way of relevant annual reports and petitions. The Committee has the legislative power to:

- summons witnesses;
  - visits of inspection within Australia;
  - call upon the services of Government organisations and their staff, with the consent of the appropriate Minister;
  - accept written submissions concerning inquiries from any person or organisation; and
  - conduct hearings.
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## PUBLICATIONS BY THE STANDING COMMITTEE ON SOCIAL ISSUES

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|--------------------|---|
| Report No. 1       | Accessing Adoption Information<br>October 1989                    |
| Report No. 2       | Drug Abuse Among Youth, Volume One<br>December 1990               |
| Report No. 3       | Medically Acquired H.I.V.<br>October 1991                         |
| Report No. 4       | Juvenile Justice in New South Wales<br>May 1992                   |
| Report No. 5       | Births, Deaths and Marriages: An Open Register?<br>March 1993     |
| Report No. 6       | Sexual Violence: The Hidden Crime: Part 1<br>December 1993        |
| Report No. 7       | Suicide in Rural New South Wales<br>November 1994                 |
| Report No. 8       | A Report into Youth Violence in New South Wales<br>September 1995 |
| Report No. 9       | Sexual Violence: Addressing the Crime: Part 2<br>April 1996       |
| Issues Paper No. 1 | Youth Violence<br>September 1993                                  |
| Issues Paper No. 2 | Violence in Society<br>November 1993                              |
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## CHAIR'S FOREWORD

This Report represents the results of a lengthy Inquiry into aspects of Children's Advocacy in New South Wales. All of the submissions and witnesses who appeared before the Committee were unanimous in their view that children's advocacy in this state is inadequate. The advocacy that does exist is ad hoc, inconsistent and lacking in a coordinated approach. All seven members of this Committee concurred with this view.

Advocacy for children is about systems and individuals recognising the rights and needs of all children and young people and responding to those rights and needs. It also involves allowing children and young people to have a say in decisions that are likely to affect them.

Children's advocacy is **not** about undermining the role of parents and families, nor is it about denying children the fact of childhood and their need for protection. It is about taking a proactive approach to ensure that all children have the opportunity to reach their full potential as human beings. As the Committee found during the Inquiry, parents can often be a child's most powerful advocate. Improving advocacy for children then, allows both children and parents greater access to the processes of government which directly affect children's daily lives.

In the more narrow sense advocacy is also about providing children with quality individual advocates to ensure that they have the right of equal access to the law and the processes of government, which is demanded by adults.

During this Inquiry, the Committee identified certain groups of children and young people who are most in need of effective advocacy. These include children who have been neglected or abused, who are in the care and protection system, or who are from poor, minority or marginalised communities. These children, having been denied effective adult advocates and having been ignored by "the system", represent some of the most powerless and vulnerable members of the community.

This Report aims to address the situation of so many of these children. The recommendations, which include establishing an Office of the Status of Children and Young People, directly responsible to the Premier, and independent services to be known as the Children's Advocacy Network, aim to ensure that children's rights and needs are no longer overlooked or their voices ignored. It is hoped that once the recommendations are implemented, there will no longer be a need for further Inquiries dealing with this issue.

I am extremely grateful to my Parliamentary colleagues on the Committee for their patience and skill in dealing with what was sometimes a complex yet challenging Inquiry.

## FOREWORD

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My thanks are also due to the Committee Secretariat. Committee Director, Dr Jennifer Knight, contributed significant portions of the Report before taking maternity leave. Acting Director, Alexandra Shehadie took over the role of coordinating the Inquiry process and the production of the Report and was assisted greatly by Senior Project Officer, Glen Baird. Heather Crichton assisted in the early stages of the Inquiry. Committee Officer, Jane Millett, was invaluable in her thorough and meticulous collation of Committee documents and in the entire formatting of the Report. I would also like to thank my Research Assistants, firstly Julie Langsworth, and later, Tanya van den Bosch, whose research, writing and editorial assistance were fundamental to the final production of this Report.

I strongly commend this Report to the Government.

A handwritten signature in black ink, reading "Ann Symonds". The signature is written in a cursive, flowing style with a large initial 'A'.

**THE HON. ANN SYMONDS, MLC**  
**Committee Chair**

## EXECUTIVE SUMMARY

In August 1995, the Legislative Council Standing Committee on Social Issues received a reference from the Minister for Community Services to inquire into aspects of Children's Advocacy. In particular, the Committee was asked to examine the effectiveness of advocacy in relation to key policy areas, namely, health, education, law and justice and care and protection. It was also required to consider whether children's needs were being met and promoted adequately by existing organisations and agencies responsible for children's advocacy in New South Wales. This Report represents the results of that Inquiry.

Extensive research was undertaken during the course of the Inquiry. Submissions were received from 64 individuals and organisations, and 71 briefings were held. The Committee heard evidence from 72 witnesses, and travelled to Taree and Kempsey in order to ensure that issues relating specifically to rural and Aboriginal children were addressed. The Committee met with 55 children during visits made to schools and pre-schools. The Committee Chair and Acting Director undertook a study tour to England, Sweden, Denmark and the United States to examine international models of children's advocacy.

Submissions and evidence received by the Committee on the issues of health, education, law and justice and care and protection overwhelmingly demonstrated community concern about the inadequacy of advocacy for children in New South Wales. The information gathered also explored the adequacy and co-ordination of existing agencies responsible for children's advocacy. Based on all this information and research, the Committee formulated its recommendations for children's advocacy in New South Wales.

Chapter One of the Report provides an overview of the issue of children's advocacy, including defining the term and dispelling common misconceptions. The Committee emphasises that advocacy involves more than providing a complaints mechanism for individuals with grievances: it also promotes the special needs of children, both as individuals and as a group. This can include seeking to resolve problems for individuals, to influence policy decisions and legislation impacting on children, and to alter the framework in which such decisions are made to ensure that the needs and views of children are taken into consideration as a matter of course.

Among the community there is often the fear that improving children's advocacy and acknowledging the rights of children would have the effect of undermining the importance of the role of families and parents, and of driving a wedge between children and their parents. The Committee rejects this notion, and feels that ensuring that children's voices are heard does not cause discord, but rather airs opinions that are already held and can empower both children and their families. The Committee also recognises that the vast majority of children are raised in a nurturing environment conducive to satisfactory development and that their parents can be their most powerful and effective advocates.

## EXECUTIVE SUMMARY

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The Committee also looked at previous proposals for children's advocacy by various government agencies and community groups, and notes that, although there have been some recent moves acknowledging the needs of children, government responses to the recommendations of reports have so far been inadequate. In fact, Australia's obligations under the United Nations Convention on the Rights of the Child, which it ratified in 1990, have not been met.

Chapter Two presents international and Australian models of children's advocacy. The Report examines children's advocacy in Sweden, Norway, Denmark, England, the United States and New Zealand, as well as looking at the systems which currently exist in the Australian Capital Territory, Queensland and South Australia.

In Chapter Three, the situation of children in the care and protection system is examined. The Committee found that children in care are amongst the most vulnerable, powerless and silent members of the community. As a group, they are the most in need of improved advocacy. For many children, the process of being placed in care is very damaging, both physically and emotionally, with many children in care being abused, becoming homeless, dropping out of school, misusing drugs and alcohol, and entering the juvenile (and later adult) justice systems. Continued budget cuts have severely reduced the effectiveness of the care system and support services.

Recommendations made by the Committee to ensure that the needs and interests of children in the care and protection system are met include calling for the immediate implementation of provisions of the *Children (Care and Protection) Act 1987* relating to the establishment of Boards of Review, amending that Act to oblige the Boards to undertake annual reviews of ALL children in care, and ensuring that annual reports on the processes and outcomes of the Board's decisions are tabled in Parliament. Further recommendations are made seeking to improve services and support for disabled children and their involvement in decision making. The Committee also felt that the adequacy of support for young people leaving care provided by Leaving Care Centres needs to be assessed in three years time.

Chapter Four examines children's advocacy in relation to law and justice. Children's involvement in the juvenile justice system, as witnesses in prosecution cases involving assaults, and as parties to family law proceedings are discussed in this Chapter. The Committee found that in all these areas, advocacy for children continues to be inadequate and inferior to that provided for adults.

The Committee makes a number of recommendations, many of which are drawn from the earlier Committee report, *Juvenile Justice in New South Wales*. Among them are that within the New South Wales Legal Aid Commission an appropriately resourced and staffed special Children's Section be established, whose solicitors undertake matters in relation to juvenile justice and care and protection. It also recommends that the duty solicitor and social work scheme at Cobham Children's Court be expanded to other Children's Courts



throughout New South Wales. The Children's Section should also coordinate and monitor a scheme whereby children's solicitors travel on circuit to country areas where there are no specialist Children's Court or specialist children's solicitors.

The Committee would like to see a wide range of practitioners attracted to the Children's Court jurisdiction. There needs to be developed within that jurisdiction a wide body of case law. Accordingly, it recommends that the Children's Court jurisdiction be elevated to that of the District Court.

The Committee makes a number of observations in relation to the difficulties experienced by child witnesses in sexual or physical assault cases. It notes that the court structure and procedures are largely set up for adults. The Committee supports the introduction of the *Crimes Amendment (Children's Evidence) Bill 1996* which allows, among other things, children giving evidence in criminal or civil proceedings arising from a personal assault (including sexual and physical assault), or in proceedings involving the making of an apprehended violence order, to give that evidence by means of closed-circuit television facilities or similar technology.

The Committee strongly supports the separate representation of children in family law proceedings. However, as the Chapter notes, it is concerned that the current funding to the Legal Aid Commission may prevent this from occurring. The Committee therefore recommends that the Legal Aid Commission quarantine an appropriate percentage of available funds to ensure that children are provided with adequate legal representation in family law proceedings.

Chapter Five examines the effectiveness of advocating for and promoting the needs of children in the area of health, including mental health. The Committee found that traditionally, the health needs of many children and young people have been unmet. Inadequacies in children's health facilities include the limited numbers of children's specialists in various fields, low immunisation rates, the inferior health of children from lower socio-economic backgrounds and the appalling state of Aboriginal children's health. The Committee also found that Australia's obligation to consider the views of the child when making decisions about the child, as set out in the United Nations Convention, has not been adhered to in relation to health.

The Committee has made several recommendations to improve children's health and their status within the health system. The Committee notes that the Minister for Health has just announced the development of child health policy which it hopes will assist in overcoming many of the problems identified in this chapter.

Chapter Six looks at children's rights and advocacy in the education system. Schooling takes up a large part of an individual's childhood, and his or her experiences within the educational system have a significant impact on later life. A key issue that was raised by students themselves was their right to be involved in decision-making. The Committee

## EXECUTIVE SUMMARY

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feels that children should have input into their educational environment, as required under the United Nations Convention on the Rights of the Child, and heard that progress was being made on this front through Student Representative Councils and involvement in school discipline policies.

Children's access to counsellors is another issue that the Committee felt to be important. The Committee is concerned that there are still insufficient numbers of experienced and adequately resourced counsellors to allow students to receive effective and confidential counselling, particularly in rural areas.

Discipline within schools well illustrates the need for advocacy. Many of the submissions and evidence received by the Committee were critical of the current use of suspension, exclusion and expulsion policies in schools. The Committee believes that improved advocacy is required for students facing disciplinary action at school. The continued discrimination suffered by Aboriginal and non-English speaking background students in schools was of concern to the Committee, including their over-representation as subjects of disciplinary action. The Committee recommends that the Minister for Education take action to ensure that Aboriginal and non-English speaking background students are not unfairly discriminated against in disciplinary procedures, including ensuring access to counselling support and the involvement in disciplinary proceedings of a support person such as a youth or community worker.

Other issues which the Committee believes require urgent attention by the Minister for Education are: the informal exclusion of young homeless people from schools, the improvement and strengthening of complaints procedures, and a review of the Special Education Policy to consider increasing the inclusion of students with disabilities.

The Committee recognises that child care programs provide a unique opportunity to support families in their caring roles, and that it is imperative that governments provide continued support for high quality, affordable community based child care services.

In relation to Out of School Hours Care, the Committee believes that there are insufficient care programs for out of school hours care and is concerned that such care is not currently regulated. The Committee calls upon the Minister for Community Services to regulate OOSH care providers.

Chapter Seven assesses the adequacy and co-ordination of existing agencies responsible for children's advocacy in New South Wales. The agencies examined are: the New South Wales Ombudsman, the New South Wales Child Protection Council, the New South Wales Child Advocate, the Official Visitors program, the Community Services Commission, the Community Services Appeals Tribunal, the Health Care Complaints Commission, the Guardianship Board, the National Children's and Youth Law Centre, and the Youth Branch of the New South Wales Cabinet Office.

The Committee believes that the plethora of agencies working on behalf of children has led to a piecemeal and unco-ordinated approach to children's advocacy. The Committee is also concerned that the approach of agencies is reactive, and relies on complaints being made by children, their parents or community members before action is taken. It also found that a number of agencies do not have a child-oriented focus, limiting their access to children and young people. A number of recommendations are made in relation to the appointment of Youth and Children Liaison Officers to certain government agencies to develop a more child-oriented approach.

Alternative models of children's advocacy are presented in Chapter Eight. The Committee maintains that advocacy for children needs to be put in place at both the systemic and individual levels. Advocacy must be proactive, rather than simply reacting to immediate crises, and it must cover all policy sectors and portfolios.

The Committee has made a number of recommendations to improve the efficiency and effectiveness of children's advocacy. The key recommendations are:

- that the Premier urge the Prime Minister to create the position of Children's Commissioner within the Human Rights and Equal Opportunity Commission to ensure that governments meet their obligations arising from the United Nations Convention on the Rights of the Child;
- that an Office of the Status of Children and Young People be established within the Premier's Department, incorporating the existing New South Wales Child Protection Council, the New South Wales Child Death Review Team and the Youth Branch in the New South Wales Cabinet Office. The objectives and activities of this Office would include advising the government on relevant law reform and policy options, liaising with other relevant agencies, conducting research, and establishing and maintaining a database of information on the needs of children;
- that individual advocacy be improved through the establishment of a state-wide Children's Advocacy Network which would assist children and young people in the areas of law, housing, education, health and social security. The Committee recommends that there be initially twenty workers in the Network, and that each service be located in areas of need;
- that adequate peer advocacy be ensured through the establishment of a committee of children and young people, called the Article 12 Committee (as based on Article 12 of the United Nations Convention on the Rights of the Child). This committee would meet to discuss relevant issues and provide advice to agencies and departments on matters affecting children and young people.



## RECOMMENDATIONS

### RECOMMENDATION 1

That the Minister for Community Services ensure that case workers always conduct private discussions with children in foster care in addition to any discussions that they may have with foster carers.

### RECOMMENDATION 2

That the Premier augment the resources of the 24 hour advice and referral service provided by the Kids Help Line to ensure that children, particularly those in care, have an effective information agency.

### RECOMMENDATION 3

That the Premier instruct the Minister for Community Services to:

- establish Children's Boards of Review, as set out in Part 7 of the *Children (Care and Protection) Act 1987*, forthwith, by having that Part of the Act proclaimed immediately;
- amend Part 7 of the *Children (Care and Protection) Act 1987*, following the report of the Legislative Review Working Team, to oblige the Boards to undertake annual reviews of all children in care;
- ensure that annual reports on the processes and outcomes of the Boards' decisions and placement issues are tabled in Parliament, with due regard for confidentiality.

### RECOMMENDATION 4

That the Minister for Community Services, Minister for Aged Services and Minister for Disability Services ensure the needs of children with a disability and their families are met by a Children's Policy for:

- a range of support options for the care of these children, including adequate respite care;
- on-going family involvement with disability services;
- the development of forms of shared care to promote the interests of these children and reduce the incidence of children with a disability becoming state wards; and

## RECOMMENDATIONS

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- a recognition of the individual needs of children, and the need to involve them in decision-making.

### RECOMMENDATION 5

That the Minister for Community Services review in three years the operation of Leaving Care Centres and regional teams of leaving care workers to assess the adequacy of support for young people leaving care.

### RECOMMENDATION 6

That the Attorney General establish within the Legal Aid Commission a Children's Section, which is adequately resourced and staffed, to undertake matters in relation to juvenile criminal matters and care and protection matters throughout New South Wales. That Section shall be staffed with both solicitors and social workers.

### RECOMMENDATION 7

That the Children's Section proposed in Recommendation 6 establish, coordinate and monitor a children's duty solicitor and social work scheme, as currently operates at Cobham Children's Court, for all specialist Children's Courts throughout New South Wales.

### RECOMMENDATION 8

That the Children's Section proposed in Recommendation 6 establish, coordinate and monitor a scheme whereby children's solicitors and social workers travel on circuit to country areas where there are no specialist Children's Courts or specialist children's solicitors.

### RECOMMENDATION 9

That the Children's Section proposed in Recommendation 6 establish, coordinate and monitor an expanded legal service for children in all detention centres throughout New South Wales.

### RECOMMENDATION 10

That the Children's Section proposed in Recommendation 6 establish, coordinate and monitor a training and education program for all solicitors participating in the Children's Court duty solicitor scheme on issues relevant to the needs of the clients that they are to represent and that such training and education be ongoing throughout their time on the roster.

RECOMMENDATION 11

That the Attorney General extend funding to Community Legal Centres so that broad-based legal advocacy on a range of issues can be provided to children and young people throughout New South Wales.

RECOMMENDATION 12

That the Attorney General elevate the jurisdiction of the Children's Court to that of the District Court to increase the status of that jurisdiction.

RECOMMENDATION 13

That the Attorney General devise a system to expedite all cases where a child is the main prosecution witness in matters involving sexual or physical abuse.

RECOMMENDATION 14

That the Legal Aid Commission quarantine appropriate funds to ensure that children are provided with adequate legal representation in family law proceedings as laid down in *Re K*.

RECOMMENDATION 15

That the Minister for Health establish an outreach program for vulnerable families at the time of the mother's confinement. Workers of the outreach program would conduct regular home visits to such families until the child reaches five years of age. Among the tasks of the workers of the outreach program would be to provide advice about nutrition, child development and parenting skills.

RECOMMENDATION 16

That the Minister for Health and Aboriginal Affairs establish an Aboriginal Child Health Unit within the Department of Health as one means of addressing the unacceptable health status of Aboriginal children. (As a priority that Unit should examine and implement strategies to overcome the problems associated with poor nutrition and otitis media).

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### RECOMMENDATION 17

That the Minister for Health review the *Mental Health Act 1990* to ensure that it is appropriate to the needs of children.

### RECOMMENDATION 18

That the Minister for Health investigate the most appropriate existing body which would provide mandatory education, training and professional development for:

- health and allied professionals;
- teachers and school counsellors;
- psychiatrists and general practitioners; and
- early childhood workers.

The focus of this training shall be detection of, and early intervention in, mental illness as it emerges in children and adolescents.

### RECOMMENDATION 19

That the Minister for Health introduce and implement legislation that is similar to the Victorian *Infertility Treatment Act 1995*, as soon as possible. As an interim measure the Minister for Health should provide guidelines regarding the standardised collection of relevant donor program information for use by public and private clinics.

### RECOMMENDATION 20

That the Minister for Health guarantee that all records relating to donor insemination procedures are safeguarded and preserved when the Royal Hospital for Women is transferred to the Prince of Wales Hospital and that the 10 year rule relating to records be stayed in relation to donor insemination.

### RECOMMENDATION 21

That the Minister for Education require the Department of School Education to report on:

- the adequacy of current numbers of school counsellors;



- the appropriateness of existing employment criteria which prevent the appointment of selected experienced psychologists without teaching diplomas to the position of school counsellor;
- the conflict between student confidentiality and access to guidance records;
- attitudes of students to school counsellors; and
- possible alternatives to school-based counselling, having regard to the particular needs of rural children and children who may be reluctant to seek assistance from counsellors within the school establishment.

**RECOMMENDATION 22**

That the Minister for Education ensure that Aboriginal students and students from a non-English speaking background are not unfairly targeted by disciplinary procedures in schools by:

- providing adequate resources to schools with large Aboriginal and non-English speaking background student populations to enable full investigation of incidents, and appropriate welfare and counselling support; and
- advising principals to contact a nominated student advocate, such as a youth or community worker, to assist in any procedures for suspension, exclusion or expulsion, including appeal procedures, for Aboriginal students or students from a non-English speaking background.

**RECOMMENDATION 23**

That the Minister for Education address as a matter of urgency the informal exclusion of young homeless people from schools in New South Wales due to their domestic circumstances.

**RECOMMENDATION 24**

That the Department of Education revise the Complaints Procedures document of 27 May, 1994 to ensure:

- the definitions of "formal" and "informal" complaints are clarified;

## RECOMMENDATIONS

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- those wishing to complain are made aware of the complaints procedure documents and the relevant mechanisms for complaint;
- those making complaints are consulted regarding any decisions made when the matter has not been satisfactorily resolved through conciliation;
- those making complaints receive a copy of the response from the staff member who is the subject of the complaint;
- a period is specified in which a decision should be made if conciliation fails, together with a period in which to notify the person making the complaint of the decision;
- a support person for a student under the age of 18 years making a complaint can assist that student in putting forward their views; and
- the policy and procedures reflect the 1995 restructuring of the Department of School Education.

### RECOMMENDATION 25

That the Minister for Education undertake a review of the Special Education Policy to:

- consider increasing the inclusion of students with disabilities in appropriately resourced mainstream classes; and
- review the internal appeals process undertaken when a child's application to attend regular classes is rejected.

In undertaking this review, the Minister for Education should ensure that community interest groups, education specialists and members of the school community, particularly children in mainstream classes and those with disabilities, are consulted.

### RECOMMENDATION 26

That the Government provide the Office of the Ombudsman with on-going funding for:

- education and publicity campaigns;

- liaison with peak groups providing advice and services to young people; and
- the selection of staff with particular skills and interest in these issues to deal with their complaints.

This would ensure that awareness of the Ombudsman's role in relation to complaints by young people continues to be developed.

**RECOMMENDATION 27**

That the position of the Child Advocate be deleted when the Office of the Status of Children and Young People is established (See Recommendation 31).

**RECOMMENDATION 28**

That the Minister for Community Services appoint a Children's Liaison Officer to the Community Services Appeals Tribunal for an initial period of two years to develop a publicity campaign to make children and young people aware of its functions and to advise the Tribunal in making its proceedings involving children more child-focussed.

**RECOMMENDATION 29**

That the Government provide additional funding over two years for the appointment of a Children's Liaison Officer in the Health Care Complaints Commission to:

- conduct education and publicity campaigns; and
- liaise with peak groups providing advice and services to young people.

This would ensure that an awareness of the Health Care Complaints Commission's role in relation to complaints by young people is developed.

**RECOMMENDATION 30**

That the Premier urge the Prime Minister to create the position of Children's Commissioner within the Human Rights and Equal Opportunity Commission to ensure that governments meet their obligations arising from the United Nations Convention on the Rights of the Child.

## **RECOMMENDATIONS**

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### **RECOMMENDATION 31**

**That:**

- the Premier establish an Office of the Status of Children and Young People to be located within the Premier's Department and reporting directly to the Premier;
- the NSW Child Protection Council and the NSW Child Death Review Team be re-located to the Office of the Status of Children and Young People; and
- the Youth Branch of the New South Wales Cabinet Office be disbanded and/or incorporated into the Office of the Status of Children and Young People.

### **RECOMMENDATION 32**

**That the Office of the Status of Children and Young People be charged with the responsibility of leading government efforts to ensure that government and community resources create positive outcomes for children.**

### **RECOMMENDATION 33**

**That the Office of the Status of Children and Young People be provided with adequate staff and resources to fulfil its role and functions independently.**

### **RECOMMENDATION 34**

**That the Office of the Status of Children and Young People also pursue specific objectives including:**

- advising the government on relevant law reform and policy options and strategies for children and young people;
- participating in the budget development process;
- liaising regularly with, and gaining input from, government and non-government agencies and a broad cross-section of children and young people on issues and policies relevant to the needs and interests of children and young people;
- conducting ongoing research and inquiries into areas affecting children and young people; and

- establishing and maintaining a data-base of information regarding the needs of children throughout the State.

This should ensure a whole of government approach to the delivery of programs for children and young people.

#### RECOMMENDATION 35

That the Office of the Status of Children and Young People regularly meet and consult with the following independent bodies and agencies:

- the Children's Advocacy Network (see Recommendation 36);
- the State Network of Young People in Care;
- the Youth Justice Coalition;
- the Association of Children's Welfare Agencies;
- the Association for the Welfare of Child Health;
- the New South Wales Council for Intellectual Disability;
- the Juvenile Justice Advisory Council;
- Aboriginal groups and agencies;
- the Committee of Children and Young People (See Recommendation 37);
- the New South Wales Students Representative Council; and
- any other organisation that it deems appropriate.

#### RECOMMENDATION 36

That:

- the Premier establish a Children's Advocacy Network throughout New South Wales;
- the Children's Advocacy Network be based in non-government agencies throughout New South Wales in areas of disadvantage and where there is a high children and youth population;
- initially there be 20 workers attached to the Children's Advocacy Network, augmented by teleconferencing facilities;
- the Children's Advocacy Network be a source of independent policy advice to government; and
- the Office of the Status of Children and Young People convene conferences among the workers of the Children's Advocacy Network.

## RECOMMENDATIONS

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### RECOMMENDATION 37

**That the Office of the Status of Children and Young People establish a Committee of Children and Young People for the purpose of promoting peer advocacy in New South Wales (based on Article 12, UN Convention on the Rights of the Child).**

## CHILDREN IN NEW SOUTH WALES - A PROFILE

- There are 1,516,549 children aged under 18 years of age in New South Wales.
- There are 32,300 Aboriginal and Torres Islander children under 18 years.
- There are 91,356 children under 18 years from a non-English speaking birthplace.
- There are 195,900 children under 18 years who live in single parent families.
- There are approximately 10,000 homeless children and young people between 12 and 18 years.
- There are 180,469 children living in poverty (nationally).
- Over 1,500,000 children live in families dependent on social support of just above the poverty line.
- There are 6,000 children in substitute care in New South Wales.
- As at 30 June 1995 there were 2659 state wards in New South Wales.
- Girls attempt suicide at a greater rate than boys.
- Boys commit suicide at a greater rate than girls.
- The suicide rate of boys in rural areas has risen substantially over the last 20 years.
- Aboriginal infant mortality rates are almost double the rates for all Australian infants.
- As at 4 September 1996, there were 475 children in detention centres in NSW. [As at 12 September 1996, there were 88 children in detention centres in Victoria.]
- Thirteen per cent of 15 year olds in New South Wales have left school.
- There are 11,600 15 - 17 year olds in New South Wales seeking full-time employment.
- There are 5,600 15 - 17 year olds in New South Wales seeking part-time employment.

