

### Agreement in Principle

**Ms PRU GOWARD** (Goulburn) [10.05 a.m.]: I move:

That this bill be now agreed to in principle.

This bill is urgently needed, not only because for many of us a person aged 17 years and 11 months is still a child—that was the case last week and last year—but also because the New South Wales Government has raised the school leaving age to 17 years or the age at which a child completes year 10 of secondary education, whichever comes first. That is now the age at which a child may leave school. That change has left homeless young people in a terrible limbo because of the link between the school leaving age and the responsibilities of parents and guardians, including the Minister for Community Services in the role of guardian, and the importance of stable housing for young people.

The change to the school leaving age severely disadvantages young homeless people. If the Parliament does not pass this bill, we will see more young, disadvantaged people struggle to obtain the education and skills now required by and offered to everyone else between the ages of 16 and 17, that being the new age group that is now required to be in education. Although some young people are homeless, they are still worth the same investment that is made in every other teenager in this State. If this bill fails to pass, this Parliament will make a mockery of its commitment to our most vulnerable young people. If it does not pass, it will be entirely because the Keneally Labor Government has chosen to turn its back on these young people.

Last year's amendments to the Education Act also leave parents and guardians, including the Minister for Community Services and his department, exposed to penalties for failing to ensure that a young person up to 17 years of age attends school. Before the Act was amended, the school leaving age was 16. The School Leaving Age Regulation 2009 provides that to leave school a child must attain the age of 17 years or have completed year 10 of secondary education, whichever occurs first. The Education Amendment (School Attendance) Bill 2009 was passed to ensure that children of compulsory school age attend school. The object of that bill was to facilitate the provision of information to the director general of the Department of Education and Training about children who are not attending school; to provide for confidential conferences with parents and other relevant parties to insist on ensuring a child attends school; to provide for the making of compulsory schooling orders by the Children's Court directed at parents whose children do not attend school and in certain cases directed at children who do not attend school; and to increase the monetary penalties for parents who do not ensure that their children attend school, in particular where parents fail to comply with compulsory schooling orders. Because the legislation covers children in out-of-home care, these provisions must also include the Minister.

Of course, this bill cannot address the struggles that many families face in keeping young people at school for the additional year. We all know of intact families with rebellious children, children with learning difficulties and children suffering from mental illness and those who are, as we say, going through a stage and do not want to stay at school any longer than absolutely necessary. For some, the thought of staying at school until they are 17 is unbearable. We know how difficult it is to manage children of this age and to keep them at school. It is even difficult for parents in intact families who have enormous support networks. Given that, keeping children at school until the age of 17 will require enormous government resources and determination on the part of the community and parents. It will be another mark against this Government if it is demonstrated not to have provided the appropriate resources.

As I said, this bill cannot address those struggles. However, it can address the needs of homeless young people under the age of 17 who will now also be required to attend school or training centres. As detailed in the amendments made last year, clearly children, their parents, their guardians or, indeed, the department, will be liable for penalties if they do not attend school. Of course, if children are homeless, couch surfing, sleeping at bus stops or even staying at shelters—where they can stay for only a few nights—they will not be well resourced and supported in attending school. I remind the House that section 120 of the Children and Young Persons (Care and Protection) Act provides:

(2) On receipt of a report, the Director-General must conduct such investigation and assessment concerning the child as the Director-General considers necessary.

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(3) The Director-General may provide or arrange for the provision of services, including residential accommodation, where appropriate, for a child whose homelessness has been reported to the Director-General.

I remind the House that even if this were available, this is for children up to the age of 17 who cannot be in full-time work because they are required to be at school but cannot attend school because their living circumstances are so chaotic. For homeless young people, clearly lack of stable accommodation—somewhere to leave their books, keep their clothes and sleep safely—or indeed any accommodation, precludes them from receiving the

education that is so important to their future, that of their families and our State and nation. It must be emphasised that if young a person under 17 does not have a home, finding and attending a school or suitable training facility will be extremely difficult. That is why reports for these young people are so important and must be made to the department and should be investigated by the department.

Homelessness is a huge problem in New South Wales, although it is very welcome news that the rate of homelessness has declined over the two most recent census periods, and territories to our north have homelessness rates higher than ours. That does not mean it is not a personal tragedy for every person who is homeless, with enormous consequences for the State and the State budget. Youth homelessness, in particular, has enjoyed a national decline over the two census periods in 2002 and 2006 but remains deeply troubling. At the last census in 2006 almost 5,000 young people were homeless between the ages of 12 and 18 in New South Wales. I draw to the attention of the House the alarming fact the rapid growth in the number of homeless children under the age of 12, which will of course feed into the group of homeless teenagers in future censuses.

Children are rarely homeless by choice. We can all relate stories of children who ran away from home because they did not like the discipline, being at school and were at their wits' end. But more commonly, children leave home because they either have problems with mental illness that have been diagnosed and not supported, been undiagnosed and not understood or there are problems at home. I refer to the New South Wales Parliamentary Library's research into the observations made in the National Youth Commission report into youth homelessness in 2008 by Chamberlain and Mackenzie. It states that 67 per cent of homeless students were from blended or single parent families whereas only 15 per cent of homeless students were from families with both biological parents. In other words, these are children from families where there has been some sort of breakdown and divorce. Indigenous young people inevitably are more at risk of homelessness than non-indigenous youth. This aspect is very significant for the Minister responsible for the administration of this Act: young people with a background in State care are overrepresented in the homeless youth population.

The 2006 census of school students found that approximately 15 per cent of homeless students may have had an experience in State care. That is a very large overrepresentation when one considers that the number of children in out-of-home care is about 1 per cent. It does not mean that those children left out-of-home care and became homeless; it means there was at least one episode of out-of-home care. Sometimes foster placements have difficulty with teenagers who are struggling with their identity and the long-term consequences of abuse or neglect suffered at the hands of their original families. As well as struggling with challenges to their identity they have the problem of where they go next. Young people who are homeless also have mental illness at a higher rate than the general population. The National Youth Commission has suggested that mental health issues can be both a cause and consequence of homelessness. I think that is pretty obvious.

Chamberlain and Mackenzie have also identified pathways or careers into homelessness by young people and identified family breakdown as a major factor contributing to homelessness. It is not just the breakdown and distress of seeing their parents fight and separate and the distress this causes; it is often re-partnering. I have certainly seen many families where re-partnering is done in haste and the new step-parent, either advertently or inadvertently, makes life very uncomfortable for young people struggling with their identity because they are sensitive children. They are young adults really; they see what is happening to their parents through eyes of understanding, and they suffer pain. Inevitably—I know this from the experiences of friends and relatives—the step-parent will often take their dislocation out on the children. The children themselves will take out their distress and discomfort on the new step-parent. It is a very volatile cocktail and it is not surprising that those things happen. I am certain every member of this House would realise this is a critical time for young people. We see all sorts of breakdowns, chaos and crises if the situation is not handled well—even if it is handled well. It is a very difficult stage.

The development of a conceptualisation of youth homelessness as a process rather than as a fact has contributed enormously to our understanding of homelessness as a dynamic rather than a static process. That is the view of Chamberlain and Mackenzie, and is a view I share. As stated by the National Youth Commission, youth homelessness does not involve a particular type of person, but a process of events that happens in a young person's life. That is why I have spent some time describing the difficulties young people face with the breakdown of their parents' marriage or relationship, or indeed that of a subsequent relationship with a long-term partner. They see the distress and often do not know how to express their distress. New partners make life difficult for them and the child leaves. I am pleased to see the good policymaking resulting from a better understanding of the causes of youth homelessness, as distinct from adult homelessness, and excellent services now exist.

Another aspect of youth homelessness is that the 12- to 18-year-age group is the only age group in which homeless females outnumber homeless males. Very young girls who are very vulnerable to rape, sexual assault and unwanted pregnancies are sleeping rough, sleeping on people's couches and inevitably doing favours and pleasing people for the sake of safety. Despite these young girls being very confident and thinking they can take on the world, they are physically no match for tough men who want to take advantage of them. It is particularly disturbing to me, and I hope to the Minister for Women, that this age group has more homeless girls than boys, and that this the age group in which we see the beginning of another generation of disadvantage and poverty. These girls are the most at risk and, sadly, the most likely to become parents before they are ready. As we

know, young, unprepared vulnerable parents struggle to bring up their children and become another generation immersed in the cycle of poverty.

I point out also the costs of youth homelessness. It is difficult to quantify how many children are sleeping rough. The 2006 census showed there were 4,987, but of course they are only the ones we know about; inevitably that would be an underestimation. According to a report of the National Youth Commission's Inquiry into Youth Homelessness 2008, to which the Salvation Army's wonderful Oasis website refers, youth homelessness is reportedly worse than it was 20 years ago. The report has found that early intervention is essential and that for those attending school, school-based intervention is effective in reducing homelessness.

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That makes perfect sense, which is why it is so important that we pass this legislation today to make the Children and Young Persons Act consistent with the school-leaving age. It saves future dollars. The report argued that the long-term economic cost of not assisting the estimated 25,000 students—which is about a quarter of the total number of homeless in Australia—who experience homelessness in a year would be in excess of half a billion dollars per year. As we know, homelessness is a fast track into juvenile crime, early parenting and a cycle of disadvantage.

The consequences to the community of youth homelessness are unemployment, ill health and involvement in the criminal justice system. It is believed that approximately two-thirds of the homeless youth aged 12 to 18 years of age are outside the education system, despite being of school age. That is the situation now, and we have just added another year onto the school-leaving age. We now have another group of kids who are one year older and one year closer to adulthood, and who have one more year in which to accumulate greater bitterness and experience more trauma in their home lives or, for that matter, mental illness. Those children now have another year to put into our school system. If we do not address their homelessness we have absolutely no chance in the world of their staying at school for an extra year. If we are unable to keep them at school then we are willingly and wittingly breeding an underclass the size of which we will not have seen since those seen in London in the days of the Industrial Revolution. That is how serious this is.

The welfare system provides minimum support for children in any family. For vulnerable young girls who cannot get employment and who often have nowhere to live, that means that child-bearing is at least an option whereby they would get some support. They then inevitably struggle, as any 15, 16 or 17-year-old girl would. It is not surprising that we have seen an increase in the pregnancy rate of 16-year-olds in New South Wales for the first time since the introduction of the contraceptive pill. Our vulnerable youth are in a very serious situation. This amendment, which is not an ideological one, must be passed. I am absolutely certain that if the Government had looked through its own Acts it would have picked up that there is now an inconsistency between the age at which a child can be reported as homeless and the school-leaving age. The rise in the school-leaving age will result in another cohort of children who cannot get work and who find it very difficult to be mobile. They can get a bit of casual work, but they are supposed to be at school. They can be charged with not being at school, as can their parents if they can be found, as can the Minister as the de facto parent and legal guardian.

I will tell the House the story of "Carmen", a very loving foster parent who fostered a child, whom we will call Alice. Carmen cared for Alice for the first 13 years of her life. When Alice reached the age of 13, her aunt, who she was still in contact with, told Alice that her birth mother was a woman with significant mental illness that was inheritable and that Alice was likely to develop it—great advice. That is just the sort of thing you need from an aunt. This 13-year-old girl had been cared for in a wonderful and supportive family. Unfortunately, this tipped her into that teenage chaos spiral that we are so familiar with. The unfortunate response from the department was not to support the foster carer but to say, "Alice doesn't want to live with you anymore, so we will try to place her elsewhere". They placed her a couple of times, but that did not work. What teenager is happily going to move in with a total stranger or even a family member after so many years in the care of one family?

Alice ended up in refuges. She put her photographs on Facebook. She got tattoos. Her foster mother monitored all sorts of changes in her demeanour and appearance for several months. Of course, watching the downward spiral of their beloved Alice's had terrible consequences on the family's internal stability. When Carmen approached whichever refuge Alice happened to be in that week, she could never speak to Alice. Alice allegedly began to take drugs and I understand that she may have become involved in prostitution as a way of maintaining her habit, as is so often the case. This family was brought to the Minister's attention several times; it is a terrible mark against the Minister. But, having said that, it is a pretty typical example of what happens when you do not manage teenagers, particularly vulnerable teenagers, and homelessness well. This kid is nowhere near to getting an education or any of the life skills that she is going to need to get through life very alone.

When you go to kids refuges—I have one in my electorate as I am sure many others do as well—you see kids smoking and hanging around in the street all day. They do not have to go to school—nobody is making them go to school—even though they are under the age of 17 and should be going to school. They are hanging around all day, waiting for the refuge to re-open its doors at half past four. No refuge is funded to stay open all day, so these kids have nowhere to go in the wet and cold and nowhere to go instead of hanging around the streets, talking to each other and presumably getting up to no good from time to time.

Many members will want to speak to this bill, because nothing can be more important than stopping this cycle of intergenerational poverty. Therefore we must amend the Children and Young Persons (Care and Protection) Act along the lines I have suggested—it is an amendment to section 120 of the Act. It is a very simple one, which states:

A reference in this section to a "child" includes a reference to a young person who is under the age of 17 years.

At new section 121, the homelessness of young people insert, "who is above the age of 16 years" after "a young person". That means that the department is obliged to investigate any report of homelessness and provide accommodation and other services to deal with that young person's homelessness. It will be a very welcome change to those working in the youth sector. It will be a very small but sensible step towards addressing what is a much larger problem, which is, I believe for the first time in more than a century, a growth in the underclass. The underclass is a struggling class of people with not only enormous financial consequences for the rest of society but also consequences involving safety, decency and comfort of all of us. Nobody wants to see children living in those circumstances let alone generation after generation of children. I commend the bill to the House.