



Full Day Hansard Transcript (Legislative Council, 28 May 2014, Proof)

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Extract from NSW Legislative Council Hansard and Papers Wednesday, 28 May 2014 (Proof).

ADVOCATE FOR CHILDREN AND YOUNG PEOPLE BILL 2014

Second Reading

The Hon. CATHERINE CUSACK [9.54 p.m.], behalf of the Hon. Matthew Mason-Cox: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

I speak in support of the Advocate for Children and Young People Bill 2014. The New South Wales Government cares deeply about children and young people and wants to make sure that their challenges and opportunities are addressed effectively through consultation with communities and strong advocacy. Only by listening to children and young people, and consulting with the key groups with whom they engage, can we ensure that the work we do for them actually makes a positive difference to their lives. Although the Commission for Children and Young People provides advocacy mechanisms for our State's younger citizens, I believe there are opportunities to strengthen the advocacy model to ensure the voices of disenfranchised, and vulnerable children and young people are being heard and addressed by the New South Wales Government.

That is why last year, following the transfer of the Working With Children Check function from the commission to the Children's Guardian, I authorised the most extensive community consultations on advocacy for children and young people since the commission was established over 14 years ago. These consultations involved the appointment of two youth ambassadors to guide and oversee the consultation process; the release of a discussion paper for public comment; community round tables for children and young people in Cabramatta and Wollongong; a non-government organisation round table at which 40 agencies were represented; and classroom consultations held in 34 schools across metropolitan, regional and rural New South Wales and in each of the school sectors. Responses were received from more than 900 children and young people.

The key messages from the consultations were as follows: children and young people should have a say on the matters that affect their lives; children and young people from all walks of life should be encouraged and assisted to speak for themselves in ways that suit the individual child or young person; an advocate for children and young people is needed to promote the voices of children and young people, and to stand up for their interests; children and young people want respect from adults and see a strong role for adults and experts in helping make their lives better.

Further key messages include: an advocate should have a strong focus on enhancing the lives of all children and young people, and a particular focus on vulnerable and disadvantaged young people; strong advocacy for children and young people means being solely focussed on improving the wellbeing of children and young people, and therefore should be independent of other agendas; strong advocacy for children and young people should be underpinned by an understanding of the lives of children and young people and the role of Government, and so needs to be supported by sound policy-relevant research and analysis; and an advocate must work with others to make a difference, ensuring there is coordinated action to tackle the issues that affect children and young people across agency and sector boundaries.

This legislation reflects the abovementioned messages and creates an independent statutory office of the Advocate for Children and Young People to represent the needs and interests of children and young people in New South Wales. The New South Wales Government is therefore committed to having a strong advocate for children and young people whose job is to stand up for the rights and interests of children and young people, and to ensure that the voices of children and young people are heard by the Government and by the whole community. The key features of this independent role mirror those of the Commission for Children and Young People. The important oversight role of the Parliamentary Joint Committee on Children and Young People is retained, and the Governor may remove the advocate from office only for incompetence, incapacity or misbehaviour.

As the name suggests, the new advocate will have a clearer advocacy role than the Commission for Children and Young People, which was also responsible for regulation of the Working With Children Check until that function was transferred to the New South Wales Children's Guardian in June 2013. The legislation provides an overarching function that the advocate must "advocate for and promote the safety, welfare and well-being of children and young people". The legislation also gives the advocate the critically important role of promoting the participation of children and young people in the making of decisions that affect their lives. This strengthened advocacy role will be supported by clearer requirements for the advocate to engage with a wide range of children and young people across New South Wales, and to work collaboratively with the many agencies inside and outside Government that are also committed to improving the lives of children and young people in New South Wales.

The legislation extends the advocate's remit to people aged from 0 to 24 years and brings together the Office of the Advocate and the New South Wales Youth Advisory Council. This will enhance effective advocacy for children and youth by clarifying responsibility within Government for work on youth matters and work on matters concerning young people; providing a structure for working collaboratively on agreed priorities; combining resources to maximise effective advocacy for children and youth; providing a clear point of contact for independent advice on child and youth-related matters for Government and non-government agencies in New South Wales; and recognising the important transitions for young people as they move through schooling and into further education, training or work.

The Youth Advisory Council will retain all of its existing functions and will continue to provide direct advice to the Minister on matters of concern to young people. In addition, the Youth Advisory Council will be an important source of advice to the advocate, and the Youth Advisory Council, in turn, will benefit from closer connections with the advocate, including access to the advocate's networks in the non-government sector. The advocate will act as a facilitator for the Youth Advisory Council by liaising with agencies across government to raise issues and potentially implement Youth Advisory Council recommendations.

The legislation retains many of the features and functions of the Commission for Children and Young People, including the conduct of special inquiries; making recommendations to government and non-government agencies on policies and services affecting children; conducting and monitoring research into issues affecting children and young people; and giving priority to the interests and needs of disadvantaged children and young people. The stakeholder consultations undertaken last year identified that a key role for the advocate should be working to ensure better coordination of policies and programs at the systemic, cross-government level to deliver the best possible outcomes for children and young people in New South Wales. The legislation therefore requires the advocate to prepare, in consultation with the Minister and the wider community, a three-year strategic plan for children and young people in the State. Following Government approval of the plan, the advocate will be responsible for monitoring its implementation.

A number of functions of the Commission for Children and Young People will no longer be specifically required of the advocate. The advocate will not have a specific function of monitoring trends in complaints made by or on behalf of children. It is the Ombudsman's role to monitor trends in complaints and it is the advocate's role to provide a systemic approach that ensures children and young people are heard, that they have their views understood and that they are able to bring issues of concern to them. The advocate and the Ombudsman should be working together on child friendly complaints standards and this role sits comfortably within the advocate's broader functions of promoting the participation of children in the making of decisions that affect their lives, and promoting and monitoring the overall safety, welfare and wellbeing of children and young people in the community.

The advocate will not have a specific role in conducting, promoting and monitoring training on issues affecting children or in conducting, promoting and monitoring public awareness activities affecting children. Those specific roles are subsumed under the new overarching function that the advocate will advocate for and promote the safety, welfare and wellbeing of children and young people. There will be no requirement for an expert advisory committee to be appointed to advise the advocate across the range of his functions. The advocate's work needs to be informed and shaped by a wider range of experts and stakeholders than can be represented on one expert advisory committee, and a range of mechanisms are needed to obtain this input and advice.

The legislation enables the advocate to establish dedicated, project-specific advisory committees as required and includes strengthened provisions requiring the advocate, in exercising his or her functions, to consult with children and young people from diverse backgrounds, relevant experts, government agencies and non-government organisations. This is a strong model for advocacy for children and young people in contemporary New South Wales. By having the Government work collaboratively with the wider community, we can be assured that the voices of young people are being heard. I commend the bill to the House.