

Committee on Children and Young People
Public hearing – 29 April 2021

Response to question taken on notice
NSW Office of the Children's Guardian

QUESTION ON NOTICE – OFFICE OF THE CHILDREN’S GUARDIAN

**COMMITTEE ON CHILDREN AND YOUNG PEOPLE – Inquiry into Support for children
of imprisoned parents in New South Wales**

Mr DAVID SHOEBRIDGE: In proceedings that involve children under the Family Law Act, you will often see a child's advocate or an independent advocate for the child. Obviously, that is to give voice to the child and to ensure the child's interests and the best interests of the child are represented; yet in sentencing that voice is not heard at all. In fact, the interests are not even considered. Are there any models you can point to that actually involve the rights of children in sentencing? Are there any models around the country?

Ms VIAGGIO: Not to my knowledge, but I am happy to take it on notice.

ANSWER

The Office of the Children’s Guardian is not aware of any criminal jurisdictions in Australia that make provision for the child of an accused to have an advocate.