

28 August 2013

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The Hon Victor Dominello
Minister for Citizenship and Communities
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Dear Minister Dominello

Strengthening Advocacy for Children and Young People in NSW

I refer to your letter of 17 July 2013 inviting me to provide a submission in response to the Commission for Children and Young People's discussion paper on ways to strengthen advocacy for children and young people. I do not intend to address all of the questions raised in the discussion paper in turn, but rather to provide comment against what I see as the key aspects of effective advocacy for children in NSW.

My submission is informed by my office's experience working across a broad range of services provided by both government agencies and non government service providers directly impacting upon the lives of children and young people. This includes our work in relation to the provision of community and disability services, our reviewable deaths function, our work with Aboriginal communities, our policing oversight, our employment related child protection responsibilities, and of course our broader public sector jurisdiction.

I would like to begin by strongly stating my support for the recent changes to the system surrounding the Working With Children Check (WWCC), and particularly the transfer of responsibility for the administration of the WWCC from the Commission for Children and Young People to the NSW Children's Guardian. I feel that providing one organisation with the sole responsibility for administering the WWCC will ensure a greater level of consistency and certainty in this important process. My office will continue to work with the Children's Guardian to assist in ensuring the system achieves its aims, and that our two offices efficiently, appropriately and effectively exchange relevant information.

Shared advocacy

I agree with the comment in the discussion paper that there is a need for a strong voice of advocacy to ensure the rights and interests of children and young people are represented in decisions affecting their lives and wellbeing. The challenging considerations will be who performs this role, how it will be performed, and most importantly what areas and issues should be the focus of any advocacy work.

I note that there is no one-size-fits-all model for advocacy, with Children's Commissioners in other Australian jurisdictions having differing roles and responsibilities. Some – such as the Commissioner here in NSW, as well as those in the Northern Territory and Tasmania – are responsible for advocating on behalf of all children and providing advice to government on legislative and policy decisions to ensure they are made in the best interests of children. Others – such as those in Queensland and Victoria – have both an advocacy role and specific responsibilities in relation to children in out of home care and children at risk.

As the discussion paper notes, there are a number of organisations which have a direct link with children and young people in NSW, and have developed a strong understanding of the services they receive and some of the issues they face. These include my office, the Children's Guardian, the Commission for Children and Young People, government agencies, non government service providers, peak bodies, youth advocacy services and other community groups. Each of these organisations can provide some level of insight into how services to children can and should be improved.

One possible model for youth advocacy is to not have a stand-alone child advocate, but rather rely on the combined voice of the non government sector and youth advocacy bodies agitating for change. The advantage to this approach is that these bodies have the most direct and consistent contact with children and young people, particularly those who are the most vulnerable. The challenge will be how these groups will present a clear and consistent message to government. Many of these bodies are also directly responsible for the provision of services, and as such their involvement in advocacy could be seen as representing a conflict of interests.

Another option for consideration would be an independent statutory body tasked with working closely with existing statutory bodies and other relevant stakeholders and providing informed and consistent advice to government. Such a body would need to be clearly recognisable as an advocate for children and young people. A solid foundation for the role of a child advocacy body already exists in many of the current functions in the *Commission for Children and Young People Act 1998*, including:

- promoting the participation of children in decision making that impacts on them
- promoting and monitor the overall safety, welfare and well-being of children in the community
- making recommendations to government and non-government agencies on legislation, policies, practices and services affecting children
- promoting the provision of information and advice to assist children
- conducting, promoting and monitoring training on issues affecting children
- conducting, promoting and monitoring public awareness activities on issues affecting children
- conducting, promoting and monitoring research into issues affecting children.

Such a body would then form an integral part of a system of shared advocacy, building on the interactions, experience, expertise and understanding of a broad range of agencies, service providers, and those who interact with children and young people every day.

The other important consideration of such a decision will be how an advocate would achieve these aims. Much of my office's work in relation to the delivery of community services to regional communities has focussed on the need to develop and implement services that are tailored and suited to the relevant community. This is often referred to as place-based service delivery, and involves delivering an efficient and effective service system in high-need communities, particularly in rural and remote parts of NSW. It involves much better integration of state government services with not only the non government sector but also federal and local government funded services.

Our work with Aboriginal communities over many years – most recently as part of our audit of the *NSW Interagency Plan to Tackle Child Sexual Abuse* – has demonstrated that before responding effectively to Aboriginal disadvantage, it is necessary to rebuild the service system with a far more targeted response to communities and individuals who need support. As you know, many of these communities have a large number of vulnerable children and young people, as well as a myriad of services and programs to support and protect them.

This challenge also exists in providing an effective advocacy voice for children and young people across the State. It will not be possible to gain a detailed and effective understanding of the day-to-day issues facing children and young people solely from an office in Sydney. My office has worked hard to ensure, for example, that we visit Aboriginal communities regularly, developing strong links over time and a good understanding of what works and what doesn't. This continued contact has also helped us to build respect and trust within communities.

Whatever model is chosen for advocating for children and young people, it will be essential to develop this type of link with children and young people with diverse experiences, backgrounds and expectations across the State in a climate of reduced resources. I note that the discussion paper identifies this challenge.

This again is where a shared advocacy approach may assist. Front line service providers and community groups have regular contact and established relationships with children and young people. In this regard, it is worth noting the recent review of the child protection framework in Queensland has recommended establishing:

... child and youth advocacy hubs to act as focal points for a collaborative working relationship with other supports — including youth legal advocates, community-based advocacy organisations and entities (such as the CREATE Foundation and Youth Advocacy Centre Inc.). These advocacy hubs would present an engaging 'drop-in' centre approach that is child-friendly and gives the young person somewhere to go to be heard. They can help the child or young person with formal complaint mechanisms within the department, the Queensland Ombudsman and the Queensland Civil and Administrative Tribunal while maintaining an appropriate level of confidentiality.³

³Queensland Child Protection Commission of Inquiry (2013), *Taking responsibility: a roadmap for Queensland Child Protection*, June 2013, http://www.childprotectioninquiry.qld.gov.au/_data/assets/pdf_file/0017/202625/QCPCI-FINAL-REPORT-web-version.pdf.

While there are always differences across jurisdictions, this model appears to have merit and should be considered when discussing advocating for children and young people in NSW, particularly in regional areas. In addition to providing a central point for children and young people to interact with relevant government and non government services, the hubs would also provide a key point of contact for offices such as mine when we visit areas.

Most importantly, however, the hubs would provide an avenue for the most vital group, children and young people themselves, to share their experiences and discuss the challenges they face directly. This will in turn provide an advocate with information, and allow them to identify and assist with practical concerns –such as better recreational facilities – which can have a very real and immediate impact on their wellbeing. In some communities, issues such as this are as important, if not more so, for young people than policy and legislative considerations.

I understand there is a great deal of additional feedback being sought and provided from across the State on this issue. I look forward to continuing to work with you to ensure children and young people are provided with the assistance, support, protection and opportunity they deserve.

Yours sincerely

A handwritten signature in black ink that reads "B A Barbour". The letters are cursive and connected, with a stylized "A" and "B".

Bruce Barbour
Ombudsman