

Central Queensland Research Forum

Thursday 29 June 2000

PRESENTER: Ms Robin Sullivan

Contemporary Children's Issues

[slide 1 – cover slide]

Deputy Vice-Chancellor, Professor Glenice Hancock, Member for Rockhampton, the Hon Robert Swarten, Member for Fitzroy, Mr James Pearce, Member for Keppell, the Hon Vince Lester, Member for Gladstone, Mrs Elizabeth Cunningham, my fellow presenters, ladies and gentlemen.

The Children's Commission of Queensland was established in 1996. It was the first independent commission for children established anywhere in Australia, although South Australia established the Children's Interests Bureau in 1984.

The establishment of the Commission was a formal recognition by the Parliament of Queensland that adults' and children's interests are not always the same. Since 1979, the International Year of the Child, and the year in which work on the Convention on the Rights of the Child began, children's rights have been receiving more attention throughout the world. There has been greater recognition that:

- children and young people are wholly dependent upon the goodwill of adults;
- they must generally rely on adults to voice their concerns, and;
- they are without political impact¹.

The greater recognition of children as a separate entity, their need for special consideration, and their vulnerability has resulted in offices for children being established in a number of countries or states throughout the world.

Norway was the first, establishing a children's ombudsman in 1981. Sweden, Israel, Germany, Guatemala, Austria, British Columbia and Alberta in Canada, New Zealand, New South Wales and South Australia, have established a children's commission or a specialised children's office.

Although we have a long way to go, I am pleased that Queensland, which frequently wears the label of being behind the times on social matters, is in the forefront of promoting an awareness of the issues affecting its children and young people, providing them with an opportunity to be listened to, and protecting their rights.

In my role as Queensland's Children's Commissioner I am charged with – amongst other things – fostering a community culture that focuses on children and young people's interests, their needs, rights and responsibilities.

[slide 2 – fostering...]

¹ Western Australian Children's Advisory Council, *Towards a Children's Commissioner*, http://www.acwa.asn.au/acwa/publications/issuepapers/Paper_07.html (extracted 22.6.00).

Before I talk further about the role of the Commission, I would like to provide you with some very brief details of our constituents, that is Queensland's children and young people.

[slide 3 – Percentage ...]

There are approximately 870,000 Queensland residents aged between 0 and 17 years². This number constitutes 26.2%, or just over a quarter, of the total population of the State.

I am sorry that I am not able to give you the number of children and young people up to the age of 18 years, which is the legal age of majority in Queensland. Data on children and young people, are organised by different age groupings for different purposes and by different organisations. The lack of uniform definitions and age groupings makes it difficult to quantify or compare matters affecting children and young people and is one of the issues that the Commission would like to see eventually addressed across jurisdictions.

[Slide 4 Children ...]

The proportion of children within the Aboriginal and Torres Strait Islander population is much higher than the overall proportion of children in the State, and stands at 46.9%³. This disproportionate, in today's terms, number of children to adults has implications in many areas, from housing to mentoring and creates a different dynamic from that of the rest of the State. Within the Indigenous community, it is more powerful and pronounced than the bulge produced by the post war baby boom.

As you are no doubt aware, the proportion of children in the population overall is decreasing. The average number of children in Australian families now stands at 1.7. This low birth rate, combined with the aging of the post war cohort with an increased life expectancy, means that children will constitute a smaller proportion of the population in the future, predicted to fall to 21.8%⁴ by 2025. This decrease will introduce a new range of social issues and pressures over time for both adults and children.

[Slide 5 Projected ...]

Although children as a proportion of the State's population will fall, the actual number of children in Queensland is predicted to increase by 30.5%⁵ due to the projected increase in the State's overall population from interstate and overseas migration as well as births. This is the highest projected percentage change in the number of children for any state. So it means you and I will have our jobs for a while yet!

I would like to present you now with an overview of the mechanisms by which we achieve, or hope to achieve in the future, outcomes associated with our operational brief of fostering a community culture in Queensland that focuses on the interests, needs, rights and responsibilities of our children and young people.

These include:

² Calculated from ABS, *1996 Census of Population and Housing* (unpublished data) cited in <http://www.statistics.qld.gov.au/stab/multi/ml-14.htm> accessed 22/2/2000.

³ Source: ABS, *1996 Census of Population and Housing*.

⁴ Source: Calculated from: ABS, *Australian Social Trends*, 1997, 41002.0 and *Australian Demographic Trends*, 3101.0.

⁵ ABS, *Australian Social Trends*. 4102.0. cited in Edgar, D, *Learning to Live with Complexity: Social trends and their impact on Queensland education, a paper prepared in response to the 2010 State Education Discussion Paper*, RMIT, Melbourne, 1999, p 39.

- The scope and function of the existing Children's Commission;
- The future directions of the Commission as proposed in the draft *Commission for Children and Young People Bill*; and:
- An overview of several initiatives that demonstrate the Children's Commission commitment to all children throughout the State.

At present, the Children's Commission maintains a number of key programs including the Official Visitor Program, the Review Unit, an Appeals Function, the Research Unit and a Communications and Policy Unit.

Recommendations arising from the Briton Review of the *Children's Commissioner and Children's Services Appeals Tribunal Act* and the Forde Inquiry highlighted several deficiencies in the legislative framework underpinning our current operational scope. These included:

- The Commission's limited scope which extends only to services provided by Families, Youth and Community Care, Queensland;
- The omission of investigative powers to allow the Commission to undertake its function of investigating complaints;
- The Commission's lack of perceived independence through its attachment to Families, Youth and Community Care, Queensland for administrative support; and
- The limited scope of a clearly defined role for the Commission's Official Visitors.

In October 1999, the Government gave authority to prepare new legislation for the Children's Commission and the establishment of the Children's Services Appeals Tribunal as an entity separate from the Commission.

[slide 6 – CCYP Bill title]

The *Commission for Children and Young People Bill*, which was introduced to the Queensland Parliament just one week ago, will re-establish the Commission as an independent statutory body attached to the Premier's portfolio. The Commission will become the Commission for Children and Young People and will have extended functions and powers. These include:

[slide 7– Functions...to be cued to text]

Express advocacy function;

The Commission's express advocacy role enables it to seek assistance from advocacy organisations, service providers and other organisations as appropriate, to meet the needs of a particular child or young person.

Any child or young person is entitled to express their concerns or grievances to the Commission.

A state-wide community visitor program;

The Bill provides for an expanded State-wide Community Visitor Program, which replaces the current Official Visitor program. The new program will include visits to:

- children and young people receiving treatment at authorised mental health services;

- in government-funded residential facilities, including those for children and young people with a disability; and
- juvenile detention centres.

Community Visitors will be required to provide support to children and young people at these facilities and advocate on their behalf, by giving voice to, and working to resolve, their concerns and grievances.

The Bill provides Community Visitors with the necessary powers to:

- enter and inspect a facility;
- talk to a child or young person who wishes to speak to them, and;
- access documents held at the facility relating to the residents or the operation of the facility.

Formal Complaints

The Bill provides the Commission with the necessary powers to attend to complaints relating to services provided to children who are subject to orders under the *Juvenile Justice Act 1992* or subject to intervention or orders under the *Child Protection Act 1999*.

Complaints may be made by:

- the child or young person, or;
- a person acting on behalf of, and in the interests of, the child or young person.

Under certain circumstances, complaints may also be initiated in the Commissioner's own name.

Complaints may be made about services to children who are clients of Families, Youth and Community Care, Queensland;

- provided by State Government departments, and;
- non-government bodies in receipt of government funding.

Complaints may relate to a service being provided, or not provided, in a way which is contrary to the rights, interests or well being of the child or young person.

The Bill provides the Commission with the authority to access all information that is considered to be reasonably necessary for the investigation of a complaint and makes it an offence for a person to provide false or misleading information, obstruct an investigation, or to withhold documents and information requested by the Commission.

If the recommended action is not carried out within the specified time frame, the Commissioner may provide a report to the Minister with the Commissioner's comments. The Commissioner may also request that the Minister table the report in Parliament.

The Commission is not obligated to deal with all complaints made to it. If the Commissioner is satisfied that a complaint is: frivolous or lacks substance; is unnecessary or unjustified; has already been adequately dealt with; has been heard by the Tribunal or is the subject of a legal proceeding or inquest; or is not

related to the interests of the child or children on whose behalf it is made, then the Commission does have to attend to the complaint.

Employment screening for child related employment not regulated by existing legislation.

The Bill requires that all prospective employees in child related fields, not covered by current legislation, consent to criminal history checks, prior to their employment.

The Children's Commissioner will conduct the criminal history check and assess the person's suitability for employment. A notice stating whether the person is suitable or not suitable for child related employment will be issued.

Those requiring criminal history checks by the Commission include those seeking paid employment working with children in:

- residential facilities providing accommodation for children;
- schools and school boarding facilities;
- community groups, for example churches, clubs or associations, which provide services directed mainly at children;
- private teaching, coaching or tutoring on a commercial basis; and
- child counselling and support services.

Checks on current employees will be done on request⁶.

The laws will also apply to volunteers working in these areas but this will be phased in over time. Volunteers do not include parents of children participating in those activities. That is, a volunteer parent coaching their child in a football team will not need a criminal record check⁷.

The cost of a criminal history check will be \$40 for applicants for paid employment. This can be paid by the employer or passed onto the employee. For volunteers, the checks will be free⁸.

A person can appeal the Commissioner's decision through the Children's Services Tribunal.

Penalties apply if: an employer in a relevant field fails to screen a prospective employee; a person who has been issued with a certificate of unsuitability applies, accepts or continues a job in a child-related field, or; a non-government organisation employees or engages a person issued with an unsuitability certificate.

The ability to conduct and coordinate research into issues impacting on children and young people;

The importance of the research function was identified in the Forde Report which recommended that the Commission's research capacity be enhanced to enable it to conduct comprehensive research *into all matters relating to the rights, interests*

⁶ Quoted from Ministerial Press release, Minister for Families, Youth and Community Care, Queensland, 22 June 2000.

⁷ Quoted from Ministerial Press release, Minister for Families, Youth and Community Care, Queensland, 22 June 2000.

⁸ Quoted from Ministerial Press release, Minister for Families, Youth and Community Care, Queensland, 22 June 2000.

*and wellbeing of children and young people in residential facilities and juvenile justice centres*⁹.

In line with this recommendation the Bill provides the Commission with a research capacity which will strengthen its ability to conduct and coordinate research.

The Research Unit currently co-ordinates many of the Commission's submissions relating to issues papers or the impact of draft legislation on children and young people. Last year, for example, the Research Unit was responsible for the Commission's submission to the Queensland Law Reform Commission on *The Evidence of Children* which was exploring ways in which child witnesses could be treated more appropriately by the judicial system without unfairly prejudicing the accused.

More recently, the Research Unit reviewed the draft *Mental Health Bill* from the perspective of its effect on young people and has been responsible for the Commission's submission on *Strategic Directions: Investing in Queensland's Community Service*.

The Research Unit is currently collaborating with other agencies on a number of projects. These include a research project with James Cook University looking into links between poverty and abuse, and a project developing a fathering program for Indigenous inmates at Lotus Glen Correctional Centre.

The Research Unit is also collaborating with criminal justice agencies to establish a centralised data collection system that will enable matters involving child victims to be tracked across all agencies involved in the criminal justice process. Once established, it is anticipated that this data base will provide a much more accurate picture of child victims and their experience of the legal process and will be an invaluable research tool.

The ability to monitor and review laws, policies and practices relating to the delivery of children's services;

As I have just mentioned, the Commission has already reviewed some proposed legislative changes, with a capacity to impact on children. Until now, however, this has only occurred at the invitation of the unit developing the draft legislation. The enhanced capacity expressed in the Bill allows the Commission to be more proactive in assessing the impact of laws, policies and practices on children and young people in any area that delivers services to children.

The ability to establish advisory committees to advise the Commissioner about specific issues related to children and young people.

In any organisation, having access to advice from people who have expert knowledge in the area is crucial for the successful operation of the organisation. Unfortunately, in many areas of social science or social service delivery, expert advice has frequently been sought only from academics or practitioners in the area, while the clients have been forgotten as a source of expert advice.

⁹ Recommendation 26.

I am pleased that the Commission will be able to establish not only advisory committees of academics and practitioners, but also advisory committees of young people. The Youth Advisory Committees will enable me to consult with young people from across the State and promote their participation in the decision making processes of the Commission, as required under the new legislation.

I am pleased to report that the Commission has already been doing this wherever possible. For example, children and young people were consulted in the compilation of the Commission's responses to several systemic reviews including:

- The Forde Inquiry;
- The provision of evidence to Queensland courts by children and young people
- the 2010 Queensland State Education consultation process.

On each of these occasions consultation was sought from those individuals who:

- had direct experience of the matter in question; and,
- were unlikely to be considered in a systemic review due to their marginal status.

I'd like to comment here about how much I enjoy talking with young people and hearing their views of the world. Besides being a requirement that the Commission consult with young people and provide them with opportunities to be heard, I would like you to know that I find it a genuine pleasure to hear their perspective on things. In this job, as in any job, it is easy to believe, after a time, that you've heard it all before, and know it all. I take great delight when somebody, usually a young person, can stop me in my tracks and remind me that I haven't, and I don't!

Their refreshingly honest insight into the ways things are, sometimes expressed through simple imagery, or 'interesting terminology', can be confronting, but when listened to with an open mind, they are also very informative. One such comment that recently captured my imagination was made by a young person at the Positive Rural Futures Conference held in Cooktown¹⁰ in May this year. The young person was calling for an attitudinal change toward young people and gave an example of the negative stereotyping young people suffer saying that "when a group of young people sit in a park it's a gang, when a group of older people sit in a park it's picnic. " True, isn't it?

Any child or young person is entitled to express their concerns or grievances to the Commission but the proposed Bill requires the Commission to give priority to the needs and interests of children or young people:

[slide 8 – priorities... to be cued to text]

- **Who are in, or may enter, out-of-home care or detention;**
- **For whom there is no appropriate person to act on their behalf;**
- **Who are not able to protect their rights, interests or well being; or**
- **Who are disadvantaged because of a disability, geographic isolation, homelessness or poverty.**

From the slide you will see that included in the list of children and young people whose needs and interests are to be prioritised by the Commission are children who are disadvantaged by geographic isolation. I would like to acknowledge that in Queensland, although geographic isolation theoretically refers to children in the smaller and more

¹⁰ Conference co-hosted by the Office of Rural Communities and the Department of Primary Industries for Priority Country Area Program (PCAP) , cited in *Education Views*, June 9, 2000.

isolated communities of central and western Queensland and Cape York Peninsula, in reality, it can mean any child who does not live in the South East corner of the State.

[slide 9 –commitment ... to be cued to text]

I am very aware of the fact that, although some of the larger regional centres have a wide range of services and that some government departments have regional operations that have a certain degree of autonomy, executive government still essentially operates from Brisbane, with the result that decisions can have that decidedly Brisbane flavour, and not sufficiently accommodate the needs and experiences of other areas of the State. In my role as Commissioner, I am very conscious of my commitment to children right across the State and not just those in the South East corner.

This is the reason that I, and members of my staff, can frequently be found attending functions, or consultations across Queensland or arranging forums such as this one and the one we recently held in Townsville in collaboration with James Cook University. It has been interesting to observe the differences in the issues raised between the Brisbane and Townsville forums. I expect that different issues again will arise here today. The common theme that I am finding everywhere, however, is the importance and value of collaboration, especially in the delivery of children's services. But rather than assuming that the priorities and concerns remain the same across the State, I feel that it is of paramount importance for me to hear directly the issues of individual communities. I also feel that it benefits children and young people if functions such as this bring together practitioners, policy makers and academics working in related fields who were previously unaware of each other's existence or work.

[...expanded State wide community visitor program]

It is also the reason that I strongly supported the proposal in the new Bill that the Community Visitor program be expanded to become a State wide program with Community Visitors generally drawn from the local community. This means that the Visitors will have an understanding of the local needs and issues far better than anybody visiting from Brisbane. It will also allow for more frequent and consistent visiting, and hopefully, limited staff turnover, which adds a measure of constancy to the lives of young people for whom change and uncertainty are often the norm. This structure will also improve the capacity for the Community Visitor to advocate for a particular young person or group of persons on a specific issue and to stay with the issue until it is satisfactorily resolved.

[... youth advisory committees]

The youth advisory committees, that I spoke about before, are another way for young people from all parts of the state, not just around Brisbane, to have direct contact with the Commission.

I have been very impressed by the social and political awareness shown by many young people but one of my key concerns is the large number of eligible young people who, through ignorance, observational learning or a lack of confidence in the system, fail to enrol to vote or take part in community processes.

By providing young people with an opportunity to participate in community and political processes, not only do we benefit from listening to what they have to say, we send them a message that they can influence change and play a part in the social and political life of their community.

When I visited Rockhampton in September last year I met with representatives from local government, police, and community services organisations and members of the

indigenous community. I especially found the Community Interagency Networking Workshop led by the Central Queensland Aboriginal and Islanders Child Care Agency Inc. (ACCA) a very positive and informative experience.

At that time, Rockhampton did not have a youth council or any formal means to access the opinions of, and issues facing young people in the community. I am pleased to say, and I would like to congratulate the Mayor and city councillors for this, that Rockhampton City Council has now established a Youth Council consisting of 18 local young people representing school students, young people in the workforce and the unemployed youth in the Rockhampton area. This is a fine initiative and I wish both the Youth Council and the Rockhampton City Council well in listening for learning from each other. I look forward to talking with some of these young people later today.

I am of the view that it is only by facilitating the voice of children and young people in this way that we can truly empower them to engage in the life of the community and in turn enrich our collective quality of life.

Our children and young people have much to offer. The challenge to adults, parents, teachers, administrators and others is to listen and hear what they have to say and be aware that their experiences are not the same as ours, either now or when we were their age, and that their issues need special care and consideration. Which leads us to why we are here today.

I am delighted to welcome you today to this Research Forum on Contemporary Children's Issues, the third Research Forum for the Commission and our second joint venture. The first joint adventure was between James Cook University and the Children's Commission, and took place in Townsville in May this year. I am very proud and excited to see this second such joint adventure with Central Queensland University come to fruition.

I am not, as I am sure you are not, interested in myths and legends about children and young people. I want to ensure that the Commission's advocacy and monitoring roles are grounded in relevant quality research. National and international trends are important, but so too are our State and local issues. There is a great deal of research activity occurring around Queensland, in places such as Rockhampton, which provides insight into the lives of our children and young people.

I am particularly concerned that our policies and practices with children and young people are not based on myths or outdated understandings, but are indeed firmly founded on the latest rigorous research findings.

Collectively here today you represent researchers, policy analysts and practitioners from a range of disciplines including law, health, education, psychology and social work and from the tertiary, public, private and community sectors – all with one key thing in common: an interest in, no, more than that I hope, a commitment to, the wellbeing, the best interests of children and young people.

But, as we all know, working towards the well being of children and young people, especially the most vulnerable of these, is difficult – and becoming even more so in times of rapid and unpredictable changes. So our programs need to be flexible and responsive and so does our research agenda.

To address issues effectively at the local level, the policy and research communities are expanding to include many new and diverse players, including organised lobby groups, think tanks, research institutes, private sector interests and citizens – including children and young people. This in turn increases the complexity of interactions within the research community and highlights the need for inter-agency and cross sectional models for research.

Changes like these can be threatening, and it is natural to resist, to want to play safe, and to retreat into past practices by building bigger fences around our own individual piece of “turf”. But if we really want to make a difference to the lives of the children and young people in the Rockhampton area, or around Queensland, then we must acknowledge that none of us has a monopoly on the information and skills required to address the range of issues impacting on the development of our children and young people. Yet collectively we represent an invaluable resource.

The moves towards holistic approaches to child and youth well-being, to models of integrated service delivery and to concepts of community capacity building raise important questions for those of us, both within and outside government, who genuinely wish to promote the health and well being of children and young people. I identified these questions at the previous research forums and reproduce them again here as I feel that they encapsulate key issues that we need to continue to struggle with:

[Slide 10 How...]

- How can we maximise communication and information sharing across sectors and across disciplines so that our efforts can be integrated and aligned in the best interests of the health and well being of children?

[Slide 11 What ...]

- What new partnership arrangements and management mechanisms will facilitate productive partnerships between public sector researchers and policy analysts and the external research community?

[Slide 12 Data accessibility]

- How can data be made more accessible to all sectors of the community to support informed decision making and improved practice?

[Slide 13 Data Effectiveness]

- How can we utilise data to effectively address the frequently sensationalised and distorted representation of children and young people by the media?

There are no easy, simple answers. But the level of flexibility, responsiveness and robustness of Queensland’s policy and research infrastructure will be determined by the answers we collectively develop to questions such as these. The 1999 Research Forum in Brisbane and the recent one in Townsville, invited

participants to take a step in the journey towards unpacking these questions and seeking some responses in their local context. I invite you too to consider today's forum as a step in that direction.

I believe we need to make communication and understanding across groups a priority.

The primary purpose of today is to promote and encourage such dialogue in a genuine spirit of collaboration with the wellbeing of our young people the prime consideration.

I believe that the Children's Commission, sitting as it does, as an independent statutory body, yet still within the public sector, is well placed to facilitate and enable cooperation and collaboration across disciplines, sectors and departments.

Needless to say, this Forum is conducted in a spirit of genuine enquiry and academic integrity and the views expressed by our presenters are not endorsed by the Children's Commission of Queensland. I am looking forward to hearing from our range of speakers and to engaging with you with the issues presented.

The Forum process demands give and take, active listening and respect for differences of opinion, culture and experience. It is essentially about creating space for conversations – making the time to talk to each other and to create shared understandings.

I thank you for making the time in your busy schedules to come here today to participate in this important process and I urge you to make the most of this opportunity for dialogue, for respectful and active listening, and for creating shared understandings.

[slide 14 – CC mission statement]