

**Address by**

**Robin Sullivan**

**Commission for Children and Young People**

**To the**

**ICPA Annual Conference**

**at**

**Cloncurry Shire Hall**

**on**

**Thursday 13 September 2001**

Thank you for the invitation to join with you again at a State ICPA Conference. I am conscious that, while the ICPA still has as its prime focus the educational rights and needs of rural and isolated children, it is also concerned about all aspects of children's lives and it is this concern that I share in my new role as Commissioner for Children and Young People. As parents and community members we acknowledge the complexity, vulnerability, creativity and idealism of our children and young people. Hugh Mackay, that perceptive social commentator notes

*"Our children are like signposts to the future of our society; they tell us what we are becoming. But they are also our most valuable resource for shaping the future, so we had better make sure we are nurturing them and support them to the limit of our capacity".<sup>1</sup>*

So what are the signposts we are reading at the moment? What are their implications for the work of the Commission for Children and Young People in general and for rural and isolated children in particular? And how can we work together to promote and protect the rights, interests and well being of our young community members now, and for the future? According to the 1996 census of population and housing:

- some 26% of our total population were under the age of 18, a proportion that rises dramatically when we consider the Aboriginal and Torres Strait Islander community where children and young people constitute approximately 46% of their population<sup>2</sup>
- With respect to the next generation of children, the demographic projections suggest that growth in Queensland's juvenile population will exceed that of other states by 2025.<sup>3</sup>

According to the Australian Bureau of statistics:

- As of August 2000 69% of full time students attended Government Schools<sup>4</sup>
- These children are living within a broader social and economic context, which includes, as a sample, the following measures:

- In the twelve months to June 2000, population growth was fastest in Queensland at (1.7%), with the South East corner of Queensland experiencing the largest increases in Australia's population.<sup>5</sup>
  - *Declining rural and increasing urban populations are a continuing trend across Queensland. However, in the twelve months ending June 1999, notable growth occurred in a number of regional centres including Townsville, Toowoomba and Emerald.*<sup>6</sup>
  - *Nationally, rural centres have a higher number of hospital beds per 100,000 people than capital cities or other metropolitan areas. Expenditure per bed in the rural areas was considerably lower than capital city or metropolitan areas.*<sup>7</sup>
  - *The number of medical specialists per 100,000 persons was similar in capital cities and large rural centres through out Australia with 108.1 and 113.4, respectively. Small rural centres were decidedly lower at 44.3*<sup>8</sup>
  - *Recent statistics from Queensland Health indicate that rural and remote children are diagnosed with certain infectious and parasitic diseases, as well as injury and poisoning, at almost twice the rate of other children.*<sup>9</sup>

- *Statistical divisions with the highest proportion of children under 15 years were the NorthWest (which includes the space we are now occupying) and the South West statistical divisions. These also experienced the highest fertility rates.*<sup>10</sup>
- *At June 2000, the majority of Australian households (70%) had no children under 15 years.*<sup>11</sup>
- *Out of Australia's 4.6 million children aged under 18, 1.1 million children live with only one of their natural parents.*<sup>12</sup>

The report from the Queensland School Curriculum Council to the Minister for Education on the 2000 Queensland Years 3, 5 and 7 testing program which measures state wide student performance in aspects of literacy and numeracy identified that:

*“the mean performance of students from rural schools continue to be lower than those of urban students. These differences were non-existent or were much smaller when non-indigenous students from rural schools were compared to non-indigenous students from urban schools.*

*This was not the case, however, when comparing indigenous students from rural schools with indigenous students from urban schools. Here the differences were larger than the difference between all students from rural and urban schools.*

*The educational provision of students from rural schools and indigenous students from rural schools in particular will continue to warrant particular attention by school authorities.*<sup>13</sup>

I cite these statistics for two reasons – to remind us of the world in which Queensland children in general and rural and isolated children in particular live. Secondly they provide a backdrop against which to consider the roles and functions of the Commission for Children and Young People and how these might contribute to protecting and promoting the wellbeing of these children both now and in the future. In February this year, the new Queensland *Commission for Children and Young People Act 2000* commenced.

The Act provides for the re-establishment of the former Children's Commission as the Commission for Children and Young People with extended scope, functions and powers. The new Act was informed by the recommendations of a Royal Commission of Inquiry into Abuse of Children in Queensland Institutions (the “Forde Inquiry”) and an independent review of the legislation providing for the establishment of the former Queensland Children's Commission. When the new legislation was introduced into the Queensland Parliament the then Minister for Families, Youth and Community Care and Minister for Disability Services stated that the legislation:

*...set a new benchmark for best practice in legislation seeking to promote and protect the rights, interests and well being of children and young people under 18 years of age.*

Of particular note, the *Commission for Children and Young People Act 2000*:

- provides for the most multi-functional and empowered Children’s Commission in the world;
- it specifically acknowledges the “rights” of children and young people and embodies aspects of the United Nations’ Convention on the Rights of the Child in its overarching principles;
- it allows the Commission to advocate for individual children or groups of children as well as respond to complaints and grievances of individual children or groups of children; and
- It empowers the Commission to make a difference in the lives of Queensland children and young people, particularly those who are most disadvantaged.

The purpose of the new Commission is to promote and protect the rights, interests and wellbeing of all children and young people under 18 years of age in Queensland.

The Commission’s overarching principles are:

- Every child and young person is a valued member of society;
- In decisions involving a child or young person, their best interests are the paramount concern, and their views and wishes should be taken into account with regard to their age and maturity;
- Every child and young person is entitled to:
  - have their dignity and privacy respected
  - be cared for in ways that protect them from harm and promote their wellbeing
  - express concerns and grievances and have them dealt with in a way that is fair, timely, and promotes their participation
  - receive information and help to exercise entitlements
  - access services necessary to meet their needs
- The family has primary responsibility for a child’s upbringing and development, and should be supported in that role.

The Commission is an independent statutory body attached to the portfolio of the State’s head of government – the Queensland Premier. The Commission’s core functions and powers include:

- Advocating for the rights, interests and well being of children and young people;
- Administering a State-wide community visitor program to provide advocacy and support services to children and young people in youth detention centres, authorised mental health services and out-of-home residential care;
- Receiving, seeking to resolve and investigating complaints about the delivery of services provided to children and young people subject to orders or intervention of the Department of Families;
- Establishing youth and other expert advisory committees to advise the Commissioner about specific issues related to children and young people;

- Monitoring and reviewing laws, policies and practices relating to the delivery of services to children and young people or that otherwise impact on them;
- Administering employment screening for child-related employment; and
- Conducting and coordinating research into issues impacting on children and young people.

In carrying out its functions, however, the Commission is required by law to give priority to the needs and interests of children and young people

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

Under its ombudsman function, the Commission receives, seeks to resolve and investigates complaints about services provided to children and young people who are under certain orders of, or subject to intervention by, the Department of Families. This includes complaints about services provided to these children and young people by government as well as non-government organisations in receipt of government funding.

In seeking to resolve a complaint, the Commission for Children and Young People has a number of mechanisms available to it, including advocacy, mediation and formal investigation. The complaint handling provisions of the Bill are designed to facilitate a child or young person's access to already existing resources as well as provide timely and appropriate services where no other appropriate entity is available to deal with the complaint.

The Commission is also provided with a broad advocacy function. Accordingly, any child or young person is entitled to express their concerns or grievances to the Commission and the Commission may exercise its advocacy function in relation to any child or young person or group thereof.

## **ADVOCACY**

This function is complemented by provisions requiring us to:

- Consult with children and young people in a way that promotes their participation in decision making by the commission;
- Listen to, and seriously consider, the concerns, views and wishes of children and young people;
- Adopt work practices that ensure the Commission is accessible to children and young people; and
- Be sensitive to the ethnic or cultural identity and values of children and young people, including, in particular, Aboriginal and Torres Strait Islander children.

The Community Visitor program consists of locally based people across the State who provide advocacy and other support services to children and young people at "visitable

sites". These sites include authorised mental health facilities, out-of-home residential facilities including those for children and young people with a disability and youth detention centres.

The Act provides community visitors with the necessary powers to enter and inspect visitable sites, talk to a child or young person who wishes to speak to the visitor and access documents held at the facility which relate to the residents or the operations of the facility. The Community Visitors are also required to respect the privacy of children and young people at these sites.

The role for the Commission that has inevitably attracted much public interest is that of employment screening for child-related employment. The screening provisions require persons seeking to work with children and young people in a paid or voluntary capacity or on a self-employed basis to undergo a criminal history check. The new Act provides the Commission with power to access a person's complete criminal history including charges as well as convictions regardless of when or where they occurred.

The provisions are based on the premise that children and young people are entitled to be cared for in a way that protects them from harm or the likely risk of harm. The screening function was designed to deter unsuitable people from child related employment – it is hoped that this deterrent factor will continue as more applications are processed.

I have noted the request by the ICPA that I rule it mandatory for all current Boarding School and Student Hostel staff to undergo the "Working With Children Check" and I can say that this matter is currently under consideration.

The Commission for Children and Young People is responding to the challenge of protecting and promoting the rights, interests, and wellbeing of children and young people in a multitude of ways.

Of note, as of 30 May 2001, the Complaints and Investigations Unit of the Commission received 2066 telephone calls from throughout the state regarding complaints and other concerning matters affecting children and young people. Follow up and assessment occurs within 28 days in 100% of cases.

- Under the *Commission for Children and Young People Act 2000*, the Commission is required to give priority to the needs of children and young people who may be disadvantaged by a range of factors including geographical isolation and as such we are proactive in servicing these communities needs.
- At least 60% of Commission visits are made to regional centres outside of the Brisbane metropolitan area.
- The Commission's new community visitor program provides advocacy and support services on a regular and frequent basis to young people in out-of-home residential facilities, youth detention centres and authorised mental health services throughout the State as far north as Cairns and as far west as Mt Isa.

On an operational level the program consists of 23 locally based community visitors throughout the State. An appointment to the position of Community Visitor in Mt Isa will be made in the very near future.

- Approximately 60% of complaints made to the Commission are made by complainants outside the Brisbane metropolitan area. The Commission has also embarked upon a series of regional complaints visits to service regional communities.

The Commission has participated in the Croc Eisteddfod for the past two years and looks forward to ongoing commitment to Aboriginal and Torres Strait Islander communities particularly through its contribution of Indigenous children's perspectives to Justice Fitzgerald's review of community justice practices on Cape York.

- The launch of the Commission's new website in February 2001 also enhances access to the Commission for children and young people in regional communities through:
  - the inclusion of an electronic complaints form which can be sent to the Commission via the Internet; and
  - a general e-mail mechanism, which allows children and young people to communicate their queries, views and concerns to the Commission.

Given that the statistics reveal that in 1999, 42% of households in areas outside of Brisbane had access to a computer and 16% had access to the Internet. This method of communication provides another means to supplement other forms of communication particularly for those in isolated communities.

My personal odyssey in moving from a position that focussed on meeting the educational needs of students across a diverse and decentralised state to one which must have as its core, the protection and promotion of the rights and well being of those same children and young people on a much broader canvas prompts me to conjecture that over time your organisation may consider, on behalf of rural and isolated communities, adopting this broader remit.

My sentiments have also been echoed to some extent in section 4.3 of the HREOC inquiry into rural and remote education which advocated that

*“education requires resources and support mechanisms beyond the jurisdiction of education departments.*

*There is no mechanism at present to co-ordinate policy advice to government or program development and implementation across government departments or across different levels (Federal, State, Territory) of government.”<sup>14</sup>*

Children's lives can not be clearly demarcated into segments that can be supported by one particular government or non- government service provider. The hungry child cannot learn; the sick child may need particular educational provisions; the rural and isolated child may need particular consideration for its transport needs. The ICPA is in a strategic position to articulate the need for and suggest how to make meaning of that phrase “integrated service delivery” It is a phrase that appeals to us as parents and community members if only for the efficiency and effectiveness it potentially implies.

I also espouse it because it places the child's needs as a priority and challenges departments and NGO'S to consultation and co-operation rather than client capture in meeting those needs.

The ICPA is infinitely resourceful in the strategies it uses to communicate with and advocate for its communities and their children. If you like, it is, in terms of the African saying a village that raises the child. The challenge that I pose to you (and the Commission for Children and Young People) this afternoon, is to actually reverse that saying.

To create new communities based on what we value so highly, the promotion and protection of the rights, interests and well being of our own children and young people. Education and schools are often the initial catalyst to form that community of interest. Maybe in the next 100 years they will also become the catalysts for the integrated delivery of a broader range of services to our own youngest citizens

From my many years in education, I am only too aware of the ICPA as a prominent advocacy and lobbying organisation. I urge you in this Centenary of Federation year to also add your voices, skills and energies to the broader agenda of a brighter future in **all** aspects of the lives of Queensland's children and young people.

---

<sup>1</sup> URL <http://chatterbox.com.au/cfc/camp/htm>, 23.04.99

<sup>2</sup> Australian Bureau of Statistics 1996 Census State of Queensland [online] Available <http://www.abs.gov.au/websitedbs/d3310108.nsf/ASGC/4CE29E8953A80A664A2565.1.4> 06/09/01

<sup>3</sup> Edgar, D (1999) 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 p39

<sup>4</sup> Australian Bureau of Statistics (2000) Schools in Australia [online] Available <http://www.abs.gov.au/ausstats/abs@.nsf/b06660592430724fca2568b8619/7f02f.6.a> 10/09/2001

<sup>5</sup> Australian Bureau of Statistics (2000). Population by age and sex [online] Available <http://www.abs.gov.au/ausstats/ABS@.nsf/e8ac5488b598839cca25682000131612/b52c3> 06/09/01

<sup>6</sup> Australian Bureau of Statistics (2000) Regional Statistics Queensland [online] Available <http://www.abs.gov.au/ausstats/ABS@.nsf/e8ae5488b598839cca25682000131612/9448a> 06/09/01

<sup>7</sup> Australian Bureau of Statistics (2000) Regional Statistics Queensland [online] Available <http://www.abs.gov.au/ausstats/abs@.nsf/0/9448A06F12B2AAA2CA25692E007CA9E> 13/09/01

<sup>8</sup> Australian Bureau of Statistics (2000) Regional Statistics Queensland [online] Available <http://www.abs.gov.au/ausstats/abs@.nsf/0/9448A06F12B2AAA2CA25692E007CA9E> 13/09/01

<sup>9</sup> National Health Social Database 2001

<sup>10</sup> Australian Bureau of Statistics (2000) Regional Statistics Queensland [online] Available <http://www.abs.gov.au/ausstats/abs@.nsf/0/9448A06F12B2AAA2CA25692E007CA9E> 13/09/01

<sup>11</sup> Australian Bureau of Statistics (2000) Australian Demographic Statistics [online] Available <http://www.abs.gov.au/ausstats/ABS@.nsf/e8ae5488b598839cca25682000131612/c85cb> 06/09/01

<sup>12</sup> Australian Bureau of Statistics (2000) Family Characteristics Australia [online] Available <http://www.abs.gov.au/ausstats/ABS@.nsf/e8ae5488b598839cca25682000131612/e6a92> 06/09/01

<sup>13</sup> Queensland School Curriculum Council, 2000 Queensland Years 3,5,7 Testing Program: *Statewide Student Performance in aspects of literacy and numeracy*, p38, Queensland Schools Curriculum Council

<sup>14</sup> McNicholl, M (2000), Rural Education – beyond the HREOC Inquiry, paper presented to 29<sup>th</sup> Annual Queensland Conference, Chinchilla 7-8 September 2000