



national  
children's and youth  
law centre

advocacy • education • information

# ANNUAL REPORT 2004/2005





## Annual Report 2004 -2005

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## CURRENT STAFF

Louise Goodchild  
**Principal Solicitor**  
2005

December 2002 - January

James McDougall  
**Director and Principal Solicitor**

January 2005 - present

**Louise Kelleher**  
Office Manager

February 2001 - present

Richard Gillard  
**Finance Officer**

June 2000 - May 2005

Deborah McDonald  
**Finance Officer**

May 2005 - present

Sarah Winter

June 2004 – February 2005

**National Cyber Volunteer Co-ordinator**

Sophie Clarke  
**National Cyber Volunteer Co-ordinator**

February – June 2005

**The NCYLC operates its services through the internet and so children and young people are able to access our information services at any time.**

**Our office hours of operation are generally 9am – 5pm, 5 days per week.**

## **BOARD OF DIRECTORS**

The National Children's and Youth Law Centre is managed by a Board of Directors, with members selected for their expertise in and commitment to children's and young people's legal issues and advocacy.

At the commencement of the year the Board met twice yearly and the Management Committee met every 8 weeks. During the course of the year with the appointment of a Director, the Management Committee structure was abandoned and the Board met monthly.

The Board also resolved to operate as Sydney-based and to seek to use its national networks to ensure an appropriate national focus.

During the course of the year with the pro bono assistance of Mallesons, a process of constitutional reform was commenced which was due for completion at the 2005 Annual General Meeting.

As a result Anna Copeland resigned from the Board and Simon Cleary and Sarah Nicholson became 'observer' Board members monitoring the transitional process.

### **Current Board**

<b>Tim Hardy</b>	Board Member, 2001 – resigned August 2004 Chair – October 2002 - resigned August 2004 Management Committee, 2001 - resigned
<b>Simon Cleary</b>	Board Member, 2002 - present
<b>Anna Copeland</b>	Board Member, 2001 - resigned March 2005
<b>Owen Jessep</b>	Board Member, 1998 - present
<b>Simon Moran</b> present	Board Member 2003 – present Management Committee Member, 2003 – Acting Chair – August 2004 – February 2005
<b>Gabrielle McKinnon</b> resigned	Board Member 2003 – resigned April 2005 Management Committee Member, 2003 –
<b>Sarah Nicholson</b>	Board Member, 1999 - present
<b>Judy Cashmore</b>	Board Member – from August 2004
<b>Richard Chisholm</b>	Board Member – from August 2004
<b>Pheona Arndell</b>	Board Member – from November 2004
<b>Michael Antrum</b>	Board Member – from November 2004 Acting Chair – February 2005 - present

**Our Background:**

**The National Children's and Youth Law Centre (NCYLC) is Australia's only national community legal centre dedicated to representing the rights and interests of children and young people. The Centre provides advice and information for children and young people, their parents and advocates, educating them about their rights and responsibilities. It lobbies governments to consider children when developing legislation and policies. The Centre was established in 1993 and is a non-profit non-government organisation.**

**Our Mission:**

**NCYLC aims to:**

- Provide advice and information to children and young people about their legal rights and responsibilities
- Supports test cases on behalf of children and young people to clarify or further their legal rights
- Bring about changes to laws, policies and practices to advance the rights of children and young people
- Promote the implementation of the United Nations Convention on the Rights of the Child
- Be a Centre for research, training and policy development in matters of children's rights
- Promote opportunities for participation by children and young people in decision making at all levels

**Three Core Areas of Work:**

**ADVOCACY** NCYLC is at the forefront of public advocacy for the rights of children and young people, and promotes the full recognition and acceptance of the UN Convention on the Rights of the Child. It has played a key role in the preparation of the NGO Report to the United Nations Committee on the Rights of the Child on Australia's compliance with the Convention.

**EDUCATION** The centre piece of the Centre's service delivery is to provide advice and information to children and young people as well as their parents and advocates and the wider community. In 1997, NCYLC established *Lawstuff*, a website providing legal information to all young Australians. Since its establishment, the site has attracted over 7 million hits. In 1998, the *Lawmail* facility was added, allowing young people to seek legal advice, referral and information via email. Currently the Centre responds to an average of 25 requests for legal advice per week.

**INFORMATION** NCYLC undertakes a range of projects to further the interests of young people. These projects are published to raise community awareness and are distributed to children and young people and to the wider community including governments, advocates, educators and employers. These publications include research and discussion papers.

**Our People:**

The staff of the Centre comprises a Director and Principal Solicitor, (full-time), Centre Manager (full-time), a Placement Lawyer from Mallesons Stephen Jaques (full-time, on rotation every 3 months) and a part time Finance Officer.

And then there are our fabulous volunteers ....!

# ACKNOWLEDGMENTS

## **On-site Volunteers**

Sophie Clarke  
Leanne Evans  
Huetta Lam  
Katie Felton  
Siobhan Mansfield  
Iris Thompson  
Nancy Clarke (librarian)  
Sarah Winter

## **Social Justice Interns**

Ying Zhu  
Nancy Tchou  
Rachel Tan

## **NCYLC Law Graduates**

Sheila O'Connor  
Lorraine Freeman  
Carolyn Jones

## **Mallesons Stephen Jaques Solicitors**

Leanne Kohler  
Louise Pounder  
Steven Yates  
Marc Jaku

## **National Cyber Volunteer Program**

**ACT:** Cesira Mussato

**Qld:** Simon Cleary, Louise Paulsen, Alexandra Waters

**NSW:** Chelyn Woon, Emilie Cameron, Emma Bayley, Julian Farrugia, Kate Ashwood, William Higgs, Shannon Richards, Richard Braddock, Anurag Kanwar, Bree Farrugia, Bridget Kidner, Claire Galt, Costas Argyrou, Emily Porter, Gemma Dalgleish, Gregory Wee, Jacqueline Leahy, Janice Galluzo, John Hsu, Katie Felton, Kelly Brown, Kylie Howard, Leanne Evans, Lorraine Freeman, Marsha Beck, Mi Zhou, Molly Tregoning, Natalie Craig, Natalie Kalfus, Nerida Smith, Richard Braddock, Shannon Richards, Sheila O'Connor, Tara Michaels, Ying Zhu.

**Vic:** Anna Radonic, Sarah Nicholson, Joel Fetter, Leasa Dyason,

**SA:** Kelly Bunyon, David Ferraro,

**WA:** Anna Copeland, Megan Wadsworth, Justin Flurschein, Nicola Gannon, Patrick Thaug,

**Tas:** David Shaw, Richard Mold

## **Sponsors and Supporters**

Commonwealth Attorney General's Department  
Commission for Children and Young People NSW  
Chris Ronalds (Barrister)  
Rachael Pepper (Barrister)  
Neisha Shepherd (Barrister)  
Foundation for Young Australians  
Human Rights and Equal Opportunity Commission  
Lance Reichstein Foundation  
Law & Justice Foundation of NSW  
Macquarie Foundation  
Mallesons Stephen Jaques  
Melbourne Community Foundation  
NSW Attorney General's Department  
North & Badgery, Solicitors  
Sidney Myer Foundation  
Stegley Foundation  
Telstra Foundation  
UNICEF  
University of Sydney  
University of New South Wales

## **The Director's Report for the year July 2004 to June 2005**

It's been a year of radical change for the Centre!

People have come and gone – many of those who have left have been significant contributors to the life and activities of the Centre for some years. The difficult and often painful work that has been done considering and debating the most appropriate way forward for the Centre has (largely) concluded. The past 12 months have been a time to implement the decisions that have been made.

- A new style Board.
- A new Constitution (soon!).
- A new focus for our service activity (on Lawstuff and Lawmail)
- The challenge of finding better ways to ensure the Centre has a genuine national character.
- The challenge of finding better ways to support our partners and our networks.
- The challenge of finding better ways to support children.

We should pay tribute not only to those who have left but also those who have decided to stay.

It's not a conventional thing to do – particularly for a ratbag community legal centre – but I would like to thank the Commonwealth Attorney General's Department for its persistence and patient support. We will always want to do things our way – but we should recognise the contribution that the staff of the Department has made by steering us through their Byzantine reporting requirements and listening patiently to our cries of frustration and our ongoing complaints.

The other huge thank you has to be to Mallesons. An extraordinary organisation that has shown considerable commitment to its relationship with the Centre. Its many and varied contributions have been a lifeline for the Centre – quite literally. We look forward to the further development of the relationship in the future.

Finally a big thank you to all those who have been part of the CROC reporting process. At the time of writing we are still too close to assess the value of the process. But there is no doubt in my mind that it has been a hugely valuable learning experience. The process would not have been possible without the sincere and heartfelt commitment of many individuals and organisations from a variety of sectors and backgrounds. We can all be proud of that.

And so we enter a new year and the next phase of the development of the Centre.

James McDougall

# Community Activities

## CONFERENCES AND SPEAKING ENGAGEMENTS

During 2004/05 the Centre attended or spoke at various conferences, workshops, seminars and symposiums as networking and / or community legal education. These included the following:

- Working with NSW Commission for Children & Young People in developing a resource for Health Workers
- Dave Willians from the Youth Network of Tasmania in Hobart on CROC
- Tranby College - Presentation to Legal Studies Students on legal issues for children
- Attended the National Community Legal Centres Conference in Adelaide
- Worked with Thao Nguyen - Australia's Youth Rep to the UN to discuss CROC
- Meeting with Family Advocacy in Epping and Matthew Keeley from People with Disabilities to discuss Disability in Education Guidelines.
- NSW Young Lawyers and Australian Lawyers for Human Rights; Presentation with Jane Sanders of Shopfront on Human Rights in Juvenile Justice at the NSW Law Society
- UNSW Law Faculty: Children and the Law Class. Guest Lecture to law students in relation to legal issues facing young people and children.
- Randwick Girls High School: Presentation to a class of young women on youth legal issues.
- Presentation to AMP on the NCYLC and children and young people's law.
- Hosted a roundtable with PIAC, Family Advocacy, People with Disabilities on the Disability Discrimination Bill
- Barnardo's At Redfern: Training for staff at Barnardo's on Care and Protection and school related issues
- University of Western Sydney Forum on Young People & Public Space & Shopping Centres
- Met with Finance Officer of NSW Law Society to discuss the Centre and eligibility for funding from the Public Purposes Trust
- Attended launch at NSW Teachers Federation of readers for children on same sex parenting
- Conducted training for Mallesons lawyers on legal issues and LawMail
- Met with HREOC to consult on its Human Rights Dialogue with Young People Project

In March the Director visited Perth where he was able to meet with Anna Copeland (Board member and volunteer) to discuss strategic direction for the Centre, the Cyber Volunteer Program and Anna's work around young people in public space; Cheryl Cassidy-Vernon and staff at Youth Legal Service WA to discuss WA youth legal issues including policing, curfews, consumer debt, the WA election and its likely impact on young people, strategic direction for the Centre, NYAN and other networks, the CROC Report; Harry Blagg at UWA Crime Research Centre to discuss his research on indigenous justice and in policing issues; Megan Wadsworth (Cyber Volunteer) to thank her for her contribution and to discuss the program and how it can be enhanced in WA; Lanie Chopping (WA Council of Social Services) about the youth sector in WA and research into unintended benefits of community service; Senator Brian Greig (Democrat) + Jason Rostant (policy officer) to discuss bullying and homophobia in schools and current programs and future directions for research and support services.

During his visit to Melbourne from 18 to 21 March, the Director met Trudy Wyse from Melbourne Communities Foundation; staff at Youthlaw Victoria; Sarah Nicholson (Board member); Henrietta Zeffert and Michael Chaaya from Mallesons and with Sarah gave a lunch hour talk to staff from the Melbourne office of Mallesons on the Cyber Volunteer Program.

- Member of selection panel for Children's Lawyer at Marrickville Legal Service

In April the Director attended the Youth Affairs Network of Queensland conference, met with:

Australia's 2004 Youth Representative to UN General Assembly Thao Nguyen, Siyavash Doostkahl - the Director of the Youth Affairs Network, representatives from Mallesons Brisbane office, Kids Helpline, Youth Advocacy Centre, Logan Youth Legal Service, Caxton Legal Service and Legal Aid Queensland.

In May the Director met Jane Farnsworth from Mallesons and representatives of the Ted Noffs Foundation at ASK Legal Service in Randwick to discuss collaboration and coordination opportunities. The Director met representatives from Dept of Justice (Vic), YouthLaw Victoria, Youth Affairs Council of Victoria, Federation of Community Legal Centres (Vic), Oxfam, Australian Red Cross in Melbourne

In June while in Canberra, the Director met youth network representatives - Kate van Dooren from the ACT Youth Coalition and Cesira Mussato from First Stop Legal Service.

The Director met with Patrick Earle from the Diplomacy Training Program at UNSW Law School about the possibility of the development of a child rights program as a joint project.

The Director met with Rebecca Reynolds from People Living With HIV/AIDS to assist in the development of materials for young people on medico-legal issues of access and consent.

## **NETWORKS AND MEMBERSHIPS**

The NCYLC has maintained an active involvement in the following networks over 2003/2004:

- National Youth Advocates Network
- National Association of Community Legal Centres
- New South Wales Community Legal Centres Combined Group
- The New South Wales Law Society Children's Law Accreditation Committee
- University of New South Wales Law Faculty and Social Justice Centres
- Youth Justice Coalition – Fines Committee
- Australian Alliance for Adolescent Research

The Centre convened the National Youth Advocacy Network teleconferences and the CROC Steering Committee.

## **2004/2005 SUBMISSIONS**

A key aspect of the work of the NCYLC is to respond to inquiries conducted by all levels of Government, Government Departments, Academic research and inquiries conducted by private consultations on issues and areas which impact on the rights, interests and well being of children and young people. During 2004/2005 the NCYLC prepared the following submissions:

- Response to ACT Government's Paper on a Commissioner for Children and Young People
- Centennial Park and Moore Park Trust Regulation 2004
- Randwick City Council Youth Shopping Centre Protocol
- Senate Legal and Constitutional References and Legislation Committee - Inquiry into Disability Discrimination Amendment (Education Standards Bill 2004)
- NSW Select Committee on Juvenile Offenders
- Combined Community Legal Centres' Group NSW - Submission to the Joint Commonwealth & NSW Government Review of NSW Community Legal Centres
- Joint Standing Committee on Treaties Department of House of Representatives Commonwealth - Optional Protocol to the Convention on the Rights of the Child in armed conflict.

## **2004/2005 DISCUSSION PAPERS**

- Donor Conception
- Homelessness and the Rights of the Child in Australia
- A National Children's Commissioner for Australia
- The Non-Government Report on the implementation of the United Nations Convention on the Rights of the Child

## **SOCIAL JUSTICE INTERN (UNSW) PROJECT**

The NCYLC continues its involvement in the UNSW Social Justice Intern Program. The project is run through the Law Faculty, involves an internship for one day per week at one of the specialist Centres within the Law Faculty. The principal goal is to provide students with training and practical experience in research, writing and advocacy on aspects of policy and practice relating to social justice. Students undertake specific projects as well as contribute to the tasks involved in the day to day operations of the Centre.

In July 2004 Ying Zhu commenced her Social Justice Internship with us, Ying worked at the Centre 1 day per week. During Ying's time at the Centre she assisted with drafting a submission to the Joint Standing Committee on Treaties Commonwealth - Optional Protocol to the Convention on the Rights of the Child in armed conflict. Ying also prepared some fact sheets on chroming for the Lawstuff website. Ying assisted in the research and drafting of LawMails.

Nancy Tchou commenced her internship with us in February 2005 . During Nancy's time at the Centre she assisted with general administration duties, answering telephone inquiries, researching and drafting of LawMails and the updating of the Lawstuff website.

We wish both Ying and Nancy every success with their future's.

## **CASEWORK / LITIGATION 2004/05**

In October 2004 the Board decided that the Centre would wind down its casework and focus on policy and advocacy work.

The last remaining casework files were closed in June 2005.

During the year the remaining casework continued to revolve around education, anti-discrimination, disability discrimination and employment issues.

### **Specific Litigation**

- We undertook a case for a young Indigenous woman whose two young daughters had been put in the care and protection of the NSW Department of Community Services.
- We represented a woman and her son who has autism spectrum disorder and was bullied and discriminated against whilst a student at a primary school. We assisted with drafting a complaint to HREOC on behalf of the family.
- We assisted in a Victims Compensation Tribunal matter. The VCT heard our client's case in November 04 and was awarded \$8430 compensation.

# PROJECTS

## **NON-GOVERNMENT REPORT TO THE UNITED NATIONS ON AUSTRALIA'S IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD**

Australia ratified the *United Nations Convention on the Rights of the Child (the Convention)* in December 1990 and as a signatory to this document Australia must comply with certain reporting obligations. The most important of these is the requirement for individual countries (*State parties*) to submit a progress report every five years.

In 2003 the Australian Government submitted a report to the United Nations Committee on the Rights of the Child (*the Committee*). This Committee is charged with the responsibility for monitoring how State parties comply with the *Convention*.

In examining the progress made by State parties in fulfilling their obligations under the *Convention*, the Committee welcomes shadow or supplementary reports from non-government organisations. This is to ensure that the Committee is provided with a comprehensive picture of the State party's implementation of the *Convention*.

The National Children's and Youth Law Centre (*NCYLC*) and the Defence for Children International (*DCI*) undertook the task of consulting broadly with the community and coordinating the preparation of the Non-Government report on Australia's performance under the *Convention*. This task has been the main policy project undertaken by the Centre during this (and previous years). It culminated in March with the production of the final report.

With the support of UNICEF, Oxfam and the St Vincents Private Hospital, the Centre coordinated the attendance of a delegation that presented this report to the United Nations Committee in June 2005.

### **Consultation Process**

As part of the preparation of the non-government report NCYLC and DCI published two key documents in February 2004, a Consultation paper and a Background Briefing paper. These papers identified the relevant Articles of the *Convention*, highlighted issues arising under the *Convention* in relation to Australia and detailed aspects of the Government report and the concerns noted by the Committee about Australia. The consultation papers were made available both in hard copy and electronically via a website (*the CROC site*) launched by NCYLC in March 2004.

### **CROC site**

The CROC site contains comprehensive information about the *Convention* and provides links to many relevant documents and websites. The site also includes an interactive survey for young people to complete, with questions on many issues including participation, discrimination, crime and school.

### **Steering Committee**

The CROC consultation process was co-ordinated by a national Steering Committee comprised of community legal and youth sector representatives from each state and territory. Many members of the Steering Committee were also active in coordinating sector consultations within their state or territory.

### **Submissions**

We received a number of submissions responding to the CROC consultation materials. These submissions were made by individuals, agencies and working groups and addressed a range of issues including immigration law, child protection, Indigenous children and family law.

## **CROC Youth Survey - Have Your Say**

We received some fantastic responses from young people to our interactive survey. Whilst this survey will remain active for a few more months strong themes are already emerging. For example, a clear majority of young people state that young people should have the right to a say in politics before they are eighteen and that children should not be kept in immigration detention.

### **The Report**

The Report was finally published with the patience cooperation of UNSW Publishing. It is available for purchase from the Centre or for free download from the Centre's CROCodile website.

### **The Delegation**

In June 2005, the NGO Delegation assembled by the Centre successfully presented the NGO report to the United Nations Committee on the Rights of the Child in Geneva. The delegation comprised Louise Pounder, Judy Cashmore, Jason De Santolo, Megan Davis and Thao Nguyen. Carolyn Hardy the Executive Director of UNICEF Australia attended as an observer.

The event and the Report received good media coverage. Highlights were the Sydney Morning Herald article by Adele Horin; Judy's radio interview with ABC (which went online on the ABC and yahoo news sites) and Thao's appearance on the Today Show on Channel 7.

The Report's presentation coincided nicely with the Government's negotiations with its own backbenchers on the presentation of the private members' bills to ameliorate the worst effects of the immigration detention policy. This and the proposal to lower the voting age seemed to attract the most media interest.

The plight of Indigenous children slipped off the radar once again.