

# Annual Report 2007-2008

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## **The National Children's and Youth Law Centre**

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 about the law and their rights and responsibilities. It also works with those who support and advocate for children. The NCYLC lobbies governments to consider children and child rights when developing legislation and policies that may have an impact on young people. The Centre was established in 1993 and is a non-profit non-government organisation.

### **Our Mission:**

The Centre aims to:

- Provide advice and information to children and young people about their legal rights and responsibilities
- Support 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

### **Our Three Core Areas of Work:**

#### **ADVOCACY**

The Centre 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 20 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 over 1000 requests every year.

#### **INFORMATION**

The Centre undertakes a range of projects to further the interests of children and young people. These projects are designed to raise community awareness with children and young people and the wider community including governments, advocates, educators and employers. Publications include research and discussion papers.

## **The Board of Directors**

The National Children's and Youth Law Centre is governed by a Board of Directors. Board members bring their expertise, vision and commitment to children's rights to guide the Centre through its challenges and to build its profile, performance, resource base and partners.

The Board meets during the year as required. It is supported by its own Finance Committee which monitors the financial health of the Centre on a more regular basis.

The Board currently operates as Sydney-based but is supported to have a national focus by the Centre's national networks – such as the National Youth Advocacy Network - and its partners that operate nationally - such as Mallesons Stephen Jaques.

### **Board Members**

<b>Simon Moran</b>	Board Member, 2003 to the present Management Committee Member, 2003 – 2005 <u>Chair</u> , January 2006 to the present
<b>Pheona Arndell</b>	Board Member, November 2004 to the present <u>Deputy Chair</u> November 2006 to the present
<b>Judy Cashmore</b>	Board Member, August 2004 to the present
<b>Christine Forster</b>	Board Member, January 2006 to the present
<b>Michael Chaaya</b>	Board Member, January 2006 to the present
<b>Garner Clancy</b>	Board Member, November 2006 to the present
<b>Jodi Nicholls</b>	Board Member, November 2006 to the present
<b>Sarah Winter</b>	Board Member, July 2007 to the present

## **The Staff**

James McDougall

**Director**

January 2005 – Present

Ali Haberfield

**IT Support Officer**

June 2006 – Present

Christine Pollard

**Finance Officer**

October 2006 – Present

Benjamin Chinnock

**Communications Officer**

September 2007 - Present

Julianne Elliott

**Cyber Volunteer Project Officer**

September 2007 - Present

## **How We Do It**

The National Children's & Youth Law Centre operates its services to children and young people principally over the internet.

In this way our clients are able to access the information that we provide in their own time and to use the information as they see fit.

We believe that it is important to provide children and young people with accurate information that is explained in language that they can understand.

We also provide them with support to make decisions and link them with others in their communities that will support them.

For those of us that also operate in the adult world, our office hours are generally between 9am and 5pm, Monday to Friday each week.

The staff of the Centre have comprised a Director (full-time), Communications Officer (full-time), a Placement Lawyer from Mallesons Stephen Jaques (full-time on rotation every 3 months), a part time Finance Officer, a part time IT Support Officer and a Cyber Volunteer Project Coordinator (part-time).

But much of the work of the Centre is done by our volunteers!

## **Our Mallesons Placement Lawyers**

Emma Keane	July to August 2007
Marie Hennessy	July to November 2007
Katie Walsh	November 2007 to February 2008
Julie Walsh	February to May 2008
Bom Shin	May to August 2008

## **Our Mallesons Key Contacts**

Kathryn Burke	May 2007 to March 2008
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# VOLUNTEERS

## **On-site Volunteers**

Anushree Tiku  
Beata Dancs  
Cate Mahony  
Danielle Wakil  
Dannielle Quinn  
David Cheung  
Elizabeth Murphy  
Ganesh Kumar  
Jenny Radfond  
Julia Shparlinski  
Kate Stevens  
Katherine Gilbert  
Katie Wright  
Kit Yap  
Leanna Colman  
Lisa Washington  
Margaux Hams  
Marita Swain  
Martha Dale  
Maureen Ung  
Natalia Kurriawan  
Nisha Jholl  
Oliva Newman  
Patricia Oey  
Patricia Wentworth  
Penny Adams  
Rachel Bray  
Rebecca Lewis  
Sarah Norman  
Stephanie Chang  
Stephanie Crowhurst  
Tabitha Winton  
Tammy Steiner  
Tania Matovic  
Tarryn Peckham  
Trisha Randhawa  
Uzma Abbas  
Zoe Paterson

## **Overseas Interns**

Alessandra Kipp  
Elizabeth Russo  
Rebecca Silberberg  
Sandra Ewig  
Sandra Burg

## **UNSW Social Justice Interns**

Donna Roussi  
Jenny Radford  
Mee-Eun Lee (or Michelle)  
Sarah Waterhouse  
Janine Lee

# **Mallesons Cyber Project Volunteers 2007 - 2008**

## **Brisbane**

Key Contacts: Donovan Ferguson, Sarah Snip, Laura Hulett

Emmanuel Pappas  
Rhys Casey  
Samantha Duffy  
Rowena Kennedy  
Shelley Miller  
Kate Muller  
Carly Long  
Lorelle Porter  
Cassie Burchill  
Ingrid Fuentes  
Mel Graham  
Sarah Svensson  
Jennifer Passagne  
Annabel Vadasz  
Michelle Yeap  
Drew Robinson  
Adam Ryan  
Jennifer Kuang  
Kate Ashwood  
Kathryn Purcell-Hennessy  
Kate Ogg  
Kathleen Simmonds

## **Canberra**

Key Contact – Alison Gurr

Katie Weir  
Natalie Ball  
Hugh Bannister  
Margot Brown  
Brie Weatherstone  
Fariba Aghili  
Kirsty Champion  
Nicole Davis  
Sarah Ailwood  
Steven Masterson  
Mae Tanner  
Katherine Urbanski  
Sophia Rihani  
Chris Iverson  
Nicole Davis  
Peter Baker

## **Melbourne**

Key Contacts – Peter Henley, Taryn McCamley, Sam Porter

Alexander Nielsen  
Richard Feely  
Howard Choo  
Kristian Imbesi  
Cherie Canning  
Maree Quinn  
Tatiana Rudometova  
Agata Bober  
Emily Collin  
Ben Jellis  
James Hains  
Justine Rowe  
Katrina Howie  
Robert Kovacs  
Damien Coleman  
Thea Schwartz  
Phil McKeiver  
Hannah Jones  
Jane Tipping  
Jane Sebel

## **Sydney**

Key Contacts – Kathryn Burke, Diyana Mansour, Sarah Penman

Ryan Thorne  
Mel Anders  
Julie Walsh  
Angelique Leondis  
Travis Toemoe  
Prashanti Ravindra  
Jane Sebel  
Belinda Cusworth  
Stefanie Benson  
Angela Chung  
Lisa Hirowitz  
Vicky Marchant  
Fiona Robson  
Rachael Falk  
Rebecca Dollison  
Michael Pond  
Emma Croft  
Andrew Hii  
Mitchell Landringan  
Sally Hamilton  
Jane van Beelen  
Nicholas Smith  
Katherine Sheppard

# Sponsors & Supporters

**The Federal Attorney General's Department** is our principal source of funding and currently our only confirmed recurrent source of funding. In the last few years, each of the Attorneys General (**Philip Ruddock** in the Howard Government and **Robert McClelland** in the Rudd Government) has demonstrated his commitment to the work of the Centre by making special grants to the Centre (\$20 000 - 2007 and \$50 000 - 2008).

**Mallesons Stephen Jaques** is our strongest supporter from the private legal profession and has continued its longstanding commitment to the Centre in a variety of innovative and important ways. This year has seen the rollout of the **National Cyber Volunteer Project** which has provided the Centre with Mallesons staff members as volunteers in **Brisbane, Melbourne, Sydney, Canberra and Perth**. And we continue to welcome the wonderful contributions of our **Mallesons Placement Lawyers**.

**Squiz** a Web Development company has provide us with important technical support, training and advice on the development of our websites and communications strategy.

**The University of New South Wales** has continued to provide the Centre with valuable and strategic accommodation to the Centre for over twelve years.

The **NSW Department of Ageing, Disability & Home Care** has provided us with computers, funding to develop our websites for children with a disability and introduced us to our IT partner Squiz.

**The Melbourne Community Foundation** has provided us with project funding to develop more effective strategies for assisting Indigenous children.

**The Reichstein Foundation** has provided us with project funding to develop a sustainable model for child rights monitoring.

**Oxfam, UNICEF** and **Save the Children** and other members of **the Child Rights Taskforce** have worked with the Centre on the development of child rights in Australia and reporting our compliance with the UN Convention on the Rights of the Child.

**The University of Sydney, the University of New South Wales, the University of Wollongong** and **Australian Internships** have provided the Centre with law student placements.

**The National Youth Advocacy Network** helps to ensure that the Centre is informed of youth justice issues around the country.

This year we have also been fortunate to work with **John Tobin** from the Melbourne University Law School and **Tiffany Overall** from Youthlaw Victoria in organising the “**Seen and Heard – 10 Years On**” **Workshop** at the Melbourne University Law School.

## **The Director's Report**

In preparing this report, I started by reading my report for the previous year and then reflected on what progress we had made. The content of the full Annual Report bears testimony to the fact that we have made considerable progress: - the creation of a team of committed staff members; the roll out of a national volunteer project; the commencement of the most ambitious development project for the Centre in over a decade; the successful completion of several external projects all undertaken alongside the ongoing quality service delivery and policy development and advocacy for children and young people.

But I reflect that it also *feels* that we are making progress. That is, I have to admit, in contrast to how I have *felt* at the same time in previous years. Previously I have felt potential, the possibility of progress but otherwise much more the sense of treading water, staying afloat.

And I am looking forward to an even stronger sense of impact in another twelve months time. It's easy to confuse the sense of progress with the political change that has occurred in the same period. But I think that is a mistake. I think that the progress that we have made is ours and that we should take full and unashamed credit for it!

Since 2004 the Board has guided the Centre through a period of considerable change and consolidation. We have reviewed and re-built. We started with the internal foundations: - direction, service delivery, management, governance, finances and then staffing. With those foundations, we have developed our partnerships and networks and finally our capacity to conduct projects and extend our services. Now with a Communications Plan in place, we are building our profile and extending our presence with our clients, children and young people – through the web and our networks.

It's exciting for me to be able to pay tribute to our staff team. Ali has made the transition from IT Support Worker to Web Access Project Worker and has given us the benefit of her calm attention to detail to produce a great foundation for the development of our web services. Christine has continued to give us clear advice on building a secure financial base for the Centre and has managed the reporting requirements of the Finance Officer's position with ease.

Ben and Julianne will soon complete their first full year of employment with the Centre. As the holder of the newly created position of Communications Officer Ben has familiarised himself with the sometimes peculiar features of the Centre, developed a clear Plan for the Centre and is now settling in to developing the networks to enhance the profile and work of the Centre.

Julianne has quickly picked up the challenges of a new national project in her role as Cyber Volunteer Project Coordinator. She has built strong relationships with the Malleasons Key Contacts around the nation while also maintaining the quality standards of service delivery to children that the Centre is committed to.

Once again I thank the Board for the solid support and guidance. Simon, Pheona and Sarah have also provided invaluable assistance as the Finance Committee by guiding us through some difficult decisions. Simon and Pheona have also filled the roles of Chair and Deputy Chair to provide quiet and reliable leadership.

Our Mallesons Placement Lawyers (Emma Keane, Marie Hennessy, Katie Walsh, Julie Walsh and Bom Shin) provided us with personable and professional support that is about as seamless as a role that is undertaken on 3 month placements can be! Their value to the Centre is crucial and it is always an absolute pleasure to work with them.

As I detailed in last year's Director's Report, our team of volunteers provided us with our greatest asset and this year's group was no exception. The local team was joined this year by a number of interns from overseas who have added an exciting new dimension to the knowledge and expertise that the Centre has to draw on. Our special thanks to Sandra Ewig, Sandra Berg, Alessandra Kipp (from Australian Internships) and Elizabeth Russo and Rebecca Silberberg from Harvard Law School.

Our ongoing relationship with Mallesons has continued to develop with the roll-out of the ambitious national Cyber Volunteer Project. Our thanks to all those involved in the Project with special thanks to Key Contacts Sarah Snip, Donovan Ferguson and Laura Hulett (Brisbane), Alison Gurr and Geoff Adams (Canberra), Peter Henley, Taryn McCamley and Sam Porter (Melbourne), Kathryn Burke, Diyana Mansour and Sarah Penman (Sydney) and of course Jane Farnsworth the Mallesons National Pro Bono Coordinator for her clear vision and support.

Our collaboration with the Child Rights Taskforce has continued to build and we can now claim strong direct relationships with the representatives from UNICEF, Oxfam and Save the Children. This network will steer the next Alternative Report on Australia's implementation of the Convention on the Rights of the Child.

Squiz have provided us with great technical training and support in the last year and will soon be involved in helping with our comprehensive web development.

While we missed out on the support that other NSW based community legal centres received from the NSW Public Purposes Fund, the Federal Attorney General's Department provided us with an additional one-off payment of \$50 000 which we hope to use to establish our own Future Fund to build our capacity to pay decent salaries to staff.

Finally we look forward to finding innovative and effective new ways to involve children and young people in all our work. We want to hear their voices in the development of strategies to address their issues – and their inclusion in debates about homelessness, privacy, as consumers, as students, their security online, in public and at home and in reducing violence and abuse in their day-to-day experiences.

James McDougall

# Cyber Volunteer Project Officer's Report

Julianne Elliott

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## Project Outline

The National Children's and Youth Law Centre built on its existing relationship with law firm Mallesons Stephens Jacques in early 2007 to pilot a new pro bono program in the Brisbane Mallesons office called the Cyber Volunteer Pilot Project. After the success of the pilot, the Centre and Mallesons agreed to roll out the Project nationally. During the past twelve months, the Project has been progressively rolled out in each of the capital cities where Mallesons has offices – Brisbane, Melbourne, Sydney, Canberra and in July 2008 in Perth.

The Project is a scheme whereby solicitors and other staff of Mallesons and other organisations with close links to Mallesons (Telstra and the Australian National University) volunteer 2 hours a week to help NCYLC answer Lawmails, update and prepare Lawstuff content and work on policy projects.

Cyber volunteers report that they enjoy working on this pro bono project for a number of reasons, including that it expands their legal knowledge, that it is helping young people and that it is a change from their normal legal work.

The Cyber Project Volunteer Officer co-ordinates the volunteer sessions with a Key Contact at each Mallesons office. As a result of the project, NCYLC's capacity to respond to Lawmails should expand. We are grateful for Mallesons continued involvement with the project.

## Training

The Cyber Volunteer Project Officer has responsibility for training cyber volunteers. NCYLC has conducted onsite training at least once in the past year in Brisbane, Melbourne, Sydney, Canberra and Perth. The training includes an introduction to working with a community legal centre, working using a child rights perspective, how to use our website, writing Lawmails, reviewing Lawstuff and an introduction to the policy work of NCYLC.

In the past months, I conducted feedback sessions and refresher training in Brisbane, Melbourne and Sydney. The feedback received from cyber volunteers has been overwhelmingly positive and shows continued enthusiasm for the project.

## Lawmails

The table below gives you a snapshot of the Lawmails answered by cyber volunteers.  
8 November 2007 – 31 June 2008

	No of Lawmails answered by NCYLC (Total)	No of Lawmails answered by cyber volunteers
Brisbane	136	68
Sydney	241	89
Melbourne	164	68
Canberra	(joined project 17/04/08) 16	10

## **Lawstuff**

Cyber volunteers have been involved in the ongoing process of updating and writing our online legal information on Lawstuff. Involving local volunteers in this process has made the updating process much easier.

We hope to involve the cyber volunteers in the creation of new Lawstuff topics soon, such as writing a section on fines and debt.

## **Policy**

Cyber volunteers have assisted with numerous policy projects this year, such as:

- preparing a memo regarding the extent to which a child or young person can consent to health treatment (including to what extent they can overrule their guardians) pursuant to the *Children and Young People's Bill 2008 (ACT)*
- reviewing the ACT school code of conduct
- preparing comments for the Federal Green Paper on Youth Homelessness
- preparing case notes on cases with child rights implications

# Community Training and Networking

## **CONFERENCES, WORKSHOPS AND TRAININGS**

During the year the Centre attended or spoke at various conferences, workshops and seminars for networking and / or community legal education. These included:

Training for Mallesons Offices  
Address to UNICEF Australia Staff Meeting  
Address to ACCC Consumer Liaison Staff  
Attended Amnesty International Human Rights Forum  
Training with Corrs Chambers Westgarth Staff  
Attended UNSW Social Justice Interns Presentations  
Hosted visit from Ministry of Justice Vietnam  
Presentation to Human Rights Commission of Mongolia  
Presentation to World Consumer Congress, Sydney  
Coordinated and facilitated Seen and Heard Workshop, Melbourne  
Attended Vibewire New Communications Conference  
Attended Inspire Foundation Strategic Planning Workshop  
Presentation to Diplomacy Training Program Young Indigenous Advocates Workshop  
Gave evidence to Productivity Commission Hearing on Consumer Policy  
Gave evidence to NSW Parliament Committee Hearing on Naming + Shaming  
Attended Roundtable with UN Special Rapporteur on Minority Issues, Gay McDougall  
Keynote Address to Northern Territory Council of Social Services Conference  
Attended Sydney Centre for International Law Seminar by Professor Chris Sidoti  
Presentation to Beijing Legal Aid Office for Migrant Workers  
Gave evidence to Productivity Commission Hearing on Parenting Leave  
Attended Federal Attorney General's NGO Forum on Domestic Human Rights  
Presentation to Australian Red Cross Save-a-Mate Program  
Attended Aboriginal Cultural Awareness Training, Legal Aid NSW  
Attended Matrix Training at Squiz  
Attended Working with Children who have been sexually abused Training  
Attended ACT Now Community Seminar  
Attended Redfern Community Meeting on NT intervention.

## **CONSULTATIVE MEMBERSHIPS**

The Centre regularly contributed to consultations through its membership of the following:

Australian Competition and Consumer Commission Consultative Committee  
Australian Clearing House for Youth Studies Consultative Group

## **CONSULTATIONS**

In building networks and coordinating policy work, Centre staff met with a wide variety of partners around the nation. These included:

Youth Advocacy Network partners – Youthlaw Victoria, Youth Legal Service WA, SCALES WA, ACT Youth Coalition, Legal Aid NT, NTCOSS  
Child Rights Taskforce partners – Oxfam, UNICEF, Save the Children, vibewire, HREOC, Human Rights Law Resource Centre, NACLCL Human Rights Network  
Mallesons Offices – Melbourne, Perth, Sydney, Brisbane, Canberra  
Federal Attorney General's Department  
Melbourne Communities Foundation and Reichstein Foundation  
Gilbert & Tobin  
Australian Research Alliance for Children and Young Australians  
Public Interest Advocacy Centre  
FAR Social Enterprise  
Youth Research Centre at the University of Melbourne  
Kingsford Legal Centre

## Community Training and Networking (continued)

### CONSULTATIONS

Federation of Community Legal Centres (Victoria)  
The Refugee Child Project  
Vic Health Foundation  
Foundation for Young Australians  
Consumer Telecommunications Network  
Thoughtpost Governance Directors Luncheon  
Secretariat National Aboriginal & Islander Child Care Agencies  
LotteryWest  
National Association of Community Legal Centres  
Cyber Space Law and Policy Centre  
Journalism and Media Research Centre, University of NSW  
Paul Mason – Commissioner for Children, Tasmania  
Dr Sawon Hong – UNICEF Regional Adviser Child Protection  
Ms Hongxia Lu, Director, Asia Pacific, International Development Law Organisation  
Israel Child Rights Advocate Eric Bukatman  
Professor Dale Bagshaw, University of South Australia  
Ms Pam Simmons, Children’s Guardian, South Australia  
Ms Mia Handshin, Senior Policy Adviser, Federal Youth Minister  
Grant Feary, President, Law Society of South Australia

### NETWORKS AND MEMBERSHIPS

The NCYLC has maintained an active involvement in the following networks:

- Child Rights Taskforce (co-convened with UNICEF)
- National Youth Advocacy Network – convened
- National Association of Community Legal Centres
- Youth Justice Coalition – NSW

# Policy Submissions

- Consultation on a Human Rights Act for Western Australia
- Statutory Review of the Terrorism (Police Powers) Act (NSW) 2002 No 115 – Submission
- ALRC Review of Australian Privacy Law — comments on Discussion Paper
- NSW Government Graffiti Legislation Review — submission
- NSW Parliament Inquiry into the Prohibition on the Publication of the Names of Children Involved in Criminal Proceedings
- Submission on AIRC Award Modernisation Process - Junior and Training Wages in the Australian Labour Market
- Productivity Commission Review of Australia’s Consumer Policy Framework
- Productivity Commission Inquiry into Paid Maternity, Paternity and Parental Leave
- Submission on the Australian Youth Forum
- Special Commission of Inquiry into Child Protection Services in NSW
- Homelessness Green Paper Submission
- Submission to the ACT Consultation on Tattoos and Body Piercing

## Other Policy Projects in which the Centre has been involved

- Child Rights Monitoring Project
- Monitoring Police Powers – YJC NSW
- Preparation of a Guide to Public Order Offences in Tasmania and South Australia
- The Audit of the Implementation Status of the ALRC *Seen and Heard* Report
- Contribution on the Issues for Children for the UN International Covenant on Civil & Political Rights Alternative Report
- Contribution on the Issues for Children for the UN International Covenant on Economic, Social and Cultural Rights Alternative Report
- Contribution on the Issues for Children for the UN Convention Against Torture Alternative Report
- Preparation for a National Review of the Law relating to the Age of Consent for Sexual Assault
- Preparation of Fact Sheets on Copyright
- Preparation of Fact Sheets on Privacy Issues
- Preparation of Research on National Safe School Framework
- Review of Report: Children in Family Mediation

# Child Rights Monitoring Project Report

During the last year the Reichstein Foundation funded the Centre to conduct research and consultation on a model for child rights monitoring in Australia. The Centre engaged Lyndon Ormond-Parker an Indigenous researcher who had recently conducted a similar consultation for Oxfam, the Human Rights & Equal Opportunity Commission and the Diplomacy training Program on a model for Indigenous rights advocacy.

Here follows a brief summary of the project and the report findings.

## **Summary<sup>1</sup> - The research has two distinct components: a literature review and a consultation process.<sup>2</sup>**

The interviewees indicated widespread support for the establishment of child rights monitoring in Australia. The Convention on the Rights of the Child (CROC) was the preferred framework for monitoring on an ongoing basis.

### **The participation and involvement of children and young people was paramount**

The suggestions included: running conferences and workshops; children's/youth parliaments; children's impact statements; engaging organisations working with children; developing monitoring kits; establishing advisory panels; and developing a network of young people.

### **Key functions of a monitoring body**

The key functions included: To monitor all areas addressed in the Convention; focus on Indigenous children; co-ordination of the non-government report to the United Nations Committee on the Rights of the Child (Shadow Report) - overseen by the "CROC Task Force"; the establishment of a steering committee within the monitoring body to advise on the reporting process; and long-term planning for the shadow reporting process - the five-year reporting cycle argued as the appropriate planning time frame; adopting an educative role about children's rights for stakeholder institutions, ranging from government and corporate bodies to educational institutions; a watchdog role, tracking government funding as it relates to children; undertaking specific project based research/work - identifying anti-children attitudes, media monitoring; producing public report cards on the status of children and young people; and data collection and analysis, including dissemination of information and data around best practice.

### **Other suggested functions of a monitoring body**

Other suggestions included: adopting a major child rights advocacy strategy; advocacy training for children and young people; coordination of the Australian Council for International Development (ACFID) and/or Child Rights Task Force meetings; and developing a complaints mechanism.

### **The functions of the monitoring body in relation to the Convention**

Suggestions were: dissemination of the UN Committee's findings; monitoring Australia's implementation of the UN committee's concluding observations, assessment and documentation of the shadow reporting process; and coordination of contributions to other UN reporting processes as they relate to children and young people.

### **Key features of a monitoring body**

Included: independence from government; operating within a human rights framework; cross-sectoral, incorporating the involvement of children and young people; monitoring body to take a longitudinal approach; build cross-sectoral collaboration with all sectors working with children and young people;

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<sup>1</sup> **Consultations and report** -The consultations identified issues, opportunities, resources and key features of a functioning child rights monitoring model. Consultations took place in November and December of 2007, conducted through in-depth, face-to-face interviews. The views expressed do not necessarily reflect the views of interviewees associated organisations or the Task Force

<sup>2</sup> The research consultancy was commissioned by the National Children's Youth Law Centre (NCYLC), Sydney - Project funding from The Reichstein Foundation, Melbourne - <http://www.reichstein.org.au/> The purpose of this consultancy is to support the development of effective child rights monitoring in Australia, on a national basis and in an international context.

lobbying and collaboration with governments; an online presence; a high profile director and/or advocates; and a comprehensive communications strategy to ensure young people are involved in the organisation.

The consensus view for a monitoring body is: fully-funded and resourced by government – partial government funding would require philanthropic support, private donors or research funds; and the establishment of a fundraising strategy for long term financial viability.

The monitoring body would need to monitor any development towards the establishment of a national Children's Commissioner and the overlap between this and the proposed monitoring body's role and functions. This would enable resources to be directed towards better monitoring of children's and young peoples rights through a coordinated approach. The monitoring body should advocate for the establishment of a national Children's Commissioner to develop a nation-wide approach to child rights.

### **Key Recommendations**

*That the National Children's and Youth Law Centre co-ordinates the establishment of a cross-sectorial Governing Committee derived from the Child Rights Taskforce, whose role it will be to establish a Child Rights Monitoring body in Australia.*

*Ensure the participation of children and young people in all aspects of the Governing Committee and Monitoring body, especially children from disaffected backgrounds ensure young people are incorporated into an employment strategy.*

*That a high profile person/patron/advocate, who would take on a public role and advocate on behalf of children and young people, be sought for the monitoring body.*

*That the monitoring body be adequately staffed to undertake primary functions, such as:*

*The coordination of the shadow reporting process under the Convention on the Rights of the Child, including: coordination of contributions to other UN reporting processes as they relate to children and young people; assessment and documentation of each Shadow Report process; collaboration on the government reporting processes; dissemination of the UN Committee on the Rights of the Child concluding observations; monitoring of the implementation of the UN Committee's concluding observations;*

*Educating those working with children and young people about child rights and the monitoring process;*

*Project-based work relating to children's rights;*

*Developing a report card on the status of children and young people;*

*Creating a national clearing house and facilitating the distribution of child rights related information;*

*Organising conferences/seminars/forums addressing child rights issues;*

*Undertaking advocacy around child rights issues and advocacy training for children and young people;*

*Advocating that a National Children's Commissioner or other statutory authority focussing on child rights be established; and*

*Co-ordinating ACFID/Task Force meetings.*

*That a Governing Committee fundraising strategy be developed to ensure the monitoring body's long term financial viability.*

*Lyndon Ormond-Parker*

*April 2008*

# The Seen and Heard – 10<sup>th</sup> Anniversary Workshop

A workshop on the status of children within the Australian legal system was held on **Friday 16 November** in the Law School at the University of Melbourne. The workshop marked the 10<sup>th</sup> Anniversary of *Seen and Heard: Priority for Children in the Legal Process*, the landmark report prepared by the Australian Law Reform Commission and the Human Rights and Equal Opportunity Commission.

The Workshop was organised by

John Tobin

Law Faculty

University of Melbourne

James McDougall

National Children's & Youth

Legal Centre

Tiffany Overall

Youthlaw

## *Seen and Heard: Priority for Children in the Legal Process* 10 years on: Looking Back and Moving Forward Workshop Friday 16 November

### Overview

In 1997 the Australian Law Reform Commission and the Human Rights & Equal Opportunity Commission published, *Seen and Heard: Priority for Children in the Legal Process*, which provided a comprehensive account of the status of children within the Australian legal system. The 10<sup>th</sup> anniversary of the report provides an opportunity to reflect on the progress made since the report and develop our vision for Australia children in the future.

The workshop was a joint initiative of the National Children's and Youth Law Centre, Youth Law (Victoria) and the Melbourne Law School. It has the support of the Australian Research Alliance for Children & Youth and the publishers of the original report. It is funded by the Human Rights Forum at Melbourne University, the Melbourne Law School and the Institute for International Law & the Humanities.

### Aims

- To create a network of key stakeholders to develop an ongoing forum for information sharing, discussion and collaboration on matters relating to children and their rights within Australia;
- To identify and promote areas which require further research, advocacy and action;
- To encourage policy and legislative change consistent with the *Seen and Heard Report* and Australia's obligations under the UN Convention on the Rights of the Child; and
- To stimulate other initiatives and discussions with respect to children and their rights and produce a report on the workshop to support ongoing discussions.
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### Date and location

Friday 16 November, 2007

Melbourne Law School

### Content

Although the 10<sup>th</sup> Anniversary of the *Seen and Heard* report has provided the stimulus for the workshop, it was not intended to cover the report and its recommendations in detail. This is simply not possible given the scope of the report and its number of recommendations. Rather the report provided the backdrop against which discussions took place.

The day's proceedings were arranged around the 4 key themes of the United Nations Convention of the Rights of the Child: non discrimination; participation; best interests/protection and survival and development. A number of participants were asked to prepare papers with respect to each of these themes which were distributed to all attendees in advance of the workshop.

<b>Program</b>
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- 9.00 – 9.20 Welcome and introduction: **John Tobin**, Melbourne University
- 9.20 – 10.00 Seen and Heard: Insights and Reflections  
Speaker: **Frith Way**, Legal Aid Commission of NSW (one of the authors of the original report)
- 10.00 – 11.15 Session I: Non discrimination  
Case study: Indigenous Children  
Paper: **Terri Libesman**, University of Technology Sydney
- 11.30 – 12.45 Session II: Best Interests  
Case study: Care and protection/juvenile justice  
Paper: **Judy Cashmore**, Sydney University
- 1.30 – 2.45 Session III: Participation  
Case study: Public space and political life  
Papers: **Anna Copeland**, Murdoch University and **Ariadne Vromen**, Sydney University
- 3.00 – 4.30 Session IV: Survival and development  
Case studies: health, housing, education and income
- 4.30 – 5.00 Review and closure:  
**James McDougall**, National Children’s and Youth Legal Centre  
**Tiffany Overall**, Youthlaw (Victoria)  
**John Tobin**, Melbourne University

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

The NCYLC continues its involvement in the UNSW Social Justice Project. The Social Justice Project was established in 2000 through the UNSW Law School and part of its role is to develop and coordinate joint activities on social justice issues with other centres, staff and students at the University.

The Social Justice Intern Program gives UNSW law students an opportunity as part of their course to gain experience working at one of the Centre's affiliated with the Law Society. Students undertake specific projects as well as contribute to the tasks involved in the day to day operations of the Centre.

The centre has also expanded to take on board international interns over our summer period. We have developed networks and relationships with a intern placement program from QLD and also students from Germany and the Untied States (Harvard).

# MALLESONS STEPHEN JAQUES

The National Centre has been partners with Mallesons Stephen Jaques since 2001.

The relationship has included targeted pro bono legal assistance, financial assistance, policy development, volunteering and other contributions.

The success of our partnership with Mallesons was recognised at the 2005 Law and Justice Foundation of NSW Awards where it was awarded the Pro Bono Partnership Award. Judges commented that they were particularly impressed by the depth of support provided by this partnership.

One of the most important features of the partnership is the secondment of Mallesons solicitors to the NCYLC for three month periods at a time. This considerably improves our ability to provide advice and legal information to young people.

In March 2007 the Mallesons Cyber Volunteer Project was piloted in the Brisbane office with great success. The Cyber Volunteer Program has now been rolled out to the other Australian Mallesons centre over the past 12 months.

Our relationship continues to strengthen and we thank Mallesons Stephen Jaques for their ongoing support and commitment and we look forward to the further development of this partnership.

## LAWSTUFF and LAWMAIL

Since its inception, Lawstuff and Lawmail have provided a vital avenue of service provision to children and young people. Children continue to demonstrate an eagerness for information and the website Lawstuff and the Lawmail service to search out answers to questions that they have not been able to find elsewhere or to test information that they have been given from other sources (peers, teachers, parents, media, other internet sources).

We understand that children like to access sites that are designed specifically for them. They gain access to the internet either at home, youth centres, libraries, cafes, school or at a friend's place). They often prefer the anonymity that the service provides.

**During the year from 1 July 2007 to 30 June 2008  
the Centre provided responses to 1102 LawMails.**

The number of LawMails answered by the Centre did decrease by 11% (down from 1240 LawMails in the previous financial year and 1438 in the year previous). Given the time spent this year reviewing the information on Lawstuff, this may be due to more potential inquiries being addressed at an early stage. Interestingly the number of requests from boys stayed roughly the same at 36%

Our work on the content, tone and accuracy of the responses has also paid off. As well as providing accurate information based on up-to-date research, responses seek to use language that is clear and easy to understand, tone that is appropriate to the age of the reader and treats the reader with respect and good humour.

This still involves the exercise of considerable skill and sometimes guess-work (as we do our best to interpret the email text that we are provided with!).

Lawmail and Lawstuff are now given significant focus as the Centre's primary service activities. Both services rely on both onsite and cyber volunteers. All LawMails and Lawstuff text updates are signed off either by the Director or the Cyber Volunteer Project officer both of whom are experienced children's lawyers.

The Centre is building its infrastructure and capability in order to extend the reach of our services whilst maintaining the professional standards of the Centre. All our Web Access Project Worker and the Communications Working Group have been working on designing a new interface for the Centre's websites with Squiz. We hope to be soon launching the new sites over the course of the next year.

### Website Statistics:

#### Lawstuff website

Visits: 1<sup>st</sup> 6 months = 61,807 2<sup>nd</sup> 6 months = 68,780 Year Total = 130,587

Page Views: 1<sup>st</sup> 6 months = 635,085 2<sup>nd</sup> 6 months = 776,188 Year Total = 1,411,273

Hits: 1<sup>st</sup> 6 months = 3,879,624 2<sup>nd</sup> 6 months = 2,229,292 Year Total = 6,108,916

Average Time per Visit: 6m 2 seconds

Average page views per visit: 10

#### NCYLC website:

Visits: 1<sup>st</sup> 6 months = 30,762 2<sup>nd</sup> 6 months = 35,376 Year Total = 66,138

Page Views: 1<sup>st</sup> 6 months = 120,740 2<sup>nd</sup> 6 months = 112,944 Year Total = 223,684

Hits: 1<sup>st</sup> 6 months = 252,357 2<sup>nd</sup> 6 months = 227,906 Year Total = 480,263

Average Time per Visit: 3 minutes 42 seconds

Average page views per visit: 2.5

CROC site entries: 1<sup>st</sup> 6 months = 24,708 2<sup>nd</sup> 6 months = 126,321 Year Total = 151,029

Where do our visitors come from?

Lawstuff:

1. Google (29%)
2. Search.live.com (24%)
3. ReachOut (3%)
4. Child & Youth Health (2%)
5. Other sites (42%)

NCYLC:

1. Google (40%)
2. Lawstuff (24%)
3. HREOC (5.5%)
4. search.live.com (5%)
5. Other: 24.5%

What search terms do they use to find us?

Lawstuff:

1. Lawstuff
2. Law stuff
3. Legal stuff
4. Legal rights
5. Australian laws
6. Youth the law
7. Young people the law
8. Know your rights
9. Youth laws
10. Laws in Australia

NCYLC:

1. croc
2. national children youth law centre
3. ncylc
4. national childrens youth law centre
5. convention on rights of the child
6. un convention on the rights of the child
7. whats up croc
8. what up croc
9. kerry graham
10. rights at school

**LawMail Statistics for Period: 1 July 2007 – 30 June 2008**

**Total Received**

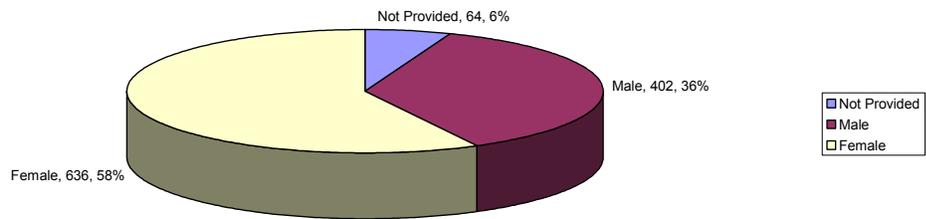
Number: 1102 (1240)

**Gender Spread**

Male: 402 (468)

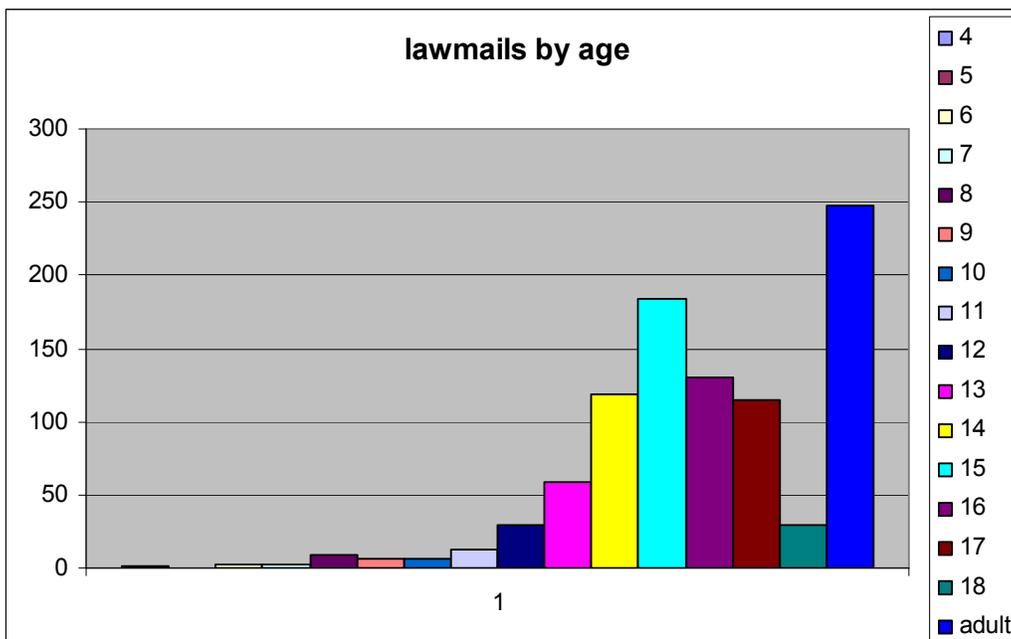
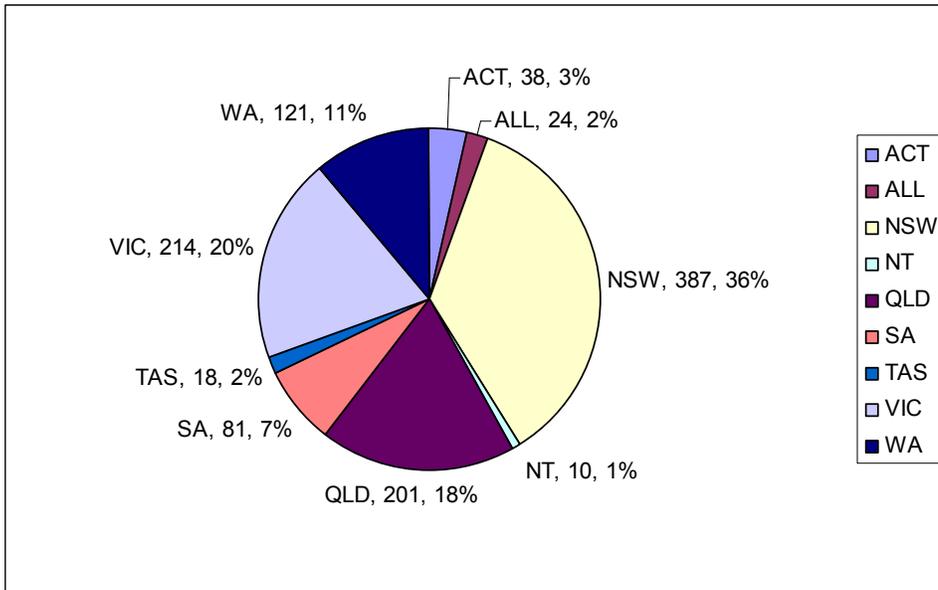
Female: 636 (724)

Unspecified: 64 (48)



**LawMail Statistics for Period: 1 July 2007 – 30 June 2008**

NSW:	387	(406)
QLD:	201	(250)
VIC:	214	(239)
WA:	121	(114)
TAS:	18	(34)
SA:	81	(119)
NT:	10	(14)
ACT:	38	(43)
Unspecified:	24	(21)



## LawMails by Topic

Topic	Previous Year		Current Year	
assignment	62	5%	<b>74</b>	<b>7%</b>
age of consent + sex	72	6%	<b>54</b>	<b>5%</b>
law and process	99	8%	<b>20</b>	<b>2%</b>
harassment + discrimination	42	3%	<b>23</b>	<b>2%</b>
other	126	10%	<b>125</b>	<b>11%</b>
alcohol, drugs, smoking, tattoos + piercing	73	6%	<b>67</b>	<b>6%</b>
employment	48	4%	<b>45</b>	<b>4%</b>
school powers	90	7%	<b>69</b>	<b>6%</b>
motor vehicles + riding	47	4%	<b>35</b>	<b>3%</b>
assault + domestic violence	34	3%	<b>32</b>	<b>3%</b>
sexual assault	40	3%	<b>32</b>	<b>3%</b>
relationships	37	3%	<b>15</b>	<b>1%</b>
change of name + passports	19	1%	<b>7</b>	<b>1%</b>
consumer including internet	34	3%	<b>14</b>	<b>1%</b>
police powers + criminal law	70	6%	<b>70</b>	<b>6%</b>
privacy + FOI	24	2%	<b>10</b>	<b>1%</b>
property + goods	11	1%	<b>17</b>	<b>2%</b>
leaving home	66	5%	<b>100</b>	<b>9%</b>
Marriage	11	1%	<b>6</b>	<b>1%</b>
family law	159	13%	<b>148</b>	<b>13%</b>
counseling referrals	9	1%	<b>9</b>	<b>1%</b>
care + protection	47	4%	<b>20</b>	<b>2%</b>
feedback	6	1%	<b>13</b>	<b>1%</b>
pregnancy, abortion + adoption	-	-	<b>14</b>	<b>1%</b>
immigration	-	-	<b>9</b>	<b>1%</b>
bullying	-	-	<b>13</b>	<b>1%</b>
prank	-	-	<b>20</b>	<b>2%</b>
adult			<b>37</b>	<b>4%</b>
	<b>1240</b>	<b>100%</b>	<b>1102</b>	<b>100%</b>

## Notes

1. In the event of a Lawmail with multiple issues, we categorise according to what appears to be the most serious concern to the client.
2. There are a certain number of Lawmails that are simply feedback on Lawstuff. This does not reflect the full extent of our feedback system.
3. The enquiries that we receive in relation to sexual assault, assault + domestic violence and care + protection require special attention in view of the personal nature of some of the questions – and the mandatory reporting obligations that exist for most professional settings. There is a balance required between these obligations and the confidentiality required by the lawyer – client relationship. For more detailed information on the Centre’s approach, contact the Director and Principal Solicitor.

## **Law Mail Commentary**

There is a regular pattern that has emerged over the years of the four areas that we receive enquiries about most consistently. The topics concern a child's own family relationship issues, another identifiable group that focuses on issue arising from the break-up of the relationships between a child's parents, property and goods, police powers and employment issues.

A brief analysis of these statistics follows.

### The most popular LawMail topics

Family Law,  
Leaving Home,  
Police Powers,  
School Powers  
Lifestyle issues such as alcohol, drugs, smoking, tattoos + piercing

Over the last five years the single largest percentage topic of Lawmails has been about Family Law. It is clear from the Lawmail statistics that Family Law issues are a concern to young people - particularly 11, 13 and 15 year olds. An extremely large percentage of Family Law Lawmails are about parental orders and how they can be put in place or changed.

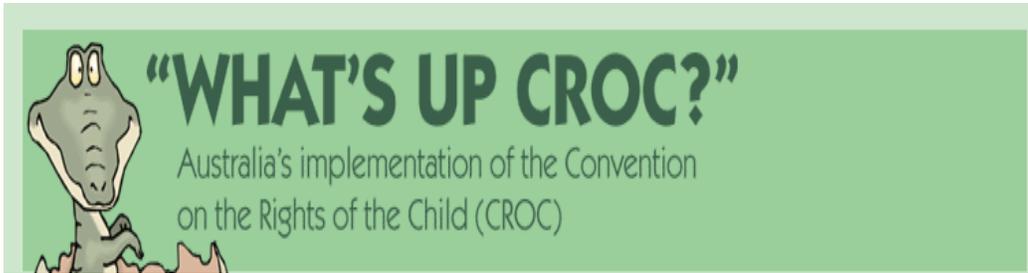
Children want a say in Family Law proceedings and they want their opinion to count when the decision is made regarding the parent that takes care of them and the parent they spend time with.

The Lawmails on leaving home have almost doubled since last year. They are almost always request for information on the minimum legal age to move out of home. The age bracket ranges from 13 to 17 but the majority of Lawmail on this topic come from 15 and 16 year olds. The high proportion of cases on this topic and the change in the percentage suggests that a significant number of young people are looking for a greater degree of independence at an earlier age than public policy acknowledges.

Lawmails about alcohol, drugs, smoking, tattoos & piercing have stayed at a steady level over the last three years and make up part of the second band of most popular topics.

There has been a rise in lawmails about police powers. This may reflect greater targeting of young people as a group of interest for police attention. This is significant and is also reflected in wider concerns about the youth justice system.

As much of a young person's life is spent at school it is not surprising that we receive a large number of Lawmails on this topic. Children aged 14 to 16 are particularly interested to know their rights in relation to disciplinary measures, appearance (specifically uniform requirements) and bullying.



## **Child Rights Reporting – What's Up CROC? Update – June 2008**

### A Reminder of the Story So Far

In signing and ratifying the United Nations Convention on the Rights of the Child in December 1990, the Australian Government committed to reporting every 5 years on its compliance with the Convention. The monitoring process is undertaken by the UN Committee on the Rights of the Child (based in Geneva). This process also allows for a Shadow Report to be submitted by the NGO sector in each country – to assist the Committee in examining the Government Report.

The Australian Government submitted its 1st Report in December 1995. The Shadow Report was prepared and submitted by Defence for Children International Australia (DCI) the following year with assistance from a range of organisations including the fledgling National Children's and Youth Law Centre. The UN Committee issued its Concluding Observations in September 1997.

Australia combined its 2nd & 3rd Reports. This was submitted in March 2003. The UN Committee then set a date for Australia's attendance before the Committee (September 2005) and invited the NGO sector to submit and present its Shadow Report before the Committee (at a 'pre-sessional' hearing).

The National Centre coordinated the preparation and presentation of this Shadow Report in partnership with DCI. With support from UNICEF, Oxfam and others, we sent a delegation to attend the pre-sessional hearing in June 2005. In August 2005, the UN Committee presented the Australian Government with a List of Issues (developed in light of the Shadow Report) which asked questions not answered by the Government's Report.

The Australian Government responded to the List of Issues and attended before the Committee in September 2005. In October 2005 the UN Committee issued its Concluding Observations on Australia's performance - a diplomatically worded indictment of the Government's inaction on child rights. It got a little media. We have used the Observations in our advocacy work since then.

### Current Reporting Cycle

The UN Committee asked the Australian Government to file its 4th Report in January 2008. The Australian Government has been working on the Report for some time. Ironically it was probably on target to file its report on time - until the election meant a review was necessary. The Government circulated a draft of its Report for a 6 week public consultation period in June 2008. It will review the Report following the consultation and submit it to the Committee.

The UN Committee has indicated that the time between the filing of the Government Report and the readiness for the Shadow Report has been reduced from over two years to about a year.

The timetable could be:

*Review of Government Report – July / August 2008*

*Government Report submitted to the UN Committee - September 2008*

*Shadow Report due – July 2009*

*Pre-sessional Hearing for Shadow Report and NGO delegation – September 2009*

*Government attendance – January / February 2010*

The Centre will work with the Child Rights Taskforce to develop the 4<sup>th</sup> Shadow Report.

James McDougall