



# Annual Report 2009-2010

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## Background

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

The National Children's and Youth Law Centre 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 Centre lobbies governments to consider children and child rights when developing legislation and policies that may have an impact on young people and seeks to raise awareness about child rights and the experience of children and young people that reflect failure to respect those rights. 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 plays 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 30 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 about 1000 requests every year.

#### **INFORMATION**

The Centre undertakes a range of projects to promote the rights 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.

## **Board of Directors**

The 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 partners such as the National Youth Advocacy Network and Mallesons Stephen Jaques .

### **Board Members**

<b>Simon Moran</b>	Board Member, 2003 to the present <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 May 2010
<b>Michael Chaaya</b>	Board Member, January 2006 to the present
<b>Garner Clancy</b>	Board Member, November 2006 to the present
<b>Sarah Winter</b>	Board Member, July 2007 to the present
<b>Rey Reodica</b>	Board Member, March 2009 to the present
<b>Moira Saville</b>	Board Member, July 2009 to the present
<b>Cathy Sherry</b>	Board Member, May 2010 to the present

## Staff

**James McDougall** January 2005 – Present  
Director

**Benjamin Chinnock** September 2007 – March 2010  
Communications Officer

**Kim Ivantsoff** January to December 2009  
Cyber Volunteer Project Officer

**Lina Nguyen** January 2010 - Present  
Cyber Volunteer Project Officer

**Jeffery Candiloro** June to October 2009  
Web Development & IT Support Officer

**David Wong** October 2009 – April 2010  
Web Development & IT Support Officer

**Christine Pollard** October 2006 – Present  
Finance Officer

## Contract Staff

**Robert Ludbrook** July 2009  
Locum Director

### Web Development Team

Ahram Choi April - June 2010

Rita Caruana April - June 2010

Ann Deane April - May 2010

## How We Do It

The Centre delivers its services to children and young people principally using 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 who will support them.

The Centre operates through the work of its staff and the generous donated contribution of the Mallesons Placement Lawyer (full-time on rotation now every six months), our delightful on-site volunteers (including international and social justice interns), and our wonderful Cyber Project volunteers (from Mallesons, Telstra, ASIC and ANU).

# Placements, Mallesons Key Contacts and Volunteers

## Mallesons Placement Lawyers

Kate McCrossin  
Stephen Evans  
Sally Hamilton  
Melissa Dejong

May 2009 – August 2009  
August 2009 – November 2009  
November 2009 – February 2010  
February 2010 – July 2010

## Mallesons Key Contact

Sarah Penman

March 2008 to Present

## On-site Volunteers

Ahram Choi  
Patricia Wentworth  
Rita Caruana  
Ann Dean  
Richa Rajouria  
Loren Smith  
Elizabeth Esber  
Michelle Macdonald  
Shreya Kumar  
Bibi Limnalong  
Grace Huang  
Axel Sukianto  
Anna Lee  
Anna Chen  
Ruchi Bhatt  
Penny Vlahogiannis  
Penny Mao

Jodie Mayoh  
Justin Rassi  
Jenny Broemel  
Alexia Zsigmond  
John O'Brien  
Linda Antoon  
Joshua Morgan  
Alexandra Mew  
Jason Namkoong  
James Azzi  
Prishika Raj  
Michael Taing  
Anna Malins  
Jessica Aquilina  
Ee-Von Lok  
Naruporn Thiyavutikan  
Andrew Taylor

Kousai Elali  
Katrina Geddes  
Sarah Jones  
Ellena Petinos  
Jasmin Chin  
Christina Nguyen  
Karen Spencer  
Amanda Hioe  
Eng Hwa Trinh  
Pathum Thilini Perera  
Hing Dai  
Louise Cooney  
Grace Thanasamy  
Elana Chandran  
Jane Bak

## Overseas Interns

Marion Cabanes  
Kelli Verdun  
Jennifer Naaden  
Anouk Rosenoer  
Sara Schroeder  
Rebecca Sherman

## UNSW Social Justice Interns

Suzi Kim (S1 2009)  
Amanda Hioe (S2 2009)  
Eng Hwa Trinh (S2 2009)  
Karen Spencer (S2 2009)

Shirley Weng (S2 2009)  
Anna Lee (S1 2010)  
Axel Sukianto (S1 2010)

## **Cyber Project Volunteers**

### **Mallesons**

#### *Brisbane*

Co-ordinator – Kathryn Purcell-Hennessy

Cassie Burchill  
Rhys Casey  
Briana Cumming  
Melissa Graham  
Laura Hulett  
Melanie Hyde  
Jennifer Kuang  
Clare McMurtrie  
Cameron Mew

Bridget O'Brien  
Jennifer Passagne  
Meghan Purves  
Adam Ryan  
Kathleen Simmonds  
Catherine Stapylton  
Nathan Turner  
Bing Wang

#### *Canberra*

Co-ordinator – Alison Gurr

Fariba Aghili  
Alison Gurr  
Chris Iverson  
Stephen Masterman

Sophia Rihani  
Robyn Skinner  
Katherine Urbanski  
Brie Weatherstone

#### *Perth*

Co-ordinator – Fiona Cross

Tim Edwards  
Lyn Ladhams  
Cameron Roper

Rachel Scogna  
John Tanner

#### *Sydney*

Co-ordinator – Sarah Penman, Beth Hackney

Simon Burnett  
Duncan Campbell  
Sally Hamilton  
Jennifer Keane  
Danet Khuth  
Victoria Koob  
Natalie Lau  
Meagan Lee  
Rosana Leung  
Norm Maamary  
Kate McCrossin

Magda Misiarek  
Annabel Pope  
Luba Poukchanski  
Stephanie Puris  
Gemma Qin  
Nicholas Smith  
Alice St George  
Carina Thuaux  
Travis Toemoe  
Mandy Tsang

*Melbourne*

Co-ordinator – Brinsley Saw, Jade Adams

Agata Bober  
Jeen Chong  
Emily Collin  
Sheranga Fernando  
Katrina Gowans  
Hannah Jones

James Katsikas  
Michael Lawson  
Adrienne Lyle  
Leana Papaelia  
Sam Porter  
Sarah Weinberg

**Telstra**

Melody Ng  
Esther Duenow  
Fiona Robson  
Jane Sebel  
Isabelle Fabian  
Helen Fields  
Andrew Meldrum

Jane Perrier  
Swee Tan  
Domenic Gallo  
Kate Ashwood  
Rebecca Mitchell  
Patrick Jeffers  
Fiona Robson

**ASIC**

Hema Raman  
Fiona Gazzard  
Anastacia Yuan  
Huy N Nguyen  
Christine Blight  
Peter Chia

Paula O'Regan  
Laura Basile  
Anthony Thompson  
Youko Choi  
Elliot Giakalis  
Antonia Fong

**ANU**

Margot Brown

## Sponsors and Supporters

**The Federal Attorney General's Department** is our principal source of funding and currently our only confirmed recurrent source of funding. The Department has continued to demonstrate its confidence in the Centre by making a series of one-off payments to support our work. However it has not yet translated these into recurrent funding. Special grants by the Attorneys General (**Philip Ruddock** in the Howard Government and **Robert McClelland** in the Rudd Government) have been used to establish a Future Fund for the Centre to support staff retention. In the current year a further grant (of \$70 000) has been made which will extend the life of the Future Fund.

**Mallesons Stephen Jaques** is our strongest supporter and has continued its longstanding commitment to the Centre in a variety of innovative and important ways. This year marks the conclusion of the second full year of the **National Cyber Volunteer Project** which provides 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**, this year for the first time able to join us for six months.

**Squiz** a Web Development company has provide us with important technical support, training and advice in the roll-out of our important strategic Web Access Project.

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

The **NSW Department of Ageing, Disability & Home Care** has provided us with 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 continued to support the development of our profile particularly in philanthropic circles in Melbourne as we work towards a sustainable model for child rights monitoring.

**UNICEF, Save the Children** and other members of **the Child Rights Taskforce** continue to work 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 Technology Sydney, the University of New South Wales, the University of Wollongong** and **Australian Internships** have continued to provide the Centre with law student volunteers and interns.

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

We have continued to develop our relationship with (and admiration for the work of **John Tobin** from the Melbourne University Law School in developing our understanding of the value of using a child rights framework in our policy development, advocacy and service delivery.



## Director's Report

Community legal centres have been around for over thirty years and one of their defining features has been their commitment to responding to the needs of their clients in a strategic and integrated manner. The National Children's and Youth Law Centre is a community legal centre. Our clients are the children and young people of Australia.

Our strategic response uses a model that integrates service delivery with systemic advocacy. We respond to the legal issues that our clients bring to us by seeking to provide them with the tools by which they can address their particular situation but also by recognising trends and recurring issues and working on more sustainable solutions. This work is often characterised as law reform and advocacy. However it can also involve raising awareness, calling for and contributing to further research or contributing to broader public policy development.

It is now five years since the Centre focused on its online service delivery as the most appropriate immediate response to the identified needs of children and young people. This focus also gave us the opportunity to see more clearly the recurring issues raised by our clients. Whilst the results of service delivery to individual clients are usually immediate – at least from the perspective of the service provider, work on public policy development often takes much longer to produce results.

For over 5 years now it has been clear that the two most significant issues for our clients are *being heard in the resolution of family disputes* and *the challenges faced in a decision to leave home* (usually against the wishes of parents). We have been working on more sustainable solutions for each of these issues ever since.

It is a good time to take stock on developments in each area – and take some credit for the progress that has been made. One of the key characteristics of our work in each area has been its collaborative nature. In the issue of voice in family disputes, we have been working in particular with Professor Judy Cashmore and the UNSW Social Policy Research Centre. On the issue of homelessness we have been key players in the development of a broad network of researchers, advocates and service providers to give focus on the need for more research on the particular experience of children and young people. In each case our intention is that we use the resulting findings to advocate for better and more sustainable solutions. Ideally these solutions will often prevent the issue arising in the first case.

The 2<sup>nd</sup> Australian Family Law Systems Conference was held in July 2010. One of the consistent themes of the presentations was the need to pay closer attention to the voices and wishes of children. After many years of advocacy on this issue, it was encouraging that we are not alone in calling for reform in this area. The Centre presented a paper which made some practical suggestions for changes to policy and practice that will help to restore children's central place in decision making in the area and give greater weight to their voices. The policy makers in government acknowledged the suggestions. The next steps are clear – to advocate for the implementation of these suggestions.

The work on homelessness for children and young people will take longer as it is not yet based on strong research findings. However there is now a clear commitment to produce the research that will finally give appropriate attention to children and young people, their circumstances, the choices they have and the decisions they make.

From reflections on the integrated advocacy work of the last 5 years, I turn to the last 12 months. At my last Annual General Meeting as Director, I wish to pay particular tribute to the outgoing Chair Simon Moran.

Simon has guided the Centre through its most difficult times into a period of stability and growth. His calm and careful work navigated the Centre along the rocky roads of financial insecurity, external audit, staffing conflict and shaky relationships – firstly as a Board member recruited for his problem solving abilities and later as a somewhat reluctant Chair and leader. It is appropriate that he should see the benefit of his own work as the Centre recovered, reclaimed its strengths and developed a vision for the future.

We wish Simon and his family all the very best in the new adventures in the United Kingdom.

We also must thank Pheona Arndell for taking on the role of Acting Chair. The Board under Pheona's leadership are well placed to lead the Centre into its next stage of development. We thank Judy Cashmore, Michael Chaaya, Garner Clancey and Sarah Winter for their consistent support and insight. We welcome our newer Board members (Rey Reodica, Moira Saville and Cathy Sherry) and thank them for their contributions.

Our staff team has continued to undergo change. We thank Ben Chinnock for his work building our volunteer resources and beginning to develop our communications strategies. We thank Kim Ivantsoff for her great work consolidating the Cyber Volunteer Project in its second full year of operation. From 2010 we welcome Lina Nguyen in the Project Officer role and commend her on the strong focus she has given to quality service provision. We congratulate her on her commitment to assume the role of Principal Solicitor later in 2010.

Christine Pollard has continued to give us great service in managing our finances and has managed the reporting requirements of the Finance Officer's position with ease.

Our Web Access Project has continued to make slow incremental progress. We thank David Wong for his work in the Project Office role, Jeffery Candiloro for his strategic advice and to Ahram Choi, Rita Caruana and Ann Dean as the Web Development Team in the final months of the year. I pay tribute to all our staff and our volunteers for their commitment and focus on quality service delivery and advocacy for children and young people.

Our Mallesons Placement Lawyers (Kate McCrossin, Stephen Evans, Sally Hamilton and Melissa Dejong) provided us with personable and professional support in their placement roles. We have been particularly excited to have Melissa as our very first six month placement. The Placement Lawyer's value to the Centre is fundamental and it is always an absolute pleasure to work with them.

As always our team of volunteers are our greatest asset and this year's group was no exception. Special thanks to our longest-serving volunteers – Buffy Gilbert, Jess Downie, Rita Caruana, Ahram Choi and Patricia Wentworth.

The local team was again joined by a number of fantastic interns from overseas. Thanks to Marion Cabanes (from France), Sara Schroeder and Rebecca Sherman (Harvard Law School), Kelli Verdun and Jennifer Naaden (United States).

Our thanks to all those involved in the Cyber Volunteer Project with special thanks to Key Contacts Sarah Snip, Cassie Burchill and Kathryn Purcell (Brisbane), Alison Gurr and Geoff Adams (Canberra), Brinsley Saw, Taryn McCamley and Jade Adams (Melbourne), Beth Hackney and Sarah Penman (Sydney) and Fiona Cross and Jessica Harris (Perth).

The undoubted highlight event of the last year for the Centre was the Children's Law Awards. Thanks to the dedicated work of Jane Farnsworth the Mallesons National Pro Bono Coordinator and the coordinating committee, this event was held again for the first time since 2002.

Nominations came in from all over the country. After the deliberations of the Judging Panel, the winners and the nominees were feted in a gala event at Mallesons Sydney offices on Friday 16 April 2010. The President of the Australian Human Rights Commission Catherine Branson QC presented the awards to Robert Croser, the Youth Affairs Council of South Australia and Louise Sutherland from Legal Aid NSW.

It was a wonderful celebration and recognition of the achievements and commitment of all those individuals and organisations who work for the legal rights and interests of children and young people across Australia.

Our collaboration with the Child Rights Taskforce has continued to build networks with youth and children's advocates around the country. This network will steer the work of the coming year on the production of the NGO Report on Australia's implementation of the Convention on the Rights of the Child.

Our partnerships help us as we seek innovative ways to support children and young people. We want to hear their voices in the development of strategies to address their issues – and their inclusion in decisions and debates in the home, at school and in public. We want to hear their solutions for homelessness, safety and fair play and for reducing violence and abuse in their day-to-day experiences. We want their voices to be heard in equal strength to those of adults and for them to be acknowledged and respected as the experts on their own experiences.

There's still along way to go but there are positive signs. And we can hold our heads that the Centre has played and will continue to play a key strategic role in developing those signs and turning them into solutions.

James McDougall

# **Communications Report**

## **Media Comments and Interviews**

NCYLC has been asked for comment and quoted across all news mediums on various issues including:

- MURRI Radio on Youth Justice
- ABC Radio on the issue of Graffiti
- Channel 9 on the issue of Graffiti
- FBI Radio on Drug laws
- Various Radio News on Bullying in Schools
- ABC TV on Children as Claimants
- ABC Radio on Youth Homelessness
- Nina Funnell at Journalism & Media Research Centre at UNSW on child rights
- Emma Hewitt at Melbourne University on Indigenous children
- Curtin University on adoption by same-sex parents
- ABC Radio on Corporal Punishment

## **Conferences, Workshops and Trainings**

During the year NCYLC attended or spoke at various conferences, workshops, presentations and events. These included:

- Children's Law Awards
- CROC 20th Anniversary Workshop (Sydney & Melbourne)
- Mallesons Perth NCYLC Corner Launch
- Federal Government Youth Sector Consult
- WA Children's Week Forum
- Australian Youth Affairs Coalition Constitution Consult (Hobart)
- Breaking Down Boundaries Conference (Sydney Uni)
- Philanthropy Australia Forum (Melbourne)
- Alternative National Youth Justice Summit (Melbourne)
- Catherine Freeman Foundation (Melbourne)
- Reichstein Foundation (Melbourne)
- Vietnam Legal Aid Delegation
- Rural Regional & Remote CLC Network NSW
- Keynote at Qld Association of Independent Legal Services Conference
- Advocacy Workshop at Qld Association of Independent Legal Services Conference
- Federal Government Human Rights NGO Forum
- Youth Homelessness Research Workshop (Adelaide)

## **Consultations with Government**

- Consulting with Federal Attorney General's Department Human Rights Branch
- Consulting with Federal Attorney General's Department Social Inclusion Branch
- Consulting with Federal Attorney General's Department Community Legal Services
- Consulting with Federal Attorney General's Department Indigenous Justice Section
- Consulting with Federal Attorney General's Office

## **Consultations**

In building networks and policy work, we met with partners around the nation:

- National Human Rights Consultation
- Oxfam
- Australian Youth Affairs Coalition
- CREATE Foundation
- Child Protection, Queensland
- Secretariat of National Aboriginal & Islander Child Care
- Australian Research Alliance for Children & Youth
- SCALES, Murdoch University
- Youth Affairs Council of Western Australia
- Youth Legal Services, Western Australia
- WA Children's Commissioner's Office
- Indigenous Human Rights Network
- UNICEF Australia
- Youth Affairs Council of South Australia
- SA Children's Guardian
- Federation of Community Legal Centres, Victoria
- Save the Children Australia
- Twenty Ten Youth Association
- International Social Service Australia, Melbourne
- Youthlaw Victoria
- Youth Action & Policy Association, NSW
- Youth Justice Coalition, NSW
- UN Committee for the Prevention of Violence Against Children
- Law Society of South Australia
- Service to Youth Council, South Australia
- Human Rights Law Resource Centre
- Victorian Law Reform Commission - on Child Protection
- UNSW Law School Dean
- Marrickville Youth Resource Centre
- President, Australian Human Rights Commission
- Chris Varney and Samah Hadid, UN Youth Representatives
- Youth Affairs Council of Victoria
- Shelley Mallett, Hanover Welfare Services; Victoria
- United Nations Youth Association of Australia
- Legal Aid, NSW Civil Law Section

## **International Consultations**

- Save the Children Sweden (Bangkok)
- Defence for Children International (Geneva)
- NGO Group (Geneva)
- International Social Service (Geneva)
- Claire Mahon (human rights lawyer in Geneva)
- UK Law Centres Federation (London)
- The Rights Practice (London)
- Youth Access (UK)
- The Citizenship Foundation (UK)
- Child Rights Information Network (London)

## **Consultations with Research Institutions and Research Collaborations**

- Nina Funnell at Journalism & Media Research Centre at UNSW on child rights
- Emma Hewitt at Melbourne University on Indigenous children
- Jenny Barga at the University of Technology, Sydney
- Youth Research Centre, University of Melbourne
- Social Policy Research Centre on shared parenting
- Flinders University Housing Research Centre on youth homelessness
- UNSW Workshop on net filtering.

## **Networks and Memberships**

NCYLC has maintained an active involvement in the following networks:

- Child Rights Taskforce (Chaired)
- National Youth Advocacy Network
- National Association of Community Legal Centres
- Youth Justice Coalition – NSW
- Australian Competition & Consumer Commission’s Community Consultative Committee.
- Australian Council for International Development’s Child Rights Forum
- Technology & Well Being Round Table
- The Coalition of Organisations Committed to the Safety and Wellbeing of Australia’s Children

## Policy Submissions

- Human Rights (Parliamentary Scrutiny) Bill – submission to Senate Committee
- Universal Periodic Review
  - Comment on Government Report to the UPR
  - Comment on Australian Human Rights Commission Report
  - Comment and input to the Non-Government Report
- Convention on the Elimination of Racial Discrimination
  - Comment on NGO Report
- Statutory Review of the NSW Commission for Children and Young People
- Comments to ACCC on consumer publication for unfair contracts regime
- Extension of voter enrolment deadline
  - Letter to Senator Fielding seeking support
- Spent Convictions for Juvenile Offenders in NSW
  - comments and endorsement of Youth Justice Coalition’s submission
- NSW Review of Juvenile Justice – submission to Noetic Group
- Adoption of UN Guidelines for the Alternative Care of Children
  - Letter to Attorney-General and Minister for Foreign Affairs
- Same sex adoption – Statement in Support for Gay and Lesbian Rights Lobby
- Consumer issues –Federal Treasury ‘*Consumer Voices – Sustaining Advocacy and Research in Australia’s New Policy Framework Issues Paper*’
- Age Discrimination
  - Submission to the AHRC in Response to Application by Carnival plc for Exemption Under the Age Discrimination Act 2004
- Principles for National Children’s Commissioner
  - brief position paper distributed to partners
- National Children’s Commissioner
  - comments to Australian Human Rights Commission
- Justice Strategy for children and young people
  - distributed to partners for comments
- Monthly blog contributions to Inspire Foundation website “Between the Lines”
- Child Rights edition of Human Rights Law Resource Centre Bulletin
  - editing of articles
- Analysis of Lawmails on shared care provided to Social Policy Research Centre
- Article “Children and the Law: A Lawyer’s Role” in Precedent Magazine

## **Preparatory Policy Work**

**(research, briefing and draft position papers developed internally)**

- Position paper on non-therapeutic male circumcision
- Position paper on mental health and refusal of treatment
- Position paper on NSW Health policy
- Briefing paper on experiences of detention in Queensland
- Briefing paper on NSW Bail report
- Preparation of national report on bail
- Position paper on national prohibition of naming young offenders legislation
- Briefing paper on NSW Sentencing Council report on Provisional Sentences
- Briefing paper on BOCSAR prison populations report
- Briefing paper on amendment to legislation on sex offences against children
- Briefing paper on Netherlands study on recidivism
- Briefing papers on National Juvenile Justice Conference presentations
- Position paper on *A Strategic Framework for Access to Justice in the Federal Civil Justice System*
- Briefing papers on NSW Juvenile Justice Review
- Position paper on lowering the voting age
- Briefing paper on “Investing in Australia’s Young People” report by Office for Youth
- Briefing paper on NSW report into bullying
- Briefing paper – school students and part time work
- Position paper on homelessness
- Briefing paper on NT intervention and Racial Discrimination Act
- Briefing Paper on over-representation of indigenous youth in criminal justice system
- Position paper on youth allowance changes
- Position paper on family payments
- Briefing paper on young refugees
- Research and draft papers on internet filtering and cyber-safety
- Research and draft papers on out of home care and child protection systems
- Briefing paper on ICT and young people
- Preliminary research into sexual education
- Briefing paper on Special Rapporteur on Health
- Paper on implementation of Seen and Heard Recommendations
- Briefing paper on the not-for-profit sector and the national compact
- Draft position paper on youth violence
- Briefing paper on cyber issues affecting children and young people – prepared for the standing Committee on Cybercrime and Consumer Issues



## 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.

*From 1 July 2009 to 30 June 2010, the Centre provided responses to 834 Lawmails.*

We experienced a further decrease in the number of LawMails answered by the Centre. Again as we continue to review and improve the information on Lawstuff, this may be due to children and young people finding the information that they seek for themselves.

Our work on the content, tone and accuracy of the responses continues to give us positive feedback from young people. 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.

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.

The Centre is in the process of redeveloping the Lawstuff website, to make the website more engaging for the children and young people accessing the site and easier to maintain and update for the website administrators, which is to be undertaken by the Centre's volunteers. The Centre intends to launch the new Lawstuff website in October 2010.

The Centre continues to build its infrastructure and capability in order to extend the reach of our services whilst maintaining the professional standards of the Centre.

## **Website statistics for the period from 1 July 2009 to 30 June 2010<sup>1</sup>**

### Lawstuff website

*Total visits:* 75,948

*Total page views:* 986,268

*Average time per visit:* 8 mins 3 seconds

*Average page views per visit:* 12.99

*New visitors:* 58,154 (76.57%) *Returning visitors:* 17,794 (23.43%)

*Most viewed Lawstuff pages (by number of page views):*

1. Lawstuff homepage (89,935)
2. Alcohol and Cigarettes (37,446)
3. Sex (31,165)
4. Lawstuff NSW (28,027)
5. Lawtoons (22,922)
6. Tattoos and Piercing (20,335)
7. Drugs (18,797)
8. Leaving Home (16,975)
9. School (15,214)
10. Lawstuff Victoria (15,046)

### NCYLC website

*Total visits:* 9,396

*Total page views:* 11,277

*Average time per visit:* 1 minute 30 seconds

*Average page views per visit:* 1.2

*New visitors:* 5,025 (53.48%) *Returning visitors:* 4,371 (46.52%)

## **Where do our visitors come from?**

### Lawstuff website

1. Direct (39.20%)
2. Referring sites (33.74%)  
(top referring sites: <http://au.reachout.com/au.reachout.com>; [burstingthebubble.com](http://burstingthebubble.com); [ncylc.org.au](http://ncylc.org.au))
3. Search engines (27.06%)

### NCYLC website

1. Direct (39.51%)
2. Search engines (37.69%)
3. Referring sites (22.81%)  
(top referring sites: [clcvolunteers.net.au](http://clcvolunteers.net.au); [childrights.org.au](http://childrights.org.au) and [nswclc.org.au](http://nswclc.org.au))

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<sup>1</sup> Data collected from Google Analytics.

## What search terms do they use to find us?

### Lawstuff:

1. lawstuff
2. law stuff
3. lawstuff.org.au
4. www.lawstuff.org.au
5. australian laws

### NCYLC:

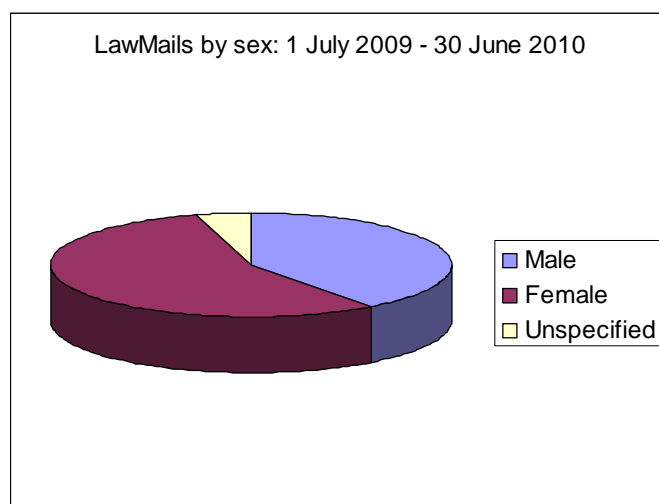
1. ncylc
2. national children's and youth law centre
3. ncylc.org.au
4. national children and youth law centre
5. www.ncylc.org.au

## LawMail Statistics for Period: 1 July 2009 – 30 June 2010

A total of 834 Lawmails were received (compared to 935 in the previous year)

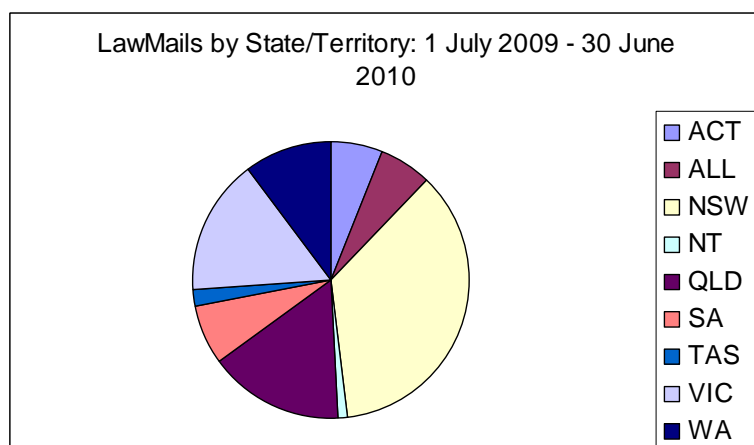
### By sex

Male	332
Female	465
Unspecified	37



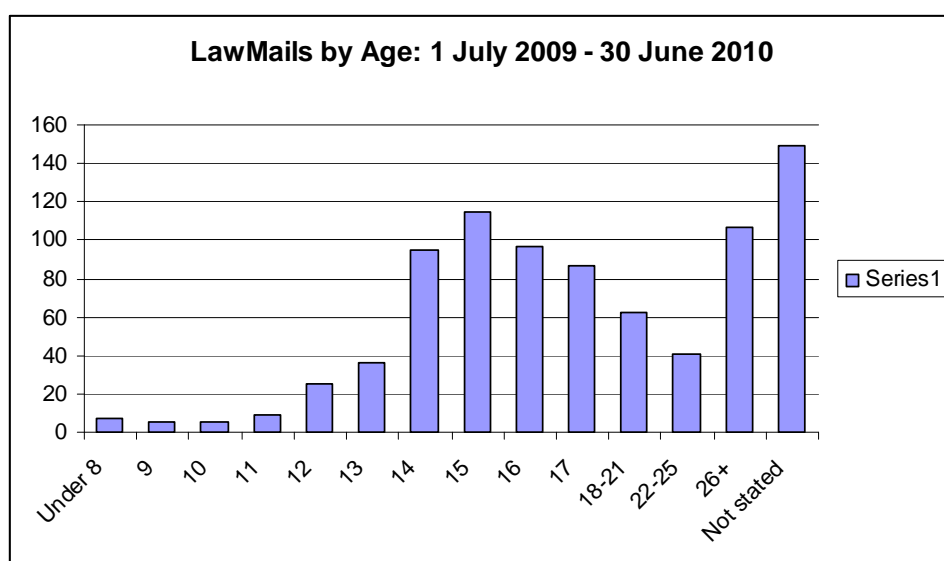
### By State/Territory

ACT	50
ALL	52
NSW	299
NT	8
QLD	132
SA	58
TAS	18
VIC	132
WA	85



### By age

Under 8	7
9	5
10	5
11	9
12	25
13	36
14	95
15	115
16	97
17	87
18-21	62
22-25	41
26+	107
Not stated	149

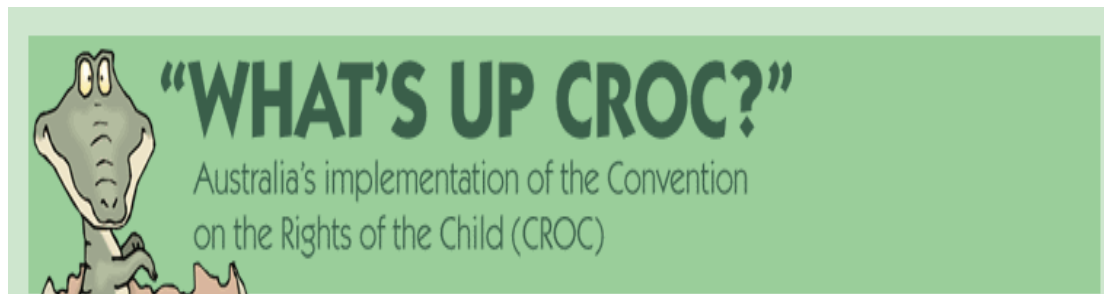


## By Topic

<b>Topic</b>	<b>Previous Year</b>		<b>Current Year</b>	
Other	55	6%	142	17%
family law + relationships	161	17%	123	15%
leaving home	100	10%	77	9%
police powers + criminal law	74	7%	69	8%
alcohol, drugs, smoking, tattoos, piercing	61	7%	47	6%
Bullying, harassment + discrimination	30	3%	42	5%
school powers	69	7%	41	5%
age of consent + sex	49	5%	36	4%
Employment	36	4%	36	4%
Assignment	26	3%	36	4%
Health including pregnancy	22	3%	30	4%
motor vehicles + riding + transport	29	3%	21	3%
assault + domestic violence	28	3%	18	2%
property + goods	17	2%	17	2%
privacy + FOI	14	2%	14	2%
consumer including internet	28	3%	14	2%
care + protection	23	3%	12	1%
Adult	5	0%	11	1%
law and process	17	2%	9	1%
change of name + passports	12	1%	8	1%
sexual assault	23	3%	8	1%
Prank	27	3%	7	1%
Feedback	9	1%	5	1%
Child rights	11	1%	4	-
Marriage	2	0%	3	-
Immigration	4	0%	3	-
counselling referrals	3	0%	1	-
	935	100%	834	100%

## **Notes**

1. In the event of a Lawmail with multiple issues, we categorise according to what appears to be the most serious concern.
2. Lawmails recorded as feedback 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 sensitive nature of some of the information disclosed – noting the mandatory reporting obligations that exist for most professional settings. Our communications with our young clients require the confidentiality of the lawyer – client relationship. We offer advice on the consequences of reporting and encourage seeking support for disclosure. We have not yet been instructed by a client to make a report. For more detailed information on the Centre’s approach, contact the Director.



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

### Child Rights Reporting - 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 an alternative 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 NGO 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 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.

The Australian Government attended before the Committee in September 2005. The next month the UN Committee issued its Concluding Observations on Australia's performance - a diplomatically worded indictment of the Government's inaction on child rights.

### The Current Reporting Cycle

The UN Committee asked the Australian Government to provide its 4th Report in January 2008. The Australian Government finally presented the Report in June 2009. The UN Committee has set the following timetable for the reporting process

*NGO Report due – mid 2011*

*Pre-sessional Hearing for Alternative Report and NGO delegation – September 2011*

*Government attendance before the UN Committee – January / February 2012*

The Centre will work with the Child Rights Taskforce on the 4<sup>th</sup> NGO Report.



## 2010 CHILDREN'S LAW AWARDS

Promoting the Rights of Children and Young People

The 2010 Children's Law Awards Ceremony was held on Friday 16 April 2010.

The Awards were presented by the President of the Australian Human Rights Commission, the Honourable Catherine Branson QC.

The 2010 Children's Law Awards recognise the achievements and commitment of those individuals and organisations who advance the legal rights and interests of children and young people across Australia.

### **The National Award for Outstanding Legal Representation of the Rights and Interests of Children & Young People**

***Robert Croser***

***- legal representative for children in the Adelaide Youth Court since 1981***

Over the last 10 years, the number of children found to be at risk of abuse or neglect, and the number of children under care and protection orders has continued to rise nationally. Rob Croser has represented the rights and interests of children in this difficult area since 1981, acting in the majority of applications made to the Adelaide Youth Court under the Children's Protection Act.

The empathy and compassion shown by Rob when representing children is extraordinary. He goes beyond his brief to ensure that appropriate support services are put into place for the children. Magistrate Penny Eldridge SM said that Rob Croser exemplified "exceptional dedication and commitment" to the rights and interests of children and young people. He has been seen as an "indispensible reference source" for all involved in the jurisdiction.

The judges were very impressed with Rob Croser's extraordinary commitment and accomplishments over 30 years. He has developed a strong rapport with, and earned the trust of, his clients -- including children and young people from highly diverse and disadvantaged backgrounds. At the same time, he is regarded as a leading authority in this field by members of the judiciary, the public service and the Ministry.

## **The National Award for Outstanding Contribution to Advocacy in Policy or Law Reform to Advance the Legal Rights and Interests of Children & Young People**

*Youth Affairs Council of South Australia, a non-government body that has advocated for law and policy reform in the area of youth justice*

The conditions at the Magill Youth Training Centre (YTC) for remandees and detainees had been described in *The Australian* as a “hellhole” and the UN Youth Ambassador, Chris Varney, described it as “a living children’s rights abuse hell”. The Youth Affairs Council of South Australia (YACSA) successfully campaigned in 2009 for the South Australian Government to reverse its decision not to replace the Magill Youth Training Centre for remandees and detainees.

YACSA has advocated for law and policy reform in the area of youth justice since its inception in the 1980s. YACSA’s 2009 Magill YTC public campaign exposed the conditions within Magill YTC and drew attention to broader issues of children’s rights in relation to detention and rehabilitation. The campaign generated positive debate, included and empowered children, and was supported by a large number of organisations.

The judges were very impressed by YACSA's development of innovative and effective strategies to win over community and political support in relation to the nature and conditions of juvenile detention at Magill YTC, a notoriously challenging area of public policy. YACSA's campaign was persistent, but subtle and respectful, and was inclusive and empowering for children and young people.

## **The Media Award for Raising Awareness of Important Children’s Legal Rights Issues**

*Louise Sutherland and the BURN project - a project of Legal Aid NSW in partnership with Community Prophets.*

Many children and young people misunderstand the criminal law and do not realise that they can be held accountable for someone else’s actions if they participate in a crime as a group. Through her work as a criminal legal practitioner at Legal Aid NSW, Louise Sutherland became aware of this startling lack of understanding and took action. After undertaking a successful program of legal education workshops across NSW, Louise, with the support of Legal Aid NSW, working in partnership with Community Prophets, coordinated and made making of the short film BURN and its interactive website. BURN is a major Legal Aid campaign on youth crime prevention and education. The film and website illustrate to young people how the law works in complex group situations in an understandable, interactive and practical way. The website also contains teaching resources and other legal information.

The judges were very impressed the consultative and inclusive nature of this innovative and successful project, which centrally involved children and young people in its development. A central part of Legal Aid NSW’s community legal education program, BURN has been shown to over one hundred schools and youth groups and informed over 13,000 students and young people.



## **HONOURABLE MENTIONS**

### **The National Award for Outstanding Legal Representation of the Rights and Interests of Children & Young People**

- Anna Radonic has been the principal solicitor at Youthlaw, Young People's Legal Rights Centre Inc Victoria since it was established in 2001 and has worked for over 25 years as a lawyer in the legal aid sector with a focus on the representation of children and young people. Anna has modelled service delivery and professionalism that is youth friendly, respectful, informative and responsive.
- Joe Harman has acted as a solicitor and Independent Children's Lawyer in Family Court and NSW State care proceedings for nearly 25 years, advocating for the rights and interests of children. He was integral in the Children's Case Program (CCP) pilot through the Parramatta Registry and has engaged in an extensive speaking, teaching and training program to improve the representation of children and young people. He has helped to set a high standard for, and contributed to a culture of Legal Aid in the area.

### **The National Award for Outstanding Contribution to Advocacy in Policy or Law Reform to Advance the Legal Rights and Interests of Children & Young People**

- Katrina Wong is the convenor of the NSW Youth Justice Coalition and is the Children's Solicitor at Marrickville Legal Centre. She is the head author of a number of submissions and reports that advocate for improvements to the way young people are treated by police, government and the legal system. This included the Bail Me Out report, a report on the study of young people in detention, which was a driving factor behind the amendment to section 22A of the NSW Bail Act and her successful advocacy for changes to NSW fines legislation.
- Nicholas Tucker is the Chairperson of the Protect All Children Today (PACT) Board and has been a successful advocate for child witnesses. His major research project has resulted in significant improvements for child witnesses, impacting on the District Judge Benchbook and best practice framework and the implementation of legislation. A network of 70 PACT volunteers provide support to child witnesses and PACT now provides feedback on the issues facing child witnesses to key stakeholders and government departments. As Chairperson of the PACT Clinical Committee, Nick has been directly involved in the provision of written responses in relation to several proposed legislative changes.

### **The Media Award for Raising Awareness of Important Children's Legal Rights Issues**

- Human Rights are Aussie Rules is a project of the Eastern Community Legal Centre. Recognising the need for community education, Eastern Community Legal Centre developed a forty-minute performance, FRED's Fair Play, focussing on the four FRED human rights principles (Freedom, Respect, Equality, and Dignity) outlined in the Victorian Charter of Human Rights and Responsibilities. The play has been seen by thousands of students in schools, community festivals and sporting days across Victoria. It presents complicated human rights principles in a way that is easy for children to relate to, rather than as abstract ideas or technical legal jargon

## Cyber Volunteer Project Report

I remember my admission ceremony, at the NSW Supreme Court very clearly. I had recently finished my practical legal training at NCYLC as a volunteer. Later that evening, I was to fly to London, to start my first full-time legal job.

As a 23 year old, newly admitted solicitor, I wondered how I was going to make a difference in the world and what kind of lawyer I'd be. Would I contribute to child's rights in the future? Now that would be a dream job. I couldn't have imagined that I'd be back at NCYLC as a staff member nine years later.

There have been a lot of changes since I was a volunteer. For starters, the Cyber Volunteer Project wasn't around in 2001. Coming back as an experienced lawyer with a frame of reference, I'm impressed with how NCYLC not only gets child's rights, but that we get how children and young people access information. Of course, we're still learning and improving – all the time. But our online legal service delivery, even with our limited resources, is serving our clients' needs very well as we do the best we can. Today we are particularly grateful for the support for the Project from our key sponsor Malleson Stephen Jaques.

Access to our legal services for our clients isn't bound by geographical borders and, as this project demonstrates, neither is the way volunteers help to deliver those services. What this further demonstrates, is that NCYLC is willing, and prepared, to think beyond what has traditionally been seen as limitations to children and young people seeking legal information. I'm excited by what lies ahead as we learn more and more, and be kept on our toes with the evergreen online world that is home ground for our young clients.

I've visited each of the Mallesons offices in Sydney, Melbourne, Brisbane, Canberra and Perth this year to deliver training and it has been pleasure to meet the cyber volunteers. Passionate, competent and enthusiastic - they certainly have a choice of pro-bono/community projects to work on. All those projects similarly give volunteers an opportunity to give back, do something different from their normal work, and feel a sense of contribution. So why do they choose this one? Because this project is run so well, it's so convenient and they get to make a difference to children and young people all over the country – is the feedback I've received.

Our cyber volunteers prepared responses to the majority of our Lawmail enquiries this year. 566 out of 834 Lawmails, to be exact (68%). In addition, they helped to update 17 Lawstuff topics for the various States and Territories (being over 100 Lawstuff pages in total). They also contributed to the centre's policy work by preparing a paper to the National Children's Commissioner.

We have clients in the nooks and crannies of this vast nation and volunteers sitting in offices of the major capital cities, in addition to the onsite Sydney workers. There's already a lot for us to model, as we head into the future and think about how we can improve the participation of children and young people in decisions that they care most about.

Lina Nguyen, Cyber Volunteer Project Officer

## **Financial Reports**

To be provided separately