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# A better deal for children and young people

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**DCI-Australia member Janet Jukes is the Executive Officer of the Youth Affairs Council of Victoria. In this article, Janet considers recent media attention in Victoria to how the State is failing to meet the rights of children and young people to protection from abuse.**

The Youth Affairs Council of Victoria welcomes *The Age* Insight investigation which has prompted renewed attention to the systems meant to deal with child and adolescent abuse. Our organisation is the peak non-government body funded to represent young people and the youth sector in this State.

The reported responses of both the Minister for Community Services Christine Campbell and her Opposition counterpart Lorraine Elliott deserve to be supported. They auger well for the bipartisan political response which is required to repair the system.

Ms Campbell is right to resist the extension of mandatory reporting obligations and to focus on improving the response to detected cases of abuse. Her stance accords with pioneering YACVIC research funded by the Criminology Research Council that was published five years ago. We questioned young people and youth sector workers about various aspects of Victoria's mandatory reporting laws and the results of that study did not support the extension of mandatory reporting laws.

A specially designed self-report survey was administered to 150 workers drawn from YACVIC's membership. The key findings were that:

- workers had important knowledge deficits in relation to mandatory reporting
- workers felt lacking in numerous important skills
- in deciding to report a disclosure of abuse, workers appeared to be influenced by factors such as:
  - whether the young person agreed to a formal report being made
  - the worker's concern that abuse would continue.
- nearly half of the sample had at least once decided not to make a report due to considerations such as:
  - whether the survivor was still in reach of the perpetrator

- the young person's attitude to notification
- the capacity to arrange services without official involvement
- concern that notification may lead to systems abuse.

- although there was majority support for the notion of the mandatory reporting laws workers were concerned about the circumstances of their implementation and were undecided or could envisage a situation where they would not comply with the requirement and
- the major recommendation from the sample was for training.

The second research strand involved focus groups conducted by peer researchers with 163 adolescents. Some had experienced protective intervention, some had not. We found that they seemed more concerned about their right to have choices about to whom they disclose, whether their disclosure is notified and, if so, the course of the investigation than whether youth workers as a category should be mandated or not. Other key findings were that:

- young people lacked knowledge and understanding of the mandatory reporting system and did not seem to appreciate that a **guarantee** of confidentiality is **not** the alternative to a worker being required to report
- young people were concerned that mandatory reporting may be a deterrent to disclosure of abuse
- young people did not call for **complete** exemption from the mandatory reporting laws but rather for a presumption that their wishes prevail
- young people had a range of fears about the consequences of their abusive situation coming to the notice of the authorities and
- young people lacked knowledge of their rights when contemplating a disclosure, want more information about this and feel they need a support person if they embark upon the process.

Ms Elliot's support for a Children and Young People's Commissioner is also sound policy. Protection from abuse by individuals and by systems need not be the sole focus of the Commissioner and, in fact, there are strong arguments favouring a broader role for the Office than the limited abuse protection charter seen elsewhere.

A foremost reason is that abuse is inflicted directly and indirectly in a host of ways by the sins of

commission and omission. We need to better respond to the reality that abuse is both cause and effect.

The growth of gaming in Victoria is a good example where decisions made in one area of public policy can cause harm to children and young people. Yet our community has seemed surprised that significant protection issues followed.

Another important illustration is that so many of the young offenders of today were the abused children of yesterday and, on this topic, there is the related concern over truancy and the vulnerability of non-attending children and young people to exploitation. These disturbing pathways have to be understood with an eye to how well we are able to deal with troubling students and the extent to which programs, practices and resources are geared to stop such a chain reaction.

If we are to prevent and redress the many ways in which rights abuses give rise to protective risks, we obviously need a coherent whole of government and community response. Reducing the prevalence of abuse also depends upon enhancing the receptiveness and attentiveness of all systems and individuals involved in the lives of children and young people.

To meet these objectives, an enduring and independent focal point for children's advocacy is needed alongside any improvements to the law, service delivery and co-ordination structures. A properly designed Children and Young People's Commissioner for Victoria could be as powerful as our Auditor-General has been through providing a

dedicated responsibility for leadership, information synthesis and accountability. It has the potential to make Victoria the safest and most respectful part of Australia for children and young people. The time is ripe.



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The report on mandatory reporting can be accessed from the DCI-Australia website at <http://members.dynamite.com.au/dci-aust/html/crc.html>

The concluding chapter of the DCI-Australia report *Taking Australia's Children Seriously - A Commission for Children and Young People* can be accessed from the DCI-Australia website at <http://members.dynamite.com.au/dci-aust/html/section6.html>

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## Australia - land of the fair go, but do we give our young people a fair go?

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**The myth of Australia is of an egalitarian society characterised by fairness, justice, equality and tolerance: the land of the 'fair go' that entitles each person to a hearing. (Mackay,1999:50) DCI National Committee Member Cheryl Vernon questions whether the same 'fair go' is extended to young offenders, particularly those repeatedly coming into contact with the criminal justice system.**

The phenomenon of juvenile offending has long been fodder for public comment and debate. Such comment is prevalent within our immediate environment, resulting in the propagation of myths

pertaining to young people and their propensity for offending.

The public scrutiny of some young people may be attributable to their innovative behaviour, which is by its nature, rule-breaking behaviour. Consequently, these young people are perceived as the cause of crime waves. (Graycar & Jamrozik,1989) This perception receives frequent media attention, which may play a pivotal role in public responses to juvenile offending.

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