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# Momentum for a Children's Commission in Victoria

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Following up on her article in the last edition of *Australian Children's Rights News*, Sarah Nicholson, Children and Youth Legal Worker at North Melbourne Legal Service, reports on the outcomes of a recent conference.

On 2 March 2001, the Federation of Community Legal Centres Victoria hosted a Working Conference on the Rights of Children and Young People at the Melbourne Town Hall. The conference was attended by 180 people from a diverse range of backgrounds. Lawyers, youth workers, health professionals, bureaucrats, educators, drug and alcohol specialists and youth housing workers were amongst the participants.

The Honourable Justin Madden the Victorian Minister for Youth Affairs opened the conference, followed by a short welcome from the Honourable Justice Marilyn Warren of the Victoria Law Foundation. Moira Rayner, the Director of the Office of the Children's Rights Commissioner, London gave the key note address.

The issues raised by Moira were built upon throughout the day by participants who attended two sets of workshops, designed to develop strategies for the better implementation of the UN Convention on the Rights of the Child.

The conference was wrapped up by Danny Sandor, President of DCI-A and Board Member of the National Children's and Youth Law Centre, who discussed different models and ideas for a Commission in Victoria.

The workshop participants were asked to develop strategies that they could implement in their workplaces, as well as recommendations for what our governments need to do. Moira provided inspirational and constructive ideas about how to improve the way we work with children in our agencies. She said:

"We have to put our composure and ease on the line, if we are to promote and protect the rights of children. There is no one right way to put

children's rights at the heart of what we do, and there is no guarantee that we will not mess it up. There are plenty of precedents, about how to change a culture that does not respect the rights of vulnerable people.

As we know from our eradication of discrimination against women, and developing Action Plans to comply with the Disability Discrimination Act, the only way is to commit to a strategy to change organisational culture and assumptions, and operationalising our values.

That takes commitment: we must change the ways we think and make decisions, and we must hear what children have to say. It must be commitment from operational management, not merely the specialists, nor even merely the chief executive.

It takes staying power, because cultural change will not come in a two-day session with a whiteboard: it takes time, interaction between different parts of an agency and other agencies interacting with it.

Change on this scale requires information (everyone needs to have a clear understanding about what it means to have a child-centred approach - not child focused - in decision-making and working).

It takes knowledge - we need to know about children's experiences and lives, about child development and local conditions, and what is happening in other parts of children's lives that might affect what we can do.

It requires a clear understanding of terms, such as 'participation', and 'best interests': we use this term in so many emotion-charged ways. Justice Brennan of the High Court once famously described the [latter] term as 'an unexaminable discretion' depending on the state of a judge's prejudices. I have, less famously, dismissed 'best interests' as the expression of a pious hope that such will be the outcome of our adult judgment.

We also need to define what we mean by 'neglect', 'abuse', 'maltreatment', 'prevention' of the above, and 'child perspective': what do we mean by 'child centred', or taking an 'holistic' view of a child, or co-operation, multi-agency collaboration, or (in the UK) a 'joined up' approach? We need, in other words, a common language and framework."

Workshops built upon this theme of developing an operational strategy to implement the Convention within agencies in policy development, service

delivery and program evaluation. One of the more difficult but fundamental aspects to such a policy is involving young people in decision making. Some recommendations about how to do this were :

- Avoid tokenism – participation must be real and integrated. Acknowledge that real participation is hard.
- Involve young people in decisions – let young people decide what they want to discuss and make decisions about. Do not make decisions before asking young people. Accept that young people may not want to participate – they may have other priorities.
- Give young people control over the decision-making process and systems – change processes and systems to fit young people, develop new ways of doing things.
- Follow through with young people’s decisions, opinions and ideas.
- Provide adequate support, education, training and resources for young people to be involved in decision making.
- Recognise that not all young people are the same – different groups of young people may need to be treated differently.
- Undertake an audit/evaluation of the agency against the Convention including feedback from young people who are and are not accessing the service using rigorous methods – survey/questionnaire – and not just anecdotal evidence.
- Allocate sufficient resources (staff and other resources) to work with young people.

Some key recommendations from the conference to government about improving implementation of the Convention were to:

- Reaffirm commitment at all levels of government to the Convention on the Rights of the Child.
- Incorporate the opinions of young people in policy and decision-making using a number of strategies that recognise that young people are not a homogenous group of people.
- Establish a Children and Young People’s Commission for Victoria as an Independent Statutory Authority. The roles of the Commission would be education, investigation and complaints (not necessarily individual complaints), with the Convention scheduled as part of the enabling Statute. Include a Charter of Rights in the legislation.
- Raise public awareness through an awareness raising and education campaign in the general population about the Convention, young people’s rights and rights mechanisms, towards a shared

vision within the community. Challenge the adversarial concept of rights: it is not a matter of parents versus kids, but a matter of enhancing human and civil rights for all. Maybe articulate this in terms of “entitlements” to basic needs (education, food, health, housing) and fundamental freedoms.

- Incorporate into all Government policy and tenders for public contracts, commercial or otherwise, a requirement of compliance with Convention principles as part of specified performance criteria and reporting on achievement of criteria. For example, architectural design for public buildings must include a minimum requirement for effective consultation with young people, even if the space is not specifically designed for young people. Failure to demonstrate implementation of strategies to comply should preclude any further contracting with the company unless change is demonstrated.
- Schedule the Convention to the *Equal Opportunity Act (Vic)* (EO Act). Amend the EO Act to repeal exceptions and certain exemptions relating to young people. Require specific reporting to EO Commission on compliance with the Convention (as part of the EO Commission Plans and Reports).
- Provide additional resources for youth advocates, in areas other than juvenile justice, protection or separate representation under Family Law Act.
- Provide adequate resources for a community based, statewide Young People’s Legal Service in Victoria.
- Schools/Department of Education: Require schools to empower student councils and student council representatives with real decision making powers, not just tokenism.
- Incorporate into the school curriculum an annual class project whereby young people provide a submission to Government about Convention rights and how they are working for young people, thereby providing regular two way communication.
- Create a Convention tram that can advertise key Convention principles!

The full report of the conference, including Moira’s address, the pre-conference research and conference outcomes is available from North Melbourne Legal Service on [nmls@vicnet.net.au](mailto:nmls@vicnet.net.au) or 03 9328 1885. Also, the Youth Affairs Council of Victoria will release a discussion paper on a Victorian model in early July. Contact [info@yacvic.org.au](mailto:info@yacvic.org.au).