

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON COMMUNITY SERVICES AND
SOCIAL EQUITY**

(Reference: rights, interests and well-being of children and young people)

Members:

**MR J HARGREAVES (The Chair)
MS R DUNDAS
MR G CORNWELL
MRS H CROSS**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 4 DECEMBER 2002

**Secretary to the committee:
Ms J Carmody (Ph: 620 50129)**

By authority of the Legislative Assembly for the Australian Capital Territory

The committee met at 2.45 pm.

MEREDITH HUNTER,

ALEX CAHILL and

TIM MOORE

were called.

THE CHAIR: Thank you very much for sparing us the time. As you know, we are inquiring into the rights, interests and wellbeing of children and young people.

I'm obliged to read you this card. It says that if you tell us lies we're going to take it really seriously. You know the process. We'll invite you to make an opening statement and then we'll go into questions. Be aware that proceedings are being broadcast and that a member of the Fourth Estate is sitting to your left.

I ask you to identify yourselves for Hansard, and then launch straight into it.

Ms Hunter: I'm Meredith Hunter. I'm the Executive Officer of the Youth Coalition of the ACT. As you can see from our submission, we focused on the need for a commissioner for children and young people. We also looked at the lack of legal services for young people and at the care and protection system.

We're very supportive of a commissioner for children and young people being put in place in the ACT. We recognise it's a small jurisdiction, and we're not suggesting that a complete new body be set up. We think that the suggestion in the Office of the Community Advocate submission that it may sit within their framework—

THE CHAIR: Do you see it as a separate statutory office but possibly the same officer performing the role in a hat-swapping exercise, because there's so much inter-relationship between the two jobs?

Ms Hunter: That's right, yes.

THE CHAIR: When an order, for example, has to be made, you stick that hat on and make that order through that piece of legislation, but it's basically the same infrastructure and the same people involved? Is that what I hear?

Ms Hunter: That would be the idea. You would need to make sure that that doesn't set up any conflicts. Their idea was to look at the legislation to see whether it could be broadened to include that. We think that could well be a sensible way to go.

THE CHAIR: Does that mean that we should expand their responsibilities under the existing legislation, or should we create another act?

Ms Hunter: Their suggestion was to expand the legislation. You're in a far better position than we are to know whether there needs to be expanded legislation or new legislation. It's not about setting up a completely new office, because of the size of the jurisdiction and because the Office of the Community Advocate have been doing a great job with care and protection issues.

MS DUNDAS: Do you see the Office of the Community Advocate in an expanded role being able to take up not just the care and protection of young people but all the other rights of young people and focus on participation, decision-making and those kinds of things? Is there scope for that?

Ms Hunter: You've just been on a field trip around the country. There are other functions such as promoting interest in youth participation. Other functions the other commissioners have could slot in there as well.

MS DUNDAS: You think the Office of the Community Advocate, if expanded, could take on those roles?

Ms Cahill: If they had a specific mandate and a position. It would still be a commissioner for children and young people sitting within their office. They would have a two-pronged approach, which would be to look at individual orders but also to highlight rights and the need for youth participation across the board—what you were just saying. I don't think a commissioner would merge into the OCA but would be independent within that office.

THE CHAIR: In the sort of situation of Marie Coleman of MAP. It is within the OCA, but it is totally independent statutory body. The MAP people have greater powers than the Community Advocate does.

Ms Cahill: It wouldn't be merged. There would be a clear delineation between the OCA and the children's commissioner. The commissioner would have a specific role, which would be for children and young people.

THE CHAIR: Do you see that position, properly resourced, as a conduit for information to flow from young people to the range of bodies that make decisions about the welfare of kids—for example, the courts, the government, the bureaucracy? It seems to me that we have a number of agencies doing that, but I don't know how effective that is. The message is listened to, but it's not heard, from what I'm starting to hear. I wonder whether that office would be a more centralised vehicle. Do you see that as part of the role?

Ms Cahill: Yes, definitely.

Mr Moore: I think there needs to be a coordinated approach within a body and within a framework where there is legitimacy. There are a number of different avenues that young people can take to have their voice heard within the decision-making process, but whether or not they're provided with a legitimate avenue is a different question I think if it did sit within the OCA as a separate entity, then that would have more credibility and therefore more legitimacy in the eyes of decision-makers.

THE CHAIR: What about legitimacy in the eyes of young people?

Mr Moore: I think one of the tests is whether action is taken from it. There are avenues for the voice of young people to be heard, but they are concerned that there are very few responses to that voice.

THE CHAIR: Does the same test apply to the minister's youth council? The jury is still out on that one?

MRS CROSS: Can I expand on that, Mr Chair?

THE CHAIR: Please do, Mrs Cross.

MRS CROSS: Do you think the ministerial youth council needs to be modified so it's more inclusive and represents the smaller groups that may not be represented adequately—drug and alcohol rehabilitation and people with disabilities?

Ms Hunter: The ministerial youth council is in its first year of operation under the revamped structure. It would be good to have feedback to the council to ensure that the processes for selecting young people are as inclusive as possible.

An attempt has been made. Under the ministerial youth council there is the annual conference, which gets up to 100 young people. That also tries to be as inclusive as possible. Previously there was a council of 12 to 15 young people, whereas this council has a second tier which gives the opportunity for broader involvement as they streamline things, iron out problems and get better at reaching different groups of young people and showing that it is a worthwhile thing to come along and give your time and have your say because action does come out of it. It's early days, but it is a more inclusive structure than the previous structure.

MS DUNDAS: Because it is set up directly to feed into the minister, and it is the minister's advisory council and not the community's advisory council or the government's advisory council, do you find as the youth peak that there are problems working with that council or trying to get broader mechanisms to feed back and forth between young people across all scopes of government and all scopes of decision-making, with such a focus on informing the minister as opposed to informing the community, the government and other decision-makers?

Ms Hunter: I think that would all be good to look at in an evaluation of how it is going. We are approaching it in a cooperative fashion and linking in with the council. We want to consult with young people on issues in our policy platform. We have said to the council that there are some young people who would like to be involved. The YOYO register is a database of up to 200 young people who have indicated an interest. Not all of them are on the council or have gone along to the conference, but they have said, "We're interested when any government department or agency wants to consult."

THE CHAIR: Is that a mechanism for getting to those kids who do not have the personal power or articulation?. In any lobby group, the biggest voices are always the heard first. The little voices are never heard. Is that a way of reaching those people?

Ms Cahill: I think that's what Helen was referring to when she mentioned young people who are drug affected or young people with disabilities.

THE CHAIR: Or the ordinary kid that's just sitting there.

Ms Cahill: Or the ordinary young person. Through the establishment of the children's commissioner, it would also be about going out to where the young people are, not always expecting young people to come into very formal bureaucratic settings. Young people tend not to operate like that. It has to be on their level and where they are. That may mean going to a skating park or another place where young people get together, to a refuge or to a disability program and sitting and spending time with young people.

I would see the role of the children's commissioner's as accessing all young people and having workers who have the time, the resources and the funding to be able to go out and access these programs and not just one-offs. In working with young people, the initial aim is to develop rapport and trust. That takes an extended period of time with a lot of young people we have worked with. To walk in, meet a young person and expect them to give you everything within an hour doesn't seem to be—

THE CHAIR: Forget it.

Ms Cahill: Yes, exactly. A lot of the time, there are one-off meetings or one-off conferences. You really haven't established the contact or the rapport with the young person to be looking at long-term issues. There's no rapport; there's no trust. They don't understand what feedback they're going to get. They don't understand how it's going to be followed through, et cetera. It's about sometimes turning our world upside down and saying, "The young people aren't coming here, so where do we go to access those young people?" and having the resources to do that.

Mr Moore: If we're going to have true representation, it has to include those young people who are unable to access a whole range of different opportunities—for example, young carers, young parents or young people who are pretty much house ridden and not able to access mainstream supports, let alone mechanisms like these.

It's about providing opportunities for those young people to come forward and to speak. As well as hitting skate parks, it's about going to a neighbourhood and seeing what young people are there. Or let's do it on line or do it by teleconferencing.

MR CORNWELL: How do you access those people, Tim?

Mr Moore: It's quite difficult. If there is a commitment from all sectors, government and non-government, to this process, then young people could be identified through the work that's being provided. It's also about raising awareness of the mechanisms and providing young people with the skills and the confidence to come forward and say, "This is what we're doing." Young people with disabilities and young people from non-English-speaking backgrounds who might have poor—

MR CORNWELL: But they won't come forward unless you contact them.

Mr Moore: That's right, absolutely.

MR CORNWELL: How do you contact them?

Mr Moore: It has to be through personal relationships. There has to be a partnership with workers who have that personal connection to go out and to support them.

MR CORNWELL: So the commissioner for children and young people, you envisage, would have a fairly large staff?

Mr Moore: I think so, or would have a developed partnership with providers.

MRS CROSS: Someone commented to us about how many people you need between a child and a decision. I put that to you not because I've made a decision about a youth commission but because it is a very passionate comment to make. A number of departments are meant to be looking after the interests of young children. Is it a matter of setting up another person or department to look after these interests, or is it a matter of refocusing the existing departments and changing their mandates so they do listen to young people and access them outside their offices by going to them?

Ms Hunter: I think that should be happening anyway. All departments should be aware that they should have in place a strategy about how they engage young people on planning issues and the full gamut of issues. A lot of departments are looking at how they do that under the young people's framework and programs, procedures and policies.

MRS CROSS: It is happening up to a point at the moment?

Ms Hunter: Up to a point.

MRS CROSS: What is the difference between what is happening and a youth commissioner?

Ms Hunter: A youth commissioner would be very much focused on the promotion of these things and then seeing young people and taking from them what that looks like and how that should go. If you're talking about others that have an interest in this area—for instance, Family Services—it is a very different role. You can't mix the promotion of what we're saying here about a commissioner with their role. They're very different roles in what they're attempting to do.

Mr Moore: Overseas a number of departments stick to the protection and the welfare side and have been quite successful in being advocates for young persons in a whole range of settings. Whilst we have a system focused primarily on protection, we're not going to be able to achieve that. It was almost unethical to have suggested that would be the case. The workers and the system are torn already between those two priorities. They shouldn't be competing. They should be quite separate.

MR CORNWELL: Would you say that at the moment the system concentrates on protection?

Mr Moore: Looking at child protection in a traditionally—

MR CORNWELL: A submission suggests that even that's not the case in relation to Marlow Cottage.

Mr Moore: The department is saying that their priority is protecting children from abuse and neglect, or responding to notifications of abuse and neglect, rather than looking at the welfare of the child.

MRS CROSS: But they're placing sex offenders at Marlow Cottage, which contradicts the act. Are there facilities available to separate sex offenders from other youth?

Ms Hunter: No, we don't have any.

MR CORNWELL: What do you suggest we do about it?

Ms Cahill: We need separate facilities. We don't have accommodation facilities for adolescents with mental health issues. They're being placed in crisis refuges.

THE CHAIR: They changed the concept from institutional care, to use the term loosely, to community-based halfway houses and community group housing. We had Chapman Hostel, Melba Hostel, John Knight and all the rest of them. John Knight, if my memory serves me correctly, was for adolescents with intellectual disability.

Mr Moore: Yes, that's right.

THE CHAIR: Am I hearing from you that when that policy and philosophy change happened that was a dumb thing to do, as far as those people were concerned, because the range of issues facing them are not being satisfied?

Ms Hunter: There was a move from institutionalisation to having people in society and part of the community. That's admirable. Unfortunately, the funds didn't follow into the community to support that system. That has been well documented in all jurisdictions right across Australia. It started to fall apart.

We find time and time again that if it is a government-run program it is well resourced. If it is a community-run program, it runs on the smell of an oily rag. It is undermining the community sector and starting to cause major viability issues. The money that ran those institutions didn't flow to the community-based groups.

THE CHAIR: You reckon it might have been getting a bit expensive and it looked like a cheaper option to go down that track?

Ms Hunter: Absolutely, yes.

THE CHAIR: I've got a funny feeling in my bones that this isn't the first time you've said this. At every budget estimates time we hear roughly the same things. Do you think that having a commissioner might add some clout? It's the political part that's falling down.

Ms Cahill: It's the political clout that that position may carry, if it is a statutory body.

MR CORNWELL: May?

Ms Cahill: Will.

MR CORNWELL: That's the point. There's no point in setting up something that is going to be another name on a door.

Ms Cahill: We would see that role as questioning service delivery through Family Services and questioning youth justice.

THE CHAIR: Having an audit role as well?

Ms Cahill: A high-level questioning of the process, and looking at individual cases, looking at youth participation, highlighting the rights of young people, getting out there on the street, getting into the communities and letting people know that young people have the right to be within the community.

THE CHAIR: Do I detect from that that there is a breakdown between the people who are charged with implementing the political will, the bureaucracy—in this case Family Services, though it could be Education or any number of others—and the non-government sector, which is delivering most of the programs, and that a commissioner could conduct an audit to make sure that partnership does work or take their role away from them?

Ms Cahill: A perfect example is placing young sex offenders with other young people at Marlow, where there may be a 14-year-old or 16-year-old sex offender with a 12-year-old female. That is against the child protection act. That has been happening for 12 months or more.

MR CORNWELL: But why?

Ms Cahill: Because there are no other options for those young people. There is nowhere else.

MR CORNWELL: Why don't you put them in Quamby?

THE CHAIR: They haven't committed an offence.

Ms Cahill: They haven't committed an offence.

MR CORNWELL: How can you label them a sex offender if they haven't committed an offence?

THE CHAIR: Offence hasn't been proven—is that what we're hearing?

Ms Cahill: We could sit here for hours and talk about how young sex offenders are discussed and the cycle of abuse that occurs within the majority of cases. They have been abused themselves. They have learned behaviour. They continue that learned behaviour. We attempt not to punish young persons.

MR CORNWELL: You have stated that there are a number of young sex offenders at Marlow Cottage. I'm told that they haven't been convicted. Is that right?

Ms Cahill: The issue is about placing a young sex offender with a 12-year-old female.

MR CORNWELL: Hang on. You've just said that they are not necessarily sex offenders. Are they sex offenders or not? If they're sex offenders, then presumably they are awaiting sentence at a court.

THE CHAIR: Not necessarily.

Ms Cahill: No. They're at-risk young people.

MR CORNWELL: That's a better way of putting it.

Ms Cahill: They're at-risk young people.

MR CORNWELL: I want to clear this up, because it's very important. We don't want the media to pick this up and say that there are sex offenders at Marlow Cottage if they in fact are children at risk.

MRS CROSS: Does the definition of children at risk mean they have committed a sex offence or that they are likely to commit a sex offence?

MR CORNWELL: I don't think you can say that.

MRS CROSS: I need to understand the definition. I'm not as smart as my colleague here.

MR CORNWELL: I don't think you can say they are likely to commit a sex offence.

MRS CROSS: Are they sex offenders?

THE CHAIR: Can I just intervene and stick my chairman's hat on. Can we have one question and one response, please.

Ms Cahill: I could spend a long time discussing this with you. People on one side say they have committed a crime, and people on the other side say it's part of the cycle of abuse. Why punish a child who has learned a behaviour from someone who has abused them? I can't give you definitive answers. Researchers don't have definitive answers. I don't tend to punish a child who has sexually abused due to their own abuse and learned behaviour. I don't know whether Tim has anything to add. If they have been sexually abused, as the majority of young people placed at Quamby have been, they are at risk. Regardless of whether they've been charged with an offence or not, the young person is at risk. Does that make a little more sense?

MR CORNWELL: Not really.

MRS CROSS: Does that mean they have committed an offence? I'm not saying they shouldn't be punished. I'm just trying to understand. Have they committed a sexual offence to be considered at-risk sexual offenders. I need to understand the difference.

Ms Cahill: If you looked at the youth justice act, they would have committed an offence. That's why they're called young sex offenders. But the offence is not an offence if it's a learned cycle of abuse. If that young person has been sexually abused throughout their whole life, it's learned behaviour. Young sex offenders tend to act out that behaviour because it has been a way that love, affection, trust and everything have been shown to them. It's learned behaviour.

Whether we see it as right or wrong, that is what that child has learnt. They then may act that behaviour out on another young person, not understanding that it's negative behaviour. It is such a major issue we're talking about with young sex offenders. It's not cut and dried. It's not about charging them and putting them away. It's about looking at the cycle of abuse that has resulted in them perpetuating that cycle of abuse.

MS DUNDAS: Other at-risk young children who need the support of a place like Marlow Cottage can't now access it, and there's nowhere else for these other at-risk young people to go?

Ms Cahill: Exactly. I've heard recently that Marlow is looking at setting up a separate program for young sex offenders in a separate house from the main cottage at Marlow. I don't know if you've been to Marlow, but it has two separate buildings. They're looking at possibly having the young sex offenders program in the front cottage, and the main building would be for the other residents. Again, I would have issues, because they would still be on the same ground.

The issue is about continuously placing seven young people, all of whom have extreme behaviours, all of whom have their individual at-risk behaviours, together in one place and expecting it to work, regardless of whatever they've been charged with and whatever their at-risk behaviour is.

MR CORNWELL: So what's the solution, do you suggest? What you're looking to is a one-on-one, isn't it?

Ms Cahill: No. We're looking at systemic change across the board so that statutory bodies that work within acts actually work to those acts. Family Services, the mental health crisis team and the police would work to their acts and engage with the youth service providers.

What we're finding at the moment is that a crisis, maybe a violent incident, will happen at one of the refuges and the police will be called. The young person has shown suicidal tendencies, so the CAT team is called as well. The young person may be removed if the police deem it necessary. Basically the police at the moment are saying, "I don't see any damage to the building, and none of your staff have been assaulted or are in hospital, so why do you want me to take this young person away?" That is even though six other young people are at risk due to the violent or suicidal behaviour.

The police may remove them. They will be taken to have an assessment. In the last fortnight I've had two cases where the assessment was not done. The young person was left to sleep unsupervised in the waiting room and left in the morning. We again called the police. I had to stand in front of a police officer and say, 'I know the Mental Health Act. It says that if this young person says they're going to take their own life you need to take them away.' He said, "Call the mental health team in, and when they tell me to do it I'll do it."

Family Services, the police and Mental Health—due to all of us being overworked and possibly under-resourced—are standing back and putting their hands up and saying, "I'm not responsible for this young person." It's then placed back on the refuge, which out of the four services working for that young person is most often the most under-funded and the most under-resourced to be dealing with that problem.

MR CORNWELL: But if they are not fulfilling the requirements of the act that sets them up, then they must be guilty of something, mustn't they?

Ms Cahill: A perfect example is the LASA youth refuge. They closed their doors last Tuesday. They put the young people who were in the house out on the street, because they had an incident on the Tuesday night. Family Services did not take responsibility, the mental health team did not take responsibility and the police kept returning the young person to the house.

There was a critical incident. The coordinator of the program—whom I've spoken to and who has allowed me to discuss this here today—said that it got to the point where everyone had put their hands up and said, "I'm not responsible." They closed their door. All the young people who were housed in LASA—

THE CHAIR: How many were there?

Ms Cahill: I couldn't say exactly. I could follow up for you.

THE CHAIR: Of the order of how many?

Ms Cahill: They take seven young people.

MR CORNWELL: Up to seven?

Ms Cahill: Up to seven, yes. They closed, and the young people were put out onto the street. Luckily it's summer.

MR CORNWELL: Nevertheless, the fact is that they're not fulfilling the requirements of the act.

Ms Cahill: And they didn't open again till Friday.

THE CHAIR: Could I bring us back to the field just a little bit.

MR CORNWELL: This is quite serious, Mr Chairman.

THE CHAIR: Agreed, Mr Cornwell. We're hearing that there are breakdowns, that insufficient systemic attention is being given to them and that there is no solution on the horizon. You are saying that if we create an office with sufficient clout, with an audit role and with the power to say to do it, there will be a greater likelihood of it being done.

Ms Hunter: That could assist that systemic reform. It is about systemic reform, and it will take some time. This is not about throwing lots more money at this issue. We think that would be a mistake. A thorough reform process needs to happen to stop people saying, "It's your client, not my client" and nobody making a decision and nobody putting in the resources.

The non-government organisations and some government programs are picking up these young people. If resources need to be allocated in the next budget, they need to go to the people doing the casework. They do not need to go into the central system, where they will just disappear and you won't see anything at the end of the day. This is about a commitment to systemic reform and taking this issue by the horns. It will not be a short process. I would suggest it will be a long-term process.

MS DUNDAS: In theory, the law is right. It's just not being implemented.

Ms Cahill: The acts aren't being worked through. Since leaving the Youth Coalition, I've been working for Anglicare, coordinating Belleden and Queanbeyan youth refuges. We had an incident in Queanbeyan that was exactly the same. I found it shocking. A young person moved from New South Wales to the ACT. We had exactly the same response from the police, Mental Health and DOCS.

I have taken it straight to the New South Wales Commissioner for Children and Young People. I've spoken to one of their officers. He was able to give me very clear guidelines as to how I can have this inquiry followed through. We would like a case history assessment of this young person, starting from three weeks of age, which was when he went into care.

Because DOCS management refused to speak to me, we took it above their head. It has gone to the CEO of Anglicare as well. We have had critical incident after critical incident in the last month.

THE CHAIR: In Belleden or in Queanbeyan?

Ms Cahill: Both. We have young people moving. We have a refuge cycle. They move from one refuge to the next. With LASA closing their doors, there were more young people. LASA closed for two days to make repairs to the building and to deal with staff issues.

Ms Hunter: And to counsel staff.

THE CHAIR: Are they going to reopen?

Ms Cahill: They reopened on Friday morning. They were closed for two days. We may drop the number of beds in our programs to four to deal with the extreme behaviours of the young people. We're funded as a crisis seven-bed, but if we drop to four we will be

facing issues with our contract manager. We have up to 10 phone calls a day from young people themselves and from other referral agencies looking for accommodation options. We have a huge need for crisis accommodation for young people, for mental health, for sex offenders.

THE CHAIR: I want to follow this line a little bit, because it goes to the welfare of kids. My memory is that there wasn't always a healthy relationship between the child health and adolescent unit and the full-on part of Mental Health which controls CAT. Do we have a breakdown there as well? Are you telling us that the philosophy of mental health services, particularly crisis mental health services, for young people in crisis and needs to be looked at? We have adults attempting suicide or acting really badly. An example was that guy in Chapman who was shot last December. Are you telling us that there is a distinct group of young people that need to be looked at as well?

Ms Cahill: The OCA mentions that in their submission to this inquiry. The wording of the act was changed. It was previously emotional/behavioural.

Ms Hunter: They've taken out "behavioural".

Ms Cahill: All these young people come through these issues, but they've changed it, so when they do assessments they say, "This young person doesn't fit into our category."

Ms Hunter: They focus more on the critical end. We need more at the other end, the preventative and early intervention end.

Mr Moore: My understanding is that the CAT team and CAMHS have done a significant amount of work to try to improve their relationships, in particular for after-hours support. Up to now the CAT team, who haven't necessarily been trained on youth issues or how to work with young people, have taken those calls and have acted in ways that probably weren't the best for the young person. My understanding is that they're reviewing the way they're working and there's talk of possibly a CAMHS worker now attending as well. In the interim we're bombarded with young people every week—

Ms Hunter: Day.

Mr Moore: Yes, every day. We are bombarded with young people who aren't being offered the support they need. Taking Anglicare, that's through all those services—the Junction Youth Health Service, the refuges, the young carers program. Young people who have fairly significant mental health issues are not being accurately assessed or supported within the system.

THE CHAIR: Is one of the reasons for that that the practitioners in the mental health game use the definition of mental illness under the act as a way of reducing their client load instead of expanding it?

Ms Cahill: Exactly. When we talk of mental health with young people, we're also talking of dual diagnosis, which is drug-affected mental health. There is a multitude of dual diagnosis.

Mr Moore: Again, that's juggling. It's not a drug and alcohol issue, so they throw it to Mental Health. Mental Health say it's not a mental health issue, so they throw it back. Young people aren't being provided with support from either of the sectors, because there's infighting. I suppose it goes back to the possibility of the commissioner building protocols which are sustainable and which are monitored so that those problems can't happen.

MS DUNDAS: Do you think the Official Visitor has a role in working with the young people in refuges, as opposed to being in Quamby, in taking issues to the next level?

Ms Cahill: Once the Official Visitor goes in, he will then report internally. The Youth Coalition has questioned in the past how appropriate that is. We believe there should be an external reporting mechanism. If the young person is aware that the Official Visitor reports internally, how much scope for freedom of expression does the young person have? For an extended period in the last 12 months there was no Official Visitor at Quamby. We brought that up as well.

Ms Hunter: I think what you're talking about is extending it to refuges. We would have to think about that. You have the Official Visitor because young people go to Marlow and Quamby as compulsory placements, and their liberties and freedoms are taken away. That is why you have in place that important role—to ensure that their rights are safeguarded. It's a very different situation in the refuge, because it is voluntary and they can walk out the door at any time, although there can be cases, I suppose, when they are bailed.

Ms Cahill: Yes, when they're on court orders through youth justice to reside as directed. If they leave, they're breaching their bail conditions.

Ms Hunter: And then they're taken off to Quamby for the night.

Ms Cahill: They're taken to court.

MS DUNDAS: There has been a lot of discussion in this inquiry about the turnover of family services staff in the departments and how that's impacting on young people. How is the turnover of staff in the community sector, staff under stress at the refuges and those kind of things impacting on the work with young people? I am assuming there is a turnover.

Ms Hunter: There isn't the same turnover as you will find in family services. In one way that's quite surprising, considering the terms and conditions and the pay rates you work under. For people who work in the non-government sector, it's more than just how much your pay packet brings in. There's a commitment to something more idealistic. It's seen more as a vocation.

Obviously there is an issue in the sector generally about being able to recruit and retain people who are highly skilled or have tertiary level education. The SACS award increases have gone some way towards that, but of course a recent Industrial Relations Commission decision takes us a step backwards again.

I don't know every refuge or every service out there and what their turnover is, but my general feeling is it's nowhere near what we're finding in family services, where you'd have close to a 50 per cent turnover in staff, despite the fact that a considerable amount of money was put into family services to raise the pay rates as a strategy to try to retain staff. That has not worked. I go back to the comment that it's not about pouring in lots more money; it's about looking at systemic change. A number of submissions we have read, particularly the OCA's, are very much about that. It's about systemic change.

I reiterate that if the extra funding needs to go anywhere it is to the foster carers, to the youth services who are doing the casework. Family Services may be continuing to case manage to a degree, but the actual work is being done by those organisations on the ground.

Some of our members have said that Family Services in a lot of instances is a referral service. It's a very well funded referral service. It needs reform, not just review.

MS DUNDAS: In your submission you raised the question: are inquiries such as this one simply so that the ACT government can meet their own internal obligations, or are they to achieve recognisable positive outcomes for the young people in Canberra? Can you tell me what you would see as a recognisable positive outcome from this inquiry?

Ms Cahill: Where would you like me to start?

MS DUNDAS: Tell it all.

THE CHAIR: In 10 words or less.

Ms Cahill: I guess the things that we've been talking about here this afternoon. Systemic changes definitely need to be made. We need to look at the legislation people are working on and at working within that legislation.

Ms Hunter: And establish a commissioner who can monitor that, who has more clout and who can drive reform of the system to ensure better outcomes for young people generally. A commissioner is right across the board. I suppose a very important role is with vulnerable, marginalised disadvantaged young people within the broad group of young people in the ACT.

I want to table a list of issues that came up through the SAAP sector. I believe it was given to the department, but there hasn't been a response yet. I have been asked by Marilyn Graham of Lowanna Young Women's Service to table that with the committee today. I also want to table an anonymous letter I received through the mail. It details concerns regarding Family Services. It says the same things as we're hearing around the place.

THE CHAIR: We're quite happy to receive the first one. We're not in the game of receiving anonymous mail.

Ms Hunter: I think we have covered that anyway. It picks up the one I've given you. It's about the same sorts of things you're getting through your submissions and no doubt through the oral evidence.

In our submission we talk about legal services to young people. On Monday the doors of First Stop, the legal service and referral service for young people, opened. It is a partnership between Clayton Utz, Legal Aid, ANU law students and us.

MS DUNDAS: There's no government funding for that?

Ms Hunter: No, not at this stage.

THE CHAIR: You're looking forward to the budget consultation process, no doubt.

Ms Hunter: The money that has been put in by Legal Aid will only go till the end of the financial year, so that is something we would obviously be putting into the budget round.

THE CHAIR: We look forward to seeing that. This committee will be charged with participating in the budget consultation process, so no doubt we'll see you again on that issue.

MRS CROSS: I've got a double-barrelled question. What role would a youth liaison officer have if one was appointed to the AFP, and what do you think of criminal checks similar to those in New South Wales and Queensland on people working with children in the ACT?

Mr Moore: My experience is that it has been very positive. People aren't necessarily being identified with the checks, but enacting them shows the commitment of agencies and the wider community to the protection of children.

MRS CROSS: So you agree with them?

Mr Moore: Absolutely, yes.

Ms Cahill: Yes, endorse them, definitely.

Mr Moore: But acknowledge that that isn't necessarily going to safeguard children. A whole range of other steps need to be taken as well. It's not a one-fix solution.

Ms Cahill: We had a youth liaison officer in the ACT through the juvenile aid bureau, which was defunded in the 1980s. The bureau worked very well. Officers quite high up in the AFP said that it worked well. I guess it is again down to funding within the AFP as to why that was taken away. If there was a youth liaison officer, we would see them as having two capacities, one being as an advocate for young people's rights within the system and the other as being a community officer, community police.

I had an interesting discussion recently that concerned me. They said that the police were only law enforcement officers. I questioned at what point they lost their sense of community work. I believe that when a police officer is out on the streets he is a community officer.

MRS CROSS: Their recent ads indicate that.

Ms Cahill: Exactly. But I was told definitely that they only have time for law enforcement.

THE CHAIR: Who made the statement? Was it some young constable?

Ms Cahill: No, it was an older officer.

THE CHAIR: A police officer?

Ms Cahill: Yes, an older officer within the force. I questioned him on that, because I've been to some crime prevention conferences, and nationwide they're saying, "Let's get back to community policing, because once we have that rapport we don't have to charge so many."

THE CHAIR: That's something the Chief Police Officer has been promoting quite significantly. I think he'd be very interested to hear that perhaps he has missed the target a little.

Ms Cahill: Yes, exactly. At high levels within the AFP they say they do a lot of things well in the ACT. I agree, but they struggle with issues around young people. A youth liaison officer could be a bit of a stop-gap working closely with the sector and facilitating training for all officers.

Ms Hunter: Yes, the training of all officers is very important.

Ms Cahill: For several years the Youth Coalition has tried to access the training program, but we aren't factored into their training process. But we see that as very critical. If you are looking at developing effective relationships for young people and police officers, then there has to be training in place.

THE CHAIR: Is that a disconnection between police management and the non-government youth sector, or is it just peculiar to Youth Coalition?

Ms Cahill: I'd say it's at all levels.

MRS CROSS: You can take the question on notice.

Ms Cahill: It's at all levels. An officer attends when I call him as the coordinator at one of the refuges. Having had extensive experience in this field, I say, "This young person said that they're going to take their life. Can you please take them away?" They say, "No, I don't have to do that." I shouldn't have to explain to a police officer what their role is and why it is a critical incident when the child is 14 years old. If we had a youth liaison officer, we could look at building and developing relationships and at core training in young people's issues.

Ms Hunter: It's also about having a more positive outcome from the first contact a young person may have with a police officer on the street, with both of them coming away having had a better contact. That is also being picked up and looked at through crime prevention.

THE CHAIR: Thank you very much for sparing us the time to come to talk to us. I've got an awful lot out of what you've told us, both in the way of something new and in the way of something reinforced.

Mr Moore: I'd like to offer our support in organising an opportunity for young people to have a voice.

THE CHAIR: Can I take you up on that offer? We're very keen to listen to what young people have to say. We are happy to leave the suits behind, go out of this building and go down on site. Talk to Jane Carmody, our committee secretary, and stitch that up. We'd be delighted to come down there. We propose to report to the Assembly around March, so there will be time, I'm sure, between now and then for us to fit in with the demands of the young folks. We'd rather go to them at their convenience than have them come here. If they come here, we're going to get nothing.

Ms Cahill: We thought we could have a mixture of young carers and young people within the refuge system.

THE CHAIR: All of those discussions would be in camera. We would have a record of the meeting merely for internal consumption, but there would be no authorisation for publication.

Ms Hunter: Absolutely. That's the way we would want to see it.

THE CHAIR: That's fabulous. Thank you for that.

MARY HYNDMAN and

SIMON ABBOTT

were called.

THE CHAIR: Thank you very much for sparing us the time. As you know, we are doing an inquiry into the rights, interests and wellbeing of children and young people in the ACT. You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections, but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation, for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter. We are advising every witness of that as part of the process within the Assembly.

These proceedings are being broadcast around the Assembly building and in certain public service offices, as you may know, and a member of the press is here. I would like each of you to identify yourself and the organisation you represent for the Hansard record and then perhaps make an opening statement, and then we will just see where it takes us.

Ms Hyndman: I am Mary Hyndman and I am an Official Visitor, visiting Marlow Cottage and the Quamby youth detention centre. We operate under the Children and Young People Act 1999.

Mr Abbott: I am Simon Abbott. I am the other Official Visitor. We have been employed for a period of about five months. We were given a letter of offer by the minister and that is where we became involved. And yes, it is Marlow and Quamby that we visit.

THE CHAIR: Did you have a backlog of work to do when you took up the job?

Mr Abbott: Probably not a backlog; probably more that we came into a role that wasn't really defined and wasn't really formalised. Apart from a couple of paragraphs in the act, there wasn't really a lot to go on and we didn't have the opportunity to talk to the previous Official Visitor, which had some problems, and we didn't have the opportunity to see the Official Visitor's previous report. So all of those were concerns to us coming into it new.

MS DUNDAS: Why were you not able to see that report?

Mr Abbott: That wasn't available at that time. We were able to see the one from the year before.

MR CORNWELL: What do you do?

THE CHAIR: Before you get down to answering that question, and it might assist in the answering of that question, you mentioned some definitional problems. Does the act give you clear direction and definition in the way it stands at the moment or does it need any refinement?

Mr Abbott: My opinion is that it does give guidelines, but on a practical day-to-day workload, no, not really. We, I think, would like the opportunity to be involved in any rewriting of that act. For example, who do we report to? It does give the answer, but it is fairly convoluted. For example, the previous people who were in here were saying that we report internally. We are expected to report to both the chief executive and the minister and also to send that to the OCA and, where we see appropriate, to other people. So we would like to tighten it up, probably.

THE CHAIR: I invite you to let us know by jotting a few pointers down later, so as not to hold up the hearing, as to where you felt that that could be tightened up and we can look at it from the committee's perspective. Mr Cornwell would like you to tell him exactly what you do.

Ms Hyndman: The act actually lists the functions of the Official Visitor, but there are lots of things that it doesn't say and which we are attempting to define for ourselves now so that we have a working protocol. Some of what we are trying to define now could be reflected in the act, as a short answer to what you are asking.

MR CORNWELL: Do you go in and take notes of complaints from people? Do you go in and check that the beds are made or the places are cleaned up and that the food is all right, et cetera?

MRS CROSS: Assume we know nothing about your role; just explain what you do.

Mr Abbott: We have written some notes here, but what I might do is read them and then come back and tell you in laymen's terms what we actually do. Mary and I are given a lot of freedom, which is great, so a lot of these are going to be our words and we hope that they fit under the legislation.

Our aim is that we advocate for young people by ensuring that their rights and interests are being served in the institutions that we visit, and we do this by making regular visits, fortnightly at this stage or more if needed, inspecting the premises, hearing complaints of young people or other people concerned with those young people, investigating where appropriate, ensuring that complaints get dealt with in an appropriate and timely fashion. Where appropriate, we carry out an investigation in relation to a complaint. We also carry out monitoring and reporting functions for the resolution of complaints.

We communicate informally to a range of departmental officers and we make formal reports available to the minister and the chief executive officer, all in relation to those investigations, and we also engage in other activities that support our role, such as regular meetings with the OCA and other people that we see appropriate.

Mary and I take it in turns, month around. One month will be Mary's and one month will be mine. Obviously, there is an overlap. If there are fairly major issues, we will both be involved. We will go into the institutions, usually at a time not organised. If it is Marlow, for example, we would go through the log books, go through any incidents, look at client files if we need to. We would then make ourselves available to the young people, usually through informal means, going out and having a conversation with them, asking them if there is anything that they would like to have a conversation with us about and then taking that into a private situation.

The complaints can range anywhere from the food being terrible—if we go into Quamby and we don't get that one, there is something wrong—to safety issues, which is probably more of our concern. A lot of the times we will then report back on an informal basis to the unit manager, because there are some things that do not need to go to the minister.

Recently, a young person said, "I didn't have a chair to do my homework on and I had to kneel at my desk." There was no need for me to ring the minister, so I spoke to the unit manager and he organised a chair. That sort of stuff works quite well. That is the day-to-day stuff and perhaps you want to add to that.

Ms Hyndman: I will just have a think here. It is important that we have decent and cordial relations with the managers of the centres that we visit, but, where we feel that things are not being properly attended to, we have a range of other actions that we can take, and that involves pursuing people at a higher level in terms of decision making. That is something that we regularly do.

Ultimately, even if we didn't have an investigation, if we didn't investigate a particular concern or a complaint, we could take something up to the minister, if it wasn't being attended to in what we would regard to be a timely or appropriate fashion. We haven't yet had to exercise that, but that is potentially there.

We certainly would report to the minister on a yearly basis, with a comprehensive report. I think the other thing that is important about our role—and this may differ from, for example, the OCA—is that we can take a complaint or concern from anybody in regard to a centre or a young person at that centre. So that gives us a fair bit of leeway in terms of how we become involved in situations.

I need to say that we are also exploring some alternative ways of allowing people to access our services or communicate with us, so we are expanding the normal means of dropping into the centre and seeing if any young person wants to see us, to things like a locked box where young people, or their family members, can drop us a note and say that they would like to make contact with us.

Mr Abbott: Coupled with that is advertising our role as well. If the family of a young person who is at Quamby had a complaint, I don't think that they are being told who we are and how to access us. We have spoken to the relevant people and we are looking at putting some posters up inside, possibly letters going home to people that are there longer than a week, so that the families know and other people. We spoke previously to representatives of the Youth Coalition about saying to workers in the community that

if they have particular complaints about young people we are able to field them and investigate them.

MS DUNDAS: Can you only deal with complaints that are current, where the young person is currently in Marlow or Quamby, as opposed to retrospective issues that have been raised?

Mr Abbott: The way it has been told to us is that it is current, people who are residing in those institutions. The issue may not be current, but it is to current residents. That is our area.

Ms Hyndman: It might be that there are continuing difficulties, let's say like with the facilities.

MS DUNDAS: Yes, systemic issues.

Ms Hyndman: Yes. Well, that is another situation. But let's say like it is a continuing situation, let's say like substandard accommodation that has affected a previous young person and that is a continuing situation. That would be something that we would take up. But if a young person had a certain experience in the place six months ago and that young person is gone, we wouldn't take that up.

MS DUNDAS: Even if it were perhaps a systemic issue.

Ms Hyndman: If it is a continuing systemic issue, yes, we would take it up. By systemic, I mean to do with that centre.

MS DUNDAS: Yes, if somebody working there was not systemically working properly, but was somebody who had been out of it and, because of whatever, it took somebody who had actually left the centre to raise the issue.

Ms Hyndman: Yes, I would say that would be something that would be proper for us to look into.

MRS CROSS: Why wasn't a basic thing like a chair handled by the centre? Why did you have to address that problem as it is such a basic issue? I would see your role as being a little bit more significant than getting a chair.

Ms Hyndman: It is everything from go blimey to whatever.

Mr Abbott: But if that comes up, we are certainly going to deal with it as well. If the young people don't like the sandwiches, for the sake of the young people and to get their confidence and their trust in us, we say to them, "We will take this on. Are you prepared for that?" We let them know that we are going to do or say something about that. Some things can get dealt with. A chair can get dealt with straightaway. The sandwiches are an ongoing issue.

MR CORNWELL: You are the Official Visitors to Marlow, are you not? Would you like to comment on the remarks about the sex offenders being accommodated there? Does this fall within your ambit of responsibility?

Ms Hyndman: It is an issue of concern to us.

MR CORNWELL: And what do you do about it in this case rather than a chair?

Ms Hyndman: Let's go back to the chair thing. That is an important issue to a young person who is trying to do homework.

MRS CROSS: I am not minimising the importance to the young person.

Ms Hyndman: But as to why the young person hasn't said to the unit manager or to one of the workers, "Look, I need a chair," I don't know. Who knows? For all kinds of reasons.

MR CORNWELL: Can we get back to the situation with the sex offenders?

Ms Hyndman: For us, if I can speak for both of us, I think the issue of concern about the sex offenders is not so much that they are sex offenders but it's the complications that young people with that sort of background, history and potential problem behaviours bring to a residential situation.

Some of the flow-on effects of that are that those young people are pretty well unplaceable or difficult to place in other accommodation. Marlow is supposed to be emergency, last resort accommodation, and I think the working agreement there is like a 21-day turnaround. I don't know if that is written down anywhere or if that is just an administrative arrangement that has been made with Family Services. These young people, young people with that sort of background, are not easily found foster placements or any other accommodation. So we are facing a situation where those young people have been long term within that house.

That fact then flows on to another difficulty, which is that it makes it very difficult to place other young people in there, particularly those young people who are young and/or vulnerable. Then that makes an access and equity issue for other young people who may need that emergency accommodation. Another of the flow-on effects of that is that if, indeed, you are going to have young people with those sorts of complicated behaviours and difficulties, then you need staff with specific training to be able to handle them, and we have seen that that is also an issue or a problem. Perhaps you would like to speak a bit more about that.

MR CORNWELL: What representations do you make and to whom do you direct them in relation to this issue?

Mr Abbott: We raise issues regularly with the director of family services and our reporting will be to the minister and the chief executive. For example, it is very much an accommodation issue, and our question is: is the priority safety or accommodation? We tend to feel that our priority is perhaps different from what is occurring. For example, it

is not just the young sex offenders, but it is also young people who have a history of physical violence.

Recently, we had an issue with a young person staying there, a 15-year-old, and a younger person who had made an allegation about that person, but they were both residing in the same place. Our question was: how can this be as this is not acceptable? The response we were getting was that there was no other accommodation for this person.

My overall issue is that there is a changing nature in what Marlow is and what it was set up to be. It is now a de facto place for young people that have no other options. Therefore, if you are putting them there, they are going to be at risk to other young people, and you are also closing beds to young people that really need that opportunity.

MR CORNWELL: What was it originally set up as?

Mr Abbott: My understanding was that it was a place for people with challenging behaviours, but I don't think it was envisaged that young sex offenders would be accessing that service. Therefore, I hope that when people make referrals to that service they have an understanding of the type of people in there. Recently, we have had 10-year-old and 12-year-old girls and boys in there. I would speak very highly of the staff that are in there. However, I believe that they were employed and trained to be workers in a crisis accommodation centre, not to be workers on a young sex offenders program. I don't believe that there is a young sex offenders program that is working effectively for these young people.

MS DUNDAS: We have received evidence about young people staying in Marlow for close to a year.

Mr Abbott: More than.

MS DUNDAS: More than a year, definitely over 100 days at a time, when there is generally the idea that it is emergency accommodation and we are talking of three weeks. What do you see needs to happen to address the long-term nature of people staying there, but also the mixture problem?

Mr Abbott: I think that young sex offenders are a major issue here. The young people that stay there longer than three weeks generally fall into a category of serious challenging behaviour. One of those could be sex offending behaviour. As Mary said, it is very difficult to have a foster placement for someone that has that sort of background. There is a move at the moment—it has been going on for the last two weeks—to set up a cottage next door to Marlow as a transitional program so that young people with some of these behaviours can move into that accommodation. I suppose that the hope is that they will go through some sort of program that assists them to move into independent living.

Ms Hyndman: That is happening now.

MS DUNDAS: You are talking about 16-year-olds moving into independent living.

Mr Abbott: At the moment, the next door cottage is semi-independent, so there would be one staff member there, but the idea, I believe, is to move them into independent living. I think the thing is that there are no options for these young people but Marlow.

MR CORNWELL: You are right.

Mr Abbott: You are very much right, yes, I agree. But what are we looking at, safety or accommodation?

MS DUNDAS: I am just sceptical that there is anywhere for independent living for anybody at the age of 30 at this point in time in the ACT.

Ms Hyndman: I think the paucity of accommodation is an underlying issue here, and that is why these young people have been so long in Marlow. One of the things that have been mentioned to me a number of times is that there is no emergency accommodation, let's say, on the south side. If that were available, perhaps that would remove the logjam at Marlow and make it more accessible to other young people who need that emergency accommodation. There is also a paucity of accommodation for young people with very challenging behaviours. I think that the underlying difficulty is that there are just not enough places.

MS DUNDAS: So we need more facilities.

Ms Hyndman: More facilities, yes.

Mr Abbott: And programs. At the moment, the only program that I am aware of is a young sex offenders program which goes for two hours per week and the young people report to us that they are not getting consistent staffing on those programs, so they are going in and having to tell their story over and over again and it is just not meeting their needs. I would question two hours a week being enough anyway. But my second point to that is that if a young person is going for two hours per week, they certainly need somewhere that they can process what is happening in those two hours. If they are going back to Marlow Cottage and they are needing to process it, they are processing it with untrained staff.

MR CORNWELL: Also, you can't put a 16-year-old out to independent living. How do they live?

Mr Abbott: I agree with you.

THE CHAIR: Perhaps we are hearing, in fact, that there is a need for specific accommodation for people who have particularly violent tendencies or sex offending behaviours.

MRS CROSS: Or mental health issues.

THE CHAIR: And mental health issues and we need to have accommodation specific services and that, in itself, would free up the beds at Marlow. You could have a similar thing duplicated on the south side, where you have two buildings, or you could actually have another building which was behaviour specific built and it really wouldn't matter where it was, but the south side would do because that is my electorate, and then you could actually free up a lot of the accommodation. It seems to me that either of those two options would provide an enormous amount of relief and that, at the moment, one of those options has to happen.

Mr Abbott: I think there would be a concern over labelling a program a young sex offenders program and this house as where all the young sex offenders live. I think there would be a concern about that within some areas.

THE CHAIR: How do you get around the issue of the difficulties of integration without having that labelling? There is no label on the sign out front about Marlow being for behaviourally challenged kids, but everybody who has ever had a kid in difficulty knows that that is what Marlow is all about, so the labelling applies already. Even if you put them in the building next door and that was where all of the kids would go, then by definition you are going to cop the labelling, aren't you? Is there a way out of that?

Mr Abbott: I don't think I have a solution to it. I know that in New South Wales YOTS—Youth off the Streets—have just opened a young sex offenders program around the Sutton Forrest area, I believe, and the idea behind that is to take young people to that area for some intensive work and then bring them back into mainstream services. It is only a fairly new thing; so, whether that works or not, I don't know.

THE CHAIR: Work experience. Take them out of their homes, stick them in work for a while and take them back home again.

MRS CROSS: What is your opinion on the possibility of an expansion of the official visitors' role?

Mr Abbott: We understand that there is a mental health official visitors program and we support that. We don't know enough about that. We certainly see a need for it and, going into the psyche unit at Canberra Hospital, we see a need for that, so we support that. We are currently going into Quamby and Marlow and we obviously think that that is very necessary. We think that there are other areas that need an official visitor. For example, the Ted Noffs Foundation has a three-month residential program for drug rehabilitation which a lot of young people go to instead of Quamby. They are there for three months and we really question their avenues to make a complaint, being that it is a three-month—

THE CHAIR: That is court ordered, too, isn't it? They get a choice; they can go down here or go there.

Mr Abbott: Yes.

Ms Hyndman: Forced choice, yes.

THE CHAIR: The court says, “Thanks for your choice. I order that.”

Mr Abbott: Yes.

THE CHAIR: Your role, in fact, is where the court says, “You are going to do that.” That is where your services kick in. There should be no reason why, in fact, you can’t go to any facility or service that the court has said a young person must attend and say, “We are here to advocate, if necessary.”

Mr Abbott: Yes, but, from what I know, it doesn’t happen a lot that the court will order; it is more that a young person will be directed to reside as directed by Youth Justice.

THE CHAIR: The court says that, though, doesn’t it? The court orders it.

Mr Abbott: Yes.

THE CHAIR: The management process just happens to be the administration of the agency.

Ms Hyndman: Youth Justice administers it.

Mr Abbott: Sure.

MS DUNDAS: So you are watching the buildings; you are not watching children under direction?

Ms Hyndman: Basically, wherever there are children and young people living, by force, in a situation outside their home, there should be someone to look in on them.

MS DUNDAS: That is where you think you should be.

Mr Abbott: And that can include refugees.

THE CHAIR: Is this the definitional change you were talking about earlier, where you need to have better discretion by clearer definition?

Ms Hyndman: Yes.

THE CHAIR: And the definition is, as you just said, where somebody is forced at law to stay somewhere outside their home and you should have the freedom to check it.

Ms Hyndman: Yes. Whether it is court ordered, departmentally sanctioned or whatever, if a young person or child is living in that accommodation and away from their family, someone should be looking in on them to make sure that they are okay and they are getting the care that they need and deserve. Certainly, the two places that we visit are not the only two where young people are in that situation, so I would say that there is a huge gap. You may be looking at perhaps an official visitors’ program where we have a range or a number of official visitors that are working in these centres. I don’t know how many

you would need. That would be something that would have to be worked out by other people.

THE CHAIR: We have been talking about the possibility or the need for a commissioner for children and young people. With respect to the official visitors' statutory independence, which has to be paramount, otherwise kids won't talk to you, do you see any relationship between yourself and such an office? Do you have a feeling on whether such an office would be complementary to your particular role or would get in the way?

Ms Hyndman: I think it would be complementary. I think different states handle that in different ways. I think Queensland has got a program of visitors that are attached to the children's commissioner's office, but I think that the fact that we have independence and that we have the potential to report directly to the minister is an advantage. But it may be that our role could have an administrative link to the office of, as you called it, the child and youth commissioner or whatever.

THE CHAIR: You can call it carrots, if you like, as it doesn't really matter.

Ms Hyndman: The children's commissioner. It could be administratively linked, and in some ways it could enhance our role in that it would give us an office, an address and a phone number where we could be reached. I think that could be quite useful.

MS DUNDAS: At the moment, you are only being contacted when you are on the ground?

Ms Hyndman: Yes, but we are trying to rectify that through a locked box and also we have a post office box and an email address, so that will be the main ways that people can contact us or through the administration of either of the centres, but not everyone feels comfortable about doing that.

MS DUNDAS: Can I ask a specific question? We have received a copy of the report of the Office of the Community Advocate into Marlow Cottage 1999-2000, which raised a number of issues in terms of the young people in care not having a lot of understanding or control over what was happening to their case, in a sense. Are you still finding those problems that the kids don't know what is going on in Family Services in relation to them, that they are not being consulted, et cetera?

Ms Hyndman: That is what is reported—maybe not in every instance, but it is not an uncommon thing, or they may not know when their case is up for mention as they haven't been contacted by legal aid or they haven't heard from their caseworker for a time.

MS DUNDAS: What is being done to rectify that?

Mr Abbott: That is certainly an area that we would advocate for. For example, one boy who has been there for over a year now and one boy who is coming up to a year, that was certainly something that we took up as soon as we started the position and spoke to both their caseworker and the team leader of the caseworker and then reported back to the

young people as to what the status was. We regularly telephone them and find out what is going on and report back to the young people about that.

Ms Hyndman: At a systemic level—

MS DUNDAS: But that doesn't necessarily fix the systemic problem.

Mr Abbott: No.

Ms Hyndman: It is systemic, and to some extent that is where the OCA comes in, because that is one of the differences between what we do and what they do. There is obviously an overlap and sometimes we are involved in the same issue, but if it is overall the case that there isn't enough contact between caseworkers, youth workers or Youth Justice workers and the young people that they have oversight of, that is a systemic issue that really needs to be taken up by the OCA. We certainly would advocate and push for contact for those young people that we meet who have that situation.

MS DUNDAS: But are you saying that it is a systemic issue that needs to be addressed? We keep hearing that young people aren't—

Ms Hyndman: Well, if you are hearing it and we are hearing it—

MS DUNDAS: I guess I wanted to check that you were hearing it, too.

Ms Hyndman: Let's say that it is not an uncommon situation.

MS DUNDAS: Because we have had a number of people say that the lawyers representing young people don't know what is going on and don't listen to the young people. The young people who have a very clear idea of what it is they want are being ignored because somebody else is making the decision about what is in their best interests. I just want to find out if it is true in your experience as well.

Ms Hyndman: I have heard that from young people.

Mr Abbott: That is what we are hearing, yes.

THE CHAIR: That is what we want to hear, too, that you are hearing that from the young people and therein lies the point that was just made. We heard from solicitors that the people in the legal profession are, in fact, trained in family law matters and not in children's matters and they are bringing their own preconceptions to the process and advocating the way they think is best for the child or they are taking advice from some adults and progressing that, but what they are not doing is listening to the young person who says, "That is not what I wanted at all."

MS DUNDAS: You say that you are taking on the role of being a conduit between the young people and the system. What else do you see could be done? Being a conduit is something that you are taking on separate to your roles or possibly outside the legal definition of your roles. I am not saying that you should stop. How do we fix the systemic problem?

Ms Hyndman: We are an advocate for the young people.

Mr Abbott: So I don't really see that as separate to our role.

MS DUNDAS: How do we fix that systemic problem? Do you have any ideas?

Ms Hyndman: I imagine, just off the top of my head, that there are probably two components to it. One of them is a resourcing issue.

MS DUNDAS: Of the legal services?

Ms Hyndman: Of the legal services or of Family Services, so it may be a function of huge case loads and not enough time to do a job in the way they probably would like to do their job. That would be probably one idea. The second idea would be some philosophical approach to the job that may be quite different to how the young person might see that the job needs to be done. That is just a hypothesis.

MRS CROSS: I want to ask you a question I have asked everybody else. Do you think that there is a need for criminal checks similar to those in New South Wales and Queensland on people working with children in the ACT?

Ms Hyndman: Yes.

MRS CROSS: And why do you think that?

Ms Hyndman: Because I think the children and young people are vulnerable and I think that adults with prejudicial backgrounds are often attracted to working in environments where there are young people. I don't see that that would be a bad thing.

MRS CROSS: Do you think that it is a foolproof way of protecting our children?

Ms Hyndman: Nothing is foolproof, but I think it would be a heck of a good first step.

Mr Abbott: It would be a good first step, but the second point to that is: what about people who offend once they already have the position? If a person has been working for five years, but two years ago they committed an offence, that is not going to show up in their record check.

MRS CROSS: If we had something like that, would you like it to be retroactive from the time they started the assessment, or would you like to go back even further to before they started?

Ms Hyndman: No, I think we had a criminal history check and I think they only went back five years.

MRS CROSS: Okay.

Mr Abbott: But I think that that is something that needs to happen.

MS DUNDAS: Is there something you are not telling us, Mary!

Ms Hyndman: No, not a thing; I am clean.

Mr Abbott: I don't know how it would be done, but if a person is working with young people and some sort of offence is committed, that needs to come out. I don't know how that is done.

MS DUNDAS: John raised the question earlier of the role of a commissioner for children and young people. Do you see that they would be able to look into the concern you have about young people who enter the system not knowing their rights; that, instead of you promoting it, the commissioner could promote it?

Ms Hyndman: One of the great benefits, I think, of having a children's commissioner is that they would have that public education role and they would also be able to empower young people to speak out and provide a focus and a voice for young people. Possibly, the children and youth commissioner would have a capacity for promoting and educating the general community about the rights of children, making that a good thing, and they could have that oversight of the various programs and services for children and young people—not necessarily coordinating them, but at least they would know where they all are and that could help with efficiencies and stop the duplication of programs.

A children and youth commissioner could influence system-wide change, I suppose, in a way that official visitors can't. Whereas we try to do the best we can with the institutions that we visit and, hopefully, feed back into the system what might have some influence on them, I think that the commissioner would have a very targeted role in being able to influence that system-wide change and make the community a more child-friendly place. I think it is a tremendous idea. I know that the ACT is a small jurisdiction and that may present some difficulties, but I think that the idea is a great one. It would really put the focus on children and young people in a way that no other role can, no other body or current organisation can.

MRS CROSS: One of the comments made to us earlier was, "How many people do you need between a child and a decision?" That was from a very frustrated person who was very tired of having to deal with many levels of bureaucracy to find someone making the decision on issues. It appears from some of the evidence we have heard that people are passing the buck and don't want to take responsibility. Do you think that having someone else do it absolves everyone else? Why have we got everyone else around to do the job if we are going to have a youth commissioner?

Mr Abbott: I see that person more as a knowledgeable broker who can direct young people to the appropriate source, so that they only have one person to contact, the commissioner, on who to go to with an issue and the commissioner would know the right person to go to.

Ms Hyndman: I wouldn't see the commissioner as someone who takes complaints and investigates them and then makes a decision about them. I think that that probably can happen somewhere else. But I see them as having that larger focus.

MRS CROSS: What would be their role, if they are not going to take a hands-on approach to the problem?

Ms Hyndman: From what I understand about commissioners in other jurisdictions and those that work and those that don't work so well, those that get tied up with the minutiae of dealing with complaints don't get onto the systemic change functions, which I think the role is about. It is about education and creating an environment that is child friendly and making certain that the services, programs and policies are there that support best outcomes for young people.

MRS CROSS: Isn't that something the Community Advocate should be doing and you probably do as well?

Ms Hyndman: To a small extent, but you have to understand that we visit two institutions. We try to give feedback up through the system, but that isn't going to create big change, I don't think. The OCA has a very broad brief and has a children's section within it. I think some of the things that that section does would be commensurate or compatible with what a children's commissioner would do, but I don't think it could do everything that a children's commissioner could do.

THE CHAIR: Being mindful of the time, I call for a final question from each of the members.

MR CORNWELL: I wish to follow up on Mrs Cross' comments. We talk about having a children's commissioner, but I am not sure of the extent to which that person is needed and I am not sure of what the job would involve. I am conscious that there are thousands of young people and children out there who seem to be managing pretty well.

Ms Hyndman: Sure.

MR CORNWELL: Are we focusing specifically on a small group, such as those you visit at Marlow and Quamby and, obviously, some others who can be regarded as at risk or in a situation of neglect? If so, even if we had a children's commissioner, how would we access those people, or would we only find them when they eventually surfaced through the courts or something like that?

Ms Hyndman: I guess it is a commissioner for all children and young people, not just the ones that have problems or are at risk.

MR CORNWELL: You can see what I am driving at here. For those who aren't at risk, the vast majority out there, I wonder what a commissioner for children could do for them. Have you any ideas?

Ms Hyndman: I think we have canvassed a lot of them, and that is creating an environment that is child friendly and making certain that the services, programs and policies are there that best meet the needs of children and young people and having oversight of them.

MR CORNWELL: But what about their parents?

Ms Hyndman: I don't know. What about their parents?

MR CORNWELL: Can't their parents fulfil the role? That is really the question.

Ms Hyndman: In most cases, probably yes, but I can see that even for children that ostensibly have no problems, having a more child-friendly environment would be a good thing for all children, wouldn't it?

THE CHAIR: I am mindful of the time and conversations are probably for another venue. Do you have a final question, Mrs Cross?

MRS CROSS: No, Mr Chair.

MS DUNDAS: I have a quick one. How is your relationship going with the people who are in charge at Quamby and Marlow?

Mr Abbott: Excellent.

MS DUNDAS: Excellent. Okay.

Mr Abbott: Are you saying are we getting access to incident records, log books and—

Ms Hyndman: Are they cooperative and open?

MS DUNDAS: Are they cooperating with you in the first instance of letting you do your jobs properly, but are you also finding them willing to listen to you at the end and follow through on recommendations that you are making?

Ms Hyndman: Yes. I don't think they're obliged to do what we recommend, but we have found that there has been a very high level of cooperation and openness and a desire to make things right.

Mr Abbott: I agree

THE CHAIR: Thank you very much for sparing us the time. It has been very useful, especially that last bit about what a children's commissioner could do.

Ms Hyndman: I think that the community has to be engaged in that discussion if we are deciding about whether we need one, what it can provide and what the shape of it should be.

THE CHAIR: That is what public hearings of the Assembly provide for.

MRS CROSS: This is the forum where the community can come forward. That is why we advertise these hearings.

THE CHAIR: This is your community input.

Ms Hyndman: Oh, good.

THE CHAIR: Just to let you know because you are practitioners in this particular field, we are going to be speaking to some young people. It is being facilitated by a range of organisations. We are going to go out to them and talk to them in their environment and let them educate us—not talk to them, listen to them.

Ms Hyndman: That's important.

THE CHAIR: Yes. It would be really silly if we had an inquiry into the rights and wellbeing of young people and the people not heard were the young people. We are not proposing to do that. Thank you very much for your time.

MICHELLE TOWNSEND and

LEANNE CLARKSON

were called.

THE CHAIR: Thank you very much for coming. As you know, this inquiry is into the rights, interests and wellbeing of children and young people. I am obliged to read out this card, which says that you should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. This gives you certain protections, but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter. We are obliged to read that at all of the Assembly hearings because of an experience in the recent past.

I should also tell you that these proceedings are being broadcast around the building so that members of the Assembly can listen to the evidence in their offices if they wish. Also, some senior public servants can do so in their offices as well. We did have a member of the press present, but he is not here now. It comes through on a monitor in their office as well. I wanted to let you know that in case we start talking about specifics and you have to be a little bit careful about dropping a name here and there. We, of course, wouldn't authorise that for publication, but the minute it goes down the line, it is no good doing so. I would ask you to identify yourself and the organisation that you represent for the record and then make an opening statement and we will see where that takes us.

Ms Townsend: I am Michelle Townsend. I am currently the acting national director of CREATE Foundation. I have worked for CREATE for the past four years and I have been filling the acting national director role for the last eight months.

Ms Clarkson: I am Leanne Clarkson. I have worked with CREATE Foundation for over seven years and I have been managing and coordinating our ACT centre for the past five months.

THE CHAIR: We have your submission and had a look at it. I invite you to open the proceedings, if you want to add something to it.

Ms Clarkson: I am sorry, I have only brought three copies, but in the pack is information on CREATE and our presentation for today.

THE CHAIR: Do you wish to table this information?

Ms Clarkson: Yes.

THE CHAIR: You would have no objection if it is authorised for publication? If you are giving it to us, you are giving it to someone else. Fine. I just like to check, because sometimes people have a little difficulty with, say, a little bit they would rather we keep and all that. If you are okay with that, we will just include it in the general material.

Ms Clarkson: Is it fine to address everyone by their first name?

THE CHAIR: Absolutely.

Ms Clarkson: If we were to start with CREATE Foundation and discuss who CREATE Foundation is and then move into addressing some of the terms of reference of the committee.

THE CHAIR: Please do.

Ms Townsend: CREATE was established a little over nine years ago. The Australian Association of Children and Young People in Care was our original title and we started very organically from groups of people who were very passionate around what was happening for children and young people in care at that point in time and wanted change so that life was better for the children when they were going through the care system.

THE CHAIR: Michelle, what sorts of age groups are you talking about?

Ms Townsend: Our target age group is 0 to 18, so the whole spectrum of children in care. Our history was that we started our centres at different times throughout the country and the ACT was one of the second last centres to come on board as a fully-funded centre by the department within the ACT. It is one of our smaller centres and, given the number of children and young people in care here, that is not surprising. It is also one of our newest; so, for us, we are still, I guess, at the teething stages around our development, whereas in some of the other states we have had an organisation established for nine years, so we are at different places.

The reason CREATE exists is to improve the life opportunities of children and young people in care throughout Australia; so we work to ensure that, whether you are located in Canberra or you are a child in care in Dubbo, New South Wales or in Perth, Western Australia, you can have the same opportunities through your organisation, CREATE. We seek to provide three key areas.

One is around connecting children and young people within the care system to each other, and we do that through a variety of different ways. One is a magazine that goes out to children and young people in care across Australia. We have a print run of about 15,000 that goes out and they are distributed in the ACT through the department to carers, who then distribute them to the children they have in their care.

Secondly, we have a website and more and more young people are logging into and connecting with CREATE. Thirdly, we have what is called Club CREATE, where young people send us a form saying that they want to be members of CREATE and they get sent a membership card and they are then sent an exclusive newsletter and invited along to fun days and activities that we have throughout the year. They can come along, and

they come along with their carers and their foster care siblings and join with other young people and have fun and connect with one another, which is at the end of the day the main aim.

The second area that we work in very strongly is about empowering young people to take control of their own lives, because for many young people, especially if they have been in care for a long time, going after their dreams and goals and being able to articulate those can be quite difficult because of the circumstances that they have gone through, where they have always had lots of adults making decisions about their lives, so they can get to the age of 16, 17 and 18 and have great difficulty in working out what their goals are and being able to put them into place. We have two main areas. One is a mission B program, which is targeted at young people leaving the care system, aged 14 through to 18, that we offer. It runs over three months and it is very much about tapping them into what are their goals and ways of setting goals and matching them with mentors to actually see their goals through, so it is like getting the foundations.

MS DUNDAS: Can I just ask a quick question on mission B? Is it only for people who have been in care for a long time and are reaching the age where they can no longer legally be in care, or do you also apply it to younger kids? You said 14 to 18. What about younger kids who might have been in care from the age of six to 12 but are then, at that point, going back to a family situation as opposed to a care situation?

Ms Townsend: Some of the young people that have gone through the program have had that, so they have been restored with their family at the age of 15 and they have still participated in the program as well, and some of the young people are on orders through until 18, so it can apply both ways.

The other area is what is called CREATE Bank, which we are offering in the ACT, where young people can write to CREATE and apply for funds in the pilot round of up to \$250 to fulfil their talents, dreams and ambitions. One of the main areas that we have had requests from young people is around pushbikes, musical instruments, dancing lessons—a lot of the things that most parents would actually take for granted around offering their children and young people. So it has been quite an interesting test across Australia about what young people have been asking for. It is only the pilot round, but we do plan to continue to offer and expand it into the future, and a little bit later Leanne will talk in a bit more depth about CREATE Bank. She actually coordinates it.

MR CORNWELL: Where do you get your funds from?

Ms Townsend: We get our funds from both state and territory governments across the country to deliver CREATE within that state and nationally we get our funds from a mixture of corporate sponsors and donations. As well, we provide training and consulting work. Two-thirds of our income is government grants and the other third is donations. The insurance industry is one of our major supporters at a national level.

A third area that we work on is around systems change, so that we work with all of the players within the outer home care system to change, improve and enhance the way children and young people receive services, and we have a couple of training programs that we offer to carers and to workers within departments, as well as training programs

for young people who want to be a part of projects and initiatives that are happening within the outer home care system.

It is very hard to summarise everything we do, because it is quite a large organisation, in five minutes, but today we really do want to focus more on some of the key learnings and our experience within the ACT, which I think is very relevant, so I will hand over to Leanne, who is going to talk about our ACT experience.

Ms Clarkson: Thank you. I will just refer you to the briefing paper, which gives some more details on CREATE. The ACT experience has been a very challenging one to date around particularly the participation and consultation of children and young people in care. If we focus on the strengths of this sector first, it is an amazing sector because it is quite small and has the potential and the opportunity to be quite collaborative and really do some great partnerships with children and young people in care. It has great teams of people with incredible experience. Collaboration is happening quite successfully at the more senior level—the directors of our agencies along with the directors of the department and the Foster Carers Association and CREATE. We have legislation which has participation principles in it which take into account that any decisions being made with children and young people need to consider their views, so that is quite a powerful thing.

THE CHAIR: Is that being honoured?

Ms Clarkson: That is quite the challenging thing. That is what we are here to present. We don't know, John, if it is being honoured. There has been no work or consultation done with children and young people in care in the ACT to know about the outcomes or the results of all the tools and things that we have in place, and in the ACT we have some fantastic tools.

THE CHAIR: You don't know if they are working.

Ms Clarkson: We don't know if they are working.

THE CHAIR: Is that because, until the children at risk inquiry that Kerrie Tucker did and the sorts of things that we are doing here, nobody bothered to ask—nobody in a position of influence, anyway—the question as it rumbled along? Is that the reason?

Ms Clarkson: I think that that is one of the reasons. That is the expertise of CREATE in respect to training up young people to go out and ask other children and young people about their care experience, but we haven't had the opportunity to do that in the ACT, whereas we do it quite successfully right across the country.

THE CHAIR: Is there a barrier to that?

Ms Clarkson: I think to date there have been very strong barriers.

THE CHAIR: What sort? Tell us about the barriers, as bluntly as you know how.

Ms Clarkson: I think the barriers come in a range of things. Because of the fact that it is quite a small sector, it is quite challenging for people to be open to listening to the views of children and young people and their experience of the care that they are receiving. I think that has been a challenging thing for agencies.

THE CHAIR: You are being a little bit heretical in asking the clients what they really want.

Ms Clarkson: That's right.

THE CHAIR: I thought that might be the case.

MS DUNDAS: You talked about the people with incredible experience in the sector. We have heard a lot about the amazing turnover of staff through Family Services and case managers changing at the drop of a hat and young people never even meeting their case managers because of transition. Is that something you are experiencing that is helping to create challenges for the care system?

Ms Clarkson: Yes. The case management of children and young people in the ACT went across to non-government agencies, so I think the sector has been dealing with that transition of case management from your Family Services workers over to your non-government workers and then the roles and responsibilities of who does what within that have just come to the point where they are starting to settle out. There is a team working on clarifying the roles and responsibilities. I think that that has had some bearing on it, the dramatic shift here. The other thing that has had a bearing on this has been the implementation of LAC into the sector here. While it is fantastic and LAC is a very participatory tool—

MS DUNDAS: What is LAC?

Ms Clarkson: LAC is Looking After Children. It is a case management tool and it was developed in the UK and then brought to Australia by Barnado's. In the ACT, all the agencies and the department, across the broad sector, have implemented LAC together. So it's a very good example of the collaboration. But what we don't know through LAC is at this stage it is a participatory tool where young people and children themselves are able to engage in what is happening around their case management. It's everything about their educational, dental, social, emotional and they are able to sign off on their care plans and they are able to contribute to Looking After Children, so it virtually becomes their history as well. They do some very strong life story work with the children and young people when they first come into care, which then carries right through their care experience.

Something the sector is grappling with at the moment is that if a child changes an agency, say from Barnado's to Marymead, then that file is meant to follow the child, not stay with the agency, because it is the child's records. That is something that the sector is actually grappling with at the moment.

MS DUNDAS: Is that not happening? The files are staying and a new file has to be initiated at the new agency?

Ms Clarkson: Yes. They are working through that at the moment, because historically files stayed with agencies.

MR CORNWELL: LAC, you say, came through Barnado's. Isn't this being done by Family Services anyway?

Ms Clarkson: In a very ad hoc way across the country. Michelle probably has a better perspective.

MR CORNWELL: What about in the ACT?

Ms Clarkson: In the ACT, no, it is right across the board. Every child and young person in care is part of the LAC management system.

MR CORNWELL: But what about Family Services here; don't they keep a record?

MS DUNDAS: You are talking about sharing of information.

Ms Clarkson: A copy of the file, do you mean, so that there is a file on the—

THE CHAIR: The outsourcing was the issue. When they have outsourced the stuff, they have outsourced the actual management, so all of the records of the management are with the outsourced agency, and then you have a similar situation to the one you have with medical practitioners. The argument about who owns the information is where the issue is at this minute.

MR CORNWELL: That is right. Originally, Family Services must have some control. It is fine to have all these great records, but the fact of the matter is that we are dealing with human beings. When they get to 18, they fall off the edge and that's it, is it, whether we succeed or not? Who cares, they are down there? Do you understand what I am driving at?

Ms Townsend: Yes. The unfortunate reality in the ACT, unlike some other states, is that once you turn 18 and you have been in care, you do fall off the edge. As to the leaving care provisions, there is a pilot happening with two young people and that's it. We are not talking about that many young people leaving care here in any year, so it is not a huge budget figure that you would have to put in place to support these young people.

But we are almost at the stage where over half the states have got it across Australia and we expect in the next five years every state will have leaving care provisions and some sort of leaving care and after care service that supports the transition for young people from the moment they turn 18 through until about 25 in terms of where they are going in their life and support around education, employment, if they get in trouble with the law, accessing their files and making sense of their files, the things that were happening to them when they were five years old, because the experience has been for many young people, and all the research that has been done shows this, that they have nothing.

Every support person that has been in their life up to the age of 18 is taken away from them. While some workers admirably try to maintain some links, it is in addition to their normal work load to be able to do that. Most young people feel incredibly isolated, alone and scared at the 18 age and the most scary thing, I think, we've found across the country is that when they are at 20 or 21 and you ask them whether they can name one significant other in their life, someone that they can turn to for help, they can't. They don't know anyone. If they needed \$50 or something like that, they don't have the fall-back position.

MRS CROSS: What should the age be increased to?

Ms Townsend: I still think leaving care should be at 18, but there should be an after-care service that supports them to 25.

MS DUNDAS: We received evidence today about a lot of the care placement orders in the ACT only going up to the age of 16 and a disinterest in voluntary care orders. If a child wishes to stay with a care family until they finish college, they are usually 18 years and six months on average. Do you have an understanding of why that is so in the ACT or how we can move to fix it so that there is that move away from cutting people off earlier as opposed to working with them later, which you are advocating?

Ms Townsend: I don't know the ACT inside out, so I can only give more about what we've had and the research I've seen, which has shown that magistrates are less likely to make long-term orders now and that there are a lot more, and you've probably seen that through here, short-term orders where they try to restore with the family. But there has to be a point where a decision is made; you can't keep bouncing a child back and forth and sending them into and out of the care system as it is not in their best interests and there does need to be some permanency planning.

Sixteen is not the point where you would end permanency planning. It needs to be 18. The average age of an Australian child leaving home now is 26. It doesn't actually match the history. We all know that kids go back into and out of the home once they leave as well. If things aren't working out when they are living by themselves, they can always go back home. But for lots of young people they feel, even if their carers are quite supportive, that once they turn 18 they need to leave because it has been set up as this big age group.

MR CORNWELL: Yes, but there is an inconsistency here. You are quite right; it should be 18. But we are also being told all the time that people of 16 can make up their own mind. If you consistently follow through, then at 16 they should be allowed to go. I don't agree with it, but I am saying that this is the inconsistency and contradiction.

MRS CROSS: There is a contradiction in what we are doing here.

THE CHAIR: From what you are saying, there is a similarity between the corrections system and the care system in the sense that both of them are missing the post-release support and the pre-release planning for the post-release support. There seems to be a consistency here with this sort of thing where someone is accommodated and provided services against their will almost and then the doors are opened and someone says, "See you later, Charlie," and they are on their own and what they haven't had is that lead-up

support. There is no follow-up either; they are let go, with the probability being that they are going to pop up in the system again. The probability is extremely high that they are going to pop up again. Is that what I am hearing from you?

Ms Clarkson: Yes.

Ms Townsend: The research that we've seen from the New South Wales wards that were tracked through Judy Cashmore's work, a longitudinal study, showed that, I think, close to 85 per cent of the young women had children and for a third of those, at four years out, their children had gone into the care system. We know that in some places we are seeing the third generation of kids within the care system. Something has to be done. I would suggest that some of the work in the ACT around informing that would be doing some research around tracking some young people that have been through as to how their life has turned out and what sorts of interventions we need to put in place as well.

MS DUNDAS: You were talking about the need for permanency and for those decisions to be made. How long would you say is an appropriate time for a family to try to get back together and at which point do you say to the birth parents or to the birth family, "You've had enough opportunity. After this point in time, if you're not back together, then the child is going into long-term permanent care elsewhere and we are going to stop playing short-term orders?" How long—two years, three years?

Ms Townsend: I don't think there is a black and white answer. If parents are not making the effort to do whatever they need to do, it should be much quicker. If it is a drug problem and they are refusing to do the treatment services and things like that and they are not taking the actual means to have their child back with them, you would make the decision quicker. But if a family is doing their best to bring their parenting to the level where they want to look after their kids, it might take a few years and you're doing a very structured restoration program. I know lots of other countries have a set period, you have a year and that's it sort of thing. I think it has to be really a bit more flexible.

MS DUNDAS: But who makes the determination about whether or not there is actually progress happening and that a stated commitment is turning into a demonstrated commitment? Is that for the courts?

Ms Townsend: It has to come from the work that the department is doing that then informs the court so the magistrate can make the decision. So the department would be working, we would expect, very closely with these families and, at the end of the day, the feedback we get from young people is, "The amount of money you've spent putting me through the care system, placement changes and all those different other things, if you had spent that on my family I mightn't have ever had to go through the experiences I've had." For some children we know, it might save their lives to bring them into the care system, but for others they're very upset that that is the way it turned out.

MR CORNWELL: But how would you spend it on their families?

Ms Townsend: In terms of the early intervention programs.

Ms Clarkson: Family support work, which is sadly missing in the ACT—actually, across the country, you can fairly say that.

MR CORNWELL: Can you be more specific as to what you mean by family support?

Ms Clarkson: The total intervention work, like where you are going in and working with the family to gain the parenting skills and you are working with the family to know how to care for and protect children. Predominantly, that is done by non-government agencies, so the department would outsource that.

MR CORNWELL: Do you see that as an education role?

Ms Clarkson: The department of education?

MR CORNWELL: Parenting skills.

Ms Townsend: It is parenting skills in terms of education, but it is also sometimes counselling and support, because there are lots of different reasons why children and young people come into the care system.

MR CORNWELL: As far as I'm concerned, I do think that there should be some parenting skills taught in schools. You talked about there being no set time in answer to Ms Dundas' question. They might be away for two or three years, but the problem is that in that time they are likely to end up with two or three more children, so you have got this constant problem.

MRS CROSS: Is there a lack of experience or expertise for CREATE, as it has been reported there is with Family Services? How do you rate the skill level and experience in CREATE compared with that we have heard of for Family Services, which has been rather questionable on some occasions? The skill level can be applied to how each child is assessed. Is the person qualified to assess that child and what that child needs? Do you find that the people who work in your organisation are more skilled?

Ms Townsend: We don't do any assessment or intervention work whatsoever. We don't have to do that of children and young people, so I couldn't do any comparison. Our role is around facilitating the participation of young people in creating change in the system and in activities that we have. We see ourselves much more as to how we bring children and young people on board and support them and skill them to be part of things like that, which does take a very specific skill set, absolutely, but it is not something we could compare across to the department.

MS DUNDAS: Do you find that you are actually getting out to the young people in care, that they are getting the magazine and that they are contacting you? Do you think that you have a high participation rate for the young people within CREATE?

Ms Clarkson: In the ACT, no, and that is what I think we would like to leave you with. Changes are occurring. A participation working group has been established to develop some strategies over the next year in engaging and connecting children and young people in care together and then taking that further around the policy work and the consulting

work, and recently with the national homelessness strategy. They are conducting a pilot in the ACT and they were able to consult with 10 young people. So there are some changes, but definitely to date, Roslyn, no.

MS DUNDAS: Do you know why? Is it the lack of empowerment the young people feel or is it the department?

Ms Clarkson: I think it is the protection of the agencies and the department in not—

THE CHAIR: We have a culture problem at the moment that needs addressing.

Ms Clarkson: Also, John, I think that people see participation as a whole lot of extra work, whereas really it is quite an exciting way and a professional way of working with children and young people and a refreshing way to work with children and young people in care.

THE CHAIR: If I could put two things. Firstly, I am mindful of the time. Actually, a couple of us have other engagements to go to by half past five, but earlier I was struck by the fact that all the people who have come and given evidence, all of the people who have said that we need to engage with the young people, that the young people need to be in the driving seat and so on, are not doing anything about it. They have said that we need to do so and they have pointed us in various directions as to how we can do it, but they are not actually doing it. What I am hearing from you is that your organisation is driven by the engagement that you have with the people that you charge yourselves with looking after and I was quite impressed by that. The stuff you have told us today has been great and I have learned quite a bit. When we are going to have a deliberative meeting and start churning it all around, would you be agreeable if we asked you back to talk to us some more?

Ms Townsend: Absolutely.

Ms Clarkson: I think we would.

THE CHAIR: I think the time has been a bit short today. Also, as I say, you are bringing to our considerations a perspective that we have been searching for. If I asked you for a ballpark figure, a figure out of 10, for the engagement rate and involvement rate of the kids with your organisation in New South Wales, what would it be?

Ms Townsend: We receive \$380,000 to prepare the organisation for young people in care.

THE CHAIR: In terms of getting into your head about what needs to happen, what sort of hit rate would you reckon there would be?

Ms Townsend: We have contact with well over 1,000 children and young people in care from New South Wales each year.

THE CHAIR: If I asked exactly the same question of you, you would say, “Pass, next question.”

Ms Clarkson: Yes, except that this weekend CREATE is engaged in three children's Christmas parties, so that's exciting.

THE CHAIR: What we want to do is to explore how we can take the ACT, by recommendation to the Assembly, from what you are telling us to what Michelle is saying exists elsewhere. We need to know where the barriers are because what we are trying to achieve through recommendation to the community, through the Assembly, can be assisted by that. Having chewed over a little bit more of the things that you have thrown at us, we might very well, if it is okay with you, ask you back and process that. Are you comfortable with that?

MRS CROSS: That's great. Yes, I would like to talk with them.

Ms Clarkson: That would be excellent. We have made a list of recommendations at the end of this document which relate to the work of CREATE as well as the engaging of children and young people in care, relating to the terms of reference. CREATE produces an annual report card on the safety and wellbeing of children and young people in care and we are about to release the next one. We do this yearly. When the next one comes out, I will make sure that a copy of that comes over to you.

THE CHAIR: Please do.

Ms Clarkson: And then we narrow down into education. We do a mid-year report card around education.

MS DUNDAS: Is that on the education of children in care and how they are going through the education system?

Ms Clarkson: Yes, that's right. For instance, in the ACT, we have a fantastic thing in the individual education plans, but what we don't know is the result of those. It's not being reported yet in respect of two things: whether the children and young people are actually participating in those plans and, secondly, how they are faring.

Ms Townsend: Are they reaching the outcomes that are set in those plans?

THE CHAIR: That follows up on what you were saying before. Let's follow where they are and pick them up when they are 25 and say, "Did you get any benefit from that stuff when you were 16 or did you just go through the motions, like most of the kids in school, and drop out at year 12? Did you get any benefit from the investment that people were putting in?" What can we learn from that? What did or didn't happen to them and how can we tailor that a bit better? It seems to me that a lot of these programs are being created blind, that somebody thinks it is a good idea at the time and gets a bit of money from the government and away they go.

Ms Clarkson: Yes, that's right. The other really good thing is that the department here are undertaking a review into the out-of-home care system and they have made a commitment to CREATE about consulting young people next year. We are very

excited about that, as well. So I think there is movement, but it is a long way off the ultimate.

THE CHAIR: We will see if we can push it along. Thank you for that.

Ms Townsend: Thank you for meeting with us. It is very hard to do it in half an hour and get all the points across.

THE CHAIR: We might do it some more.

The committee adjourned at 5.12 pm.