

Submission to the Department of Education, Employment and Workplace Relations

About the Commissioner for Children and Young People WA

I was appointed as Western Australia's inaugural Commissioner for Children and Young People in December 2007 pursuant to the *Commissioner for Children and Young People Act 2006* (the Act). Under this Act, I have responsibility for advocating for the half a million Western Australian citizens under the age of 18 and for promoting their participation in the making of decisions that affect their lives.

I am also required, under section 19(b) of the Act, to promote the participation of children and young people in the making of decisions that affect their lives, and to encourage government and non-government agencies to seek the participation of children and young people appropriate to their age and maturity.

Every year I must also consult with children and young people from a broad range of social-economic backgrounds and age groups throughout Western Australia each year (section 19(n) of the Act).

In carrying out these and all other functions under the Act, I am required to give priority to, and have special regard to, the interests and needs of Aboriginal and Torres Strait Islander children and young people, and to children and young people who are vulnerable or disadvantaged.

Introduction

I am pleased that the Federal Government has recognised the importance of engaging with young people and has acknowledged that specific mechanisms are required to give a voice to young people—not only to their concerns, but also to the enormous positive contribution they can make.

I strongly support the establishment of an Australian Youth Forum (AYF) as a national peak youth organisation and believe that, if set up appropriately, it would be an important addition to existing engagement processes, helping to create linkages between local, state and national youth organisations and the Federal Government.

I also congratulate the Government on taking the time to seek contributions about what shape the AYF should take. Enabling the Australian community broadly, and Australian young people specifically, to help build their consultative mechanisms will help to provide a strong sense of ownership, leading to stronger support for the systems that are implemented.

One of the guiding principles of the United Nations *Convention on the Rights of the Child* (the Convention) is that children have the right to participate in decision-making processes that may be relevant in their lives and to influence decisions taken in their regard. Article 12 of the Convention states that:

*States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*¹

¹ United Nations *Convention on the Rights of the Child*, Article 12.

The aim of this principle is to recognise the potential of young people to:

...enrich decision-making processes, to share perspectives and to participate as citizens and actors of change.²

In the AYF Discussion Paper (the Discussion Paper), the Government has indicated its awareness of this principle, noting that “young people are the best experts on issues affecting them”.³ For the Government, enabling young people to help shape policy and service delivery is clearly beneficial. It aligns provision more closely with what is needed and secures better use of resources. It can also lead to deeper debate and discussion, promoting better understanding for all parties of the complexities and compromises involved in the process.

On a more pragmatic level, engagement with young people who will be using a particular service or receiving the outcomes of a particular policy is simply good business practice. It helps to ensure that the final product meets the needs of the people who will be using it, and that its long term sustainability is secured.

Effective engagement

At a forum of High School students, I asked the following question:

What are some of the ways in which you think you and other children and young people can be involved in decision-making that affects you?

The response:

Events like this [forum] are good – but only if the adults listen to what we have to say, otherwise it is pointless.⁴

This is a common response to this type of question—basically: don’t ask if you aren’t prepared to listen. Acknowledging the positives of engaging with young people is important. Equally so is the need to recognise the risks. Conducting engagement processes badly is worse and more damaging than not engaging at all. Young people have a healthy sense of cynicism about consultation with adults and are very quick to identify tokenistic efforts. Like all other citizens, they want the opportunity to provide meaningful input, and for that input to be valued.

Participation cannot be genuine if children have no opportunity to understand the consequences and the impact of their opinions—such non-genuine ‘participation’ often merely disguises what is actually the manipulation of children, or tokenism...the key to genuine participation is ensuring respect for children’s views. In addition to facilitating and supporting activities to foster child participation, it is becoming increasingly important to consider whether and how to ensure follow-up of children’s recommendations and concerns.⁵

There has been criticism of the previous Government’s primary mechanism for consulting with young people: the National Youth Roundtable (NYR). In her paper, *The Secret Life of the National Youth Roundtable*, Western Australian academic Jude Bridgland Sorenson

² UNICEF, Convention on the Rights of the Child Factsheet: ‘The Right to Participation’, <http://www.unicef.org/crc/files/Right-to-Participation.pdf>

³ *The Australian Youth Forum: a new era in youth consultation*, Discussion Paper, Australian Government, 2008.

⁴ Forum with young people on ‘Graffiti vs Urban Art’, run by WA Public Transport Authority and attended by Commissioner for Children and Young People WA, 8 May 2008.

⁵ UNICEF, Convention on the Rights of the Child Factsheet: ‘The Right to Participation’, <http://www.unicef.org/crc/files/Right-to-Participation.pdf>

gathered comments from a small sample of Western Australian young people who were involved in the NYR (her paper has been attached for reference at **Attachment A**). Although it may not have been the experience of all participants, she found that many of the young people involved in the NYR were disillusioned with the process and felt that their expectations of the experience had not been met. One participant commented:

...you go there with high expectations about spending time with Ministers etc, but in reality you get all of eight seconds with Ministers that aren't even connected with your topic area... what's the point. No one takes it seriously and you find yourself crashing back to reality.⁶

Bridgland Sorenson's findings are significant, providing valuable lessons for the future:

The emotional impact on the participants of the experience of the Roundtable needs to be taken seriously. Themes such as disillusionment, disappointment, hurt and apathy emerge as the aftermath of the Roundtable. When these themes are coupled with attendant issues to do with youth participation, namely: representation, consultation and legitimacy, then the effects of the National Youth Roundtable are significant. Participants reported that they went from being engaged, excited and hopeful to being hurt, disillusioned and disenchanting.⁷

It is recommended that the evaluation of the previous Government's youth engagement model and the responses of its participants be examined carefully by the Rudd Government as it moves into its "new era in youth consultation".⁸

I note that the Government recognises this, stating in the Discussion Paper that it is "aware that young people want more than token efforts when it comes to consultation" and commits to providing "real, meaningful opportunities to interact with Government".⁹ These are important overarching principles and I commend the Government for highlighting them as priorities. The challenge, as always, is to turn the principles into practice; they are difficult and complex, and the practicalities of delivering on them need to be carefully worked through at the beginning of the process.

From the outset, and prior to establishing the AYF, the Government needs to be clear about why it wants to engage with young people and must be honest in how it intends to go about it, setting out transparently what will happen at each stage and how contributions will be used. Opening a national discussion on what the AYF should look like is only 50 per cent of the discussion that needs to take place. The other 50 per cent needs to be about what the Government's responsibilities to the AYF will be. Clear objectives and parameters must be set to help manage the expectations of both sides if the arrangement between the young people and the Government is to be a true partnership, a true dialogue.

Taking heed from the lessons of the NYR, it is suggested that the Government take the time to be explicit about its intentions for the AYF. If Government wants to get the best it can from young Australians, and asks them to commit to the levels of energy, time and enthusiasm it takes to participate, it must be ready to match that level of energy and commitment.

Although I would advocate for the AYF to be 'owned' by young people, and have a strong membership of young people, I suggest that its specific governance structures and functions should be decided once the Government is clear about its expectations and responsibilities. Building an AYF and figuring out what Government wants from it later is a

⁶ Sorenson, J B, *The Secret Life of the National Youth Roundtable*, p16.

⁷ Ibid, p14.

⁸ *The Australian Youth Forum: a new era in youth consultation*, Discussion Paper, Australian Government, 2008.

⁹ *The Australian Youth Forum: a new era in youth consultation*, Discussion Paper, Australian Government, 2008.

risky approach, and sets up expectations that may not be met. Below are just a few of the many questions that should be considered before Government moves into the next phase:

- What is the Government hoping to achieve by engaging with the AYF?
- What is the Government prepared to engage with the AYF about?
- What advice is it prepared to receive and act on?
- What feedback and follow-up can the AYF expect from Government?
- What is the balance of responsibilities between the AYF and the Government?
- What action can the young people expect to see as a consequence of their input?
- What processes will Government establish to guarantee ongoing dialogue, and to ensure that tokenism is avoided?
- How will Government build within itself a culture that encourages participation with the AYF?

This is an important place to start because once these questions are answered the AYF can be formed accordingly and will not have structures or processes that are obsolete, irrelevant or extraneous to Government needs. The AYF and Government will both benefit from having a visible 'contract', clear responsibilities, manageable expectations, and a solid foundation of mutual understanding from which to build.

Strengthening what works

In establishing the position of Commissioner for Children and Young People WA, the Western Australian Parliament legislated that the Commissioner must "develop means of consulting with children and young people" but that reasonable steps must be taken "to avoid the duplication of functions performed by other government agencies".¹⁰ In Western Australia, a variety of youth organisations and consultation mechanisms already exist, many of which function effectively, and, as yet, it has not been considered necessary to overlap another, new, consultation mechanism on the State and risk 'consultation fatigue' on Western Australian children and young people.

The Discussion Paper states that the Minister will "take into consideration an analysis of existing models of youth participation".¹¹ This is a critical step; it is important that any analysis is comprehensive and extends to a broader examination of where the AYF should fit in the youth organisation landscape.

There are many well established youth organisations and youth peak bodies that have effective structures, diverse and representative memberships, proven engagement mechanisms and strong links with and knowledge of the communities/issues/individuals they represent. These organisations have a wealth of knowledge and have the potential to be a valuable resource for a new AYF, not least because they have direct access to young people across the country and can feed local advice into national consultations.

For example, in Western Australia, the network of Youth Advisory Councils (YACs) is a model that has lasted the distance: attached to some local government authorities, the YACs are made up of young people who are elected by their peers and who represent their communities.¹² Similarly, the Youth Affairs Council of WA (the peak non-government organisation in WA), is well established and actively promotes the participation of young people in WA.¹³ The YACs and YACWA already have what any new forum would struggle to achieve: local and State-wide networks, community links and diverse membership.

¹⁰ *Commissioner for Children and Young People Act 2006*, Sections 20(1)(c) and 20(1)(g).

¹¹ *The Australian Youth Forum: a new era in youth consultation*, Discussion Paper, Australian Government, 2008

¹² www.yacs.wa.gov.au

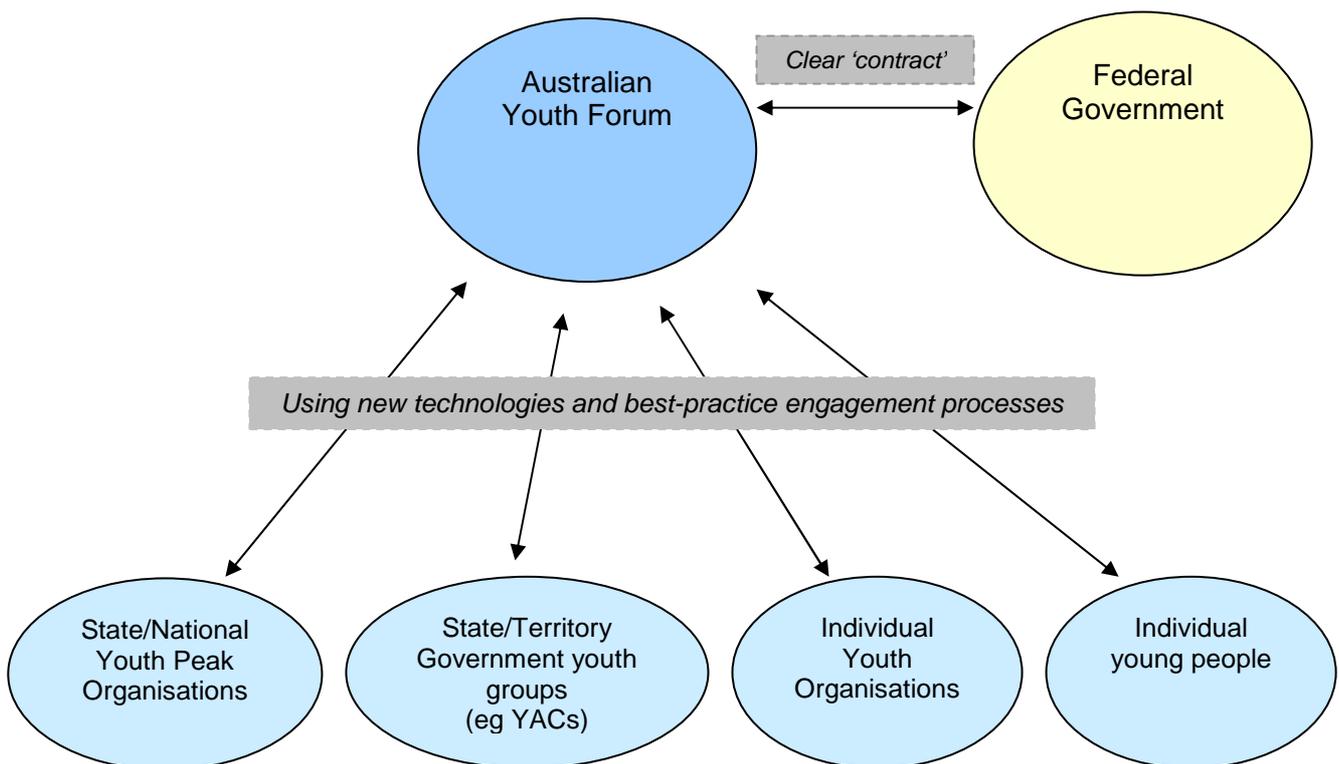
¹³ www.yacwa.org.au

This local, regional and remote representation is particularly important in a State as geographically vast as Western Australia. It would be ineffectual in our State, which is twice the size of Western Europe, to set up a new forum and ask it to be representative of all resident young people. Further, to build new networks of young people across the State would take a great deal of time, energy and resources.

It is recommended, therefore, that the AYF be given the capacity to work collaboratively with these existing youth organisations, peak bodies and the youth sector. Being the body that will have the 'ear' of Federal Government, if the AYF is resourced adequately it can use new technologies and best-practice engagement techniques to maintain ongoing relationships with the young people already at work in their communities across the country. As a national peak body, the AYF could act as a conduit for the exchange of information horizontally across States and Territories and vertically between local and Federal organisations/governments.

Strengthening the youth organisations that will underpin the AYF is an effective way of ensuring that the AYF will be productive from the outset, and it will also avoid any reinvention of the wheel and/or over-consultation (and the fatigue and disillusionment that brings).

Figure 1: How the AYF should be positioned



Representation for *all* young people

Because they know their communities, existing youth organisations can source information at a very local level and can provide a strong link-up of voices from across the country. The importance of this local and diverse representation cannot be overstated. Recently the Commissioner attended a forum of high school students on 'Graffiti vs Urban Art'. One of the primary reasons that this forum was successful was because it had a diverse range of young people present—including some young graffiti 'artists' who could explain to the adults why they liked doing it. Only by understanding the motivations of these young

people could planners go on to create effective strategies to encourage them into other, less destructive activities.

While it is important to collect views from Australia's 'best and brightest' young people, this example demonstrates that it is equally important to seek contributions from less advantaged young people, and young people who are not as visible in mainstream systems.

To frame this in a broader context, the representation and participation of young people is a step towards a more socially inclusive society and it therefore must be taken very seriously, with all efforts directed at assisting the meaningful participation of *all* Australian young people. Conversely, by limiting engagement to a select group the process of social exclusion is perpetuated.

...[social exclusion is] the process of being shut out from the social, economic, political and cultural systems which contribute to the integration of a person into community.¹⁴

In addition to working with existing youth organisations, it is suggested that the AYF be given the capacity to explore ways of encouraging individual young people to participate in AYF's processes. Being part of a youth group or organisation is only one way to participate. The AYF should be adequately resourced to explore innovative ways of using new technologies to reach young people.

These technologies are also important in negating the need to travel. It is difficult for young people from Western Australia to travel to the Eastern States if the AYF hosts a consultation or calls a meeting, yet it is important that they are included. I would ask that the AYF is established with these practicalities in mind and sets up systems to engage with Western Australian young people in cost effective ways.

Engaging with Aboriginal and Torres Strait Islander young people

The need for a local community presence is particularly relevant when it comes to engaging with Aboriginal and Torres Strait Islander young people in regional and remote areas:

...marginalised children, particularly those from Aboriginal backgrounds, continue to be overlooked in terms of consultation. The ramifications of this lack of consultation are profound in terms of cultural appropriateness and sensitivity...despite the growing movement towards children's participation within Australia there are very few sustainable culturally specific consultative mechanisms to canvas the views of Aboriginal children and young people.... Developing personal relationships with Aboriginal children and adults, is the key to having meaningful discussion...¹⁵

Again, the best way of creating this meaningful engagement with Aboriginal young people is to use existing community networks and build on existing relationships. The National Indigenous Youth Movement of Australia (NIYMA) is another example of an effective existing body that could be empowered to work alongside the AYF, providing a valuable pool of experience in engaging with Indigenous young people.

Effective consultation is an on-going process in which relationships are built over time, rather than a one off event. The fact that 'consultation' has so often appeared to be haphazard and meaningless is one reason for the level of cynicism that Aboriginal people often express about promises to consult... There can be no half measures in

¹⁴ Monsignor David Cappelletti, Chair, Social Inclusion Board, South Australia, 'Social Inclusion, Participation and Empowerment', address to Australian Council of Social Services National Congress, 28 November 2002.

¹⁵ Vicary, D., et al., *Can You Hear Me? The Active Engagement of Aboriginal Children in the Development of Social Policy by Non-Aboriginals*, Office for Children and Youth, Department of Communities, Western Australia, pp2-8.

effective engagement; to pull out or let a process of engagement stagnate will simply reinforce the cynicism many Aboriginal populations have developed over the years with Government promises to 'consult'.¹⁶

Engagement on broad issues

Young people, as citizens of this country, have views and advice to offer on a vast range of local, national and international issues. Through the AYF, consideration should be given to providing young people with the opportunity to contribute on all manner of topics. Their capacity for fresh ideas and energetic deliberation can, and does, provide unique insights into complex policy issues.¹⁷ To confine young people to consultation on stereotypical 'youth issues' (youth homelessness, alcohol and drugs etc) is to restrict their voices and limit the benefits they can offer.

Engaging with children

The Commissioner for Children and Young People advocates for all citizens under 18 years of age. It is noted that the Government is envisaging an AYF comprising young people between the ages of 15-24, which the Commissioner supports and considers appropriate for the level of engagement likely to be necessary. However, the Government is also encouraged to explore ways of hearing from the younger demographic, the under 15s. Children can offer unique insights that can improve policy outcomes yet they are often overlooked in consultation processes.

Conclusion

The Government is to be commended on looking at ways to improve its engagement with young people, but consideration needs to be given – at this early stage – to what support and commitment the Government is prepared to offer the AYF. Only once those matters have been resolved can the Government proceed to build a bespoke model that will be satisfactory for all involved.

Concurrent to establishing a national peak body, it is recommended that the Government examine ways to enable the AYF to tap into, invigorate and empower those existing youth organisations and peak bodies that are well established and have strong links with their communities. Any AYF must be complementary to what already exists, and be given the support it needs to work with these organisations around the country. Innovative processes (such as using new technologies) could then be implemented to enable consultation and information to flow from the youth organisations to the AYF and on to the Government—and back again.

I recommend that the Government invest energy in seeking to ensure that the AYF is equipped to collect contributions from young people across all of Australia. The AYF should be supported in specifically seeking the inclusion of Aboriginal and Torres Strait Islander young people, and young people who are vulnerable or disadvantaged. The best way of doing this, again, is to empower the local networks that already exist.

¹⁶ ATSIIC, ASIS, Department of Indigenous Affairs, Department of Premier and Cabinet, *Engaging with Aboriginal Western Australians* http://www.citizenscape.wa.gov.au/documents/ochre_guide.pdf

¹⁷ Office of Citizens and Civics, *Working Together: Involving Community and Stakeholders in Decision-Making*, Consulting Citizens Series, Department of the Premier and Cabinet, Government of Western Australia, 2006, p6.