



2014 CHILDREN'S LAW AWARDS

Promoting the Rights of Children and Young People

MEDIA RELEASE

WINNERS OF THE 2014 CHILDREN'S LAW AWARDS AND SPECIAL BULLETIN OF THE HUMAN RIGHTS LAW CENTRE

5 SEPTEMBER 2014

The 2014 Children's Law Awards ceremony was held on Friday 5 September 2014 at a dinner at the Sydney office of King & Wood Mallesons. Finalists from New South Wales, Western Australia, Victoria, Queensland, the Northern Territory, Tasmania and South Australia attended the ceremony. Dinner guests included representatives from the Public Interest Advocacy Centre, the Human Rights Law Centre, Justice Connect, UNICEF Australia, Refugee Advice & Casework Service and Salvos Legal. The 2014 Children's Law Awards recognise the achievements and commitment of those individuals and organisations who advance the legal rights and interests of children and young people across Australia.

THE NATIONAL AWARD FOR OUTSTANDING LEGAL REPRESENTATION

Unaccompanied Humanitarian Minor Consortium

Core membership: **Sophie McNamara – Russell Kennedy; Renuka Senanyake – Springvale Monash Legal Service; Denise Gardner – Flemington Kensington Legal Service; and Victoria Legal Aid**

Nominated by Fiona McLeay, Executive Director of Justice Connect

Many children and young people face numerous difficulties in their applications for asylum in Australia. After experiencing horrific war and dislocation, unaccompanied humanitarian minors in Australia face the prospect of being isolated from their families. This, alongside the lack of social friendships in a new country, and language and cultural barriers, makes them particularly vulnerable.

Formed in 2010, the Unaccompanied Humanitarian Minor Consortium (**Consortium**) was established as a response to this concern and in an effort to protect the family reunification rights of Afghan child refugees. The Consortium is a unique collaboration between over twenty pro bono lawyers, community legal centres, Victoria Legal Aid and social services. Family reunification has been recognised as one of the most important features of resettlement for young refugees. Over the past four years, the Consortium has assisted over 400 young refugees and their families. This result has only been achieved by the collaboration engaging in advocacy, strategising, developing templates,

pooling together their resources, and providing emotional support for its members, amidst a changing and difficult politico-legal climate.

By using a multi-disciplinary approach to solve the problems faced by unaccompanied minors, the Consortium has exhibited a unique and exceptional collaborative method of legal representation, achieving many positive outcomes such as in the High Court case of *Shahi v Minister for Immigration and Citizenship (M10/2011)* in which an Afghani mother was reunited with her child who had turned 18 in Australia.

The current core membership consists of *Sophie McNamara (Russell Kennedy)*, *Renuka Senanyake (Springvale Monash Legal Service)*, *Denise Gardner (Flemington Kensington Legal Service)* and *Victoria Legal Aid*.

The other legal members are: *Springvale Monash Legal Service, Russell Kennedy Lawyers, Hanna Jackson Lawyers, Flemington Kensington Legal Service, Springvale Community Aid and Advice Bureau, Justice Connect, Law Institute of Victoria and Law Council of Australia, VLAF, Carina Ford Immigration, Clothier Anderson, Rebecca Milton and Fragomen*.

They are supported by: *the Department of Human Services (including the Refugee Minor Program), Foundation House for Survivors of Torture, AMES, Diversitat, and Spectrum*.

Past members include: *Krystyna Grinberg, Dana Krause, and Helen Yandall*.

“The UHM Consortium’s work is of profound significance for the young people who have been reunited with their families in Australia as a result. For many families it has meant the difference between safety and danger, family and loneliness...”

- Quote from nominator

THE NATIONAL AWARD FOR OUTSTANDING CONTRIBUTION TO POLICY OR LAW REFORM

Lucas Moore and the CREATE Foundation

Nominated by Michael Hogan, Director-General at the Department of Communities, Child Safety and Disability Services (QLD)

Recent statistics show that there are over 50,000 Australian children living in out-of-home care. Furthermore, there are numerous young people each year who reach adulthood and therefore are no longer able to remain in the out-of-home care system. Behind these statistics lie the multiple everyday challenges faced by these children and their families, while living in, and after leaving, care. Government inquiries including the Wood Special Commission of Inquiry into Child Protection Services in NSW and the Carmody Inquiry have articulated these issues.

The CREATE Foundation is a national body which represents the voices of all children and young people in out-of-home care and those leaving care. Its mission is to attain a better life for the children and young people in care and CREATE achieves this through connecting children to each other, empowering them to have a voice and be heard, and advocating for the care system to be bettered. Through its Speak Up Program, Young Consultants, and Youth Advisory Groups, CREATE ensures that young people have a voice which has successfully driven change within the out of home care system. CREATE uniquely believes in ensuring the voices of children inform policy and law reform. In Queensland, the 2012/2013 Carmody Child Protection Commission of Inquiry was held. Lucas Moore, the QLD State Coordinator and the CREATE Foundation, made significant submissions to this inquiry, addressing issues which had been identified by young persons themselves as being significant.

CREATE also facilitated opportunities for young people with experience in the care system, to give information directly to the inquiry.

"...CREATE [went] beyond...in terms of contributing to the inquiries through the eyes of either advocacy, criticism, or as a spectator. They actually participated as a partner with the reform, they were very fair, they advocated and spoke very passionately on behalf of children and young people in the care system, they made sure that children and young people themselves had opportunities to participate at the level they needed to. They were very constructive and creative in finding solutions, rather than just telling the Commission and the public what was wrong with the system..."

- Quote from a referee

HONOURABLE MENTIONS

The National Award for Outstanding Legal Representation

- **Hayley O'Hara**

Nominated by Peter Collins, Director of Legal Services at Aboriginal Legal Service of Western Australia (Inc.)

In Western Australia, Aboriginal children and young people are amongst the most imprisoned in Australia, representing the most over-policed section of the Western Australian community. The Aboriginal Legal Service of WA acts for numerous Aboriginal children in custody or often facing serious criminal offences.

Hayley O'Hara has worked as a criminal lawyer with the Aboriginal Legal Service of WA Perth office for the last four years, practicing exclusively in the Perth Children's Court. Prior to this she worked in the Carnarvon office for several years. Hayley faces the challenges of representing these children day in and day out. She treats each Aboriginal child she represents with respect and compassion leading to her exceptional effort to ensure a just outcome for each child.

- **Murray Watt, Katie Robertson, Jacob Varghese and Maurice Blackburn Lawyers**

Nominated by Dr Angus James Francis, Principal Solicitor at Refugee and Immigration Legal Service

Babies born in Australia to asylum-seeker parents face the legal uncertainty of being classified as "unauthorised maritime arrivals", without ever having arrived by boat. The effect of this is the policy that these babies are sent to offshore processing centres at the age of 28 days.

Murray Watt, Katie Robertson, Jacob Varghese, together with a team from Maurice Blackburn lawyers, have been conducting landmark litigation on a pro bono basis on behalf of Baby Ferouz, an Australian-born baby, and his Rohingya asylum-seeker family, preventing their removal to Nauru this year. The firm's involvement in the Baby Ferouz case has resulted in Maurice Blackburn representing a further 60 children born in Australia to asylum-seeker parents.

- **NAAJA Youth Justice Team (Shaleena Musk, Franky Bain, Kelly Goodwin, and Terry Byrnes)**

Nominated by Pippa Rudd, PHD Student at Menzies School of Health Research

Aboriginal children and young people in the Top End face disadvantage, cultural barriers, and involvement in the child protection or criminal justice systems. A particular difficulty is the inability to

properly understand the legal process and have appropriate support services. Without strong legal representation, these children can find themselves remanded in custody or in other tough circumstances.

The North Australian Aboriginal Justice Agency's Youth Justice Team was formed in 2013. The collaboration of the team members in providing individual case management for children, allows the full circumstances of each young person to be taken into account by the Court. The NAAJA Youth Justice Team works tirelessly, representing Aboriginal children and since being set up, there has been a marked reduction in the number of young people remanded in custody.

The National Award for Outstanding Contribution to Policy or Law Reform

- **Elizabeth Handsley**

Nominated by Morry Bailes, President of the Law Society of South Australia

A challenge facing Australia is the interaction of children and young people and the media. Given the ever-changing nature of the media, the legal regime surrounding this area is very new and developing.

Elizabeth Handsley, a Professor of Law at Flinders University and the President of the Australian Council on Children and the Media since 2010, has worked tirelessly in, among other things, the creation of children's media law as a recognised legal field including the amendment of the guidelines for MA15+ video games.

- **Save the Children, Tasmanian Supporting Young People on Bail Program**

Nominated by Stuart Oldfield, Area Manager - Community Youth Justice at the Department of Health and Human Services (TAS)

Tasmania has high rates of youth offending. Many of these children and young people are held in custody before their hearings.

In response to this, the Save the Children Supporting Young People on Bail Program in Tasmania was established. The program supports young people who are on bail by designing individual Bail Support Plans which contain goals and aspirations with regard to educational, vocational/employment and recreational activities. As a result, Tasmanian legislation was amended this year to accommodate the idea of the Bail Support Program to provide the opportunity for a Magistrate to allow a young person to engage in a process called Bail Review.

- **Antoinette Carroll**

Nominated by Peggy Cheong, President of the Law Society of the Northern Territory

On any given night in Alice Springs, close to 100% of the children and young people in detention are Aboriginal. The youth sector is severely under-resourced and governments frequently adopt strategies which are tough on youth offenders. There is therefore a significant need for independent youth justice advocacy in Central Australia.

For 15 years, Antoinette Carroll has been a strong advocate and passionate voice for the Aboriginal children in Central Australia. In 2007, she successfully obtained the funding for a program she developed, known as the Youth Justice Advocacy Project (**YJAP**). The YJAP is now considered a lead agency of systemic advocacy for the policy and law reform of the youth justice system by bringing together the needs and voices of Aboriginal children and alerting the government and community to these needs.

SPECIAL BULLETIN: HUMAN RIGHTS LAW CENTRE

To coincide with the 2014 Children's Law Awards, a special edition of the Human Rights Law Centre bulletin has been released. The bulletin contains articles that consider a number of human rights and legal issues affecting children and young people. The bulletin is available on the Human Rights Law Centre website: <http://www.hrlc.org.au/>.

More information:

National Children's and Youth Law Centre: www.ncylc.org.au

Human Rights Law Centre: www.hrlc.org.au

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the National Children's and Youth Law Centre and King & Wood Mallesons
with the support of the Australian Government Attorney-General's Department



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