

3 October 2025

Helen Dalton, MP  
Chair, Committee on Children and Young People  
Parliament of NSW  
Parliament House, Macquarie Street  
SYDNEY NSW 2000

By email: [childrenyoungpeople@parliament.nsw.gov.au](mailto:childrenyoungpeople@parliament.nsw.gov.au)

Dear Chair

**Submission to the Inquiry into the Impact of the new Office for Youth on the functioning and independence of the Advocate for Children and Young People**

The Justice and Equity Centre (the 'JEC') welcomes the opportunity to provide a submission to the Committee on Children and Young People's Inquiry into the Impact of the new Office for Youth on the functioning and independence of the Advocate for Children and Young People (the 'Inquiry').

This submission has been prepared in consultation with the peak bodies for Aboriginal and Torres Strait Islander children, families and communities in NSW, AbSec – NSW Child, Family and Community Peak Aboriginal Corporation ('AbSec') and the Aboriginal Legal Service (NSW/ACT) (the 'ALS'), as well as the University of Technology Sydney Jumbunna Institute for Indigenous Education and Research.

The JEC holds a number of concerns about the establishment of the Office for Youth (the 'Office'). Firstly, the process surrounding the establishment of the Office lacked transparency, and the intended purpose of the reform is unclear. The Office was established without consultation with AbSec and the ALS, despite the significant over-representation of Aboriginal children and young people in government systems that affect them, including the criminal legal system and the child protection system.

We understand that the *Advocate for Children and Young People Act 2014* (NSW), including the functions of the Advocate for Children and Young People (the 'Advocate') under that Act, remain unchanged by the establishment of the Office. Nonetheless, we are concerned about the impact of this reform on the independence of the Advocate, including the Advocate's

ability to perform its role as an independent statutory officer, now within an Office of the NSW Government.

Recent reviews and reports have confirmed that existing oversight and accountability mechanisms in NSW in key systems affecting children, and disproportionately Aboriginal children, are inadequate.<sup>1</sup> Against this background, and in the absence of a NSW Commissioner for Aboriginal Children and Young People, it is particularly crucial that there are sufficient safeguards in place to ensure that the independence of the Advocate is maintained.

It is also unclear how the new Office will centre, and be led by, the voices of Aboriginal and Torres Strait Islander children and young people, and represent their distinct needs and interests to address persistent disparities in accordance with the NSW Government's obligations under the National Agreement on Closing the Gap.

In considering the future of the Advocate and the Office, we urge the Committee to have regard to the findings and recommendations of the *Family is Culture Independent Review of Aboriginal Children and Young People in Out-of-Home Care*. In particular, the recommendation (Recommendation 9) that the NSW Government create a new Independent Child Protection Commission as a 'one-stop shop' for the oversight and monitoring of the child protection system in NSW, including a dedicated Aboriginal Commissioner for NSW.<sup>2</sup> Any changes to the Advocate's functions, powers or purpose, may be an opportunity to achieve more wholesale reform to oversight systems that will more effectively safeguard the rights and wellbeing of children and young people across NSW.

If you have any questions about this submission, please contact JEC Policy Lawyer Lucy Kelley at [lkelley@jec.org.au](mailto:lkelley@jec.org.au).

Yours sincerely



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<sup>1</sup> Megan Davis, *Family Is Culture Review Report 2019: Independent Review of Aboriginal Children and Young People in OOHC* (Final Report, October 2019); NSW Audit Office, *Safeguarding the rights of Aboriginal children in the child protection system* (Report, June 2024); NSW Audit Office, *Oversight of the child protection system* (Report, June 2024); NSW Ombudsman, *Protecting children at risk: An assessment of whether the Department of Communities and Justice is meeting its core responsibilities* (Report, July 2024).

<sup>2</sup> Megan Davis, *Family Is Culture Review Report 2019: Independent Review of Aboriginal Children and Young People in OOHC* (Final Report, October 2019), pp 125-128.