

PARLIAMENT OF NEW SOUTH WALES



Committee on Children and Young People
REVIEW OF THE 2003-04 ANNUAL REPORT OF THE NSW
COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Transcript of Proceedings, Written Responses
to Questions and Minutes

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Membership & Staff

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	The Hon Kayee Griffin MLC
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Functions of the Committee

The Committee on Children and Young People is constituted under Part 6 of the *Commission for Children and Young People Act 1998*. The functions of the Committee under the Commission for Children and Young People Act are set out in section 28 of the Act as follows:

- (1) The Parliamentary Joint Committee has the following functions under this Act:
 - (a) to monitor and review the exercise by the Commission of its functions,
 - (b) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter appertaining to the Commission or connected with the exercise of its functions to which, in the opinion of the Joint Committee, the attention of Parliament should be directed,
 - (c) to examine each annual or other report of the Commission and report to both Houses of Parliament on any matter appearing in, or arising out of, any such report,
 - (d) to examine trends and changes in services and issues affecting children, and report to both Houses of Parliament any changes that the Joint Committee thinks desirable to the functions and procedures of the Commission,
 - (e) to inquire into any question in connection with the Committee's functions which is referred to it by both Houses of Parliament, and report to both Houses on that question.
- (2) Nothing in this Part authorises the Parliamentary Joint Committee to investigate a matter relating to particular conduct.
- (3) The Commission may, as soon as practicable after a report of the Parliamentary Joint Committee has been tabled in a House of Parliament, make and furnish to the Presiding Officer of that House a report in response to the report of the Committee. Section 26 applies to such a report.
- (4) A reference in this section to the Commission includes a reference to the Child Death Review Team.

Chair's Foreword

The Commission for Children and Young People continues to be valued both by government and the community, and by children and young people themselves, as a conduit for the opinions of NSW young people. Throughout 2003-04, the Commission promoted the interests of children and young people, contributing to policy formation or making recommendations concerning relevant legislation. The Commission also continued to foster opportunities for young people themselves to make an impact by licensing Speak Up, Speak Out!, its advocacy training package, as well as producing another module for its *TAKING PARTicipation seriously* kit, a resource for organisations wanting to involve children and young people in organising activities and events and in decision-making.

Children's welfare and safety remain priorities for the Commission. The Commission revised and improved the Working With Children Check Guidelines following revision of the employment screening legislation, and ran a number of training workshops for those conducting risk assessments as part of the Working With Children Checks. At the request of the Department of Community Services, the Commission took over the Department's employment screening function. Following an independent audit of all Approved Screening Agencies, the Commission is working to improve some procedures. The Commission also ran a number of workshops to help organisations minimise risks and become child-safe and child-friendly.

The Commission continues to work towards strengthening the well-being of children and young people. During 2003-04 the Commission released a national framework for the early years, in partnership with the Queensland Commission for Children and Young People and the National Investment for the Early Years.

Certain Commission projects are nearing completion. These are two research projects looking at children and young people's experience of work and their perceptions and understanding of what constitutes well-being. The Committee looks forward to any reported outcomes. The Committee also anticipates the tabling by the Minister of the final report on the outcomes of the review of *Commission for Children and Young People Act 1998* and the *Child Protection (Prohibited Employment) Act 1998*. The Minister is currently considering the report of the legislation review conducted by Ms Helen L'Orange. The year 2004-05 will see the Commission commence the implementation of a new three-year strategic plan. The Committee will follow the Commission's progress with interest.

Barbara Perry MP
Chair

Chapter One - Questions on Notice

QUESTIONS ON NOTICE **REVIEW OF THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE** **ANNUAL REPORT 2003-04**

CHAPTER 2: BUILDING PARTICIPATION

Ask the Children

1. The Commission is using the information in *Ask the Children – Children and young people speak about the issues important to them* to guide policy, planning and decision-making (*Annual Report (AR)* p 15). Can you expand on how you plan to approach departments and agencies on the key issues of:
 - (i) safety and security at school and in communities;
 - (ii) activities and places to hang out;
 - (iii) pressure from families and teachers.

2. The Youth Action & Policy Association (YAPA) conducted similar research to that done by the Commission for *Ask the Children – important issues* (*Ask the Children – important issues* p 8).
 - (i) To what extent were the research results independently obtained by YAPA consistent with the research conducted by the Commission?
 - (ii) How does the Commission integrate its research with that being done by NSW or Australian groups promoting the interests of children and young people?

Communicating with children and young people

3. How does the Commission distribute *Feedback* to children and young people (*AR* p 17)?

Advocacy training

4.
 - (i) In what forums does the Commission plan to hold future advocacy training workshops – are there any particular target areas being considered for such training (*AR* p 17)?
 - (ii) How will the CREATE Foundation and the Local Government and Shires Association use the advocacy training package? Are there plans to license any other organisations to deliver workshops on the *Speak Up, Speak Out* training package independently of the Commission (*AR* p 17)?

TAKING PARTICIPATION seriously kit

5. Has the Commission received any feedback from organisations using the kit and how does the Commission plan to evaluate the extent to which it is utilised (*AR* p 18)?

CHAPTER 3: IMPROVING SAFETY AND WELFARE

Working With Children Checks

6. Why did the Commission take over the Department of Community Service's Approved Screening Agency role and what have been the implications for the Commission of

Questions on Notice

undertaking Working With Children Checks for all of the Department of Community Services' clients from 15 March 2004 onwards (*AR* p 24)?

7. The Annual Report indicates that the decreased number of Working with Children Checks in 2003-04, which are 50,006 less than the number undertaken in 2002-03, reflects system improvements that eliminated multiple checks for individuals using more than one name. Were there any factors other than the system improvements that contributed to the decrease in the number of checks completed in the last year (*AR* p 23)?
8. Although the number of completed checks decreased from 2003-03, the number of people with a relevant record requiring assessment has increased from 411 in 2002-03 to 652 in 2003-04. Is there any significance in this statistic (*AR* p 23)?

Legislative change

9. Could you comment on any legislative or administrative reforms the Commission might be considering in view of the recommendations made by Justice Palmer in *Carter v NSW Netball Association* [2004] NSW SC 737? (The Committee understands that the judgment is being considered as part of the current review of the Commission's legislation.)

Working With Children Check audit

10. The Report lists documentation procedures and the time taken to complete risk assessments as two areas that need to be improved by Approved Screening Agencies (*AR* p 24).
 - (i) What has led to these deficiencies and how is the Commission proposing to assist agencies to remedy them?
 - (ii) What were the implications of the delays and the lack of documentation?
 - (iii) In reply to questions taken on notice for the Committee's Review of the Commission's 2002-03 Annual Report you indicated that automatic generation of correspondence to employers by fax and email would reduce turnaround times and that improvements were expected to take effect by February 2004. Had automatic correspondence generation been effected when the audits took place?
 - (iv) What is the Commission's experience of the level of training and development needed for risk assessors and the current standards of risk assessments being conducted?
 - (v) What have been the outcomes thus far of the Commission's evaluation of the risk assessment model used in the Working with Children Check and when does the Commission anticipate the evaluation will be finalised?

Working With Children: Volunteers and Students

11. What were the outcomes of the evaluation of the Working With Children: Volunteers and Students pilot program and what recommendations does the Commission envisage it will be making to the Government for the future direction of the Check with for volunteers (*AR* p 27)?

Child-safe and child-friendly strategy

12. How does the Commission identify or target organisations that would benefit from attendance at the *Child-safe/Child-friendly* workshops (AR p 27)?
13. What is the Commission's view of the general understanding and practice of risk management in the child safe and child-friendly context within organisations (AR p 27)?

Child Death Register

14. Can you detail the ways in which the Child Death Register was reviewed and updated subsequent to the transfer to the Ombudsman of responsibility for review of child deaths due to, or suspected to be due to, abuse and neglect (AR p 29)?

Toileting

15. Has the research into issues posed by toilets and toileting in NSW schools been completed and if so, what recommendations have been made to the Department of Education and Training (AR p 29)?

CHAPTER 4: STRENGTHENING WELL-BEING**Research into children and young people's experience of work**

16. What issues have emerged from this research (AR p 34)?

Kids' Stats

17. What are the anticipated findings from the research into children's understanding of what constitutes well-being (AR p 35)?
18. Has the Commission had any feedback on who is accessing *Kids' Stats* (AR p 35)?

CHAPTER 6: BEING AN ACCOUNTABLE AND EFFECTIVE ORGANISATION**Conducting internal reviews**

19. Can you provide more detail on the outcomes and any recommendations resulting from the internal audit reviews of:
 - (i) grants and subsidies;
 - (ii) the Commission's Approved Screening Agency functions;
 - (iii) the Working with Children Check capacity;
 - (iv) Child Safety Practices (AR p 47)?
20. Has the Commission experienced any particular difficulties in working towards compliance with the Australian Standard for Information Security Management (AS/NZS 7799)?

CHAPTER 7: FUTURE ACTIVITIES**Strategic Plan 2004-2007**

21. In 2003-04 the Commission developed its strategic direction for the next three years in consultation with young people, staff and other stakeholders. Progress will be monitored through quarterly and annual reports to the Commission's Executive on the Plan's key performance indicators. Would it be possible for the Committee to receive regular information from the Commission on the progress made in relation to the strategic plan?

Questions on Notice

22. The Annual Report states that the Commission intends to explore the impact of the economy on children and young people (*AR* p 53). Could the Commission provide more information on what will be involved in this area?
23. Does the Commission have any proposed subjects under consideration for special inquiries?

Chapter Two - Transcript of Proceedings

REPORT OF PROCEEDINGS BEFORE

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

REVIEW OF THE 2003-04 ANNUAL REPORT OF THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE

At Sydney on Tuesday 23 November 2004

The Committee met at 2.00 p.m.

PRESENT

Ms B. M. A. Perry (Chair)

Legislative Council

The Hon. J. C. Burnswoods
The Hon. A. Catanzariti
The Hon. K. F. Griffin
Ms S. P. Hale
The Hon. M. J. Pavey

Legislative Assembly

Mr J. R. Bartlett
Ms S. R. Cansdell
Mr B. J. Collier
Mrs J. Hopwood
Ms D. V. Judge

CHAIR: I welcome everyone here today, and especially those who have agreed to come and give evidence in relation to three reports of the Commission: the annual report; the child death review team report, which involves suicide and risk taking deaths of children and young people, a report of January 2003; and also the report on fatal assaults. Is there anything anyone wishes to raise?

The Hon. MELINDA PAVEY: Is there a general time allocation?

CHAIR: It depends on the length of the answers and how many more questions we might have as a result of that. Dr Michael Dudley will not be here today.

GILLIAN ELIZABETH CALVERT, Commissioner, Commission for Children and Young People, Level 2, 402 Elizabeth Street, Surry Hills, affirmed and examined:

CHAIR: As I indicated earlier, firstly we will deal with the annual report and then take evidence in relation to the child death review team reports. Do you wish to make an opening address on the Commission's annual report?

Ms CALVERT: I would. I think the past 12 months has been an important five-year milestone for the Commission as an independent organisation acting as a voice for children in New South Wales. Through the legislative review children have reported that the fact that the Commission exists makes them feel valued and listened to by the community and the Government. So the mere existence of the Commission has a very positive impact on children and young people. I welcome the opportunity to highlight some of the ways that we have been working to make New South Wales a better place for them through appearing before this committee.

In relation to building participation by children and young people in the life of New South Wales we have provided opportunities and support for them to get involved and have their voices heard and also to influence key decision-makers within the community and government. For example, you would all remember the summit on alcohol abuse. From that, 47 of the 67 recommendations made by young people were adopted by the summit. I think they had a very positive media profile throughout the summit. We have also been able to produce an "Ask the children" resource on alcohol, which has been distributed to decision-makers.

We have also expanded our *TAKING PARTicipation seriously* kit by launching a module called "Meeting Together-Deciding Together". We launched that at the Australasian Conference on Child Abuse and Neglect that was held in September 2003. That has been very positively received. We have been working to promote and improve children's safety and welfare by promoting our child-safe, child-friendly environment. We have conducted, for example, 215,000 working with children checks to help reduce the risk of unsuitable people working with kids. We have also improved the system through reducing multiple checks. In the past we had to check each individual name, whereas now someone can have two or three names but we only have to do one check. We have also released new working with children check guidelines, which have been well received.

We also continued with our pilot program looking at volunteers and students on placement, which is helping to guide our future direction. As part of that, we placed on the web site a series of resources that organisations could use to help them build their protective structures, and that has been well received as well, including piloting some training workshops to back up the resources. Focusing on child-safe, child-friendly organisations is representing a bit of a new direction for the Commission in this area. We also released the Child Death Review Team Report on Fatal Assault and Neglect of Children and Young People, which we will be talking about later. That was important for us because it contained some new information about fatal neglect.

I also chaired a very successful Australasian Conference on Child Abuse and Neglect that attracted over one thousand delegates, including young people, and I also co-chaired the Country Road Safety Summit in May 2004, which I think was in recognition of the important role of the Child Death Review Team in relation to motor vehicle fatalities.

We also strengthened children's wellbeing. Children and young people continually tell me that their wellbeing is linked to having strong and supportive relationships with their families in particular, with their friends and with their community, and some of the ways that we worked to strengthen their well-being included developing Head Start for Australia: a national framework for the early years, in partnership with the Queensland Commission for Children and Young People and the National Investment for the Early Years. I think that has been well received and had some small part to play in some of the policies that emerged in the lead up to the Federal election.

We also released Kids' Stats, which is our on-line resource to measure wellbeing, and we have had some thousands of pages accessed between 1 July to September. That averaged out to be about just over 4,000 pages per month accessed as part of Kids' Stats, which we were all very pleased about. We have also held a number of seminars to assist professionals and parents in the field to improve children's wellbeing. For example, we did one on bullying; we also did one on injury from neglect.

We strive to be an accountable and effective organisation, and I think we have established quite a good track record for fulfilling our statutory obligations. We have conducted a series of audits and reviews that help us to improve our current practice. We have reviewed our professional development policy because I think our staff are what make the Commission work so well, and we are well set up to achieve information security compliance in the next 12 months' reporting period.

I think the other significant thing about 2003-04 from the Commission's point of view is that we are at the end of our three year strategic plan 2001-2004. So during the next 12 months we will be implementing our new strategic plan 2004-2007, which focuses on improving children and young people's participation, researching and raising awareness about important issues affecting their lives and promoting their safety and wellbeing, wherever they spend their time.

In concluding, I would like to acknowledge the important role of the five-year legislative review that the Minister has undertaken in helping us to further define the role, objectives and direction of the Commission. I think appearing before the Committee today

also gives us an opportunity to explore ways we can continue to work together to make New South Wales a better place for children and young people.

CHAIR: In your annual report it is identified that the Commission is using the information in "Ask the children", which is the series that has been published, and, in particular, children and young people speak about the issues important to them to guide policy planning and decision making. Can you expand on how you plan to approach departments and agencies on the key issues of, firstly, safety and security at school and in communities and then, secondly, on activities or places to hang out and, thirdly, on pressures from families and teachers?

Ms CALVERT: I guess publishing "Ask the children" is part of the process of how we raise the issues to assist people approach departments and agencies. By just publishing "Ask the children" and then forwarding it to those agencies we bring the issues to that agency's attention, or it is one of the ways we bring the issues to the agency's attention. We may or may not pursue topics, or it may depend on whether opportunities arise that enable us to pick up on a particular issue that we have published in "Ask the children".

Responding to issues as they arise is particularly effective, because we are talking to people who are already listening. We try to find opportunities to raise issues. We are some presenting in the areas you mentioned. In respect to safety and security at schools, we are partnering with the Department of Education and Training on consultations about the future of education in New South Wales. I am sure that members of the Committee would be aware that the Department has released a discussion paper about the future of education. Also, we will make a submission to the Department in which we will discuss safety and security issues in relation to teachers, for example. Also, there are some opportunities in relation to communities and activities and places to hang out.

We are preparing a submission to the Department of Infrastructure, Planning and Natural Resources on its discussion paper on the future of greater metropolitan Sydney. We will suggest ways to address the concerns of children and young people about feeling unsafe in their communities and about the lack of activities and places to hang out. We will also canvas some of those issues in our submission to the Roads and Traffic Authority on its discussion paper about improving safety for young drivers. We have highlighted our concerns about families in our report to the Commonwealth Department of Family and Community Services on the national action plan for a world fit for children. Those opportunities continually present themselves and we tend to take them up because we think people are listening if they have invited submissions or discussion papers on a particular issue.

Ms VIRGINIA JUDGE: On the point you raised, very appropriately, about consulting with different community bodies, did you send those to the Local Government and Shires Associations and councils? A lot of councils provide facilities for youth. Or are you thinking about doing that down the track?

Ms CALVERT: We send relevant ones to local councils. We quite actively pursue relationships with youth development officers and youth councils as a way of getting information out through the council system. We have certainly promoted things such as "Taking participation seriously" through the council system. About two weeks ago I presented to the Local Government and Shires Associations and the Managers of Councils Association

on the work of the Commission, particularly on risk management. I have ongoing relationships with councils.

Mr JOHN BARTLETT: What staff do you have, what are the numbers?

Ms CALVERT: We have a number of equivalent full-time positions, but that does not translate to people because we have part-time positions and job-sharing arrangements. I will take that question on notice and provide you with the exact numbers of staff that I have. But it is around—

The Hon. MELINDA PAVEY: You had 35½ full-time equivalent staff in 2003.

Ms CALVERT: Yes, we have 35 equivalent full-time staff, thank you Melinda. However, I am happy to get back to the Committee with the exact number of people at a particular time.

Mr JOHN BARTLETT: That is close enough, thank you.

Mr STEVE CANSDELL: You have mentioned safety and security at school and in communities. Have you done any research into bullying in schools and how that reflected on youth suicide and associated trauma?

Ms CALVERT: There has been a lot of research into bullying and we look at bullying in the Child Death Review Team's Report on Suicide and Risk-Taking Deaths of Children and Young People (2002). We found some children who cited bullying as a cause of suicide. Perhaps we could address that later. We held a professional development seminar on bullying, at which Ken Rigby, an internationally renowned expert located in South Australia, presented along with a local NSW public school which had done some interesting work on bullying.

The Hon. MELINDA PAVEY: Could you comment on any legislative or administrative reforms that the Commission might be considering in view of the recommendations made by Justice Palmer in *Carter v NSW Netball Association*?

Ms CALVERT: I am certainly aware of the judgment in Carter, and I have read the relevant sections of the judgment. We referred the judgment to the Legislation Review for its consideration and inclusion in its process. Since the Minister has not tabled the report I am unable to comment on its content.

The Hon. MELINDA PAVEY: You sought advice from the Legislation Review Committee?

Ms CALVERT: No, we referred it for legislative review.

The Hon. MELINDA PAVEY: With some recommendations?

Ms CALVERT: No, we did not make any recommendations. Because the review was under way it made sense for it to be considered in the context of all of it.

CHAIR: The five-year review?

Ms CALVERT: Yes, the five-year review of our legislation.

The Hon. MELINDA PAVEY: You would be aware of the report in today's newspapers of a case involving a fellow on parole from Queensland working with the New South Wales Scottish Highland Dancing Association? Do you have any comments on that case?

Ms CALVERT: Yes.

CHAIR: Strictly, that question does not emanate from the annual report as such.

The Hon. MELINDA PAVEY: I am asking in relation to your ability to get into the community groups throughout New South Wales to make them aware of their requirements for having people of suitable character dealing with children?

Ms CALVERT: One of the positive directions the Commission is taking is that we are now moving much more in the direction of promoting the notion of child-safe, child-friendly organisations, and that arose out of our volunteers and students pilots. That new direction of looking at the whole issue around child-safety, child-friendly organisations is an important new direction. However, referring to the conviction of that person, New South Wales is the only State in which that the conviction could have happened. No other State has a *Child Protection (Prohibited Employment) Act 1998* that makes it very clear that people who have a conviction against children are unable to work with children. It is important to note that he was caught, he was convicted, and he has been sentenced to three months gaol. New South Wales is the only State in Australia where that could have happened.

Mr BARRY COLLIER: How do you get the information for "places to hang out", and what are the features of a good place to hang out? Some of that may be obvious, but could you explain?

Ms CALVERT: It probably depends on whether you are a boy or a girl, what your age is, and whether you are in the city or the country. One of the things that children and young people have told us in recent consultations is that they really value Australia's natural beauty and the natural things that Australia provides, such as beaches and opportunities in the country, and also the opportunity to play with friends in the natural environment and so on. We know this because we have asked children what they like to do and they say they need more places to hang out. Teenage girls will probably say they want coffee shops where they can sit and talk and spend a lot of time without being hassled. Other kids will say they want sporting opportunities and places to play sport and organise sport. Other kids may say they want a youth centre of some sort. It is as broad as there are ages and variety in the children and young people of New South Wales. We have continued to raise this issue because children themselves continue to raise the issue with us. We will raise it in local government forums, because they provide a lot of facilities. I will raise it when I am addressing parents groups and when addressing sport and recreation groups, and things like that.

The Hon. JAN BURNSWOODS: I will go to the prepared questions concerning chapter three of the report. I notice that the Department of Community Services [DOCS]

asked you to take over its screening function. Why did it do that? Were there screening problems? What sort of effect has that had on your workload?

Ms CALVERT: As I understand it DOCS asked the Commission to take on its approved screening agency role for two reasons. First, DOCS was restructuring its human resources services following the transfer of some corporate functions to Bizlink; so it was reshaping its human resources functions and moving to a shared service called Bizlink. That left their Working With Children Check function a bit on its own. DOCS also wanted to focus on its core business so it asked us to take on the Working With Children Check function so it would be free to concentrate on its core business.

There have been minimal impacts on the Commission as existing trained staff and funding were transferred to the Commission. The main impact on us was that we had to find some new accommodation, we have had to reshape our management structure a little and I have new staff.

The Hon. JAN BURNSWOODS: Some of the arguments about core business and the department's moving out human resources functions, could they affect the screening agencies? Are any agencies thinking of doing a similar thing and handing it all over to you? DOCS was quite a substantial percentage, was it not?

Ms CALVERT: It was.

The Hon. JAN BURNSWOODS: What about Health, Sport and Recreation?

Ms CALVERT: I am unaware of other agencies wanting to hand over their approved screening agency [ASA] function to the Commission. However, there would be no reason why they could not hand over if they wanted to. When the Working With Children Check function was set up we made the decision that it was probably best to spread across a number of agencies, because the key part of conducting a Working With Children Check is understanding the business that you are checking.

For example, in making decisions about who to employ, who not to employ, the Department of Education's understanding of what it was to be a teacher in a school, was important to the processes of risk assessment. But there is no reason why it could not all be aggregated into one or two approved screening agencies [ASAs]. I am aware that Health is reviewing its current structure. They are in a process of restructuring and they are looking at their ASA function. I have not been formally approached to take it over.

The Hon. JAN BURNSWOODS: Is there any possibility of it moving in the other direction—for example, a department saying that it would like to do its own screening? I suppose the existing agencies cover most of the ones that have the necessary interaction with children?

Ms CALVERT: If an agency wanted to become an approved screening agency we would consider the merits of the claim and put up a recommendation to the Minister because she is required to approve or authorise the screening agencies that are put in place.

The Hon. TONY CATANZARITI: What differences have you found this year between country areas versus cities? Have you found they have much the same problems and expectations?

Ms CALVERT: I think there are differences in some of the issues. For example, transport is raised as an issue for a number of children. But I often hear comments from country kids who say, "You might be complaining there are not enough buses but at least you have got buses". There is not a public transport infrastructure in the country, so they are completely reliant on parents. There are those sorts of differences. In relation to things they like to do, probably country kids have more opportunity to get involved in the natural environment and to do things outdoors. That does not mean kids in the city do not like the idea of doing things outdoors and having contact with the natural environment. It is probably about emphasis and degree rather than really big stark differences.

The Hon. TONY CATANZARITI: Has there been much talk from kids about the drought?

Ms CALVERT: Yes, kids do raise the drought as an issue. That is certainly the case. But I think city kids are pretty conscious of the drought as well. They certainly will talk to me about the importance of water conservation and they show an awareness about the need to conserve water. They also talk about some anxiety about the future: What sort of world are they going to inherit from us adults? What shape will the world be in that they are going to inherit from us? One of those issues is how much water will there be and the impact of the drought on their quality of life. That would be for city kids as well as for country kids.

Mr JOHN BARTLETT: At page 23 of your report I note that in 2000-01 112 out of 223,000 people required assessment and this year 652 out of 215,000. Are you being more thorough, are you picking out more people, and should you go back and have a look at the statistics in 2000-01?

Ms CALVERT: No, we are not being any less thorough than we were. We do not know why there has been an increase in the rate of risk assessments.

Mr JOHN BARTLETT: You have 50,000 fewer checks.

Ms CALVERT: We know why there are fewer checks. That is because we have made a change from name-based checking to person-based checking. In the past if someone was going to be checked, they would be checked against all the names they had. For example, a married woman who had changed her name would be checked against her married name and her non-married name. That would be counted as two checks. We have now changed the system so that that person is only counted as one check.

Mr JOHN BARTLETT: You have gone from .05 in 2000-01 to .3 this year. When I look at those statistics I wonder why you get such a large variation. You may have to go back and check in the years when you think you have been having some effect.

Ms CALVERT: We do not know why there has been an increase. It may just be a statistical blip. If it continues to rise over time we will probably have to try to find out why there are more people requiring risk assessments than in the past. We could speculate on the

reasons why. I can hypothesise that it might be that initially people with relevant records stood back and said, "We are not even going to risk the system." Now they are seeing how the system operates, they are applying for jobs and we are picking them up. It might be that we have more records now than we did three or four years ago, and that is why more people are coming up requiring risk assessment. I can hypothesise about the reasons but I do not know the reasons why. If it continues to increase we will probably have to try and understand that a little bit better. At the moment, in statistical terms, it is not significant.

The Hon. JAN BURNSWOODS: You will not be surprised that I want to ask you about school toilets. After we listened to John Yu talking about his passion for improving the dreadful state of school toilets, I have lost track of the issue. What has happened?

Ms CALVERT: I have continued to pursue the issue of school toilets. I have had discussions with the Director-General of the Department of Education and Training [DET]. In July this year I was advised that DET was addressing this issue through its school improvement package. In fact, in 2004-05 \$364 million was provided through the improvement package for spending on capital projects, including the upgrading of existing facilities, which would include toilets. Schools will also now be in a position to access the \$1 billion that has been promised by the Federal Government to restore and build school buildings, including amenities. We have taken the view that given DET has recognised the issue and is putting in place funding arrangements to address the school toilet problem and there is the Commonwealth funding we would wait and see what happened, what impact that had on improvements to school toilets.

The Hon. JAN BURNSWOODS: Is anyone looking at the non-capital works aspects?

Ms CALVERT: The non-capital aspects of school toilets?

The Hon. JAN BURNSWOODS: Yes.

Ms CALVERT: I am not aware of that. You would have to ask DET that question. I could take that on notice, if you like.

The Hon. JAN BURNSWOODS: What about the universities, such as the University of Western Sydney and the University of New South Wales, that have been involved in this work?

Ms CALVERT: No, not that I am aware of. We did a literature review of research into school toilets that included capital aspects as well as non-capital aspects. We did not find a lot of material or information.

The Hon. JAN BURNSWOODS: The use of toilets in bullying is seen as one of the most dreadful forms of bullying and there are issues about the increasingly young age at which girls menstruate and the impact of the lack of adequate facilities in primary schools. In the past primary schools did not generally need such facilities. It causes a huge embarrassment and difficulties for girls.

Ms CALVERT: I have followed up the issue of bullying in school toilets with Ken Rigby. I asked him about his experience of bullying in school toilets. He said it was not

identified as one of the major places of bullying in his research, which, in an odd way, I was somewhat reassured by. He certainly does not identify it as one of the primary sites for bullying in schools.

The Hon. JAN BURNSWOODS: Madam Chair, I suggest we contact the department about that issue.

CHAIR: That is a good suggestion.

The Hon. JAN BURNSWOODS: It is one of those issues that when you raise it people tend to look at you with amazement, but it is a major issue.

CHAIR: Ken Rigby is not there any more, is he?

Ms CALVERT: No, he is in South Australia.

The Hon. MELINDA PAVEY: In your annual report you state that one of your most important functions is to hold inquiries or investigations into important questions relating to issues about children and young people. What inquiries and investigations have you conducted in the past 12 months or do you plan to conduct in the next 12 months into important issues affecting young people? I refer to issues identified in your report that need to be addressed including the lack of facilities for children with mental health problems, the over-representation of Aboriginal young people in the criminal justice system and the impact of State government funding on preschools in rural areas.

Ms CALVERT: We have conducted one inquiry into children who have no-one to turn to. You will remember that we have already had a hearing regarding that. An inquiry is one tool that is available to me in carrying out the Commission's functions, and frankly it is an expensive tool. So when planning and thinking about the priorities for our work, I try to look at what is both effective and efficient in achieving outcomes for kids. If a special inquiry seems to be the best way to proceed, that is what I will do. At this stage I have not planned any special inquiries.

The Hon. MELINDA PAVEY: Or research programs?

Ms CALVERT: Yes, because I have been able to proceed using other less resource intensive methods. For example, we are conducting an extensive quantitative research project in relation to work and work-related activities with children. That will come out at the beginning of 2005. We are also undertaking further work in relation to the economy so that we can improve our understanding of the economy and its impact on children and the economic dimensions of social policy. I tend to use methods other than an inquiry. In terms of what is planned I am happy to send you our strategic plan, which will set that out.

Ms VIRGINIA JUDGE: You would be fully aware of the recent success of the police operation focussing on the exploitation of our youth by way of pornography. As a result, legislation was introduced last week in Parliament to do with increased penalties and other regulations on the whole issue of pornography and penalties. What impact do you think that will have on the Commission in future?

CHAIR: Are you able to answer that question or do you want to take it on notice?

Ms CALVERT: I am happy to take it on notice. I would hope the impact would be that we are more effective in identifying people who are using child pornography, who, therefore, are going to be convicted and would be prohibited people.

The Hon. KAYEE GRIFFIN: I refer to the approved screening agencies and the procedures and time taken to complete risk assessments. At page 24 of the report there are comments about deficiencies and how the Commission proposes to assist agencies to recommend them. In answer to an earlier question you spoke about other agencies. Would you tell us about the deficiencies and the implications of delays and lack of documentation?

Ms CALVERT: The deficiencies were largely the result of the approved screening agencies not following procedures when entering data. The audit alerted those agencies to their errors in data entry. Subsequently their practices have changed. We are updating our service level agreements with those approved screening agencies to clarify our expectations for timeliness and consistency in data management. They were not delays that impacted on people; they were delays as a result of not completing data entry or not following data entry procedures. As I said, the audit has alerted them to that fact and we have now rectified it. At times there are delays in completing risk assessments because external agencies are unable to provide us with the information in a timely manner.

So if we require access to records in order to finalise a risk assessment there can be some delays in getting those records because they have to be retrieved from archives, and things like that. We are unable to impact on those delays and, as much as possible, agencies are willing to provide us with that but it still can take some time.

The Hon. KAYEE GRIFFIN: Have those delays had any major impact on any particular issues?

Ms CALVERT: No. Most Working With Children Checks are cleared very quickly because there is no record. It is only when there is a relevant record that it can take longer because we have to access the records in order to conduct the risk assessment, or even to see if it is a relevant record or not.

The Hon. KAYEE GRIFFIN: In reply to questions that you took on notice for the 2002-03 report, you indicated that automatic generation of correspondence to employers by fax and email would reduce turnaround times and improvements were expected to take effect by February 2004. Has that been the case?

Ms CALVERT: Yes, automatic letter generation has commenced. Unfortunately, it commenced after the audit was conducted but it has now commenced. It is important to note that only letters where there are no records are automatically generated. So where there is a relevant record we do not automatically generate those letters. In fact, 99 per cent of the letters of clearance applies to most of the checks. So most of them are automatically generated but we cannot automatically generate risk assessment letters.

The Hon. KAYEE GRIFFIN: In terms of the level of training and development needed for risk assessors and the current standards of risk assessments that have been conducted, is the Commission's opinion that the standards are what are needed?

Ms CALVERT: We are currently undertaking an evaluation of the risk assessment model, and that should be completed towards the end of 2005. In the meantime we did a survey of risk assessors to identify their development and training needs and, in response, we held two training workshops for them. They covered things like effective telephone interviewing, update on child sex court trials and the role of the Director of Public Prosecution. So we have certainly started to provide them with some training and support on an ongoing basis. As I said, the evaluation of the risk assessment model will be completed towards the end of 2005 and that will further inform us as to the needs of the risk assessors and the effectiveness of the risk assessment model.

Mrs JUDY HOPWOOD: What were the outcomes of the evaluation of the Working with Children: Volunteers and Students pilot program? What recommendations does the Commission envisage it will make to the Government for the future direction of the check for volunteers?

Ms CALVERT: The evaluation showed that those organisations that participated in the pilot accepted and welcomed the Child-Safe Child-Friendly resources and the background checking for volunteers. However, it is important to note that 40 per cent of the organisations that we approached did not take up our invitation to participate. The reasons for that were some already had pre-employment checking in place and they wanted to continue with that and for others they did not have the necessary infrastructure to support background checking, and they just felt it would overwhelm their organisation. We are now considering that evaluation report and what our recommendations will be.

Mrs JUDY HOPWOOD: When do you envisage that consideration will be concluded?

Ms CALVERT: We have fed the information into the review of our legislation because if something is to occur it makes sense to bring those two things together. The independent reviewer has forwarded her report to the Minister so it would be up to the Minister when she releases that.

Mr BARRY COLLIER: I note on page 17 of your annual report you talk about planning to hold future advocacy training workshops, and given the opportunity to learn and practise advocacy skills. What does that involve? What advocacy skills are you talking about and in what forums?

Ms CALVERT: We have an advocacy package called "Speak up, Speak out!" that we run with groups of kids and we have now licensed some other organisations to also run. It covers things like the role of government, the structure of government, how to participate in meetings effectively, how to deal with the media—a range of skills that I think you as parliamentarians take for granted—

Mr BARRY COLLIER: Maybe we don't have them. We should attend.

Ms CALVERT: We run workshops for those sorts of skills. I would be happy to provide a list of the contents of that workshop for you so you can get a better idea, but we do it in a kid-friendly way.

Mr BARRY COLLIER: How will the CREATE Foundation and the Local Government and Shires Association use those advocacy training packages?

Ms CALVERT: Certainly, the CREATE Foundation use it to train young people in care to advocate for themselves and for other young people in care, so they will run the workshop with the kids. The Local Government and Shires Association support local councils to do the course for kids who might be on their youth councils. A lot of local councils, as you know, have youth councils so they will run the workshop for the incoming youth council to prepare and help the kids feel more confident in their role as a member of that youth council when they have to attend a local council meeting or meet with the mayor or whatever it is.

Mr BARRY COLLIER: Is it also about encouraging kids who do not attend the course to speak out? Is that part of their advocacy training?

Ms CALVERT: That would be an offshoot of it but it would not be one of the primary things. I guess there is an assumption in the advocacy course that you are working with a group. Although we do also talk about individual advocacy as well, so it covers both. I think the skills are probably useful in both. We certainly look at things like negotiation and listening skills and communication skills as well in the course.

The Hon. MELINDA PAVEY: It would appear from the annual report that the major focus of your research is asking children and young people their views, and communicating those views to government. We all know that the opinions put in these annual reports—particularly on pages 18 and 19—may be looked at by government but in terms of a major consideration by government by way of well researched documentation to backup issues, such as the rural transport issue, the violence and solutions to vandalism, what cohesive research papers have you presented to government to help change policy direction in those areas?

CHAIR: Would you like to put that on notice?

Ms CALVERT: I might give a combination of answering it and taking it on notice. The comprehensive research reports would be reports by the Child Death Review Team that are, in a sense, formal research reports. The Inquiry Into No-One To Turn To would probably also fall into that category. The research and report we are currently completing regarding young people and work will also fall into that category. They would be the sorts of formal research papers, if you like, that we would present to Government. But I would also suggest that say, Ask The Children on alcohol was probably a fairly well researched piece of advice to Government that Government and the whole Summit took up and responded to. So they would be the sorts of reports that I think would fall into that category.

The Hon. MELINDA PAVEY: Your report young people and the economy is so far and wide and all encompassing, what do you hope to achieve?

Ms CALVERT: When we were reviewing the end of our three-year strategic plan 2001-2003 we all felt that we were not yet on top of the issues from an economic point of view—the issues for children, or the economic dimensions of social policy or natural resources policy.

The Hon. MELINDA PAVEY: Are you talking about children who fall in between the margins in socio-economic struggling areas?

Ms CALVERT: That might be one of the issues we might look at, say if you have got children in poverty, and the impact of poverty. We might look at whether a particular type of investment in children is a better investment than another sort of investment. There are also issues around children as consumers and the protection for children as consumers. There are also issues around children as producers, or children as workers. I think there are a numbers of ways in which children impact on the economy and the economy impacts on children.

We did not feel confident that we were addressing the issue as effectively as we might so we have put in place a two or three year project that involves trying to develop a framework for understanding children and the economy, and the economy and children. We have started by holding a couple of small forums where we have brought people with expertise in the area together. In fact, I have another one this Friday where we are going to be meeting with some economists to talk about some of those issues. We then want to employ someone with economics training to start building up our knowledge and bringing that body of knowledge into the work of the Commission.

The Hon. MELINDA PAVEY: So are you six months into a two or three year report?

Ms CALVERT: We are probably three months into a two or three year activity. I would hope that as a result we will be more confident in addressing some of the economic issues in the work that we do.

Mr JOHN BARTLETT: I am concerned that there are five times more people requiring risk assessment now than in 2000. Do you have any mechanism or feedback on whether your reports or checks were wrong and problems have occurred subsequently with people to whom you gave a tick?

Ms CALVERT: Do you want to know whether our original checks missed people?

Mr JOHN BARTLETT: Yes.

Ms CALVERT: There would be nothing to indicate to me that we are missing any more or less people now than we did three years ago because we are using the same automated system. We are using the same databases that we have always had, so I have no reason to believe that we have got a higher error rate now than we had three years ago.

Mr JOHN BARTLETT: What is your error rate?

Ms CALVERT: I do not know what our error rate is. We would have to, in a sense, go back and recheck more than a million people if we were to calculate an error rate. We very rarely have errors thrown up in our checking. They occur but they are extremely rare. We rely

on automated systems, as much as possible, so that we take out or try to minimise the potential for human error. Having said that, inevitably there always will be some small error rate but it is very rare. It is infinitesimal. The reason I know that is that people will get rechecked and extremely occasionally we will get a different result from the original result, but it is a very rare occurrence.

Mrs JUDY HOPWOOD: In 4.2 in relation to develop kids statistics, the first line states adding three essays. What does that mean?

Ms CALVERT: At the moment Kids' Stats is divided into what we call aspects of children's lives. So there is: school and child care, crime and safety and families. We have used statistical information only under those headings. We think that is fine, but, equally, essays or written papers on some of those topics would be useful as well. So we have called those essays. We will have a little icon that means you can go to all of the essays that, hopefully over time, we will put on the web site in relation to each of those domains of children's lives. So, for example, we may write an essay on a particular aspect of school; rather than relying only on the statistical information, we will add an essay on some aspect of school, and that would then be on the web site.

Mrs JUDY HOPWOOD: Item 6.1 has the heading "Advocate on issues affecting children and young people so that their wellbeing is promoted: Engage in public debate and policy discussions to promote children and young people's interests". What areas of public debate are those likely to be?

Ms CALVERT: Any area of children's lives. If it has "children" in it, I am asked to comment on it sometimes. Is that 6.1 of the strategic plan?

Mrs JUDY HOPWOOD: Yes, I am sorry.

CHAIR: Do you want a copy of the strategic plan?

Ms CALVERT: No. It is just that I do not remember the numbers off by heart. That reflects our role as an advocate for children and young people. As I said, we engage in public debate. For example, regarding minors' consent to treatment, we will engage in that debate because we think it is important for children and young people to clarify the law on whether or not they can consent to their own medical treatment. So that reflects a heading that says part of our strategic plan is to actively engage in that debate.

Mrs JUDY HOPWOOD: I would like to enlarge on an issue that I raised by letter with both the chair of the Committee and also the Commissioner, that is, illegal brothels being set up in residential areas. Would "engage in public debate" include the issue of illegal brothels in streets where children are and where schools are?

Ms CALVERT: If I thought that it would advance the issue from a children and young people's point of view, then, yes, I would consider engaging in public debate.

Mr JOHN BARTLETT: Staying with the strategic plan: 4.3 on my list is "Monitor and report on the extent to which the inquiry into "No-one to turn to" had been implemented". That was a report from this year.

Ms CALVERT: No. It was a couple of years ago that the report was tabled, and I know that this year the Committee conducted an inquiry into my inquiry.

CHAIR: I am sorry, what was the question?

Mr JOHN BARTLETT: I was trying to find out which year it was. Can you give me the major recommendations?

Ms CALVERT: There were more than 30 recommendations.

Mr JOHN BARTLETT: Who was to implement those recommendations?

Ms CALVERT: It ranged from the Commonwealth Government, to the State Government, to local government, to families and to non-government agencies.

The Hon. MELINDA PAVEY: I want to get a better understanding of how you are going with the volunteer organisations and their checking. First of all, what is the number of volunteer organisations that are registered in New South Wales? How far have you got through speaking with all their governing bodies about, not so much their requirements but about their potential to do proper checks?

Ms CALVERT: There is no register of volunteer bodies in New South Wales, so I am unable to tell you how many there are.

The Hon. MELINDA PAVEY: There is a register of associations, though, is there not?

CHAIR: That is different. I think we need to clarify the question, because I think associations are different from volunteer bodies, and volunteer bodies are quite expansive.

The Hon. MELINDA PAVEY: But most of them are incorporated in some capacity. Has anyone sat down, with pen and paper, and gone through all the incorporated bodies or associations and worked out which of those involve children?

Ms CALVERT: I know during the year of volunteering there was some work done, and we tried to access what the number of volunteers in New South Wales and child-related employment might be. It was impossible to do with any degree of confidence in the result. Having said that, we have engaged with some of the peak associations of volunteers, such as Volunteering New South Wales and Covers, which is a rural-based group of volunteer peaks. They have both been represented on my volunteer and student reference group, which has advised me about the volunteer pilot project. I got very clear and strong advice early on from that reference group that I should not rely on checking; that in fact we should be focusing on trying to help build up the infrastructure within volunteer organisations, so that they had even simple things like position descriptions, which a lot of them do not have. One of the major drivers in our moving into that area of working with organisations and, in a sense, doing organisational development, was to improve existing practices and procedures. As I said, I got very strong advice from that reference group not to rely on background checking as our main approach to volunteering.

Ms SYLVIA HALE: At 8.3 of the strategic plan is mention of electronic service for working with children checks. Is that contrary in any way with what you have just been saying?

Ms CALVERT: No. Electronic service for Working With Children Checks means that, rather than giving us the names of the people to enter into the database to send off and do the check, what would happen is that the employer would automatically enter the data themselves. If it is clear, it would come back as clear. If it is not clear, it would then be referred to an ASA to sort out whether a risk assessment was required or not. So, in a sense, it is a way of using electronic or information technology to reduce the involvement of the middle person. That would then speed things up and would improve turnaround times.

CHAIR: That concludes the review of the annual report, and I thank you for your evidence, Ms Calvert.

Chapter Three - Follow-up to questions on notice

CHAPTER 2: BUILDING PARTICIPATION (*Annual Report (AR)*)

Ask the Children

Question 2

The Youth Action & Policy Association (YAPA) conducted similar research to that done by the Commission for Ask the Children – important issues (Annual Report page 8).

- (i) To what extent were the research results independently obtained by YAPA consistent with the research conducted by the Commission?
- (ii) How does the Commission integrate its research with that being done by NSW or Australian groups promoting the interests of children and young people?

RESPONSE:

There were a number of common issues identified in both the Youth Action & Policy Association and the Commission's research. These include children and young people wanting to feel safe and secure in all aspects of their lives. For example, children and young people identified ways to stop bullying at school, a need for greater police presence on the streets and better street lighting

Having entertainment, activities and places to hang out for children and young people was also identified in both reports.

Young people also raised the issue of more opportunities and employment in their areas. Young people wanted more career opportunities in rural and regional communities so that they did not have to move away to study or find work.

In the Commission's research children and young people identified a number of additional issues, including pressure placed on kids by families and teachers to study and succeed, that were not identified in the Youth Action & Policy Association's report.

The Commission is represented on a number of research committees including the Juvenile Justice Collaborative Research Unit Steering Committee, Families First Research and Evaluation Committee and the Association of Child Welfare Agencies Research Committee. This helps us integrate our research with others.

We also work jointly on research projects. We are currently participating in a joint research project into children's wellbeing with the University of Western Sydney. Recently we funded national research on A Head start for Australia in conjunction with the Queensland Commission for Children and Young People and National Investment for the Early Years (NIFTEY).

Follow-up to questions on notice

Communicating with children and young people

Question 3

How does the Commission distribute Feedback to children and young people?

RESPONSE:

The Commission distributes approximately 10,000 copies of Feedback per annum.

We distribute Feedback by direct mail to more than 2,600 organisations that work with children and young people in NSW, including:

- secondary schools (public, private and Catholic)
- local councils
- youth councils and committees
- individuals at the DET who work with students
- community youth organisations
- recreational clubs.

Feedback is also mailed to young people who have been involved with the Commission's work in the past. At meetings, presentations, events and conferences we often distribute Feedback. It is also available to download from our website.

Feedback is promoted through Exchange, our quarterly newsletter sent to more than 10,000 stakeholders, our website and our 'Latest News' email, sent to more than 2,000 online subscribers.

TAKING PARTicipation seriously kit

Question 5

Has the Commission received any feedback from organisations using the kit (TAKING PARTicipation seriously) and how does the Commission plan to evaluate the extent to which it is utilised?

RESPONSE:

The Commission regularly receives positive feedback on TAKING PARTicipation seriously from organisations using it. This feedback comes from children and young people and people working with kids in NSW, Australia and internationally.

The Foundation for Young Australians has advised the Commission that they use Checking the Scoreboard as a regular agenda item at their board meetings to review their participation practices.

The South Australian Women's and Children's Hospital use Meeting together-deciding together for case planning with young people with severe mental health issues. They have told us that they find it very successful in engaging young people.

A consultant for Griffith University last month reviewed over 100 advice manuals developed internationally about promoting participation. She said that TAKING PARTicipation seriously was the best in the world.

We can get some idea of the extent to which the kit is utilised as over 250 hard copy versions kits have now been purchased. It is one of the most downloaded documents from our website.

From early 2005, we will be reflecting and reporting on our participation experience to date. As part of this project we will consult some organisations to understand how they use TAKING PARTicipation seriously. We will also ask kids involved in those organisations if participation practice has improved.

CHAPTER 3: IMPROVING SAFETY AND WELFARE (AR)

Child-safe and child-friendly strategy

Question 12

How does the Commission identify or target organisations that would benefit from attendance at the Child-Safe and Child-Friendly workshops?

RESPONSE:

The Commission developed its Child-Safe and Child-Friendly resources and training program through the Working with Children: Volunteers and Students Pilot Program. Accordingly we first piloted the resources and training with participants in that program.

Since then we have presented the resources at several training conferences in response to invitations.

During 2004/2005 the Commission is developing a new Child-Safe Child-Friendly program. In developing this program, the Commission will be working with organisations that provide children's services, as well as accreditation and licensing bodies to determine the best methods for promoting child safe - child friendly practices and the best targets for such promotion. Targets will be selected on the basis of their need, their readiness to develop, and the availability of avenues of access.

At the same time we are identifying opportunities for promoting child safe and friendly resources from the start of 2005.

Question 13

What is the Commission's view of the general understanding and practice of risk management in the child-safe and child-friendly context within organisations?

RESPONSE:

The Commission undertook a needs analysis of organisations in 2003 as part of the Working With Children Volunteers and Students Pilot Program.

This analysis showed that organisations wanted to become safer for children. They wanted to engage all workers in sharing responsibility for safe practice, and build their workers confidence in responding to child safety issues. They also wanted plain English resources for development, supported by flexible and accessible training resources. Finally they wanted to have ready access to expert knowledge on child protection.

Follow-up to questions on notice

Organisations vary in their risk management capacity. Large well resourced agencies do it well whereas small voluntary local groups need help.

The Commission has developed the Child-Safe and Child-Friendly program in response to this needs analysis. We released information resources for organisations on the web in July 2004.

Child Death Register

Questions 14

Can you detail the ways in which the Child Death register was reviewed and updated subsequent to the transfer to the Ombudsman of responsibility for review of child deaths due to, or suspected to be due to, abuse and neglect? (Annual Report p 29)

RESPONSE:

The new legislation in August 2003 strengthened the research role of the Child Death Review Team. The Child Death Register was reviewed to support this broader focus.

The Register has been expanded and can now hold data such as the role of supervision, medical conditions, safety equipment, risk-taking behaviours and socio-economic disadvantage; store more detailed text on a child's death; and efficiently transfer information between the Child Death Register and the Ombudsman's reviewable child death register.

All information in the existing Child Death Register will be transferred to this updated register early next year.

CHAPTER 4: STRENGTHENING WELL-BEING (AR)

Research Into children and young people's experience of work

Question 16

What issues have emerged from this research? (Annual Report page 34)

RESPONSE:

The research looks at employment from children and young people's perspectives, including the sorts of work they do, their work conditions and what they like and dislike about work.

Approximately 11,000 children and young people aged 12 to 16 years across NSW completed a paper-based questionnaire survey during May and June 2003. Analysis is currently being completed and it is anticipated that the Report will be released in early 2005.

Kids' Stats

Question 17

What are the anticipated findings from the research into children's understandings of what constitutes well-being? (Annual Report page 35)

Response:

The Commission is collaborating with the University of Western Sydney to conduct research into children and young people's perceptions and understanding of what constitutes well-being.

Fieldwork commenced in June 2003, with 120 children and young people aged 8-15 years participating in 150 interviews. This is nearing completion.

We originally anticipated that the fieldwork would continue until early 2004. However we discovered that an extra interview was required with many children and young people to allow them time to fully explore their understanding of well-being.

We cannot anticipate the findings yet as the analysis is still in its early stages. The research findings are planned for release in mid to late 2005.

Question 18

Has the Commission had any feedback on who is accessing Kids' Stats? (Annual Report page 35)

RESPONSE:

Kids' Stats was launched in May 2004. It brings together data collected by other agencies on a range of issues. There are seven key areas monitored – family, child care, school and work, community, crime and safety, health, and economic security.

As Kids' Stats is a recent initiative the Commission is not yet planning its evaluation. However, the Commission currently collects information on the number of times particular pages on the Kids' Stats site are accessed.

There were 12,488 pages accessed between 1 July and 30 September 2004, an average of 4,163 pages per month. We have also found that the areas most commonly accessed are the pages in the Crime and safety and School and work areas of the site.

CHAPTER 6: BEING AN ACCOUNTABLE AND EFFECTIVE ORGANISATION (AR)***Conducting internal reviews*****Question 19**

Can you provide more detail on the outcomes and any recommendations resulting from the internal audit reviews of:

- (i) grants and subsidies;
- (ii) the Commission's Approved Screening Agency functions;
- (iii) the Working with Children Check capacity;
- (iv) Child Safety Practices?

RESPONSE:

In relation to Grants and Subsidies, the draft report assesses the Commission's controls over grants and subsidies as effective. It recommends that we obtain additional documentation to support one grant. The report is still a draft and the Commission will monitor outcomes once the final report is received.

Follow-up to questions on notice

The audit into the Commission's Approved Screening Agency functions found overall that the Working With Children Check Program is conducted in a satisfactory manner by the Commission. The final report contained 12 recommendations for procedural improvements. These recommendations related to including more detailed processing steps in the Processing of WWCC Requests Procedural Manual and extending aspects of the Commission's risk assessment processing efficiencies to the other Approved Screening Agencies. Eight of the twelve recommendations have been implemented as at 31 October 2004.

The Working With Children Check Capacity audit found that the Commission was well placed to assimilate the "business as usual" transfer of the Department of Community Services Screening Unit during March 2004. Recommendations contained in the report related to improving controls and streamlining coding and filing practices. Nine of the eleven recommendations have been implemented as at 31 October 2004.

The draft report of the Child Safety Practices review shows that the Commission is very protective to children. It makes draft recommendations to enhance that protectiveness. These recommendations cover some human resource processes such as induction, performance development and the development of policy documents. The report is still a draft and the Commission will monitor outcomes once the final report is received.

Question 20

Has the Commission experienced any particular difficulties in working towards compliance with the Australian Standard for Information Security Management (AS/NZS 7799)?

RESPONSE:

The NSW Government deadline for compliance with the Australian Standard for Information Security Management (AS/NZS 7799) is 30 September 2005.

The Commission is on target to achieve this deadline, having commenced preliminary work in 2003-04.

As a small agency we use external consultants for some specialised work on this program. External consultants have been engaged to undertake a comprehensive Threat and Risk Assessment and Gap Analysis to assist in the preparation of policy documentation.

The Commission uses the Central Corporate Services Unit (CCSU) for information technology services and CCSU is close to compliance with the standard. The Commission has been dependent on CCSU for progress.

CHAPTER 7: FUTURE ACTIVITIES (AR)

Strategic Plan 2004-2007

Question 21

In 2003-04 the Commission developed its strategic direction for the next three years in consultation with young people, staff and other stakeholders. Progress will be monitored through

quarterly and annual reports to the Commission's Executive on the Plan's key performance indicators. Would it be possible for the Committee to receive regular information from the Commission on the progress made in relation to the strategic plan?

RESPONSE:

The Commission provides an annual report to Parliament and Government in accordance with legislation and policy, that states our achievements against targets.

It is appropriate for the Commission to be answerable to the Joint Parliamentary Committee on its performance through its annual reporting.

The quarterly reporting is an internal mechanism to assist us undertake our work – it is less formal and it would not be good governance for the Commission to invest in formalising these reports for the Joint Parliamentary Committee.

Chapter Four - Answers to Questions Taken On Notice

The Commission has responded to several questions taken on notice during the public hearing held on Tuesday 23 November 2004.

QUESTION (Transcript p13):

The Hon JAN BURNSWOODS: Is anyone looking at the non-capital works aspects of school toilets? (Transcript p6)

RESPONSE:

It is noted that the Joint Parliamentary Committee has undertaken to seek advice on this issue direct from the Department of Education and Training.

The Commission for Children and Young People undertook a literature review of research into school toilets in 2003.

Overall, there is recognition in the literature that more research is required to understand issues related to toilets and toileting in schools, including the contribution made by design and building maintenance.

Question (Draft Transcript p.14):

Ms VIRGINIA JUDGE: You would be fully aware of the recent success of the police operation focussing on the exploitation of youth by way of pornography. As a result legislation was introduced last week in Parliament to do with increased penalties. What impact do you think that will have on the Commission in the future?

RESPONSE:

There is no specific impact on the Commission from the proposed changes. At the most general level, the recent police operation has increased public awareness of the extent of child pornography and the extent to which children and young people are exploited by this industry. The public becomes more alert, more conscious of the need to protect children and more inclined to ask about the systems we use to prevent unsuitable people from working with children. The Commission has long been active in advising parents on ways to protect children from exposure to harmful materials on the internet.

The other impact of increasing penalties for child pornography offences is to increase the number of prohibited persons. People found guilty of a serious sex offence are prohibited from working in child related employment in NSW. A serious sex offence is one punishable by imprisonment for 12 months or more. Child pornography offences have been included amongst the offences that would lead to prohibition. The Commission would not anticipate a significant increase in applications for exemption from the Child Protection (Prohibited Employment) Act 1998 arising from such an increase in prohibited persons.

QUESTION (Transcript p16):

Mr BARRY COLLIER: I note on page 17 of your annual report you talk about planning to hold future advocacy training workshops, and given the opportunity to learn and practice advocacy. What does that involve? What advocacy skills are you talking about and in what forums?

RESPONSE:

The Commission's "Speak Up, Speak Out" advocacy training consists of three modules. These modules are:

1. What is advocacy?

This module is about finding out what advocacy is, what skills children may need and how they can be effective advocates. It includes activities on who can be an advocate, different types of advocacy and barriers to advocacy.

2. Meeting and influencing people

In this module we cover how to communicate, negotiate and handle conflict effectively. The module also contains practical activities on using communication skills to influence people.

3. Advocacy, media and government

The third module covers how kids can use the media to help in advocacy. It includes practical activities on writing a media release and doing media interviews. It also looks at how government works and who to access to help.

Question (Transcript p17):

The Hon MELINDA PAVEY: It would appear from the annual report that the major focus of your research is asking children and young people their views and communicating these views to government. We all know that the opinions put in these annual reports - particularly on pages 18 and 19 - may be looked at by government but in terms of a major consideration by government by way of well researched documentation to backup issues, such as the rural transport issue, the violence and solutions to vandalism, what cohesive research papers have you presented to government to help change policy direction in those areas?

RESPONSE:

A major focus of the Commission is asking children and young people their views, because that is part of the Commission's role. One of the principles of the Commission for Children and Young People Act 1998 is to listen to children and young people, take their views seriously and promote their interests.

The Commission does produce comprehensive research reports, such as the Child Death Review Team's reports and the Inquiry into Children and Young People Who Have No-One to Turn to, and presents them to government. We are currently completing a major research project on young people and work and a research project on children's well-being. They will be presented to government.

Formal research often requires extensive time and resources. When planning, I consider the priorities for our work and the method that will be most effective and efficient in achieving good outcomes for children.

In many instances rather than formal research we have been able to proceed using other, less resource-intensive methods to influence policy direction. These include:

- submissions to consultations, inquiries and legislative reviews. Currently, the Commission is working with the Department of Education and Training, consulting children and young people who are outside the public education system as part of the Department of Education and Training's Innovation and Excellence project.
- asking more appropriate agencies to inquire. As a result of a request from the Commission to the NSW Attorney General, the NSW Law Reform Commission is currently reviewing the laws relating to children's medical consent.

I have found that responding to opportunities as they arise can be effective, as you are talking to people who are already listening.

Appendix 1: Committee Minutes



PARLIAMENT OF NEW SOUTH WALES
COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Minutes of Proceedings of the Committee on Children and Young People

Wednesday 15 October 2003 at 1.15pm

Room 1108, Parliament House

Members Present

Ms Perry (Chair), Ms Burnswoods (Vice-Chair), Ms Burney, Mr Cansdell, Ms Griffin, Ms Hale, Ms Judge and Ms Pavey.

Apologies

Ms Hopwood, Mr Catanzariti.

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1. Inquiry programme

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The Chair addressed the Committee re the inquiry program. Discussion ensued.

Resolved, on the motion of Ms Burney, seconded by Ms Burnswoods:

a. *Annual Reports 2001-2 and 2002-3*

That, as a first step, the Committee conduct a public hearing with the Commissioner for Children and Young People to examine the Commission's Annual Reports for 2001-2 and 2002-3 and that suggested questions be circulated. The hearing is proposed for Monday 1 December, subject to the availability of a quorum, and will be reported by the end of the 2003 sitting period;

b. *General Meeting*

That, in future, the Committee's examination of the Commission's Annual Reports should become part of an annual General Meeting, in which the Committee examines a wide range of matters relating to the operation of the Commission, not merely matters raised in the Annual Report. The evidence taken at the General Meeting could be used to consider matters for further inquiry.

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