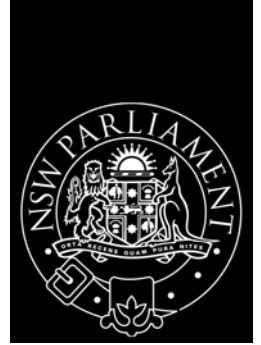


PARLIAMENT OF NEW SOUTH WALES



Committee on Children and Young People
REVIEW OF THE 2005-2006 ANNUAL REPORT OF THE
COMMISSION FOR CHILDREN AND YOUNG PEOPLE

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to Questions and Minutes

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Membership & Staff

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Terms of Reference

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

Building on the work of previous years, 2005-2006 was a year of consolidation and significant output for the Commission for Children and Young People. The Commission has continued to contribute to the public debate about issues affecting children and young people, by researching little understood aspects of children's lives, developing the organisation's contacts with government and non-government stakeholders and improving the resources that the Commission provides to help others to enhance the safety and well-being of children.

The Commission has continued to promote its three-pronged approach to child safety that includes excluding inappropriate people, background checking and encouraging child-related organisations to be child-safe and child-friendly. The Commission continued to chair the Child Death Review Team and convened the inaugural meeting of the Australian and New Zealand Child Death Review Teams.

In the area of research, policy and education, the Commission built upon previous work and undertook a number of new major projects. Consultation with children and young people continued to underpin the Commission's work. For example, the Commission consulted with more than 125 children and young people in developing a submission to this Committee's inquiry about children, young people and the built environment. The Commission also built upon its groundbreaking *Children and Work* report that analysed the results of a survey of 11,000 children about their experiences at work.

During 2005-2006, the *Commission for Children and Young People Amendment Act 2005* was passed, introducing a range of changes primarily dealing with the prohibition of employment of prohibited persons and background checking of employees undertaking child-related employment. The Commission has been involved in developing systems and processes to support the changes to the legislation.

On behalf of the Committee, I would like to take this opportunity to express our appreciation to Ms Calvert and the staff of the Commission for the information that they have provided to the Committee for the purposes of this particular examination. The Committee looks forward to working closely with the Commission as it continues its important work as an advocate for the wellbeing of children and young people in NSW.



The Hon Carmel Tebbutt MP
Chair

Chapter One - Questions on Notice

COMMISSION FOR CHILDREN AND YOUNG PEOPLE ANNUAL REPORT 2005-2006

About the Commission

Question 1

The NSW Government created the Office for Children on 3 April 2006. The Office provides administrative support for the Commission as well as the Office of the Children's Guardian. What has been the impact of these changes upon the work of the Commission?

RESPONSE:

The Commission's focus on children's safety, welfare and well-being is unchanged. The Office for Children's corporate services which undertakes financial and personnel work and manages external reporting on administrative functions is placed within the Commission's area. It efficiently supports corporate needs; for example, the cost of Office for Children annual financial audits was slightly lower than for both the Commission and Guardian. Similarly, there are some savings in the design of annual reports as we publish our annual reports together. And we adopt procedural documents from either the Commission or the Guardian as Office for Children procedures, so saving on the development of new ones.

Question 2

The Commission's strategic plan is due to finish in 2007. What processes is the Commission undertaking to develop a new strategic plan, and is there a timeline for its development? To what extent are the views of children and young people, as well as other key stakeholders, included in the development of the strategic plan? Does the Commission have any proposals for any new strategic developments?

RESPONSE:

We are currently completing additional activities that grew out of the last strategic plan, and we are developing a strategic directions document for 2008-11. We anticipate that the strategic directions document will be ready for implementation from July 2008.

We are basing our strategic directions on our wellbeing research because it is a ground breaking scientific study of children's views and voices. By doing this we place children's voices at the centre of our strategic directions. Further significant time and resources have been devoted to the research so it is appropriate to use it rather than duplicate it by adopting a second process.

Two strategy groups have been meeting on a monthly basis to discuss the Commission's directions. One is the Children's Issues Strategy Group and the other is the Working With Children Strategy Group. These are made up of staff from the Commission. The Expert Advisory group which is made up of eight stakeholders is also discussing our directions. Following this a strategic directions document will be finalised by the Commissioner for consultation with children and young people.

Question 3

Information about the entire Office for Children workforce appears in the Office for Children Annual Report 2005-06, but specific information relating to Commission staff is not provided. Has the establishment of the Office for Children impacted upon staff retention and turnover during 2005-06?

RESPONSE:

The Office for Children employs the Commission's workforce so staffing information is reported in the Office for Children's Annual Report. There has been no impact on the retention or turnover of Commission staff because of the Office for Children. We use temporary staff to complete short term projects or to back fill positions when permanent officers are on maternity leave or secondments to other organisations.

Question 4

How does the percentage of Commission staff dealing with background checks/prohibited employment compare with the number of staff employed to undertake advocacy, research and training? Does the background checks/prohibited employment area receive separate funding as a distinct program of the Commission?

RESPONSE:

The Commission's equivalent full-time staff at June 30 2006 was 43.3, and the equivalent full-time staff dealing with background checks and prohibited employment is 16.7. The Commission's budget is appropriated as a whole and not divided into funds for the various program areas like research, background checking and so on. The Commissioner, in her independent role, makes internal budget allocations to support the directions she has set.

Question 5

Developing strategies to increase the Commission's workplace diversity is identified as a key Ethnic Affairs Priority for 2006-07. What strategies have been developed so far?

RESPONSE:

The Commission focused on developing strategies for diversity amongst the children that sit on our committees. For example children from diverse ethnic backgrounds were appointed to the Young People's Reference Group so their views were always strongly represented. Further, we include children from a range of cultural backgrounds in our consultations and in our research projects.

Question 6

What is the Commission's view on the value and effectiveness of the oversight of its operations provided by the Joint Parliamentary Committee?

RESPONSE:

The oversight of the Joint Parliamentary Committee is important to the Commission as it is a guarantee of independence and also of accountability. The Committee could take a stronger role in advocating for children within Parliament and the community by following up on recommendations the Commission has made, to assess whether they have been implemented for example in the Children and Work study.

Year in Review

Safety

Question 7

One of the aims of the *Commission for Children and Young People Amendment Act 2005* was the strengthening of the Commission's ability to undertake audits of employers' compliance with the Act.¹ Have these powers been used by the Commission in a systematic way, or at all?

RESPONSE:

The Commission has not yet used the new powers granted by the amended legislation to audit employer compliance with the Commission's legislation. We need additional funds to undertake this new role. We anticipate allocating funding to undertake audits once on-line checking (the e-Check) reduces customer service demand. The e-Check is expected to go live in 2008.

We always seek copies of the signed declarations from employers before we undertake an estimate of risk. We have found that employers are compliant with the legal requirements. If they refused to comply we would issue a notice however this situation has not yet arisen.

Prohibited employment declaration

Question 8

The 2005-06 amendments to the *Commission for Children and Young People Act 1998* [the Act] extended the range of offences which prohibit a person from child-related employment, and limited a prohibited person's capacity to seek a review of his or her status in certain circumstances. In 2006-07 the Commission was to develop systems and processes to support the commencement of these statutory provisions. How has this progressed? Has the Commission encountered any difficulties?

RESPONSE:

We have developed new information sheets and forms for people wanting a review of their prohibited status. We have also briefed the Administrative Decisions Tribunal and the Industrial Relations Commission on the changes in the legislation. In addition we have sought expert advice about violence offences so we are able to advise the Tribunals effectively when prohibited status arises from such offences. New internal procedures to guide our practice have been drafted and will be finalised by December 2007. We have not encountered any difficulties.

Question 9

Section 33P of the Act enables Regulations to provide for self-employed persons engaged in child-related employment to obtain and display certificates stating that the person is not a prohibited person. What progress has been made in implementing this procedure?

¹ See Hon R P Meagher MP, Legislative Assembly *Hansard*, 15 November 2005.

RESPONSE:

We have planned much of the operational detail for issuing these certificates, including obtaining the support of NSW Police in processing applications. We have also prepared the communication material to support its introduction. In line with standard business practice, we'll be charging a fee for the certificate. Our implementation has been held off pending a legislative amendment that puts beyond doubt our capacity to do this. We are also preparing for a possible Regulatory Impact Statement supporting the proposed regulation.

Assessing applications

Question 10

What do you consider to be the strengths and weaknesses of the Commission's review process, when compared to those of the Administrative Decisions Tribunal [ADT] and the Industrial Relations Commission [IRC]?

RESPONSE:

The strengths of the Commission's review process lie in the efficiency of our reviews. Without legal fees and court time, costs of this process to NSW and to the applicant are significantly reduced without compromising children's safety. In addition it is less stressful for applicants and their families as it does not involve a court hearing. This is important for those applicants who may have been convicted of carnal knowledge because of different standards at the time, and have subsequently married the young woman and now have grandchildren.

Unsuccessful applicants are able to still apply to the ADT or IRC. The Commissioner's authority is only to grant an Order which means she can only decline to make an order. In granting an order the applicant has to demonstrate he or she is not a risk to children. If the Commissioner doesn't make an order because the applicant has not demonstrated they are no longer a risk to children or she is unable to obtain documents from others states, then the prohibited person can apply to the ADT or IRC.

The strengths of the ADT and IRC reviews is they can call on additional court powers; for example they can compel information from agencies outside of NSW, and cross-examine applicants under oath. The ADT and IRC also use psychological assessments to help their decision making.

Question 11

Having regard to the fact that the decisions of the ADT and the IRC are publicly available, is there a need for greater transparency in the Commission's decision-making regarding review applications? If so, how has the Commission sought to address this?

RESPONSE:

There are a number of processes in place to guide decision making by the Commission and which safeguard children's interests.

In making an order the Commissioner must have regard to the *Commission for Children and Young People Act 1998*, administrative law principles and the relevant decisions handed down by the ADT, IRC and Supreme Court regarding applications for review of status. Recent changes to the Act have narrowed the Commissioner's and the ADT and IRC discretion by limiting the offences from which applicants can seek a review.

Staff are required to operate according to the *Prohibited Employment Manual* which set out procedures for preparing a determination by the Commissioner of an applicant's status. The Manual was reviewed by the Crown Solicitors office before being put into operation. The Manual provides direction to staff and is the starting point for review, whether an internal or external review. The Manual is currently being revised and will be available by the end of 2007.

An independent internal audit was undertaken in 2005, on the Commission's prohibited employment process. Six recommendations were made and all have been implemented.

The Commissioner's Annual Report sets out the outcomes of decisions of review of status.

Further the Committee on Children and Young People can review the exercise of the Commissioner's functions which include 'determining or intervening in review applications concerning prohibited persons'. In addition the Commissioner's decisions, like all administrative decisions, are subject to review by the Ombudsman. Like the Committee on Children and Young People, he can make recommendations.

Question 12

Are there any implications for the work of the Commission in the way in which applications for review of the status of prohibited persons are dealt with by the ADT?

RESPONSE:

The Commission is party to all applications to the ADT. Where the Commission does not oppose an application then it is more efficient for the Commissioner to deal with the application. However if for example, the evidence needs testing or the ADT powers to subpoena documents from interstate are needed or a psychological assessment is needed to assist the ADT make its decision, then it is important that the application is before the ADT as the Commissioner does not have the power to do these three things.

Question 13

What is the Commission's view of the fairness and accuracy of media coverage of its decisions and those of the ADT relating to prohibited persons?

RESPONSE:

The knowledge base about risk and risk prediction is still developing. We know more than we did 10 years ago but knowledge is still limited when compared with some other fields. It takes time for scientific knowledge to filter through to the general public including the media. Consequently reporting can reflect this lack of up to date knowledge.

Further child abuse is a highly charged area and understandably people want to be able to guarantee children's safety. The media reflect these expectations in their reporting and the community in general. However the Commission is not aware of any program, legislation or activity that can guarantee children's safety which means there can be a mismatch between the community's expectation and media reporting, and the knowledge base.

Question 14

A number of the Commission's decisions relating to prohibited persons have been appealed to the NSW Supreme Court. Does the Commission consider that these decisions have successfully withstood such scrutiny? What, if any, in 2005-06 has been the financial cost to the Commission of defending its decisions in the NSW justice system?

RESPONSE:

Decisions of the ADT and IRC are subject to appeal. During 2005-06 the ADT and IRC granted 18 Orders. The Commission appealed one of these decisions to the NSW Supreme Court. The appeal was unsuccessful. The Commission instructed the Crown Solicitor in this matter and as it is core business for them there was no charge to the Commission.

Background checks

Question 15

The 2004 Review recommended extending background checks to include some volunteers working in high-risk areas.² As a result, the *Working with Children: Volunteers and Students Pilot Program* was conducted and evaluated. What is the Commission's current assessment of the practicality and effectiveness of extending compulsory background checks to include volunteers?

RESPONSE:

The 2004 review of the Commissions legislation recommended checking for some volunteers. The Commission was asked to consider the impacts on volunteer organisations and has consulted many volunteer organisations.

The Working With Children background check was designed for organisations that have employment systems in place. It is therefore not suitable for many organisations and clubs who only use volunteers as:

- small organisations run by volunteers, experience the administrative processes as significant and
- the volunteer office bearers eg Club President, gets sensitive personal information that if misused, either intentionally or through accident, could be damaging to relationships in small communities (ie small organisations, small towns etc) and it's these very relationships that are the glue that holds these communities together and provides the service to kids.

For these reasons many volunteer run organisations would struggle to comply with compulsory background checking and that in requiring them to comply, the very relationships we are trying to promote could be damaged.

We also know that the *Working With Children* background check is only as good as the records that are held. Most people who should not be working with children do not have records.

This is supported by recent research that suggests that focusing solely on the job applicant will not manage the risk of harm to children in the workplace. Doing so neglects critical

² H L'Orange, "Review of the *Commission for Children and Young People Act 1998* and the *Child Protection (Prohibited Employment) Act*", 2004.

factors that dynamically interact with the applicant to create the real potential for harm. Those critical factors have to do with the workplace itself and the characteristics of the specific children or young people the applicant would be working with.

There appear to be more effective ways of preventing harm to children than compulsory background checking, ways that volunteer organisations already have access to with support and guidance. This suggests that if additional investment is available, it would be better invested in supporting volunteer run organisations to be child safe and child friendly rather than imposing more red tape on them.

Question 16

The Commission's risk assessment target was set at 120 risk assessments per annum. The Annual Report states that there were almost twice the number of risk assessments in 2005-06 as in the previous year, mainly as a result of new regulation of licensees of child care centres. What are the Commission's expectations with respect to number of assessments this financial year?

RESPONSE:

There were a similar number of assessments in 2006-07 as in 2005-06.

Question 17

The Annual Report notes that risk assessments may take up to eight weeks to complete (and in 30 percent of cases longer than eight weeks). What feedback has the Commission received from employers on the turnaround time for assessments?

RESPONSE:

Employers advise that they value the *Working With Children Check* service. They recognise that delays may occur in obtaining the information needed to complete an estimate of risk. Employers indicate that they prefer having a thorough estimate of risk to help them make a good employment decision to making an uninformed quick decision.

Question 18

The Annual Report notes that, during 2006-07, the Commission will be:

- **developing new guidelines for Employers and Operators of the *Working With Children Check*;**
- **negotiating a new contract with CrimTrac for the provision of criminal records information;**
- **exploring options for web-enhanced checking.**

How has the Commission progressed these initiatives?

RESPONSE:

New *Working With Children Employer Guidelines* and *Working With Children Operator Guidelines* were published and gazetted in January 2007. A new contract with CrimTrac was executed in November 2006, and a contract for the delivery of the e-check (on-line background checks) was signed in January 2007. We anticipate that on-line checking will go live in 2008.

Child-safe child-friendly workshops

Question 19

According to the Annual Report, the Commission conducted eight ‘Child-safe, Child-friendly’ training courses during 2005-06. How did the Commission decide upon the geographic/demographic spread of these training courses? Has there been any feedback on the impact of these workshops and does the Commission plan to continue them?

RESPONSE:

The ‘child-safe, child-friendly’ workshops are designed around our website resources. The locations were chosen to reflect a spread across urban and regional NSW and to attract people from a cross-section of organisations. Locations included: Wyong, Wollongong, Forster, Griffith and Katoomba and central Sydney.

Participants completed an evaluation at the end of each workshop. These were overwhelmingly positive, and suggestions for improving the workshop have been adopted. We are continuing to offer our ‘child-safe, child-friendly’ workshop program.

Children’s Issues

Question 20

The Annual Report notes that 70 recommendations previously made by the Commission were adopted by other organisations in 2005-06.

- **Does this also include the recommendations of submissions to formal inquiries?**
- **How does the Commission keep track of the adoption of recommendations?**
- **Could you give examples of some of the recommendations, and some of the organisations that have adopted the recommendations?**

RESPONSE:

The Commission maintains a record of submissions and recommendations it makes to public inquiries, reviews and planning processes. This includes recommendations of submissions to formal inquiries. Based on these records, we review their outcomes to see whether our recommendations were taken up. We also periodically contact the agencies required to take action to see whether they have considered, adopted and/or implemented the recommendations.

For example, In May 2005 the Commission made a submission to the Commonwealth Senate Select Committee on ‘*Mental Health: A national approach to mental health – from crisis to community*’. The report, released in April 2006 reflected the Commission’s focus on prevention and early intervention, support for parents with mental health issues and their children and mental health support for children and young people in immigration detention. This is also reflected in the Council of Australian Government’s *National Action Plan on Mental Health 2006-2011*.

Another example is our November 2005 submission to the Human Rights and Equal Opportunity Commission (HREOC) in response to their discussion paper: ‘*Striking the balance: women, men work and family*’. The Commission’s recommendations included national paid parental leave, flexible work hours, a tax system that treats all families and choices equally and continuing research into the impact of work on families. All of these

suggestions are reflected in the recommendations made in the HREOC final report, *'It's about time: women, men, work and family'*.

Question 21

The Annual Report makes reference to the creation of a partnership of the Commission with Business Initiating Social Impact (BISI) Australia Limited. How has this partnership progressed, and has the Commission undertaken any specific policy initiatives as result of working with BISI?

RESPONSE:

BISI was established to develop the corporate sector's role in having a positive impact on children and young people. BISI Australia was made up of twelve businesses, the Commission and Boystown. The role of the Commission and Boystown was to help BISI understand children and young people's issues and take action to improve their lives. BISI focussed on two key areas:

- Adopting practices that allow employees to combine work and family responsibilities and
- Supporting young people entering, or already in, the workforce.

The Commission played a key role with BISI, producing *'Our Kids and the Early Years: Leading Corporations Leading Change'*. This outlined the importance of the early years and the strategies that corporate organisations can implement to support the early years. These strategies include paid parental leave and work practices that allow parents achieve a better balance between work and their caring responsibilities.

In early 2007, the corporate structure of BISI was reviewed and it was decided that the structure was unnecessarily complex. BISI Australia Ltd has since been deregistered as a company. The Commission continues to promote work/life balance and good early years' practices with the corporate sector as seen with our work on Paid Maternity Leave.

Question 22

The Act stresses the need for the Commission to focus upon the needs of vulnerable children. How do you prioritise issues relating to the needs of vulnerable children in the research and advocacy roles of the Commission?

RESPONSE:

The concerns of vulnerable children and young people permeate all the Commission's work. However we avoid identifying our work as activities with vulnerable children as they find it stigmatising: as far as they are concerned they are children who are being consulted as part of the Commission's work to promote their well-being and interests. However behind the scenes we focus on vulnerable children.

We routinely run consultations with children and young people with disabilities, in lower socio-economic areas, in hospitals, in detention centres and in out of home care and with kids who are Indigenous, from newly-arrived migrant and refugee communities, or live in remote areas and those who are homeless. For example the first of our new Kids Advisory Panels has been established with a group of Aboriginal young people from rural towns.

The Commission's research sometimes focuses exclusively on vulnerable children, such as our poverty study and research into suicide and risk-taking behaviour. When our research is

about children and young people more broadly, we analyse the data from perspectives of vulnerability, such as socio-economic status, Aboriginality and remoteness, to see if there are lessons to be learned about vulnerable children. Our *Children at Work* study for example, found that young people in lower socio-economic areas and Aboriginal children were less likely to be in paid employment than other children.

Finally, our legislated functions in employment screening and reviewing child deaths are aimed at reducing the vulnerability of children and young people to harm.

Question 23

The 2004 'Review of the Commission for Children and Young People Act 1998 and the Child Protection (Prohibited Employment) Act 1998' [2004 Review] recommended that the Commission consider establishing a Working with Children Committee and a Vulnerable Children's Committee.³ Has the Commission moved towards establishing these committees, and, if so, how will membership, role and functions of the committees be determined?

RESPONSE:

The Commission has decided not to set up either Committee.

Question 24

If the Commission has decided against implementing this recommendation, what are the factors that led to this decision?

RESPONSE:

In deciding not to progress with these committees we were influenced by the cost of servicing on-going committees and that other projects and activities would have to cease for us to do this. The resources required were not justified as we have alternative mechanisms for communicating and involving these groups in our activities that are already working well.

We can broadcast by email to registered employers and have a website subscription service by which employers receive regular updates about Working With Children matters. During the review of the Guidelines, we found it very useful to meet with employers and peak organisations on a one-off basis or a small number of times, to deal with issues that employers and employees identified, as they arose. We will continue to hold such meetings when they are needed.

As outlined in the answer to Question 22 we have effective ways of hearing and understanding the views of vulnerable children that are non stigmatising to them. We also have good networks with the agencies working with these children and include them in our decision making for example on our roundtable on children in poverty.

Question 25

The 2004 Review anticipated that the Commissioner would consider a stronger brokerage role for the Commission, which would ultimately involve the Commission bringing together government and non-government agencies working in child

³ H L'Orange, "Review of the *Commission for Children and Young People Act 1998* and the *Child Protection (Prohibited Employment) Act 1998*", p 21 and p 28.

protection.⁴ To what extent has the Commission undertaken a stronger brokerage role subsequent to this review?

RESPONSE:

The Commission always used brokerage, and building relationships between people who might not otherwise meet, as one of the key ways we influence positive change for kids, not just in relation to child protection matters. The Review helped us recognise we needed to be overt about using it as a strategy to influence.

A good example of our brokerage role (see p 21 of the Annual Report) is the seminar we arranged with Nobel Laureate for economics, Prof James Heckman, which brought together a disparate audience to learn about the economic imperative for giving children a better start to life. We also specifically brokered a meeting between senior Treasury staff and Professor Heckman.

Similarly, the *Children at Work* Taskforce, our roundtables on children in poverty and adolescent risk-taking behaviour, and the *Child Friendly Cities* Conference are all examples of ways we have successfully brokered co-operative relationships between government and non government agencies.

We will continue to use brokerage as a major influencing strategy.

Question 26

It is noted in the Annual Report that the Commission's *Kids Stats* section recorded that in NSW between 2003-04, the cost of long day care increased by 22 percent. Has the Commission continued to collate statistics on the cost of childcare in NSW, and, if so, what trends can be discerned from the figures?

RESPONSE:

Data was not collected for 2005, but there is data for 2006 which is now available on Kids Stats. This shows a further increase in child care expenses, approximately 6 percent above the 2004 figures. This increase is more evenly distributed across income groups.

Since 2003, out-of-pocket child care expenses for long day care have increased approximately 30 percent. This increase is 3 percent lower than for Australia as a whole.

Unlike the large increase between 2003 and 2004, which disproportionately affected lower income groups, this latest increase appears to be more evenly distributed.

Question 27

The Report also notes that *Kids Stats* will be adapted to reflect a policy framework based on the indicators of trends in relation to the well-being of children. How has this policy framework been progressed?

RESPONSE:

We have been reviewing the key national and international indicator frameworks for monitoring the safety, welfare or well-being of children. We will assess these against our

⁴ H L'Orange, "Review of the *Commission for Children and Young People Act 1998* and the *Child Protection (Prohibited Employment) Act 1998*", p 21 and p 33.

research findings of the children's understandings of well-being project. Together this work will help us to develop a set of indicators to monitor the well-being of children and young people over time at a population level.

This new set of indicators will be used to reshape our Kids Stats website.

Question 28

The Annual Report states that in 2005-06, 94 percent of media enquiries were acted upon. It also reports on the numbers of interviews conducted. Is the Commission able to track the number of times the media has quoted the Commission as a result of the press releases or other media interest?

RESPONSE:

We maintain a record of the number and nature of media requests for comment, including media releases issued. We use the Premier's Department media monitoring service and accordingly see that the Commissioner's comments receive extensive coverage. However we don't separately record use by media of the Commission's comments.

No one To Turn To Report

Question 29

In October 2002 the Commission produced its *No One To Turn To Report*. In the course of the Committee's review of the Commission's 2002-03 Annual Report it was stated that the Commission was in the process of employing a senior evaluation officer who would assist the Commission in 'working out how we can more formally evaluate the impact of the report and the take-up of the recommendations'.⁵ Has the Commission employed a Senior Evaluation Officer, or adopted any processes to evaluate the take-up of recommendations?

RESPONSE:

The Commission did employ a Senior Evaluation Officer and the evaluation was completed in late 2005. At that time, we were able to establish the status of 18 of the report's 29 targeted⁶ recommendations: four had been completely implemented; implementation had commenced on 11; the remaining three recommendations were not accepted by the relevant agency. By late 2005 agencies were still considering a further 11 recommendations.

We adapted this evaluation process so we can use it for all the Commission's recommendations. We are now using this process to follow up the outstanding 11 recommendations of the *No-one to Turn To Report*.

⁵ Evidence of Gillian Calvert to the Committee, 1 December 2003, *Review of NSW CCYP Annual Report 2002-2003*, February 2004, p 23.

⁶ One recommendation in the Report did not target any particular agency, so it cannot be followed up.

Children at Work research

Question 30

The recommendations relating to the *Children at Work* Report were finalised in December 2006. Could you advise of any policy/practice outcomes stemming from this research to date, or any changes being considered?

RESPONSE:

The findings of the *Children at Work* research are reflected in the *No Net Detriment Principles* set by the NSW Industrial Relations Commission (IRC). In this decision, the IRC paid particular attention to our research on the impact of long working hours on adolescent development. The *Industrial Relations (Child Employment) Act 2006* also reflects this research.

We are implementing the recommendations aimed at us by collecting the data for the second round of *Children at Work* research, and publishing a guide for young people working as babysitters. The guide is written and will be published shortly.

I recently wrote to agencies to see what further progress had occurred since last December to implement our *Children at Work* recommendations. The Office of Industrial Relations and WorkCover has already established websites to provide free information and advice: for example www.youngpeopleatwork.nsw.gov.au/; and <http://www.youngworkerscom.au/>. Youthsafe conducted a forum in June this year on *Young People's Work Injuries*.

The Commission has already received initially positive responses from the other state government agencies (DET, Dept of Arts, Sport & Recreation, Board of Studies, Ministry of Transport) and is awaiting further detailed advice about their intentions to accept and implement the recommendations.

In relation to the other recommendations, which were directed to Australian Government and non-government organisations, the Commission has requested responses from them mid October.

Children and the Built Environment Report

Question 31

The Committee's *Inquiry into Children, Young People and the Built Environment Report* was published in October 2006, with a number of recommendations relating to the Commission. Could you provide an update about the implementation of those of the Committee's recommendations which related to the Commission?

RESPONSE:

The Commission is working on three projects in response to the recommendations:

- Griffith University has been commissioned to develop a framework of indicators that can be used to monitor the child-friendliness of environments (recommendation 3(r))
- A partnership with a local council is being finalised to explore the ways local government can use its powers and processes to make the built environment more child-friendly (recommendation 4)
- I have written to the agencies named in recommendations 3(a) – 3(q) seeking their response to the proposals

Questions on Notice

I have considered and decided not to implement recommendation 1, that a seventeen member committee be established to consider and promote the projects proposed in the report.

I am confident that the Commission and its partner agencies can progress the report's directions using existing formal and informal mechanisms, without the significant resourcing costs required to establish, maintain and service a committee of this nature and size.

The report's recommendation 6 proposed that additional funding be provided to the Commission to undertake the projects recommended in the report. Additional funding options are being explored.

Question 32

The scope and subject matter of the *Built Environment* Inquiry differed considerably from those of previous Committee Inquiries. Does the Commission have any comments to make in respect of the breadth of the Inquiry, for example, matters that might appropriately been considered by the Committee in the course of the Inquiry?

RESPONSE:

The Commission welcomed the scope of this inquiry, as we believe that the Committee has the potential to have a greater role in promoting the well-being of children and young people. We think the committee should feel free make recommendations to any agencies, organisations and businesses in addition to more targeted recommendations to the Commission.

The inquiry has helped us encourage other agencies to engage with the impact of the built environment on children, young people and their families. The Committee's inquiries into children's use of prescription medications and education of children in out of home care had similar effects in getting these issues onto the agenda.

While not a question of scope, it is noticeable that few of the submissions to the inquiry reflected or were informed by children and young people's views on the issues. This is not a criticism – the submissions properly and accurately reflected the views of the organisation or individual making them. If the Committee undertakes further inquiries of this nature, it may be worth planning to elicit more submissions based on children and young people's perspectives.

What about the kids: policy directions for improving the experiences of infants and young children in a changing world.

Question 33

In mid 2006, the report *What about the kids?* was released as a joint initiative involving the Commission, the Queensland Commission for Children and Young People and Child Guardian, as well as the National Investment for the Early Years organisation (NIFTeY). Has any follow-up advocacy occurred in relation to the recommendations of this report in either New South Wales or Queensland? If not, does the Commission have plans for such advocacy?

RESPONSE:

The Commission and our two partner organisations have been active in promoting the messages across Australia. We sent copies to Ministers and Shadow Ministers in all Australian jurisdictions, and to peak organisations in many sectors. We have presented the findings and directions to national and state Conferences and forums of senior government and non-government agencies such as the Child and Youth Health Priority Taskforce and the Association of Children's Welfare Agencies. The report provided a robust basis for our work with the corporate sector in BSI Australia and more recently on paid maternity leave.

We have posted *'What about the kids?'* to major policy clearinghouses including Australian Policy Online. The report is regularly cited in submissions and has links from government and non-government websites around the country. It is now, and will remain for some years, the key source document for all our early years advocacy work.

Participation

Question 34

The Annual Report notes that the Young People's Reference Group will continue until December 2006. It also notes that the Commission will then develop new participation mechanisms that allow a broader range of children and young people to have input. What has led to this proposed change in practice? What mechanisms will be replacing the Reference Group and how does the Commission intend to evaluate any new mechanism? Does the Commission plan to have any interim structure to take the place of the Reference Group while these new mechanisms are being developed?

RESPONSE:

The Commission's participation initiatives have been widely acknowledged as successful and world leading. In my recent trip to the UK, the English Children's Commission, *11 Million*, acknowledged our contribution to their focus on children's participation. We are continually looking at ways we can promote and model good practice in participation.

The Young People's Reference Group was only one of the ways we involved children and young people in our work. Our reasons for finishing the Reference Group were:

- It was limited to 12 young people a year, and it was not an appropriate group for children under 12 years
- There was a risk that other organisations saw it as 'the model' or 'the only way to make participation happen'
- It was important that we continue to challenge ourselves and not to rest on our laurels.

We are continuing all our other mechanisms for including children in our work such as focus groups, surveys and workshops at kids' meetings, while trialling new options. Two new Kids Advisory Groups have been established. These are existing groups of kids who in addition to their own activities will provide advice to the Commission. We will meet with them in their space.

The two groups are a group of 10 and 11 year olds from Ellison Primary School in Springwood and the Koori and Advocacy Leadership Mates, a group of Indigenous young people aged 14 to 17 years from Taree, Wingham and Foster/Tuncurry.

Questions on Notice

We will be evaluating the Kids Advisory Groups and Online Forums, based on how their participation impacted on participants' well-being and how we used their advice. An evaluation survey is being developed at present.

We will continue to explore new ways of involving children and young people in our work. For example, in September 2007, we completed the trial of our first online forum, which allowed a group of 16 and 17 year olds to discuss the content and format of our new resource for young baby-sitters.

Additional Statutory requirements

Question 35

In November 2005 the *Commission for Children and Young People Amendment Act* was passed. Could you outline the major changes brought about by this legislation, and the implications that these changes have had for the Commission?

RESPONSE:

The legislative changes have strengthened the protection of children in organisations in NSW by:

- Prohibiting serious child violence offenders from working with children;
- Introducing lifetime bans on working with children for the most serious offenders, with no review option;
- Increasing measures, including penalties, to promote employer compliance with their legislative responsibilities;
- Providing for regulations to require self employed people in child-related employment to display, or produce a certificate that they are not a Prohibited Person;
- Minimising duplication of background checks by allowing employers or employer-related bodies not to recheck the same person within twelve months in the same type of work;
- Making the promotion of child-safe and child-friendly organisations a legislated function of the Commission.

The Commissions resources were focused on implementing these changes so less were available for other activities. This meant some other optional activities were deferred.

The new legislation may be responsible for the recent drop in numbers of applications for a review of prohibited status. As numbers are always quite low, and do vary year by year it will take a few years to be sure this is a permanent change.

The legislative changes gave us the chance to improve our guidelines, our procedures and standard letters. They now have consistent child-safe child-friendly messages. We also made them simpler and clearer to provide better guidance to our partners and stakeholders.

Child-Related Conduct Declarations

Question 36

Pursuant to s 81L of the *Parliamentary Electorates and Elections Act 1912*, all candidates for election to the NSW Parliament must make to the Electoral Commissioner a Child-Related Conduct Declaration, at the same time as they nominate to be a candidate. Section 81N provides that, after an election, the

declarations of successful candidates will be audited by the Commissioner, to ensure that all charges, offences and apprehended violence orders were properly disclosed.

The Commissioner fulfilled this function in correspondence with both Houses of Parliament on 28 May 2007. Could you please inform the Committee as to how this audit was undertaken, and what safeguards were employed to ensure that it fulfilled its child protection role?

RESPONSE:

The most important safeguard employed by the Commission was to establish internal procedures to guide this new activity and against which an independent audit could be undertaken and reported on. This provides the Joint Parliamentary Committee on Children and Young People the opportunity to scrutinise our activities. The internal procedures were designed to safeguard people's privacy. For example the requirement to use a secure electronic link with CrimTrac and to use secure courier returns from CrimTrac, limiting the personnel involved and restricting sight of any content to the Director, Operations and Commissioner.

The Internal Audit Bureau was retained to audit the appropriateness of the Commissions procedures and our compliance with these procedures. The Internal Audit Bureau found no significant matters, but made several recommendations for improvements in our processes. All the Internal Audit Bureau's recommendations have been or are being implemented.

CHILD DEATH REVIEW TEAM ANNUAL REPORT 2005

Question 1

The Annual Report of the Child Death Review Team [CDRT] notes that the CDRT has been undertaking a special research study on trends in the deaths of children and young people from 1996 to 2005. Can you advise of the progress of this study, and provide an indication of when the results will be made available?

RESPONSE:

The data collection and methodological issues involved in a study such as this have been resolved. This included:

- developing consistent and tested coding for cause of death information over a 10 year period;
- determining the best way of identifying Aboriginal and Torres Strait Islander children and young people;
- identifying and developing appropriate population data for calculating mortality rates by our key socio-demographic characteristics;
- identifying ways of measuring preventability for use in our analysis;
- determining how to analyse the deaths of children who had a disability and the children who had been identified as vulnerable;
- identifying appropriate statistical techniques for the analysis of rare events, which is often what child deaths are;
- receiving population data and cause of death data for peri-natal deaths in late September 2007.

Analysis has now begun on the trends in death across this period, for causes of death considered amenable to further prevention. A report will then be drafted and considered by the Team. This can involve a number of meetings and rewrites. Following the Team's sign off, comments will be sought from the Minister and her comments considered by the Team as required by legislation. We anticipate the special report will be tabled in Parliament by mid 2008.

Question 2

The Nowra-Bomaderry area has been identified in successive CDRT Annual Reports as having the highest death rate for children and young people in NSW. The 2005-06 Report notes that this matter has been referred to the NSW Chief Health Officer for further investigation. Does the CDRT intend to examine this in any further detail? Has the Chief Health Officer undertaken to report back any findings back for inclusion in the next Annual Report?

RESPONSE:

The Chief Health Officer conducted a review of the deaths from 2001 to 2004 and reported back to the CDRT. The findings of the Chief Health Officer will be reported in the Annual Report 2006.

Question 3

There was an increase in deaths of children and young people in house fires during 2005. Does the CDRT believe that this warrants further investigation to establish the cause of this increase?

RESPONSE:

At present the number of deaths is too small to draw any conclusions, so the CDRT does not intend to investigate this in more detail. It will continue to monitor deaths resulting from house fires to see if the increase is statistically significant.

New laws making it mandatory for all residential dwellings to be fitted with a smoke alarm took effect in May 2006. The aim of the legislation is to reduce the number of deaths in house fires.

Question 4

The Annual Report noted that the Commission has convened a Roundtable on Adolescent Risk-Taking. What, if any, significant trends in risk-taking behaviours have been identified by the Roundtable? What further action is to take place in relation to the Roundtable's findings?

RESPONSE:

The Roundtable was convened by the Commission to bring together a multidisciplinary group that would help us understand risk-taking behaviours and ways of preventing harm from these behaviours, not to identify significant trends. The CDRT has used advice from the Roundtable to inform its special report *Trends in Child Deaths in NSW: 1996 to 2005* research study.

Question 5

In last year's meeting the Committee was advised that the CDRT was delaying further examination of supervision issues in relation to child deaths until additional research

on children and young people's risk taking had been conducted [Committee on Children and Young People Report: *Review of the 2004 of the Child Death Review Team*, p 9]. Could you advise of the progress of this research, and whether the CDRT has commenced any further examination?

RESPONSE:

The Commission has not progressed separate research into this issue as the work involved with the special report *Trends in Child Deaths in NSW: 1996 to 2005* research study, had higher priority. We have however undertaken some initial work on supervision issues as part of another project looking at ways to better coordinate strategies for preventing child injury.

Question 6

Aboriginal and Torres Strait Islander children and young people remain over-represented in deaths in NSW. These numbers may actually be higher, given that the Annual Report notes the difficulty in determining Aboriginality in many cases. Has the CDRT taken any steps to improve the collation of Aboriginal and Torres Strait Islander statistics?

RESPONSE:

The CDRT improved its identification of Aboriginal and Torres Strait Islander children and young people for the Annual Report 2006 by obtaining information from the NSW Registry of Births, Deaths and Marriages birth registration data for all children who die. This provides another place that might record Aboriginality.

This has increased the number of children identified as Aboriginal and Torres Strait Islander and will be reported for the first time in the Annual Report 2006.

The CDRT is exploring whether other records might also provide information on Aboriginality such as records from NSW Health, the Department of Disability, Ageing and Home Care and the Department of Community Services.

Question 7

The Annual Report again notes the difficulty in the accurate reporting of cross-border deaths of children and young people. The report also outlines statutory and administrative restrictions placed on the sharing of cross-border information, and how the CDRT is currently devising ways around these restrictions to create a national approach. Has the CDRT developed any solutions to the current limitations on cross-border reporting?

RESPONSE:

In 2006, the CDRT requested information on children usually resident in NSW who died in other jurisdictions from child death review teams in all Australian states and territories and from New Zealand.

Information was received from the Australian Capital Territory, Victoria and Queensland. These are the states where most NSW resident children die across the border. This data will be presented in the Annual Report 2006 and will allow readers to see the number and nature of deaths of NSW resident children that occurred interstate.

The CDRT will continue to develop solutions that promote cross border reporting.

Question 8

The Annual Report monitors the recommendations made by the CDRT to various agencies and organisations. Does the CDRT receive any formal feedback relating to the uptake of such recommendations? Are there any strategies employed by the CDRT to encourage agencies or departments to take up its recommendations?

RESPONSE:

The CDRT writes to agencies that are the subject of a recommendation, seeking written advice on the progress made in implementing them. This written advice is used by the Team to report on the details of the extent to which previous recommendations have been accepted.

The CDRT encourages agencies to implement the recommendations by writing to the agency head, highlighting the recommendations and the research that sits behind it. At times, the Commissioner as Convenor has met with relevant CEO's to discuss acceptance and implementation issues.

The Commission also accepts invitations to join committees that might be involved in implementing the CDRT recommendations such as the Sudden Infant Death Advisory Committee and the NSW Suicide Prevention Advisory Committee which can assist with uptake of CDRT recommendations.

Question 9

Successive Annual Reports show that the number of traffic fatalities among children and young people has been decreasing. Does the CDRT have a view on the factors which may be contributing to this downward trend?

RESPONSE:

First the CDRT needs to determine whether the downward trend is statistically significant. To do this we need to monitor the rates over a number of years which the special report *Trends in Child Deaths in NSW: 1996 to 2005* research study will do.

The CDRT have not tabled a view on factors which may contribute to a downward trend. However, as Commissioner, I would point to some of the factors probably playing a role. These would include technical improvements to motor vehicles and roads, the introduction of child restraints, seat belts and limitations, enforcement of drink driving restrictions and graduated licensing schemes.

Chapter Two - Transcript of Proceedings

REPORT OF PROCEEDINGS BEFORE

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

REVIEW OF THE 2005-2006 ANNUAL REPORT OF THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE

—
At Sydney on Wednesday 10 October 2007

—
The Committee met at 2.00 p.m.

PRESENT

Ms C. M. Tebbutt (Chair)

Legislative Council

The Hon. C. E. Cusack
The Hon. K. F. Griffin
Reverend the Hon. F. J. Nile

Legislative Assembly

Ms M. T. Andrews
Mr S. R. Cansdell
Dr A. D. McDonald

CHAIR: I declare the meeting open. I thank Commissioner Calvert for attending the hearing today. I also thank all the committee members who are here. I note there are no apologies. I acknowledge that we have two young people in the audience, Emma Kenworthy and Brent Leary. They are members of the Young People's Reference Group. Thank you for coming along and seeing the parliamentary process in action. I understand that Felicity Mailins will also be joining us. Felicity is the daughter of a member who works at the Commission.

GILLIAN ELIZABETH CALVERT, Commissioner, Commission for Children and Young People, Level 2, 407 Elizabeth Street, Surry Hills, New South Wales, affirmed and examined:

CHAIR: In what capacity are you appearing before the Committee today?

Ms CALVERT: I am appearing in the capacity as Commissioner for Children and Young People.

CHAIR: Commissioner Calvert, I understand that you have been issued with a copy of the committee's terms of reference and also a copy of the Legislative Assembly Standing orders 332, 333 and 334 that relate to the examination of witnesses, is that the case?

Ms CALVERT: Yes.

CHAIR: Committee members have received the commissioner's response to our written questions on notice. I thank you, commissioner, for your comprehensive response, which means we will be able to get into some of the issues in more detail today at the hearing. Do you want to table the responses to the questions we have asked?

Ms CALVERT: I am more than happy to table the responses.

CHAIR: We will take the responses as tabled. There has already been a comprehensive response provided by the commissioner to our written questions. Commissioner, do you want to make an opening statement to the annual report of the Office for Children?

Ms CALVERT: I thought it might be helpful to recap some of the highlights of the year. In 2005-06 we consolidated our role as the peak advocate for children and young people in New South Wales. We also began the task of implementing the amendments arising from our five-year legislative review, which Parliament passed in November 2005. I would like to highlight some of the ways in which we have been working to make New South Wales a better place for children and young people. By researching and educating on children's issues, the commission helps opinion leaders, organisations and the wider community to support children and young people's wellbeing and development. One of the major things we did was around children in the built environment. We made a submission to your Committee's inquiry and as part of that we spoke with more than 125 children and young people. Three themes emerged from those conversations with the children. One was the importance to children of an inclusive and safe environment and a strong sense of community. That was one of the things that came through really clearly. Another thing which

came through from our conversations with the children was the importance of having easily accessible and affordable facilities, including reliable public transport. The final thing that most children valued was the opportunity to contribute to planning decisions. That helped us form our advice and our submission to this Committee.

The report was tabled in 2006 and contained a number of recommendations, which we have already started to implement. We are developing indicators for child-friendly communities so local councils can use that to help them assess their community's friendliness to children. We are finalising a partnership arrangement with a local council to come up with some practical examples of how children can be included in planning and we also have returned to some of the other agencies mentioned in the report to begin discussions with them about their response. We also built on our knowledge from our groundbreaking 2005 Children at Work report. That report really just analysed the results of the survey of 11,000 children. Once that was published in the public domain, we then established a task force, which met throughout the year, to provide advice on how to make work more satisfying and safer for children and also how to improve children's access to employment opportunities. I tabled a report based on the advice from the task force in December 2006, which again outlined a number of recommendations.

Another important thing we did in 2005-2006 was to publish a document called *What About the Kids? Improving the Experiences of Infants and Children in a Changing World*. We did that with the Queensland Commission for Children and Young People and the National Investment for the Early Years [NIFTY]. That was important for two reasons. One, it reflected our objective of working together to promote children's wellbeing. Secondly, it really argued that we as a country needed to look at the way in which we support parents, and through them children, in the early years.

When we have debates about child care and parental leave and family work arrangements we need to place children's development at the centre of that debate. Paid maternity leave, parental leave, child care, while they may facilitate parent's ability to balance their work-family relationships, they absolutely impact on a critical part of children's development, which is the early years. In talking about child care and parental leave we need to be looking at the impact and needs of children first. Publishing *What About the Kids* in a sense enables us to try to put that issue on public debate a little bit more than it had been.

As part of our commitment to focusing on the early years we also sponsored our Nobel laureate, Professor James Heckman's, participation in the NIFTY 2006 conference. That was when we met with over 200 children and young people. We also negotiated a meeting between Treasury officials and Professor Heckman, both at a State and Commonwealth level.

Another important project that we undertook was our involvement in the health futures project. The Department of Health wanted to develop a strategy for health in New South Wales for the next 20 years. Our contribution to that was to facilitate children's voices being heard in the discussion. We met with over 200 children and young people and based on their views we made a submission to New South Wales Health.

What we found was at times in some fairly important ways children's ideas of health were different to adults ideas of health. Children tended to think about health, whereas adults tended to talk about illness and sickness. So we described children's view of health

as being about feeling good, which is how the kids themselves described it. If they felt good then they were healthy. They also saw that the main providers of health care were in fact the parents. Whereas adults tended to see the health services system as the main provider of health care; children saw their parents as being providers of health care. They also recognised the wide range of institutions and people who contributed to their health. They would talk about the media or they would talk about the community. They have a broader view, if you like, than adults did.

Finally they spoke about the importance of health services, when they did come in contact with them, as being kid friendly. They would talk about how the health professional might talk to their parent but not to them, even though they were in the room. At times they did not like that. They also talked a lot about the need to respect their privacy. Even younger kids talked about privacy as an issue. They also wanted health care to reflect kids culture in the way they operated in the world, which meant Internet and SMS and those sorts of things. What was good about that consultation and our submission was that some of those views have now been reflected in the health futures plan for the Department of Health, which I think is a win-win for everybody.

We also did some other interesting things with kids. We did our first videoconference for Youth Week called *You Tell It Like It Is*. We contacted 80 young people from smaller towns in regional New South Wales and we held the videoconference for a half-day. I certainly enjoyed using the technology and reaching kids that I might not otherwise have been able to reach as easily. The kids themselves talked about how they enjoyed being able to swap stories with kids from other towns and that for them it was an opportunity to meet kids in similar situations who they might not otherwise have had the opportunity to meet. Following that we wrote to the relevant local councils to pass on the sorts of things that kids had raised in the conversation.

We also encouraged other organisations to be more participatory, focusing on the Department of Community Services, the Department of Juvenile Justice and the Department of Ageing, Disability and Home Care, using our module from "TAKING PART seriously-Meeting Together, Deciding Together", and we have had some good outcomes with that. The Department of Ageing, Disability and Home Care service standards now include standards about participation for children and young people. The Interagency Guidelines on Child Protection, for the first time, refer practitioners to "TAKING PART seriously" and the importance of involving children in case planning and the decisions around their care, and the participation principles have been included in Juvenile Justice's philosophy of intervention with young people, and also the revised youth justice conferencing system guidelines.

We finished our "TAKING PART seriously" package in 2005-06, a new resource called "Sharing the Journey" which covers our experience with participation and the experiences of 50 children and young people who worked with us over that time. I recently returned from a working trip to Europe, and I spent the day with the English Children's Commissioner, Sir Al Aynsley-Green, and his staff and Al himself spoke glowingly about our "TAKING Part seriously". They had purchased bulk copies; they made reference to it the number of times in our conversations. So it was gratifying to see that it is being used in other places. Of course, our Young People's Reference Group provided advice on 34 of our projects.

Turning to safety, the other part of the work that we do, we continue to promote our three-pronged approach to child protection, which is excluding inappropriate people, the people that Parliament has determined inappropriate, background checking and encouraging child-related organisations to be child-safe and child-friendly. In relation to excluding inappropriate people, there were 59 applications to the Commission out of a total of 91; the others were to the Administrative Decisions Tribunal or the Industrial Relations Commission. Of the 59 that we received, 29 were granted because they had shown they were no longer a risk to children and 16 were refused because they were unable to show that they were no longer a risk to children. Changes in our legislation that commenced in January 2007 mean that some people with more serious convictions are now no longer able to apply for a review of their prohibited status.

In relation to background checking, there were 238,400 checks statewide, and the commission conducted 82,043 of those background checks. There were 608 risk assessments conducted, and 211 of those were done by the Commission, and the annual report details outcomes of those risk assessments. We continue to provide our child-safe, child-friendly resources on line. We conducted eight workshops, including workshops in Wollongong, Forster and Griffith, to help organisations manage risk. That meant we trained 147 people, and we also had over 5,000 visits to our Getting Started resource on the web, which is the starting place for becoming a child-safe, child-friendly organisation, so again showing strong interest in that area.

The Child Death Review Team continued its important task of researching and analysing data about deaths of children and young people, and I understand we will deal with that later. I would just mention here that importantly we held the inaugural meeting, at our instigation, of the Australia and New Zealand Child Death Review Teams, taking the lead on information exchange, cross-border issues and how we might get agreement on what is reported to enable better comparisons between States and also between Australian States and New Zealand. In conclusion, I acknowledge the important role of children and young people themselves in the work of the Commission for Children and Young People by giving us their time, energy, insights and guidance in helping make New South Wales a better place for children and young people. I thank the Committee for its interest in our work because it gives us an opportunity to explore ways that we can do this work even more effectively.

CHAIR: I am interested in your response to question 2, which is about the strategic plan. You talk about the wellbeing research that the commission is undertaking. Can you tell us a little more about what this research involves and what you hope to gain from this research?

Ms CALVERT: We did ask children about their understanding of wellbeing, and from that we identified that there were three main themes or lenses through which children see the world and then six other themes that are important to them. If I could perhaps take a step back and ask why we did the wellbeing research. Most of the work on wellbeing or that monitors children's wellbeing is from an adult's prospective. There is very little information about how children understand their wellbeing, so it is adults' views about what is important to children. Understandably, a lot of that is about what we do not want for our children, rather than what we do want for our children. So it is about the problems. We measured the problems that children are experiencing, which is important.

We wanted to try to bring children's perspective into that debate and discussion and the development of those indicators, so we undertook quite an extensive research project where we worked with children, the same group of children, over a period of time, going back to them up to three times and working with them on projects that they identified they wanted to undertake to try to understand and form a view about what they identified as important for wellbeing. It is quite groundbreaking in terms of its approach, but it is also groundbreaking in that we went to children and asked them. We have released "Ask the Children" which sets out our analysis of what those children told us. We are now looking at how we monitor children's wellbeing, which we are required to do under the Act, and which we do through our Kids Stats section of the web site, and we are looking at what we originally thought against what the kids told us we learnt from this wellbeing research.

We will refine and reshape our Kids Stats area based on what children told us. We are now in the process of looking at that indicators framework, looking at our own, looking at others, trying to work out what we might change, then also looking at whether we have access to data that would help us to understand and report on those aspects of wellbeing that are important to children.

Mr STEVE CANSDELL: The response to question 2 states that the commission's strategic plan is due to finish in 2007. What process is the commission undertaking to develop a new strategic plan? Is there a timeline for that development? To what extent are the views of children and young people, as well as other stakeholders, included in the development of the strategic plan? Does the commission have any proposals or any new strategic developments? On top of that, when we are talking about children here, is the input of youth in detention centres and State wards included in this strategic plan? I ask that because I think they are more vulnerable and the ones we need to look at helping, probably more so than the mainstream.

Ms CALVERT: We are in the process of setting our strategic directions document, and between now and I guess March or April of next year I will go and talk with kids about what we are proposing. When we talk with kids we try to get the full range of kids' views so we will think about juvenile detention centres or kids in hospitals or kids who are in out-of-home care, kids who are poor, kids who are in inaccessible areas. We will look at all ways in which we can try to reach them. We have not yet decided how we will consult with kids about our strategic directions. We just know that we will be doing that, so we are thinking through how we might do that now.

Mr STEVE CANSDELL: It would be good if they could be included.

Ms CALVERT: Yes, and certainly in all our other work, when we consult with kids we do not announce that we are consulting with kids who are in detention centres or vulnerable kids because they feel labelled and stigmatised. As far as they are concerned they are kids that we are consulting but we always make sure that we reach out to kids who are vulnerable and seek their views. Certainly, when we conduct research we are looking at it from a vulnerable point of view so we will look at socioeconomic status. We will analyse socioeconomic status. We will analyse whether they are rural, regional or metropolitan. We will analyse Aboriginality and so on. The reason we do not promote it like that is because kids find it stigmatising.

Ms MARIE ANDREWS: At question 2 when you are talking about children's views and voices in the wellbeing research, can you give the Committee some indication of what age group we are talking about?

Ms CALVERT: The age group we are talking about with the wellbeing research was eight to 15. So it was primary school and secondary school. We have been thinking about what that tells us about little kids. If the research was done using the voices of eight to 15-year-olds, what does it tell us about little kids? We have been thinking about that.

Reverend the Hon. FRED NILE: Commissioner, you mentioned in your answer to question two that you have an expert advisory group made up of eight stakeholders. What do those eight stakeholders represent—which organisations?

Ms CALVERT: Under the legislation, they come from certain areas that are listed in the legislation. They are there for themselves, for their own individual expertise. It might be that they are expert in child development or experts in employment. I have to say that I have found that people who are retired or people who are academics, or people who are not members of an organisation, really offer great value to me because they do not have to have a conflict of interest between their own organisation and looking after the interests of the Commission. They are there to give advice and to look after the interests of the Commission. I have tended to pick people or recommend to the Minister people who are either retired or are academics. That is not always the case, but overall they tend to be from that grouping. They are there because of their expertise or their experience over a number of years. They are a very useful group for me.

CHAIR: Are there further questions on the first section, questions one to six? If not, we will move on. The year in review covers a broad range of issues, basically responses to questions seven to 20. People should not feel limited by this. Obviously you can ask about anything that is in the annual report, but I just thought that, for ease of the meeting flowing in a more coherent way, it would be better to try to stick to the groupings. Are there any questions of the year in review?

Dr ANDREW McDONALD: I have a question on the e-check. Can you tell us more about the e-check and how it will work?

Ms CALVERT: Yes, I can. Essentially it transfers our paper-based processes to the computer, to the website. Rather than faxing a paper through and saying, "I want to register as an employer", you will be able to go to a special place on a website and enter the data electronically. It will then be assessed and you will get a reply. If you want to get checks done on some of your staff, at the moment you have to fax or email your request. Now what you will do is go onto the website and enter the data. It will be electronically processed and you will then get a reply electronically as well. You will also be able to go in and check where your request is up to, whether it is completed or whether it is pending.

Really what we are doing is transferring our paper-based processes or phone-based processes at the moment over to the website. We think that will have a number of advantages. I think it will certainly be much easier for employers because they will not have to fit into our timetable; they can fit into their own timetable. They also will be able to check where their requests for a background check are up to. We also will be able to send them off to places or electronically refer them, if you like, if they need more information on something.

We also will probably reduce human error because there will be fewer people handling that information and that data. We are quite excited about the project. We think it will be of benefit to employers.

Mr STEVE CANSDELL: In response to question nine, you refer to self-employed people in a child-related industry. That would probably include family day care at home, more than likely?

Ms CALVERT: No, they are considered to be employees, generally, because they are employed by a family day care scheme. An example of a self-employed person might be a piano teacher.

Mr STEVE CANSDELL: Getting back to this in some way anyway, when you have a family day care centre at home, are the partners and family of principals of that business at home checked?

Ms CALVERT: No, they are not. It is in fact the person who is the employee who is checked. If the partner is also an employee and it is being offered jointly, then, yes, both of them would be checked. But it is the employee of the family day care centre who is checked.

Mr STEVE CANSDELL: I have some concerns, if a partner is running a centre from home and her partner comes home and is in contact with the children, whether there should be any checks on that person's partner.

Ms CALVERT: What this highlights from my point of view is the importance of understanding the limits of checking in relation to child-safe, child-friendly. Checking is only as good as the records that we hold and most people do not have records. Most harm to children comes from people who we would not necessarily pick up, which is why, based on research and experience, in a sense, and our own thinking, we are saying we need to very much focus now on how we help to create a safe environment for children. People already have the skills, or not the skills, but they have the ability to create a safe environment.

If I was a family day care, one of the things I could do is say that, if my partner worked at home, they did not interact with the children. That might be one of the ways in which I could create a safe environment for the children and in which I, as a family day care provider, could manage any possible risks I might have. You might want to say that that is a bit artificial, that there are certain times when my partner will come and join us for lunch, little lunch, afternoon tea, or whatever it is that the kids are involved in. People already have the capacity to do that.

Mr STEVE CANSDELL: Those guidelines really need to be transferred to the family day care, do they not?

Ms CALVERT: Yes. In fact, family day care is one of the child-safe, child-friendly sectors that we are focusing on and targeting this year. We have started discussion with them about how we can do that and how we can support them as family day carers and make the area safe. Equally, people coming to a family day care environment—it may not be a partner but it may be someone else who comes in to fix something in your house or whatever—you do not know their background. You need to look at how you as a family day carer can make sure your kids safe.

CHAIR: Are there further questions on that section which relates to questions seven to 20?

Reverend the Hon. FRED NILE: The mention of a piano teacher reminded me of a case in which a particular person changed their identity. How do you keep track of someone who—

Ms CALVERT: Changes their identity?

Reverend the Hon. FRED NILE: Deliberately, to avoid being identified in the future.

Ms CALVERT: If they have a conviction, it does not matter under what name they were convicted: they are prohibited and banned from working with children. If we are doing a background check, we would hire them to give us all of their known aliases and so we check against the aliases as well as the name. We are in discussion with CrimTrac about how they can improve on their IT so that there are better automatic linkages between person A who then becomes person B. The New South Wales Police Force already has that in their system so we have been discussing with CrimTrac whether they could think about a similar adjustment to their system. I think they are the sorts of continuous improvements that we are trying to put in place and are trying to get others on whom we rely for information to put in place as well.

Reverend the Hon. FRED NILE: The onus would be on them to tell you the truth.

Ms CALVERT: Yes, which is why we are wanting to discuss with CrimTrac whether they could do it automatically when they conduct their searches against names.

Reverend the Hon. FRED NILE: You mentioned in answer to a question that implementation of some of this procedure is pending a legislative amendment.

Ms CALVERT: Yes, that is right.

Reverend the Hon. FRED NILE: Is that in the pipeline?

Ms CALVERT: Yes.

Reverend the Hon. FRED NILE: Will that be next week, six months time, or in a year's time?

Ms CALVERT: That is entirely up to the Government, as you would appreciate.

Reverend the Hon. FRED NILE: It is in the pipeline?

Ms CALVERT: Yes. We have certainly raised it and action is underway.

The Hon. CATHERINE CUSACK: In relation to the databases, can you update us where things are up to in terms of accessing interstate databases?

Ms CALVERT: In relation to the criminal records, we go through CrimTrac, which is the national database that was set up by all of the police jurisdictions and which is managed by a board under the auspices of the Commonwealth Government. They have access to all the jurisdictions. Of course, jurisdictions have different spent conviction legislation. For example, something that we might be able to access in New South Wales we may not be able to access if it is in Victoria. For that reason the Council of Australian Governments [COAG] set up a subcommittee or a working group to look at ways in which we can improve the exchange of information between States.

I represent New South Wales on the working party and we have given a contract to an agent or a consultant to scope how that exchange of information might occur, what is the best way we can exchange that information and what are the ways that we can improve it. We will always have the problem of different jurisdictions having different legislation, and I can get only what I am entitled to have in that jurisdiction. They in fact might get more from New South Wales than we get from them.

The Hon. CATHERINE CUSACK: Are you looking at a new database, or just a new way of accessing an existing database via CrimTrac?

Ms CALVERT: Not a new database, but just improvements to procedures and processes. There may well be improvements to the CrimTrac database but we will have to await the result of the report.

The Hon. CATHERINE CUSACK: Is there such a thing as a national register of paedophiles?

Ms CALVERT: There is a national sex offender register.

The Hon. CATHERINE CUSACK: Can you update us on the status of that and how effective that is?

Ms CALVERT: I would have to take that on notice because it is not my area. In going through CrimTrac and seeking people's criminal histories, we would get people's histories, which would include the criminal history, and means that they have had to register or become part of the sex offender register. We do not actually deal a lot with the register because we get that data anyway through CrimTrac.

The Hon. CATHERINE CUSACK: That is not actually of direct relevance to your area?

Ms CALVERT: No, the national sex offender register is not.

The Hon. CATHERINE CUSACK: Do you know what it is for?

Ms CALVERT: It is for operational policing. What that in effect means is that it is a risk management strategy that the police have put in place to actively, or less actively, depending on the status of the person in a sense, be able to manage the risk that that person poses. They know where they can find them, because they know their place of employment and their place of address—they have to let the police know when they change address and they change employment—and they have powers to conduct surveillance and

so on. It is a way of actively policing people who we know are a risk because they have already been convicted.

Dr ANDREW McDONALD: In relation to question 13, the commission has expressed a view on the fairness and accuracy of media coverage. In your second paragraph you state, "However, the Commission is not aware of any program, legislation or activity that can guarantee children's safety." You have touched on that already.

Ms CALVERT: Like any person, I would like to be able to guarantee safety to children. I think that is a natural thing that you want to do, but the reality is that we cannot guarantee children's safety. I think all we can do is try to minimise the risk. I think in doing that, what we have to balance is whether in minimising the risk to children we restrict their movement to such an extent that in a sense we defeat the purpose of having involvement with them in the first place.

When I was on a recent European trip, I had quite an interesting discussion with the Scottish Children's Commissioner, Kathleen Marshall. She has been conducting some research and talking with people and has a similar concern. She has raised a similar issue where, in trying to manage risks to children, we are starting to really restrict or exclude adults' involvement with children. In looking after their safety, we have thrown out the baby with the bathwater, if you like. We have been so concerned with their safety that we are actually now stopping adults, or adults are feeling as if they cannot get involved with children.

We had a really interesting discussion about that, how we might respond to that and what ideas they have and what ideas we have. I guess that is why we talk about child-safe, child-friendly; it has got to be safe, but it has also got to be friendly to children. I guess in talking about guaranteeing children's safety, we could, probably if we locked them away, but the cost of that is so great that it becomes meaningless. But it also does not mean that people do not have an expectation that we can guarantee children's safety. I think everybody wants to guarantee children's safety. It is not until you go down that path a bit that you start to think there are some negative and unintended consequences and we need to have a new discussion now. So it is just catching up. People need to catch up with that discussion.

Dr ANDREW McDONALD: In response to question 15 you say there appear to be more effective ways in preventing harm to children than compulsory background checking. This is enlarging on that, by the sound of it.

Ms CALVERT: It is, yes. It is saying that background checking has a place but it is a limited place and if we want to look after our children—which means making them safe but also allowing them opportunities and interaction with adults because that is what grows them up and makes them feel good—then there are a whole lot of other things we need to do. Those things most people already have at their disposal. We already design job descriptions and offer training to our workers, for example. So if we can get better at doing job descriptions and skilling and get better at training then those sorts of things are more effective in preventing harm to children than in trying to predict an individual's risk in the future.

Reverend the Hon. FRED NILE: Commissioner, background checks may not be adequate but the behaviour of a person may indicate some risk. Like stranger danger, should staff or employers need to know potential risks they should look for?

Ms CALVERT: That is one of the things that we talk with people and organisations about when we go and do child safe-child friendly training. We work with them to try to minimise risk in their organisation. For example, the organisation could have clear rules about what is acceptable behaviour around children. If everybody knows that and then see somebody not following or breaking those rules, that might be an alert. If someone saw me being inappropriate to children, breaking the rules that the Commission has around children, they could go and talk to their supervisor or someone else about their concerns. You can then start to manage that person's rule-breaking behaviour and put some limits on it. They are the sorts of things that we think are important in creating a safe and friendly environment for children that organisations can do. They are already doing it. We are just helping them doing it a bit more focused on children.

Reverend the Hon. FRED NILE: Another matter that comes up is when a person creates friendliness with the child and then wants to take the child away, even to the person's home.

Ms CALVERT: Again, that might be one of the rules about what is acceptable behaviour with children. For example, an organisation may have a policy or rule that says you do not take children home overnight or if you are doing overnight stays with children here are the things that you have to go through in order for that to be approved.

CHAIR: You talk about some of the child friendly training courses that you have been doing with employers and organisations. In your experience, do you think there is a good level of understanding by employers and organisations about the types of things they can do to make their organisations more child safe and child friendly?

Ms CALVERT: I think some organisations have a good understanding and I think some organisations do not. Probably the larger organisations do better at it because they have more resources and are much more focused on risk management anyway in terms of, say, occupational health and safety. Having said that, I still think this is a very new area and I would expect that our knowledge and tools and so on to develop over the next 10 to 15 years. This is a growth area, if you like.

Mr STEVE CANSDELL: Out of this report, will childcare centres have a code of conduct?

Ms CALVERT: They may or may not have a code of conduct. That is one of the things that we say is available for organisations. In a sense, a code of conduct can be like rules for acceptable behaviour around children, or you can go into much more detail. The Commission has a code of conduct, but we also have a whole series of policies and rules about how we interact with children.

Ms MARIE ANDREWS: Commissioner, in relation to question 19, which talks about the child safe-child friendly workshops, you say that locations were chosen to reflect a spread across urban and regional New South Wales. Are there statistics that influence the commission to hold workshops in those areas?

Ms CALVERT: No, there are not. As people become more and more aware of the importance of child-safe, child-friendly programs we are getting more people contacting us and requesting workshops. If an area has an interest and it also fits with the targeted groups that we are interested in, then we would be more likely to take that up than an area that is outside our targeted groups. Also, we might do it if we think there are no other opportunities for them or they are a needy area, if you like. In that case we might be more interested. But it is generally based on the groups that we have identified as targeting for child safe-child friendly organisations. Those groups this year, not 2005-06 but in 2006-07, are family day care, disability services and local government.

Ms MARIE ANDREWS: Would it be possible for a local government area to ask the commission to hold a workshop in that area?

Ms CALVERT: Yes. In fact, we have done that already using our local councils because we think they are a good starting point to influence more broadly. Madam Chair, if I could make reference to Mr Cansdell's question, the Department of Community Services' regulations on child care require them to have codes of conduct.

CHAIR: The next group of questions relating to children's issues are questions 20 through to 34. Do Committee members have further questions about the commission's responses?

The Hon. KAYEE GRIFFIN: Question 31 relates to children and the built environment report. In your opening address you said you were working on three projects in response to the recommendations. Also, in response to question 32, I note your last comment about the submissions the inquiry received, which I think are very appropriate. How would you envisage an inquiry or another forum obtaining submissions from children and young people? A lot of agencies sent in submissions but it was difficult to get information from young people. How do you envisage that could occur in the future?

Ms CALVERT: I would think probably the most effective way would be for the Commission to support the Committee to do that and to work with the Committee to look at ways in which we could involve children and young people. It probably is challenging for a parliamentary committee to reach out directly to children. You might need to borrow our connections, if you like, and use our support to help you do that.

The Hon. KAYEE GRIFFIN: I appreciate those comments because it was difficult. In relation to question 31, you say you are looking at a partnership with local council being finalised to explore ways that local government can use its powers and processes. A number of councils have youth councils, which in most cases probably do not feed into the recommendation process about the local environment. How do you see such a partnership working in terms of getting accessibility to young people and local government, or whatever agency or group it may be, and allowing young people to be a part of the recommendation process?

Ms CALVERT: Part of the reason for the project is to explore how we might do that. We will be working with the local council to look at ways in which we can do that. Again, on my recent trip to Europe I met with the Norwegian children's ombudsman. They have a standard process in Norway where before any planning is undertaken they go to the children

and young people with a map of the area. They have mapped the whole of Norway—and I guess with Google Earth probably all of us now have access to it. They say to the children and young people, whom they might access through schools, childcare centres or youth centres, "Show us how you use this area. Where do you play? How do you get from home to school? How do you travel?" They will map on this big map the children's use of space. That then goes into the planning process and is taken into account by council—or whomever the planning authority is—when making its decisions about planning. I thought that was a possibility we could explore as part of a pilot. It is a very easy thing to do. He said it is very simple and does not take a lot of time and it gives an idea of how children use space. You can then take that into account. I think a lot of the time decisions are made because we do not know the importance of a particular area to children or how children use it.

Ms MARIE ANDREWS: Commissioner, I refer to question 22. In your response you say that you routinely run consultations and you list migrants, communities in remote areas and the homeless. How do you get access to homeless children?

Ms CALVERT: We get access to children who are living in refuges. They are homeless. Also at times we have gone to organisations that work with kids who are sleeping rough. We will ask those organisations to help us try to reach some children as well. Generally, with kids who are homeless you have to go to other organisations that have access to those kids and loan their relationship with those kids so that we can get access to them.

The Hon. KAYEE GRIFFIN: I refer to question 34, which relates to the young people's reference group. I note your comments that organisations saw it as a model. Now you have two groups starting—one of 10 and 11-year-olds and another of 14 to 17-year-olds. It became apparent to me that there was a lot of literature and information about preschools, long day care centres and child-care centres, more than there was about the teenage years, for want of a better term. However, there was a group in the middle that there was not so much information about. Is that one of the reasons you are segmenting it?

Ms CALVERT: It is one of the reasons why we moved away from the Young People's Reference Group. We had shown that the Young People's Reference Group could work and worked well and effectively, but that was kids aged 12 and over. We wanted to try to explore or model or pilot ideas that involved primary school children and preschoolers as well. That is one of the reasons why we are exploring different models. Even since we looked at setting up the advisory panels, we have got further ideas that we want to explore about involving children and making it a bit more dynamic. Certainly trying to reach primary school kids is one of the reasons why we are branching out.

The Hon. CATHERINE CUSACK: Firstly, in relation to the 'No-one to Turn To' report, is it possible to get a copy of the 2005 valuation? Secondly, has there been an update since 2005 of that evaluation?

Ms CALVERT: Yes, we are in the process of following up on the outstanding 11 recommendations.

The Hon. CATHERINE CUSACK: Still outstanding, are they?

Ms CALVERT: No, we do not know that they are outstanding, we are following up to see whether they are outstanding. They were outstanding at the time of the work we did earlier and we are now following up on those 11 recommendations to see whether we can deal with them. I would be happy to provide detailed advice on the evaluation. It was not really a report as such; it was advice to me from the staff who got the responses. I would be happy to put something together that outlined that in more detail.

The Hon. CATHERINE CUSACK: You had an evaluation officer who was employed for the evaluation?

Ms CALVERT: Yes, who then provided advice to me. It was not a report as such.

The Hon. CATHERINE CUSACK: What I am interested in is what were the recommendations that were progressed and were not progressed, and given that it is a 2002 report and the status as at 2005 was that 11 had commenced, I would be concerned about the progress of the 11 that had commenced as well as the others that were still being thought about.

Ms CALVERT: One of the reasons that we did the evaluation was not necessarily so much to focus on the implementation of the exact recommendations, but rather to look at what we could learn about how we made recommendations. Recommendations are a way of influencing and getting certain outcomes and what we are interested in is how do you influence; how do you use recommendations to influence effectively. The evaluation was really about how effective were they in beginning to influence and change. If I could just pass on a comment about that report, one of the biggest and most critical things about that report from my point of view was the children's voice about how important relationships were to them and to their wellbeing and that what made them vulnerable was when those relationships were non-existent. There was not really a recommendation about that, but that was the most important thing and I think we have been really quite successful and influential in getting people to think about the importance of relationships to children.

My observation is that in hearing people talk, say, those who provide welfare services or community services or juvenile justice—a range of services—you will hear much more in the conversation reference to relationships, the importance of relationships to children, and the importance of adults supporting and maintaining those relationships. I guess I am raising that because I think it highlights one of the problems that we have found about recommendations: You can make a recommendation; it may not be followed to the letter, but it is followed in spirit, and that is far more effective. I think that is an example of that. On the other hand, I think there are times when you do want the recommendation implemented.

The Hon. CATHERINE CUSACK: I take the point of what you are saying that there are a lot of intangible, immeasurable benefits that you see anecdotally, which kind of makes you feel good. Research is a very important part of the commission's role and it is hoped that that would be making a big difference and being as influential as possible. We all recognise that, if you are an agent for change, which is the point of having a commission—if we were all perfect, we would not need a commission—there are barriers to change and things like that. Looking through the report, which is an earlier report, on the take-up of the recommendations the Committee can look at it in two ways: Maybe, in the way you would approach recommendations, you have learned something from that, and you can only learn that by going back and re-examining what happened with the benefit of hindsight.

Ms CALVERT: Reviewing it, yes.

The Hon. CATHERINE CUSACK: Secondly, maybe the recommendations were great and take-up was a problem, so what did we learn from that? Where are the barriers and how can we assist in dismantling those barriers? I guess that is why I am keen to follow this through.

Ms CALVERT: Yes, so I can perhaps look at those issues, those two aspects, in terms of the recommendations and provide something.

CHAIR: Some further advice back to the Committee?

Ms CALVERT: Some further advice back to the Committee on those.

The Hon. CATHERINE CUSACK: Particularly detailing the recommendations.

Ms CALVERT: Sure.

Dr ANDREW McDONALD: Question 25 is about brokerage. I have no idea what "brokerage" is.

CHAIR: We asked the question.

Dr ANDREW McDONALD: Could you give your definition of "brokerage" because it is used in a variety of contexts.

CHAIR: The word came out of the 2004 review I think.

Ms CALVERT: Yes. I think it is probably being used in a couple of senses. One is as a bit of an introduction agency, if you like, introducing this person to this person, bringing them together and then being able to progress an issue, which we do quite a lot. The other aspect of brokerage is probably a negotiation or mediation role where somebody might come with an issue and the Commission can then broker perhaps a resolution to that issue or problem, whatever it is that the person or the group has brought to us. I think it is probably in both those senses that it is being referred to, both of which we do.

Reverend the Hon. FRED NILE: You addressed a moment ago the importance of relationships. Could you briefly tell us relationships with whom—parents, friends, teachers?

Ms CALVERT: What the kids told me was that by far and beyond the most critical thing that protects children from vulnerability is their relationship with their parents and their family, and that if they have a strong relationship, if they have a good relationship—even just a good enough relationship—with their parents and their family then they are protected from being vulnerable, and so that is the most important thing. Almost every child I spoke with talked about that, and in particular the children who did not have it spoke about how important it was. Then there were friends who were very important to children, and right across the board and across the ages, they were important to children, so friendships were also very important to kids and protected them from vulnerability. If kids had problems they would often talk about it with their friends before they went and spoke to an adult about it.

Kids would often try and do problem-solving amongst themselves before they went to an adult. Significantly further down from that there were the relationships with schools and child care centres as being places to turn to and places that stopped you being vulnerable, and then the community and services way down. Services did not really feature for kids except for Kids Helpline, which almost all kids knew about.

So it is those relationships within family, with friends, and then schools and child care centres that kids identified as protecting them and as reducing their vulnerability. If kids had strong relationships with family, friends, child care centres and school then they felt they were doing really well. If kids had strong relationships with at least one of those groups, if things were not so good at home, but they had good connections with schools, that would protect them from vulnerability as well. It was the kids who had none of those—no connections—or had very weak connections with family, weak connections with school, weak connections with friends, who were the vulnerable kids and that was identified by kids who were themselves exceedingly vulnerable, so when we talked to kids in detention centres or kids on the streets or we talked to kids who were incredibly well resourced, all of them spoke in those terms.

Reverend the Hon. FRED NILE: The people who molest children have the ability to work out if a child is vulnerable.

Ms CALVERT: That is certainly one of the things that makes children vulnerable. I think the Wood Royal Commission showed that.

Ms MARIE ANDREWS: With children at work research, question 30, the answer refers to other recommendations of the children at work report directed to the Australian Government, and I assume some of those would be in relation to WorkChoices and individual contracts signed by minors?

Ms CALVERT: No, they are not because the work report came out before WorkChoices was fully operational. Under WorkChoices legislation, I think section 7[c]—nothing in WorkChoices can override State-based legislation in relation to minors, and so there is a complicated relationship between State-based legislation and WorkChoices.

Ms MARIE ANDREWS: Has a response from the Australian Government to the other recommendations been received?

Ms CALVERT: We are requesting responses by mid-October. We have done some work with some Australian government departments. The Workplace Authority approached us to see if we would get some kids to work with them around the website for advice to young workers and so we got a group of young people together and they provided advice on the website, and I think it was very valuable advice.

The Hon. CATHERINE CUSACK: Would you like to update us about the website, because I know you put a lot of effort into the website, and just how used it is?

Ms CALVERT: It is used a lot. I would be happy to provide statistics. I will say something interesting about the website: We have updated the website and we have had a lot of compliments about it now being even better than it was. Recently, with the assistance and support of the Department of Education and Training, we sent out little postcards to all

kids in New South Wales secondary schools telling them about the website and I think the month that the postcard went out we had a 1,000 per cent increase on hits to the kids zone.

The Hon. CATHERINE CUSACK: What were they hitting?

Ms CALVERT: They were hitting the games, which are of course designed and we have some games on there that give information. That is the one that stands out from memory, but I would be happy to provide further advice to you on that if you would like it. The 1,000 per cent does stick in my mind.

(Short adjournment)

CHAIR: We will move on to the Child Death Review Team annual report. I said before we broke for afternoon tea that we have not dealt with questions 34, 35 and 36. Does anyone have any questions for the commissioner regarding those issues covered by those final three questions?

Reverend the Hon. FRED NILE: I notice on page 22 you talk about the various groups, the Ellison Primary School at Springwood. Is there an attempt to have children from the government sector at the non-government sector schools—particularly from Catholic schools?

Ms CALVERT: In relation to the kids advisory groups, we have just gone with the Ellison Primary School, but in most of our other work we do not differentiate between school sectors. Sometimes, for convenience, for example, it might be easier to pilot something through the Catholic education system rather than through the State education system, so we will do that then, and then we might conduct a survey in the public school system. We take advantage of all three school systems.

Reverend the Hon. FRED NILE: I wonder whether the survey results may vary between the two systems? They may not?

Ms CALVERT: No. We take that into account in how we structure the sample.

The Hon. CATHERINE CUSACK: In relation to Helen L'Orange's review of the legislation, are there any outstanding matters or recommendations or is the response to that complete?

Ms CALVERT: I think the response to the report, from our perspective, is complete. But, if I could take that on notice and refresh my memory of each of the recommendations and get back to you, that would be helpful.

Dr ANDREW McDONALD: You talked about your visit to the European childrens' commissioners and you said the Norwegian Ombudsman looked into the children's' input into urban design. Were there any other things you learned that you think we should be bringing up?

Ms CALVERT: Certainly a visit to the United Kingdom would be interesting.

Dr ANDREW McDONALD: I do not want to go, I have been there.

Ms CALVERT: There were some very interesting things. I think one of the interesting things was the European Network of Children's Ombudsman. There were some similarities in that they have divisions within the groups. Some focus on complaints handling only; some have a much broader role just like the New South Wales commissioner. I came away pleased that we have a broader role rather than focusing only on individual complaints. I think that the support that UNICEF and the United Nations and the European Council have given the European Network of Children's Ombudsman is valuable, and I have started talks with UNICEF in the Asia-Pacific region to see whether it can support more actively the Asia-Pacific Children's Commissioners Forum. That was worthwhile looking at.

There were a number of instances of good practice. The mapping program in Norway. In France there is the young ambassadors program where they got kids aged 18 to 26, and they have a specific role in relation to the Convention on the Rights of the Child, so they train those young people to be ambassadors and to go into schools and do a one-hour class on the Convention of the Rights of the Child. The kids then identify an issue and they went back for a second time and worked with those kids on that issue. That was evaluated and they presented on that and that looked effective, so we are thinking about that.

Just the way you organise your work was interesting. Scotland has done a great piece of work on moving and handling, where they consulted with young people who have disabilities about moving and handling, the way they are moved and the way they are handled. That was a fascinating piece of research and made me think about what it is like for those children and young people to be moved and handled. There were great instances like that that I am going to share with other people in New South Wales and, more broadly, in Australia. Probably one of the best things was it just re-energised me because I was with people who were doing similar work to me with a similar mandate and commitment, and that was really refreshing.

Reverend the Hon. FRED NILE: You mentioned about producing a certificate that states that a person is not a prohibited person. Is it possible to have it the other way around, that this is an approved person?

Ms CALVERT: No.

Reverend the Hon. FRED NILE: There are legal problems, are there?

Ms CALVERT: There is, but there is also a wider issue in that we do not want to say you are safe to work with children, because we do not know they are. All we know is that they do not have a conviction. So we need to say you do not have a conviction, not you are safe to work with children. You do not have the negative; you may not necessarily have the positive. That is one of the problems with the card system, because people interpret the card as meaning you are safe to work with children.

Reverend the Hon. FRED NILE: Like a blank cheque

Ms CALVERT: It ain't a blank cheque.

CHAIR: If there are no more questions on the Commission for Children and Young People Report we'll move on to the Child Death Review Team annual report for 2005. There

were a series of written questions on notice to which the commissioner has provided a written response. I will not read them for this part of the Committee's inquiry because there are not that many and members may wish to cover other issues that came up in the annual report. So, I will open it up to Committee members for questions with regard to the New South Wales Child Death Review Team annual report.

The Hon. CATHERINE CUSACK: Nowra-Bomaderry figures, which we have talked about for many years since they first came out, can you tell us the bottom line of the Chief Health Officer's report?

Ms CALVERT: There are probably confidentiality issues I need to take advice on, because we have not yet tabled that report in Parliament. The results will be tabled in the 2006 annual report in about two weeks. I am subject to confidentiality provisions and I do not know how those provisions interact with my obligation to the parliamentary committee.

The Hon. CATHERINE CUSACK: Can you advise yes or no whether matters of substance were identified or was it just treated as a statistical blip?

Ms CALVERT: That would be to answer the question and I really probably have to take advice on my responsibility, but I will be tabling the report in two weeks, which will give you the answer to that.

CHAIR: Also, I understand it is an issue covered in the 2005 report but not in the sense of what the Chief Health Officer has found in the work they have done. We will cover it in our review of the 2006 annual report—we will go into far more detail than—but I think we probably need to wait two weeks for the report to be tabled in the House and then it can form part of our review of the 2006 annual report which we will undertake to do earlier than we have with this report because the election got in the way.

The Hon. CATHERINE CUSACK: I understand. The figures in relation to this matter are in every annual report. That is why it is of particular interest.

CHAIR: Yes, I understand.

The Hon. CATHERINE CUSACK: Can I ask about the cross-border matters? I felt depressed with the response to that question. I thought there was hope on the horizon that we were going to solve this cross-border problem. Is there more you can do in capturing the information and involving, as I understand it, privacy issues?

Ms CALVERT: We will, in the 2006 report, be reporting on children who are usually resident in New South Wales but who died in other States that border New South Wales. So, they will be included in our statistics and in our figures.

The Hon. CATHERINE CUSACK: So they will be integrated, for example, into New South Wales statistics or is it going to be reported as a separate matter, which is the impression I had?

Ms CALVERT: They are reported separately but you can add it yourself. It is not difficult.

The Hon. CATHERINE CUSACK: Why would you not put them into the New South Wales list?

Ms CALVERT: Because the legislation requires us to report on children who die in New South Wales and these children did not die in New South Wales.

The Hon. CATHERINE CUSACK: Would it not be more useful to capture that data?

Ms CALVERT: Yes.

The Hon. CATHERINE CUSACK: The Tweed shows that there have been no drownings of any children and, in fact, they go for years with no child deaths at all, but we know children are drowning in the Tweed yet the deaths remain in Brisbane. Why should those not be captured? Then when you publish the colour maps in your report it looks like we do not have any problems—in fact, that it is one of the safest places for children in the State?

Ms CALVERT: I understand your concerns. It requires a change of legislation and we are in discussion about that. It requires us to change the legislation so that we report on children in New South Wales and who are usually resident in New South Wales but who may die in another place. At the moment the legislation requires me to report only on children who die in New South Wales. In recognition, I guess, of the issues that you have advocated for some time, we have gone to the other States and at least collected that data. We have been able to do that through our work on the Australia and New Zealand Child Death Review Teams. They have now given us that data, so we will be able at least to report on those children who normally are resident in New South Wales but who died outside New South Wales. I understand that it is not completely satisfactory from your point of view, but it is the best we can do at the moment, and at least we now have that data available.

Mr STEVE CANSDELL: If a child drowns in the Tweed, for example, and is resuscitated and taken to Brisbane and declared dead at Brisbane, he or she, the child, has not died in New South Wales?

Ms CALVERT: That is right.

Mr STEVE CANSDELL: It has died in another State?

Ms CALVERT: That is right, because we define "died in New South Wales" meaning declared dead.

The Hon. CATHERINE CUSACK: They may have died in New South Wales but the death certificate was issued in Brisbane?

Ms CALVERT: In Brisbane, yes.

The Hon. CATHERINE CUSACK: That is really what happens?

Ms CALVERT: Yes.

The Hon. CATHERINE CUSACK: I notice too that you are talking to Queensland and Victoria. Why not South Australia, given that any chronically ill child or a victim of an accident in Broken Hill would be transported to that State? Again this affects data relating to Aboriginal children as well as rural and regional communities?

Ms CALVERT: One of the issues has been that South Australia's Child Death Review Team has only just got up and running. It has been a question also of our resources. So, to start with we went to the States that were most likely to have the biggest numbers, which was Queensland, Victoria and the Australian Capital Territory, which is the other State. But we are continuing to pursue this and to try to resolve it.

Mr STEVE CANSDELL: You have this year's data. Will it be made retrospective to make a comparison?

Ms CALVERT: Can I take that on notice and give it some thought?

The Hon. CATHERINE CUSACK: To knit the two issues together, Nowra-Bomaderry, the teaching hospital for that area, of course, is Canberra Hospital?

Ms CALVERT: Yes.

The Hon. CATHERINE CUSACK: So the statistics in relation to Nowra-Bomaderry could well be understated as to what is occurring there? I will wait for two weeks and see if that data has been captured.

Reverend the Hon. FRED NILE: You talk about risk-taking behaviour. Is there any way or has anyone ever tried to identify whether there is sometimes a desire to actually suicide?

Ms CALVERT: When we conducted the special report into suicide and risk-taking behaviour we consciously joined the two together because we thought there probably were some deaths that fell into the risk-taking behaviour that may well have been with intent. So, that is why we joined the two. It is one of the few times that risk-taking behaviour and suicide have been linked and a study done on those two things as a group. However, there were some differences between the risk-taking group and the suicide group. So, when you looked at the population of children or young people who had in fact either suicided or died from risk-taking behaviour, there were some differences between the two groups.

Reverend the Hon. FRED NILE: I appreciate that it is hard to anticipate or ascertain that they intended to suicide, but were you able to separate the numbers and say that some were?

Ms CALVERT: We were able to say these ones fell into the suicide group and these ones fell into the risk-taking group, but that is not to say that there were not people in the risk-taking group who did not also intend to die, which is why the study has them as sub-groups but looks overall at both groups together.

Dr ANDREW McDONALD: The suicide rate does not appear to me to have changed from 1998. Do you have any comment on that despite all the intervention over the past eight years?

Ms CALVERT: Could you reference that for me?

Dr ANDREW McDONALD: Page 58, figure 6.1 "Trends in Suicide Fatalities 12 to 17 years, 1996 to 2005: sex"?

Ms CALVERT: It has remained fairly constant. There has been a variation, but for 1998 to 2005 it does remain the same. In a sense I guess that highlights one of the problems about just picking two years and saying let us compare the difference between those two years.

Dr ANDREW McDONALD: No, the trend does not seem to change much either.

Ms CALVERT: Well, males went up in 2002 and then have gone down again.

Dr ANDREW McDONALD: But as the numbers are small—

Ms CALVERT: Yes, they are.

Dr ANDREW McDONALD: —I think statistically it does not compare?

Ms CALVERT: Statistically you cannot make any comment about it.

Dr ANDREW McDONALD: So, you have done eight years' work and not much has changed on that?

CHAIR: Or you could say that, given everything that is happening, positively it has not gone up?

Dr ANDREW McDONALD: Yes, one could easily say that.

Ms CALVERT: Can I say, one of the challenges, as you would be aware, Dr McDonald, of looking at child deaths is that they are small numbers. Certainly when you look at deaths from external causes they are small numbers, and that presents challenges when you are conducting statistical analysis. They are some of the challenges we have been grappling with as we look at our 10-year data study, which has required us really to deal with statistical analysis and small numbers.

The Hon. CATHERINE CUSACK: In relation to question eight, which again is about recommendations being implemented, have you any suggestions as to how we could strengthen the uptake of recommendations?

Ms CALVERT: I have certainly outlined what I do to try to get uptake with the recommendations. Anecdotally, people do tell me that the fact the team reports to Parliament on progress in implementing does help focus agencies' minds on the recommendations—I hear that from a number of different sources. So, I think it probably does help focus agencies' minds, the fact that every year the team is going to make a comment on how well the recommendation has been implemented or what progress there has been. In terms of what the committee could do, I think your oversight is probably part of

that reporting back to Parliament. So, I think the fact that there is a committee that oversights probably is part of what helps focus people's minds on the recommendations.

The Hon. CATHERINE CUSACK: Are there any outstanding recommendations that you could draw to our attention that would be significant matters that should be championed?

Ms CALVERT: For the 2005 report I could probably really talk only about what the team has said because it is not me as the Commissioner speaking; it is me as the convenor of the team.

CHAIR: Would you like to take that on notice and come back to us?

Ms CALVERT: Yes. My hesitation is that I am conscious of the 2006 report coming out as well and, in a sense, it is looking at both of those that is probably important. So, that was my hesitation, not that I am hesitating to answer. It is more that I know there is another report coming out.

The Hon. CATHERINE CUSACK: That would be more effective?

Ms CALVERT: It would be more effective to wait for the 2006 report.

The Hon. CATHERINE CUSACK: I do not have the report in front of me at the moment, but I am thinking gender issues. It does not seem to matter which way you look at it, there are more disproportionate rural boys than girls. I wonder whether that is a matter the team has looked at and whether there is scope for further inquiry into that? We commonly talk about boys taking more risks, but I am actually interested also in adults' attitudes towards boys. Are they benefiting from the same supervision? For example, is recalcitrant behaviour being treated differently in boys to girls?

Ms CALVERT: Yes, it is certainly something that is noticeable about the statistics and is one of the things that will be looked at in the 10-year trends. I will pass on your comments to the team when they are talking about the 10 years worth of data and what the statistics show us about gender in relation to the 10 years worth of data.

The Hon. CATHERINE CUSACK: My understanding is there is no physiological reason why there should be a different death rate but, of course, there is and it is substantial. If we could reduce the male death rate to the female death rate you would be saving thousands over a 10-year period.

Mr STEVE CANSDELL: It is called testosterone. They all take risks.

CHAIR: I think there is something in what you are saying about the attitudes we have to boys and girls and how we supervise, monitor and keep children safe.

The Hon. CATHERINE CUSACK: For example, boys are murdered at a massively higher rate than girls. That is not something they can control; they are the victims—often very young boys. I am wondering is there an attitude there?

CHAIR: It is interesting.

Ms CALVERT: Certainly there are some external causes of death where the gender difference is noticeable. Interestingly there are some natural causes of death where the gender difference is noticeable as well. In the figures originating for the 2005 perinatal period there were 90 girls who died and 128 boys. That has probably nothing to do with how we manage boys or girls. So it is an interesting issue.

The Hon. CATHERINE CUSACK: I know why and you would know I am sure— the Y chromosome is shorter than the X chromosome. Perhaps Dr McDonald—

Ms CALVERT: —there is countervailing information. So boys suffer more birth defects, as I understand it.

Dr ANDREW McDONALD: Yes. Basically it is due to evolution; boys have a higher death rate, except after wars.

Mr STEVE CANSDELL: If I could bring up the sudden unexpected deaths in infancy figures: 49 unexpected deaths in infancy, of which 33 were due to SIDS. You talked about smoking and you said 22 of the 30 infants who were known to have died of SIDS had parents who smoked. That is extraordinary.

Ms CALVERT: That is why one of the recommendations of the Sudden Unexpected Death of Infants report highlights the need for trying to focus on modifying the risk factors of SIDS and why we have made recommendations in that area. I do think smoking is certainly associated with SIDS and the advice we would give, and we would recommend people give, is do not smoke around babies.

Reverend the Hon. FRED NILE: Have you had any comments on smoking in cars, with babies in cars?

Ms CALVERT: It is certainly one of the places where you would be saying do not smoke around babies. Whether it is a car, a house or whatever, do not smoke around babies. I guess that is the message we need to get out and do not smoke in pregnancy.

Reverend the Hon. FRED NILE: Is there any way in which legislation could be used?

Ms CALVERT: Certainly it has been one of the things that people have raised as a possible option— not in the Team but generally in the community it has been one of the things raised as an option.

Mr STEVE CANSDELL: Considering the high rate, the ratio and the fact that there are not that many smokers out there, it is incredible—high statistics.

Ms MARIE ANDREWS: Question 9, the reduction in the number of traffic fatalities amongst children, which is a positive outcome. You gave a number of reasons as to why that could be. I was wondering if the Government's introduction of the 40 kilometres per hour speed limit around schools zones has made a difference?

Ms CALVERT: I would have to get the statistics as to before and after. It is not something that immediately springs to mind as one of the things that have reduced deaths. I should probably take that on notice.

CHAIR: I think there is a timeframe issue, in terms of your report and when that was introduced. You will take that on notice.

Ms CALVERT: I will take that on notice. We may be able to find other studies that give us a clearer summary on the question of the effectiveness of schools zones.

CHAIR: Any other questions?

Reverend the Hon. FRED NILE: Just a quick one. Has there been any analysis of the problem we have been seeing lately, and there is one very major case that just occurred, where the father in a divorce situation has decided to take the life of the children to punish the mother and so on? Is that picked up in the survey?

Ms CALVERT: We did a study of six year's worth of data or information where children had died from fatal assault. We looked at the population of children who had died from fatal assault in New South Wales over a six-year period. We found that the fatal assaults fell into four different clusters. One cluster was what you might think of as traditional child abuse and that was four under four's. There was another group of teenage murders that were mostly committed by strangers or each other. The third was a group where the assault, the murder or fatality was triggered by a mental health issue. The fourth group were those children who were murdered in the context of family separation. We talk about that in the study and have made certain recommendations around that. It is a pattern that occurs in child fatality. It is one of the four patterns that we observed happening with child fatalities.

CHAIR: With regard to the 10-year study that you are undertaking, in Question 1 you talk about various methodological issues that have been resolved. The issue of vulnerability, the children identified as vulnerable, will you use the same definition that the Ombudsman uses with regard to reviews he undertakes or have you come up with your own definition of who are vulnerable children for this 10-year study?

Ms CALVERT: Traditionally the team have defined vulnerable as children who have had a report to the Department of Community Services. We have done that because the Department of Community Services is set up to look after and respond to vulnerable children. That is the measure we have used, if you like, of vulnerability.

CHAIR: It is similar to the Ombudsman?

Ms CALVERT: Yes. That is not to say we have not had a lot of discussions about whether we can develop a better definition of vulnerability. I guess what we are trying to look at in our reports—we look at the indigenous status, at our socioeconomic status and at disability where we can. We look at vulnerability being, I guess, measured by a report to the Department of Community Services.

The Hon. CATHERINE CUSACK: I wondered if you could comment—and you might want to take it on notice—about coronial enquiries into child deaths. They are not always

held. Have you ever looked at the Coroner's pattern of whether he decides to investigate or not investigate? Secondly, the Coroner will often go in depth into matters when he makes recommendations. Are the recommendations being captured, understood and worked through by the Government and the community or are they just evaporating into the ether until the next accident repeats the same mistakes?

Ms CALVERT: I probably want to take that on notice because I do not want to say something that is incorrect.

CHAIR: I do understand that also some of it falls outside the terms of reference. You will take it on notice.

The Hon. CATHERINE CUSACK: The team might, for example, rely on information from the Coroner, as I understand it, in terms of cause of death.

Ms CALVERT: It is one of the sources we rely on. I think one of the things we have learned is to rely on a number of sources of information.

The Hon. CATHERINE CUSACK: Well, that is interesting in itself and the timeliness of information. I noticed the Ombudsman's report, and I am not going to burden you with a question about that, but two years later we still have to adjust the statistics based on changes to official findings in relation to matters that occurred three years earlier. So I am just wondering—

Ms CALVERT: We also have to make those adjustments but I think one of the things about the Child Death Review Team is we do our own coding of causes of death. The Coroner might say we think it is this but we will make an independent decision using ICD 10 and an experienced and competent code will determine and code the cause of death. So we are a little bit different in that way.

(The witness withdrew)

(The Committee adjourned at 4.00 p.m.)

Chapter Three - Answers to Questions Taken On Notice

The Commission responded to several questions taken on notice during the public hearing held on Wednesday 10 October 2007.

QUESTION

The Hon. CATHERINE CUSACK MLC: Could you advise the Committee on the status and effectiveness of the national sex offender register? [Transcript p 30]

RESPONSE:

ANCOR (the Australian National Child Offender Register) is a web-based system designed to assist police to register, case manage and share mandatory information about registered persons as required by legislation. It also enables alerts to be generated when registered persons notify that they are planning to travel interstate or overseas.

It has only been operating nationally since last year, so it is probably too early to comment on its effectiveness. The NSW register has been operating since 2000 and NSW Police have reported that they find it helpful in tracking and monitoring offenders.

There is no one solution to keeping children safe. A register such as this is one of the range of measures needed to provide an effective safety net for children.

QUESTION

The Hon. CATHERINE CUSACK MLC: In relation to the 'No-one to Turn To' report, is it possible to get a copy of the 2005 evaluation? Secondly, has there been an update since 2005 of that evaluation? [Transcript p 34]

RESPONSE:

The advice on the effectiveness of recommendations in influencing change included the following:

An analysis of responses provided by agencies indicates that recommendations can be effective in supporting change.

In some cases, respondents identified that they had implemented the change prior to the recommendation, in one case the respondent was very clear that the change was made as a direct response to the recommendation.

Some of the recommendations appeared to reflect current changes in agency or community thinking more generally. The recommendation may have been reinforcing the outcomes of previous review or inquiry processes or may have articulated views that are beginning to gain credence more generally.

The limitations of making recommendations was also evident from the agency responses. Some of the limitations noted included:

- *Recommendations are open to interpretation. Agencies can attribute existing activities to meeting the recommendation. This may be theoretically correct, however, it is not clear that making the recommendation has assisted the agency re-think its approach.*
- *Some of the recommendations required a significant level of resources or coordination to implement. In this case, recommendations alone are unlikely to be a sufficient incentive to drive change.*
- *If the recommendations do not reflect an understanding of agency constraints or context they can be dismissed by agencies. It may be more beneficial to specify the desired outcome without recommending the method.*

The review of agency responses has indicated that making recommendations can be important in articulating improvements to policies and programs. They can be effective in bringing about change. However, there are also limitations.

The making of recommendations does not allow for agencies to gain a better understanding of the issues involved or to develop feasible responses that make the most of opportunities within agencies or systems.

The remaining recommendations from this report are being followed up as part of the Commission's routine monitoring of responses to significant recommendations.

QUESTION

The Hon. CATHERINE CUSACK MLC: Could the Commission provide additional information about the use of its website? [Transcript p 50]

RESPONSE:

In 2006-07, the Commission site recorded 1,183,906 page downloads, a 6 percent rise on the previous year.

The new site has been notably successful in reaching children and young people, with the kids' section, TheZone, figuring strongly in web traffic.

The games pages in the TheZone recorded 7,071 downloads during April-June, coinciding with the Commission's Youth Week activities and the release of our postcard for kids. This was an increase of more than 1,000 percent on the previous quarter.

QUESTION

The Hon. CATHERINE CUSACK MLC: Are any outstanding matters or recommendations arising from the 2004 Review of the *Commission for Children and Young People Act 1998* by Ms Helen L'Orange AM? [Transcript p 50]

RESPONSE:

Action is completed on all but three of the report's recommendations. The remaining three relate to extending background checking.

As outlined in responses to the pre-hearing questions on notice and during the hearing itself, one of the best ways to prevent harm to children in workplaces is for organisations to adopt an overall risk management framework.

Background checking is only as good as the records that are held and many people don't have records.

The Commission has developed the *Child-safe, child-friendly* program to help organisations reduce their risks when caring for children and young people.

QUESTION

Mr STEVE CANSELL MP: Would the collation of statistics be made retrospective to enable the Commission to make comparisons in relation to deaths of children and young people who were normally resident in New South Wales but whose death certificate was issued in another jurisdiction? [Transcript p 51]

RESPONSE:

With the exception of Victoria the child death review teams in other jurisdictions have been recently established and have only collected information from the time they were established. This means it is not currently possible to work with retrospective data.

QUESTION

The Hon. CATHERINE CUSACK MLC: Made reference to Question No 8 on Notice relating to the Child Death Review Team 2005 Annual Report, and asked whether there are any outstanding recommendations to which the Committee's attention could be drawn, in order for the Commission to champion their uptake. [Transcript p 51]

RESPONSE:

The 2006 Annual Report will be tabled very soon. I will provide this advice after tabling.

QUESTION:

Ms MARIE ANDREWS MP: Has the introduction of the 40 kilometres per hour speed limit around schools zones impacted upon the reduction in the number of traffic fatalities among children and young people? [Transcript p 51]

RESPONSE:

We have reviewed the CDRT annual reports back to 1999/2000. There were no children reported who died as a result of being hit by a vehicle outside a school. The one fatality was in an internal school car park.

QUESTION

The Hon. CATHERINE CUSACK MLC asked two questions relating to coronial enquiries into child deaths:

- Has the Commission ever examined the Coroner's pattern of deciding whether or not to investigate?

Are coronial recommendations being captured, understood and worked through by the Government and the community? [Transcript p 51]

RESPONSE:

The CDRT 2005 Annual Report was the first time the Team began reporting on the pattern of dispensing with inquests. The Team will continue to do this in future years. The special research study *Trends in Child Deaths in NSW from 1996 to 2005* will look at trends and patterns in coronial investigations over the period 1996 to 2005.

The *Coroners Act 1980* does not provide any power for the Coroner to require others to act on her recommendations. I am advised that the Coroner writes to the relevant agency informing them of any recommendations and records any advice received back.

Appendix 1 – Committee Minutes

Minutes of Proceedings of the Committee on Children and Young People (No 2)

12.00 pm Wednesday 29 August 2007

Parliament House

Members Present

The Hon Carmel Tebbutt MP (Chair), Dr Andrew McDonald MP (Deputy Chair), Ms Marie Andrews MP, The Hon Catherine Cusack MLC, The Hon Kayee Griffin MLC, Rev the Hon (Fred) Frederick John Nile MLC

In Attendance

Mr Mel Keenan (Committee Manager), Ms Kylie Rudd (Research Officer), Ms Jacqui Isles (Committee Officer), Ms Lluwannee George (Assistant Committee Officer).

1. Apologies

Mr Steve Cansdell MP

The Chair opened the meeting at 12.10 pm

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4. Consideration of Questions on Notice for Ms Gillian Calvert, Commissioner, Commission for Children & Young People (CCYP)

The Chair drew the attention of the Committee to the following documents:

- a. Briefing Paper on the CCYP 2005-06 Annual Report;
- b. Questions on Notice relating to that Annual Report;
- c. Summary of the 2005 Child Death Review Team (CDRT) Annual Report; and
- d. Questions on Notice relating to that CDRT Report.

She proposed that the Committee should consider the draft questions in the documents by groups and, once agreed upon, the questions would be forwarded to the Commissioner after the deliberative meeting, specifying a date for the Commissioner's written response. This would enable the Committee to consider the Commissioner's response prior to examining her on 10 October 2007.

Resolved on the motion of the Hon Kayee Griffin MLC, seconded by Ms Andrews MP:
'That questions 1 to 6 about the Commission be adopted with the following amendments:

‘That question 2 be amended to include a request to the Commissioner to discuss any new strategies proposed for the Commission’s strategic plan;
‘That question 4 be amended to clarify whether funding is provided to the Commission to perform its background checks as a distinct program;
‘That question 6 be replaced with a new question seeking the view of the Commissioner on the value of the oversight role of the Committee on Children and Young People’.

Resolved on the motion of the Hon Kayee Griffin MLC, seconded by Ms Andrews MP:

‘That questions 7 to 9 concerning safety and the prohibited employment declaration be adopted’.

Resolved on the motion of the Hon Kayee Griffin MLC, seconded by Ms Andrews MP:

‘That questions 10 to 14 concerning the assessment of applications be adopted with the following amendments:

‘That in relation to the questions about the Administrative Decisions Tribunal, a question be included concerning media reporting about applications for review made by prohibited persons and also a question about how the Commission fulfils its function of raising public awareness about prohibited persons’.

Resolved on the motion of the Hon Kayee Griffin MLC, seconded by Ms Andrews MP:

‘That questions 15 to 18 concerning background checks be adopted’.

Resolved on the motion of the Hon Kayee Griffin MLC, seconded by Ms Andrews MP:

‘That question 19 concerning child-safe child-friendly workshops be adopted’.

Resolved on the motion of the Hon Kayee Griffin MLC, seconded by Ms Andrews MP:

‘That questions 20 to 28 concerning children’s issues be adopted’.

Resolved on the motion of the Hon Kayee Griffin MLC, seconded by Ms Andrews MP:

‘That question 29 concerning the ‘*No One To Turn To*’ Report be adopted’.

Resolved on the motion of the Hon Kayee Griffin MLC, seconded by Ms Andrews MP:

‘That question 30 concerning ‘*Children at Work*’ research be adopted’.

Resolved on the motion of the Hon Kayee Griffin MLC, seconded by Ms Andrews MP:

‘That question 31 concerning the ‘*Children and the Built Environment*’ Report be amended to include a request to the Commissioner to comment on the wider issues arising from the inquiry and on how the report was received. It should also be clarified that an update on recommendations implemented is required only in relation to those which are relevant to the functions of the Commission’.

Resolved on the motion of the Hon Kayee Griffin MLC, seconded by Ms Andrews MP:

‘That question 32 be adopted concerning ‘*What about the kids: policy directions for improving the experiences of infants and young children in a changing world*’.

Resolved on the motion of the Hon Kayee Griffin MLC, seconded by Ms Andrews MP:

‘That question 33 concerning participation mechanisms be amended to include a request to the Commissioner to comment on the arrangements which will be made to fill any gaps before new mechanisms can be put in place’.

Resolved on the motion of the Hon Kayee Griffin MLC, seconded by Ms Andrews MP:

'That questions 34 and 35 concerning additional statutory requirements as a result of the *Commission for Children and Young People Amendment Act* be adopted'.

Resolved on the motion of the Hon Kayee Griffin MLC, seconded by Ms Andrews MP:

'That questions 1 to 11 in relation to the Child Death Review Team Annual Report 2005 be adopted with the following amendments:

'That question 6 concerning deaths arising from participation in motorcross events be culled'.

Resolved on the motion of the Hon Fred Nile MLC, seconded by the Hon Kayee Griffin MLC:

'That the Committee write to the Commissioner and request a written response to the questions by 28 September 2007'.

6. Next Meeting

The Committee adjourned at 1.15pm until 2.00 pm on Wednesday 10 October 2007 when the Commissioner will be examined.