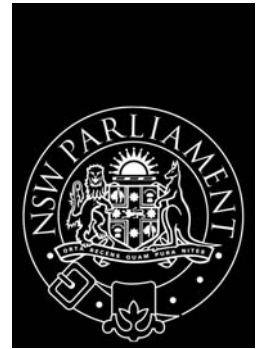


PARLIAMENT OF NEW SOUTH WALES



Committee on Children and Young People
REVIEW OF THE 2004/05 ANNUAL REPORT OF THE
COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Transcript of Proceedings, Written Answers
to Questions on Notice and Minutes

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Table of Contents

Membership & Staff	iii
Terms of Reference	v
Chairman's Foreword	vii
CHAPTER ONE – QUESTIONS ON NOTICE.....	1
CHAPTER TWO – TRANSCRIPT OF PROCEEDINGS.....	5
CHAPTER THREE – WRITTEN ANSWERS TO QUESTIONS ON NOTICE.....	25
APPENDIX 1 – COMMITTEE MINUTES.....	29
APPENDIX 2 – LIST OF WORKING WITH CHILDREN CHECK AUDIT INDICATORS.....	31

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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.

Chairman's Foreword

The Commission for Children and Young People has continued its work in bringing issues impacting on the lives of the children and young people of New South Wales to the fore during 2004 – 2005. In particular the Commission has strengthened the range and quality of the services it provides, especially in relation to child-safe child-friendly resources. This forms an important element of the Commission's response to risk management in the workplace.

The Commission's responsibility for conducting the Working With Children check continues to be one of their most important roles. Their three-pronged approach – that is excluding inappropriate people, providing background checking services to employers and supporting child-related organisations to improve their policies – has been taken up by the National Minister's Council for Community Services. This affirms the leading role the Commission is taking in this area.

The publication of the Commission's *Children at Work* report was an important feature of the Commission's work this reporting period. This is the first time that young people between the ages of 12 and 16 had been asked about their views and experiences of work. On the completion of this report, the Commission set up a taskforce, made up of children and experts from the community, government and business organisations, to recommend changes to improve young people's experience of work. The Committee looks forward to hearing of the work conducted by the taskforce to this end.

During this reporting period, the legislation establishing the Commission was independently reviewed by Ms Helen L'Orange. Ms L'Orange undertook a broad range of consultations and received feedback from 384 organisations and individuals, including 255 children and young people. This represents some measure of the community interest in the work of the Commission. The Committee would additionally like to congratulate Ms L'Orange on her appointment to the Commission's Expert Advisory Group.

Barbara Perry MP
Chair

Chapter One – Questions on Notice

SAFETY

Child-Safe and Child Friendly

1. One of the challenges for the Commission in respect of its child-safe Child-friendly resources is to effectively target organisations and agencies that will benefit most from putting in place such practices (p.4). What sorts of organisations and agencies do benefit most and how does the Commission identify them?

Background checks

2. Have the service delivery issues raised by the Commission with Crim Trac and NSW Police been resolved and is the Commission satisfied with the current Memorandum of Understanding (p.13)?
3. Does the Commission anticipate that the Key Performance Targets for background checks, eg clearance times, will improve as a consequence?
4. What measures did the Commission take to streamline its risk assessment processes (p.13)?
5. The Commission has commenced a review of its support for Approved Screening Agencies.
 - (a) What does the review involve?
 - (b) What issues are being examined, and when is it due to be completed (p.12)?
6. What impact has the introduction of the NSW National Criminal History Record Check had on the workload of the Commission and what efficiencies are anticipated from the Commission's review of processes relating to its background check database (p.13)?

Risk assessments

7. The Commission indicates that it reviewed its Working with Children audit program in 2004-05 and will implement the revised program in 2005-06 (p.15) What issues were considered during the review; what were the results; and how is the revised audit program to be implemented?
8. What are the Key Performance Indicators for the Working with Children Check, identified as a result of the Commissions audit of the Check?

Child Deaths

9. *Sudden Unexpected Deaths in Infancy: the New South Wales Experience* – What progress has NSW Health made with regard to centralising and streamlining ethics processes for specific categories of research (p.18)?

CHILDREN'S ISSUES

10. ***Children at Work*** – The Commission has established a multi-disciplinary taskforce to examine the findings and develop an appropriate way forward (p.20). The membership of the taskforce is given in the Spring Issue of the Commission's newsletter *Exchange*.
 - (a) What will the taskforce's examination involve and what outcomes are expected?
 - (b) What level of administrative and executive support does the Commission provide to the taskforce?
11. ***A Head Start for Australia*** – The Commission, in conjunction with the Queensland Commission for Children and Young People and the National Investment for the Early Years (NIFTeY), has commissioned a study on the provision of care for under 5's (p.21). What are the parameters of this study and what activities will the study involve?
12. What was the response of the Department of Education to the Commission's submission to the Futures Project, based on its consultation with children and young people? Was there any response to particular concerns identified by the participating children eg internet access?

Inquiries and investigations

13. The Annual Report identifies inquiries and investigations into important issues relating to children and young people as one of the ways in which the Commission promotes the safety, welfare and wellbeing of children and young people in NSW (p.6). The Commission conducted its first inquiry into children and young people with no one to turn to (report October 2002). Does the Commission have any plans for similar inquiries?

Legislation review

14. At pp.22-23 of the Annual Report, reference is made to the legislation review conducted by Ms Helen L'Orange in relation to the *Commission for Children and Young People Act 1998* and the *Child Protection (Prohibited Employment) Act 1998*. The report indicates that 384 submissions were made to the review (255 of which were from children and young people). The Committee understands that Ms L'Orange's review also involved considerable community consultations in regional locations.
 - (a) What were the main issues raised in the consultations and submissions?
 - (b) Are you envisaging any legislative changes as a result of the review?

CORPORATE

Staff trends in representation of EEO Groups

15. The Annual Report identifies one of the EEO priorities for 2005-06 as developing strategies to increase the Commission's workforce diversity. What strategies are being contemplated?
16. The current figures for representation of EEO groups in the Commission's staff are given in Table A on p.31. Does the Commission sets these percentage targets?

Child Protection (Offenders Registration) Amendment 2004

17. This legislation referred to in the Annual Report, provides for a national reporting scheme by allowing for the exchange of information concerning registrable persons and was proclaimed to commence on 30 September 2005. What implications does the legislation have for the work of the Commission, if any?

Chapter Two – Transcript of Proceedings

REPORT OF PROCEEDINGS BEFORE

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

REVIEW OF THE 2004-05 ANNUAL REPORT
OF THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE

—————
At Sydney on Tuesday 22 November 2005

—————
The Committee met at 10.00 a.m.

—————
PRESENT

Ms B. M. A. Perry (Chair)

Legislative Council

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

Legislative Assembly

Mr J. R. Bartlett
Mr S. R. Cansdell
Mr M. Daley
Mrs J. Hopwood
Ms V. Judge

GILLIAN ELIZABETH CALVERT, Commissioner for Children and Young People, Level 2, 402 Elizabeth Street, Surry Hills, on former oath:

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

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

CHAIR: For the purposes of how we proceed today, I think it is appropriate that we deal with your annual report initially and then deal with the Child Death Review Team report. Do you wish to make an opening address on the commission's annual report?

Ms CALVERT: Yes, thank you. The past 12 months show a focus on deepening and extending the commission's work and consolidating our role as one of the leading advocates for children and young people in New South Wales. The report on the review of the legislation was tabled in Parliament on 15 November and that has made recommendations for a number of changes which the Minister and the Government have acted on and have introduced a bill into Parliament. There were submissions from 384 organisations and individuals, including 255 from children and young people. So that shows quite a level of interest by the community in contributing to the development of the commission's legislation. We are looking in the next year to further refine and develop what we think is a relatively successful and robust organisation.

Our annual report this year is somewhat leaner than it has been in past years because we have moved to more results-focused reporting as required by the annual reports organisations. We are welcoming the opportunity to highlight some of the ways we have been working to make New South Wales a better place for children and young people, and I will outline some of those under our three key result areas of safety, children's issues and participation. Safety covers two main areas, our working with children activities and our Child Death Review Team. So I will take first of all working with children.

We have developed a three-pronged approach to child protection in the workplace in New South Wales, and we are I think leading Australia in this area with our three-pronged approach being taken up by the national Ministers councils for community services.

The first prong is excluding inappropriate people, the second prong is providing a background checking service to employers and thirdly supporting child-related organisations to improve their policies. I will just take each of those in turn.

In relation to excluding inappropriate people from working with children, there were 47 applications for a review of status under the Prohibited Employment (Child Protection) Act to the Commission and 32 were granted. And they were granted because I determined that those people did not present a risk to children.

In relation to the background checking service to employers, there were 79,398 background checks conducted by the Commission and 226,441 conducted statewide. That includes the Commission plus the other approved screening agencies. From that, there were a number of risk assessments conducted—186 by the Commission and 497 statewide. Following that risk assessment, advice would have been provided to the employers who then

would have made a decision based on the risk assessment and other information that they gathered through the selection process as to whether or not they would employ that person.

The third area of working with children is what we call our child-safe, child-friendly activities. I was pleased to see that in the Bill that has been proposed as a function for the Commission, because I think it reminds employers that there is a lot more that can be done other than background checking and using the prohibited employment forms to protect children. We have in fact developed 20 child-safe, child-friendly resources and they are available on line and are accessed by people wanting to try to change their organisations to be more safe for children. We have also completed a training video to use in training that we do with organisations and individuals to help them understand how they can change their organisations or build their organisations. We piloted the training workshop, one in Sydney and one in Wyong, and following the evaluations of those workshops we refined them and we are currently running further workshops throughout New South Wales. One hundred per cent of the attendees at those workshops said that the resources were very helpful in pointing out to them what they could do to build organisations that were child-safe and child-friendly. So I think there are some quite good results in that area.

In relation to the Child Death Review Team, which is our other major activity promoting the safety of children, we research and analyse data about the deaths of children and young people, and we will be reporting on that later as part of our annual report hearing. But we also tabled a report into sudden unexpected deaths of infants earlier this year and we made nine recommendations, all of which have been accepted by the Government. So I think again that is a very pleasing result, certainly for the children and parents but also for the Commission and the Government.

Moving on to our second key result area, which is children's issues, this is an area where by researching and educating on children's issues we want to help opinion leaders and organisations in the wider community to take action to support children and young people's development and wellbeing.

One of the major ways in which we have done that this year is to report on our research into children at work. I think that knowledge has been quite useful in helping us think through what some of the things are that we need to do to support children as they work. This was quite groundbreaking research. It is the first time in New South Wales and in Australia that we have had such a large representative sample of children's working experiences between the ages of 12 and 16. Following that we have established a task force made up of government, non-government, business, unions and young people to look at how we can maintain children's positive experiences at work, which they said they had, and ameliorate the negative experiences of work, which they also said they had.

Another success we have had in relation to children's issues is with the Head Start for Australia framework which we released last year. Subsequent to that we convened a national roundtable of about 30 people. Following that, the National Investment for the Early Years has taken on the role as lead agency in promoting the framework. ARACEY, which is the national research body for children and young people, has made considerable steps to placing child poverty on its research agenda and that was one of the key areas that was identified by the roundtable as requiring action. The roundtable also acted as a catalyst for the Australian Council for Children and Parenting to hold further workshops on the early years

agenda. So I think there has been some indication of success and influence arising from the head start framework.

Additionally, we have had the P-plate licensing issue, and the Commission successfully negotiated with the Minister and the Roads and Traffic Authority [RTA] to extend the time frame for consultation so that young people in particular would have the opportunity to participate in the consultation and to make submissions. Originally the consultation was four weeks during the Higher School Certificate, so following our negotiations it was extended until early in the following year. My understanding is a large number of submissions were made by young people. Again, that has been quite successful and that has meant we have been able to improve protection for young drivers while not punishing the majority of responsible young drivers.

In relation to our third key result area, participation, which is where we help organisations and decision-makers to engage children and young people in decisions, I point to a couple of things that I think have been successful. Following the Alcohol Summit we have continued to support young people's participation in this as an issue, primarily through supporting young people being represented on committees—for example, the Drug and Alcohol Workforce Development Council, the Expert Advisory Committee on Drugs and Alcohol and the Liquor Accord Task Force. That has been terrific for the young people but I think also for the committees to have access to those young people's views.

We have also been increasing our resources for participation. As you know, we have our kit, *TAKING PARTicipation seriously*. We added three new modules this year to that kit. One is called *All Aboard*, which is around kids on boards and committees. Another is called *Checking the Scoreboard*, which is a tool for organisations to check how well they are doing in participation and, thirdly, a module called *Count Me In*, which is about how we encourage kids to participate in research. We also continue to seriously consider the views of children in our work. For instance, the Young People's Reference Group provided me with advice on 30 of our projects as well as issues with NSW Health, RTA and the Department of Education and Training.

As to the future, we have embarked on our study of Child Death Review Team data, which is a unique opportunity to examine trends in the past 10 years. They should enable us to make some quite strong recommendations to the community about reducing child death. We also anticipate completing our collaborative study with the University of Western Sydney into children's understanding of wellbeing this year, so again I think that will be useful for us in looking at whether or not the indicators we have used to assess children's wellbeing reflect adequately children's own views on wellbeing. Of course, the Children at Work Task Force will continue and hopefully translate a vast amount of knowledge we have gathered through our research project into practical and effective policy recommendations.

So, in conclusion I acknowledge the important role children and young people themselves have made in helping us to undertake our work and I also acknowledge the work of the staff and the expert advisory committee. Appearing before you gives me an opportunity to explore our work and to look at whether or not there are ways we can do things more effectively.

CHAIR: They were very detailed opening remarks. No doubt a number of questions will flow from them. You made reference to the child-safe and child-friendly prong in your work, and also on page 4 of your annual report you talk about the challenges. One of the challenges indicated in the report is for the Commission in respect of its child-safe, child-friendly resources, and it is to effectively target organisations and agencies that will benefit the most from putting in place the practices you referred to. I am wondering what sort of organisations and agencies will benefit the most and how does the Commission to identify them?

Ms CALVERT: I think all organisations benefit, which is why we have made the resources available on the web. That gives us accessibility to every organisation. Most people now have access to the web through their local libraries, and we can always print material and send it out to them. Certainly the web is one of the ways in which we try to make information available.

Some organisations are already well supported to manage risk in their organisations. That might be because they are oversighted by the Ombudsman and the Ombudsman has been working with them about ways in which they can manage risk. Or they may have licensing arrangements in place, say, with the Department of Community Services and that enables them to explore the concept of risk. They might be well-resourced organisations themselves and so already have a high level of investment. For example, some of the private schools, some of the Catholic schools, some of the non-government community-based organisations have quite considerable wealth and are able to invest quite highly in child-safe, child-friendly activities.

We have used our records of complaints and reports from the Ombudsman to identify the types of organisations that need support to become child-safe and child-friendly. We plan to approach the organisations and licensing bodies, and in the first instance three specific groups, to have conversations with them to see whether they think that their sector would benefit from us focusing on them. Those three organisations are school buses—organisations that provide school bus services—tutoring organisations—those organisations that provide tutoring—and voluntary sporting organisations, because they are often run by mums and dads and they do not have a lot of resources available to them. We think they would particularly benefit. They were the three groups we were going to initially approach to have conversations with about whether we should focus on them, to support them to try to introduce child-safe, child-friendly practices, policies and procedures into their organisations.

The Hon. KAYEE GRIFFIN: In relation to page 13 of the report, on the background checking, I understand some issues have been raised because of the turnaround times with CrimTrac and NSW Police. Have some of those issues been resolved, and is the Commission satisfied with memorandum of understanding?

Ms CALVERT: Yes. We did raise concerns with CrimTrac and NSW Police in July 2004 and April 2005 because we were not meeting targets around clearance. We have a target of 90 per cent of matters being cleared within two days of receipt. Our outcome was not achieving that and that was because of poor service delivery. We raised our concerns. As a result, new resources were allocated to the records branch by NSW Police in November 2004, services improved and we are now on target for 2005-06. So, we are quite pleased with the response from CrimTrac and NSW police to our concerns and as a consequence of their actions we are now much closer to meeting our target and being on target in 2005-06.

The dispute resolution clauses of our contract that we employed to resolve this were clearly very successful because we got the results we needed. So we are happy with the effect, the outcome, of those dispute resolutions. We are currently negotiating a new contract with CrimTrac and it will include a more detailed dispute clause, but that is improving on something that has already proven to be successful. So, it is part of continuous improvement rather than because we have a concern about it.

The Hon. KAYEE GRIFFIN: The report says 75 per cent of risk assessments completed within eight weeks, the outcome was not achieved and the result was 66 per cent. What is the Commission doing in relation to improving that percentage and has that percentage already improved given the measures that the Commission may have taken?

Ms CALVERT: In January this year we reviewed our internal risk assessment processes and found that some of the staff had developed quite effective processes. We have now standardised those processes across all of our staff. They include things like adopting a standard risk assessment data collection form that prompts assessors through the data collection process. There are time frames for each step of the process. We have now set out "This is how you do it; it has to be done by this time; if that time frame is not met this is how you respond." As you know, conducting a risk assessment relies on us getting access to material from other agencies. If they are slow and we do not assertively or actively follow up, then things can be delayed. So putting in place a standard process that sets time frames and if those time frames are not being met actively following up has certainly made a difference.

We have also started to use employers to help us make contact with applicants who are not responding to calls or letters. If we try to get information from an applicant and he or she does not respond, we then approach the employer who approaches the applicant. That again has given us an improvement in turnaround times. We also are identifying much earlier in the process those jobs that should not be risk assessed because they are not child-related employment. That also saves time and resources. Although we have always monitored cases, we have introduced the monitoring by our co-ordinator on a weekly basis. Again, if things are falling behind we take action immediately. We are using staff meetings to compare notes and to continue to exchange ideas amongst staff so that if they come up with improved processes we can consider them and standardise them across the organisation. Of course, we have our quarterly reports as part of our internal reporting process, which enables me and the executive to track performance. As a result of those changes, we are much closer to meeting our target than we were this time last year. So that is good.

The Hon. KAYEE GRIFFIN: You may need to take this question on notice. What is the process to identify jobs that are not related to children?

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

Ms CALVERT: I am happy to take it on notice. Essentially, under the legislation employers decide whether or not a position is child-related. We can get an application and think "No, it is not child-related employment." We will then negotiate with the employer about whether or not it is or is not child-related employment.

Ms VIRGINIA JUDGE: Would you provide further details about the screening processes for employment for those people who select careers involving children? You provided some

figures about applicants who were rejected. Would you give us some more information in terms of the criteria you used in that process of rejection and what was the response?

Ms CALVERT: We do not reject applicants.

Ms VIRGINIA JUDGE: When employers refer applicants to you that they have concerns about, what is the process you undertake?

Ms CALVERT: They do not refer people to us. We conduct a background check, which involves checking the three databases of criminal records, relevant apprehended violence orders and relevant employment proceedings. If there is a relevant record, then we conduct a risk assessment. That risk assessment looks at things like how long ago the offence or the event occurred, levels of seriousness, age of child, age of person, how many offences or events were there and those sorts of things using the risk assessment model that we have. That then comes up with a rating of high, medium or low, or no greater than average. That information is then passed on to the employer. The employer then makes the decision whether or not to employ that person based on the risk rating and other information they have, such as referee checks. They may have worked with the person in the past or maybe refer to the way they conducted their interview or the quality of their application. The employer uses a whole range of information on which to base the decision to employ or not.

Ms VIRGINIA JUDGE: As part of that risk assessment, were there any employers who still went on to employ an applicant who received a high risk rating?

Ms CALVERT: Yes, and that is reported in the annual report on page 15. It talks about the number of risk assessments, the applicants identified as high or medium high risk and the number of those applicants employed. You can see over the year there were eight.

Ms VIRGINIA JUDGE: What sort of fields were they employed in?

Ms CALVERT: I do not have that information with me here.

Ms VIRGINIA JUDGE: They may have been in child care or schools?

Ms CALVERT: Can I say that with those small numbers I would be reluctant to draw any conclusions. We really need to wait till we have got enough data to see whether or not we can draw anything meaningful from it. We would need to look at it over a number of years, given that the numbers are so small. The other thing is that in the past we have found when we ring to check whether or not they are in employment they are often no longer in employment. So they might have been employed as a casual when the working with children check was conducted and subsequently they have left the position.

In a sense this does not mean that there are still eight people in employment who are risk assessed as high or medium high. Some of them would have left that employment by now. In order to make any judgement or conclusion or draw any inferences from the mix of people who are employed after a high risk rating, we would really need to have substantial numbers for it to be meaningful and reliable.

Ms VIRGINIA JUDGE: It would be interesting to see the figures over a period of time.

Ms CALVERT: Sure, we will take notice of that.

Ms SYLVIA HALE: Do you have any evidence or any indication that employers follow through on the process of seeking risk assessment? Do you feel there is great compliance with the requirements?

Ms CALVERT: Yes. I would say that anecdotally certainly employers seem to value the background checking and the risk assessment process, for a number of reasons. One, it helps them to make better decisions. Two, it alerts them to staff who may have been rated, even if they go on to employ them. It means they are aware of that rating and they can adjust the job or level of supervision surrounding that position in order to reassure themselves they have done all they can to reduce risk.

They also value the opportunity of being able to talk with the risk assessors and have conversations with them about the risk assessment process and what arises out of it. Inevitably, the first time you get a high risk rating you panic because it is a new system and it is the first time it has happened to you. So you panic. We know that as employers become more familiar with the system they stop the panic but they still continue to use it in a very robust way. I think that our anecdotal evidence would suggest that employers appreciate the service that the Commission and other approved screening agencies provide and are actively using it to try to make their workplaces as safe as possible for children.

Mr STEVE CANSDELL: Commissioner, do you believe in the employment process it should be compulsory to do the risk assessment and background checks in any industry that is related to children?

Ms CALVERT: The Parliament, in a sense, has made the policy settings for who gets background checked and who does not. If somebody is required to be background checked, then they should be background checked. They have no choice as to whether or not a risk assessment is done. We do that. If they are in the background checking system and they have a relevant record, then the risk assessment is done. It is not something they can choose. Their choice is whether or not to take notice of the risk assessment outcome. Our contact with employers suggests that they very much take notice of that risk assessment outcome and treat it very seriously. In the past the employers who go on to employ people who are risk assessed as high have said things like it is because they are a family member or they have changed the nature of the job so that there is a much higher level of supervision or they have worked with the person before and they are in a remote area and there is no one-else available. They are the sorts of reasons that employers give.

Mr JOHN BARTLETT: Madam Chair, I know you will not like this question. Obviously the Commissioner can take it on notice. The Commission has 47 employees on its budget of \$500,000 and undertakes about 7,500 checks. How many staff members work on those checks?

Ms CALVERT: The 80,000 checks?

Mr JOHN BARTLETT: I read on page 12 of your report that the Committee on Children and Young People did about 7,500 checks. I might have misread the graph.

Ms CALVERT: No, it is 79,000 checks.

Mr JOHN BARTLETT: How many of your staff worked on those 79,000 checks?

Ms CALVERT: I can give you the exact figures, if I take it on notice.

Mr JOHN BARTLETT: Would it be half?

Ms CALVERT: There would be 11.

Mr JOHN BARTLETT: Do you have a full complement of staff at the present time?

Ms CALVERT: Yes, I think we do. In the area of working with children?

Mr JOHN BARTLETT: Yes.

Ms CALVERT: We have one vacancy.

Mr JOHN BARTLETT: In terms of screening, how long does it take for an officer to do a check?

Ms CALVERT: They have to get the information and enter it into the computer. The computer then does its thing. The black box takes effect and hopefully, in most cases, two days later they get a report-back on the outcome. If there is no record, they generate a letter to the employer saying that this person has no relevant record. If there is a relevant record, they pass that on to the risk assessment team and the risk assessment team will conduct a risk assessment. We are aiming for an eight-week turnaround once it goes to the risk assessment team process.

Mr JOHN BARTLETT: The 80,000 checks are purely for child-related employment?

Ms CALVERT: Yes, child-related employment.

Mr JOHN BARTLETT: There is no volunteer checking scheme in that area at all?

Ms CALVERT: No, at this stage there is not. The Government has announced that it will conduct further consultations to explore that.

Mr JOHN BARTLETT: Will you be making a submission, as well as community groups?

Ms CALVERT: I think the Government will ask us to do the consultation on its behalf. So we will be talking with the community, the volunteer groups to see what impact it may have on them.

Mr JOHN BARTLETT: I am a member of a community group that hosts children from overseas. We spend so much time talking about this issue we go around in circles.

Ms CALVERT: Yes, I could imagine.

CHAIR: I believe that an issue you have identified previously, Mr Bartlett, in prior hearings in relation to this matter.

Ms CALVERT: I just point out that regardless of whether they have a background check, all volunteers in child-related employment are still subject to the exclusion clause. If they have a conviction they are unable to volunteer or do paid work with children. That protection is in place. The other protection is, of course, all the child-safe child-friendly risk amelioration processes that you can put in place. I am quite sure your organisation has gone down that path someway already, in terms of being able to make sure that children who are being looked after by host families are able to contact their own family at any time, that they have a mentor in Australia who is outside the family who they can call if they are worried about anything.

They are all very successful risk amelioration strategies that organisations which provide overnight care can adopt in addition to background checking. The background checking is only one part of a three-pronged approach, which is what I think makes the New South Wales approach strong. We are not relying on one thing, we have a range of things in place so if one bit does not work it will be captured by other bits.

Mr JOHN BARTLETT: Would you take this question on notice: If I am a volunteer in a school and I am working with children by helping with reading or in the canteen, and I fill in a form as part of the regular checks, what happens to that form?

Ms CALVERT: The prohibited employment form, that is retained by the school.

Mr JOHN BARTLETT: It does not go any further?

Ms CALVERT: Under changes to the legislation we have increased our auditing. The Bill has sections that increase our auditing powers. We will randomly audit prohibited employment forms, again to act as a deterrent to people.

Mr JOHN BARTLETT: How many people do you have working on that?

Ms CALVERT: It has not yet passed through Parliament, we have to wait until Parliament lets me do it. It is up to you.

Ms VIRGINIA JUDGE: What would you say is the overriding issue during the consultation process with youth. I know you had a lot of young people involved in the Alcohol Summit and there were recommendations from that. What is the overriding issue that has come to the Commission's attention?

Ms CALVERT: That will vary enormously, depending on the age, location, gender, a whole range of things.

Ms VIRGINIA JUDGE: What about metro-children, young people, say from 15 to 20, young adults, who are going to clubs, binge-drinking, and all those sorts of things. I have three teenage daughters and I hear what they are saying. What would you say about the future ramifications with mental health issues and safety?

Ms CALVERT: When we conducted our Inquiry into children who had no-one to turn to, the one thing every child spoke about was the importance of relationships. If they do not

have relationships that are strong and robust they are very vulnerable. When they have good relationships with their family, their school or child care centre, and their friends they are robust kids. If they do not have good relationships with their families, but they still have good relationships with a school, those kids are still pretty well protected. It is when kids have no good relationships with their family, school or friends that they are really vulnerable.

The one thing that every child has as a top priority is to have strong, secure relationships around them with their family and friends. And, as they get older, friends become more important but they never overtake the parents and family in terms of influence and importance—and also with the school. As kids get to 16 and older, issues facing them are employment, concerns around what sort of employment they will get and what working life they will have. They also have concerns about negotiating intimate relationships, with boyfriends and girlfriends and so on. Sex education and sexuality and finding their way through that is an issue for them. That is something they have concerns about. For others, there are issues around mental health, alcohol and drugs and those sorts of things.

Issues around entering and negotiating adult worlds, such as sex, alcohol, mental health, driving and those sorts of things are aspects of making the transition from child to young person or adult.

Mr MICHAEL DALEY: Page 15 of your report, under the heading "Results" states that the results of the working with children review has helped identify appropriate KPIs. What are the KPIs?

Ms CALVERT: The first step in developing our new audit program was to work out what results we needed. We then developed a program logic that had three objectives. The first result we wanted was that employees are assisted to make decisions that create safer workplaces for kids. The second objective was that people with relevant convictions not be employed. The third objective was that the program be efficient, open and transparent. With those three objectives in mind we identified 13 key result areas that we wanted to achieve and then we identified 35 key indicators that would tell us whether those key results had been achieved.

Some of those 35 indicators we report on quarterly, some we report on annually and some we report on every three or five years. That has given us the framework, if you like, for the audit. We already collect 12 of the 35 indicators. Over the next two or three years we will roll out and set up the collection and reporting processes for the remaining indicators. I am happy to table for the Committee the list of the indicators that has been developed.

Document tabled.

Mrs JUDY HOPWOOD: This may sound like an interesting question; have all your staff undergone the working with children check?

Ms CALVERT: They have, and they have been through much more than that; that is my worst fear.

Mrs JUDY HOPWOOD: The Commission has commenced a review of its support for approved screening agencies. What does the review involve? What issues are being examined? When is it due to be completed?

Ms CALVERT: Currently we support the approved screening agencies [ASA] through guidelines and forms. We try to standardise forms for them to use. We provide guidelines to the ASAs in the operation of the risk assessment model and so on. We have a quarterly forum for managers of our ASAs and we also have a quarterly forum for our risk assessors, which provides an opportunity to raise issues, share notes and so on. We also support the ASAs through our computer system and through negotiations with CrimTrac and links with CrimTrac. We also support them through agreements with the police and CrimTrac; we co-sign all the agreements that the ASAs have with those two organisations.

We support them also through problem-solving and providing policy advice and direction on issues. You can put something in policy, but when confronted with the reality you need to interpret that policy. We are building on that existing support. One thing we are doing is developing an information manual for customer service officers to help them give consistent advice. They will have an information manual so that when people ring ASAs to get advice, they will get consistent advice. Customer service officers can refer to the information manual for that advice. We are also beginning to negotiate service level agreements between the Commission and the ASAs so that their roles and responsibilities, and our role and our responsibilities, clarified for their benefit and ours.

We are going to continue to develop and standardise forms. As part of the service level agreements we want to talk about some agreed performance standards. We set performance standards for our organisation, we need now to negotiate with the other ASAs for their performance standards to be set as well. It is an ongoing activity, but these are some of the things that we have planned, building on what we have already done.

Mrs JUDY HOPWOOD: You may wish to take this question on notice: Do you have statistics in relation to persons of interest, or who would be of some risk to children, in relation to the work place versus voluntary and other organisations?

Ms CALVERT: No. I do not think we do. We would only have them on the employment database and that only holds people's names and date of birth. The papers are held in the organisation that did the employment proceeding. It may be that the Ombudsman's office has some information from its work, but that will not be a full picture either.

We have discussed with the Community Services and Disability Ministerial Advisory Council adopting frameworks and how we can work together nationally on some issues. Research is one area in which we can collaborate and assist each other. One issue we have looked at is whether we can identify what makes a workplace more risky than another and are there features about workplaces that may pose a greater risk to children. One thing to look at is whether a voluntary organisation is less risky or more risky than a more formal organisation. That is a research question that has not been answered.

Mrs JUDY HOPWOOD: In your opinion, in determining if voluntary or other organisations that are not workplaces as such are going to be looked at seriously for working with children or dealing with children, would those statistics be essential? It may be that there are more

statistics in the volunteer organisations and other organisations, such as rifle clubs, gun clubs, cadets, et cetera, that provide more risk to children than the workplaces you are currently looking at.

Ms CALVERT: I certainly welcome any research that answers that question. It is not available at the moment, which is why a number of people are talking about how we might have that research conducted. In a sense, child protection in the workplace is the new frontier in child protection activities. In the last 30 years child protection activities has looked at child abuse within the family. There is now quite good data and research available on risk factors within families, that development has not yet occurred for child protection in the workplace. You may be quite right, it may be that there are some forms of voluntary organisations that are at greater risk to children and others, but at the moment I cannot quote any research to confirm that or not.

Mr STEVE CANSDELL: Earlier you said you had 11 employees working on the risk assessment process?

Ms CALVERT: On the working with children process.

Mr STEVE CANSDELL: What impact has the introduction of the New South Wales National Criminal History Record Check had on the workload of the Commission? What efficiencies are anticipated in the Commission's review of processes relating to the background check database? Added to that, when volunteer organisations come under this risk assessment process, how would that impact on your workload?

Ms CALVERT: The introduction of the national criminal histories record check has increased demand on NSW Police, which is why we had a slowdown in the turnaround time. That is when we activated our dispute resolution processes, and we have had a very positive outcome as a result. Our turnaround times are now back to what they were. That has certainly been positive. But, yes, the national criminal histories record check did have an impact on the turnaround time. If background checking is extended then it will increase the workload of the Commission so we will need to continue to try to be as efficient as possible in order to meet that increased demand. It will result in more inquiries from employers, more risk assessments and more processing that needs doing, so we are currently looking at ways in which we might become even more efficient—see whether technology offers us even more opportunities for streamlining our processes so that we can cope with that increased demand.

The Hon. JAN BURNSWOODS: I want to refer to the "Children at Work" report and the issues that arise from it. But before I ask my question I congratulate you on speaking out about the proposed industrial relations changes by the Federal Government. I note in "Exchange" you say that the "Children at Work" report shows that the existing system is far from perfect in meeting the needs of kids and that the proposed system could produce even more imperfections. In the same issue of "Exchange" you give the names of the task force members. I am interested in hearing more about what the task force examination will do. What outcomes do you expect and what kind of support will the Commission give the task force in carrying out its role?

Ms CALVERT: We have established the task force to try to bring together a range of people who have an interest in children at work. So we have, for example, the Australian

Retailers Association represented because its members are one of the largest employers of children. We also have Australian Business Limited because we think business can do quite a lot to support children at work and a lot of businesses are very keen to do the right thing by kids. We also have the Federation of Parents and Citizens Associations. We also have unions and, importantly, we have WorkCover because of the safety issues. Of course, we also have young people themselves who provide a very useful leveller to the committee in bringing us back to reality.

What we have done is organise the work around three key objectives. One is to maintain or improve children's job satisfaction: What are the things we can do to maintain children's existing job satisfaction? We know from our research what it is that children value about work so how do we continue to do that? Secondly, we want to improve access to employment. So that is the next objective. The research showed that children from disadvantaged areas had less access to work than children from advantaged areas so we want to look at ways in which we can improve access to jobs. The third objective is around ameliorating the negative work aspects—for example, the safety issues and the harassment issues that have been identified through the research. We have taken each of those three objectives and we are looking at what are the things that have been shown to be successful in other areas in responding to those three objectives. We are looking at developing recommendations that we can suggest to government, business, parents and young people.

We support the task force by chairing it and providing secretarial support, such as minutes, agendas, papers and so on. We also develop material following discussion and in between the discussions—the meetings—so that the task force can, over time, refine what it is recommending. We provide research advice to them and advice on possible recommendations and ways forward. We chase things up for them. So, in a sense, we are the support that enables members of the task force to come up with the best recommendations they can for the community. We are looking at making recommendations that are quite broad. We think parents can play a really important role. We think businesses can play an important role, unions can play an important role and educational facilities can play an important role, particularly with the increasing emphasis on vocational education.

The Hon. JAN BURNSWOODS: Is there any capacity in the task force's make-up and role for them to liaise with Federal Government agencies? There is a big mix of State Government agencies and ways in there. Is it difficult to make contact with Federal Government bodies or policies?

Ms CALVERT: We have not experienced any difficulties but we have had only two meetings so I guess time will show whether that is the case. I certainly would think that most of those agencies—non-government as well as government—and business would have contacts with their Federal equivalents. For example, the Retailers Association in New South Wales would have contacts at a Federal level with the Retailers Association.

Mr JOHN BARTLETT: Following on from Jan's question, is the Head Start for Australia program federally funded? Are there 32 of them around Australia or is that something else?

Ms CALVERT: No, you are talking about Communities for Children. As to Head Start, the Queensland Commission, the New South Wales Commission and the National Investment for the Early Years [NIFTeY] got together and said, "We really want to see how we can value

add in the area of the early years. How can we promote the early years?" We decided the best thing we could do would be to come up with a framework for how to promote the early years to that every child got a good start in life. The outcome of that was the document called "A Head Start for Australia: An Early Years Framework". That has now been taken up by a number of State, Federal and non-government agencies and so on to say, "If we want to give kids a good start in life then here are the sorts of things that we must do". It is really about providing a framework for agencies and governments.

Mr JOHN BARTLETT: In my electorate of Port Stephens Raymond Terrace and Karuah have been identified as one of the 32 sites in Australia being funded by the Federal Government for 0 to 5-year-olds specifically for that. A meeting was held just the other day at which any organisation that wanted to could put in a bid to spend some of that money—basically, it had to be a community organisation not a local government or State government organisation. That is where the process is up to now: they have done their research and they are now putting in bids. As I sat there in the room and watched I wondered whether some of the organisations that were bidding for this money know that we even exist. There is money being spent on 0 to 5-year-olds in difficult circumstances.

Ms CALVERT: One of the issues that Head Start talks about was the need to improve planning processes around the service system at a State level but, importantly, to improve planning between the Commonwealth and the State Governments. You have got the State Government, which is the main service deliverer, implementing Families First and the service system changes there and then you have got the Commonwealth Government coming in with another system. I think that can lead to poor decision making. So one of the things that Head Start talks about is the importance of joint planning and improving planning systems. In fact, that was one of the four priorities that came out of the round table. There was improving planning between State and Federal governments; doing work on work-family balance; child poverty; and child-friendly communities. So certainly the round table recognised the importance of improved joint planning between Commonwealth and State.

Mr JOHN BARTLETT: Right now the Commonwealth is out there and we talking about millions of dollars over a three- or four- year period if you are a selected area.

Ms CALVERT: Yes.

Mr JOHN BARTLETT: I think we need to get in contact with them.

Ms CALVERT: I suspect the State Government probably has tried, but that would be a matter for the Government.

Mrs JUDY HOPWOOD: I was not going to raise this matter but as Ms Jan Burnswoods raised the issue of senior public servants such as you speaking out about a political matter I would like to place on record my surprise that that occurred. Also, in terms of the questions provided in relation to this hearing and the legislation review by Ms Helen L'Orange, the suggested question is in terms of the review of the Commission for Children and Young People Act and the Child Protection (Prohibited Employment) Act. We have the opportunity to ask you what were the main issues raised in the consultations and submissions and are you envisaging any legislative changes as a result of the review? As we are an oversight

Committee, what is your opinion about the fact that the legislation is before Parliament and has already been debated in the lower House?

Ms CALVERT: I will take those questions separately. I am employed under the *Public Sector Employment and Management Act 2002* but I am not a public servant in the sense of any other director general. I am, in fact, an independent statutory appointment and I report to this Parliament through this Committee. So I am able to speak out on issues that impact on children—in fact, the *Commission for Children and Young People Act 1998* obliges me to speak out on issues that impact on children. Section 11 of the Commission for Children and Young People Act sets out my functions. They are to make recommendations to government and non-government agencies on legislation, policies, practices and services affecting children's lives. I also have a function of promoting the provision of information and advice to assist children and young people and to raise public awareness about issues affecting children to improve their safety, welfare and wellbeing. Given that we have conducted research on children at work and I have a knowledge base around the experience of children at work, it seemed to me appropriate and within my functions to make comment about things that I think may be detrimental to children's experiences of work.

In relation to the review of the legislation before the House, it was tabled in Parliament on 15 November. It has been through the lower House, as you say. I have no influence over the process of going through Parliament so I am not in a position to comment on that. What I can say is that there were a number of submissions made to the review of the legislation—as I said, there were 355—a number of which were from children and young people. So there has been some input from the community to date on the legislative review and that is currently being enacted through Parliament.

Mrs JUDY HOPWOOD: I suppose my point is that, as an oversight Committee, we seem to have been briefed a number of times in relation to this review but at the crucial moment we did not get a chance to receive another briefing in terms of all the consultations and information to enable us to comment, as a Committee, before the legislation came before Parliament.

CHAIR: I do not think that is a matter for Ms Calvert.

Mrs JUDY HOPWOOD: No, I am just making that comment.

The Hon. KAYEE GRIFFIN: I have a question related to the Head Start for Australia program and issues related to the provision of care for under-fives. In relation to the Commission's work in dealing with issues related to under-fives and the myriad children's services that are out there—local government, the community-based sector and the private sector, with regard to child care centres—do you have good co-operation and input from all those sectors in relation to some of the issues with under-fives?

Ms CALVERT: I think there is a lot of interest in the childcare sector—in the shape of that sector. That is partly why the Queensland Commission, the New South Wales Commission and the National Investment for the Early Years [NIFTeY] have joined together to do some thinking on how we provide care to our under fives. We want to look at the childcare system, but we also want to look at what policies and options are available for parental care of under fives as well. One of the limitations of the debate in the past has been that we have

only focused on childcare; I think we need to focus on a whole range of policy options that are available for caring for under fives. We are in the process of doing that work now and I anticipate that early next year we should have a paper that will provide some advice on the best way forward in this area.

The Hon. KAYEE GRIFFIN: Even though children's services might be providing input in relation to care for under fives, I would assume that information is also coming through that sector in respect of what you referred to—that is, the other issues that parents face when deciding on the best way to look after children who are in that very important age group, given all the research that has been done in regard to a child's development.

Ms CALVERT: Yes, we have quite close contact with a range of childcare agencies. For example, a couple of weeks ago I did a consultation with some children aged between four and five at a childcare centre, as part of our work preparing for the built environment submission. We have a range of relationships and we interact with childcare centres in a whole range of different ways.

Mrs JUDY HOPWOOD: So far as the review of the funding and other models for community preschools is concerned, has the Commission had any input into government in relation to decisions that might be made in that regard?

Ms CALVERT: No.

CHAIR: Are there any other questions on this aspect?

Mr JOHN BARTLETT: Only because I am off on a tangent again. Is this booklet "Feedback 2005" delivered to every child in New South Wales?

Ms CALVERT: I wish it were, John. I wish they had a choice of that one, which we call "Big Feedback 2005" and this one, which we call "Little Feedback 2005". In fact, for the first time, we have provided an annual report to primary school children as well as to secondary school children, and we distribute it through schools. It is placed in the school library and gets to SRCs and those sorts of things. We try to let kids know about it in that way.

Mr JOHN BARTLETT: And they are able to access it through the web, if they wish.

Ms CALVERT: They can access it on the web site. Yes, absolutely. If schools want more copies they can contact us and we will provide them.

CHAIR: I think that was a very good question.

Mr JOHN BARTLETT: As a former librarian might I suggest that you at least send a class set to every school. You are talking about 2,300, but a class set would be a good resource.

CHAIR: I do not know whether you would have the resources to enable you to do that.

Ms CALVERT: It is about what resources we have. What is a "class set"?

Mr JOHN BARTLETT: Thirty.

CHAIR: That is thirty times two thousand! Just on the aspect of the availability of a lot of your information on the Internet, and from my local perspective, the last Australian Census showed that the electorate of Auburn, which I represent, has the lowest level of usage of computers or access to computers. I would assume that that is also the case for a lot of regional areas. In light of the question asked by the honourable member for Port Stephens with regard to getting this type of information out to young people, can you think of any way in which we might make contact with kids in electorates such as mine, and in regional and rural areas, if they miss out on this sort of thing because they are unable to access the Internet? You are welcome to take the question on notice.

Ms CALVERT: The outer western suburbs of Sydney in fact have the lowest levels of information technology use anywhere in New South Wales—and it is the same in Victoria, as well. So, it is the outer suburbs that have lower access to computers, not the rural areas.

There are a number of ways that we try to let kids know. One of the things we did this year was to release a brochure about the Commission, using Minnie and Ollie. It has a much longer life than the annual report. That brochure has been distributed to a number of primary schools. We have sent it to all primary schools. In addition we have had orders, a lot of orders, and have had to go into another print run. That is one way.

CHAIR: That is government and independent schools?

Ms CALVERT: All schools. At this point might I acknowledge the presence of Chris Hellmundt, a trainee who did the work for the development of the brochure and also for the two annual reports to kids. It is nice to acknowledge our current generation of trainees and the terrific work that they are doing.

CHAIR: Excellent. Are there any other questions?

Mr JOHN BARTLETT: Further to my earlier question, the library holds the class set and it would go out to different classes.

Ms CALVERT: Right. The problem with this is that the booklets includes things you can do, such as mazes, and I suspect that they will have been filled in by the first group before it gets to the next class. I will be happy to send the Committee a copy of that brochure, which has a long life. We also have an activities book that we use when we do work with kids, based on mazes and so on. I will be happy to send copies of that to members of the Committee as well.

Ms SYLVIA HALE: In the report you comment upon the difficulties of the ethical approvals process in undertaking research. I think that is probably a difficulty encountered by anyone doing research, right across the board. Have you come to any understanding or agreement with the NSW Health to enable that research to begin more rapidly?

Ms CALVERT: No, but they are making progress. They are developing a model to streamline the process of multi-centre research, and that is what we are interested in. If you are just doing one centre, it is not a problem. We often have 10 or 12 centres to cover, so it is a problem. Under the proposed system I understand that multi-centre or multi-site research within NSW Health will require approval by one lead ethics committee. Each of

them will specialise in particular field. If you have clinical research, research involving epidemiological research or public health research you will go to the lead ethics committee that fits your research activity. We understand that they will be in consultation on the model in January and February of next year and that the system will be implemented in late 2006.

When we did the research into sudden unexpected deaths of infants, which involved multi-site research, we de facto put that system in place. We went to one ethics committee, got that committee to approve it, and then went to all the other ethics committee and said, "If ethics committee X has approved it, will you accept that committee's approval?" And they did. In a sense it has proved to be a workable model, but NSW Health's work will certainly streamline the process and help us considerably in our work.

Mrs JUDY HOPWOOD: In relation to inquiries, I have a question concerning the incomplete inquiry about the use of prescription drugs and over-the-counter medications by children and young people. What would be needed to enable that unfinished inquiry either completed or reopened? From the perspective of the Commission, what would need to happen?

Ms CALVERT: I would need to decide to conduct an inquiry. If it were a special inquiry, it would need the approval of the Minister. My view in relation to the prescription drugs inquiry is that we have continued to take up those issues and to raise those issues in a range of forums. For example, we have put in a submission to Australian Health Ministerial Council Paediatric Prescriptions Committee that has been set up to look at paediatric prescriptions. That Ministerial Council released a discussion paper for limited circulation, so we made sure that we put in a submission. We have continued to work with a number of other agencies that are interested in prescription drugs to progress the issue of children and prescription medication.

Ms SYLVIA HALE: It is my understanding that the Council of Australian Governments is preparing a report on the situation of young people in nursing homes. I know that in that context "young people" may be defined as anyone under the age of 65! Do you contemplate making a submission or an approach in that regard.

Ms CALVERT: I will certainly contemplate that, yes. Yes, I will consider it.

CHAIR: You were given a list of questions, a number of which were not referred to today. Would you be prepared to table the answers to those questions, if not today then at some future time?

Ms CALVERT: Of course, Madam Chair.

CHAIR: I think it is timely to give Ms Calvert a break before we launch into our review of the second report. I extend my thanks and those of the Committee to everyone associated with the annual report. I also thank you on behalf of members of the Committee for the frank manner in which you have answered the questions asked of you today—in my view very probing questions.

The Committee adjourned at 11.25 a.m.

Chapter Three – Written Answers to Questions on Notice

Question 3

Does the Commission anticipate that the Key Performance Targets for background checks, eg clearance times, will improve as a consequence (of raising service delivery issues with NSW Police)?

The key performance targets for background checks rely on the timely provision of criminal record information. Improvements during 2005 in NSW Police staffing have helped the Commission to meet these targets.

Performance in the first quarter of 2005/06 is virtually on target with 79.3% cleared within two days, and 89.6 cleared in ten days.

Question 7

The Commission indicates that it reviewed its Working with Children audit program in 2004-05 and will implement the revised program in 2005-06 (p.15) What issues were considered during the review; what were the results; and how is the revised audit program to be implemented?

The first step in developing new audit program was to identify the results we needed. We developed a program logic that identified the following objectives of the program:

- Employers are assisted to make employment decisions that create safe workplaces for children and young people
- People with relevant convictions are not employed
- The program is efficient, open and transparent.

Within these three objectives we identified 13 key results we needed to achieve. We then identified 35 key indicators that would tell us if these results were being achieved. Finally we identified the data collections that were needed for these indicators and developed an implementation plan to capture and report on this data.

We already collect data for 12 of the 35 key indicators; we will implement collections for the remaining indicators over a four year period.

The Commission's usual project planning processes are being used to commence the audit program: a project plan is developed and project management tools are used.

As some indicators do not require collection more than five-yearly, this project will run over several years.

Question 11

A Head Start for Australia – *The Commission, in conjunction with the Queensland Commission for Children and Young People and the National Investment for the Early Years (NIFTeY), has commissioned a study on the provision of care for under 5's (p. 21). What are the parameters of this study and what activities will the study involve?*

Following the Head Start Roundtable in February 2005, NIFTeY and the QLD and NSW Commissions have commissioned a background paper to inform the development of a more integrated approach to parental and non-parental care for the under 5's.

This background paper will advise on how policy can be used to help parents care for their under 5's – covering both parental care and child care options. To do this it will:

- describe the current system of care arrangements in Australia – for example, how child care is provided;
- review the literature on caring for children under 5, including the approaches taken in other countries;
- identify options for a more comprehensive child and family system in Australia; and
- outline a realistic way forward for achieving better policy and practice for children and families.

Question 12

What was the response of the Department of Education to the Commission's submission to the Futures Project, based on its consultation with children and young people? Was there any response to particular concerns identified by the participating children eg internet access?

In 2004 the Department's Futures Team invited comment on the future of education and training in NSW.

As part of this project the Department of Education and Training asked the Commission to speak with children and young people outside mainstream schools. We spoke with 100 children and young people aged 4-19 years from alternative education programs, a juvenile justice detention centre, hospital school and a child care centre.

These kids told the Commission they wanted

- Friendly and respectful teachers
- Engrossing teaching and learning strategies
- Flexible and diverse curriculum choices
- Fair rules and application of sanctions
- Good facilities
- Caring adults at school to help support kids.

Informal advice indicates our submission was positively received by the Futures Project.

We have published the results of our consultations on our website and in print, under the title, *Ask the Children: Children and young people speak about education*.

Question 13

Inquiries and Investigations- The Annual Report identifies inquiries and investigations into important issues relating to children and young people as one of the ways in which the commission promotes the safety, welfare and wellbeing of children and young people in NSW (p.6). The Commission conducted its first inquiry into children and young people with no one to turn to (report October 2002). Does the Commission have any plans for similar inquiries?

A special inquiry is one tool available to the Commissioner in carrying out the Commission's functions. It is an expensive tool.

When planning, we consider the priorities for our work and the method that will be most effective and efficient in achieving good outcomes for kids. If a special inquiry seems to be the best method to undertake a particular project, the Commission will use it.

To date we have been able to proceed using other, less resource-intensive methods including:

- consultation processes (for example for young drivers);
- quantitative research (for example the recent study of children at work); or
- forming partnerships (for example our mobile telecommunications project with UTS).

We do not plan any special inquiries at this stage.

Question 14

Legislation Review – At pp22-23 of the Annual Report, reference is made to the legislation review conducted by Ms Helen L'Orange in relation to the Commission for Children and Young People Act 1998 and the Child Protection (Prohibited Employment) Act 1998. The report indicates that 384 submissions were made to the review (255 of which were from children and young people). The Committee understands that Ms L'Orange's review also involved considerable community consultations in regional locations.

- a) What were the main issues raised in the consultations and submissions?
b) Are you envisaging and legislative changes as a result of the review?*

The report of the review was tabled in Parliament on November 15. The main issues raised in the consultation process were:

- a. the Commission's advocacy, research and education functions are valued
- b. the Commission's three-pronged approach to workplace child protection is supported and could be better integrated
- c. the prohibition regime for serious offenders could be strengthened and extended to self employed people
- d. the background checking system is supported and could be streamlined in some areas.

The Commission for Children and Young People Amendment Act 2005 implements the review's recommendations in these areas. The Act was passed on 29 November 2005. The Commission will conduct further consultations in 2006 on the review's recommendation that background checking be extended to a limited number of people who are not currently checked.

Question 15

The Annual Report identifies one of the EEO priorities for 2005-06 as developing strategies to increase the Commission's workforce diversity. What strategies are being contemplated?

Part 9A of the Anti-Discrimination Act 1977 requires agencies to report on the representation and distribution of the EEO target groups in the workforce. The NSW Government has set benchmarks for the four EEO target groups in their workforce. This targeted approach is generally easier for larger agencies to implement, as small agencies have fewer options.

The Commission exceeds the government target for the representation of women in the workforce. The Commission already involves children and young people from diverse background in the work of the Commission through the Young People's Reference Group.

Strategies to increase diversity will be considered later in 2005-06.

Question 16

The current figures for representation of EEO groups in the Commission's staff are given in Table A on p.31. Does the Commission set these percentage targets?

The targets reported in the Annual Report are set by the NSW Government. Many of the government diversity strategies are not suitable for an agency with a workforce the size of the Commission – less than 50 staff.

Question 17

This legislation referred to in the Annual Report, provides for a national reporting scheme by allowing for the exchange of information concerning registrable persons and was proclaimed to commence on 30 September 2005. What implications does the legislation have for the work of the Commission, if any?

This legislation does not have an impact on the Commission's work. Under our legislation all persons on the Sex Offenders Register are prohibited from child-related employment. We also already use national records via CrimTrac for our background checks.

The benefit of national Register is more active oversight by police of registrable persons, as they can exchange information about their movements and activities. This in turn will help to protect children.

Appendix 1 – Committee Minutes

Minutes of Proceedings of the Committee on Children and Young People

Thursday 1 December 2005 at 1.15pm

Room 1108, Parliament House

Members Present

Mrs Perry (Chair), Mr Bartlett, Mr Cansdell, Mr Daley, Ms Griffin, Ms Hale, Mrs Hopwood, Ms Judge and Ms Pavey.

Also in Attendance:

Helen Minnican, Pru Sheaves, Hilary Parker, Lluwannee George

The Chair opened the meeting at 1.20pm.

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3. Inquiry Program

Reviews of CDRT and CCYP Annual Reports

Resolved on the motion of Ms Griffin, seconded by Ms Judge, that:

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ii. in relation to the review of the 2004-5 Annual Report of the Commission for Children and Young People:

a) the Committee's report shall consist of:

- the questions on notice to the Commissioner;
- the corrected transcript of the evidence given by the Commissioner during the public hearing on 22 November 2005;
- answers to the questions on notice, not provided during the hearing by the Commissioner but taken on notice;
- relevant information (that is not confidential) as provided by the Commissioner in response to matters taken on notice during the hearing.

b) the report, so comprised, be adopted as the report of the Committee and that it be signed by the Chair and presented to the House, together with the minutes of evidence;

c) the Chair and Committee Manager be permitted to correct stylistic, typographical and grammatical errors.

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Appendix 2 – List of Working With Children Check Audit Indicators

Tabled at the public hearing 22 November 2005

List of Working With Children Check Audit Indicators

Objective 1: Employers are assisted to make employment decisions that create safe workplaces for children and young people

Result 1.1: All child-related employers use the program

- 1.1.1 % of child-related employers participating in the check (registered employers)

Result 1.2: Employers comply with WWCC requirements

- 1.2.1 % of employers who know their obligations
- 1.2.2 % of employers who comply with Prohibited Employment obligations
- 1.2.3 % of employers who comply with the background checking obligations
- 1.2.4 % of employers who comply with the rejected applicant notification

Result 1.3: The necessary information is available to undertake background checking

- 1.3.1 CrimTrac MOU is adhered to
- 1.3.2 % of employers who understand their responsibilities for notifying a relevant employment proceeding
- 1.3.3 % of employers who correctly notify appropriate relevant employment proceedings

Result 1.4: The results of the check are used by employers in their recruitment decision

- 1.4.1 % of employers who understand the purpose of the WWCC
- 1.4.2 % of employers who use the results as one part of their decision
- 1.4.3 Number of persons permanently employed before the results of the check are known
- 1.4.4 % of preferred applicants assessed as high risk who are employed

Objective 2: Persons with a relevant conviction are not employed (i.e. prohibited persons are not employed)

Result 2.1: Prohibited persons do not work in child-related positions

- 2.1.1 Number of times when an employer does not require disclosure of prohibited status
- 2.1.2 % of prohibited persons who are employed in child-related employment
- 2.1.3 % of prohibited persons giving a false declaration; who are referred to the police; who are convicted

Objective 3: The WWCC is efficient, open and transparent

Result 3.1: Employers and preferred applicants are satisfied with the WWCC process

- 3.1.1 % of employers who report satisfaction with the WWCC process
- 3.1.2 % of preferred applicants who report satisfaction with the WWCC process
- 3.1.3 % of complaints regarding the WWCC process are upheld

Result 3.2: The background check outcomes are consistent and timely

- 3.2.1 % of decisions independently assessed as consistent
- 3.2.2 % of risk assessors receiving training in the last 12 months

- 3.2.3 % of clearances made that are inside the timeliness benchmarks
- 3.2.4 % of risk assessment completed that are inside the timeliness benchmarks
- 3.2.5 % of prohibited employment exemption applications determined within the timeliness benchmarks

Result 3.3: Risk assessment model is contemporary

- 3.3.1 Risk Assessment model is evaluated every five years; updated; and results communicated

Result 3.4: ASA processes are efficient

- 3.4.1 % of ASA staff who know their ASA's business processes and benchmarks
- 3.4.2 % of employers have the information in the timeframe they require
- 3.4.3 % of staff members who complete the target number of applications
- 3.4.4 % of applications background checked which are not mandatory
- 3.4.5 % of ASA's reviewing their business processes every two years

Result 3.5: ESS operates efficiently

- 3.5.1 ESS meets efficiency targets
- 3.5.2 ESS is continually improved

Result 3.6: The program continually improves

- 3.6.1 Audits completed according to schedule
- 3.6.2 % of accepted audit recommendations implemented within the agreed timeframe

Result 3.7: WWCC budget meets demand

- 3.7.1 Number of WWCC applications exceeding targets
- 3.7.2 Number of risk assessments exceeding targets