



PARLIAMENT OF NEW SOUTH WALES

Committee on Children and Young People

REPORT 3/55 – OCTOBER 2014

REVIEW OF THE 2012 - 2013 ANNUAL REPORT OF THE COMMISSION FOR
CHILDREN AND YOUNG PEOPLE





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The motto of the coat of arms for the state of New South Wales is “Orta recens quam pura nites”. It is written in Latin and means “newly risen, how brightly you shine”.

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Membership

CHAIR	Mr Mark Coure MP, Member for Oatley (Chair from 18 March 2014, Committee member from 6 March 2014) Mr Andrew Cornwell MP, Member for Charlestown (until 6 March 2014)
DEPUTY CHAIR	Ms Melanie Gibbons MP, Member for Menai
MEMBERS	The Hon. Linda Burney MP, Member for Canterbury Mr Andrew Gee MP, Member for Orange Ms Jan Barham MLC The Hon. Niall Blair MLC The Hon. Greg Donnelly MLC
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Functions of the Committee

Commission for Children and Young People Act 1998

28 Functions of Committee

- (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,
 - (a1) to monitor and review the exercise by the Children’s Guardian of functions under the *Child Protection (Working with Children) Act 2012*,
 - (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, or on any matter appertaining to the exercise of the Children’s Guardian’s functions under the *Child Protection (Working with Children) Act 2012*, 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) (Repealed)

Chair's foreword

Under section 28 of the *Commission for Children and Young People Act 1998* the Committee is charged with reviewing each annual report of the Commission for Children and Young People and providing a report of the review to the Parliament. This is the Committee's third annual report review during the 55th Parliament.

For the purposes of the review, the Committee focussed on a number of significant themes and developments which were brought to the fore in the Commission's 2012-13 annual report, its evidence at a public hearing, and its responses to questions on notice and additional questions.

The key areas covered in this review are the Commission's organisational change as a result of the transfer of the Working With Children Check to the Office of the Children's Guardian; the strengthening of the Commission's advocacy and policy functions; the administration of the old Working With Children Check until 15 June 2013 and the development and implementation of the new Working With Children Check from 15 June 2013; the administration of the Child Safe Organisations training program; strategic projects in response to committee inquiries; research and advocacy projects and publications; and the facilitation of children and young people's participation in the decisions that affect their lives.

In particular, I would like to single out the Commission's work in developing and implementing the new Working with Children Check during the reporting period, and acknowledge the new Check's various measures to provide better safeguards for children and young people in NSW.

Looking forward, the Committee is interested in how the Commission consolidates its focus on research and advocacy and its transition to the Office of the Advocate for Children and Young People. The Committee also looks forward to oversighting the Office of the Children's Guardian in the coming year as it carries out its function of implementing and administering the Working With Children Check.

I would like to thank the Acting Commissioner and Children's Guardian, Ms Kerryn Boland, for her leadership of the Commission during this period of significant change. I would also like to thank the former Commissioner, Ms Megan Mitchell, for her service and wish her well in her current role as National Children's Commissioner.

I thank the staff of the Commission for their continued assistance during the Committee's review and my fellow Committee members for their insights and contributions throughout the review process.



Mr Mark Coure
Chair

Chapter One – The Committee's review

INTRODUCTION

- 1.1 The Committee on Children and Young People (the Committee) is required to examine each annual or other report of the Commission for Children and Young People (the Commission) under section 28 (1)(c) of the *Commission for Children and Young People Act 1988*, and report to both Houses of Parliament on any matter appearing in, or arising out of, any such report.
- 1.2 On 25 March 2014, the Committee resolved to commence its review of the Commission's 2012-13 annual report.
- 1.3 This report briefly outlines the review process and discusses the key themes that emerged through the Committee's review.

CONDUCT OF THE REVIEW

- 1.4 As part of the Committee's review of the 2012-13 annual report of the Commission for Children and Young People, the Committee issued the Commission with a number of questions on notice in relation to matters raised in the annual report, the Commission's exercise of its functions and other matters.
- 1.5 The Commission's response to the questions on notice was received by the Committee on 5 May 2014 and can be found, along with a response to questions on notice and additional questions, dated 27 June 2014, at Appendix One of this report.
- 1.6 The Committee conducted one public hearing for the review on 26 May 2014, with the Acting Commissioner for Children and Young People and Children's Guardian, Ms Kerryn Boland (the Acting Commissioner), and Mr Gregor Macfie, Director, Policy and Research, giving evidence on behalf of the Commission. The transcript of the public hearing can be found at Appendix Two of this report.
- 1.7 For the purpose of the review, the Committee focussed on a number of key themes that emerged through the Commission's 2012-13 annual report, the public hearing and the responses to questions on notice and additional questions. These were:
 - the organisational change as a result of the transfer of the Working With Children Check to the Office of the Children's Guardian (the OCG) and the Commission's subsequent strengthening of its advocacy and policy functions
 - the administration of the old Working With Children Check until 15 June 2013 and the development and implementation of the new Working With Children Check for NSW from 15 June 2013
 - administration of the Child Safe Organisations training program
 - strategic projects in response to inquiries from previous Committees on Children and Young People

- the development of research and advocacy projects and publications and
- facilitation of children and young people's participation in the decisions that affect their lives through mechanisms such as the Young People Advisory Group and classroom consultations.

ORGANISATIONAL CHANGE

- 1.8 In May 2013 the Minister for Family and Community Services and the Minister for Citizenship and Communities announced that a new Working With Children Check for NSW (the Check) would commence on 15 June 2013, and that the Check's legislative functions and operations would be transferred from the Commission to the newly created OCG.¹
- 1.9 As a result of the transfer the Commission indicated that it would focus more clearly on its policy research and advocacy functions in the coming year.² The Acting Commissioner stated:
- The subsequent transfer of the Working With Children Check to the Office of the Children's Guardian provided the opportunity to think about ways to strengthen the Commission's advocacy role and functions.³
- 1.10 It is expected that the transfer of the Check to the OCG will result in significant changes to the Commission's organisation and activities in the future, however, during 2012-13 the new arrangements made little impact as they only came into effect in mid-June 2013.⁴
- 1.11 To facilitate the realignment of the Commission's organisational structure and key objectives, the Commission commenced a period of consultation with key stakeholders (the *Speak Up!* consultations) to look at ways to strengthen its advocacy and policy structure, and to get a better understanding of the issues that are most important to young people.⁵
- 1.12 The 2012-13 reporting period also saw the departure of Ms Megan Mitchell as NSW Commissioner to take up the role of National Children's Commissioner within the Australian Human Rights Commission.⁶ Following Ms Mitchell's departure, Ms Boland, the Children's Guardian, was appointed as Acting Commissioner for Children and Young People.

Committee comment

- 1.13 The Committee notes the significant organisational changes that the Commission underwent during the 2012-13 reporting period and commends the Acting Commissioner for her leadership of both the Commission and the OCG during this

¹ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 6 and pp. 19-20.

² Commission for Children and Young People, *Answers to questions on notice, 5 May 2014*, question 7, p. 4.

³ Ms Kerry Boland, Acting Commissioner for Children and Young People and Children's Guardian, *Transcript of evidence*, 26 May 2014, p. 2.

⁴ Commission for Children and Young People, *Answers to questions on notice, 5 May 2014*, question 7, p. 4.

⁵ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 10; and Commission for Children and Young People, *Answers to questions on notice, 5 May 2014*, question 7, p. 4.

⁶ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 6.

time of transition. The Committee also commends the staff of the Commission for their work during the transitional period and their ongoing and valuable input into the work of the Committee.

- 1.14 The Committee supports the transfer of the administration of the Check from the Commission to the OCG, and the subsequent realignment of the Commission as an agency whose central focus is on policy research and advocacy for the wellbeing of children and young people in NSW.
- 1.15 The Committee notes that the emphasis on advocacy was recently consolidated by the *Advocate for Children and Young People Act 2014*, which came into effect on 24 June 2014 and established the Office of the Advocate for Children and Young People in place of the Office of the Commission for Children and Young People.
- 1.16 The Committee supports the establishment of the Office of the Advocate for Children and Young People and looks forward to overseeing the new agency as it carries out its core functions of advocating for and promoting the safety, welfare and well-being of children and young people, and promoting the participation of children and young people in the making of decisions that affect their lives.⁷

CHILDREN ARE SAFE IN THEIR ORGANISATIONS AND THEIR COMMUNITIES

Working With Children Check

- 1.17 Between 1 July 2012 and 15 June 2013 the previous Check was conducted by four Approved Screening Agencies (ASAs): the Department of Education and Communities, the Department of Health, the Catholic Commission for Employment Relations and the Commission for Children and Young People.⁸
- 1.18 The four ASAs conducted a combined total of 218,848 Checks during the reporting period. Of those, the Commission conducted 95,003 Checks (43.41% of the NSW total), compared with 85,479 Checks during the 2011-12 reporting period.⁹
- 1.19 The Commission aims to provide results within two days for 80% of Checks, and within ten days for 90% of Checks. During 2012-13, the Commission provided results for 78% of Checks within two days (up from 68% in 2011-12) and 96% of Checks within ten days (up from 94% in 2011-12).¹⁰
- 1.20 Following extensive community and stakeholder consultation, the legislation governing the application of the Check was changed¹¹ and, as noted at paragraph

⁷ *Advocate for Children and Young People Act 2014*, section 15 (1) (a) and (b).

⁸ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 21.

⁹ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 21.

¹⁰ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 21.

¹¹ The *Child Protection (Working With Children) Act 2012* was assented to on 27 June 2014 and commenced on 15 June 2013, and the accompanying *Child Protection (Working with Children) Regulation 2013* was passed on 24 April 2013 and commenced on 15 June 2013.

1.8 of this report, a new Check came into effect on 15 June 2013, with its legislative functions and operations being transferred from the Commission to the OCG.¹²

1.21 According to the Commission, the new Check represents a significant improvement on the earlier scheme:

The new Check has a number of distinct advantages over the previous model, providing better protection for children and young people in NSW while improving the quality of the public service we deliver.¹³

1.22 Under the new scheme, all child-related workers are required to apply for the same Check, including paid workers, volunteers and self-employed people. Applicants are subject to a national police check and review of findings of misconduct and, if cleared, are subject to ongoing monitoring for new records for the five year life of the clearance.¹⁴

1.23 The new Check is portable and may be used for any child-related work in NSW. Employers can verify the status of a new worker by entering the worker's surname, date of birth and Check number into the system, which ensures that workers who are not cleared to work with children are not engaged for child-related work.¹⁵

1.24 The Acting Commissioner summarised the development and operation of the new Check:

The new Working With Children Check operating system is the result of a collaborative approach between a number of agencies to create a responsive online system which scans existing databases to ensure that relevant, accurate and up-to-date information is captured and transmitted instantly. This information is then used to assess a person's suitability to work with children. Under the new Working With Children Check system there are only two results possible: a worker will be cleared to work with children or barred from working with children.¹⁶

1.25 A full description of the development and operation of the new Check during the 2012-13 reporting period is at pages 19 and 20 of the 2012-13 annual report of the Commission for Children and Young People (www.kids.nsw.gov.au/ArticleDocuments/250/CCYP_AnnualReport2012-13.pdf.aspx).

Monitoring and compliance

1.26 Part 7 of the *Commission for Children and Young People Act 1998* provided functions to the Commission for the monitoring and auditing of compliance with

¹² Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 6 and pp. 19-20.

¹³ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 19.

¹⁴ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 19.

¹⁵ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 19.

¹⁶ Ms Kerry Boland, Acting Commissioner for Children and Young People and Children's Guardian, *Transcript of evidence*, 26 May 2014, p. 3.

the previous Check.¹⁷ The Commission's monitoring and compliance functions encompassed activities such as planned compliance programs and responding to ad hoc issues and allegations.¹⁸

- 1.27 In 2012-13 the Commission undertook two major compliance programs, one of religious organisations and the other of child care services.¹⁹ The Commission indicated that both programs were successful in that they effectively disseminated information to the relevant organisations about their responsibilities in relation to the Check, and that a considerable number of people that work with children who should have been checked were given a Check as a result.²⁰
- 1.28 Through the compliance programs the Commission found that there was a lack of governance arrangements or attention to management and administrative tasks among many of the organisations contacted, particularly among smaller organisations.²¹
- 1.29 To address the compliance and governance issues identified, the Commission indicated that, in the 2013-14 reporting period, the OCG has:
- implemented its *2014 Compliance Program*, which focusses on those sectors that are required to comply with the new Check by 31 March 2014, and its *2014 Community Engagement Education Strategy*, which focusses on educating those sectors that are required to comply with the Check between 1 April 2014 and 31 March 2015
 - developed a suite of fact sheets, Sector (employer) guides and online resources to make the process of applying for and administering the Check more accessible
 - developed online tools and resources to assist organisations across all sectors to improve governance and
 - maintained regular communication on relevant issues with over 16,000 subscribers to the OCG newsletter.²²
- 1.30 According to the Commission, the compliance-related issue of greatest concern currently is the low level of online verifications by employers. The Commission stated that this may be attributable to:
- employers not understanding the online verification process

¹⁷ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 24. Part 7 of the *Commission for Children and Young People Act 1998* was repealed by the *Child Protection (Working with Children) Act 2012* on 15 June 2013.

¹⁸ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 24.

¹⁹ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 24.

²⁰ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 25.

²¹ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 25.

²² Commission for Children and Young People, *Answers to questions on notice*, 5 May 2014, question 10, p. 6.

- employers thinking that they don't have to verify employees until the close of the phase-in period and/or
- employers using the paper notification as proof of a Check.²³

1.31 The Commission indicated that the OCG has addressed the issue of low online verification rates by:

- amending the Check Notices to provide a clearer outline of the process for employers
- conducting a survey of applicants who have not been verified
- conducting a survey of employers who have registered with the OCG and never verified and
- establishing a Compliance Forum to discuss issues for employers.²⁴

1.32 The Acting Commissioner summed up the OCG's work with stakeholders to increase the rate of online verification:

We have been doing quite a significant amount of work with stakeholders – holding seminars, round-tables, newsletters, any way we can – to get out the message about the importance of verification. We are doing surveys at the moment of employer groups and stakeholders and cleaning up the database where people have applied twice so there is quite a lot of remedial work happening at the moment.²⁵

Child safe organisations

1.33 The Commission for Children and Young People's 2012-13 annual report states that a key element of the Commission's work is to provide organisations that work with children with information, skills and resources that will help them make their environment safer for children:

When an organisation has the requisite knowledge, capability and commitment, it is much more likely to put safeguards in place to reduce risks and protect children from unintentional or intentional harm.²⁶

1.34 The Commission continued to administer its Child Safe Organisations training program in 2012-13. As part of the training program the Commission provided 312 training presentations, including information sessions, webinars, seminars and workshops, to organisations involved in child-related employment.²⁷ The Commission also provided training on the new Check, all of which resulted in a significant increase in the number of sessions and attendance across NSW.²⁸

²³ Commission for Children and Young People, *Answers to questions on notice*, 5 May 2014, question 10, p. 6.

²⁴ Commission for Children and Young People, *Answers to questions on notice*, 5 May 2014, question 10, pp. 6-7.

²⁵ Ms Kerryn Boland, Acting Commissioner for Children and Young People and Children's Guardian, *Transcript of evidence*, 26 May 2014, p. 4.

²⁶ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 25.

²⁷ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 25.

²⁸ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 25.

- 1.35 In addition to the general training program, the Commission conducted a program of industry-specific Child Safe Organisations training targeted towards the recreational dance sector.²⁹
- 1.36 In May and June 2013 the Commission conducted five training sessions to recreational dance schools throughout Sydney, and it indicated that for the remainder of 2013 the OCG would conduct training sessions to assist dance proprietors in regional areas, including Wollongong, Newcastle, Northern NSW and Western NSW.³⁰
- 1.37 The Commission stated that Child Safe Organisations training in 2012-13 and 2013-14 was attended by over 270 people from the dance industry, and that the training covered a range of issues including risk management tools, codes of conduct for adults and children in dance, and the prevention of physical, psychological and sexual harm to children in dance and dancer welfare support.³¹
- 1.38 During the reporting period, the Commission also facilitated a number of Child-safe, Child-friendly workshops in Aboriginal and non-Aboriginal communities in the Far West of NSW (Broken Hill, Menindee and Wilcannia). The Commission indicated that attendance at the workshops was excellent, with a total of 65 participants attending.³²

Committee comment

- 1.39 The Committee acknowledges the Commission's work in developing the new Check and implementing it at the end of the 2012-13 reporting period. The Committee notes the numerous advantages of the new Check over the old scheme and understands that it will be more effective in providing protection for children and young people in NSW.
- 1.40 The Committee recognises the various challenges involved with implementing the new Check and transferring the legislative functions and operations of the Check to the OCG. The Committee also notes that the implementation of the new Check occurred later in the 2012-13 reporting period than was originally planned.³³ Even so, the Committee commends the Acting Commissioner and the staff of the Commission for the manner in which they have managed this change.
- 1.41 In respect of the previous Check, the Committee notes that the Commission performed slightly below its KPI of providing results within two days for 80% of Checks (78% in 2012-13), but acknowledges that the result was a marked improvement from the 2011-12 reporting period's figure of 68%. The Committee also notes that the Commission exceeded its KPI of providing results within ten days for 90% of Checks (96% in 2012-13) and improved on its performance the previous year of 94%.

²⁹ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 27.

³⁰ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 27.

³¹ Commission for Children and Young People, *Answers to questions on notice*, 5 May 2014, question 11, p. 7.

³² Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 26.

³³ Committee on Children and Young People, *Review of the 2011-12 annual report of the Commission for Children and Young People*, October 2013, pp. 2-3.

- 1.42 The Committee notes the Commission's concern about the low level of online Check verifications by employers and acknowledges the OCG's actions to address this issue. The Committee looks forward to assessing the effectiveness of the OCG's measures to increase the level of online verification by employers during the 2013-14 reporting period.
- 1.43 The Committee acknowledges the Commission's work regarding the Child Safe Organisations training program, including the training on the new Check and the specific training programs for the recreational dance sector, and for Aboriginal and non-Aboriginal communities in the Far West of NSW. Moving forward, the Committee encourages the OCG to continue the Commission's focus on Child Safe Organisations training and hopes that it will further develop the training so that it works effectively, in conjunction with the Check, to reduce risks to children.

MAJOR STRATEGIC PROJECTS

Strategic projects in response to committee inquiries

- 1.44 In 2012-13 the Commission for Children and Young People implemented a range of strategic projects following on from two inquiries into children, young people and the built environment by previous Committees on Children and Young People. These strategic projects included the implementation of regional workshops, a seminar series, and arrangements for the second Planning for the Children and Young People Award.³⁴
- 1.45 Following on from the previous Committee on Children and Young People's inquiry into children and young people aged 9-14 years, the Commission established an Expert Advisory Panel to support the Commission in promoting its reform agenda on the middle years of childhood.³⁵ The Commission stated that the Panel held its first meeting in April 2013 and commenced discussion of the following priorities that will form the basis of a future work plan:
- driving collaboration between school and outside-of-school education, care and recreation services to promote the development of all children aged 9-14 years
 - identifying and implementing successful models of student engagement within schools that will support positive outcomes for children aged 9-14 years and develop their sense of belonging
 - responding to specific health needs of children aged 9-14, with a focus on mental health, oral health, sexual health, misuse of drugs and alcohol, and the promotion of healthy lifestyles
 - developing strategies to ensure appropriate accommodation and support for children under 15 years who are using homelessness services or are at risk of homelessness

³⁴ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 14.

³⁵ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 14.

- reviewing early intervention and prevention programs available to parents and carers of children aged 9-14 years with a view to improving and enhancing family support programs and resources and
- developing transport and planning strategies to enable children aged 9-14 years to move freely around their communities and help prevent social exclusion among children and their families.³⁶

Research and advocacy

- 1.46 In keeping with its focus on research and advocacy during 2012-13, the Commission invested considerable time in developing research projects and publications, some of which are available on the Commission's website. The Commission progressed two significant pieces of research work during the reporting period: an online databook entitled *A picture of NSW children*, and a research project entitled *Supporting Your Friends*.³⁷
- 1.47 The Commission's annual report stated that *A picture of NSW children* draws together data from many existing collections to meet the growing information needs of policy and service delivery professionals regarding the 1.6 million children in NSW and their families.³⁸
- 1.48 The Acting Commissioner stated that *A picture of NSW children* is designed for policy makers, researchers, and committees and described the information contained in the databook:
- Information covers the demographic characteristics of News South Wales children and their families, along with detailed data on key national and state measures in the broad areas of economic wellbeing; health; childcare; education and learning; children and crime; and injury.³⁹
- 1.49 The Acting Commissioner advised that stakeholder feedback regarding *A picture of NSW children* had been positive and that the information contained in the publication was accurate and up-to-date.⁴⁰ The Committee, however, questioned the currency of some of the data, observing that the latest data in the publication's chapter on harm and injury was from 2009-10.⁴¹
- 1.50 The *Supporting Your Friends* research project commenced during the reporting period and undertaken in partnership with the Mental Health Commission of NSW.⁴²
- 1.51 *Supporting Your Friends* examines the impact of school-based mental health and well-being programs and school climate on young people's mental health first aid

³⁶ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 15.

³⁷ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 15.

³⁸ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 15.

³⁹ Ms Kerryn Boland, Acting Commissioner for Children and Young People and Children's Guardian, *Transcript of evidence*, 26 May 2014, p. 3.

⁴⁰ Ms Kerryn Boland, Acting Commissioner for Children and Young People and Children's Guardian, *Transcript of evidence*, 26 May 2014, p. 3.

⁴¹ Ms Jan Barham MLC, *Transcript of evidence*, 26 May 2014, p. 10.

⁴² Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 15.

actions and the supports and barriers to young people referring their friends to adults for help.⁴³ Mr Gregor Macfie, Director, Policy and Research, described the objectives of the research project:

We know that young people are often the first to know that other young people have got a serious mental health problem and this research is looking at what promotes them seeking adult help and what the barriers might be.

...across the board we are looking at better supports, what it is that makes the difference in terms of young people seeking adult help within schools but also within families and communities as well.⁴⁴

- 1.52 As part of the research project the Commission surveyed year nine and ten secondary school students, school principals and selected focus groups, with data being collected from more than 2,800 students across 93 schools.⁴⁵
- 1.53 The Commission stated that the research pointed to the significance of school climate and mental health education for improving young people's propensity to involve an adult when a friend is going through a tough time.⁴⁶
- 1.54 During the reporting period the Commission continued its efforts to obtain the views of children from culturally and linguistically diverse (CALD) communities and Aboriginal and Torres Strait Islander (ATSI) children in the undertaking of its research and advocacy work. For example, the Commission over-sampled ATSI children for the *Supporting Your Friends* research project, with 4.6% of ATSI children being surveyed, compared to 0.9% in the population of the same age in NSW. Similarly, the Commission over-sampled children from CALD communities, with 4.5% of the student sample speaking a language other than English spoken at home, compared 3.3% in the population of the same age in NSW.⁴⁷

Committee comment

- 1.55 The Committee notes the Commission's ongoing work in responding to issues raised in the inquiries into young people and the built environment and children and young people aged 9-14 years, and notes the important role of the Expert Advisory Panel in the future development of research and policy on the middle years of childhood.
- 1.56 The Committee also acknowledges the Commission's successful implementation of its online databook *A picture of NSW children* and its commencement of the *Supporting your friends* research project.
- 1.57 On the basis that much of the effectiveness of *A picture of NSW children* lies in the currency of its data, the Committee encourages the Commission to work with other agencies, such as the Australian Bureau of Statistics and the Australian

⁴³ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 15.

⁴⁴ Mr Gregor Macfie, Director, Policy and Research, NSW Commission for Children and Young People, *Transcript of evidence*, 26 May 2014, p. 10.

⁴⁵ Ms Kerryn Boland, Acting Commissioner for Children and Young People and Children's Guardian, *Transcript of evidence*, 26 May 2014, p. 3.

⁴⁶ Commission for Children and Young People, *Answers to questions on notice*, 5 May 2014, question 13, p. 8.

⁴⁷ Commission for Children and Young People, *Answers to questions on notice*, 5 May 2014, question 4, p. 2.

Institute of Health and Welfare, to obtain the most current data available, particularly in relation to the important issues of self-harm, suicide, and young peoples' mental health.

- 1.58 The Committee acknowledges the Commission's efforts to make its research material freely available via the *Publications and Resources* section of its website. However, the Committee found that some of the publications were difficult to locate on the website. Consequently, the Committee suggests that the Commission review its website to make its research and other publications more accessible, for example, in a clearly indexed, stand-alone section of the website.
- 1.59 The Committee notes the ongoing community concern about the issue of the sexualisation of children and young people and the impact it is having on the health, welfare and wellbeing of children and young people. The Committee is of the view that this is an important area that warrants serious research and analysis, and ongoing consideration by the Commission. The Committee believes that the Commission should include this issue in its strategic planning and future directions.

CHILDREN'S PARTICIPATION

Young People Advisory Group

- 1.60 The *Commission for Children and Young People Act 1998* encourages government and non-government agencies to seek the participation of children, appropriate to their age and maturity, in decisions that affect their lives.⁴⁸ The Act also directs the Commission to develop mechanisms to facilitate consultation with children.⁴⁹
- 1.61 To facilitate children and young people's participation in its decision making, the Commission commenced the operation of a new model of the Young People Advisory Group (YPAG) in January 2012. The Commission indicated that under the new model, the principal of each YPAG member's school agrees to a two-year term with the Commission and also nominates a support teacher to assist members with their roles on the YPAG.⁵⁰ This is a key difference from past models.⁵¹
- 1.62 In 2012-13 the YPAG provided advice to the Commissioner on a number of issues, including online youth engagement, laws regarding the provision of alcohol to minors, the Commission's new website, and how to consult young people about advocacy.⁵²
- 1.63 During the reporting period, the YPAG and the Commission's classroom consultation model were externally evaluated by a consultant, which indicated that, overall, the new YPAG model was effective in fulfilling the Commissioner's

⁴⁸ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 17.

⁴⁹ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 17.

⁵⁰ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 17.

⁵¹ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 17.

⁵² Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 17.

legislative mandate as well as in meeting benchmarks of effective and ethical consultation models defined through stakeholder consultation and research.⁵³

- 1.64 The draft evaluation report indicated that the YPAG model enables the Commission to build strong and trusting relationships with young people, and that over the last two years feedback from stakeholders has been successfully used to inform a number of Commission products, including responses to multiple parliamentary inquiries and requests from other agencies.⁵⁴
- 1.65 However, as the Commission indicated, while the YPAG model has gone some way to increasing the diversity of voices and experiences brought to consultations, the boardroom style of consultation may not be the most effective mechanism to obtain the views of vulnerable or at-risk young people.⁵⁵

Classroom consultations

- 1.66 In 2012-13, the Commission piloted a new classroom consultation model for seeking the views of children and young people. The classroom consultation model seeks to:
- enable the Commission to consult with a broader range of children and young people
 - extend the experience of participation to a larger group of children and
 - provide a mechanism for the participation of children into policy decisions.⁵⁶
- 1.67 Under the model, teachers or schools who volunteer for classroom consultation topics are emailed relevant materials; teachers will then facilitate a class discussion; and following the discussion, students will provide their views anonymously to the Commission online.⁵⁷
- 1.68 During the reporting period the Commission piloted classroom consultations in a total of five schools on the following issues:
- the mental health and emotional wellbeing of young people
 - the types of adult supports young people want for depression and anxiety, and alcohol and other drugs and
 - managing severe allergies (anaphylaxis) in schools.⁵⁸
- 1.69 In discussing the objectives and processes of the Commission's classroom consultation model, the Acting Commissioner stated:

⁵³ Commission for Children and Young People, *Answers to questions on notice*, 5 May 2014, question 5, p. 3.

⁵⁴ Commission for Children and Young People, *Answers to questions on notice*, 5 May 2014, question 5, p. 3 and question 14, p. 9.

⁵⁵ Commission for Children and Young People, *Answers to questions on notice*, 5 May 2014, question 5, p. 3.

⁵⁶ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 18.

⁵⁷ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 18.

⁵⁸ Commission for Children and Young People, *2012-13 annual report*, October 2013, p. 18.

The classroom consultation model provides a way for a wide variety of children and young people to participate in the advocacy work of the Commission. Consultation is designed to complement the school curriculum and to contribute to student learning and involvement. School teachers are provided with materials to support a guided conversation in class, after which students provide their individual responses through a short online questionnaire.⁵⁹

- 1.70 Mr Gregor Macfie, Director, Policy and Research, advised that in identifying participants for the classroom consultations, the Commission deliberately sought a diverse range of views. To this effect, the Commission actively sought participation from young people from culturally and linguistically diverse backgrounds and from Aboriginal and Torres Strait Islander backgrounds.⁶⁰
- 1.71 The Commission acknowledged that because the classroom consultation model was relatively new, inevitably there would be areas for improvement. While the Commission considered classroom consultations to be a practical and constructive form of consulting with children and young people, it found that the questionnaire mechanism may not be fully capable of capturing the depth and complexity of input from participants.⁶¹

Committee comment

- 1.72 The Committee notes the Commission's work during 2012-13 in developing the YPAG and the classroom consultation models as a means of enabling children and young people to have input into the decisions that affect their lives. The Committee commends the Commission for the effectiveness of the models in fulfilling the Commissioner's legislative mandate and meeting high standards of effective and ethical consultation.
- 1.73 While the Committee acknowledges that the Commission has sought to obtain a diverse range of young people's voices and experiences via its consultation models, the Committee is concerned that both models may not be effective in reaching vulnerable or at-risk young people. Consequently, the Committee encourages the Commission to develop a new consultation model, or to adapt an existing consultation model for the express purpose of obtaining the views of vulnerable or at-risk young people.
- 1.74 On a similar note, the Committee also notes the Commission's concern that the classroom consultation's questionnaire mechanism may be falling short in terms of capturing the depth of input provided by children and young people, particularly those young people who struggle to express themselves in writing. Consequently, the Committee encourages the Commission to continue to improve and refine the classroom consultation processes and, as part of this, to develop mechanisms that will capture the voices and experiences of children and young people.

⁵⁹ Ms Kerryn Boland, Acting Commissioner for Children and Young People and Children's Guardian, *Transcript of evidence*, 26 May 2014, p. 3.

⁶⁰ Mr Gregor Macfie, Director, Policy and Research, NSW Commission for Children and Young People, *Transcript of evidence*, 26 May 2014, p. 5.

⁶¹ Commission for Children and Young People, *Answers to questions on notice*, 5 May 2014, question 5, p. 3.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE
THE COMMITTEE'S REVIEW

Appendix One – Responses to questions on notice and additional questions

Response to questions on notice from the Commission for Children and Young People, dated 5 May 2014

Strategic directions

1 What is the progress of the Commission’s review and development of new strategic directions for 2014-17? Has the Commission consulted with external stakeholders, in particular children and young people, in this process?

- *The Commission has not commenced review and development of new strategic directions for 2014-17 but has a current work plan for 2014.*
- *A Bill has been prepared to establish a new Advocate for Children and Young People.*
- *The development of new strategic directions for 2014-17 will commence following passage of the Bill through Parliament.*
- *New strategic directions will be informed by the outcomes of the Speak Up! consultations on child and youth advocacy conducted in 2013 (released in December 2013). These consultations involved extensive consultation with children and young people and with many of the non-government organisations in NSW with an interest in children and young people’s issues. Key government agencies also contributed confidential submissions.*
- *The Commission has held preliminary discussions with stakeholders about developing a whole of government three-year strategic plan for children and young people. This plan would inform the strategic directions of the Commission from 2014-17.*

Organisation

2 When is a permanent Commissioner for Children and Young People likely to be appointed?

- *A Bill has been prepared to establish a new Advocate for Children and Young People and the process for appointing a new Advocate will commence on passage of the Bill through Parliament.*

Consultation/participation by children and young people

3 During the reporting period, what actions did the Commission take to promote the participation of children in decisions that affect their lives?

- *In 2012-2013 the Commission developed its Classroom Consultation model to extend the reach of the Commission’s consultations and provide a means for a wider range of children and young people to have a say.*

- *The Commission used Classroom Consultations as part of its strategy to get children and young people involved in decisions about strengthening advocacy for children and young people in NSW – the Speak Up! consultations.*
- *The Speak Up! consultations also involved community roundtables with young people; the appointment of Youth Ambassadors to advise on the participation strategy and promote the consultations through social media; and an online survey through the Government's Have Your Say website.*
- *The Speak Up! consultations were an important vehicle for promoting the participation of children and young people in the decisions that affect their lives and represented the most comprehensive consultation on child and youth advocacy undertaken by the Commission since its inception.*
- *The Commission also promoted the participation of children and young people in the decisions that affect their lives through its 2012 and 2013 Young People Advisory Groups (see response to Q14) and by promoting the value of young people's participation to government and non-government organisations through the Commission's 2012 Participation Showcase.*

4 Has the Commission taken any specific measures to consult with children from Aboriginal/Torres Strait Island and culturally and linguistically diverse communities?

- *In designing its two major current projects the Commission has taken measures to ensure that Aboriginal and Torres Strait Islander (ATSI) children and children from culturally and linguistically diverse (CALD) communities were consulted.*
- *The Supporting Your Friends mental health research project being undertaken with the NSW Mental Health Commission over-sampled ATSI children, with a student sample of 4.6% ATSI students, compared to 0.9% in the population of the same age in NSW.*
- *The Supporting Your Friends mental health research project also over-sampled children from CALD communities, with 4.5% of the student sample speaking a language other than English spoken at home compared to 3.3% in the while population of the same age in NSW.*
- *The Speak Up! Consultations also featured strong representation from ATSI children. Of the 890 children consulted through the classroom consultations, 23 identified as ATSI, representing 2.6% of the total compared to 0.9% across the population of 11-18 year olds.*
- *The proportion of children from CALD communities who took part in the Speak Up! classroom consultations was equivalent to that at the population level (3.1% compared to 3.3%). However, the Speak Up! consultations also featured a community roundtable in Cabramatta where the majority of the forty young people who took part were from CALD backgrounds.*
- *The Speak Up! consultations also brought together many of the key NGOs working with children and young people in NSW, including Aboriginal and CALD organizations such as Australian Indigenous Mentoring Experience, the Aboriginal Education Consultative Group, and the Aboriginal Child, Family and Community Care State Secretariat, and the*

Multicultural Youth Affairs Network NSW. The Commission will continue to work with these and other non-government groups to ensure that it consults effectively with ATSI and CALD children and young people and their communities.

5 What were the findings of the independent external evaluation of the Young People Advisory Group and the Classroom Consultation models (page 18)?

- *The final report for the independent evaluation is due in May 2014.*
- *The draft report indicates that overall, both the YPAG and Classroom Consultation models are effective in fulfilling the Commissioner's legislative mandate and are largely meeting (or exceeding) the benchmarks of effective and ethical consultation models as defined through stakeholder consultation and research.*
- *The draft report indicates that the YPAG is a mature model which has operated for two years and whose format evolved from a similar model previously used by the Commission over the course of nine years (the Young People's Reference Group). This extended period of operation has allowed the Commission to continually test and refine the model over time. The way in which the YPAG currently operates enables the Commission to build strong and trusting relationships with young people, an important element to soliciting meaningful and in-depth feedback on sensitive or complex issues. Over the past two years, this feedback has been used to inform a number of significant Commission products, including responses to multiple Parliamentary Inquiries and information requests from other agencies. The YPAG model also succeeds in providing value not just to the Commission but to the young participants as well. All the YPAG members to whom Noetic spoke agreed that they had gained valuable skills and experiences as part of their participation, which will assist them in other areas of their lives. However, while the YPAG research project has gone some way to increasing the diversity of voices and experiences brought to the consultations, the boardroom style of consultation may not be the most effective mechanism to reach vulnerable or at-risk young people.*
- *The Classroom Consultation Model is a relatively new consultation model for the Commission but has already begun to provide valuable insights and contributions to its work. The majority of participants have also indicated that they would like to be involved in future consultations, though some felt they would only want to participate if the specific topic interested them. While there are still areas for improvement, this model appears to be a practical and constructive form of consulting with children and young people. It also offers the potential to reach a larger and more diverse group, including those who are vulnerable or at-risk, about a range of important and relevant topics. The key challenge for the Commission as it continues to improve and refine the operation of Classroom Consultations will be to develop the best mechanism to capture the input provided by children and young people. While the classroom discussions may yield a similar depth of input as those taking place with the YPAG, the questionnaire mechanism (even utilising a mix of free text and multiple choice responses) may not be fully capable of communicating this depth back to the CCYP, particularly in the case of children and young people who struggle to express themselves in writing.*

Working with Children Check

6 Did the Commission receive any feedback about negative impacts of the new Working with Children check (page 19)?

- *The Office of the Children’s Guardian (OCG) has received a relatively low number of complaints about the new Working with Children Check (WWCC) process. Concerns raised prior to the implementation of the new WWCC about the effect that the new process would have on volunteer numbers has not been borne out by the number of WWCC volunteer applications that have been submitted. The estimated uptake of the volunteer sector in the first phase in period was anticipated to be around 30,000, however, on current trends it is anticipated that over 150,000 volunteers will have applied for a WWCC by the end of June 2014.*
- *The majority of complaints that the OCG has received has been in relation to the introduction of the \$80 fee for paid employees.*
- *Other complaints have been centred on various employer’s internal policies regarding the implementation and administration of the WWCC. The legislation allows an employer to engage an employee provided they have a valid application (APP) number, but some employers have nonetheless required a WWCC clearance before the commencement of employment. There were also a small number of complaints in relation to attending a NSW Motor Registry to provide proof of identity documentation to support an application.*
- *Out-of-home care providers made representations to the OCG to change the process of providing proof of identity for carers of NSW children who reside outside of NSW. As a result, changes were made to the legislation that allowed for an alternative identity verification process for carers and their adult household members who reside outside NSW. The new provision allowed those persons to provide proof of identity without attending a Motor Registry in NSW.*
- *Similarly, changes to the identification verification process were included for adult household members who reside in NSW who have medical certification that they are not physically capable of attending a Motor Registry. Further, amendments to the legislation include an exemption for carers of NSW children who currently live internationally until they return to NSW for more than 7 consecutive days and for carers who are the natural birth parent of the child in care.*

7 How has the transfer of the administration of the Working with Children Check from the Commission on Children and Young People to the NSW Children’s Guardian impacted on the operations of the Commission (pages 19-20)?

- *The transfer of the Working with Children Check to the NSW Children’s Guardian occurred in June 2013, at the end of the 2012-13 reporting period. As such, the transfer had little effect on the Commission’s operations during the period.*
- *Since then, the transfer of the Working with Children Check to the NSW Children’s Guardian has allowed the Commission to focus more clearly on its policy research and advocacy functions.*

- *From June to November 2013, the Commission was focused on undertaking a major community consultation project looking at ways to strengthen advocacy for children and young people and on the issues of most importance to young people (the Speak Up! consultations).*
 - *During this time the Commission also completed revisions of all sections of 'A Picture of NSW Children' and fieldwork for the 'Supporting your Friends' mental health project. Work on advancing an agenda for the middle years of childhood was delayed and resources were used for the Speak Up! consultations.*
 - *Office and administrative support for the Commission since the transfer of the Working with Children Check to the Children's Guardian has been provided by the Office of the Children's Guardian.*
- 8 During the reporting period the Commission completed a total 475 risk estimates. With the target for completion of risk estimates being 200 per year, did the comparatively large number of estimates required to be completed in 2012-13 impact on the Commission's resources (page 21)?**
- *Over previous reporting periods, there had been an incremental increase in the number of risk assessments needing to be undertaken. The CCYP recruited temporary administration staff and risk assessors to deal with the increased number. From 2008 - 2009, an administration team was created to request information from external agencies to assist with risk assessments. This streamlined the process. While additional temporary risk assessors were engaged as the need arose, at times it was difficult to find suitably qualified and experienced staff and some delays were experienced in terms of the completion of risk assessments.*
- 9 The annual report states that the Commission undertook two major compliance programs during the reporting period, one of religious organisations and the other of child care services. The annual report further states that out of the 700 organisations contacted, 140 organisations had not yet complied with the Working With Children Check requirements but indicated that they would do so, and 103 organisations did not respond (page 24). What follow-up activities has the Commission undertaken with non-compliant organisations?**
- *With the introduction of the new legislation Religious Leaders, new and existing, were required to comply with the Child Protection (Working with Children) Act 2012 by 31 March 2014. Since June 2013, compliance efforts have focused on ensuring that the Religious sector is aware of its obligations and also to identify how different religious organisations are administering the Check.*
 - *To date, the OCG has contacted 654 organisations registered as a religious service that had not undertaken any verifications of workers required to phase in by 31 March 2014 as part of its 2014 Religious Compliance program. In response, 76% of those organisations have now met their obligations. The remaining 24% will continue to be monitored and will be followed up to ensure compliance with the requirements of the legislation.*
 - *The data collected indicates that organisations had not undertaken any verifications because they had no workers captured by the first phase in period or that the*

registration was created in error. It is anticipated that this may be the case for the remaining 24%.

- *The 2014 Religious Compliance program has also contacted 38 religious peak organisations, including all Anglican and Catholic Dioceses, to ascertain how each faith is managing their new WWCC obligations and to identify a central contact point for the conduct of audits. The OCG has followed up with the Baptist Union and the Australian Christian Churches on outstanding respondents from the 2013 audit for those faiths, and continues to do so.*

10 As a result of the compliance program, the Commission found there was a lack of governance arrangements or attention to management and administrative tasks among many of the organisations contacted, particularly smaller organisations. How has the Commission addressed these shortcomings with the relevant organisations?

- *The 2014 Compliance Program focuses on those sectors required to comply with the legislation by 31 March 2014, whereas the 2014 Community Engagement Education Strategy will focus on educating those sectors due to phase in between 1 April 2014 – 31 March 2015. In addition, a suite of fact sheets, Sector (employer) guides and online resources have been developed to make the process of applying for and administering the WWCC more accessible.*
- *The OCG is currently working with seven organisations who employ people in child-related roles to determine what makes an organisation 'Child Safe'. As an example, Baptist NSW has agreed to participate in the case study program which will look at how they manage their WWCC processes as well as an overview of how they implement child safe practices. The findings from this case study will inform how the OCG might assist other organisations to improve governance.*
- *The OCG is currently working on a formal agreement with Early Childhood Education and Care Service (ECECD), who are the NSW government administrators of the National Quality Framework (NQF). The NQF is a series of quality standards aimed at improving education and care across long day care, family day care, pre-school/kindergarten and outside school hours care. The ECECD have agreed to notify the OCG of any instance of non-compliance detected during their NQF assessment as part of the assessment requires all employees on the premises where the service is provided to hold an appropriate clearance.*
- *To assist organisations across all sectors to improve governance, the OCG has developed on-line tools and resources and regularly communicates with over 16,000 subscribers to the OCG newsletter. The general communications focus for these registered employers and individuals is compliance with the Act.*
- *Currently, the issue of greatest concern is the low level of online verifications by employers. The low rates of online verifications are problematic and could be attributable to:*
 - *Employers not understanding the online verification process;*
 - *Employers thinking that they don't have to verify employees until the phase-in period is finished; and*

- *Employers are using the paper notification as proof of a WWCC.*
- *The OCG has taken a number of steps to address the issue of low verification rates:*
 - *the WWCC Notices have changed to clearly outline what an employer must do;*
 - *a survey of applicants who have not been verified has been conducted;*
 - *employers who have registered with us and never verified have also been surveyed; and*
 - *a Compliance Forum has been established to discuss issues for employers.*
 - *The Compliance Forum held in November 2013 was attended by over 80 people responsible for the administration of the WWCC for their organisation or sector. The Forum invited discussion on compliance issues and difficulties employers were having with administering the new process. As a result of the initial forum, a Compliance Advisory Group made up of predominantly non-government agencies from across various sectors of child-related employment was formed. This group met for the first time in early April 2014 and will continue to meet bi-monthly to discuss current compliance issues. The larger Compliance Forum will meet bi-annually to discuss topics of a more general nature. The next meeting is scheduled for May 14 2014.*

Child Safe Organisations training

11 The Committee notes that during the reporting period the Commission conducted a program of industry-specific Child Safe Organisations training targeted towards the recreational dance sector (pages 26-27). Which sectors, if any, has the Commission targeted for its 2013-14 program of industry-specific Child Safe Organisations training?

- *The Office of the Children's Guardian (OCG) has developed a comprehensive Child Safe Organisations training program that will be offered across child-related sectors including rural and remote areas of NSW. The OCG regularly accept requests from agencies or sectors to deliver sector specific sessions.*
- *The OCG facilitated 14 specialised seminars from May 2013 - March 2014 for the dance sector in Sydney and regional areas including Newcastle, Wollongong, Port Macquarie, Albion Park and Campbelltown. Over 270 people attended from various roles within the Dance industry including Teachers, Owners, Judges, Eisteddfod coordinators, Wardrobe designers, Dancers, Committee members, National Dance Organisation CEOs and Parents. The training covered risk management tools, codes of conduct for adults and children in dance, giving children a voice within the industry, complaint handling, recruitment, induction and supervision techniques, the prevention of physical, psychological and sexual harm to children in dance and dancer welfare support e.g. counselling services available Kids Help Line, Head Space.*
- *The OCG also worked with the Out of School Hours Services Network of Community Activities and facilitated five full day Child Safe workshops throughout February and March 2014. The workshops were held at Penrith, the Central Coast, Surry Hills (x2) and Gympie with a total of 121 participants attending. Areas covered were:*

- *Child Centred Culture - children participation, age appropriate programs, values and organisation aims.*
- *Policies, codes and guidelines - risk management, appropriate behaviours and code of conduct.*
- *Recruitment - strategies inclusive of volunteers and paid staff, WWCC, supervision and monitoring of staff and professional development.*
- *Reporting - complaints and allegation policies, children complaint process, training and support to staff on making reports.*
- *Compliance - WWCC record keeping, child protection reporting, understanding relevant industry policies and legislation.*
- *Later in 2014, the OCG will be working with NSW Sports Federation, NSW Sport and Recreation and Football NSW to deliver an intensive program about the requirements of clubs and volunteers in relation to the WWCC. This program will also include Child Safe practices in sport. The OCG are currently developing sector specific communication and resources for distribution throughout sporting organisations.*

12 The Committee notes that during the reporting period the Commission facilitated a number of Child-safe Child-friendly workshops in the Far West of NSW, targeted to both Aboriginal and non-Aboriginal communities (page 26). Is the Commission doing any similar outreach/educational work in regional and remote communities in 2013-14?

- *The Child Safe Education Program for 2014 includes visits to rural and remote areas of NSW. When arranging Child Safe Workshops, the Child Safe Team contact the local Land Council and request their assistance in planning and delivering the programs for the local area. Working with the local Land Council, it is established if an aboriginal specific session is required and if so, what the OCG would need to consider in delivering the sessions. Alternatively, the OCG will deliver a number of sessions in a region to provide all members of the community with as many opportunities as possible to attend.*
- *In late 2013, the Community Engagement Team met with the Aboriginal Employment Services to assist them in understanding the changes for students, apprentices and new employees seeking work in a child-related sector.*
- *In 2014, there have been no requests for the OCG to deliver Child Safe Organisations training specifically for aboriginal groups. The OCG had been in discussions with the local Land Council in Kempsey, but they no longer need an Aboriginal specific session in their region. The OCG will continue to deliver a Child Safe Organisations training program in this region in 2014.*

Research

13 How has the Supporting Your Friends research project progressed during the current reporting period (page 15), and can you provide details of the expected outcomes from the final research report?

- *The Supporting Your Friends research project has progressed according to plan in 2012–13.*
- *The surveys were piloted and refined in Term 2, 2013 with the main study being conducted in the second half of 2013.*
- *Data analysis is underway and drafting is well-advanced on the report. Early analysis points to the significance of school climate and Mental Health education for improving young people’s propensity to involve an adult when a friend is going through a tough time.*
- *Stakeholders who have been consulted in developing the report and will have an interest in the findings include academic specialists in the field, all three school sectors, the Mental Health Commission and relevant NGOs and agencies.*

Young People Advisory Group

14 Has the Young People Advisory Group (YPAG) been effective in providing the Commission with direct input from young people on its research, submissions and activities (pages 17-18)?

- *As noted in answer to Q5, the Commission has engaged Noetic Solutions to provide an independent evaluation of the effectiveness of the YPAG.*
- *From the Commission’s perspective, the YPAG has been effective in providing the Commission with direct input from young people.*
- *The 2012 and 2013 YPAG’s provided direct input on the following areas of government policy or practice: the provision of alcohol to minors; mental health education and supports; responding to anaphylaxis in schools; youth advocacy; time use among young people; sexting; planning laws; promotion of effective participation by young people; keeping young people safe around alcohol.*
- *Part of the value of the YPAG input depends on its relevance to policy or research issues for the NSW Government or Parliament. A good example of the YPAG having direct input into an issue before the NSW Parliament was in the Staysafe (Road Safety) Committee Inquiry into Non Registered Motorised Vehicles. The Staysafe Committee sought specific information from the YPAG via the Acting Commissioner on issues such as where and what training should be offered, how information should be conveyed and likely compliance with requirements to wear protective clothing. The YPAG’s responses were considered throughout the Committee’s report, including the recommendations.*

15 How did the Commission select the six schools from which the current YPAG membership is drawn (page 17)?

- *The six YPAG schools are drawn proportionally from the three school sectors in NSW and are from a mix of metropolitan, regional and rural centres. The Commission asked the NSW Department of Education and Communities to suggest three public schools, the Catholic Education Commission to suggest two Catholic Schools, and the Association of Independent Schools to suggest one independent school. The schools are as follows:*

- *Rouse Hill Anglican College, Rouse Hill (co-educational K–12 Independent school)*
- *Cerdon College, Merrylands (7–12 Catholic girls school)*
- *Holy Spirit College, Bellambi (co-educational 7–12 Catholic school)*
- *Byron Bay High School (co-educational 7–12 government school)*
- *St Johns Park High School, Greenfield Park (co-educational 7–12 government school)*
- *Scone High School (co-educational 7–12 government school).*

16 What is the progress of the YPAG’s research project into adult support for young people to be safe around alcohol? What are the intended outcomes of the research project (page 38)?

- *The Commission is working on a final draft of the YPAG’s research report before consulting with relevant government agencies, the Catholic Education Commission and the Association of Independent Schools. The report has been delayed due to other work priorities.*
- *The research project is expected to provide new information on children’s views about alcohol and strategies to keep them safe around alcohol that can be used to inform future educational and community responses.*

Middle years of childhood

17 In the Commission’s annual report it states that the Expert Advisory Panel on the Middle Years of Childhood has commenced a discussion of priorities, which will form the basis of a work plan. Has the work plan been progressed during the current reporting period, and, if so, what are the work plan’s expected outcomes (pages 14-15)?

- *The first meeting of the Expert Advisory Panel on the Middle Years of Childhood was held in March 2013 to discuss and develop detail behind the key focus areas. The Panel was generally supportive of work focusing on the key areas identified and used the first meeting to discuss ways to develop better linkages between supports inside and outside school for young people and on engagement in learning.*
- *Shortly after this meeting the Commissioner, Megan Mitchell, resigned, and Commission staff were asked to prepare for consultations on the Commission’s policy, research and advocacy functions. Given this and the other work priorities of the Commission, the work plan for the middle years did not progress further. However, the Commission has continued to progress and/or monitor significant work across many of the key areas identified in the middle years’ agenda - see answers to Qs 18 – 20.*
- *It is now anticipated that work on the middle years’ of childhood will be incorporated into a broader whole of government strategic plan for children and young people aged 0-24 years.*

18 The annual report states that the Panel discussed responding to the specific health needs of children aged 9-14 years and closing gaps in services (with a focus on mental health, oral health, sexual health, misuse of drugs and alcohol, and the promotion of healthy lifestyles) (page 15). What work has been done in this area during the current reporting period?

- *The main piece of work done in this area during the current reporting period is the 'Supporting Your Friends' mental health research project.*
- *Other work has included:*
 - *Input to the NSW Mental Health Commission's draft strategic plan for mental health in NSW*
 - *YPAG research project on keeping young people safe around alcohol*
 - *Consultation with NSW Kids and Families within NSW Health on a new draft plan for the health and well-being of children, young people and families*
 - *Representation on NSW Health's Active Living Healthy Eating Active Living Executive Implementation Group*
 - *Ongoing liaison with the Premier's Council on Active Living.*

19 The annual report also states that the Panel discussed the development of strategies to ensure appropriate accommodation and support for children under 15 years who are using homelessness services or who are at risk of homelessness (page 15). What strategies have been developed during the current reporting period?

- *Information obtained by the Commission from Family and Community Services indicates that the Going Home Staying Home Reform Plan will make specialist homelessness services easier to access and that Family and Community Services policy will clarify the type of assistance to be provided to children and young people who are disconnected from family and in need of accommodation and support.*
- *The Going Home Staying Home Reform aims to improve the responsiveness and flexibility of services; increase the focus on intervening early to prevent homelessness; make it easier for clients to access the right service for their need; and better match demand and supply among other things. Refocused Service models are due to commence in July 2014.*
- *The extent which the needs of children and young people in relation to homelessness are addressed by current service reforms will be canvassed in the course of the Commission's proposed development of an overarching three year strategic plan for children and young people.*

20 The annual report states that the Panel will review early intervention and prevention programs available to parents and carers of children aged 9-14 years with a view to enhancing family support programs and resources. Has the review progressed during the current reporting period, and, if so, how have family support programs and resources been enhanced and developed (page 15)?

- *The Commission understands that the Department of Premier and Cabinet and the Department of Family and Community Services are reviewing the evidence on optimal intervention points and interventions with the most impact and developing a whole-of-government prevention and early intervention framework.*

Children, young people and the built environment

21 The annual report states that in 2012–13 the Commission for Children and Young People conducted a four-part seminar series in relation to children and young people and the built environment (page 14). What are the outcomes from the seminars?

- *The built environment seminars were intended to bring together policy makers and built environment practitioners – architects, landscape architects, planners and developers – to engage with the latest thinking and practice on creating more inclusive environments for children and young people and to build support among these professional groups for this agenda.*
- *The seminars were very well attended and 93% of those who provided feedback indicated that they had a positive experience or gained new knowledge or new ways of working.*

Citizen me!

22 Does the Commission have any figures on the uptake of the Citizen me! guide (for example, downloads from the Commission’s website, downloads from the Apple iBook store) since its 2012 launch (page 18)? If so, what is the Commission’s assessment of these figures?

- *The ‘Citizen Me!’ guide was downloaded over 800 times in the 2012-2013 period. The Commission is pleased with this uptake which represents a substantial level of interest in relation to this specific topic.*

23 Has the Commission received any feedback on the effectiveness of Citizen me! in facilitating children and young people’s engagement and participation in organisations?

- *The Commission has received positive feedback on ‘Citizen Me!’ from Australian Children’s Commissioners and Guardians, staff in NSW Government departments, students, educators, youth workers, consultants and others in the youth services field. Positive feedback has also been received via the user survey which was linked to the publication, including high levels of satisfaction with the language used, accuracy and relevance of information, and conciseness. The resource is being used by staff in the Department of Education and Communities to assist with student consultation.*

Response to questions on notice and additional questions from the Commission for Children and Young People, dated 27 June 2014

Response to questions on notice from the public hearing on 26 May 2014

1 To date, how many applicants for the new Working With Children Checks have been barred? (page 7)

- *As at 19 June 2014: 332 bars have been issued and this figure includes 150 interim bars.*

2 Can you provide a breakdown of the budget that has been transferred to the Office of the Children's Guardian following the transfer of the administration of the Working With Children Check? (page 8)

- *For 2013-14 the total budget transferred to the Office of the Children's Guardian from the Department of Education and Communities was \$18.209 million. This budget comprised \$5.007 million to support the legislated functions associated with the Children's Guardian prior to the transfer of the Working With Children Check and \$13.202 million to support the operational and regulatory functions of the new Working With Children Check.*

3 Can you provide details of the scope and activities of the new Children's Advocate role, as well as a breakdown of the budget for the Office of the Advocate for Children and Young People? (page 9)

- *The scope and activities of the new Advocate for Children and Young People role are properly determined by the person appointed to the position, taking account of the legislated functions of the office and the resources available. The preparation of a three-year strategic plan for children and young people will be a key activity and will assist the Advocate to identify priorities for the work of the office.*
- *It is anticipated that the budget for the Office of the Advocate will be broadly similar in quantum and structure to that of the Commission for Children and Young People in 2013-14 following transfer of the Working with Children Check and related functions to the Children's Guardian.*
- *The Commission retained funding of \$2.764 million in 2013-14 to support its policy, research and advocacy functions. The majority of this funding is allocated to the 16 FTE positions to support these functions.*
- *For 2014-15 the Advocate for Children and Young People has an operating budget of \$2.586 million for its policy, research and advocacy functions.*

4 Can you provide a copy of the paper in relation to bullying that was prepared following the Speak-up! consultation? (page 14)

- *Yes, copy of latest draft is attached.*

5 Can the Department of Education and Communities provide details of the programs that are in place in schools to respond to complaints of bullying? (page 14)

- *The Department of Education and Communities' Social Inclusion Unit has provided information (see attached letter). The information in the letter is also set out below:*

The Department of Education and Communities takes the issue of bullying very seriously. Through its policies and provisions, the Department is supporting schools and their communities to work together to implement strategies to address bullying which have been developed locally to suit local school communities.

Together, schools and their communities develop anti-bullying plans that include prevention, early intervention and response strategies. These plans are reviewed with the school community at least every three years and principals report annually to their school communities on the effectiveness of the plan.

Many schools choose to support the work they are doing to minimize the impact of bullying by using the resources on the Bullying. No Way! website, the Take a Stand Together website and the Safe Schools Hub website. Many also participate in the National Day of Action Against Bullying and Violence to raise awareness about bullying issues and promote their own locally developed anti-bullying initiatives.

Under the Supporting Students Plan, the NSW government established 50 new student support officer positions in NSW schools. These positions have provided valuable support to schools in addressing bullying and the impact of social networking on young people.

When bullying does occur, it is taken very seriously. Rather than provide a programmatic response, schools provide support to students who have experienced, witnessed or displayed bullying behaviour. Because no one response to bullying behaviour is appropriate in every circumstance, schools tailor their responses to the particular circumstances and often implement a combination of responses.

6 Is the Domestic and Family Violence Framework Senior Executive Steering Committee still meeting? (page 17)

- *The Domestic and Family Violence Senior Executive Steering Committee (SESC) was an interagency group established to oversee the development of the Domestic and Family Violence Framework for Reform. It was established in early 2012, and approved in November 2012 by Cabinet as part of a new State-level governance arrangement for the reforms. This governance structure was set up to ensure timely delivery of the draft NSW DFV Framework for Reform, and to oversee their subsequent implementation. As part of this process, the SESC was renamed the Interdepartmental Steering Committee (IDSC).*
- *This arrangement is set out in It Stops Here: Standing Together to End Domestic Violence in NSW, launched in February 2014. In addition to the IDSC, governance arrangements for the reforms include Ministerial oversight and leadership by five*

relevant Ministers, and a Domestic and Family Violence Council, comprising both government and non-government representatives who provide advice to Ministers.

- *Reflecting that the DFV Framework for Reform has moved into implementation, the IDSC was renamed the Domestic and Family Violence (DFV) Reforms Delivery Board in April 2014. This group of senior representatives of human services and justice departments is charged with overseeing, coordinating and delivering a whole-of-government approach to domestic and family violence as captured in It Stops Here, and will provide advice to Ministers and to the Domestic and Family Violence Council. It also focuses on specific Reform projects, in particular performance monitoring and evaluation. The membership of the DFV Reforms Delivery Board is the same as the previous Interdepartmental Steering Committee, though without the Commission for Children and Young People who opted not to be on the RDB as it did not have a service delivery role.*
- *It is envisaged that the DFV Reforms Delivery Board will meet for the life of the Framework.*

7 Can you provide a breakdown of the charges for Working With Children Checks for volunteers in other states and territories? (pages 19-20)

- *See attached comparative table of costs of volunteer checks in each State/Territory conducting WWCC.*

8 What is your view on the establishment of a national database of sex offenders? (page 22)

- *The OCG has no objection to the establishment of a national register however it will have limited benefit for the operations of the Working With Children Check (WWCC). Currently a person's criminal convictions for child sex offences are disclosed to the OCG through the National Criminal History Check. The available records include records of convictions (spent or unspent), charges (whether heard, unheard or dismissed) and juvenile records.*

9 Can new technology provide working young people with support and guidance in relation to their rights at work? (page 22)

- *New technology may be helpful in ensuring young people have knowledge of their rights. However, information alone (whether conveyed on-line or face-to face) cannot foster confidence to speak up.*
- *The majority of young people are adept at navigating websites to seek information on-line and there are multiple sites where information on rights at work for young people can be found. However, young people have told the Commission in consultations that receiving information face to face is of equal and sometimes superior, value.*

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- *In view of the power imbalance between employers and young workers, ensuring young workers are aware of their rights may also require encouraging employers to include discussion of rights and obligations at induction, including providing information about where to find factual information on rights.*
- *The Victorian Trades Hall Council (VTHC), Occupational Health and Safety Unit website has an excellent webpage, Young Workers and OHS, with links to key information and documents for most Australian jurisdictions. The Victorian Trades Hall Council link is:*
<http://www.ohsrep.org.au/law-rights/rights/workers-rights/young-workers-and-ohs>
- *The website of the Fair Work Ombudsman (a Federal body) has generic information about discrimination and harassment and workplace bullying. It also has information tailored to young people (which can be accessed via a short cartoon video or links to topic areas such as employment conditions, pay, leave and unpaid work (including unpaid trials, student placements and work experience and internships.) The link is:*
<http://www.fairwork.gov.au/About-us/policies-and-guides/Best-practice-guides/a-guide-for-young-workers#A-best-practice-guide-for-young-workers>
- *In addition, the site includes a Best Practice Guide for Young Workers, which refers young workers to their relevant State or Territory health and safety body for information on bullying and harassment. For young people in NSW the relevant body is WorkCover NSW. The WorkCover NSW website has a dedicated Young Workers site, which includes an interactive game to reinforce knowledge of rights.*
- *NSW Industrial Relations has a youth-friendly publication, readily accessible on-line, setting out young people's rights at work:*
http://www.youngpeopleatwork.nsw.gov.au/biz_res/irypw/pdfs/Offered_A_Job.pdf
- *The online youth mental health forum, Reachout, has youth-friendly advice and information on workplace bullying at:*
<http://au.reachout.com/About-workplace-bullying>.
- *The National Children's and Youth Law Centre's 'Lawstuff' website provides legal information to children and young people in Australia; information and links by State and territory. NSW-relevant information is at:*
http://www.lawstuff.org.au/nsw_law/topics/#
The relevant section is: On The Job.
- *YouthSafe NSW in partnership with the Australian Retailers Association has a variety of accessible material at their 'In Working Order' site. In Working Order contains a DVD, lesson plans and fact sheets. The website and DVD assists teachers, employers, supervisors and parents to develop young people's understanding of workplace safety*

rights and responsibilities; recognising, assessing and managing workplace hazards; and communication and negotiation skills for the workplace. The link is:

<http://www.inworkingorder.com.au/educators.html>

- *Western Australia's WorkSafe provides 'SmartMove', a comprehensive workplace safety and health educational resource for senior high school students and new and young workers entering the workforce on a work placement, for work experience, or as a school-based trainee/apprentice. It is designed to address a national competency unit on workplace health and safety. The link is:*

<http://smartmove.safetyline.wa.gov.au/>

Response to additional questions

Role and function

- 1 What significant organisational changes do you anticipate will come from the abolition of the Office of the Commission for Children and Young People and the subsequent establishment of the Office of the Advocate for Children and Young People?**

- *The most significant organisational change will be the transfer of administrative responsibilities for the NSW Youth Advisory Council to the new Office of the Advocate for Children and Young People. It is expected that the transfer of resources for administration of the YAC (which currently reside in the Department of Education and Communities) will follow the transfer of these responsibilities.*

Consultation/participation by children and young people

- 2 The Committee notes that the Commission instigated an independent external evaluation of the Young People Advisory Group (YPAG) and the Classroom Consultation models, and that the draft evaluation report indicates that, overall, both models are meeting the benchmarks of effective consultation and participation practices. Has the draft report identified any issues with either model to be addressed in order for them to function better as a means by which young people can consult and participate?**

- *The draft report has identified a number of ways in which the models could be improved. These include: developing a more structured approach to determining consultation topics to achieve maximum value; preparing materials for the classroom consultations that appeal to children and young people of diverse ages, abilities and backgrounds; aggregating the information gained from classroom consultations to form a resource to which the Commission can refer when considering policy issues; and asking students in the classroom consultations to nominate future consultation topics they are interested in.*

- 3 In the Commission's response to the questions on notice you state that the boardroom style of the YPAG model "...may not be the most effective mechanism to reach vulnerable or at-risk young people." Given the importance of consulting with young people in this group and also the clear benefits to young people of participating in**

activities like the YPAG, has the Commission done anything to target vulnerable or at-risk young people for participation in the YPAG?

- *Because boardroom style consultations may not be effective in reaching vulnerable or at risk young people, the Commission has piloted the classroom consultation model. The classroom consultation model has proven successful in engaging with a much wider range of young people who may be less engaged than those who are interested in taking part in boardroom style models. The classroom consultation model was used recently to gain the views of homeless young people on strengthening advocacy. The Commission will continue to explore how the model can be utilised through the services that vulnerable and at-risk young people use.*

4 In the Commission's response to the questions on notice you state that a key challenge for the Commission, as it continues to refine its Classroom Consultation model, is to develop the best mechanism to capture the input provided by children and young people, particularly those who struggle to express themselves in writing. Has the Commission made any progress in this area?

- *The Commission continues to use face to face group interviews with young people which do not require young people to express themselves in writing. However, the Commission acknowledges that contributions made in group discussions and interviews can be different to providing completely confidential and private feedback on an individual online survey. The Commission will continue to explore ways to capture the input of young people who struggle to express themselves in writing.*

Publications

5 The Committee found that a number of the Commission's publications were not easy to locate on the Commission's website. Given the increasing importance of its research/advocacy role, has the Commission considered reviewing its website to make its publications more accessible, for example, by placing them in a stand-alone, clearly indexed section of the website?

- *The Commission intends to provide all of its research and other publications under a clearly tabbed and indexed part of its website following the transfer of the Working With Children Check part of the site to the Children's Guardian's website at the beginning of July 2014.*

Working With Children Check

6 In the Commission's response to the questions on notice you state that in certain instances, employers were mistakenly registered for the new Working With Children Check. Can you explain the system error that caused this issue, and has the Office of the Children's Guardian put any measures in place to rectify the issue in the future?

- *There is no system error that can cause an employer to register incorrectly. Under the new system an employer manages their own registration, electing their own username and password. Through the employer registration they are able to verify that an applicant holds a clearance. It also places a reference on the applicant case file as to*

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which employer has verified the worker. This is how we ensure employers have verified a person holds a clearance to work with children.

- *The problem with employer registrations was that because it was a new process some organisations registered at a local level when their internal processes meant they should only register at a central level. For example, NSW Health do all the verifications for employers but in their haste some regional offices registered in error. NSW Health provided us with a list of only those agencies who should be registered and we contacted all other registered employers to advise them we were deactivating their registration and that verifications are to be done centrally as per their organisation's policy.*
- *Further, some organisations made a mistake in the registration process and registered multiple times. In this instance we have spoken to the agency to determine which is the correct registration and de-activated all incorrect registrations. Finally there were those individuals who believed they were applying for a Working with Children Check in registering as an employer and we de-activated those too, and where relevant advised the applicant of the correct process for applying.*
- *Keeping the employer registration database 'clean' is an important part of compliance activities as we rely on analysis of this data to inform compliance programs and in issuing correspondence.*

Attachment – Response to question on notice no. 7

Comparative table of costs of volunteer checks in each State/Territory conducting Working With Children Checks

Working with Children Check - application costs for volunteers by State/Territory							
State	NSW	QLD	VIC	WA	NT	ACT	SA
Check type	Working with Children	Working with Children	Working with Children	Working with Children	Working with Children	Working with Vulnerable people	Working with Children
Cost	No cost	No cost	No cost	\$10.50	\$5.00	No cost	\$41.25 if lodged via your employer. \$42.40 if lodged with Aust Post.
<i>(As stated on their respective websites) above cost applicable to:</i>	1. Volunteers 2. Students over 18 on professional placement 3. Potential adoptive parents 4. Authorised carers 5. Adults who reside in the home of: <ul style="list-style-type: none"> ▪ an authorised carer ▪ a family day care service provider a home-based education and care service provider.	1. Volunteers 2. Students 3. Foster and kinship carers and 4. Adult occupants of a household where foster and kinship care is being provided	Volunteers	1. Volunteers 2. Unpaid people 3. Students on unpaid placement	Volunteers	Volunteers	Volunteers
Validity period	5 years	3 years	5 years	3 years	2 years	3 years	3 years

Appendix Two – Transcript of proceedings

This appendix contains a transcript of evidence taken at a public hearing held by the Committee on 26 May 2014. Page references cited in the commentary relate to the numbering of the original transcript, as found on the Committee's webpage.

CHAIR: It is a function of the Committee for Children and Young People to examine each annual and other report of the Committee for Children and Young People and to report to both Houses of Parliament, in accordance with section 281C of the *Commission for Children and Young People Act 1998*. The Committee welcomes Ms Kerry Boland, the Acting Commissioner for Children and Young People and Mr Gregor Macfie, Director of Policy and Research, to the table for the purpose of giving evidence in relation to matters relating to the 2012-13 Annual Report of the Commission for Children and Young People. On behalf of the Committee I welcome you both in your appearance before today's public hearing.

KERRY ANN BOLAND, Acting NSW Commissioner for Children and Young People and NSW Children's Guardian, sworn and examined:

GREGOR MACFIE, Director of Policy and Research, NSW Commission for Children and Young People, affirmed and examined:

CHAIR: Would you like to make an opening statement before the commencement of questions?

Ms BOLAND: Yes, thank you for that opportunity. I start by saying I am pleased to appear before the Committee today and wish to acknowledge the contribution of the previous Chair, Mr Andrew Cornwell and I welcome the new Chair, Mr Mark Coure. I also acknowledge the previous Commissioner, Megan Mitchell, for her leadership during the reporting period before the hearing today. I mention also that this has been a significant time of change, both in the Commission and the Office of the NSW Children's Guardian and I note for the record that the staff has worked incredibly hard to make the reforms happen over this last reporting period and I pay tribute to them for their hard work and dedication.

From the perspective of the NSW Children's Guardian, this is a new relationship with this Committee and in relation to the Working with Children Check and the associated functions that have been transferred to the NSW Children's Guardian, I look forward to working with the Committee on that important area in the coming months. As you know, I commenced my appointment as Acting Commissioner in March 2013. The reporting period is approximately a three-month period, hence we have Gregor Macfie with us today to assist if there are any matters of issue prior to that time.

I will give the Committee a heads-up about what we have been doing in the ensuing year. In this context, and given the significant changes that have occurred, I will make a statement about progress but also indicate the key initiatives in 2012-13 since taking on the role of Acting Commissioner and at the end I will briefly talk about some of the issues in relation to the Working with Children Check and some of the work we have commenced on child safe organisations and the case studies associated with that work. We have provided answers to questions on notice, as you would know and obviously at any time I am happy to answer questions so please feel free to interrupt.

Our highlights and challenges: As the Committee would understand, this period contained substantial challenges in both the regulatory and advocacy spheres of the work of the NSW Commission for Children and Young People and the NSW Children's Guardian. Not only did we consult extensively with the community over this period but internal change was significant also in relation to cultural change and management plans. The preparation of the new Working with Children Check system was a major undertaking of the Commission and many external stakeholders and was the dominant focus of the organisation for much of the reporting period and in the lead-up to the successful implementation on 15 June 2013—a date that is etched into my mind.

The subsequent transfer of the Working with Children Check to the Office of the Children's Guardian provided the opportunity to think about ways to strengthen the Commission's advocacy role and functions. Mr Victor Dominello, the Minister for Citizenship and Communities, asked us to undertake consultation with the community on ways to strengthen advocacy for children and young people in New South Wales. The Committee will be familiar with the work undertaken in that regard. A lot of careful planning went into the project and the result was the most comprehensive consultation on child and youth advocacy conducted in the Commission's history. That is something of which we are particularly proud.

These consultations involved: the appointment of two youth ambassadors to guide and oversee the consultation process; the release of a discussion paper last year for public comment; community round tables for children and young people, held in Cabramatta and Wollongong; a non-government organisation round table in which 40 agencies were represented, held in this place; and classroom consultations held in 34 schools across metropolitan, regional and rural New South Wales and in each of the school sectors with responses received from more than 900 children and young people. I am pleased to say that the outcomes of the consultations are reflected in the bill now before Parliament to establish a new Advocate for Children and Young People.

The bill will create a new statutory Office of the Advocate of Children and Young People oversaw by the Joint Parliamentary Committee on Children and Young People. It will bring together the broad functions of the Commissioner and the NSW Youth Advisory Council in the one entity, with a remit covering children and young people aged 0 to 24; require the Advocate to prepare, in consultation with the Minister, a three-year draft strategic plan for New South Wales children and young people; retain the functions of the NSW Youth Advisory Council; and retain features and functions of the Commission, including the conducting of special inquiries, making recommendations to Government and non-government agencies on policies and services affecting children, conducting and monitoring research and giving priority to the interests and needs of vulnerable and disadvantaged children and young people.

Consultation on children and youth advocacy was one of a number of recent projects that have taken the Commission's engagement with children and young people to a new level. The ongoing refinement of the Commission's classroom consultation model allowed the Commission to consult with over 300 primary and high school students on the Committee's Inquiry into Volunteering—I believe the Committee has received that submission from us—and on unpaid work placements among children and young people and to test a pilot, Supporting Your Friends, which was an initiative of the mental health project and the Commissioner.

The classroom consultation model provides a way for a wide variety of children and young people to participate in the advocacy work of the Commission. Consultation is designed to complement the school curriculum and to contribute to student learning and involvement.

School teachers are provided with materials to support a guided conversation in class, after which students provide their individual responses, through a short online questionnaire. The feedback on those classroom consultations from students and teachers has been extremely positive. I was able to attend some of the consultations, in particular one classroom consultation, which gave us a really good insight into the way our materials are used. The on-site questionnaire was extremely positive. It was great to see children and young people highly engaged in and animated about the subject matter.

There are two other significant pieces of work I would like to bring to the Committee's attention: The Supporting Your Friends mental health project that the Commission is undertaking in partnership with the Mental Health Commission of New South Wales is probably the most significant piece of research that the Commission has done in recent years. Involving a survey of students in years nine and ten in New South Wales secondary schools and school principals, as well as selected focus groups, the Commission has data collected from more than 2,800 students across 93 schools. The data analysis is now nearly complete and a draft report has been prepared for review by policy makers and practitioners.

The findings from this research are expected to improve our understanding of the impact of school climate and mental health initiatives on students referring mental health issues to adults within that environment. This understanding is important in shaping mental health programs in schools and in ensuring young people who experience mental health difficulties are identified sooner and supported earlier. The other project I would like to briefly mention is the Commission's online databook, "A Picture of NSW Children". All sections of the Picture have now been completed and will be updated continuously as new data becomes available.

By way of background, the picture analyses data from 44 state and national collections to provide a picture of children and young people in New South Wales and is designed for use by policy makers, planners, researchers and committees such as this. Information covers the demographic characteristics of New South Wales children and their families, along with detailed data on key national and state measures in the broad areas of economic wellbeing; health; childcare; education and learning; children and crime; and injury. Stakeholder feedback on the newly revised and updated picture has been positive. I give one example from the NSW Police Force which uses the picture as part of its detailed environmental scanning function. They recently told us that, for the purpose of routine information collection and trend identification, "A Picture of NSW Children" is an absolute stand-out.

I will talk briefly about the Working with Children Check. There were a number of questions on notice about the Working with Children Check. I will give the Committee a quick overview. As I said previously, it came into operation on 15 June. The new Working with Children Check operating system is the result of a collaborative approach between a number of agencies to create a responsive online system which scans existing databases to ensure that relevant, accurate and up-to-date information is captured and transmitted instantly. This information is then used to assess a person's suitability to work with children. Under the new Working with Children Check system there are only two results possible: a worker will be cleared to work with children or barred from working with children. A person who is barred obviously cannot work with children.

The process for obtaining a Working with Children Check is extensively streamlined and easy to use, both for applicants and employers. It is an online application with the employers also verifying online. In the first year of operation there have been over 382,000 verified Working with Children Checks. That number of applications was more than the original forecast and the

reasons for that are various but a substantial reason is in the transition program bringing forward the Working with Children Checks for foster carers and household members. I think the other unknown was the number of volunteers which is also impacting on the numbers and I think just generally that people were waiting for it, were in an environment where child protection is obviously out there, well-known and many people are applying for Working with Children Checks, probably ahead of their transitional schedule.

Obviously the thing that we need to keep watch on is the employee Working With Children Check versus the voluntary Working With Children Check and see how that proportion is going because obviously that has a financial impact. I suppose the beauty of the Working With Children Check is it is continuous monitoring of an applicant's clearance status. I think to date we have had 273 applicants that have been identified as being charged with offences resulting in their Working With Children Check clearance being cancelled. That ongoing monitoring allows us to respond obviously very quickly when a relevant offence has occurred and very quickly in removing that person from the workplace so they are no longer able to work with children.

The other important part of the Working With Children Check is the proactive compliance program. Some of the areas that we are looking at which I, in fact, referred to in the questions on notice were in relation to particular industries but also in relation to the verification rate, that is, when employers go online and verify an employee has a Working With Children Check. Clearly this is incredibly critical for the beauty of the system to operate because once they verify we obviously have access to their details and we are in a position to notify them should something subsequent happen. We have been doing quite a significant amount of work with stakeholders—holding seminars, round-table, newsletters, anyway we can—to get out the message about the importance of verification. We are doing surveys at the moment of employer groups and stakeholders and cleaning up the database where people have applied twice so there is quite a lot of remedial work happening at the moment.

We have also commenced some work on child-safe organisations which is looking at some case studies about the characteristics about what makes a child-safe organisation. As you would know the Working With Children Check tells us about retrospective offences and not about prospective risks. It helps in the risk mitigation but it is not the only thing that assists in keeping kids safe in the work environment. Those case studies are well underway. We have got the assistance of Professor Smallbone situational analysis and we are looking at some other dimensions. Hopefully I will be in a position to report to you more comprehensively soon. If you would like a briefing on that particular project, I would be happy to do that too. I am happy to take questions.

CHAIR: I have read the report and the Speak Up! consultation report. How does the Commission involve rural and regional young people to ensure that their voices are heard in the Speak Up! program and Citizen Me! and other consultations?

Ms BOLAND: In relation to classroom consultations?

CHAIR: Yes.

Ms BOLAND: And in relation to our youth advisory group?

CHAIR: Yes.

Ms BOLAND: Part of the process of putting together those consultations was, of course, to hear the voice of children and young people in rural and remote areas and, in particular, to our YPAG—Young Person's Advisory Group. We had two schools that represented those rural and remote areas. A number of outreach surveys and so forth have accessed rural and remote areas. In the child-safe area we have had considerable success in doing child-safe seminars. Webinars in particular have been a successful strategy that we have been using in relation to rural and remote communities. The deliberate purpose of Speak Up! was obviously to get the views of children and young people in rural and remote areas.

CHAIR: I address the same question in the multicultural communities. Twenty per cent of the people in my electorate of Oatley are from mainland China. What involvement has the Commission had in relation to Chinese or any multicultural community?

Ms BOLAND: During the time that I have been in the Acting Commissioner position we have successfully participated extensively with local councils and youth advisory groups. We hold seminars and engage at the local level. In relation to classroom consultation, again they are particular youths and particular classrooms and we try as much as we can obviously to canvass the views of all children and young people in rural and remote areas, culturally diverse and Aboriginal and Torres Strait Islander, et cetera. I think it is probably important to say that while these models are quite successful in what they are producing that does not mean that they are the only models that we will use.

The opportunity via the consultations in Speak Up! was that we would look at various ways of consulting with various groups of children and young people, not just a one-size-fits-all and not just usual traditional advisory groups but actually how do we access children and young people who are not likely, I suppose, to participate in those kinds of round tables et cetera and that is where the work with the non-government sector has been and will be extremely important for us in order to access children and young people who will not necessarily participate in those formal arrangements.

Mr MACFIE: In relation to the Speak Up! consultation we liaise closely with the Community Relations Commission and with the Multicultural Youth Affairs Network. In fact, we were part of the youth consultation that they were running, and we built into the report, the feedback from that particular forum. We are quite deliberate about the ways in which we do source schools around the classroom consultation model. We specifically look for diversity. As we noted in relation to the questions on notice, there were a couple there about how we consult with students or young people from culturally and linguistically diverse backgrounds and from Aboriginal and Torres Strait Islander backgrounds. In relation to both the Speak Up! consultation and the mental health Supporting Your Friends project, you can see that those two projects have a higher proportion of young people from those backgrounds participating than in the population and we are very pleased with that result.

Ms MELANIE GIBBONS: I refer to the changes to the Working With Children Check. What is the timeframe at the moment from the time of submission to either approval or rejection?

Ms BOLAND: The system is totally electronic. If a person has no criminal record it will come back automatically and the clearance can be anything from two hours to 24 hours, depending on what time of day and the workloads contract. If there is confusion with names or multiple names that will take a little longer and usually the naming issues are resolved within a couple of days. If people have a criminal record they come back to the Office of the Children's Guardian for review and within the structure of the office there is a records review area. Those

records are looked at to see if they are relevant. I think the important thing to note here is that we are getting all of the records for review—previously we got child-related records, we were not getting all of the records—so we can see patterns.

Once we move through there is another clearance rate if there are not relevant records. Then it goes into a system whereby we look at particular risks and decide whether a comprehensive risk assessment is required and then we request further information. That is when you will start to get Working With Children Check obviously taking a longer time so over 10 days. I should say that at the moment because of the large number of Working With Children Check applications that we have, we have a significant number of matters in risk assessment, the other day it was about 1,153 or something like that but I am sure it has moved on today. How quickly they can be processed is really a matter of how quickly we can get information from other agencies, that is one factor. The second factor is engaging with the person of the Working With Children Check, asking them questions, asking them to participate in the process. At the moment it is taking some time with those 1,000 matters so in excess of 10 days and some of them are taking around six months.

Ms MELANIE GIBBONS: I understand that originally you had some difficulties finding qualified people for temporary risk assessors. Have any new operational methods been put into place to help source those people or to help streamline the process? Or is it just the case there are not qualified people available?

Ms BOLAND: There are a couple of things there. One was the fact that there was an increase in the number that was anticipated and we have had to put on extra staff and extra risk assessors. In terms of finding extra risk assessors we have considerable success, I would say, in getting people from similar areas who have done risk assessments. The legislation is quite clear about what is to be considered in risk assessment and you will know under the previous system there was a tool called AWARE that was used, but that was a composite tool which is no longer relevant. At the moment we use obviously the criteria outlined in the legislation, and all of the research that underpins all of those criteria.

There is a process which I call a series of cross-checks internally to make sure we are getting consistency across decision making so they come up to a panel for a final review. You would know that a Working With Children Check is not position-specific as the previous ones were. Internally obviously there is some cultural change and re-thinking that is occurring. We have got some checks and balances in there to make sure we are getting consistent outcomes across the various risk assessors.

Ms MELANIE GIBBONS: If someone receives a rejection that they cannot have a Working With Children Check approved are they able to reapply after a certain amount of time or is a refusal the end?

Ms BOLAND: The process is that they can appeal to the NCAT—New South Wales Civil Administrative Tribunal—so we are having people appeal, yes.

Ms MELANIE GIBBONS: Have they been successful?

The Hon. NIALL BLAIR: It is on page 22.

Ms BOLAND: Are you asking about people who have been successful in overturning the decision? Is the question in relation to current or past?

The Hon. NIALL BLAIR: I am talking about what happened last year.

Ms BOLAND: Are you talking about now or the past?

Ms MELANIE GIBBONS: I was talking about how many people who have gone through the NCAT process have been successful in their appeal and the timeframe.

Ms BOLAND: No-one has appealed the decision bar but on disqualification they are able to appeal and we have had 12 successful appeals.

Ms MELANIE GIBBONS: You mentioned that a person can apply online, which must rely on their honesty in relation to their criminal record.

Ms BOLAND: The system is that you make an application online then go to a motor registry and pay a fee. That application goes straight to CrimTrac.

CHAIR: Which is a national database.

Ms BOLAND: Which is a national database of all criminal records, charges et cetera. There is no declaration. It is automated and we get the records, so the scope for falsifying in that department has been eliminated.

CHAIR: Does CrimTrac communicate with other jurisdictions overseas, like New Zealand?

Ms BOLAND: No, it is a national database. When records come back, the names have been logged into the New South Wales Police system and that is where we get the updates. When we get updates, if a subsequent offence has happened, that is from New South Wales Police not CrimTrac.

CHAIR: Do you have questions, Mr Gee.

Mr ANDREW GEE: I am alright, thank you.

The Hon. NIALL BLAIR: I return to Working With Children Checks. The 2012-13 report gives estimates of risk on page 21 where it says there were background checks for 218,848 people and an estimated risk was undertaken for 899 applicants. That means there was enough information for a flag to be raised on 899 applicants and the Commission conducted 475 of those. Does that mean the rest are pending or were they conducted by someone else?

Ms BOLAND: The system that operated was in relation to approved screening agencies [ASAs]. There were other approved screening agencies apart from the Commission for Children and Young People. The figures reflect what the Commission conducted. That paragraph does not reflect what the other ASAs did.

The Hon. NIALL BLAIR: Some of the 899 were conducted by the other ASAs?

Ms BOLAND: Yes.

The Hon. NIALL BLAIR: There was one figure including everyone, and you reported what you completed?

Ms BOLAND: The risk assessments were done by the ASAs.

The Hon. NIALL BLAIR: The 475 were done by the Commission?

Ms BOLAND: Yes.

The Hon. NIALL BLAIR: We then assume that the remainder were completed by the other agencies. The target is for the Commission to conduct 200. Did you say that at the moment you have more than 1,200 in the system? Does that mean the Commission has 1,200 or all agencies have 1,200?

Ms BOLAND: Under the new system, which commenced on 15 June, all risk assessments are undertaken by the Office of the Children's Guardian (NSW). The results here are reflective of pre-15 June 2013.

The Hon. NIALL BLAIR: As a result of the new system, will a new target be set or will the target remain 200? Obviously that would easily be met.

Ms BOLAND: At the moment we are in our tenth month of operation and we are looking at the number of risk assessments. We look very carefully at the number of days and some of the delay points. We have committed to have a look after 12 months and see what is contributing to that area. Because it is so new, we have not put in any key performance indicators [KPIs] yet but we will. We really want to get a handle on volumes, because they are way in excess of what was anticipated in the transition plan that laid out who came in at what time. As I said, there are a number of contributing factors. We want to let it settle for 12 months. We have already started to look at some of the delay mechanisms and we have committed to do a review of the Working With Children Check after two years. This will commence in about September, because it will take us 12 months. We are already collecting lots of things about how our business rules are operating, how our systems are operating, how our information technology is moving things through the system. Given the volumes, I suspect we are looking at more than 200.

The Hon. NIALL BLAIR: With the suck-it-and-see approach at the moment, you will set KPIs once you have a better handle on it so we can look at how you are tracking on the risk assessment?

Ms BOLAND: Yes, absolutely.

The Hon. NIALL BLAIR: Do you know how many of the people who applied for Working With Children Checks were barred?

Ms BOLAND: Are you talking about now, under the new Working With Children checks?

The Hon. NIALL BLAIR: Yes. We have some of the old data.

Ms BOLAND: As at last Friday, 118 interim barred and 141 barred.

CHAIR: If you do not have the information you can take the question on notice.

Ms BOLAND: Those figures are correct as of Friday. I could give you a more comprehensive answer about the follow-up continuous ones, because those numbers are really interesting. I can then explain how the interim bars and bars work. I will take that on notice and give you a summary. I can also give you a summary of the number of days, which is what we are using at the moment in looking at performance. The system performs very well, with about 85 per cent

getting immediate clearances. I am happy to give you what makes up the subsequent day blocks, including the more than 10 days. That is where we will burrow down and put our KPIs.

The Hon. NIALL BLAIR: I understand that it is an offence for prohibited persons, who have been convicted of serious offences, to attempt to work with children. Are there cases where people not prohibited apply and have gone through the risk-assessment process but been knocked back from working with children and are then reported to any other authority, like the police, for attempting to seek employment in this area? They are assessed as being of high risk, although they have not been convicted of offences to make them prohibited, but are still trying to work with children.

Ms BOLAND: The beauty of the information technology system is such that if you have been barred from working with children and are trying to work with children, the obligation under the legislation is for the employer to go online and verify that the person has a Working With Children Check. As soon as that is done, the employer will see that the person is not permitted to work with children and so the employer will be prohibited from employing the person. The system has a good safety net in relation to that. Complementing that, the data we collect is extremely comprehensive in terms of which employers are registered and which employers are registering for what categories of person.

We use all of that data in our compliance plan. We have a compliance area and, in fact, we use that data to target particular areas where we think there is risk. Two things operate: it is pretty clear under the current legislation if you cannot work with children and there are obligations on both sides. We have a comprehensive system of accessing information and comprehensive level of records that we check. Then there is the capacity for us to ask for any other information we think may be relevant. Part of the risk assessments are because we have an extensive amount of information to consider.

The Hon. NIALL BLAIR: Seeking further information from the applicant will obviously have the biggest impact on the number of days for completion. You need to look at that before setting the next KPI.

Ms BOLAND: Yes.

The Hon. GREG DONNELLY: On page 12 of the 2012-2013 annual report you give a financial overview and you have provided useful answers in response to our questions on notice. The figures given for grants and contributions are \$10.804 million and \$12.045 million when investment income and the sale of goods and services are added. What proportion of your income was expended on staff involved in doing Working With Children checks? I am trying to establish that as a rough proportion of the Commission's total budget.

Ms BOLAND: It was about 70 per cent for the Working With Children checks, in the past.

The Hon. GREG DONNELLY: Page 19 of the annual report states:

In May 2013 the Minister for Family and Community Services and the Minister for Citizenship and Communities announced the new Working With Children Check would commence on 15 June 2013. The Ministers also announced that the Check's legislative functions and operations would be transferred to the Office of the Children's Guardian.

With respect to the budget for the checking, which you said is approximately 70 per cent of the total, is that being transferred from the budget under the new architecture, which is yet to

pass through the Parliament, to the Guardian? I am trying to understand how the Guardian is going to fund what is, in effect, 70 per cent of what is the work done by the Commission into the future. Have I been poor in explaining what I am trying to establish here? The Guardian is going to be doing the checking in future, the Commission under its new form will not be. Does that mean it gets transferred across?

Ms BOLAND: The 70 per cent was mainly in relation to the staff that were not working on the Working With Children Check, and those staff did transfer.

The Hon. GREG DONNELLY: So they are across.

Ms BOLAND: Yes. The new system obviously has a different financial base and equation and we would be happy to take that on notice and tell you how that works and what the breakdowns are, because obviously now there is revenue in relation to the check.

The Hon. GREG DONNELLY: That 70 per cent of staff has, in effect, moved across to the Guardian. Is that correct?

Ms BOLAND: Yes.

The Hon. GREG DONNELLY: And they are on your payroll at the moment, is that correct? Is that how it works?

Ms BOLAND: Of those staff, yes.

The Hon. GREG DONNELLY: And they do the Working With Children Check?

Ms BOLAND: Yes, in addition to other staff that came from other areas. But yes, roughly speaking, the 70 per cent that was on the Working With Children Check.

The Hon. GREG DONNELLY: Did they transfer physically to new premises or are they still in the premises over there in Surry Hills? Where are they located?

Ms BOLAND: Surry Hills.

The Hon. GREG DONNELLY: Where is the Guardian's office?

Ms BOLAND: Surry Hills. It is in the same building; the Working With Children Check is on one particular level and the Guardian operations and some of the risk assessors are on the other—we occupy two floors at 181 Elizabeth Street.

The Hon. GREG DONNELLY: Is there anything else that came across to the Guardian, other than the Working With Children Check, from work done by the Commission or was it just, in effect, the Working With Children Check?

Ms BOLAND: Included in the Working With Children Check were the obligations in relation to child safe organisations. So that was included in the Working With Children Check as part of the Working With Children Check. There was another function that transferred which had no resources attached to it and that was in relation to the Sex Offender Counsellors Accreditation Scheme [SOCAS], which is a voluntary accreditation scheme for counsellors of people who sexually offend. That came across and I think it has been reported in the annual reports previously. I think it has been referred to as something that was done within the resources of

the then Commission and it is now done within the resources of the now Guardian. There were no specific resources attached to that so there was nothing to transfer except the function. So within our resources now we have taken on the responsibility for that function.

The Hon. GREG DONNELLY: In terms of the dimensions and the activity and the budget of the new advocate role that is being developed, do we know what that looks like at all?

Ms BOLAND: The way that the Commission was organised, the Working With Children Check was quite discrete and the other activities occurred, in fact, mainly in the policy research area. They were also underpinned by some community education and communication staff. In the division of the budget—the one that came over to the Guardian—all of those functions were funded in the remaining Commission; so they have not lost any money at all, they have maintained—in fact there is some slightly additional money in there for communication. We can provide you with something that is quite precise on that if you like.

The Hon. GREG DONNELLY: As a rough explanation, if 70 per cent of the cost of the organisation, which was the work of staff associated with the Working With Children Check, has moved across, that leaves 30 per cent of the budget, of the pool. You are saying it is going to be augmented to get it back closer to the 100 per cent or part thereof, or we do not know.

Ms BOLAND: The \$10 million obviously was with the Working With Children Check. That Working With Children Check has transferred with its resources, and the other functions were funded appropriately and they have remained funded appropriately. But, as I said, there are budget papers and so forth. I am happy to extract that information and give that to you.

CHAIR: If you could report back to the Committee?

Ms BOLAND: That will not take long to do. But it is all on the public record and in the budget papers.

Ms JAN BARHAM: I am interested in following up on the mental health research and reporting. I am just trying to find the page where you refer to that liaison or the nature of approach to adults in relation to mental health concerns. Does that have some impact in the funding or support for counsellors in schools and whether or not that is an appropriate place for counsellors and support people to be located for children to access?

Ms BOLAND: I will get Gregor to give you some background.

Mr MACFIE: Just to add some background on the research. We know that young people are often the first to know that other young people have got a serious mental health problem and this research is looking at what promotes them seeking adult help and what the barriers might be. We are still doing the analysis and, indeed, as part of this process we will be talking to policy makers about what are the implications of this work. I do not think on the basis of the research that we have seen that we can make specific recommendations, but one of the strengths of it is that we are in partnership with the NSW Mental Health Commission who are drafting a new mental health plan for New South Wales. The input of this particular report we are hoping will filter into that and filter into their thinking. So that across the board we are looking at better supports, what it is that makes the difference in terms of young people seeking adult help within schools but also within families and communities as well.

Ms JAN BARHAM: Will you publish a separate report or have that available prior to the input into the Mental Health Commission?

Mr MACFIE: We have provided some initial input to them so that they are able to consider that in their drafting, but there will be a separate and public report. We need to talk to them about how and when that will happen, but that is the idea.

Ms JAN BARHAM: In looking at the information you have on the website under mental health and suicide, the information there is 2009-10. Do you have updated information? I am particularly interested in self-harm, suicide in young people—where it is happening and what is being done. I am interested to know what input the Commission has had into any programs or support services for those people.

Mr MACFIE: You are talking about the "Picture of NSW Children" in the injury chapter?

Ms JAN BARHAM: Yes.

Mr MACFIE: Yes, that is the latest data that we have got available. There may be national data available but in terms of a New South Wales breakdown, that would be work that would need to be done on a specified basis with AIHW and ABS. We could probably drag that out from some of the admitted patient data.

Ms JAN BARHAM: It seems like a long time to wait to get an indication of what might be a trend that needs some action to be taken. I thought the data would be readily available if access was made possible. Is it not collating the data that should be there and making it accessible rather than waiting five years to find out if we have got more kids self-harming?

Mr MACFIE: It depends on how up-to-date the data we can get from the data custodian is and doing that particular piece of work. We have not done any more at the New South Wales level. There may be national data that we could provide, but in terms of the trends, the surveillance report that we commissioned from the AIHW does contain longer term trends in relation to all of the main causes of injury in terms of admitted patients, but we do not have the data on the non-admitted young people who are self-harming.

Ms JAN BARHAM: That is only admissions, hospitalisations?

Mr MACFIE: That is only admissions where it results in injury.

Ms JAN BARHAM: Does that lead you to think about how else you might be able to collect data on the trends around this or the number of young people who are self-harming? Anecdotally we keep hearing and we see media reports that it is reported as being quite high. How do you cope with trying to advocate for young people and understand what their issues are if it is difficult to obtain information? Is there any way it can be supported?

Mr MACFIE: There is no doubt that it is very difficult to get the data if there has been no access by the young people, for example, to the health system, or some way of recording it. But we do know—for example, the national Children's Commissioner has currently got an inquiry into self-harm and suicidal behaviour among young people, and one of the questions is what kind of data and how can we collect this? I do not know that there is a clear answer to that and we are not experts in that area, but we will be following that closely to see what researchers and academics and policy makers can come up with.

Ms JAN BARHAM: I suppose it is significant that I ask this because this is Reconciliation Week and Sorry Day, but the whole area of Aboriginal children in out-of-home care and the removal of Aboriginal children from their families, do you delve into those areas anywhere with

understanding the numbers of whether trends are developing in those areas? Are they matters that are reported? I note that you have been doing consultations in Aboriginal communities. Are they still concerns that people have in those communities?

Ms BOLAND: Just in terms of figures and in my role as Guardian, obviously FACS holds some data in relation to that and releases that data on a quarterly basis. From the perspective of the Children's Guardian who has the role to oversight the accreditation system with Aboriginal agencies, we are very aware of those proportions and what things can be put in place and what initiatives have been put in place by Aboriginal organisations themselves.

Ms JAN BARHAM: There are some good programs being done in that area.

Ms BOLAND: There are some very good programs. By and large, the Aboriginal agencies have embraced the accreditation process and operate effectively in relation to understanding their community and in relation to the particular issues. We work with them to look at how that work is done, and there are great innovations happening, particularly in relation to restorations or culturally appropriate plans and how that is managed within an out-of-home care system.

Ms JAN BARHAM: So it is not strictly under your area of research or interest but does it come in as part of the wellbeing and the safety and security of young people and children in New South Wales?

Ms BOLAND: Yes, it does. From the point of view of the New South Wales Commission for Children and Young People, the mandate has been on vulnerable children. It participated in and gave a submission to the recent review of the child protection legislation. It participates actively in all of those government initiatives. In all of the reviews that happen the Commission is quite an active participant. I would say that its views are sought extensively, both internally by government and by the non-government sector. That has been my observation over the last couple of months.

Mr MACFIE: I suppose on that level of input into some of the significant plans that are currently in development it is about keeping the focus on both children and young people, particularly those who miss out, who are vulnerable or who are disadvantaged in some way, so that those plans are addressing their particular issues. I cannot remember whether the Picture has data in terms of out-of-home care or whether it is broken down by Aboriginal or non-Aboriginal children. We can double-check on that. I think there was a new chapter on harm that touched on that, but I will have to check.

Ms JAN BARHAM: I was also interested in the New South Wales Ombudsman's report "Responding to child sexual assault in Aboriginal communities", which was released in December 2012. We are waiting for a government response to that report. I wonder whether you have had input into any response to that report. I think there were something like 93 recommendations in that report.

Ms BOLAND: We did not provide input to the Ombudsman's report and have not responded yet to the recommendations.

Ms JAN BARHAM: I am just trying to understand how it works. Do you get invited to respond? I have been trying to find out about any government response and I am wondering whether there was an invitation to respond to those recommendations. Is that how the Commission for Children and Young People gets involved?

Mr MACFIE: It depends really. It can occur through the Cabinet process or it can be that the individual agency, in this case the Ombudsman, could come and talk to the Commission or could write to the Commission for input or comment.

Ms JAN BARHAM: My next question is on a matter that we raised with the previous Commissioner—there has been a lot of interest in the area of the sexualisation of children, particularly in the social media area—that is, whether or not this will be taken up as a priority area of interest? That is what other jurisdictions have done—for example, the United Kingdom has done quite a lot of work on this. Mr Donnelly has also been very aware of other places that are looking at this issue to see if there is something that can be done.

Ms BOLAND: I spoke previously at a hearing of this Committee and talked about how we are currently looking at kids as consumers and, within that context, how kids are marketed to—in particular, the imagery that is used both online and in the mainstream media in relation to the sexualisation of children. We have done some preliminary work on what has been done within school systems, both the independent and the state school systems—in particular in relation to how that is included in the curriculum, the awareness of particular stereotypes and what activities there are at various schools to educate parents. As you would know, the Western Australian Commissioner for Children and Young People has done some work in relation to the sexualisation of children, including not only guidelines—and we are looking at those—but also community education and parental education.

As you would know, we have already implemented in New South Wales legislation that prohibits children under the age of 16 from modelling adult clothing. That was quite a significant step forward and was reflective of what was happening internationally—in particular in the modelling area about using very young women, mainly, to model adult clothing in an appropriate fashion. So those things have already occurred. We are certainly looking at having seminars and education for parents. What we do not want to do is to duplicate something that is already happening within schools et cetera. In fact I was at a talk the other day at a school. It was a presentation to parents about how to talk to their children about sexualised images and the violence that is manifest in the media, electronic and otherwise. So those are the kind of strategies that the Commission will look at.

I think what has emerged over the last decade or so is that children and young people are obviously now seen as a group to be marketed to. Under the children's employment regulations and code of conduct that the New South Wales Children's Guardian administers any roles, pictures or otherwise need to be appropriate. So children are not to be given directions to pout or otherwise; so there are already some baseline regulatory requirements and codes of practice that exist in New South Wales. I suppose we want to build on that, in particular in relation to educating parents.

Ms JAN BARHAM: I know about that example of not having young people advertising adult clothing but what about the area of young people advertising young people's clothing and the scenarios and scenes set up in that advertising? Are there guidelines that could be implemented there about the presentation, setup and nature of some of those images—or the context of those and how they reflect or convey sexualised imagery?

Ms BOLAND: There are two layers to that. First of all, obviously the regulation that we have operating in New South Wales talks about a code of conduct when children are employed in particular industries such as modelling clothes for children and appropriate ways of modelling. The directions given to children is something that is regulated in New South Wales. You would

understand that when there is a photo shoot, for example, the photographer might take many hundreds of photos. Which photos are chosen and then distributed is a matter for the Federal Government regime to look at in terms of advertising. In terms of what children are asked to do and where that is all regulated by the New South Wales children's employment area.

Ms JAN BARHAM: So there are guidelines in regulations, but only if there are complaints made is there any compliance.

Ms BOLAND: There is a code of practice. At the moment there is a range of information that goes to parents, in particular, and to employers. I should say that employers in this area, in the main, are very concerned to understand their obligations. We spend a lot of time with employers. Equally, we spend time with parents to make sure that they are very comfortable with what is being requested or indeed talk to them about what has been requested and making alternative suggestions. So that is quite hands-on work. It is done on-site. As I said, the taking of those photos and advertising with those images is then a matter of regulation in the federal arena.

Ms JAN BARHAM: People often ask what they can do if they are offended or if they think a particular organisation or product has gone too far. It is their responsibility to make a complaint or to follow up so that it can be looked into. Is that correct?

Ms BOLAND: Yes, they need to complain at the Federal level. At our level I would have to say that we spend quite a significant amount of time on all sorts of areas in relation to children and their use in the entertainment and still photography area. It is a bit of a partnership between not just us and the parents but also the employers. So it is a three-way thing looking at what expectations are. We do spend a lot of time with the parents talking about the future use of particular images and so forth and comfort level. It depends a lot on what the advertising campaign is. I suppose in a nutshell those people who are in the industry—for example, parents who have been in the industry—are well aware of how to manage it.

We supplement that by providing information to other parents who are not quite so familiar with the sort of things they should be thinking about. So we have some guidelines for parents about the things they should think about. This is what the regulation says. The code of conduct says that it must be appropriate and looks at the directions given to children such as how they are directed to do certain tasks et cetera. Apart from that there are a number of other requirements about working hours, times, breaks et cetera.

Ms JAN BARHAM: Sure, so it is about avoiding exploitation.

CHAIR: I have a question about bullying. I noted the discussion in the report about one of your projects called Speak Up!. I think there were two consultations at Cabramatta and Wollongong.

Ms BOLAND: Yes.

CHAIR: I note that bullying was ranked as a major issue by 85 per cent of participants—that was for bullying at school, and online bullying was ranked much the same at 83 per cent. With that in mind, in terms of influencing government policy relating to children and young people does the Commission through its reports make direct recommendations to the government? If not, might this be a function of the children's advocate in the future?

Ms BOLAND: Yes, and yes. I suppose the Commission has been very active in advocating and influencing the functions of government in relation to bullying, obviously via the Department of Education and Communities [DEC]. They have put extensive strategies in place, as you would know. They have indicated that they would be more than happy to provide to the Committee information on their programs and plans, if you would like.

CHAIR: I think we would like that.

Ms JAN BARHAM: Yes.

CHAIR: I am on the school councils of two schools in my electorate. From time to time we do raise the bullying management plan that each school has. I really worry when I see statistics like that. It is a major issue out there, particularly online bullying. My wife is a schoolteacher and she deals with issues of online bullying on an almost daily basis. I am wondering how the Commission can improve the situation.

Ms BOLAND: I should say in relation to the consultations that we ran that these recorded the perceptions of children and young people. They were about what worried them. So they are not figures about the occurrence rate. Clearly it is a big issue for kids and how they perceive themselves within the school context in particular. I would have to say that the initiatives undertaken by the Department of Education and Communities [DEC] plus the independent and Catholic schools sector have been significant. I think the information that we have collected verifies that. Obviously we will give that information to the Department of Education and Communities.

In terms of advocating for other kinds of initiatives, one of the things that has been seen to be effective in the independent school sector, and I know this via our child safe case studies that we are doing, has been intensive educational engagement with parents at the school, particularly on the online bullying issues. Schools feel that they are closing the gap, even though it is a small gap, between parents and children. Even for young parents the world that their children operate in is quite different to the one they knew in relation to online bullying. Schools are in fact engaging with and educating both parents and the school population and engaging with the community to deal with bullying issues, particularly online bullying and vigilance in relation to reporting. In terms of how it is dealt with, all of those things are obviously important for its elimination. Mr Macfie might want to add something here.

Mr MACFIE: There are a number of issues that have come out of the speak-up consultation, so we have put together a paper, particularly on bullying about what we have heard from young people, what insights they have.

CHAIR: Can that be supplied to the Committee?

Mr MACFIE: Yes. There is a huge amount being done both at the national and State level on this issue. We want to engage with the department and others to understand how all of that is being implemented and how effective it is. That is something we want to explore. It is a complex issue. I do not think that anyone has got a silver bullet, straightforward approach, but it does seem to be, as Kerryyn was saying, a whole-of-school and whole-of-community approach. Persistent follow-up over time seems to be one of the keys.

CHAIR: Ms Barham has a similar question on bullying. In respect of what the Department of Education does in terms of implementing their management plans, I presume it gets reviewed

regularly. I know the one that is in the schools that I am part of certainly does. Do you have direct involvement in that and are you asked for input?

Mr MACFIE: We certainly have regular discussions with the Department of Education and Communities [DEC]. We understand that the school bullying management plan places responsibility on the principal to report annually on implementation and evaluation of those plans. That is a clear responsibility for principals. We have had discussions with them in the past.

CHAIR: Ms Barham had a question on this issue.

Ms JAN BARHAM: Yes, particularly around implementation and evaluation. It is my understanding it may be a more regional issue where finances are more stretched, but a lot of schools that I am aware of do a less than satisfactory job with responding to complaints of bullying because there is a waiting list of up to six months to see a counsellor. Any advocacy or redress that is required is not dealt with because many schools, particularly in the regions, are not able to fund counsellors or appropriately trained people to deal with that response. We might have a heightened awareness about reporting it or having it acknowledged, but not responding, which, in some ways, could be more damaging.

Ms BOLAND: We are more than happy to get the Department of Education and Communities to give you some information on that.

CHAIR: It is probably more a question for them.

Ms JAN BARHAM: I wondered with it being such a high priority whether they had to report back to you because having a plan in place or a strategy is fine, but if it is not delivering the support for the young people, then I am concerned. From what I am hearing, as I said, it is predominantly regional areas, but stretched resources for school counsellors seem to be the issue.

Ms BOLAND: We will get you some information on that.

Mr ANDREW GEE: Can you give us an idea how the research program on young people being safe around alcohol is going, which is being conducted by the Young People Advisory Group, and is the report available?

Mr MACFIE: Yes, there has been some delay on finalising the report. We have got the data and we have analysed the data but we are still contextualising that, I suppose, and we still need to talk with various school sectors about the content of that and get feedback on the draft, so we would expect a final paper within six weeks to two months.

Mr ANDREW GEE: You have got a draft?

Mr MACFIE: We have got a draft.

The Hon. NIALL BLAIR: I wanted to follow up on how the new website is going.

Ms BOLAND: Yes.

The Hon. NIALL BLAIR: The new children's website was launched in June last year; is that right?

Ms BOLAND: Yes.

The Hon. NIALL BLAIR: The overall website is still the same?

Ms BOLAND: At the moment, because of the transfer of the functions to the Guardian, again, we are looking at the various platforms and what goes where. In fact, I am looking at the new website tomorrow or the next day. The website in relation to the Working With Children Check has been a primary and driving force of getting information out to the various sectors. We have needed to get information about how the new Check works. There is extensive information on various aspects of the Check, in particular, and it guides people through the Check process. It has also got some nifty YouTube directions on how to do it, so there are video assistance cameos about how to apply. It has also been matched in terms of getting information out to our various stakeholders very quickly.

During the process of implementing the new Working With Children Check, one of the things about those major changes is always about whether you have communicated the changes and how you have communicated the changes. We have received incredibly good feedback from our advisory group, the education sector in particular. The Catholic education sector has been complimentary about the information and how it is being distributed and the information available on the website. I do not know that there are that many questions. In fact, I am not sure that there are any stones that were left unturned in relation to what was on the website.

The Hon. NIALL BLAIR: I was thinking along the lines of connecting and consulting with children. From the report I see that there were 1,100-odd Twitter connections and 900 Facebook connections, which, in my mind, is quite low. I did a check-up and I know that Twitter is now over 1,600 and Facebook is over 1,300, which is an increase. But in terms of the work that is going ahead of the Commission and in some of those advocacy areas on issues such as bullying, how is the Commission aiming to drive that information to children? I know that a kids poll is not there, but maybe other polls through Facebook, et cetera, to get young people engaged with the Commission so they know about the information and the great work that it does.

Ms BOLAND: During the speak-up consultation obviously we used the website and the survey monkey and those kinds of facilities. We also consulted with the Young People Advisory Group [YPAG] as to what they use, how they use it, how they get information. I think it is a challenge going forward. Facebook is really for an older generation. They talked about over 30s.

The Hon. NIALL BLAIR: Instagram.

Ms BOLAND: They talked about Instagram and other means of—I am afraid I cannot even remember what they talked about.

CHAIR: Twitter.

Ms JAN BARHAM: No, Twitter is passé too.

Ms BOLAND: Twitter is almost passé as well.

Ms JAN BARHAM: They have got all these other ones.

Ms BOLAND: The critical information is that what children and young people did say was that there is, I suppose, no real substitute for direct contact. I think that is really also about the

visibility of the Commission via the school system and using those mechanisms also. The national Commissioners and guardians also have a Twitter hash tag and it is significantly lower than the Commission's. In terms of getting the information, I do not know that it is exciting enough to follow. That is why we are quite strategic that we put out something that is of direct relevance to children and young people rather than the various activities and processes that we are putting in place to engage with kids, but I recognise the challenge.

The Hon. NIALL BLAIR: Is it not a two-pronged approach? It is information for parents of children and young people, again, those of us over 30 that may rely on something shared between our peers on Facebook that points to a good tour that the Commission may have developed or recognised and also that direct contact with the children, whether it is through another media such as Instagram. It is good that the numbers are going up and hopefully that work will continue. You also led on that there is no substitute to face-to-face contact. I note the report mentioned visits to Broken Hill, Byron Bay, Walla Walla, Menindee. Is there another program? We talked about KPIs earlier such as other types of regional visits, face-to-face contact with staff or the Commissioner directly.

Ms BOLAND: That is the work that needs to be progressed under the strategic plan. In our answers we explained about the strategic plan and the work that needs to be progressed. Yes, there is an ongoing strategy about engagement. With the proposed Advocate, that is a main objective of the advocate position, to get out, whichever way that is, either physically or electronically or, however, to access the views of children and young people and to exchange information with them in a multiplicity of ways and via a multiplicity of organisations and while the Commission has been very successful in that, one of the extra places to go is via the non-government sector or some of the local communities, hanging out in particular places where kids hang out. Those kinds of strategies are very much on the agenda as the way forward.

The Hon. GREG DONNELLY: Can you help me discern the likely breakdown of responsibilities of the Guardian and the Advocate? With respect to the defined functions, the first function of the new proposed Advocate's role states "to advocate for and promote the safety, welfare and wellbeing of children and young people". Does that not in a large way overlap with the role of the Guardian? If you answer that as yes, how are we going to ensure that we do not have a potential tension emerging between the Advocate and the Guardian going forward?

Ms BOLAND: I suppose those responsibilities sit with a number of agencies, including the Guardian. The Guardian obviously has specific roles in relation to out-of-home care, voluntary out-of-home care and in relation to children's employment and of course now the Working With Children Check. In a sense it administers regulation. It administers those regulatory obligations created to keep children safe. Of course, Community Services is another one of those agencies that is in the field of keeping kids safe and looking after their wellbeing. It is one of those across-government responsibilities. The Advocate obviously will Advocate and drive those across the plan that has been envisaged and coordinate the particular plans and regulatory arrangements that sit in various portfolios. I actually do not see much of a conflict in the overlap and I do not think there has been in the past.

The Hon. GREG DONNELLY: I guess I am returning to the original question I was asking about how this future will work. We have got you in your role as the Guardian with a very significant new role brought in from the Commission. We are looking forward to a new body called the Advocate for Children and Young People. I am trying to discern what this Advocate is going to do. It seems to me it is almost a paradox that the resources and the firepower seem to reside

in the Guardian and perhaps others in terms of capacity. You are going to have this Advocate who—I agree with what you have said—will have this broad role of advocating safety, welfare and wellbeing of children and young people but, quite frankly, who is going to listen to this Advocate when you have people like you in a much more significant role? Therein lies the problem. I just do not understand how it is going to work.

Ms BOLAND: I suppose from the Guardian perspective we are regulating in particular areas and delivering a particular outcome required by government, like accreditation of non-government agencies and government. It is very much a kind of regulatory support service to the objectives of government. That is also what the Working With Children Check is. The Working With Children Check in the Commission did exist very much as a discrete operation from its other—as you call it—firepower of influencing and advocating for children and young people. Except for the administration, I do not know that the Guardian having those regulatory functions overshadows what is a significant role for an Advocate to advocate for children and young people across the whole of government on all issues, not just on child protection issues.

The Hon. GREG DONNELLY: But if roughly 70 per cent of the resources have been transferred across, unless there is a significant augmentation of the resources that will be allocated to the new Advocate, which remains to be seen, that is a much more diminished organisation compared to what it was prior to the transfer of resources.

Ms BOLAND: There is no diminishment in function at all. It is just that someone else is administering the Working With Children Check. There is no diminishment at all. In terms of effectiveness of the Advocate, I would have to say the Children's Guardian has been previously quite a small organisation but quite influential. Also, comparatively, other children's commissioners will be of about the same size and resource and they have been powerfully influential. I think it depends on a lot of factors but the legislation is a vehicle, and I think a very strong vehicle, for someone to advocate quite strongly for children and young people. I think what was really important about the consultation was that we went out and consulted and in fact the legislation is very much reflective of what people thought was important.

The Hon. GREG DONNELLY: I note at page 36 of the 2012-13 annual report under "Representation on External Boards and Committees" in the right-hand column it says that representation was on the Domestic and Family Violence Framework Senior Executive Steering Committee. Could you please explain what that input was and what specific position was being advocated in that consultation?

Mr MACFIE: That is one of the standing senior officers groups at which one of the members of staff attends on a regular basis and has, I guess, a child protection background. I do not have a record but we can certainly go back and indicate what may or may not have been said in relation to that. But when you are looking at family violence our focus has always been on making sure and keeping the focus on young people even as observers of domestic violence still being the victims of it, if you like. It has been very much just making sure in a broad sense that the needs of young people in these settings is taken into account in relation to the development of that framework.

The Hon. GREG DONNELLY: Is that steering committee still meeting, as far as you know?

Mr MACFIE: I can take that on notice but I think I understood that it may have wound up.

The Hon. GREG DONNELLY: On the issue of bullying I suppose I am basically asking for an opinion from the work you have done and from the discussions you have had with other organisations and people involved in advocating on behalf of children and young people. Let me use perhaps a trite example: young people with red hair might get teased at school because they have red hair. You hear the argument that what one ought to do is focus on those people with the red hair and try to work on that issue of being teased and how to deal with being teased. You could identify other groups, such as children who might have crooked teeth or big ears or whatever the case may be.

Another view is that bullying is bullying no matter what attribute it is focused on or whatever the case may be and we have to tackle the mentality of why bullying as a matter of principle is wrong. We have to teach children that bullying diminishes the person's respect and dignity and all that goes with that. Is there a view one way or the other on those two things that is being looked at? Is one being seen as the better way to tackle bullying of children and young people or is the jury out, so to speak?

Mr MACFIE: It is a word that can sometimes be misinterpreted, but there is certainly a lot of looking at the notion of resilience for all children and young people in terms of what are the backgrounds some of these young people who are either the bully or the bullied come from and how do people have a sense of self-worth, self-respect and respect for others. I do not know that it is just either the bullied or the bully; it is looking at the welfare and wellbeing of each individual child and how do we build that capacity so that people are not bullying and they are not being bullied.

But then of course there is that wider community aspect in terms of what schools and communities do around instances of bullying and what are the clear messages that it is wrong. It also involves looking back at sometimes the family background of young people who are bullied. They are very badly bullied in their own families and they come to school and they do not want to be bullied so they become the bully. It is quite a complex issue. You would think you would need to be working with that particular child, with the bully, and what are the resilience issues there.

Ms BOLAND: In terms of that multi-pronged approach, certainly the child-safe work that we have been doing is creating an environment where it is unacceptable but equally making it comfortable for children and young people to actually say this is happening. Those two things are incredibly important. No matter what the perception is, they have a capacity and the resilience to say and they know where to tell someone that this is happening to them, that they are listened to and that action is seen to be done. I think they are the really critical things in looking at the complex environment around bullying or, in fact, keeping kids safe in an institution or an organisation.

The Hon. GREG DONNELLY: Do you think we are making progress, as a general proposition? Do you think we are more enlightened and alive to these issues now or have we still got a long way to go?

Ms BOLAND: It is matter of opinion now, so go for it. I think we have come a long way. I think we have got a level of sophistication in the understanding of the issue and I think we are now starting to really articulate what it is. Lots of those things go to leadership and rules and creating the environment and making it unacceptable. I think we have come a long way from, say, 10 years ago. Apart from that, we have named it and we have put things in place that deal

with it. Now we are recognising the complexities of the issues and we are looking at these issues in a far more complex way.

We are not just saying we need a set of guidelines and then we need to educate. We are looking at it as a whole-of-environment system. I think we have come a significant way. Yes, there is a way to go. Obviously, partly the awareness and understanding of bullying is also leading to more people articulating that that is what is happening to them. Therefore one would hope that the statistics go up in relation to that and that what was previously hidden becomes out there, if you like, and can be dealt with. There is nothing more insidious than having things quietly not dealt with and children and young people disempowered or not knowing who to turn to or who to go to. I think there have been significant steps forward, as a matter of opinion.

Ms JAN BARHAM: Do you have a principle about early action and early intervention, whether it is bullying or violence in the home? I note that you have referred to the middle years project, which was trying to respond to the needs of homelessness and those issues. I am interested to know whether your office has developed a position around the investment, that money is better spent delivering outcomes earlier. Victoria is doing a great job with bullying under the Solving the Jigsaw program in primary schools, to avoid bullying continuing into high schools and to lessen its impact. A lot of programs seem to be operating by the rule that the earlier you deal with the trauma of bullying or the bullying situation and educate young people, the better it is for the whole of society. Is this a principle?

Mr MACFIE: Yes, I think that prevention and early intervention is better than getting into the situation—as some young people find themselves—where they are living terrible lives or where they become very sick. I guess it depends on the example. Of course, we like to see intervention and early intervention, for example, in the health sphere but that should not be at the expense of equitable and high-quality care for those who are already sick or who have significant problems. It is all about the balance. However, if you are designing the system you want to intervene early and exercise prevention wherever you can, but not at the expense of the care and protection of those who really need it. So yes, we have that principle but it is also about supporting those who already find themselves in difficult circumstances.

Ms JAN BARHAM: On page 15—and I think it is also on the website—you refer to developing strategies to ensure appropriate accommodation and support for children under 15 years who are using homeless services or who are at risk of homelessness. You also refer to that same principle about early support in order to avoid homelessness. What focus are you having in the area of homelessness and dealing with those issues to provide support to avoid homelessness? Is this the area where you are doing more research this year on delivering more to those middle years?

Mr MACFIE: With the middle years strategy priorities, it was never the intention that the Commission would do work across all those areas, it was to be about other departments or other organisations carrying forward their responsibilities and we would monitor it.

Ms JAN BARHAM: Do you develop the priorities and seek input? I am wondering how these things work—particularly as we move towards the Advocate—where your consultations lead you to define priorities that young people express? Is that advice then given to Government? How does the whole thing work?

Mr MACFIE: In relation to the middle years strategy, it was an inquiry of this Committee previously, where I think 59 recommendations were made. The Government at the time accepted the vast majority of those recommendations. Progress is being made in relation to specific priorities and the Commission was monitoring the progress on those, to the extent that it could. We worked with a working group within Government, as well as with non-government organisations, on refining those recommendations so that we were able to have a more flexible approach—allowing there was a change of government—to meeting or advancing those particular priorities. That is how those priorities were identified.

Ms JAN BARHAM: You refer to the expert advisory panel and the first meeting in April 2013. I am trying to understand the work of the expert advisory panel in relation to the six or seven dot points that are identified on page 15 around these middle years priorities. Is it about doing more work and advise Government or report to Government in some way?

Mr MACFIE: We would express it as being about building an agenda within Government and outside Government around those key areas. That expert advisory panel met shortly before there was a change in Commissioner and all these changes and—although we do not want to lose focus on the middle years and that critical developmental opportunity—there has certainly been discussion about a broader plan for children and young people. It is not just the middle years but from early to middle and late childhood and to early adulthood. We do not want to lose those but to incorporate them into a broader draft plan that would then go to Government for consideration and/or—if the decision is made to accept the plan—for implementation. So that is where we try to get some agreement around key priorities, as a way of advancing that. It is about building the agenda and influencing, I suppose, is the way we would push that forward.

Ms JAN BARHAM: And who sits on that advisory panel?

Mr MACFIE: It is a range of people appointed by the previous Commissioner. We had people from the Primary and Secondary School Principals Associations; a paediatrician; an alternative education provider; somebody from Youth Action; and somebody from UnitingCare Burnside Children, Young People and Families. The first meeting was focused on, in utilising those people, how can we better drive collaboration between what was happening within schools and the supports that lie outside schools, to support the welfare of children generally? That was where the discussion got to.

Ms JAN BARHAM: Is that continuing, as the expert advisory panel group?

Mr MACFIE: A decision has not been made on that but I think the idea would be that we would still utilise the expertise of those people, to help inform a whole-of-government plan around children and young people.

Ms JAN BARHAM: Another question about the volunteers—

Ms BOLAND: Just in relation to your general question about how does it all work? I think that was really one of the substantial issues that we consulted on: How does it all work? What is the perception of how the Commission does its work and how does it become an influencer in Government agendas and then, how does it oversee those Government agendas to ensure that the interests of children and young people are progressed? I think that was the substance of our consultation.

It was clear from those consultations that the primary role of the Commission or the Advocate is to become an advocate for the views of children and young people and to be influential in the Government agenda and, in fact, to pull together an overall plan for children and young people across the whole of Government and then to oversee that plan. I think the bill tries hard to articulate that and to clarify that and they were the questions that were asked in the consultations: How does it all work and how do you fit? That is why we had the consultation and I think it is reflective of what people—children and young people and the non-government sector and other stakeholders—are keen to see the Commission or Advocate do. It gives more clarity to how it all works, so to speak.

Ms JAN BARHAM: I think it does too.

(Short adjournment)

CHAIR: Ms Boland, I am not advocating a charge—I want to say that at the beginning—but Working with Children Checks for volunteers are free in New South Wales, is that correct?

Ms BOLAND: That is correct.

CHAIR: We had an informal chat at the beginning of the year and I asked the same question. In New South Wales they are free. In every other State and territory there is a charge, is that correct?

Ms BOLAND: Those that cover volunteer checks there is a charge, yes.

CHAIR: I meant to research this before we commenced, I apologise, but how much would that charge be?

Ms BOLAND: I would have to have a look at what the current charges are for volunteers.

CHAIR: The Deputy Chair will Google it.

Ms BOLAND: I can get those charges.

CHAIR: I would be interested in that breakdown.

Ms BOLAND: Particularly in which States it applies.

CHAIR: What is your personal belief? Do you think we would see a decrease in the number of Working with Children checks if a charge was implemented?

Ms BOLAND: I think it is a bit early to say because I think what we are not understanding yet is the extent of the volunteer sector. When we were doing estimations about how many volunteer checks might be required, there is no databank, if you like, that can give you precise numbers—they are estimates. So I would like to wait for the year and then have a look at the volunteers and particularly the volunteer sector, try to strip out whether employer behaviours are requiring Working with Children checks where they are not required, and to look more substantially at that.

CHAIR: I presume every State is different, based on that?

Ms BOLAND: Yes. There is no science in this that would suggest that perhaps having to pay some money is a disincentive.

CHAIR: That is the point I am making.

Ms BOLAND: I think we would need to use the information that is available to us to really understand what is happening in that sector, before—

CHAIR: If we can get a comparison of every State and territory, not just in terms of charges but certainly numbers as well, hopefully we can be able to dissect some sort of trend. I have just been advised there is no fee in Victoria.

Ms BOLAND: The Royal Commission is doing a lot of work in relation to the Working With Children Check, as you probably know. They have comparison charts, and we have some comparison charts which we can give to you.

CHAIR: Members of Parliament are community advocates and are heavily involved in groups like Rotary and Lions et cetera. What checks and balances are there from your point of view that such groups do their level best to ensure that everyone has a Working With Children Check?

Ms BOLAND: The legislation describes generally what is child-related work. There is capacity within the legislation for people to approach the Guardian and ask that particular categories of workers get a Working With Children Check because they have access to sensitive information for example. Judging on our activities at the moment it would appear that lots of people who are aware of the Working With Children Check, in fact, are seeking to have a Working With Children Check. I suppose on the one hand that is good, but on the other hand, we need to look at it to make sure that people are verifying those Working With Children checks because having a Working With Children Check is only as good as employer's verifying and keeping the system robust.

The second issue is in relation to making sure that the community and employers, in particular, or people using volunteers really understand that the Working With Children Check will tell you about retrospective behaviour and make some assessment about future risk but it will not be the whole package. You really need to look at it as part of the tools that sit within a framework of making organisations and institutions safe. As I said, we are really looking at the data and making sure that the behaviours that are being driven by the new working checks are delivering what we want them to and what needs to be supplemented, if you like, in relation to child-safe environments and people really understand that having a Working With Children Check is not all that you have to do.

Ms MELANIE GIBBONS: From what I can see Victoria does not charge for volunteer applications for a Working With Children Check but if a person has a volunteer card they need to reapply for a work-related card.

Ms BOLAND: Yes.

Ms MELANIE GIBBONS: Does New South Wales do the same or is it once a person is checked, they have been checked?

Ms BOLAND: No, there is numbering system so for a volunteer they have a "V" in front of the number. Employers cannot accept that if a person is in a paid employment position and they need to go and pay for their check and then you get an "E" before the number.

Ms JAN BARHAM: I support an application being free as volunteers are pensioners or people who cannot afford a fee, and volunteers organisations cannot afford it either. Do you produce material, or a YouTube to explain how important it is for volunteers of those organisations to have a Working With Children Check? I have had conversations with some people who work in those organisations and they are not aware of it but they are just so grateful to get volunteer support.

Ms BOLAND: The transition plan for volunteers, so it may well be that they are transitioning a bit later. At the moment we are looking at sport and recreation in particular that has a high volunteer ratio. We are rolling out targeted information to all of those agencies by the various peaks and so forth because their timeframe is at the end of March 2015 when they need to be online. On the website there is all of the information, including the generic information about how you fill it out. I would say that one of the things that we are very keen to get out is information about who needs a Working With Children Check, the benefits of a Working With Children Check and that they must be in child-related work. It cannot be a blanket because some of the beauty of checking and exchanging information relates to child-related work, not just general work. I suppose given the large proportion of volunteers coming through—

Ms JAN BARHAM: Particularly in the regions where a lot of organisations and community groups cannot cope without volunteers. My experience of some of them is that they are so bogged down in paperwork. I thought a visual message from the Commission makes it personal and a bit different from just reading another document or something else. People have said that having a personal statement is a really nice way to get the message across about why something is important.

Ms BOLAND: Any further suggestions are more than welcome.

Ms JAN BARHAM: I saw you on television doing the organisational plan work at the dance studio on the north side. Was that last year?

Ms BOLAND: Yes, that was just last year.

Ms JAN BARHAM: Sadly it was after there had been that revelation of a problem there. How many of those types of organisations are you fulfilling the role of developing a safe place plan? Is that in your report?

Ms BOLAND: There are reports there about how many seminars et cetera that we have done but lots of those would have been in relation to the new Working With Children Check and the child-safe elements to that. We are probably still about another six to eight weeks off finalising our case studies which are indeed what the elements of a child-safe organisation look like. Part of that, of course, is having an appropriate Working With Children Check but as to the other elements, as I said, we have been doing that by way of case study. I think you have picked up on something very important that this is not an area where, you know, certain strategies will work in some industries but not in other industries and the dance industry is quite a good one.

They have been very responsive in educating their dance schools and their parent population. They have been looking at how they can, if you like, look internally at regulating child-safe organisations. I suppose from a point of view about what is most effective, that grass-roots level responsibility where everyone is vigilant is probably one of the more successful models in keeping kids safe. We have looked at the dance one but we are looking at other industries. The Baptist Church has a Safe Church Strategy. We are looking at some Independent schools that

have very comprehensive systems in place. I do not want to make it too prescriptive because I think at the heart of all of these things is not dissimilar to what we were talking about in bullying, namely strong leadership and community. At the base really it is about how children feel empowered to recognise "no" and make their views known very quickly and those systems are equally as important in child-safe.

CHAIR: I understand the Commission has representatives on external bodies, for example, the Sex Crimes and Joint Investigation Response and Squad Advisory Council meeting. I know this is not really the scope of the report, but does the Commission have a view on a national database of sex offenders?

Ms BOLAND: No, I do not have a view but I would be happy to get a view and get it to you. I am not sure exactly about your question in relation to a national database. Is that versus a local database?

CHAIR: Yes, that is right. Currently there is discussion about the need of a national database as opposed to single State databases, particularly when you have people move from border to border, State to State.

Ms BOLAND: From the perspective of the Working With Children Check we are active in the national database for the purposes of doing the check.

The Hon. GREG DONNELLY: Please take the question on notice.

Ms BOLAND: I have.

CHAIR: I am in favour of it and it would be good if you could report back to the Committee about it.

Ms JAN BARHAM: I refer to young people in work and we know it is difficult for them to get work. Some parents and children have told me about issues about harassment, bullying or other things for young people in terms of keeping jobs or working in jobs where they are threatened with dismissal if they do not engage in certain behavioural activities whether it is how they dress for the person who might be employing them. Could new technology be used to give them some support in those circumstances? I believe a lot of them do not know they have rights and I have struggled to find somewhere where the rights of young people at work are clearly defined in a way that is accessible to them and is interesting for them.

Ms BOLAND: I will take your question on notice, because some interesting work is being done in other States and in this State. I will put it all together, because there are some programs and legal services, particularly in Victoria, that have taken on some of those issues on behalf of kids.

Ms JAN BARHAM: Years ago there was a foldout card in New South Wales, but I think it is out-dated.

Ms BOLAND: There used to be a T-shirt, too, that might still be relevant.

The Hon. GREG DONNELLY: A bright orange one—I still have mine.

CHAIR: I never got one.

Ms MELANIE GIBBONS: There are still signs on telegraph poles.

Ms JAN BARHAM: Young people taking up their first job might not know their rights. As I said, I was at a youth forum about employment and they did not know that it was unacceptable behaviour to be bullied into sexual favours or hanging out with an older person.

Ms BOLAND: There was nothing in our consultation on volunteering?

Mr MACFIE: No, there was not. We asked a question about work in relation to the consultations at round tables, but the issues were more about access to work and whether there was work for young people rather than in-work experience. They were short consultations, not focus groups trying to dig down to those issues. We were not aware of any specific issues from those consultations.

Ms JAN BARHAM: I will pass on that information.

CHAIR: On behalf of the Committee, I thank you for appearing to give evidence. Committee members may wish to send additional questions in writing, and the replies will form part of your evidence and be made public. Would you be happy to provide a written reply to further questions?

Ms BOLAND: Absolutely.

Appendix Three – Extracts from Minutes

Minutes of proceedings of the Committee on Children and Young People (No. 19)

1.00 pm, Tuesday 25 March 2014
Room 1153, Parliament House

Members present

Mr Couré (Chair), Ms Gibbons (Deputy Chair), Ms Barham, Mr Blair and Mr Gee.

Staff in attendance: Elaine Schofield, Rohan Tyler and Sasha Shevtsova.

The Chair commenced the meeting at 1.02 pm.

1. Apologies

Apologies were received from Ms Burney and Mr Donnelly.

2. Confirmation of minutes

Resolved, on the motion of Mr Blair, seconded by Mr Gee: That draft minutes No. 18 be confirmed.

3. ***

4. ***

5. ***

6. ***

7. ***

8. ***

Review of the 2012-2013 annual report of the NSW Commission for Children and Young People

9. Commencement of review

Resolved, on the motion of Mr Blair, seconded by Ms Gibbons: That the Committee:

- commence the review of the 2012 – 2013 annual report for the NSW Commission for Children and Young People; and
- agree to the following indicative timeline for the review:

- 8 April 2014 - questions on notice sent to the Acting Commissioner for Children and Young People;
- 29 April 2014 - deadline for receipt of answers to questions on notice;
- 26 May 2014 - public hearing; and
- 14 August 2014 - table the report.

10. Adjournment

The Committee adjourned at 1.15 pm, *sine die*.

Minutes of proceedings of the Committee on Children and Young People (No. 20)

1.00 pm, Monday 26 May 2014
Macquarie Room, Parliament House

Members present

Mr Coure (Chair), Ms Gibbons (Deputy Chair), Ms Barham, Mr Blair, Mr Donnelly and Mr Gee.
Staff in attendance: Elaine Schofield, Rohan Tyler, Sasha Shevtsova and Millie Yeoh.

The Chair commenced the meeting at 1.06 pm.

1. Apologies

An apology was received from Ms Burney.

2. Confirmation of minutes

Resolved, on the motion of Ms Barham, seconded by Mr Gee: That draft minutes No. 19 be confirmed.

3. ***

Review of the 2012-2013 annual report of the NSW Commission for Children and Young People

4. Response to questions on notice

The Committee noted the receipt of a response to questions on notice from the Commission for Children and Young People, dated 5 May 2014.

Resolved, on the motion of Mr Blair, seconded by Ms Barham: That the Committee accepts the response and posts it on the Committee's webpage.

5. Public hearing: pre-hearing items

Resolved, on the motion of Ms Barham, seconded by Mr Blair: That the Committee invite Ms Kerry Boland, Acting Commissioner for Children and Young People, and Mr Gregor Macfie, Director, Policy and Research, Commission for Children and Young People, to give evidence at the public hearing.

Resolved, on the motion of Mr Gee, seconded by Ms Barham: That the Committee authorise the audio-visual recording, photography and broadcasting of the public hearing, in accordance with the NSW Legislative Assembly's guidelines for coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

Resolved, on the motion of Mr Donnelly, seconded by Ms Barham: That the Committee authorise posting the transcript of the day's proceedings on the Committee's webpage once corrections for inaccuracies have been made.

Resolved, on the motion of Mr Gee, seconded by Ms Gibbons: That the Committee determine the return date for any questions taken on notice and supplementary questions during the review of the 2012 – 2013 annual report of the NSW Commission for Children and Young People to be three weeks from the date on which questions are forwarded to witnesses.

6. Public hearing - Review of the 2012-2013 annual report of the NSW Commission for Children and Young People

Witnesses, the public and the media were admitted at 1.27 pm.

The Chair opened the hearing.

The following witnesses from the Commission for Children and Young People were sworn and examined:

- Ms Kerry Boland, Acting Commissioner for Children and Young People
- Mr Gregor Macfie, Director, Policy and Research

Evidence concluded, the witnesses withdrew.

The public hearing concluded at 3.46 pm. The public and media withdrew.

7. Adjournment

The Committee adjourned at 3.47 pm, *sine die*.

Minutes of proceedings of the Committee on Children and Young People (No. 22)

11.45 am, Monday 11 August 2014
Macquarie Room, Parliament House

Members present

Mr Couré (Chair), Ms Gibbons (Deputy Chair), Ms Barham, Mr Blair, Mr Donnelly and Mr Gee.
Staff in attendance: Carly Maxwell, Rohan Tyler, Sasha Shevtsova and Millie Yeoh.

The Chair commenced the meeting at 11.54 am.

1. Apologies

An apology was received from Ms Burney.

2. Confirmation of minutes

Resolved, on the motion of Mr Donnelly, seconded by Mr Blair: That draft minutes No. 21 be confirmed.

Review of the 2012-13 annual report of the Commission for Children and Young People

3. Response to questions on notice and additional questions

The Committee noted the receipt of a response to questions on notice and additional questions from the Commission for Children and Young People, dated 27 June 2014.

Resolved, on the motion of Mr Blair, seconded by Ms Gibbons: That the Committee accept the response and the attachment relating to question no. 7 and publish them on the Committee's webpage.

Resolved, on the motion of Mr Gee, seconded by Ms Gibbons: That the Committee accept the attachments relating to question nos. 4 and 5.

4. ***

5. ***

6. ***

7. ***

8. Adjournment

The Committee adjourned at 4.15 pm, *sine die*.

Minutes of proceedings of the Committee on Children and Young People (No. 23)

1.00 pm, Wednesday 15 October 2014
Room 1136, Parliament House

Members present

Mr Coure (Chair), Ms Gibbons (Deputy Chair), Ms Barham, Ms Burney and Mr Donnelly.

Staff in attendance: Helen Minnican, Rohan Tyler, Kaitlin Peters and Sasha Shevtsova.

The Chair commenced the meeting at 1.06 pm.

1. Apologies

Apologies were received from Mr Blair and Mr Gee.

2. Confirmation of minutes

Resolved, on the motion of Mr Donnelly, seconded by Ms Gibbons: That draft minutes No. 22 be confirmed.

Review of the 2012-13 annual report of the Commission for Children and Young People

3. Consideration of the Chair's draft report

The Chair tabled his draft report, which having been previously circulated, was taken as being read.

Resolved, on the motion of Mr Donnelly, seconded by Ms Gibbons: That the Committee consider the Chair's draft report chapter by chapter.

Chapter 1 read.

Resolved, on the motion of Mr Donnelly, seconded by Ms Barham: That a paragraph be inserted following paragraph 1.58 to read:

"The Committee notes the ongoing community concern about the issue of the sexualisation of children and young people and the impact it is having on the health, welfare and wellbeing of children and young people. The Committee is of the view that this is an important area that warrants serious research and analysis, and ongoing consideration by the Commission. The Committee believes that the Commission should include this issue in its strategic planning and future directions."

Resolved, on the motion of Ms Gibbons, seconded by Mr Donnelly: That Chapter 1, as amended, stand as part of the report.

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Resolved, on the motion of Ms Barham, seconded by Ms Gibbons: That the draft report, as amended, be the report of the Committee and that it be signed by the Chair and presented to the House.

Resolved, on the motion of Ms Gibbons, seconded by Mr Donnelly: That the Chair and Committee staff be permitted to correct stylistic, typographical and grammatical errors.

4. ***

5. ***

6. ***

7. ***

8. Adjournment

The Committee adjourned at 1.42 pm, *sine die*.