

PARLIAMENT OF NEW SOUTH WALES



Committee on Children and Young People  
REVIEW OF THE 2002-03 ANNUAL REPORT OF THE  
NSW COMMISSION FOR CHILDREN AND YOUNG PEOPLE

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Transcript of Proceedings, Written Responses  
to Questions and Minutes

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## Membership & Staff

<b>Chairman</b>	Mrs Barbara Perry MP, Member for Auburn
<b>Members</b>	The Hon Jan Burnswoods MLC (Vice-Chairman)
	The Hon Tony Catanzariti MLC
	The Hon Kayee Griffin MLC
	The Hon Sylvia Hale MLC
	The Hon Melinda Pavey MLC
	Ms Linda Burney MP, Member for Canterbury
	Mr Stephen Cansdell MP, Member for Clarence
	Mrs Judy Hopwood MP, Member for Hornsby
	Ms Virginia Judge MP, Member for Strathfield
<b>Staff</b>	Helen Minnican, Committee Manager
	Pru Sheaves, Project Officer
	Hilary Parker, Committee Officer
	Jenny McVeigh, Assistant Committee Officer
<b>Contact Details</b>	Committee on Children and Young People Legislative Assembly Parliament House Macquarie Street Sydney NSW 2000
<b>Telephone</b>	02 9230 2737
<b>Facsimile</b>	02 9230 3052
<b>E-mail</b>	childrenscommittee@parliament.nsw.gov.au
<b>URL</b>	www.parliament.nsw.gov.au



## Functions of the Committee

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

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



## Chairman's Foreword

On 1 December 2003, the Committee on Children and Young People conducted its first public hearing, which formed the oral component of the examination of the 2002-03 Annual Report of the NSW Commission for Children and Young People. In preparation for the public hearing, the Commissioner, Ms Gillian Calvert, had taken questions on notice covering a wide range of matters contained in the Annual Report. The Commissioner addressed the questions on notice during the public hearing and also answered supplementary questions without notice.

The Commission's Annual Report for 2002-03 was a logical point for the Committee to commence its examination of reports published by the Commission, in accordance with the Committee's statutory functions under s.28(1) of the *Commission for Children and Young People Act 1998*. The Committee has also resolved to examine several other reports published by the Commission in the forthcoming parliamentary session.

The subjects discussed with the Commissioner highlight various aspects of the Commission's work during the last financial year, in relation to: the promotion of participation by children in decisions that affect them; projects to promote and monitor the safety and well-being of children and young people; special inquiries; the provision of advice on issues and proposed legislation affecting children and young people; training and public awareness initiatives; and research into issues affecting children and young people. The Committee's examination of the Annual Report also includes reference to some management issues, such as staffing and financial reporting.

The impact of the *Commission for Children and Young People Amendment (Child Death Review Team) Act 2003*, which inserted revised provisions concerning the Child Death Review Team into the *Commission for Children and Young People Act 1998* and transferred specific functions of the Child Death Review Team to the Office of the Ombudsman, is briefly considered. The reports of the Child Death Review Team are included in the reports to be examined by this Committee.

On behalf of the Committee, I would like to take this opportunity to express our appreciation to Ms Calvert and the staff of the Commission for the information they have provided to the Committee for the purpose of this particular examination. I also wish to thank the Members of the Committee for their contribution to proceedings and their participation in the activities of the Committee during 2003. The Committee will continue to work towards meeting its statutory obligations in a manner that is both constructive and supportive of the work of the Commission and its accountability to the Parliament.

Barbara Perry MP  
Chairman



# Chapter One - Questions on Notice

## THE NSW COMMISSION FOR CHILDREN AND YOUNG PEOPLE ANNUAL REPORT FOR 2002-03

### QUESTIONS ON NOTICE FOR PUBLIC HEARING, 1 DECEMBER 2003

#### CHAPTER 2: OUR RESULTS – A SUMMARY

1. Section 53 of the Commission for Children and Young People Act provides for a review “to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives” Section 16 of the Child Protection (Prohibited Employment) Act contains a parallel provision (p.13). Both reviews are to commence as soon as possible after 8 December 2003 and there is a statutory requirement to table a report in both Houses of Parliament on the outcome of each review before 8 December 2004. Does the Commission anticipate that any issues will be raised during the reviews that will impact significantly on the operation and work of the Commission?

#### CHAPTER 3: BUILDING PARTICIPATION

##### **Ask the Children booklets** (p.18)

2. The Commission has produced *Kids speak out about immigration detention experiences* in its ‘Ask the Children’ series of booklets. The earlier booklets on using medications and getting help appeared to target the professionals who came into contact with children and young people in these areas. At whom was the immigration detention booklet targeted and for what purposes was the booklet produced?

##### **Young People’s Reference Group** (p.19-20)

3. How are members of the Young People’s Reference Group selected and what measures are taken to ensure its members represent young people?
4. What strategies does the Commission employ to inform young people about the work of the CCYP and the assistance it can provide to them concerning the issues on which they provide advice?

**Participation through the website** (p.20)

5. What were the outcomes of the feasibility study investigating increased participation by young people to the work of the Commission, particularly the area of Internet access?

**Advocacy training** (p.20)

6. How does the Commission plan to make advocacy training more generally available?

**Curriculum material on UN Convention on the Rights of the Child** (p.20)

7. In 2002-3 the draft curriculum material on the UN Convention on the Rights of the Child was piloted in 20 NSW primary schools.
  - (a) How was the formal evaluation of these teaching resources undertaken and what were the results? Was it finalised in August 2003 as anticipated?
  - (b) Is there a need and scope to adapt the curriculum material for high schools?

**CHAPTER 4: IMPROVING SAFETY AND WELFARE**

**Working with Children Check** (p.28)

8. *Working with Children Check Audit* – Section 36(1)(f) of the CCYP Act provides the Commission with the function of monitoring and auditing compliance with the procedures and standards for employment screening. At page 28 of the Annual Report for 2002-3 reference is made to the completion of quarterly audits of risk assessment outcomes and their impact on employment decisions (the audit findings are summarised in Table 2).
  - (a) What conclusions has the CCYP drawn in relation to the issues of compliance and standards?
  - (b) The CCYP also audited all approved screening agencies and commenced an employer audit. Are there any findings or preliminary conclusions available from these audits?
9. Table 2 of the Annual Report (p.28) records that in ten cases individuals with a high risk assessment outcome were employed. In general terms, what considerations would be relevant to decisions made to employ individuals who have a high risk assessment outcome?
10. The Annual Report notes systemic improvements by the CCYP to the Working with Children Check eg the elimination of multiple checks of the same person, where that person has used more than one name (p.28). To what extent is there scope for further improvement and in what areas?
11. *The Working with Children Check Risk Assessment Model* - What were the outcomes of the evaluation by the United States Children's Research Centre of the Working with Children Check risk assessment model (p.29)?

12. *Review of the Working with Children Check Guidelines* - Were there any concerns arising from Professor McCallum's review of the Working with Children Guidelines in 2002? Were the findings and any recommendations from Professor McCallum's review utilised in formulating the new draft guidelines? (p.29)
13. *Key judicial decisions* (p.30) – Why is there no reference in the section entitled key judicial decisions concerning the *Child Protection (Prohibited Employment) Act 1998* to the Supreme Court's decision in *Commission for Children and Young People v V* [2002] NSWSC 949 (23 October 2002), given that it analyses key sections of the relevant legislation?
14. In relation to this particular Supreme Court decision, what was the amount involved in payment of the respondents costs of the appeal, which the CCYP was ordered to pay?
15. Having regard to the criticism voiced by the Supreme Court on the failure of the CCYP to instruct counsel to present all relevant material to the Court, what measures has the CCYP taken to ensure that the same conduct and criticism does not recur?
16. Having regard to the concerns expressed by His Honour Mr Justice Young, the Chief Judge in Equity, about the need for expert witnesses engaged by the CCYP to be free from any appearance of bias in favour of the CCYP, has the CCYP made any changes to the procedures followed with respect to its interaction and dealings with such witnesses?

#### **Prohibited Employment** (p.30)

17. The *Child Protection Legislation Amendment Act 2002* provided for exemption applications to be made direct to the CCYP although the CCYP can only grant an order where it forms the view that the applicant does not pose a risk to the safety of children. The avenues of seeking an exemption order through the Administrative Decisions Tribunal or Industrial Relations Commission are still available (p.29). Given that tribunals otherwise exercise these powers, what procedures does the CCYP have in place in regard to the exercise of these functions?
18. The Annual Report indicates that in two cases the Administrative Decisions Tribunal granted exemption orders re prohibited persons, despite the Commission's opposition (p.31). On what basis were the orders granted by the ADT and do these decisions have any general significance for the CCYP's approach to the consideration of exemption orders?
19. Table 3 of the Annual Report notes that there was one appeal by the CCYP to the Industrial Relations Commission against an exemption order decision (p.30). On what basis was the appeal made and was it successful?
20. As the CCYP is not a judicial body or tribunal, in exercising its power to make declarations concerning prohibited persons, does the CCYP still follow and consider itself bound by the interpretation of the relevant statutory provisions reached by the Supreme Court (as if the CCYP were an inferior court)? For example, in relation to the

Supreme Court's interpretation of the meaning of risk in *Commission for Children and Young People v V* [2002] NSWSC 949.

**No-one to turn to Report** (p.33)

21. The report on the CCYP's inquiry into the best means of assisting children with no-one to turn to contains thirty recommendations covering both the Commonwealth and New South Wales jurisdictions. To what extent have the CCYP's recommendations been implemented and how will the CCYP monitor the implementation of these recommendations?

**Most vulnerable kids project** (p.34)

22. Can you explain more fully the 'process model' being developed to meet the needs of young people with multiple problems?
23. What view has the Human Services CEO's group formed of this work?

**Child Protection training strategy for indigenous communities** (p.34)

24. The Annual Report for 2001-2 indicates that the pilot would be "evaluated by surveying agencies and community members to determine the extent to which the project's aims have been achieved". The Annual Report for 2002-3 indicates that overall, the feedback on the project was positive with more requests being received for training. Has the evaluation by agencies and community members been completed and to what extent were the aims of the project realised?

**Child Death Review Team** (p.35)

25. Have the amendments arising from *Commission for Children and Young People Amendment (Child Death Review Team) Act 2003* had any funding and resources implications for the CCYP?
26. What benefits have arisen from the changes to the composition of the Child Death Review Team, to reflect the Team's broader research agenda and the transfer of reviews of child abuse deaths to the Ombudsman?

**Research into children and young people's experience of work** (p.40)

27. In consultation with DET and DOCS, the CCYP is conducting research into the experience children and young people have of work eg work experience, participation in paid and unpaid work, and the impact of work on their well being.
  - (a) What are the results of the data analysis to date?
  - (b) Have any particular trends or issues emerged?
  - (c) How does the CCYP plan to utilise the outcomes of the research?

**Research into children's understanding of well being (p.41)**

28. One of the aims of this research project is to develop a set of indicators that are meaningful to children and young people that can be used to monitor their well being. What are the outcomes of the project thus far?

**Recommendations on child centred and family friendly work-practices (p.42)**

29. The Annual Report refers to the CCYP's plan to commence an assessment in October 2003 of the recommendations on child centred and family friendly work-practices from the inquiry into children and young people with no one to turn to. Has this assessment started and can any preliminary observations or comments be made at this stage?

**Age discrimination recommendations (p.42)**

30. On those particular matters specified as having not received a response from the Commonwealth, eg age-discrimination recommendations made to the Commonwealth Attorney General, how does the CCYP hope to progress these recommendations?

**CHAPTER 6: INFLUENCING ON CHILDREN AND YOUNG PEOPLE'S ISSUES****Advice to others (p.46)**

31. Can you expand on the outcomes from the Commission's negotiations with:
- (a) the telecommunications industry with regard to mobile phones, and
  - (b) the shopping centre industry with regard to fair treatment of children and young people? (p.47)
32. *Advising others* - On page 47 of the Annual Report an outline is provided of the range of matters on which the CCYP provides advice, including State and Federal legislation, and an indication is given at the end of certain chapters regarding the responses by agencies to certain key recommendations made by the CCYP.
- (a) Generally, to what extent are the CCYP's findings and recommendations adopted and implemented?
  - (b) Are any trends seen in the way in which implementation occurs or in the terms of the responses?

**CHAPTER 7: BEING AN ACCOUNTABLE AND EFFECTIVE ORGANISATION****Supporting and working with Commission committees (p.55)**

33. The Expert Advisory Group "assist[s] the Commissioner on the directions and activities of the Commission" and the input of its members "helps the Commission to set strategic directions, providing specialist advice on policy development and implementation issues and steer major Commission projects" (p.55). What level of

Questions on Notice

input and assistance does the Expert Advisory Group provide and to what extent does this advice inform the work of the Commission?

34. Three of the Expert Advisory Committee members have been involved in chairing Commission project committees.
- (a) Are any Expert Advisory Committee members currently chairing Commission projects and, if so, what are the projects?
  - (b) What benefits derive from involving Expert Advisory Committee members in Commission projects in this way?

**Key Performance Indicators** (p.56)

35. Reference is made to the closer alignment of the Commission's Strategic Plan and key performance indicators. What was involved in achieving this alignment and how does it assist the CCYP's strategic and corporate planning processes?

**CHAPTER 8: OUR FINANCES**

36. The Annual Report 2002-3 lists that \$242,000 has been spent by CCYP during the last financial year on consultancies (p.68 - in 2001-2 the amount spent was \$216,000 and in 2000-2001 the figure was \$34,000). What is the reason for the increase in the amount of expenditure on consultancies and to what projects does the expenditure for the current financial year relate?
37. Have the consultancies undertaken by Inspire Foundation, Curriculum Corporation and Cultural Partners (as listed at p.78 of the Annual Report for 2001-2) been completed and what were the outcomes of the consultancy projects?

**CHAPTER 9: ADDITIONAL STATUTORY REQUIREMENTS**

**External Reviews and Risk Assessment** (p.87)

38. Reference is made at p.87 of the Annual Report to an independent review conducted in 2002-3 to provide a threat and risk assessment and gap analysis of the Commission's information security management systems and compliance with the Australian Security Standard (AS/NZS7799). What was the result of the review?

# Chapter Two - Transcript of Proceedings

## **REPORT OF PROCEEDINGS BEFORE**

### **COMMITTEE ON CHILDREN AND YOUNG PEOPLE**

#### **REVIEW OF THE 2002-2003 ANNUAL REPORT OF THE NSW COMMISSION FOR CHILDREN AND YOUNG PEOPLE**

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**At Sydney on Monday, 1 December 2003**

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**The Committee met at 10 a.m.**

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#### **PRESENT**

Ms B. Perry (Chair)

#### **Legislative Council**

The Hon. Jan Burnswoods

The Hon. A. Catanzariti

The Hon. K. Griffin

#### **Legislative Assembly**

Mr J. Bartlett

Mr S. Cansdell

Ms J. Hopwood

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

**CHAIR:** May I welcome you to the first public hearing of the Committee on Children and Young People. I hope that this and future public hearings will provide a valuable forum where issues impacting on the Commission and its role in promoting the well-being of the children and young people of New South Wales can be productively investigated by the Committee with your assistance. Today the Committee will be reviewing the Commission's 2002-2003 Annual Report and it has already provided to you written questions on notice. The Committee is pleased to hear your evidence today. Do you wish to make an opening address?

**Ms CALVERT:** I do, thank you very much.

Our efforts over the past 12 months at the Commission continue to build on our work as an independent organisation that advocates for children and young people in New South Wales. Our mandate is to be an independent voice for children and young people and to influence broad, positive change for the benefit of children and young people.

To do this we are guided by the principles of the Commission which are listed on the overhead. Those principles are based in our legislation, the *Commission for Children and Young People Act 1998*.

We have in place a range of strategic planning and management systems and practices to monitor and report on our results and our performance. This is reflected in the structure of our Annual Report. We have reported against the five key result areas that we use to focus our work and to make New South Wales a better place for children and young people.

The key result areas were identified through our strategic planning when we first were established four years ago. Under each key result area we have implemented a range of activities that work towards that result. The first one involves building children and young people's participation so that their contribution is valued and they influence things that are important to them. For example, this year, as part of our "building participation" key result area, we worked with the Department of Education and Training and NSW Health to support children and young people organise and participate in the Summit on Childhood Obesity.

We also expanded our "Ask the Children" series, which helps kids' views about issues that affect them become known to key decision makers and the community. These issues included promoting kids' views to over 10,000 people about how kids seek help and the kind of help they find useful when life gets tough. We also asked kids about their experiences in immigration detention centres as part of our submission to the inquiry by the Human Rights and Equal Opportunity Commission. We sent out more than 2,500 copies of these views to key stakeholders to help inform policy development regarding vulnerable children and young people.

A second key result area is improving safety and welfare. In 2002-2003 we coordinated background checks on more than 265,000 people to help reduce the risk of

unsuitable people working with children and young people. Out of these checks there were 411 people with a relevant record requiring a risk assessment and 92 of those people were rejected for child-related employment.

To measure how well the check is working, we also audited the risk assessment outcomes and their impact on employment decisions. We audited the period 1 April 2002 to 31 March 2003. This audit revealed that 72 people were rejected on the basis of the risk assessment.

We also undertake research so that risks and disadvantages experienced by children and young people are identified and reduced. We have published and tabled a *Report on Suicide and Risk-Taking Deaths of Children and Young People*. This report examines the deaths of 187 children and young people aged 12 to 17 who died from suicide and risk-taking from January 1996 to December 2000 in New South Wales. This report provided new information about children and young people's behaviour in this area of community concern. In particular, the report revealed that 26 of the children and young people who died by suicide had experienced enduring difficulties at school and these children or young people had typically experienced one of three school-related problems: HSC stress, severe learning difficulties or problems in peer relationships, such as bullying. The media coverage of this report was extensive and 1,790 copies of the report were sent to key stakeholders and we have now presented the findings at five conferences. The research findings from this report are being considered in the Government's review of the New South Wales suicide prevention strategy.

The third area of our results is strengthening children and young people's well-being so that they enjoy strong and healthy relationships and get the support they need to thrive. We developed information to help young people with the most important relationships in their lives, which are family and friends. The information aims to strengthen their well-being by developing and enhancing their relationship skills.

In partnership with *Girlfriend* magazine, we have reached 50,000 young people in metropolitan and rural New South Wales with articles about building stronger relationships with their families and friends. Over four issues starting in September 2002 the Commission provided articles and case studies to give young people tips and advice for dealing with difficulties in their relationships and we incorporated into the magazine a feedback mechanism to get kids' views from *Girlfriend* readership about what they thought was important.

We also influence children and young people's issues as another way of fulfilling our legislative responsibilities. We did that in 2002-2003 by providing advice on 107 policy issues; reviewing 11 pieces of legislation and presenting 12 submissions on issues affecting children and young people's lives. That included things like child care standards, equal age of consent, transport safety and obesity.

Our final key result area is being an accountable and effective organisation. As part of this key result area, during 2002-2003 we have met all our corporate personnel management and financial reporting requirements in areas such as budget estimates and workforce profile data; we have completed four internal audits on leave management, records management, website security and email and internet usage. We are pleased to note that there were no

recommendations arising from the website security audit. The recommendations on leave management have been implemented and the remaining two audit review recommendations were released late in the financial year and will be implemented in the 2003-2004 financial year.

We also asked our young people's reference group to consider and comment on 27 of our projects, including our strategic plan, proposed new legislation and policies. We expended 99 percent of our budget allocation and paid 99 percent of our accounts in accordance with Government regulatory requirements. As well as this, we met all our external audit requirements with the auditor reporting compliance with section 45E of the *Public Finance and Audit Act*.

In concluding, I would like to acknowledge that it has been a successful year for the Commission and to also acknowledge the important role this Committee plays in making us an accountable organisation. Appearing before you today gives us, the Commission, the opportunity to demonstrate our transparency and our accountability and I welcome the opportunity to explore some of these issues in more detail.

**CHAIR:** There may be some questions that are not on your list that may arise but could I start with the first question.

Section 53 of the Commission for Children and Young People Act provides for a review "to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives". Section 16 of the Child Protection (Prohibited Employment) Act contains a parallel provision. Both reviews are to commence as soon as possible after 8 December 2003 and there is a statutory requirement to table a report in both houses of Parliament on the outcome of each review before 8 December 2004. Does the Commission anticipate that any issues will be raised during the reviews that will impact significantly on the operation and work of the Commission?

**Ms CALVERT:** The review will be a consultative process. I really do not want to pre-empt the findings of that review. However, I would anticipate it will result in fine-tuning of the Commission for Children and Young People Act and the Child Protection (Prohibited Employment) Act rather than a major restructuring of the Commission. I think there will be some changes in the complex area of the Working with Children Check and I would anticipate most of the changes will occur in that area. However, I do not want to anticipate what those changes might be, given it will be a consultative process.

**CHAIR:** Are you in a position at this stage to indicate whether the mechanics of the review have been determined?

**Ms CALVERT:** The review is the Minister's review, so she is responsible for appointing somebody to do the review. My understanding is she is appointing an independent chair and we will provide secretariat support to that independent chair. I anticipate that there will be a discussion paper released and then submissions and meetings will occur around that discussion paper with a specific section and process looking at consulting with children and young people. The work has commenced.

**Mr BARTLETT:** I am coming, if I may, from your introduction. When you look at the 23 pieces of legislation, when do you actually get input into that legislation?

**Ms CALVERT:** At various stages, and that depends on the particular legislation. Sometimes it is when the idea has been canvassed by a particular agency. Other times it is when there is a Cabinet Minute, and our advice is sought on that, or it can be after the Bill has been tabled in Parliament. It depends on who is asking and whether people have thought that this might have an impact on children and young people.

One of the things that we have found is that people generally ask us if it has got "children" in the title and if it is around a social welfare issue. People are not so good in thinking about impacts of legislation that does not have "children" in the title. Often, however, that legislation can have a big impact on children, so we might contact that agency and say, "We would be interested in giving you our point of view".

**Mr BARTLETT:** So you become aware when somebody, hopefully, refers it to you or there might be an article in the newspaper?

**Ms CALVERT:** Yes, all of those things happen and we take up all those opportunities, if we think it is going to have an impact on children that we can either amplify because it is going to be a positive impact or diminish if we think it is going to have a negative impact on children and young people.

**Mr BARTLETT:** When you were talking about the suicide booklet and the figures you produced for New South Wales, a couple of years back I was trying to get funding for some local children involved in activities and at that stage I think there were about 200 million there and Tony Anthony or one of the Anthony's - Larry, that is right - Larry Anthony was running that area in the Commonwealth. Do you have relationships with Federal and to what extent?

**Ms CALVERT:** I have quite a lot of contact with Larry Anthony, the Minister for Children and Families. In fact, only last week he was sponsoring the dinner at the Ninth Australasian Conference on Child Abuse and Neglect. So I have quite a bit to do with him both formally and informally and we consult over a number of issues. We also have contact with other Ministers or shadow Ministers at a Federal level as well. Certainly in relation to the immigration detention issue we have had contact with a number of Ministers. We have met with the senior policy advisers of the Prime Minister's office, the Minister for Foreign Affairs and the Minister for Immigration.

**Mr BARTLETT:** Thank you for that. Back to my question on notice. The Commission has produced *Kids speak out about immigration detention experiences* in its "Ask the Children" series of booklets. The earlier booklets on using medications and getting help appeared to target the professionals who came into contact with children and young people in these areas. At whom was the immigration detention booklet targeted and for what purposes was the booklet produced?

**Ms CALVERT:** The "Ask the Children" series is designed to help make kids' views accessible and known to opinion leaders and decision makers. The immigration detention issue is one that arose because we were invited by the Human Rights and Equal Opportunity

Commission to make a submission on their Inquiry into Children in Immigration Detention Centres.

We chose to interview ten children about their experiences and base our submission on those ten children's views and to assess what they told us against the United Nations Convention on the Rights of the Child. We then made that research into one of the "Ask the Children" series, and that is the booklet that we showed you in the opening remarks. We have used it to inform a number of people about children in immigration detention centres, Commonwealth parliamentarians, State parliamentarians. We have also sent it to young people themselves; *Girlfriend* magazine picked up the issue and published an article in their September issue. So the idea is to influence opinion leaders' views about things that matter to children and young people.

**Mr BARTLETT:** Was it only in English?

**Ms CALVERT:** Yes, it was only in English, although I have met with a number of culturally and linguistically diverse groups and spoken with them about the experiences in relation to detention centres. I have been invited to the Auburn Migrant Resource Centre in the next couple of weeks and that invitation arose because they read the "Ask the Children" booklet on immigration detention.

**Mr CANSDELL:** On the Young People's Reference Group, how are the members of the Group actually selected and what measures are taken to ensure its members represent the young people themselves?

**Ms CALVERT:** I think it is important to note that the Young People's Reference Group is only one of the mechanisms that the Commission uses to seek the views of children and young people. We use other methods as well. You would have seen this during the recent Alcohol Summit.

Reference Group members are selected after a process of nomination, short listing and an interview and then I appoint 12 people based on that filtering process. Each year we try and balance the background of members so that over time we cover the State, the range of culturally and linguistically diverse communities and the range of different experiences, life experiences and life-styles that kids in New South Wales may have. For example, this year we are targeting young people from Pacific Islander background because we have not had anybody from a Pacific Islander background yet represented on the Young People's Reference Group.

I think it is important to note that no 12 young people can represent all of the young people in New South Wales, so we do need to look at it over time. I think we have been very representative when you look at the range of groups that have been on the Young People's Reference Group over the past four years. When I look at the representative nature of some of the adult committees that I sit on I think we are doing a much better job of reflecting the diversity of our constituency than those adults committees sometimes do.

**Mr CANSDELL:** Further to that, I know it is hard to reflect the views of a lot of young people but do you find that the young people you are getting on the Reference Group are

from the achiever side of that area? I have found to try and get the non-achievers involved is very difficult. Do you find that that is what is happening?

**Ms CALVERT:** I do not think they are achievers in the traditional sense of achievers. They are certainly not all wealthy and they are certainly not all from selective high schools or private schools and so on. We have kids who have disabilities; we have kids in care; we have a range of different kids. What I would say though that probably distinguishes these kids is that they have a sense of community and public good and they have a commitment to try to do something about the world in which they live. It is this characteristic I think that sets them apart from, say, perhaps others in the population.

I guess that is also why we try and use a range of different ways of seeking kids' views. We will often do focus groups with kids so that we get different sorts of kids or kids that do not have that sort of notion of the greater good. We might do a focus group in a detention centre or a treatment centre or something like that to try and reach a wider range of kids but wider in the sense of varying levels of commitment to the greater good.

**Mr CANSELL:** I suppose that is your answer to the next one: What strategy does the Commission employ to inform young people about the work of the CCYP and the assistance it can provide to them concerning the issues on which they provide advice?

**Ms CALVERT:** I see the goal of the Commission as being to encourage opinion leaders and decision makers to understand kids' issues and to take actions to support children's development. With that goal in mind we do need to have regular contact with a cross-section of children and young people so that our advocacy is informed by the realities of their lives and not what we might hope the realities of their lives are. We need to go and meet with primary school kids, because we do not have primary school kids on our Young People's Reference Group. We need to talk with people who work very closely with kids under five, so we get to experience and understand the reality of their lives, so that we can represent the issues for the whole cross-section of children and young people in New South Wales.

In relation to the information and referral function, the Inquiry into children who have no-one to turn to showed quite clearly that the people kids turn to are their families; health care centres and services do not really feature in children and young people's lives very much. So if kids need help, then they will turn to their families and friends for that help. The one service that we found had almost universal recognition by children and young people was Kids Helpline and over 90 percent of kids recognise and know how to contact Kids Helpline. So rather than duplicate that - we could not ever hope to get that sort of awareness about the Commission, we do not have that sort of budget - we have chosen to support Kids Helpline as the place that kids turn to if they need information and referral for services and for advice.

**Mr CANSELL:** Does Kids Helpline give you information that can help you in decision making?

**Ms CALVERT:** Yes, they do. The "Ask the Children" series that looked at how children seek help was done jointly with Kids Helpline. They conducted a survey for us of 200 of their callers to ask about how kids seek help, what encourages kids to seek help and what it is about the people who kids turn to that makes them good people to turn to; so we work quite

closely with Kids Helpline around those sorts of issues. We have chosen to support them and partner with them, rather than duplicate the great work that they are already doing.

**The Hon. KAYEE GRIFFIN:** What were the outcomes of the feasibility study investigating increased participation by young people in the work of the Commission, particularly the area of internet access?

**Ms CALVERT:** Well, we have certainly been exploring the advantages and disadvantages of kids' online participation. There are a number of issues when you start to unpack it. There are issues around user safety; access to the internet; there are logistical issues about the different sizes of people's computers and downloading and uploading time and so on, and there are a lot of challenges in operating a successful online forum. I think that has become clear as we have contacted other agencies that run online forums with children and young people and started to explore their experience. They have advised us that establishing online forums requires quite extensive preparation and is quite resource-intensive to run because you cannot allow it to run by itself, you really have to mediate it, which then means you have to devote a staff member's time to sitting on the internet during the time that the online participation is occurring. I think, as evidenced by Microsoft recently shutting down its chat rooms, there are significant safety issues and risks associated with online participation as well. So we are continuing to explore those issues this year and hopefully make a decision either way, whether we are going to go down that path or whether we will invest our resources and time in some other way of getting kids involved and aware of the issues that the Commission is working with.

**The Hon. KAYEE GRIFFIN:** In those investigations, do you have any figures or percentages perhaps in relation to how many children have access to computers and internet apart from, say, schools and libraries and so on, the percentage in homes?

**Ms CALVERT:** That figure is available and I will take that question on notice, because I do not want to give you the wrong figure. Most kids have internet access via schools and libraries, so there is quite good accessibility, but the question you are asking is whether it is home-based accessibility.

**The Hon. KAYEE GRIFFIN:** Yes, and the other question following on from that might be in terms of people who come from non-English speaking backgrounds, how easy is it to have something in terms of the internet or computers that is user-friendly, without going into the areas that we were talking about and the dangers that may occur, particularly if a child is from a non-English speaking background?

**Ms CALVERT:** I will take that on notice.

**The Hon. KAYEE GRIFFIN:** How does the Commission plan to make advocacy training more generally available?

**Ms CALVERT:** We developed Speak Up Speak Out, which is our advocacy workshop, to develop the knowledge and skills and capabilities of the young people themselves. In the financial year 2002-2003, over 150 young people participated in advocacy training with the Speak Up Speak Out workshop. It is VTAB accredited, so participants can receive credit towards other courses. We plan to make it more available through a licensing arrangement, so

we will license other agencies to run the Speak Up Speak Out course. The Department of Education and Training, the Create Foundation and the Youth Action and Policy Association have indicated that they are interested in coming in under licence with the Commission to run Speak Up Speak Out, so we are hopeful that it will begin to spread more widely.

**The Hon. JAN BURNSWOODS:** On the curriculum material that the Commission has prepared on the UN Convention on the Rights of the Child which has been piloted in 20 New South Wales primary schools, can you tell us whether the formal evaluation of these teaching resources has been undertaken and what were the results? Was it finalised in August, as you anticipated in the Annual Report?

**Ms CALVERT:** For kids to learn about human rights issues it should happen in an interactive, fun way. We jointly developed and piloted some teaching materials for use in primary schools. During Term II of this year the materials were piloted in 20 government and non-government schools across the State. Initial feedback from teachers, students and parents indicated that, although there was a need for resources on the UN Convention on the Rights of the Child, they were not confident that the pilot materials that we developed were the most appropriate way to do that or the most appropriate format for classrooms.

Because we are committed to evaluation, partly because we do not want to go down a path that is not going to work and we do not want to waste precious resources on things that will not get used, we did undertake a formal and independent project evaluation and it was completed in August of 2003. It was undertaken by an independent external consultant, because we had been responsible for developing the material. The consultant used a variety of methods: feedback sheets from teachers evaluating the training sessions conducted by the contractor about how to use the resources; pre and post questionnaires for students and parents to judge the impact of the resources on their knowledge and understanding of human rights; pre and post surveys of participating teachers about the suitability and appropriateness of the resources; and the contractor did phone interviews with teachers and principals at the conclusion of the pilot. The evaluation found there was a need for primary level resources based on the UN Convention on the Rights of the Child. However, the format, content and style of the current project did not satisfy this need and they therefore recommended that we should not proceed with the project.

We have met with the Department of Education and Training and discussed the findings of the evaluation report. It was agreed that it would be quite intensive to modify the resources and we would have to re-evaluate. We have decided not to continue with this project. We have had discussions with the Human Rights and Equal Opportunity Commission, because they have developed some web-based resources for secondary schools, and have said to them that if at any stage they want to look at doing material for primary schools we would be happy to provide them with both our resources and the evaluation as a basis for them to continue the work.

**The Hon. JAN BURNSWOODS:** Given what you have said about not continuing, I was going to ask whether there was a need to adapt the material for high schools. Is it too complex for primary schools; would it be better thought of in the future perhaps as a high school issue?

**Ms CALVERT:** There are already materials developed by the Human Rights and Equal Opportunity Commission for secondary schools and they seem to be well received. I am not aware if they have done an evaluation of their material, but they certainly have been promoting their material in secondary schools. We will continue to support their work rather than try to transform this work to make it relevant to secondary schools. Part of the issue is that we try to align our material to the curriculum, so it fits with particular curriculum and that curriculum does not transfer over to secondary schools, as you would be aware, so it is probably not that easy to transfer it over to secondary schooling. We have offered to the Human Rights and Equal Opportunity Commission that if they are going to develop primary school material we are more than happy to give them our material and our evaluation.

**Ms HOPWOOD:** With reference to what you have said about the Working with Children Check, section 36(1)(f) of the CCYP Act provides the Commission with the function of monitoring and auditing compliance with the procedures and standards for employment screening. At page 28 of the Annual Report for 2002-2003 reference is made to the completion of quarterly audits of risk assessment outcomes and their impact on employment decisions. The audit findings are summarised in table 2. What conclusions has the CCYP drawn in relation to the issues of compliance and standards?

**Ms CALVERT:** Well, generally the audits have identified that employers have incorporated the Working with Children Check into their recruitment processes well and they are satisfied with the way the check is being done and they support it.

There are some areas where compliance has not been uniform. We have found that almost half of the employers audited offer employment to the applicant before the check has been completed. This offer may be predicated on the subsequent check outcome, so yes, you can have the job providing that you have a clear Working with Children Check. The legislation and guidelines envisage that this would occur and allow for that to occur. Employers also do not understand their full range of obligations yet. For example, they are not sure which positions are child-related positions and therefore require a check to be done. I have to say probably they err on the side of caution and so we have more checks being done than are required, so I am not unhappy about that. I would be more concerned if it was the other way around.

We will use the launch of the new Working with Children Check guidelines in 2004 to refresh and educate employers both about their need to wait until the check is completed before they offer someone employment and also to clarify which positions fall under the definition of child-related employment.

The audit of the Approved Screening Agencies is yet to be finalised and, while the audits of individual agencies were completed in 2002-2003, we are bringing them together as a whole so that we get a much better idea about what some of the broader trends are.

**The Hon. TONY CATANZARITI:** Table 2 of the Annual Report records that in 10 cases individuals with a high risk assessment outcome were employed. In general terms, what considerations would be relevant to decisions made to employ individuals who have a high risk assessment outcome?

**Ms CALVERT:** We completed 269 assessments in 2002-2003, between April 2002 and March 2003. 69 of those were considered high risk and 10 of those 69 were employed, as you said. Employers take into account a range of factors when they are deciding whether or not to employ somebody in a high risk position. Generally they say they employ high risk people because the person was well known to them or a family member; the person worked for them previously and was a good employee; no other suitably qualified or experienced person was available, or they adjusted the role and increased the level of supervision so that they, in effect, reduced the risk or did what they felt would reduce the risk. Even when an employer chooses to employ a person who has been assessed as high risk, we are still finding that the check is quite an effective tool because it alerts the employer to the possibility of risk with this particular employee and so they generally will increase the level of supervision and support available to that person.

Of those ten high risk cases, when we conducted the audit we found that: five had already left the job, so when they got the outcome of the risk assessment, even though they might have been in the position, they then left; one was considered the right person for the job and so had remained in the job; one was personally known to the employer; two were removed from child-related employment after receiving the risk assessment and placed in another part of the organisation; and one had already been removed from child-related employment. So even though it looks like ten people have been employed, when you dig down into what their current status is, we found that only two of the ten were in child-related employment. So of the 69 assessed as high risk, by the time we conducted the audit only two were employed in child-related employment.

**CHAIR:** Just continuing with this area of the Working with Children Check, I think the Act itself only covers Government organisations and some non-Government organisations, so therefore employee/employer relationships. Does it cover sporting organisations?

**Ms CALVERT:** No, child-related employment in the Commission for Children and Young People Act is not divided between Government and non-Government. The definition of child-related employment is someone who is primarily employed in a job where there is direct contact with a child and there is no supervision. It has to be an essential requirement of the position that you are in direct contact with a child and there is no direct supervision. It is further, if you like, circumscribed by mixing a range of types of work or industries that it applies to: schools, sport, cultural events, hospitals and so on. So it is a particular definition that applies and it is to do with the nature of the work, rather than whether you are a public or private employer or employee.

**Mr BARTLETT:** A local council is an employer and it delegates under section 355(b), I think it is, of the Act how a committee performs its functions, a choir committee, a band committee, something like that. If that organisation and if that subcommittee then organises, say, home hosting of an overseas tour, does the council have a liability?

**Ms CALVERT:** The employer of the home hosting has an obligation. I do not know the status of the committee. Are they subcontracting to friends of children or something?

**Mr BARTLETT:** No, if we are on a 355(b) committee on a council, we would have delegated to us a certain amount of money and we would then take part in overseas

exchanges. If we have got an inbound tour of a choir from overseas and we are trying to place those children in our local community, does the council have any responsibility?

**Ms CALVERT:** I will take that on notice because I do not want to give you wrong advice.

**Ms HOPWOOD:** I belong to one particular Rotary club and that Rotary club has instituted Working with Children Checks on all of its members. Obviously that is not an employment situation, but because of incoming exchange students. What are your comments on the necessity for that?

**Ms CALVERT:** Employment also has a particular definition under the Commission for Children and Young People Act as well. It is not only paid employment but also volunteer and students placement and subcontractors. So if you are providing a cultural experience or a sporting experience or some sort of youth movement type experience, then you would fit under the definition of child-related employment.

**Ms HOPWOOD:** Even if you did not have the child in your house, you were just part of--

**Ms CALVERT:** Sorry, no, if they were staying in your house you should be completing a Working with Children Check. It would depend on the nature of the work that you were doing. Just being a member of the committee would not mean that you would have to complete a Working with Children Check, but if you were a member of a committee who spends time with the child where there was no supervision and that was a function of your role as a member of the committee, then you probably would need to do a Working with Children Check.

**Mr BARTLETT:** So anybody on a committee which is a council subcommittee looking after choirs or bands or any cultural or sporting event would probably need to get that committee's members checked?

**Ms CALVERT:** No, not unless as part of committee membership you are required to have direct, unsupervised contact with the children.

**Mr BARTLETT:** If you are a home host?

**Ms CALVERT:** It might be home hosting; it might be that you take them on a tour somewhere; you might take them shopping for the afternoon as part of your duties as a member of the committee; you might have to give them private singing lessons, whatever.

**Ms HOPWOOD:** Councils and clubs like Rotary clubs would be more advised to actually have children checks on everybody because it could be a one-off situation.

**Mr BARTLETT:** I pick them up.

**Ms HOPWOOD:** That is exactly right.

**Ms CALVERT:** If you are picking them up from the airport and you are taking the child to their host family or whatever and that is a requirement of your role of being on the committee, then you would be in direct, unsupervised contact with children.

We have commenced the volunteer and students on placement project where we are looking at how we can support organisations such as Rotary and so on to become child friendly and child safe. I get advice from a committee of people about this particular project. I have representatives from the YWCA, the Spastic Centre and Surf Lifesaving on that committee. They are advising that checks are important but probably not the most important thing that we should be doing. They have recommended, and I have now accepted that recommendation, that we move into doing much more work around helping organisations strengthen their internal processes and policies and practices around recruiting volunteers and managing volunteers, because that is shown to have as much, if not more, effect than conducting the actual check itself. We would agree checks are important, and go on to say there are other things that you should also be doing. Organisations should have these in place before they go down the checking path.

**CHAIR:** I was at a forum the other day where a sporting organisation discussed issues and indicated that there were increased costs, et cetera, and one of their increased costs included, and I don't know why, Working with Children Checks, but that is not my question. The reason I thought of it was when I think about the local sporting organisations in my community, a lot of people are volunteers, and whilst you need to do them, the Working with Children Check itself is not enough but you need to go back one step to look at how people are recruited into these organisations, and I think that is a good thing.

Moving on from that, what I am wondering is do you have an evaluation or assessment of sporting organisations on whether they are actually conducting these checks and how effective they are?

**Ms CALVERT:** No, we have not specifically assessed or evaluated sporting organisations. The Department of Sport and Recreation may have done something that I am not aware of. I would make a general comment that I think that there is increased awareness in the sporting world about the need to look at child protection. I was talking to somebody who works for the New South Wales Institute of Sport yesterday and she had just come back from a national meeting of sports institutes and they now provide child protection training for all of their coaches and athletes as part of their induction program. So I think there has been a number of positive moves in the sporting world. Certainly, checks are being done by sports clubs, where they are paid employees. I also have a sense that sporting clubs are filling out the prohibited employment declarations, because a number of them have complained to me that they have to do it. The review of the legislation offers an opportunity to review how that is all going, and is why I think, as I said earlier, most of the changes as a result of the review will probably be in Part 7 of the Commission for Children and Young People Act.

**Mr BARTLETT:** If I send a soccer team to Japan with the local soccer club and they are being home hosted, does the soccer committee that is sending them have any sort of responsibility? They do not have any control at all over those postings, where they go to.

**Ms CALVERT:** That is a question of liability and my advice would be obtain legal advice. It is a different issue to how the check operates in New South Wales.

**Mr BARTLETT:** I presume depending on which solicitor you would ask, you would get a different answer.

**CHAIR:** Unless there are any more questions on Working with Children Checks that people want to particularly ask, I am wondering, because of time issues, whether it would be worthwhile having those questions on notice and a report provided back, unless there is a specific question you would like to ask before moving on to another area. I just want to hear the Committee's views on that. There might be just one question I will ask from that section, and that is key judicial decisions last year, question 13.

There is no reference in the section of the Annual Report for 2002-03 entitled "Key Judicial Decisions" concerning the *Child Protection (Prohibited Employment) Act 1998* to the Supreme Court's decision in *Commission for Children and Young People v V*, given that it analyses the key sections of the relevant legislation. Can you indicate why there was no reference and what happened there?

**Ms CALVERT:** I think that judgment provides useful insight into the court's view of the operation of the Child Protection (Prohibited Employment) Act, but I did not think it constituted a key judicial decision impacting on the operation of either the Commission or the Act, so I did not refer to it in the Annual Report. It provides insight, but it was not really something that I would see as a key judicial decision as it did not change the way in which the Act was interpreted.

**CHAIR:** I think there was a question of costs of the appeal?

**Ms CALVERT:** Yes.

**CHAIR:** Was the Commission ordered to pay those costs?

**Ms CALVERT:** We were required to meet the respondent's costs of \$8,650 and--

**CHAIR:** That happens.

**Ms CALVERT:** That happens. Sometimes you are ordered to pay costs, and we were ordered to pay costs.

**CHAIR:** Having regard to what seemed to be criticism in the judgment, in all fairness, by the Supreme Court on the failure of the Commission to instruct counsel to present all relevant material to the court, what measures have you taken to ensure that the same conduct and criticism does not recur?

**Ms CALVERT:** The Crown Solicitor's Office, which acts for the Commission in all of these matters, has amended its practices in the light of the Supreme Court's comments. Their solicitors are now required to distribute new judgments in the prohibited employment field to all other solicitors within the community law team, so that the solicitors acting for the Commission will be alerted to the most recent cases put before the courts. The Supreme Court has also made comment on the use of expert witnesses by the Commission. It was unfortunate that, in relation to *V*, the expert witness did change her initial report rather than

provide any supplementary report, thereby giving rise to the suggestion of bias. The Crown Solicitor's Office, where it now considers it necessary in the light of new information, requests that an expert witness provide a supplementary report taking into account that new information and both the supplementary report and the letter requesting it are filed with the court. So the Crown Solicitor's Office has amended its practices in the light of those comments by the Supreme Court.

**CHAIR:** At the end of the day, what a lot of this boiled down to was the practice of the Crown Solicitor's Office. It is quite strange, having come from a legal background, where there is new information, that that was not thought of to begin with and that is a concern in itself and it is good to see that that has happened. Is there an actual written protocol at the Crown Solicitor's Office or is it just an in-house practice that has changed?

**Ms CALVERT:** I would not be in a position to answer that.

**Mr BARTLETT:** The Annual Report indicates that in two cases the Administrative Decisions Tribunal granted exemption orders re prohibited persons despite the Commission's opposition. On what basis were the orders granted by the ADT and do these decisions have any general significance for the CCYP's approach to the consideration of exemption orders?

**Ms CALVERT:** Some exemption applications the Commission does not oppose because we do not think the person is a risk to children. In other cases we will oppose the application outright and in yet other applications we believe that there is some risk which can be ameliorated by the setting of conditions on the order. In both cases referred to in the Annual Report the Commission recommended to the ADT that conditions be placed on the orders granting exemption to the two people who had made the application.

**Mr BARTLETT:** And were they?

**Ms CALVERT:** No, the Tribunal chose to grant the orders without conditions. They are an independent tribunal; they had considered all the matters. We put our case forward and the Tribunal made its independent decision, which was to grant the orders without conditions.

**Mr BARTLETT:** How does that impact on your consideration of exemption orders?

**Ms CALVERT:** We will continue to act in the best interests of children and if we think that somebody is a risk to children we will continue to oppose the application for exemption or we will ask that conditions be placed on the granting of any order that is made. We will continue to act independently and present our views to the Tribunal.

**Mr BARTLETT:** In a case where you feel strongly enough to appeal--

**Ms CALVERT:** We cannot appeal because we do not like the decision, we can only appeal if there is an error in law, and in neither of these cases was there an error in law. The Tribunal reached a different decision than we had reached about the level of risk that these two applicants posed.

**Mr BARTLETT:** Given that you have bells ringing, do you just keep an eye on that situation then?

**Ms CALVERT:** Legally I cannot do anything. The Tribunal has heard the evidence, it has followed the legal procedure and has made its decision. There is not much else I can do.

**Mr CANSDELL:** Table 3 of the Annual Report notes that there was one appeal by the CCYP to the Industrial Relations Commission against an exemption order decision. On what basis was the appeal made and was it successful?

**Ms CALVERT:** Yes, it was. We thought that there had been an error in law, so we appealed to the Full Bench of the Industrial Relations Commission. It was in response to a decision by a Commissioner of the Industrial Relations Commission that a sexual offence committed against an adult was not a relevant offence for the purposes of the Child Protection (Prohibited Employment) Act. We appealed to the Full Bench of the Industrial Relations Commission saying that convictions against adults should be considered as part of the Child Protection (Prohibited Employment) Act and we were successful. So it is now beyond doubt that anybody who has a conviction for an adult sexual offence is captured by the Child Protection (Prohibited Employment) Act. If we had not appealed that initial decision it would set a legal precedent that would have excluded a number of people from the operation of the Act that Parliament clearly had determined should be captured by the Act.

**Mr CANSDELL:** As the CCYP is not a judicial body or tribunal, in exercising its powers to make declarations concerning prohibited persons, does the CCYP still follow and consider itself bound by the interpretation of the relevant statutory provisions reached by the Supreme Court as if the CCYP were an inferior court? For example, in relation to the Supreme Court's interpretation of the meaning of "risk" in *Commission for Children and Young People v V*?

**Ms CALVERT:** The *Child Protection Amendment Act 2002*, which gives me the power to grant exemptions, does not require the Commission to act like a court in making its decisions. The Commission's processes, unlike the Administrative Decisions Tribunal and the Industrial Relations Commission, are paper based and we do not have hearings, so it is a different process to the Administrative Decisions Tribunal and Industrial Relations Commission process. Nonetheless, our procedures are based on legal precedent and the principles of natural justice. We have a set of procedures to guide our operation in relation to section 8 of the Commission for Children and Young People Act. The Crown Solicitor's Office has reviewed these procedures and we are currently making amendments to reflect the Crown Solicitor's Office advice. The Crown Solicitor's Office has advised that we do not need to use the legal standard of the balance of probabilities in refusing an exemption order. Nevertheless, I have granted exemption orders only where the enquiries into the applicant's history have not revealed any factors which indicate he or she may pose a risk to the safety of children. Where I have the information that suggests that there may be a risk to children, I refuse the application and advise the prohibited person that they can make an application under the Administrative Decisions Tribunal or the Industrial Relations Commission.

**The Hon. KAYEE GRIFFIN:** The report on the Commission's inquiry into the best means of assisting children with no one to turn to contains 30 recommendations covering

both the Commonwealth and New South Wales jurisdictions. To what extent have the Commission's recommendations been implemented and how will the Commission monitor the implementation of these recommendations?

**Ms CALVERT:** The report of our inquiry was tabled in October 2002 and really we have tried to frame it as an invitation for society and our community to change the way it thinks about and treats children and young people, and in particular to understand the centrality of relationships in children's lives and in children's well-being.

We have approached the implementation of the inquiry's findings from the point of view of getting our message across rather than trying to get our particular recommendations implemented. We are focused on getting that important message about the importance to children of their relationships and the need to strengthen children's relationships out into policy makers' and decision makers' thinking.

We have found that we have been quite successful in getting that message out. I am certainly now having reflected back to me the importance of children's relationships and connections between children and their families, children and their communities, children and their schools. People are using a different language. People are raising it as an issue that we need to consider. I think we can see that in things like the expansion of Families First; the trial of smaller classrooms, particularly with kindergarten, which was one of our recommendations; measures to reduce bullying, which again was one of the recommendations, and for example the growth of the Indent Program, which funds children and young people's entertainment activities. I think there is evidence that our message is getting across and some of the specific recommendations are being reflected in the work of other groups.

We are in the process of employing a senior evaluation officer who will assist us in working out how we can more formally evaluate the impact of the report and the take-up of the recommendations.

**The Hon. JAN BURNSWOODS:** I have a couple of questions on the most vulnerable kids project: You refer to the fact that the project has developed a process model. Can you explain more fully what that is?

**Ms CALVERT:** Services have difficulty working with young people who have multiple and complex problems, as you know, such as homelessness, psychiatric illness, drug and alcohol abuse and so on, and these young people need services from a range of agencies. We have worked with some of the other human service agencies and identified a number of barriers to those kids being able to get access to services or get the help that they need. The sorts of things we found were that the agencies see different kids as the most vulnerable, so they have different definitions or criteria for who is a vulnerable kid. The Department of Education and Training may see a kid as being vulnerable, but none of the other services have that same definition of vulnerability, so when they go to get services for that kid they cannot get them because they do not meet that other agency's definition of vulnerability. There is also a barrier created by the agency's unwillingness to spend resources on someone else's problem; they do not want to use their own scarce resources on another agency's problem. There was also evidence of poor case management where they failed to appoint a case manager or a lead agency who would take over-all responsibility for the young person.

There was concern that privacy legislation got in the way of exchanging vital information about the young person and there was no process at a sort of statewide level to resolve some of the systems issues that people on the ground were experiencing.

We proposed a process model to help agencies overcome some of those structural barriers. What this model does is focus on the process rather than the structure of services, so that we try to put processes in place to sort out the differences in definition and to sort out who is going to be the lead agency rather than try to reshape the services and the structure of the services on the ground. The model would operate at a regional level and also at a state level to pick up on some of those more broad-based problems like privacy legislation and resolve them. The Human Services CEOs have supported the development of the process model, although they have not yet endorsed whether or not they will pilot it in 2004, and we are still trying to refine some of the details of the model before we take it back to the CEOs. Essentially the model is about trying to put processes in place that overcome the barriers rather than reshaping the entire service system from a structural point of view.

**The Hon. JAN BURNSWOODS:** What sort of age group is the model meant to deal with, nought to 18 or--

**Ms CALVERT:** No, the young people that the services are having difficulty looking after tend to be 10 and up, so 10 to 18. Below the age of 10, agencies seem to be able to respond to the needs of the kids more effectively.

**The Hon. JAN BURNSWOODS:** I am putting on my hat as chair of the Social Issues Committee with our early intervention report.

**Ms CALVERT:** What I mean is the agencies do not experience the younger children as a problem. The older kids are presented by the agencies as a thorn in their side because the agencies do not know how to deal with them. The young people protest the lack of services and are disruptive and so then get labelled as disruptive and difficult.

**The Hon. JAN BURNSWOODS:** Whereas the younger children are more invisible?

**Ms CALVERT:** That is right.

**The Hon. JAN BURNSWOODS:** I noticed that this is one of the few parts of the report where the Department of Juvenile Justice gets mentioned and I just wondered about the extent to which the Commission has given any thought to issues in that department and whether or not you have done any work with children in juvenile justice centres or in any of the diversion programs that exist?

**Ms CALVERT:** We do have quite good relationships with the Department of Juvenile Justice and have quite a lot of information sharing with them. The reforms to the *Juvenile Justice Act* which introduced the diversionary programs for cautioning and warning and youth conferencing I think have made an enormous difference to kid's experience of the criminal justice system and have been very positive. I do not know that there are any issues that we would need to get involved in because juvenile justice agencies seem to be doing those sorts of things themselves already.

We certainly make a point of seeking views of kids in detention centres for some of our activity such as the Alcohol Summit and the Inquiry. We specifically held focus groups in Sydney with young people in detention centres. So we approach them as part of the range of kids that we would seek views from for our policy development recommendations.

**Ms HOPWOOD:** I have a great deal of concern. I have had a couple of approaches from people in relation to children who are sexually exploited. I am wondering if you could comment on what the situation currently is in New South Wales and whether or not the Commission can see their way towards combating the occurrence of this in terms of recommending changes to legislation that would enable perhaps more networking or more information about who the perpetrators of this were. I was just wondering if there was anything you could comment on.

**Ms CALVERT:** What sort of sexual exploitation are you referring to?

**Ms HOPWOOD:** For example, maybe a pimp gathering under-age children for the purposes of making money out of them in a way in which it is very hard for the police at the moment to detect or to do anything about it. They are obviously governed by the way our laws exist at the moment. I might make a comparison to Canada, for example, where the Canadian Vice Squad has a lot more powers to take details about the perpetrators of child exploitation, having sex with children under-age. I am just wondering if you have any comments about that on New South Wales.

**Ms CALVERT:** I certainly think that the creation of the Child Protection Squad in the Police Force has been a positive move. We now have a capacity to collect information and intelligence in a way that perhaps we did not have prior to the establishment of that specialist unit. I am always interested in ways of improving the protection of children and I know that the Child Protection Squad is as well. So I would be happy to look at that as an issue if you wanted to refer it to me in some way. The Child Protection Squad has an advisory committee and we are represented on that committee. We would be happy to take that to the advisory committee.

We have made a number of advances in New South Wales with our sexual offenders register and so on, which allows us to track convicted sex offenders, but I am assuming some of the people you are referring to are not convicted and it is about intelligence gathering prior to the event.

**Ms HOPWOOD:** Yes.

**Ms CALVERT:** As I said, I think the establishment of the Child Protection Squad has given the infrastructure to be able to investigate and gather intelligence. The Joint Investigative Response Team has improved the way that information is gathered from children as part of an investigation. I am always interested in new ways of doing things, so I would be happy to take that up.

**Ms HOPWOOD:** In relation to the indigenous community, the Annual Report for 2001-2 indicates that the pilot "would be evaluated by surveying agencies and community members to determine the extent to which the project's aims have been achieved". The Annual Report for 2002-3 indicates that overall the feedback on the project was positive with

more requests being received for training. Has the evaluation by agencies and community members been completed and to what extent were the aims of the project realised?

**Ms CALVERT:** We had two approaches. One was to develop the capacity of the community to keep children safe, so really trying to give the community some information and knowledge about child sexual assault and child protection. The second was trying to change the culture of the services that respond to allegations of child abuse so that they were more flexible and hopefully more effective in following through with those assessments and investigations.

We held training between August 2002 and February 2003 and that included topics on child protection, domestic violence, how to do community education, how to mentor and community development. Just over 45 community members and service providers attended that training, so that was very positive.

The Department of Education and Training and New South Wales Police made commitments to undertake a formal evaluation, but they did not do that as other priorities for them got in the way. As a result we funded the Greater Taree City Council to undertake an evaluation, a fairly low key culturally appropriate evaluation, which looked at activities in indigenous communities. The council reported that the community members felt that they had learnt a great deal about child protection. They also felt that the relationship with some of the service providers had improved as a result of the training and the work that they had done jointly. We will try and release the training materials in 2003-2004 so that other agencies can have access to that training material. Our experience and our approach has informed the implementation of some of the recommendations of the Aboriginal Sexual Assault Round Table. This was a project that was funded by the Attorney General's Department and arose out of a round table that occurred about two years ago, hosted by the then Minister for Aboriginal Affairs, Minister Refshauge.

**The Hon. TONY CATANZARITI:** Just on the Child Death Review Team, what benefits have arisen from the changes to the Child Death Review Team to reflect the team's broader research agenda and the transfer of reviews of child abuse to the Ombudsman?

**Ms CALVERT:** The legislation has only just come into effect. It has allowed us to change the membership of the Team so that we can now align the membership with its new functions which is a broader research function. We will start the process with the new Team, once it is appointed, of reviewing the child death register to identify what areas of research the Team will recommend to the Minister that they undertake. I cannot pre-empt what that research will be. I anticipate that the first meeting of the new team will be in March next year. We will see the benefits start to occur from March onwards.

The benefit that we have seen is that I have been able to release some of the research data that in the past I would not have released to people who are undertaking specific research projects. So we have already realised the benefit of giving greater access to researchers to the information that the Child Death Review Team hold and I would anticipate that that would continue over time.

**Mr BARTLET:** The Child Death Review Team, if the decision gets queried, is there a review within your Commission about that or does that automatically then go to the Ombudsman?

**Ms CALVERT:** Sorry, could you say that again?

**Mr BARTLETT:** The Child Death Review Team puts down a report.

**Ms CALVERT:** Yes.

**Mr BARTLETT:** If there is a challenge to that report and then a review of that report, does that automatically go to the Ombudsman or does someone in the Commission get involved in it as well?

**Ms CALVERT:** When you say a report, do you mean if we table a report?

**Mr BARTLETT:** No, an individual matter and there is a challenge, someone is in disagreement with what they have said and there is a review of that, is that internal or does it automatically go to the Ombudsman?

**Ms CALVERT:** We do not review deaths that are due to abuse or neglect any more. That has been transferred to the Ombudsman and he now conducts and undertakes those reviews. If in reviewing another death – for example a suicide - and we thought that the child died as a result of child abuse and neglect, then we would refer that child's death to the Ombudsman for him to review.

**CHAIR:** Have the amendments arising from the *Commission for Children and Young People Amendment (Child Death Review Team) Act 2003* had any funding and resources implications for your Commission?

**Ms CALVERT:** No, there are no funding and resource implications for the Commission. We have divested ourselves of one of the functions. The resource implication is to the Ombudsman who has taken on that function.

**CHAIR:** You referred earlier to your relationship with the Federal Minister in your area of work, Larry Anthony. What I am interested in knowing is has there been any Federal response to the suicide report and what has that response been. There has been some response from the New South Wales Government, as you indicated, but what has been the Federal response?

**Ms CALVERT:** I have had no formal response from the Federal Government to the *Report into Suicide and Risk Taking Deaths of Children and Young People*. I am aware that members of the Federal Government have copies of the report and are aware of the report's findings. I would anticipate that it would inform their approach, but there has been no formal response.

**Mr BARTLETT:** Could I jump down to question 29, recommendations on child centred and family friendly work practices. The Annual Report of the Commission planned to commence an assessment in October 2003 of the recommendations on child centred and

family friendly work practices from the Inquiry into children and young people with no-one to turn to. Has this assessment started and have you got any preliminary comments?

**Ms CALVERT:** The work place has the capacity to really interfere, if you like, with parents' relationships with their children and their capacity to maintain a strong relationship with their children. We certainly support ongoing efforts to help parents balance their work and family responsibilities. We will continue to advocate for child centred, family friendly work practices, but given there are a number of agencies, a number of people involved in that area of work, we have not proceeded with a separate project. Rather we have incorporated it into other projects that we have been doing, for example the development of the draft national early years framework. Work/family balance is one of the key areas that we address in the development of that framework.

**Mr CANSDELL:** I want to go back. I think you have answered part of question 27, research into children and young people's experience at work. In consultation with the Department of Education and Training and DOCS, the Commission has conducted research into the experience children and young people have at work, e.g. work experience, participation in paid and unpaid work and the impact of work on their wellbeing. There are three elements:

- (a) What are the results of the data analysis to date?
- (b) Have any particular trends or issues emerged?
- (c) How does the Commission plan to utilise the outcomes of the research?

**Ms CALVERT:** We have finished the field work for the first study and the data is still being implemented and yet to be analysed. We anticipate that that will happen over the next four to six months and then we will be in a position to talk about what the trends are and what we have found. We will use the research findings to promote understanding of young people's experience of work and to inform the development of policy and legislation around young people and work and conduct community education for parents and for young people about work and how they can get the best possible experience out of working.

**Mr CANSDELL:** And governments can help attract them as well?

**Ms CALVERT:** Yes, we will use it to inform the development of policy and legislation and people's practice around young people.

**The Hon. JAN BURNSWOODS:** I have had an interest in this area for a while and I notice that you had 10,000 - which is a lot - year 7 to 10 students who completed the final questionnaire. I assume that the issues include essentially illegal sort of work in, for instance, the clothing industry, outwork areas and the sexual exploitation area that Judy referred to before, and I assume those kinds of issues are involved in what you are looking at?

**Ms CALVERT:** We have not restricted our definition of work to legal or illegal. We have asked questions about what they think work is to try to get an understanding of their view. If kids are working in illegal areas and they attend school and they have filled out the survey, that should be reflected. I do not know whether we will pick up a lot of kids who are involved in sex work because I doubt that they would be at school and our research is through the school system.

**The Hon. JAN BURNSWOODS:** The same point is made about outworkers in various areas, although often it seems to be believed that their schooling is interrupted and episodic, but perhaps they are not missing school altogether?

**Ms CALVERT:** I think you would have to adopt a different research method for very marginal, dangerous type of work. We wanted to just get an overall view about work from the majority of kids in New South Wales, which is why we have 10,000 respondents.

**The Hon. JAN BURNSWOODS:** Because they are presumably regularly at school, it may not show up some of the small but very abusive kinds of situations?

**Ms CALVERT:** Yes, that is right.

**The Hon. JAN BURNSWOODS:** I was going to add to the question that Judy asked before in relation sexual exploitation: Has the Commission had any input to the working party that Sandra Nori has under-way in relation to immigrant sex workers?

**Ms CALVERT:** Not at this point.

**The Hon. JAN BURNSWOODS:** It seems to me that that may be useful because probably some of the women concerned who are being brought to Australia, usually illegally, are under age?

**Ms CALVERT:** Yes. There are certainly a number of organisations that have a lot of expertise in that area, primarily Childwise, which is based in Melbourne and does a lot of work around sexual exploitation with tourism. We would probably rely on their expertise rather than trying to develop our own expertise in that area.

**The Hon. JAN BURNSWOODS:** It has become a national thing as well.

**Ms CALVERT:** Yes.

**The Hon. KAYEE GRIFFIN:** Could you expand on the outcomes of the Commission's negotiations with the telecommunications industry regarding mobile phones and also the shopping centre industry regarding the fair treatment of children and young people?

**Ms CALVERT:** In relation to the mobile phones forum, we held that forum in 2001 and it quite clearly showed that kids like mobile phones - not that we needed the forum to tell us that - but they also made some suggestions about how they could improve their experience of mobile phones.

The telecommunications industry was at that forum and since then we have been negotiating with their peak body, which is the Australian Mobile Telecommunications Association, about issues. This includes getting better information to young people about purchasing mobiles and what to do if they are stolen. The industry now, of course, blocks stolen phones, which is a big advance. A lot of kids were being subjected to violence and crime through the stealing of mobile phones. They have also increased pre-paid deals and made billing information more accessible, which again was something that the kids identified

in the forum. Simplified contracts were again something that the kids identified in the forum. I think that there has been some movement on the part of the telecommunications industry.

The Department of Fair Trading recently launched a forum on youth debt, noting that mobile phones are one of the key causes of debt. They have picked up on the recommendation from the forum that there be better information around debt and how to manage debt, which I am pleased to see.

In relation to the shopping centre industry, the Youth Action Policy Association and the Shopping Centres Association of Australia have developed a protocol. It is aimed at improving relationships between shopping centre management and children and young people to avoid the banning of kids from shopping centres because they are key places for young people. We had input into the development of that protocol and our young people's reference group was involved in the development of the protocol. It was launched by the Minister for Youth, Carmel Tebbutt, in October of this year and implementation is now beginning. As I understand it, the protocol includes a self-evaluation process over two years in each of the centres where it is being implemented.

**The Hon. KAYEE GRIFFIN:** In relation to the young people's reference group, in terms of the telecommunications stuff particularly and the issue of debt around mobile phones, what sort of comments does the reference group have on trying to resolve some of that or how advertising is geared to young people in relation to modern technology?

**Ms CALVERT:** The forum really identified the importance of education and learning how to manage money and therefore avoid debt. One of the key messages that came out of the forum was we need to be much more proactive in teaching kids about money matters and in managing and avoiding debt. The other thing that came out of the forum was educating kids about where to go if they get into debt. What seemed to happen was that young people would keep the debt to themselves because they did not want to get into trouble and then it would just get bigger and bigger until it became public and the problem then was much more difficult to solve. The message was to encourage young people to tackle debt early rather than wait until it became so big that it really became much more difficult to respond to the debt.

**The Hon. KAYEE GRIFFIN:** Is that an ongoing process, trying to tackle debt or not have debt? Is that a continuing message that is coming out for young people?

**Ms CALVERT:** I know that the Department of Fair Trading is keen to progress the issue of education around money management and avoiding debt. They conducted research into young people and debt which was launched at their recent forum on young people and debt. They will consider the forum's recommendations. I would hope that it is ongoing because it is not just a one-off wonder, young people's debt, it is an ongoing issue.

**Ms HOPWOOD:** I have long thought, in relation to how much young people use mobile phones - and having two daughters I can lay testament to that as well - mobile phones are an excellent way to transfer information. I know it is called spamming, and I know that it is illegal, but you put messages on cigarettes and so on, so what would be a more perfect medium than what kids are looking at all the time? I just wonder whether that has ever been considered?

**Ms CALVERT:** Certainly the mobile phone forum suggested that billing information and levels of debt in relation to your mobile phone could be transmitted through SMS text. Whether you would want to open it up to everybody to be able to do it is another question. The kids saw SMS text messaging as a good way of alerting them to when they were reaching their limit, again preferring mechanisms for avoiding debt rather than waiting until you are in debt and in trouble.

**Mr BARTLETT:** We perform a role obviously in talking to communities about different things. Can I suggest that, in terms of Rotary and Lions clubs, we put some sort of kit together that we can perhaps use to go out to those clubs? Some of these issues are big in our communities. They are asking us questions and, to be honest, we do not have the answers for them at the present time, especially in terms of sending children overseas, being involved in sporting groups, home hosting and all the Lions, Rotary and Apex clubs, international exchanges and the like. We have got to the stage where people are worried, but we do not have enough to give them and say "I think you ought to do this", and if someone picks them up from the airport and they are unsupervised or alone you ought to have this done. I would speak to dozens of Lions and Rotary clubs and community groups all the time and I could just slip that in as part of the presentation.

**Ms CALVERT:** Certainly the volunteer and students on placement project will be a great resource for you because you can just refer people to that. In the meantime we can give you some information that you can take away.

**Mr BARTLETT:** And also the 170 councils in New South Wales. I talk to some of the people in those councils and say, well, what do we need to do about this and what do we need to do about that, and they do not know either. It would probably be an idea to try to come up with some sort of package or work with an individual council, with all the subcommittees they run because there are a lot trying to give children opportunities, but these questions are being raised and they are not really sure of the answers.

**Ms CALVERT:** We have written to all councils and I think most councils are aware of their obligations. When we release the new edition of the Working with Children Check guidelines we will be writing again to employers reminding them of their obligations and where they can access the information.

**Mr BARTLETT:** That is as an employer, but as a council that has 70 355(b) committees that are basically run by community groups, there are a lot of community groups out there and maybe the council does not know they are liable?

**Ms CALVERT:** I would prefer to wait until we develop the volunteer and student at risk project because we will then have material that will be relevant to that community group. The material we have developed to date is relevant for employers of paid people. You will see developments in the volunteer area over the next two years and we will have specific resources for you to take to the community.

**Mr BARTLETT:** In the meantime, could you give us something?

**Ms CALVERT:** We can give you our website and a little brochure which might give people some idea of what they could do. We will get something together for you.

**Mr BARTLETT:** Especially for Rotary and Lions clubs which see it as something they have done historically, but it might not be appropriate any more.

**Ms CALVERT:** We are working in particular with one Rotary district on a particular project with them around child protection. Hopefully they will then start to spread the word around some of the Rotary districts as well. So we are working with Rotary on these issues.

**The Hon. JAN BURNSWOODS:** I was going to come to question 32. On page 47 you have a long list of things on which you have made submissions or provided advice and there are sections in different chapters about your advice and what has been taken up, but I wonder if you could give us an idea of your feeling, I suppose, as to what extent Governments and others are implementing the findings and recommendations that you make and if there have been any general trends that you can pick out in the way in which implementation occurs or does not occur?

**Ms CALVERT:** My impression, which is all it is at the moment, is that people do consider our advice and give it due weight. They may not always adopt it but they certainly treat it seriously and where possible try and accommodate the advice that we have given them. So as an organisation that is set up to influence, I think we do influence. However, we do not always get our own way and that is inevitable when decision-makers have to balance a range of different perspectives and a range of different issues. What I am heartened by is that we have an organisation whose job it is to put the views of children and young people and consider the impact on children and young people. Organisations are very keen to hear that point of view and, where they can, to take it into account.

The trend that I would comment on is that probably the social welfare organisations tend to use us more than, say, the environmental or the economic organisations. I think that is because people see children as a social issue. The difficulty is that the decisions that are made in the economic area and in the environment can have an enormous impact on children and so we do need to find a way to make those sectors much more aware of our presence so that we can have more impact on their decision-making.

The other thing is that Government is probably better at using us than the corporate sector.

**The Hon. JAN BURNSWOODS:** Those two points go together I guess, the governments and the NGOs, not for profit sector, are more into the social issues, while the corporate sector is more into the economic.

**Ms CALVERT:** Yes, the economic and the infrastructure areas, planning and so on. So I think the challenge for us is how do we increase our presence in those fields and how do we increase our influence in those fields while maintaining the influence that we do have in relation to social issues in both Government and non-Government areas.

**The Hon. JAN BURNSWOODS:** Have you come up with anything?

**Ms CALVERT:** We are currently engaged in our next three year strategic planning process and it is one of the questions we are looking at.

**Ms HOPWOOD:** Let us know.

**Ms CALVERT:** I was going to say if you have got any good ideas, let me know.

**CHAIR:** Following on from Jan's question, which referred to page 32 of the recommendations you have made to various agencies and departments, I was just wondering whether you have received a response from the Attorney General in relation to those recommendations that appear on page 42, recommendations made on age discrimination?

**Ms CALVERT:** We were successful in getting the Commonwealth Government to focus on youth aspects of age discrimination. When they initially put forward their policy they only looked at old age. So we were successful in getting the Commonwealth to broaden that to include discrimination on the basis of youth. The Bill is before the Parliament. That appears to be the only recommendation they have adopted. They have not adopted any of the other recommendations that we have put forward. We will have to wait and see what the outcome of the Bill is.

**CHAIR:** I suppose your answer answers the next part of that question. Have you progressed the remainder of the recommendations?

**Ms CALVERT:** Well, we probably cannot progress it beyond what we have already done.

**Ms HOPWOOD:** I wanted to ask about adolescent issues associated with mental health and whether or not the Commission can have an influence on the number of specifically adolescent beds. This is obviously a very topical and concerning issue. I have had approaches from my own electorate in relation to this matter. Is there anything you would like to comment on in relation to that?

**Ms CALVERT:** I am aware that there have been some good developments in the area of mental health and young people. My understanding is the Government is currently considering their response to the report that a Committee of Parliament has brought down. I am aware the issue of adolescent mental health will probably be considered in the response to that report.

**Ms HOPWOOD:** I might refer to a question in relation to the research into children's understanding and wellbeing. One of the aims of this research project is "to develop a set of indicators that are meaningful to children and young people that can be used to monitor their wellbeing." What are the outcomes of this project thus far?

**Ms CALVERT:** We are at the stage of collecting data in the field and we have commenced the interviews with the children. Because we have not finished collecting that data, I have not started analysing it but it is progressing on time and we think it will give us some quite interesting information.

**Mr BARTLETT:** I will now jump to the finances. The first one is about the consultancies. The Annual Report 2002-3 lists that \$242,000 has been spent over the last couple of years. Why did you do that and have you got the reports back yet?

**Ms CALVERT:** From the consultants?

**Mr BARTLETT:** Yes.

**Ms CALVERT:** Yes. We use consultants to do a number of things. One is to manage the workload. We might have a member of staff on maternity leave but the project has to go ahead, so we have to use a consultant to replace that person. We also might need to use a consultant because we do not have the specialist skills or knowledge that is required. For example, on aspects of information technology we have to buy in the expertise. We also use consultants because we need to provide independent commentary on something the Commission is doing. For example, on the rights of the children project in schools, because we were running it we needed someone external to evaluate it to so that it was an independent valuation. The number of consultants goes up and down according to what the needs are of the Commission.

**Mr BARTLETT:** Like trending?

**Ms CALVERT:** Yes. We also have something like 25 to 30 percent of our staff on maternity leave. I seek leave to table the list of consultancies that we conducted in 2002-2003 with the Chair's permission.

**CHAIR:** Yes.

**Document tabled.**

**Ms CALVERT:** Most of those projects have been completed and the document sets out the sorts of things they covered. It is things like evaluating the volunteers and students pilot project for the Working with Children Check, drafting the national early years policy framework, evaluating the pilot curriculum project, and some editing.

**Mr BARTLETT:** What sort of budget do you have this year for consultancies?

**Ms CALVERT:** I do not have a budget allocated for consultancies. We have budgets allocated for projects, and if those projects needed to use a consultant, then they would use a consultant.

**Mr BARTLETT:** Presumably you are still paying the maternity leave costs for your staff?

**Ms CALVERT:** Yes.

**Mr BARTLETT:** So you must have a slush fund sitting there somewhere.

**Ms CALVERT:** No, I have a maternity leave fund. Each project is given a certain amount of funding and some of those will use consultancies. Some might have intended to use staff but the staff member goes on maternity leave and so we use a consultant.

**The Hon. TONY CATANZARITI:** Would you like to give us a bit of feedback on how your Commission is going with the country areas and what sort of projects are being taken up in country areas and how do you see it going?

**Ms CALVERT:** We very rarely do projects that are based on country or city areas, rather we do projects that generally have state-wide application. In doing those projects we will look at specific issues for country people and specific issues for metropolitan people. So, for example, with the Working with Children Checks and volunteers and students projects we are having to look at what it means for people in the country. Even that varies, depending on whether they are in quite a big regional area like Wagga or Albury or a quite remote area like Cobar. So we tend to say "Here is the project" and then look at what does that project mean for country people or people who are living in remote areas.

In relation to, say, the review of the Commission for Children and Young People Act we will go to some country areas so that we can seek the views of people in the country. With the young people's reference group we specifically look at bringing on kids from the country and supporting them when they come down. With the Alcohol Summit we specifically targeted kids in the country and looked at what the issues were for them. The *Report into Suicide and Risk-Taking by Children and Young People* looked at country versus city kids because previous reports had suggested there were differences. We did not find that in our research.

So rather than saying "Here are our projects for country kids", what we say is "Here are our projects with kids and now how can we support young people and children in the country to get their views known and to take their experiences into account in giving advice and our recommendations".

**The Hon. TONY CATANZARITI:** That is exactly what I meant.

**CHAIR:** We are getting close to time. Can I take it that on the questions that we have not asked we will get something back from you?

**Ms CALVERT:** Yes.

**The Hon. KAYEE GRIFFIN:** I had one question which related to a comment you made when talking about the young people's reference group. You were interested in getting a South Pacific Islander representative on that?

**Ms CALVERT:** Yes.

**The Hon. KAYEE GRIFFIN:** Do you see some issues there or has there just not been input from that particular cultural viewpoint?

**Ms CALVERT:** I think every culture has its own issues and there are particular issues around Pacific Islander kids. We are interested in accessing those issues and perhaps

understanding them a little bit more. We are also targeting the Pacific Islander kids because they have not been represented on the young people's reference group and we want to give them the opportunity to put their views forward through the young people's reference group.

**(The witness withdrew)**

**(The Committee adjourned at 12.05 p.m.)**

## Chapter Three - Responses to questions taken on notice

A number of questions were provided to the Commissioner for Children and Young People before the hearing, and most were answered at the hearing on 1 December. Those that were not answered at the hearing are answered below. In addition a number of new questions were asked at the hearing and some of these questions were taken on notice. They too are answered below.

### Question 10

**The Annual Report notes systemic improvements by the CCYP to the Working with Children Check eg the elimination of multiple checks of the same person, where that person has used more than one name. To what extent is there scope for further improvement and in what areas?**

Response:

Person based checking commenced on 6 January 2003. To date the NSW government has made savings of \$872,000 through these changes at an estimated cost of \$100,000.

Further enhancements to the Employment Screening System include:

- automatic generation of correspondence to employers by fax and email, reducing turnaround times;
- improving data security; and
- automating manual tasks involved with requesting checks between the Commission and some Approved Screening Agencies.

All of these improvements are scheduled for completion by the end of January 2004.

We will continue to look for opportunities to improve the Working with Children Check through better use of technology.

### Question 11

***The Working with Children Check Risk Assessment Model* – What were the outcomes of the evaluation by the United States Children’s Research Centre of the Working with Children risk assessment model (p.29)?**

Response:

The report from the Children’s Research Centre identified a number of issues that may limit our evaluation options. The small number of applicants assessed for risk means a study of their subsequent behaviour is unlikely to be statistically valid. This means a formal validity study would :

- take a substantial time probably a minimum of ten years; and
- the cost of a study of this magnitude would be significant.

The Children's Research Centre recommended a second option which I have accepted.

This option was to establish an expert working group to review and refine the existing tool. The knowledge and experience we have gained over the past three years will be referenced in this process, including:

- audit information held by the Commission;
- methods used in other jurisdictions for similar tasks;
- learning from practitioners and managers experienced in the tool; and
- the results of a qualitative evaluation to be conducted.

In any case the work outlined in the second option needs to be completed before we could commence a formal validation study.

### Question 12

**Review of the *Working with Children Check Guidelines* - Were there any concerns arising from Professor McCallum's review of the Guidelines in 2002? Were the findings and any recommendations from Professor McCallum's review utilised in formulating the new draft guidelines?**

Response:

In April 2002, Professor McCallum presented me with a revised draft Guidelines for the Working with Children Check. I accepted the majority of the recommendations proposed by the Advisory Committee chaired by Professor McCallum for inclusion in the revised Guidelines.

These recommendations covered improvements in definition, clearer guidance for employers, improved clarity and presentation, and updating information to take account of legislative amendment. The most substantive change proposed was the adoption of a two tier reporting model for relevant disciplinary proceedings.

While the exact model proposed by Professor McCallum was not endorsed, subsequent consultations with the education sector led to agreement on a two tier reporting model. The Minister approved these new Guidelines with a proposed implementation date of September 2003.

However, subsequent proposals for legislative amendment have meant that the implementation of the new Guidelines was deferred. Amendments to the Commission for Children and Young People Act 1998 have recently been through the Parliament. The Guidelines are now in the process of review to make them consistent with the amended legislation.

The Guidelines will be implemented as soon as they have been approved and printed. I expect the publication and implementation to take place in April 2004.

### Question 17

**The Child Protection Legislation Amendment Act 2002 provided for exemption applications to be made direct to the CCYP although the CCYP can only grant an order where it forms the view that the applicant does not pose a risk to the safety of children.**

**The avenues of seeking an exemption through the Administrative Decisions Tribunal or Industrial Relations Commission are still available (p 29). Given the tribunals otherwise exercise these powers, what procedures does the CCYP have in place in regard to the exercise of these functions?**

Response

The Commission has established procedures to consider applications under s.8A of the Child Protection (Prohibited Employment) Act 1998.

In establishing these procedures we were mindful of the needs of applicants to have matters dealt with as quickly as possible. But we were also mindful that the safety of children was paramount, so thorough and accurate review is essential. The procedures rely on the principals of natural justice and fairness.

All applications made to the Commission have been assessed using our procedures.

While no issues have arisen which suggest that the procedures are deficient in any way, they have been reviewed by the Crown Solicitor's Office. Our procedures are now being updated and modified to incorporate the Crown Solicitor's Office suggestions.

#### **Questions 33 and 34**

**33: The Expert Advisory Group "assist[s] the Commissioner on the directions and activities of the Commission" and the input of its members "helps the Commission to set strategic directions, providing specialist advice in policy development and implementation issues and steer major Commission projects" (p 55). What level of input and assistance does the Expert Advisory Committee provide and to what extent does it inform the Commission's work?**

**34. Three of the Expert Advisory Committee members have been involved in chairing Commission project committees.**

- a) Are any Expert Advisory Committee members chairing current Commission committees, and, if so, what are the projects?**
- b) What benefits derive from involving Expert Advisory Committee members in Commission projects in this way?**

Response:

I'd like to acknowledge the contribution made by the members of the Expert Advisory Committee, all of whom are recognised authorities in their field and strongly committed to kids. They provide me with advice, both during formal meetings and out of session if I need input on their areas of expertise.

Having specialist advice of this quality readily available has greatly assisted our work across all our key result areas.

They have professional and organisational networks that I and Commission staff don't, and they have made these networks available to help us influence on kids' issues.

They also act as ambassadors for the Commission and help us establish ourselves in areas where we are still not well known and use their networks to promote the Commission and kids' issues.

A considerable contribution has been when they have used their expertise, networks and professional authority to chair project committees within their areas of specialty, and to guide the discussion and directions of the committee when the hand of a senior specialist has been necessary and when the committee would benefit from being chaired by someone other than a Commission staff member.

At present, no committee members are chairing project committees.

### **Question 35**

**Reference is made to the closer alignment of the Commission's Strategic Plan and key performance indicators. What was involved in achieving this alignment and how does it assist the CCYP's strategic and planning processes?**

Response:

Performance indicators help us to determine whether our activities are having their intended results, and help us plan how to do better.

The Commission is currently in the final year of its first three year plan. This plan was developed in the very first year of the Commission's operation, when we were a very new organisation.

We have developed a lot since then, and with each annual update of our corporate plan, we have been able to increase the tools we use to monitor our effectiveness.

We have learnt throughout our current plan. We are now in the process of developing our next three year plan, and I anticipate that this next plan will refine our performance measures further.

### **Question 38**

**Reference is made at p. 87 of the Annual Report to an independent review conducted in 2002-03 to provide a threat and risk assessment and gap analysis of the Commission's information security management systems and compliance with the Australian Security Standard (AS/NZS7799). What was the result of the review?**

Response:

The Threat and Risk Assessment identified possible threats, determined the likelihood of the threat occurring and the impact of the threat, allocated risk and provided the Commission with options to mitigate the risks.

The Gap Analysis report showed where the Commission complied with the Australian Security Standard for Information Management. The Commission had an above average level of compliance with the standard.

In response to these two reviews we are now deciding what risks are acceptable, eg it is unlikely that we need specific policies on risk managing earthquakes however other risk

sources such as fire or hackers could have a significant impact on the Commission's operations.

Commission staff are developing the additional policies and strategies needed to become fully compliant with the national standard.

A preliminary certification review is to be undertaken by the end of March 2004 prior to seeking full certification.

**Question from hearing (the Hon Kaye Griffin, MLC): Do you have any figures or percentages perhaps in relation to how many children have access to computers and the internet apart from, say, schools and libraries and so on, the percentage in homes.**

Response:

The most recent information about children's use of computers and the internet comes from the 2001 Census. These figures show the percentage of children who used a computer or the internet in the week before the Census.

In terms of computer usage, 61.0 percent of all children in NSW aged between 5 and 17 years used a personal computer at home. We do not know how many children had access to a computer at home but did not use it in the week before the Census. In the *Children's participation in cultural and leisure activities* survey in 2000, 71% of children aged between 5 and 14 years across Australia had used a computer at home in the past 12 months.

In terms of Internet usage, 35.2% of all children aged 5 to 17 years used the internet at home in the week prior to the Census.

Across Australia, Indigenous people had a much lower rate of computer use than non-Indigenous people. People born outside of Australia showed a similar level of computer use to those born here.

**Question from hearing (the Hon Kaye Griffin, MLC): In terms of people who come from non-English speaking backgrounds, how easy is it to have something in terms of the internet or computers that is user friendly, without going into the areas that we were talking about and the dangers that may occur, particularly if the child is from a non-English speaking background?**

Response:

In NSW, 16.6% of children and young people aged 5 to 17 years speak a language other than English at home. The most common other languages which children of this age speak are Arabic (including Lebanese) (3.1%); Cantonese (1.8%) and Vietnamese (1.2%).

Children in Year 5 in NSW this year performed well in the area of literacy, and this good performance was seen equally in children of English speaking background (94.6%) and those from culturally and linguistically diverse backgrounds (94.4%).

Providing an internet site is expensive. Website downloads can be translated into other languages, like the Working with Children Check information which we publish on the web in seven community languages.

More research would be needed before we could determine whether special internet resources are needed for children from culturally and linguistically diverse backgrounds.

**Question from hearing (Mr John Bartlett, MLC):** If [local council committees] have got an inbound tour of a choir from overseas and we are trying to place those children in our local community, does the Council have any responsibility? ... If I send a soccer team to Japan with the local soccer club and they are being home hosted, does the soccer committee that is sending them have any sort of responsibility? They do not have any control at all over those postings, where they go.

Response:

Each Council's obligation and liability will depend on its relationship to the Committee and its individual circumstances, for example whether committee members are local Council employees, volunteers or otherwise.

All organisations that employ people who work in child-related employment have an obligation under section 7 of the Child Protection (Prohibited Employment) Act 1998 to require employees (both paid and volunteer) to complete a Prohibited Employment Declaration.

In addition, section 37 of the Commission for Children and Young People Act 1998 provides that employers are required to complete a Working with Children Check on preferred applicants for paid child-related employment. Employers may also wish to screen volunteers or current employees who work directly and unsupervised with children. However, this is not mandatory. As noted above, whether or not a check is necessary will depend on the nature of the employment relationship of the Committee Members in each case.

The Commission is not in a position to provide specific legal advice on the liability of local councils. A local Council concerned with such issues is best advised to seek independent legal advice based on its particular circumstances.

## **APPENDIX 1: COMMITTEE MINUTES**



### **Minutes of Proceedings of the Committee on Children and Young People**

Monday 16 June 2003 at 2.00pm

Room 1108, Parliament House

#### **Members Present**

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

#### **Apologies**

Mr Bartlett, Mr Catanzariti.

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The Chair signalled:

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- the likelihood of conducting a General Meeting with the Commissioner in October or November of the next sitting period, to discuss the Commission's annual reports for 2001-2 and 2002-3.

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PARLIAMENT OF NEW SOUTH WALES  
COMMITTEE ON CHILDREN AND YOUNG PEOPLE

**Minutes of Proceedings of the Committee on Children and Young People**

Wednesday 15 October 2003 at 1.15pm

Room 1108, Parliament House

**Members Present**

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

**Apologies**

Ms Hopwood, Mr Catanzariti.

....

**1. Inquiry programme**

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

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

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

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

b. *General Meeting*

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

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