



Parliament of New South Wales

# Committee on Children and Young People

Report 1/57– June 2020

2020 Review of the Annual Reports and other matters of the Office of the Advocate for Children and Young People



New South Wales Parliamentary Library cataloguing-in-publication data:

**New South Wales. Parliament. Committee on Children and Young People.**

2020 Review of the Annual Reports and other matters of the Office of the Advocate for Children and Young People / Committee on Children and Young People. [Sydney, N.S.W.] : the Committee, 2020. [24] pages ; 30 cm. (Report ; no. 1/57 – June 2020)

Chair: Matthew Mason-Cox MLC

ISBN 9781921012891

1. Children—New South Wales.
2. Youth—New South Wales.
3. New South Wales. Advocate for Children and Young People.
  - I. Title.
  - II. Mason-Cox, Matthew.
  - III. Series: New South Wales. Parliament. Committee on Children and Young People. Report ; no. 1/57 – June 2020.

(DDC22) 305.23

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

# Contents

Membership	ii
Chair’s foreword	iii
Findings and recommendations	v
Chapter One – Oversight of the Advocate for Children and Young People	1
The Committee's oversight of the Advocate for Children and Young People	1
Chapter Two – The Work of the Advocate for Children and Young People	2
Appointment of an Acting Advocate for Children and Young People	2
The NSW Strategic Plan for Children and Young People	2
Disaster consultations	4
Other engagements with children and young people	5
Engaging with diverse groups of children and young people	5
Juvenile Justice	7
The Youth Advisory Council	8
Appendix One – Committee’s functions	9
Appendix Two – Witnesses	10
Appendix Three – Extracts from minutes	11
Appendix Four – Glossary	16

# Membership

<b>Chair</b>	The Hon Matthew Mason-Cox MLC
<b>Deputy Chair</b>	Mr Peter Sidgreaves MP (from 18 June 2020) Ms Felicity Wilson MP (until 16 June 2020)
<b>Members</b>	Ms Abigail Boyd MLC The Hon Greg Donnelly MLC Ms Jodie Harrison MP Ms Robyn Preston MP Mr Dugald Saunders MP Mr Peter Sidgreaves MP (from 16 June 2020, elected Deputy Chair 18 June 2020)
<b>Contact details</b>	Committee on Children and Young People Parliament House Macquarie Street SYDNEY NSW 2000
<b>Telephone</b>	(02) 9230 3051
<b>E-mail</b>	<a href="mailto:childrenyoungpeople@parliament.nsw.gov.au">childrenyoungpeople@parliament.nsw.gov.au</a>
<b>Website</b>	<a href="http://www.parliament.nsw.gov.au/childrenyoungpeople">www.parliament.nsw.gov.au/childrenyoungpeople</a>

## Chair's foreword

The Committee on Children and Young People is an oversight committee that monitors the NSW Advocate for Children and Young People as it exercises its functions under the *Advocate for Children and Young People Act 2014*, and certain functions of the NSW Children's Guardian. This is an interim report of the Committee for the 2020 review which focuses on the oversight of the Advocate for Children and Young People. A further report will be tabled focussing on the matters the Committee oversights in the Office of the Children's Guardian following the consideration of further evidence by the Committee.

The Advocate for Children and Young People is an independent statutory office that advocates for and promotes the wellbeing of children and young people. It fosters their participation in decision-making processes that affect them, encouraging their views to be given serious consideration and taken into account.

The Committee has reviewed the 2017-18 and 2018-19 annual reports of the Advocate for Children and Young People. It also held a hearing where it heard from the Acting Advocate, the Director of the Office of the Advocate for Children and Young People, and the 2019 Chair of the Youth Advisory Council.

Chapter One outlines the Committee's role in overseeing the Advocate for Children and Young People. The Committee found that the Office of the Advocate for Children and Young People is fulfilling its functions and following the principles governing its work specified by the *Advocate for Children and Young People Act 2014*.

In Chapter Two, the Committee examines in greater detail some of the ways in which the Advocate has performed these functions. It has recommended that both the Advocate and the Minister prioritise the evaluation of the NSW Strategic Plan for Children and Young People 2016-2019 and the development of a new plan. It also recommends that the Committee is kept informed about the implementation of the new Strategic Plan by all relevant agencies.

The Advocate consults with children and young people from a broad range of backgrounds and experiences throughout NSW. During the reporting period, it achieved the milestone of having heard from 10,000 children and young people in face-to-face consultations.

Many children and young people in NSW have recently experienced the impact of natural disaster on their community, in the form of drought, bushfire and flood. At the hearing, the Committee heard of the concerns of children and young people, what they would like to see happen as their communities are rebuilt, and the role they would like to play in this process.

I would like to take this opportunity to welcome Ms Zoë Robinson to the role of Acting Advocate for Children and Young People and to acknowledge the outgoing Advocate, Mr Andrew Johnson. Mr Johnson served as the inaugural Advocate for the past five years. He has worked tirelessly, with passion and enthusiasm, establishing the Office of the Advocate as a leading voice for children and young people in NSW. I acknowledge Mr Johnson for his work and wish him the very best in his future endeavours.

I would like to thank the Advocate for participating in this review, especially in circumstances where the Acting Advocate had only recently been appointed. I also thank the Committee members for their involvement.

**The Hon Matthew Mason-Cox MLC**  
Chair

## Findings and recommendations

Finding 1 \_\_\_\_\_ 1

The Committee finds that the Office of the Advocate for Children and Young People has been fulfilling its functions and following the principles governing its work as specified by the *Advocate for Children and Young People Act 2014*.

Recommendation 1 \_\_\_\_\_ 2

The Committee recommends that the Advocate for Children and Young People and the Minister for Families, Communities and Disability Services prioritise the evaluation of the NSW Strategic Plan for Children and Young People 2016-2019 and the development of a new Strategic Plan.

Recommendation 2 \_\_\_\_\_ 2

The Committee recommends that the Advocate for Children and Young People and the Minister for Families, Communities and Disability Services report to the Committee on the work done by other Government Sector agencies that are given responsibility for implementing the new Strategic Plan.



# Chapter One – Oversight of the Advocate for Children and Young People

## The Committee's oversight of the Advocate for Children and Young People

### Finding 1

**The Committee finds that the Office of the Advocate for Children and Young People has been fulfilling its functions and following the principles governing its work as specified by the *Advocate for Children and Young People Act 2014*.**

- 1.1 One of the responsibilities of the Committee on Children and Young People under section 37 of the *Advocate for Children and Young People Act 2014* (the Act) is to monitor and review the Advocate for Children and Young People as it exercises its functions. This includes examining each annual report of the Advocate and reporting to both Houses on any matter appearing in, or arising out of any such report.
- 1.2 The purpose of this report is to summarise the Committee's review of the 2017-18 and 2018-19 Annual Reports of the Advocate for Children and Young People, and any matters arising out of those reports. The Committee has examined the 2017-18 and 2018-19 Annual Reports together because the Committee of the 56<sup>th</sup> Parliament did not have the opportunity to examine the 2017-18 report before the expiration of the Parliament prior to the 2019 election.
- 1.3 The Committee held a hearing with the Advocate for Children and Young People on 6 March 2020 in relation to its review of the 2017-18 and 2018-19 Annual Reports, and other matters relating to the Office of the Advocate for Children and Young People.
- 1.4 The Committee chose to focus on how the Office of the Advocate for Children and Young People (the ACYP) has performed its functions under the Act, with particular attention given to its engagement with children and young people.
- 1.5 The Committee found that the ACYP has been fulfilling its functions and following the principles governing its work as specified by the Act. The Committee is also pleased to report that no issues were raised with the Committee about the operation of the Act, the powers of the ACYP, or its resourcing.
- 1.6 The Committee considers that the creation of the ACYP as an independent statutory office in 2014 has benefitted the children and young people of NSW. It has provided support and advice to the Government and to public sector agencies on issues and policies affecting young people.
- 1.7 The following Chapter contains a more detailed examination of some of the activities that the ACYP has undertaken to fulfil its functions under the Act.

## Chapter Two – The Work of the Advocate for Children and Young People

- 2.1 The purpose of this chapter is to provide further detail on the work being performed by the Office of the Advocate for Children and Young People (the ACYP) to fulfil its functions under the *Advocate for Children and Young People Act 2014* (the Act). It also contains recommendations around the NSW Strategic Plan for Children and Young People.

### **Appointment of an Acting Advocate for Children and Young People**

- 2.2 The Committee welcomes Ms Zoë Robinson to the role of Acting Advocate for Children and Young People, following her appointment in January 2020.
- 2.3 The Committee would like to acknowledge Mr Andrew Johnson, the previous Advocate, for his work in the previous five years as the inaugural Advocate for Children and Young People.

### **The NSW Strategic Plan for Children and Young People**

#### **Recommendation 1**

**The Committee recommends that the Advocate for Children and Young People and the Minister for Families, Communities and Disability Services prioritise the evaluation of the NSW Strategic Plan for Children and Young People 2016-2019 and the development of a new Strategic Plan.**

#### **Recommendation 2**

**The Committee recommends that the Advocate for Children and Young People and the Minister for Families, Communities and Disability Services report to the Committee on the work done by other Government Sector agencies that are given responsibility for implementing the new Strategic Plan.**

- 2.4 Section 15(1)(g) of the *Advocate for Children and Young People Act 2014* requires the ACYP to prepare, in consultation with the Minister, a three year strategic plan for children and young people in NSW. The NSW Strategic Plan for Children and Young People 2016-2019 (the Plan) was launched by the NSW Government on 26 July 2016, following the ACYP's consultation with more than 4,000 children in NSW.
- 2.5 The goal of the Plan was for children and young people in NSW to be safe, connected, respected, healthy and well, with opportunities to thrive and have their voice heard in their communities. Its guiding principles included:
- innovation;
  - localisation;
  - collaboration;

- prevention;
  - transitions; and
  - addressing disadvantage.
- 2.6 The Committee notes the work done implementing the Plan over recent years. It was pleased to hear that the other relevant agencies had done significant work to progress its implementation. This work should ensure that children and young people in NSW are well supported.
- 2.7 The Committee is also pleased to hear that an evaluation of the Plan and its actions has begun and that work will commence on a new Strategic Plan.<sup>1</sup>
- 2.8 The Committee stresses the importance of a new strategic plan being formulated. It hopes that this will be a priority for the ACYP and the Minister for Families, Communities and Disability Services. The Committee will follow the work of the ACYP in the development of a new Strategic Plan.
- 2.9 The Committee would also hope that any new plan includes regular monitoring and reporting mechanisms. While the Advocate told the Committee that significant work had been done by relevant agencies, it was difficult to find details of this work. For example, this information did not appear in the ACYP's Annual Report. The Committee would like to be kept informed on the work being done across the Government Sector to implement the new plan.
- 2.10 The ACYP has completed a number of projects that were its responsibility under the Plan. It was tasked with developing 'Our Local', which involved bringing together information about local opportunities, activities, services and events in NSW for children and young people in an easy to access and use digital platform.<sup>2</sup> The Committee notes that 'Our Local' was launched on 28 February 2019, allowing children and young people to search their suburb or council, accessing more than 16,000 listings. The Committee is pleased to see that 60 per cent of the listings are for regional areas.<sup>3</sup>
- 2.11 The ACYP also developed a Children and Young People Inspectors program that trains children and young people to assess how services engage with and meet their needs.<sup>4</sup>
- 2.12 Further, the ACYP is offering targeted training to government and non-government organisations to help them develop the skills to proactively and respectfully engage with children and young people.<sup>5</sup> The Committee notes that the resource 'Engaging children and young people in your organisation' was released on 5 February 2019 to help government and non-government

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<sup>1</sup> Ms Zoë Robinson, Acting Advocate for Children and Young People, Transcript of Evidence, 6 March 2020, p 9.

<sup>2</sup> Advocate for Children and Young People, *2017-18 Annual Report*, p 35.

<sup>3</sup> Advocate for Children and Young People, *2018-19 Annual Report*, p 38.

<sup>4</sup> Advocate for Children and Young People, *2017-18 Annual Report*, p 36.

<sup>5</sup> Advocate for Children and Young People, *2017-18 Annual Report*, p 36.

organisations meaningfully and effectively involve children and young people in their decision-making.<sup>6</sup>

## Disaster consultations

- 2.13 The Committee heard how children and young people have been affected by recent disasters across NSW including drought, bushfires and floods.<sup>7</sup> The ACYP has completed a significant amount of work visiting, consulting with, and supporting children and young people in disaster-affected areas. It has consulted widely and provided communication options to children and young people, including via an online portal.
- 2.14 The ACYP told the Committee that it intended to work directly with children and young people in learning how they would like their communities to be rebuilt post-disaster as well as the part they wish to play in that.<sup>8</sup>
- 2.15 The ACYP learned during its consultations of the concerns of children and young people when facing such natural disasters as drought, bushfires and floods. However, Ms Zoë Robinson, the Acting Advocate for Children and Young People, informed the Committee about how the ACYP had also heard children and young people speak of:
- ...how the community rallied, how they were helping get animals out of neighbour's yards, how they were alerting neighbours. And we have seen and met with an incredible number of young RFS volunteers, which is a credit to the Rural Fire Service, but also we have seen the genuine interest in that volunteering process and then the number of people who have said that they themselves will be wanting to sign up in their community.<sup>9</sup>
- 2.16 A key function of the ACYP is 'to promote the participation of children and young people in the making of decisions that affect their lives and to encourage government and non-government agencies to seek the participation of children and young people appropriate to their age and maturity'.<sup>10</sup> The Committee is pleased to hear that the disaster consultations are to contribute to a report that will inform the work of the Government and future disaster recovery efforts. The Committee supports the views of children being taken into account when Government is considering future disaster response policies. For example, the Advocate explained that some evacuation centres had limited facilities for children and young people.<sup>11</sup> The ACYP should continue to collect such unique feedback and ensure that it is passed on to Government to further support children and young people in NSW.

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<sup>6</sup> Advocate for Children and Young People, *2018-19 Annual Report*, p 20.

<sup>7</sup> Ms Robinson, Transcript of Evidence, 6 March 2020, p 3.

<sup>8</sup> Ms Robinson, Transcript of Evidence, 6 March 2020, p 3.

<sup>9</sup> Ms Robinson, Transcript of Evidence, 6 March 2020, p 4.

<sup>10</sup> *Advocate for Children and Young People Act 2014*, section 15(1)(b).

<sup>11</sup> Ms Robinson, Transcript of Evidence, 6 March 2020, p 7.

## Other engagements with children and young people

- 2.17 A principle that governs the work of the ACYP is that the views of children and young people are to be given serious consideration and taken into account.<sup>12</sup>
- 2.18 During the reporting period, the ACYP reached the milestone of having heard from 10,000 children and young people in face-to-face consultations out of a combined total of 28,000 children and young people in the last four years.<sup>13</sup> The Committee congratulates the ACYP on having achieved this milestone.
- 2.19 The Committee acknowledges that in July and August 2018, the ACYP conducted 26 workshops in regional NSW in conjunction with the Department of Premier and Cabinet to engage young people in the development of a Regional Youth Strategy for NSW. This involved consultation with 640 students in regional NSW.<sup>14</sup>
- 2.20 The Committee also notes the efforts made by the ACYP in engaging with children and young people in rural and regional areas, by participating in face-to-face consultations in schools. It was pleased to learn that the opportunity was used to simultaneously engage with such stakeholders as principals and local Members of Parliament, as well as the local community and services.<sup>15</sup> At the hearing, the Advocate spoke of the importance of personally attending as many of the face-to-face consultations as possible in order to maximise the benefits of meeting with stakeholders as well as engaging children and young people.
- 2.21 In addition, the ACYP highlighted that they have established online portals to engage with children and young people who may not have been prepared to share their views during these face-to-face consultations.<sup>16</sup> This should ensure the ACYP is able to collect the views of a wider representation of children and young people.
- 2.22 The Committee notes that the ACYP has worked to overcome some of the challenges of remoteness and distance when engaging with rural and regional areas. It has also attempted to work with multiple agencies and organisations when approaching communities in these areas.<sup>17</sup> The Committee recognises the importance of hearing from all children and young people in NSW and is pleased to see that those in rural and regional areas are not being overlooked. It would encourage the ACYP to continue to explore options to engage with these children and young people.

## Engaging with diverse groups of children and young people

- 2.23 Section 15(2)(b) and (c) of the Act requires the ACYP to prioritise the interests and needs of vulnerable and disadvantaged children and young people. It is also

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<sup>12</sup> *Advocate for Children and Young People Act 2014*, section 14.

<sup>13</sup> *Advocate for Children and Young People, 2018-19 Annual Report*, p 13.

<sup>14</sup> *Advocate for Children and Young People, 2018-19 Annual Report*, p 14.

<sup>15</sup> Ms Robinson, Transcript of Evidence, 6 March 2020, p 11.

<sup>16</sup> Ms Robinson, Transcript of Evidence, 6 March 2020, p 3 and 11.

<sup>17</sup> *Advocate for Children and Young People, 2018-19 Annual Report*, p 11.

required to consult with children and young people from a broad range of backgrounds and age groups throughout NSW.

2.24 The Committee commends the efforts of the ACYP to fulfil this function in its future of education consultations. 1,848 children and young people were involved in consultations, an online survey and youth poll. They were asked about the purpose of schooling in the future, what knowledge, skills and attributes should be developed, how student learning can be better supported, and changes for the future.<sup>18</sup> The Committee is pleased to learn that participants represented diverse backgrounds and life experiences including:

- children with disability;
- children in out of home care;
- children from culturally and linguistically diverse backgrounds;
- Aboriginal young people; and
- refugees.

2.25 In its review of the 2016-2017 annual report of the ACYP, the Committee commented that it would keep a watching brief on the ACYP's efforts to connect with children and young people with disability.<sup>19</sup> The Committee is pleased to hear how the ACYP has been conducting specific consultations with children and young people with disabilities, having spoken with 370 children and young people with disability.<sup>20</sup> This group of children and young people continue to face particular challenges. The Committee will continue to monitor the ACYP's work to consult and engage with this group.

2.26 The Committee also flagged in its review of the 2016-2017 annual report that it would like to hear more in future of the ACYP's approach to systematically engaging with children in out of home care and/or those with a child protection history.<sup>21</sup> As such, the Committee acknowledges that the ACYP released its Report on Consultations with Socially Excluded Children and Young People in October 2018, which includes children in out of home care.<sup>22</sup> The Report sets out 70 recommendations as a result of face-to-face consultations with almost 3,000 socially excluded children and young people. The Committee notes that the Report received wide coverage across ABC media outlets.<sup>23</sup>

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<sup>18</sup> Advocate for Children and Young People, *2018-19 Annual Report*, p 16.

<sup>19</sup> Committee on Children and Young People, *Review of the 2016-2017 Annual Report of the Advocate for Children Young People and the functions of the Children's Guardian*, August 2018, p 5.

<sup>20</sup> Ms Robinson, Transcript of Evidence, 6 March 2020, p 5.

<sup>21</sup> Committee on Children and Young People, *Review of the 2016-2017 Annual Report of the Advocate for Children Young People and the functions of the Children's Guardian*, August 2018, p 4.

<sup>22</sup> Advocate for Children and Young People, *2018-19 Annual Report*, p 19.

<sup>23</sup> Advocate for Children and Young People, *2018-19 Annual Report*, p 19.

- 2.27 The Committee will follow the implementation of the report and recommendations made in it. It will monitor the progress made and the effectiveness that the ACYP reports have in leading change across the sector.
- 2.28 The Committee notes that in the year to September 2019, there were 108,803 reports of children at risk of serious harm of which only 31,773 children ever saw a case worker (29.2%). This means 77,026 children (70.8%) at risk of serious harm fell within the cracks of the NSW child protection system. This is clearly unacceptable and the Committee will continue to closely monitor developments in this critical area.
- 2.29 On 14 November 2019, the Committee resolved to conduct an inquiry into the support for children of imprisoned parents in NSW, another group of disadvantaged children and young people. This is an area where the Committee has an ongoing interest.
- 2.30 The Committee commends the work of the ACYP in engaging with diverse groups of children and young people. It encourages the ACYP to continue its work in this field, as well as with those in the juvenile justice system.

## Juvenile Justice

- 2.31 The Committee is pleased that the ACYP has delivered on its intention, expressed to the Committee in its review of the 2016-2017 annual report of the ACYP, to visit every juvenile justice centre twice and to conduct trial exit interviews.<sup>24</sup> The Committee reiterates its views that this is an area where the ACYP should have a particular focus, given the vulnerable nature of these children and young people. It is important that these disadvantaged groups are given the opportunity to express their views.
- 2.32 In the 2018-19 reporting period, the ACYP consulted with 86 young people in the Acmena, Riverina, Cobham, and Orana juvenile justice centres.<sup>25</sup> Young people in juvenile justice centres were asked about what is working well and what is not working so well. The Committee heard how Aboriginal and Torres Strait Islander young people expressed the need to access culture and community.<sup>26</sup>
- 2.33 The Committee further notes that the ACYP is working with Youth Justice to provide staff training in child rights.<sup>27</sup>
- 2.34 During the reporting period, the ACYP also conducted a trial of in-depth exit interviews with 15 young men within one month of their release from Baxter Juvenile Justice Centre.<sup>28</sup> The interviews explored:
- how young people could be better supported in communities;

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<sup>24</sup> Committee on Children and Young People, *Review of the 2016-2017 Annual Report of the Advocate for Children Young People and the functions of the Children's Guardian*, August 2018, p 4.

<sup>25</sup> Advocate for Children and Young People, *2018-19 Annual Report*, p 15.

<sup>26</sup> Ms Robinson, Transcript of Evidence, 6 March 2020, p 12.

<sup>27</sup> Ms Robinson, Transcript of Evidence, 6 March 2020, p 12.

<sup>28</sup> Advocate for Children and Young People, *2018-19 Annual Report*, p 16.

- the programs, supports and services that assist young people in custody; and
- what would help young people to reintegrate into the community upon leaving custody.

2.35 The Committee would be keen to hear about the outcomes of the trials of exit interviews and what the ACYP intends to do in the future.

### **The Youth Advisory Council**

2.36 Part 4 of the Act establishes a Youth Advisory Council (YAC) and sets out its membership and functions. The YAC has 12 members, drawn from applicants aged between 12 and 24 years old residing in NSW. It meets regularly throughout the year to provide advice to the Minister responsible for Youth and the ACYP on issues, policies and laws that impact children and young people.<sup>29</sup> The YAC also consults with young persons, community groups and government agencies on issues and policies concerning young persons.<sup>30</sup>

2.37 At the hearing, Ms Emily Backhouse, Chair of the Youth Advisory Council in 2019, spoke of the relationship between the YAC and the ACYP:

I think the engagement with the Advocate is absolutely amazing... [they] have come to every meeting that we have had. That support is very continuous. Not only is it with the Advocate, but also with the Office. I think we can ask for briefs at every meeting and we get given those briefs. It is just a very continually supportive environment.<sup>31</sup>

2.38 The Committee recognises the important work done by the YAC. It is also pleased to hear that it is being well used and supported by the ACYP. The Committee notes that, at the time of the hearing the recruitment for the YAC 2020 was not finalised.

2.39 The Committee supports the ongoing value of having a YAC and recognises that the ACYP is successfully managing the recruitment, training and support of the YAC.

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<sup>29</sup> Advocate for Children and Young People, *2018-19 Annual Report*, p 30.

<sup>30</sup> *Advocate for Children and Young People Act 2014*, section 22.

<sup>31</sup> Ms Emily Backhouse, Chair, Youth Advisory Council 2019, Office of the Advocate for Children and Young People, Transcript of Evidence, 6 March 2020, p 9.

## Appendix One – Committee's functions

Part 7 of the *Advocate for Children and Young People Act 2014* sets out the Committee's functions as:

- (a) to monitor and review the exercise by the Advocate of the Advocate's functions,
- (b) to monitor and review the exercise by the Children's Guardian of functions under—
  - (i) the *Child Protection (Working with Children) Act 2012*, or
  - (ii) the *Children's Guardian Act 2019* in relation to the reportable conduct scheme and working with relevant entities to prevent, identify and respond to reportable conduct and promote compliance with the scheme,
- (c) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter relating to the Advocate or connected with the exercise of the Advocate's functions, or on any matter relating to the exercise of the Children's Guardian's functions specified in paragraph (b), to which, in the opinion of the Joint Committee, the attention of Parliament should be directed,
- (d) to examine each annual or other report of the Advocate and report to both Houses of Parliament on any matter appearing in, or arising out of, any such report,
- (e) to examine trends and changes in services and issues affecting children and young people, and report to both Houses of Parliament any changes that the Joint Committee thinks desirable to the functions and procedures of the Advocate,
- (f) to inquire into any question in connection with the Advocate's functions which is referred to it by both Houses of Parliament, and report to both Houses on that question.

## Appendix Two – Witnesses

**6 March 2020**

**Public Hearing in Preston-Stanley Room, Parliament House**

<b>Witness</b>	<b>Position and Organisation</b>
Ms Zoë Robinson	A/Advocate for Children and Young People, Office of the Advocate for Children and Young People
Mr Michael Shaw	Director, Office of the Advocate for Children and Young People
Ms Emily Backhouse	Chair, Youth Advisory Council 2019, Office of the Advocate for Children and Young People
Ms Janet Schorer	Children’s Guardian, Office of the Children’s Guardian
Ms Sharminie Niles	Director, Legal Services, Office of the Children’s Guardian
Mr Steve Gholab	Director, Working with Children Check, Office of the Children’s Guardian

## Appendix Three – Extracts from minutes

### **MINUTES OF MEETING No 3**

1:31pm, 14 November 2019

Room 1136, Parliament House

#### **Members present**

Mr Mason-Cox (Chair), Ms Wilson (Deputy Chair), Ms Boyd, Mr Donnelly, Ms Harrison, Ms Preston and Mr Saunders.

#### **Officers in attendance**

Elaine Schofield, Elspeth Dyer and Jennifer Gallagher.

#### **1. Confirmation of minutes**

Resolved, on the motion of Mr Donnelly:

That the draft minutes of meeting no 2, held on 9 August 2019, be confirmed.

#### **2. \*\*\***

#### **3. Office of the Advocate for Children and Young People Annual Report 2018/2019 and Children's Guardian**

The Chair noted that the Office of the Advocate for Children and Young People presented its Annual Report for 2018/2019 on 1 October 2019; and that the Children's Guardian presented her Annual Report for 2018/2019 on 31 October 2019.

Discussion ensued.

Resolved on the motion of Ms Wilson:

- That the Committee conduct a review of the annual reports and other matters in relation to the functions and performance of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian;
- That the Chair and secretariat develop an inquiry plan and timeline and circulate to all members.

#### **4. \*\*\***

#### **5. General Business**

The Chair noted that the Advocate for Children and Young People has advised the Committee that the Youth Advisory Council will meet on 1 December 2019; that the Advocate has invited interested members to attend and observe proceedings; and that the Chair will be attending.

#### **6. Next meeting**

The Committee adjourned at 2:06pm until a date and time to be determined.

**MINUTES OF MEETING No 4**

10:16am, 6 March 2020

Preston-Stanley Room, Parliament House

**Members present**

Mr Mason-Cox (Chair), Ms Boyd, Mr Donnelly, Ms Harrison, Ms Preston and Mr Saunders.

**Officers in attendance**

Elaine Schofield, Leon Last, Jackie Linnane, Jennifer Gallagher, and Mohini Mehta.

**1. Apologies**

An apology was received from Ms Wilson.

**2. Confirmation of minutes**

Resolved, on the motion of Mr Donnelly, seconded by Mr Saunders:

That the draft minutes of meeting no 3, held on 14 November 2019, be confirmed.

**3. \*\*\***

**4. \*\*\***

**5. \*\*\***

**6. Review of the annual reports and other matters of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian**

Resolved, on the motion of Ms Preston: That the Committee invite the witnesses listed in the notice of hearing for Friday, 6 March 2020 to give evidence in relation to the review of the annual reports and other matters of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian.

**a. Media**

Resolved, on the motion of Mr Saunders: That the Committee authorise the audio-visual recording, photography and broadcasting of the public hearing on 6 March 2020 in accordance with the NSW Legislative Assembly's guidelines for coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

**b. Answers to questions on notice**

Resolved, on the motion of Ms Harrison: That witnesses be requested to return answers to questions taken on notice and any supplementary questions within 10 working days of the date on which the questions are forwarded to the witness.

**7. \*\*\***

## **8. Public hearing with the Advocate for Children and Young People and the Children's Guardian**

Witnesses and the public were admitted. The Chair opened the public hearing at 10.30 am and after welcoming the witnesses, made a brief opening statement.

Ms Zoë Robinson, Acting Advocate for Children and Young People, and Ms Emily Backhouse, Chair, Youth Advisory Council 2019, Office of the Advocate for Children and Young People were affirmed and examined.

Mr Michael Shaw, Director, Office of the Advocate for Children and Young People was sworn and examined.

The Acting Advocate for Children and Young People showed a video presentation as an opening statement.

The Committee commenced questioning the witnesses. Evidence concluded and the witnesses withdrew.

The Committee adjourned at 11.34 am and the public hearing resumed at 1.01 pm.

Ms Janet Schorer, Children's Guardian, Ms Sharminie Niles, Director Legal Services, Office of the Children's Guardian, and Mr Steve Gholab, Director, Working With Children Check, Office of the Children's Guardian, were sworn and examined.

Ms Schorer made a brief opening statement.

The Committee commenced questioning the witnesses. Evidence concluded and the witnesses withdrew.

The public hearing concluded at 2.03 pm.

## **9. Post-hearing deliberative**

Resolved, on the motion of Mr Donnelly: That the corrected transcript of public evidence given on 6 March 2020 be authorised for publication and uploaded to the Committee's website.

## **10. Next meeting**

The Committee adjourned at 2:06pm until a date and time to be determined.

**MINUTES OF MEETING No 5**

1.30pm, 18 June 2020

Macquarie Room, Parliament House

**Members present**

Mr Mason-Cox (Chair), Mr Donnelly, Ms Harrison, Ms Preston, Mr Saunders, and Mr Sidgreaves.

**Officers in attendance**

Elaine Schofield, Leon Last, and Jackie Linnane.

**1. Apologies**

An apology was received from Ms Boyd.

**2. Committee membership**

The Chair reported a change in the membership of the Committee as reported in the Votes and Proceedings, of 16 June 2020, entry 13.

Mr Peter Sidgreaves MP has been appointed to the Committee in place of Ms Felicity Wilson MP.

**3. Election of Deputy Chair**

As a consequence of the membership change, the Chair noted the vacancy in the office of Deputy Chair for the Committee and called for nominations.

Ms Preston, seconded by Mr Saunders, nominated Mr Sidgreaves.

Mr Donnelly, seconded by Ms Harrison, nominated Ms Harrison.

Question put- that Mr Sidgreaves be elected Deputy Chair of the Committee.

Question resolved in the affirmative.

Mr Sidgreaves elected as the Deputy Chair.

**4. Confirmation of minutes**

Resolved, on the motion of Mr Donnelly, seconded by Ms Preston:

That the draft minutes of meeting no 4, held on 6 March 2020, be confirmed.

**5. 2020 Review of the annual reports and other matters of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian**

**5.1. Publication Orders**

Resolved, on the motion of Ms Preston, that the Committee publish the answers to questions on notice received from the Office of the Advocate and Children and Young People and the Office of the Children's Guardian on its website.

The Committee kept confidential the document referred to as the *Grisard Report* provided to the Committee by the Children's Guardian.

## **5.2. Consideration of Chair's draft report on the 2020 Review of the Office of the Advocate for Children and Young People**

The Committee agreed to consider the report *in globo*.

Resolved, on the motion of Mr Saunders:

1. That the draft report be the report of the Committee, and that it be signed by the Chair and presented to the House.
2. That the Chair and committee staff be permitted to correct stylistic, typographical, and grammatical errors.
3. That, once tabled, the report be posted on the Committee's website.

## **5.3. 2020 Review of the Children's Guardian**

Resolved, on the motion of Mr Donnelly, that the Chair write to the Children's Guardian to request an update on the issues raised at the public hearing in March, including:

- the implementation of the Reportable Conduct Scheme, in particular the issue of potential conflicts of interest,
- implementing changes following the reviews conducted by Mark Robinson SC and Grisard Consulting, and
- the development of a new Strategic Plan for the Office of the Children's Guardian.

**6. \*\*\***

**7. \*\*\***

## **8. Next meeting**

The Committee adjourned at 2.04 pm until a date and time to be determined.

## Appendix Four – Glossary

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the Act	The <i>Advocate for Children and Young People Act 2014</i>
the ACYP	The Office of the Advocate for Children and Young People
the Plan	The NSW Strategic Plan for Children and Young People 2016-2019
YAC	The Youth Advisory Council

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