

**Questions on Notice –
Review of the 2005/6 Annual Report of the
Commission for Children and Young People**

About the Commission

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

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

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

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

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

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

- 3. Information about the entire Office for Children workforce appears in the Office for Children Annual Report 2005-6, but specific information relating to Commission staff is not provided. Has the establishment of the Office for Children impacted upon staff retention and turnover during 2005-6?**

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

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

The Commission's equivalent full-time staff at June 30 2006 was 43.3, and the equivalent full-time staff dealing with background checks and prohibited

employment is 16.7. The Commission's budget is appropriated as a whole and not divided into funds for the various program areas like research, background checking and so on. The Commissioner, in her independent role, makes internal budget allocations to support the directions she has set.

- 5. Developing strategies to increase the Commission's workplace diversity is identified as a key Ethnic Affairs Priority for 2006-7 [p 28]. What strategies have been developed so far?**

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

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

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

Year in Review

Safety

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

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

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

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

Prohibited employment declaration

- 8. The 2005-06 amendments to the *Commission for Children and Young People Act 1998* [the Act] extended the range of offences which prohibit a person from child-related employment, and limited a prohibited person's capacity to seek a review of his or her status in certain circumstances. In 2006-7 the Commission was to develop systems and processes to support the commencement of these statutory provisions. How has this progressed? Has the Commission encountered any difficulties?**

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

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

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

Assessing applications

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

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

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

The strengths of the ADT and IRC reviews is they can call on additional court powers; for example they can compel information from agencies outside of NSW,

and cross-examine applicants under oath. The ADT and IRC also use psychological assessments to help their decision making.

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

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

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

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

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

The Commissioners Annual Report sets out the outcomes of decisions of review of status.

Further the Committee on Children and Young People can review the exercise of the Commissioner's functions which include "determining or intervening in review

applications concerning prohibited persons". In addition the Commissioner's decisions, like all administrative decisions, are subject to review by the Ombudsman. Like the Committee on Children and Young People, he can make recommendations.

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

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

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

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

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

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

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

Background checks

15. The 2004 Review recommended extending background checks to include some volunteers working in high-risk areas.² As a result, the *Working with Children: Volunteers and Students Pilot Program* was conducted and evaluated [p 32] What is the Commission's current assessment of the practicality and effectiveness of extending compulsory background checks to include volunteers?

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

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

- small organisations run by volunteers, experience the administrative processes as significant and*
- the volunteer office bearers eg club President, gets sensitive personal information that if misused, either intentionally or through accident, could*

be damaging to relationships in small communities (ie small organisations, small towns etc) and its these very relationships that is the glue that holds these communities together and provides the service to kids

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

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

This is supported by recent research that suggests that focusing solely on the job applicant will not manage the risk of harm to children in the workplace. Doing so neglects critical factors that dynamically interact with the applicant to create the real potential for harm. Those critical factors have to do with the workplace itself and the characteristics of the specific children or young people the applicant would be working with.

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

- 16. The Commission's risk assessment target was set at 120 risk assessments per annum. The Annual Report states that there were almost twice the number of risk assessments in 2005-6 as in the previous year, mainly as a result of new regulation of licensees of child care centres [p 12]. What are the Commission's expectations with respect to number of assessments this financial year?**

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

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

- 17. The Annual Report notes that risk assessments may take up to 8 weeks to complete (and in 30% of cases longer than 8 weeks) [p 12]. What feedback has the Commission received from employers on the turnaround time for assessments?**

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

- 18. The Annual Report notes that, during 2006-7, the Commission will be:**

- **developing new guidelines for Employers and Operators of the working with Children Check;**
- **negotiating a new contract with Crimtrac for the provision of criminal records information;**
- **exploring options for web-enhanced checking [p 11].**

How has the Commission progressed these initiatives?

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

Child-safe child-friendly workshops

- 19. According to the Annual Report, the Commission conducted eight “Child-safe, Child-friendly” training courses during 2005-6 [p15]. How did the Commission decide upon the geographic/demographic spread of these**

training courses? Has there been any feedback on the impact of these workshops and does the Commission plan to continue them?

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

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

Children's Issues

20. The Annual Report notes that 70 recommendations previously made by the Commission were adopted by other organisations in 2005-6 [p 5].

- **Does this also include the recommendations of submissions to formal inquiries? [see p 5]**
- **How does the Commission keep track of the adoption of recommendations?**
- **Could you give examples of some of the recommendations, and some of the organisations that have adopted the recommendations?**

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

For example, In May 2005 the Commission made a submission to the Commonwealth Senate Select Committee on "Mental Health: A national

approach to mental health – from crisis to community”. The report, released in April 2006 reflected the Commission’s focus on prevention and early intervention, support for parents with mental health issues and their children and mental health support for children and young people in immigration detention. This is also reflected in the Council of Australian Governments National Action Plan on Mental Health 2006-2011.

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

21. The Annual Report makes reference to the creation of a partnership of the Commission with Business Initiating Social Impact (BISI) Australia Limited [p 3 & p 22]. How has this partnership progressed, and has the Commission undertaken any specific policy initiatives as result of working with BISI?

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

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

The Commission played a key role with BISI, producing “Our Kids and the Early Years: Leading Corporations Leading Change”. This outlined the importance of the early years and the strategies that corporate organisations can implement to support the early years. These strategies include paid parental leave and work

practices that allow parents achieve a better balance between work and their caring responsibilities.

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

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

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

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

The Commission's research sometimes focuses exclusively on vulnerable children, such as our poverty study and research into suicide and risk-taking behaviour. When our research is about children and young people more broadly, we analyse the data from perspectives of vulnerability, such as socio-economic status, Aboriginality and remoteness, to see if there are lessons to be learned about vulnerable children. Our Children at Work study for example, found that

young people in lower socio-economic areas and Aboriginal children were less likely to be in paid employment than other children.

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

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

The Commission has decided not to set up either Committee.

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

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

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

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

identified, as they arose. We will continue to hold such meetings when they are needed.

As outlined in the answer to Q22 we have effective ways of hearing and understanding the views of vulnerable children that are non stigmatising to them. We also have good networks with the agencies working with these children and include them in our decision making for example on our roundtable on children in poverty.

25. The 2004 Review anticipated that the Commissioner would consider a stronger brokerage role for the Commission, which would ultimately involve the Commission bringing together government and non-government agencies working in child protection.⁴ To what extent has the Commission undertaken a stronger brokerage role subsequent to this review?

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

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

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

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

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

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

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

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

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

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

We have been reviewing the key national and international indicator frameworks for monitoring the safety, welfare or well-being of children. We will assess these against our research findings of the children's understandings of well-being project. Together this work will help us to develop a set of indicators to monitor the well-being of children and young people over time at a population level.

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

28. The Annual Report states that in 2005-2006, 94% of media enquiries were acted upon [p 18]. It also reports on the numbers of interviews conducted. Is the Commission able to track the number of times the media has quoted the Commission as a result of the press releases or other media interest?

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

No one To Turn To Report

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

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

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

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

⁶ 1 recommendation in the report did not target any particular agency, so cannot be followed up

Children at Work research

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

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

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

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

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

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

Children and the Built Environment Report

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

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

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

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

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

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

32. The scope and subject matter of the *Built Environment Inquiry* differed considerably from those of previous Committee Inquiries. Does the Commission have any comments to make in respect of the breadth of the

Inquiry, for example, matters that might appropriately been considered by the Committee in the course of the Inquiry?

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

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

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

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

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

The Commission and our two partner organisations have been active in promoting the messages across Australia. We sent copies to Ministers and

Shadows Ministers in all Australian jurisdictions, and to peak organisations in many sectors. We have presented the findings and directions to national and state Conferences and forums of senior government and non-government agencies such as the Child and Youth Health Priority Taskforce and the Association of Children's Welfare Agencies. The report provided a robust basis for our work with the corporate sector in BISI Australia and more recently on Paid Maternity Leave.

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

Participation

- 34. The Annual Report notes that the Young People's Reference Group will continue until December 2006 [p 5]. It also notes that the Commission will then develop new participation mechanisms that allow a broader range of children and young people to have input. What has led to this proposed change in practice? What mechanisms will be replacing the Reference Group and how does the Commission intend to evaluate any new mechanism? Does the Commission plan to have any interim structure to take the place of the Reference Group while these new mechanisms are being developed?**

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

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

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

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

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

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

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

Additional Statutory requirements

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

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

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

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

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

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

Child-Related Conduct Declarations

36. Pursuant to s 81L of the *Parliamentary Electorates and Elections Act 1912*, all candidates for election to the NSW Parliament must make to the

Electoral Commissioner a Child-Related Conduct Declaration, at the same time as they nominate to be a candidate. Section 81N provides that, after an election, the declarations of successful candidates will be audited by the Commissioner, to ensure that all charges, offences and apprehended violence orders were properly disclosed.

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

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

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