

# QUESTIONS ON NOTICE FOR THE REVIEW OF THE 2008-09 ANNUAL REPORT OF THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE

## PERFORMANCE REPORTING

### **1. Does the Commission review its Annual Report against best practice? For example the assessment criteria for the Premier's Annual Reports Awards or the Australasian Reporting Awards?**

The Annual Report is one of the Commission's key mechanisms to account for its performance. The Commission continues to make modifications to its Annual Report to meet best practice standards and as part of its culture for continuous improvement. The 2008-09 Annual Report demonstrates our commitment to adopting best practice reporting principles in reporting on outcomes and achievements.

The NSW Audit Office's checklist for better practice has been followed to produce the report. This entails providing performance information that demonstrates accountability for the expenditure of public monies.

The Commission's officer in charge of the team that produces the Annual Report also attends the Australasian Reporting Awards seminar and feedback sessions. These principles enable the Annual Report to communicate the organisation's objectives in a clear and measurable way with results and outcomes explained.

In the 2008-09 Annual Report we have reduced the reliance on photography and economised on page layout which has enabled a reduction of nearly 20 pages, without impacting on content or readability.

### **2. Has consideration been given to providing report users with performance measures and indicators that show, for example, the:**

- a. Key performance indicators linked to agency goals for each key result area?**
- b. Performance targets and comparison of results against target for each key result area?**
- c. Adequate explanation of deviation from targets?**
- d. Review of results for the last 5 years?**
- e. Benchmarking of results against comparable organisations?**

The Commission's Annual Report is organised around its key results areas:

- Children's issues (children benefit from improved legislation, policies, practices and services).
- Participation (children participate in the decisions that affect them).
- Safety (child deaths are prevented; child-related employers adopt practices that reduce risk of harm to children).

The narrative of the Commission's Annual Report includes indicators and measures, explanation of deviation from targets, and review of the last one to three years' work. The Commission acknowledges that these elements of the report could be more clearly highlighted.

The detail of performance against targets for the Working With Children Check (WWCC) is reported in tables 2, 3 and 4 at pages 20-22 of the Annual Report.

The Commission will commit to reviewing the approach to its 2010-11 Annual Report as suggested by points (a), (b), (c) and (e) of the Committee's question. In relation to point (d), the Commission believes that reviewing results over a three year period is likely to provide a better and clearer picture of trends and performance over time. This approach would also dovetail with the Commission's plans to report on the well-being of NSW children on a three yearly basis.

The Commission is entering a new strategic planning cycle in 2010-11 and a key aspect of this will be to develop new performance indicators and measurement tools. In undertaking this work, we will seek to benchmark our results against comparable organisations, including other Commissions around Australia.

## **BETTER FUTURES REGIONAL STRATEGY**

### **3. The Committee is pleased to note that the Commission itself is reviewing the Better Futures Strategy and would appreciate receiving a progress report on how that evaluation is progressing.**

In September 2009 Youth Strategies and the Better Futures Grants and Subsidies program were transferred from the Department of Human Services, Community Services to the Commission, now located within Communities NSW.

The then Minister for Youth requested that the Commission undertake a review of the Better Futures Regional Strategy (Better Futures) at the time of the transfer. The review of Better Futures was to consider current research and include consultation with children and young people, service providers and key stakeholders and was initially intended to be completed by 30 June 2010. Also to be considered in the review were the recommendations contained in:

- *Keep them Safe: a Shared Approach to Child Wellbeing.*
- The Joint Parliamentary Committee report *Children and Young People Aged 9-14 years in NSW: the Missing Middle.*
- The review of the NSW Government Youth Action Plan *The Way Forward: Supporting Young People in NSW.*

Due to the complexity of issues to be considered as part of this review and to allow interested parties time to provide feedback on the program to date, the Minister extended the review period for a further twelve months to 30 June 2011. It was also decided that funding for all Better Futures projects currently supported during the 2009-10 period would be extended for a further period of twelve months.

One of the recommendations from the Ministerial Review of the Commission was that the Youth Strategies and Better Futures Grants and Subsidise program reside within Communities NSW as it administers other similar community-directed programs.

Consequently, the review of Better Futures is currently being undertaken by Communities NSW. The Commission will contribute advice to the review of Better Futures and will ensure that the revised Strategy is consistent with the key recommendations contained in the Committee's *Children and Young People Aged 9-14 years in NSW: the Missing Middle* report.

Action taken to date for the review include:

- Analysis of *Keep them Safe, Children and Young People Aged 9-14 years in NSW: the Missing Middle* and the review of *The Way Forward: Supporting Young People in NSW*.
- Analysis of the distribution of Better Futures funds from 2007-08 to 2009-10 across regions and against category of service (e.g., transitions, youth sector development, sporting).
- Completion of a stakeholder survey to all Better Futures grant recipients.
- Collation of grant recipients' details on grants project activities conducted since 1 July 2009 including progress towards the project outcomes and performance measures in the Service Specification or Service Agreement.

## INJURY PREVENTION

### 4. How is the Child Injury Prevention Reference Group structured, what are its terms of reference and how often does it meet? How might progress toward the plan's key objectives be measured?

The Commission's Child Injury Prevention Reference Group, chaired by the Commission, is made up of representatives from the: NSW Department of Health; NSW Motor Accidents Authority; NSW Office of Fair Trading; NSW Roads and Traffic Authority; University of NSW Injury Risk Management Research Centre; NRMA; Youthsafe; Kidsafe; and the Australian Centre for Agricultural Health and Safety.

Its Terms of Reference are:

- To raise awareness and build commitment across the government and non-government sectors about the importance of a co-ordinated inter-agency approach to injury prevention for children and young people under 18 in NSW.
- To contribute information, knowledge and expertise to the development of inter-agency plans to address the level of unintentional injury for children and young people in at least one of the following areas:
  - § Falls from buildings and structures, including windows.
  - § Off-road use of motor cycles or other vehicles.
  - § Safe socialising and transport options for young people.
- To oversee the implementation of inter-agency plans.
- To monitor progress made against inter-agency plans.

The Reference Group was formed in April 2009 and has met on three occasions. Its work in 2009 predominantly had a research focus including looking at models of inter-agency partnerships, overseas experiences of injury prevention initiatives and an audit of the injury prevention policy landscape in NSW. The Commission also commenced discussions with the Westmead Children's Hospital about a potential partnership in the area of falls from buildings and the use of off-road motor cycles and other vehicles.

Funding will be allocated to this project in 2010-11 and it is expected that advice about inter-agency models for injury prevention for children will be completed by June 2011. The advice will also consider how progress in this area can be best measured, including for example: levels of community awareness about injury prevention strategies; take-up of injury prevention strategies; activities of the Reference Group; and partners and a reduction in injuries to children in targeted areas.

The Commission will also continue to consider children's injury as part of its broader monitoring and reporting role.

## **CHILDREN AND POVERTY**

### **5. In relation to children and poverty: Has an alternative source of funding been targeted for the proposed project in partnership with the Benevolent Society and RMIT University?**

In October 2008, the Commission applied for funding through the Foundation for Children but was unsuccessful. A project proposal has been developed on children and poverty and further consideration will be given to securing other sources of funding as part of the Commission's strategic planning process. The focus of the research is children's experiences of poverty, and the implications for policy and program development.

The Commission will also continue to monitor the issues for children living in poverty via "A Picture of NSW Children" and seek to work in partnership with organisations that undertake research and/or deliver services to children affected by poverty such as the Benevolent Society, the Smith Family, Mission Australia, the Brotherhood of St Laurence and the Salvation Army.

### **6. Can you inform the Committee about how the Commission will advocate on behalf of children in poverty given that this is a complex whole of government policy issue?**

Traditionally, in the Australian context, poverty has been understood primarily in relation to income and in relative terms. The National Centre for Social and Economic Modelling (NATSEM) defines the poverty line as half the median OECD equivalised household disposable income. More recently, this understanding of poverty has been challenged by a multi-dimensional understanding of deprivation, also referred to as social exclusion.

Where child deprivation is measured using family income, as the key focus, the impact of poverty on children can be missed. As a result, researchers are starting to uncover how to capture the intersection between economic and social deprivation and how poverty impacts on children. The Commission plans to collaborate with research bodies looking at this issue. One such group is the Social Policy Research Centre, which the Commission is currently collaborating with to develop "A Picture of NSW Children".

The Commission has made previous attempts to have research funded based on a sociology of childhood where children are to be understood as social actors in their own right. To date, the Commission has not been successful in securing funding for this research.

The Commission's study into children's understanding of well-being demonstrated that children understand that money allows them to do things – it enables them to participate – as well as purchase commodities.

Children also spoke about the emotional costs associated with 'going without' including concern about their parents' anxiety resulting from financial hardship, shame and exclusion.

The Commission has a strong focus and commitment to the participation of children, which is a guiding principle in the Commission's legislation and is applied to all of the work undertaken by the Commission.

The Commission's work on investing in the early years of childhood focussed on addressing inequality and poverty by improving access to both universal and targeted supports. The Commission will continue to consider the issues around vulnerability and poverty across all of its priority areas in 2010-11. The Commission will continue to monitor the issues relating to children's poverty via "A Picture of NSW Children" and seek to form partnerships with organisations that undertake research and/or deliver services to children affected by poverty such as the Benevolent Society, the Smith Family, Mission Australia, the Brotherhood of St Laurence and the Salvation Army. The Commission's role within these partnerships will be to support the development of research and policy responses that are child-centred and informed by children's perspectives of poverty.

## **YOUTH HOMELESSNESS**

### **7. What further developments have there been since the Youth Homelessness Forum in August 2009 and will the Commission's future research and advocacy work include a focus on youth homelessness?**

In August 2009 the Commission supported the NSW Youth Advisory Council to host a Youth Homelessness Forum in partnership with the Salvation Army, the Youth Accommodation Association (YAA), the Inspire Foundation and the Association for Child Welfare Agencies (ACWA).

The forum was held to help identify and promote strategies and solutions to prevent young people becoming homeless. The forum was an opportunity for young people affected by homelessness to have their voices and views heard by government and those in a position to deliver services and supports that directly affect children's lives. The event encouraged young people and others involved with providing services to them, to share their experiences of preventing and addressing youth homelessness.

A number of activities such as consultations, workshops and on-line forums were used in the days leading up to the event, to hear the views of young people. Over 100 young people were consulted through these mechanisms. The event covered significant issues on youth homelessness, and gave the organisers a clear understanding on how to prevent young people becoming homeless.

A report was produced that was presented to the then Minister for Youth by the NSW Youth Advisory Council for government to consider when implementing policies and programs aimed at preventing young people from becoming homeless.

Responsibility for supporting the NSW Youth Advisory Council has been transferred to Communities NSW. The Commission has been advised that the Council is reviewing the report that and has met with representatives of Housing NSW to discuss its contents.

The key priorities for the Commission's research, policy and advocacy work in 2010-11 are: further developing child-centered consultation and research practices; children in the middle years; injury prevention; the built environment: and the development of a "Picture of NSW Children".

The prevention of youth homelessness is a priority for both the Commonwealth and NSW governments and remains a priority for the Commission within the research and policy parameters described above. The National Partnership on Homelessness commits the Commonwealth and States to an additional \$800 million to improve the response to homelessness.

The Commonwealth will provide an additional \$400 million over four years from 2009-10, and States will match this with a \$400 million commitment.

The NSW Government's Homelessness Action Plan includes providing support to young people who are homeless or at risk of homelessness. Actions include:

- Supporting young people leaving care and juvenile detention by including the introduction of a *No Exits into Homelessness* strategy.
- Helping young people aged 12 to 18 years who are homeless or at risk of homelessness to re-engage with their family where it is safe to do so, maintain sustainable accommodation and engage with education and employment.
- Increasing housing assistance to families experiencing domestic violence.
- Improving the pathways for young people into long-term, secure housing.

Housing NSW is also leading the development of regional plans to address homelessness which the Commission has contributed advice to.

The Housing NSW Youth Action Plan includes a priority area on addressing homelessness and key projects to prevent homelessness for young people include:

- South West Sydney Youth Hub.
- The Inner City Supportive Housing and Support Project for Young People.
- Juniperina Housing and Support Project.
- Nepean Youth Homelessness Project.

The Commission is a member of the Housing and Human Services Senior Officers Group and will monitor and contribute to the efforts to prevent youth homelessness through this forum.



## BUILT ENVIRONMENT

### 8. The Committee would be interested to hear in further detail about:

- Your proposal to develop an education program which would build advice around participation of kids in different age groups.
- How the Commission will further promote the use of *built4kids*.

The Commission is in the process of establishing an advisory group to support a coordinated and inter-disciplinary approach to promoting child-friendly built environments in NSW. Members of the group will have a key role in promoting the use of *built4kids*. The Commission will be seeking advice shortly from key stakeholders about the Terms of Reference and membership of this group. The Commission will provide regular information to the Committee about progress.

The Commission has agreed to fund Griffith University to undertake a survey of local councils to assist the Commission to understand how *built4kids* is being used, the support needs of local government in implementing the principles and practices outlined in *built4kids* and how the indicators impact on the planning processes.

The Commission is considering broadening the reach of this survey given the strong interest in the publication from the Commission's website. At the 30 June 2010 Built Environment Roundtable held in Parliament, the Commission reported that there had been over 45,000 downloads of *built4kids* from its website since September 2009.

The Commission is developing a contract with Griffith University to undertake this work and discussions are currently taking place about the approach and methodology for this research.

Findings from the survey, which will be shared with the Committee, will be used to support further promotion of *built4kids*, develop an information and education program targeting the different sectors involved with designing, constructing and maintaining built environments. The Commission will continue to focus its efforts on educating professionals about supporting children to participate in decision-making about the design of the built environment, including for different age groups, promoting the use of *built4kids*, partnering with councils and other groups to showcase best practice.

Linked to this is the Commission's work on the middle years of childhood. The Commission is in the early stages of developing a paper on the developmental needs of children in the middle years. The Commission will extend this work to include children in the later years of adolescence to contribute to its work on the built environments. The paper will contribute to the Commission's advice around participation of kids in the different age groups.

A priority for the Commission's research, policy and advocacy work in 2010-11 includes further developing child-centered consultation and research practices. This will also feed into the Commission's work on the built environment.

## STATE PLAN

### **9. Can you explain how the Commission works with the Premier's Department to increase participation of children and young people in implementing children's participation in the State Plan?**

The Commission worked with the Department of Premier and Cabinet to support children to participate in the development of the 2006 State Plan and the revised 2009 State Plan which led to young people being included as a specific target population.

A priority for the Commission's research, policy and advocacy work in 2010-11 includes further developing child-centered consultation and research practices.

The Commission is currently working with its Young People's Reference Group on this issue and will develop an options paper to consult with NSW Government agencies, including the Department of Premier and Cabinet, about flexible and responsive consultative practices when seeking the input of children and young people in the development of public policy and programs. This will also support agencies to meet their obligations under the Premier's Memorandum for Youth Participation.

The Commissioner has met with the Deputy Director General of the Department of Premier and Cabinet to discuss mutual priorities, including in relation to participation, and is scheduled to hold discussions with the Premier's newly appointed youth adviser shortly.

(See also, Commission's response to Question 10 in relation to complaints made by children and young people.)

### **10. In relation to the priority areas [S8, customer satisfaction with government service; S4, increasing levels of attainment; F4 embedding prevention and early intervention into government services] which have not yet been progressed, what further action, if any, has been or will be taken to increase young people's participation in those areas?**

#### Priority area S8: customer satisfaction

A principal function of the Commission as per Section 11(b) of the Commission's Act is: *To promote and monitor the overall safety, welfare and well-being of children in the community and to monitor the trends in complaints made by or on behalf of children.*

There are a number of agencies that take complaints from children and young people in NSW. The Commission will undertake work in 2010-11 to:

- report against the number of complaints made by children by agencies and topics; and
- work with agencies to improve data collection and to appropriately respond to the issues raised.

A copy of this advice will be provided to the Department of Premier and Cabinet, who has responsibility for the State Plan.

The Commission will also consider how it can work with NSW Government agencies to strengthen complaints taking policies and practices in relation to children and young people to ensure that they can participate in the development of service improvements.



#### Priority area F4: prevention and early intervention

Early intervention and prevention for children is now a strong part of the policy landscape as evidenced by the Council of Australian Governments (COAG) early childhood reform agenda and initiatives such as the NSW Government's Brighter Futures program.

The Commission previously undertook extensive work in the area of prevention and early invention for the early years of childhood and will continue to keep a watching brief in this area.

The Commission's work on the middle years of childhood will include a strong focus on prevention and early intervention. As part of its work on the middle years, the Commission is currently contributing to the Communities NSW review of the Better Futures Regional Strategy and has participated on the Department of Human Services, Community Services Vulnerable 9-15 years Working Group. Both include a focus on prevention and early intervention and the Commission is providing advice to agencies about supporting young people's participation in the design, delivery and evaluation of services.

#### Priority area S4: increasing levels of attainment

As part of developing "A Picture of NSW Children" the Commission will continue to monitor initiatives to increase levels of attainment, including raising the school leaving age to 17 in NSW. The Commission will monitor the levels of attainment in NSW, how they compare with other states and territories and whether or not they have increased over time.

### **WORKING WITH CHILDREN CHECK: RECOMMENDATIONS FROM THE AUDITOR GENERAL'S PERFORMANCE AUDIT**

#### ***To reduce the risk of prohibited people working with children (by December 2010)***

**11. The Auditor-General recommends that the Commission have all volunteer organisations register with the Commission [Recommendation 1a]. In its response, the Commission describes this as 'one approach' to achieve greater compliance with the WWCC and one that would require statutory change.**

**What is the Commission's view on the utility of the Auditor-General's recommendation and what other approaches might be effective in achieving this outcome?**

The *Commission for Children and Young People Act 1998* currently provides that volunteer organisations must ask volunteers in child-related employment to declare that they are not prohibited from working with children. A small subset of these volunteer organisations must also register with an Approved Screening Agency for the WWCC.

The Commission's response to the Auditor-General acknowledged that the Commission could only create a register of volunteer organisations on the basis of goodwill, as it has no statutory authority to compel volunteer organisations to provide the Commission with information. Nevertheless, the Commission has implemented this recommendation using the goodwill of volunteer organisations and publicly available information. The Commission's volunteer register contains almost 500 organisations.

The concerns underlying the Auditor-General's recommendation were that volunteers in child-related employment are (in the main) not subject to the WWCC, and that volunteers with prohibiting records may sign declarations and not be caught out. A register of volunteer organisations will not overcome the problem of volunteers not being subject to the full WWCC. The Commission has recommended in its submission to the current legislative review that volunteers and paid employees who work with children be equally subject to the WWCC. This is consistent with the WWCC programs in other states.

**12. The Auditor-General recommends that the Commission move to direct lodgement of Prohibited Employment Declarations by volunteers [Recommendation 1b]. In its response, the Commission describes this as a form of volunteer accreditation, which may be considered in the Statutory Review of the *Commission for Children and Young People Act 1998* (the Statutory Review).**

**How might the Accreditation Model proposed by the Commission in its submission to the Statutory Review deliver the risk reduction outcomes envisaged by the Auditor-General in Recommendation 1b? Should this model not be adopted as an outcome of the Review, then how might the Commission address Recommendation 1b?**

As the Auditor-General found, the current legislation imposes few real barriers against prohibited persons volunteering with children.

The Auditor-General's recommendation 1b was intended to give the Commission ready access to Volunteer Declarations for auditing, and to simplify the obligations of volunteers and volunteer organisations. The Auditor-General envisaged an on-line system where volunteers could register a declaration that could be accessed by any volunteer organisation. At the same time, evidence that volunteer organisations had checked these declarations could be stored on-line, saving them from the need to retain bulky hard copy declarations.

The model proposed by the Commission would provide for on-line application for a WWCC by all volunteers and employees covered by the legislation. The outcome of the WWCC would be either an authority to work with children or the refusal of this authority. Applicants with an authority to work with children would be provided with a unique authorisation number. Employers and volunteer organisations would be obliged to verify that the applicant had a valid authority to work with children. It is envisaged and on-line system would record each verification by registered volunteer organisations or employers. The Commission would monitor these verifications to make sure employers were not engaging unauthorised people to work or volunteer with children.

If the government does not adopt such a model, the Commission could still provide on-line declarations for volunteers, through an upgrade IT system currently being built. A legislative change would be required to oblige volunteer organisations to register to use the on-line checking system.

**13. The Auditor-General recommends that the Commission undertake regular audits to check that volunteers are completing Prohibited Employment Declarations and are not prohibited persons [Recommendation 1c]. In its response, the Commission states that it will commence a full program of volunteer declaration audits in mid 2010.**

**How is this program progressing?**

This program is up and running, with 1,306 Volunteer Declarations checked in 2009-2010. The Commission has not identified any prohibited persons signing this Declaration.

The Commission planned to check 8,600 Volunteer/ Student Declarations in 2009-2010. This was dependent on early changes to the former Prohibited Employment Declarations, so that the Commission could obtain all the personal data required to conduct a criminal records check. The review of the WWCC was deferred while the Ministerial review of the Commission took place in late 2009 and while the Auditor-General conducted his performance review of the WWCC at the same time. The new forms became available at the end of March 2010, and became compulsory on 25 May 2010. This meant that the Commission was unable to complete the targeted number of checks.

In 2010-11, the Commission projects it will complete the annual target of 8,600 checks of Volunteer/Student Declarations.

**14. The Auditor-General recommends that the Commission ensures organisations and parents check that self-employed people have current WWC certificates [Recommendation 1d]. In its response, the Commission states that it will commence a major community information campaign in 2010.**

**Could the Commission provide a brief update on the progress of this campaign?**

The Commission deferred a comprehensive campaign in response to a change in the date by which self employed people were obliged to obtain a certificate.

When the NSW Government brought forward the review of the Commission's legislation to May 2010, it also deferred the obligation for self-employed people to obtain a certificate until May 2011. This was to make sure that self-employed people would not have rapid change in their WWCC obligations over the coming year.

The Commission advertised the changed requirements in the media, appropriate business publications and through the Commission's website, as well as writing to significant government and non-government employers and stakeholders to advise them of the changed commencement date.

**To improve compliance with the Working With Children Check (by December 2010)**

**15. The Auditor-General recommends that the Commission undertakes regular audits to ensure all employers who are required to request the check are in fact doing so [Recommendation 2a]. In its response, the Commission supports the proposal in principle but notes that the size and scope of a compliance program would be determined by the funds available.**

**The Commission's Annual Report notes that additional resources have now been provided [AR, p.10]. How is this work progressing?**

The additional funding referenced on page 10 of the Commission's Annual Report has supported the three specific programs undertaking new WWCCs, auditing volunteer declarations, and extending the child-safe child-friendly program. The auditing of employer compliance has been internally supported by re-organising Commission resources.

The Commission developed three new audit programs to ensure that employers are requesting WWCCs:

- The first program, already piloted, is to contact registered employers who have stopped requesting checks, to find out why they have stopped. The Commission contacted 200 such employers and is currently analysing the response to these contacts. The Commission will roll out this program in 2010-2011.
- The second program, to commence before December 2010, is to identify child-related employers who have not registered for the check, and find out why they have not done so. The Commission has completed its program planning and is currently obtaining lists of employers in child-related areas. The Commission will report on the outcomes of this program in the 2010-2011 Annual Report.
- The third program has recently commenced, with the first of the targeted employer groups contacted. The first round audits will commence in September 2010.

**16. The Auditor-General recommends that the Commission implements provisions to only check certain short term employees once every 12 months [Recommendation 2b]. In its response, the Commission anticipates the implementation of the new ESS database and its proposals to the Statutory Review.**

**Could the Commission provide an update on progress with the ESS database and how its proposals to the Statutory Review might address Recommendation 2b?**

The Commission's submission to the review of the *Commission for Children and Young People Act 1998* proposes a regime which would require applicants for child-related employment to have a check that authorised them to work for any employer or organisation. The authority would remain in place for a fixed period before needing renewal. This approach would overcome the current requirement for frequent re-checking of applicants when they move between casual and short term placements.

The Commission has contracted with Connected Solutions Group to build a new operating system to replace ESS. The contract provides that Connected Solutions Group will build the new system in phases, so that it can be adjusted to meet the requirements of an accreditation system, especially if an accreditation system is to shortly replace the existing pre-employment check.

The current system does not provide this capacity, so it is unable to detect repeat checks on a single applicant. Whether the new operating system supports the current approach or accreditation, it will provide the capacity to uniquely identify an applicant. This means that whatever system is ultimately agreed to by the Parliament, the Commission should be able to reduce the repeat checking of employees undergoing multiple checks within a short period.

**17. The Auditor-General recommends that the Commission screen applications and only process checks for child-related employment [Recommendation 2c]. In its response, the Commission notes that statutory change is required to make the WWCC simpler to understand, implement and enforce. Pending the Statutory Review, the Commission states that it will undertake more training and education for employers using the WWCC.**

**What additional training and education has been undertaken and how might the Commission's proposals to the Statutory Review make improvements to the screening process?**

The Commission conducted 18 Child-safe Child-friendly workshops across NSW for the volunteer sector. These workshops attracted 306 people from 226 volunteer organisations. Five of the workshops were held in Sydney, and 13 in regional centres.

The Commission conducted a further 63 workshops throughout NSW to help employers understand 2010 extensions to the WWCC. These workshops included practical steps to help organisations manage risks to their children. These workshops attracted 1,047 people from 265 organisations.

Altogether, the Commission ran 83 workshops involving 1,353 people and 491 organisations, an increase of 83 per cent over the workshop program offered in 2008-09.

To improve the screening process, the Commission has proposed simplifying the current definitions in the WWCC. Currently employers need to work through four separate tables to find out which, if any, of the 14 different check categories they should use. It is a significant demand on employers and on Approved Screening Agencies (ASA) which help employers to use the WWCC. It remains a challenge for Approved Screening Agencies to identify checks submitted incorrectly and follow them up.

The Commission proposes that there be only one check category for all types of engagement – volunteer, paid, licensed or contracted – and a simpler definition of child-related employment, with options for user payments.

***To improve risk estimate outcomes.***

**18. The Auditor-General recommends that the Commission ensure consistent practices amongst screening agencies (by December 2010) and complete the evaluation of AWARE as planned [Recommendations 3a and 3b respectively].**

**In its response to Recommendation 3a the Commission recognises the challenges presented by the 'distributed' system of checks in NSW as opposed to centralised checks in other jurisdictions. The Commission proposes that the costs and benefits of the 'distributed' system be further assessed through the Statutory Review to make improvements to the screening process.**

**How might the Commission's proposals to the Statutory Review address the challenges of the distributed system?**

**With regard to Recommendation 3b, how is the evaluation of AWARE progressing?**

The Commission has suggested to the legislative review that an accreditation system replace the current sector based pre-employment checks. The Commission sees an accreditation model working through a centralised operations unit that undertakes all checks. The resulting consistency of practice and outcome is especially important in a system that results in authorisation to work in any child-related sector, or a refusal of authorisation that can be judicially challenged.

The ASAs were originally established because they had existing expertise in servicing their particular sectors. There were five of them: Sport and Recreation, Community Services, Health, Education and the Catholic Commission for Employment Relations. The first two have given up their ASA status, assigning their sectors to the Commission. The Commission considers that in an accreditation model that authorises an applicant to work in all sectors, a sector based assessment is no longer required.

The Commission proposes to work with the major child-related employers, including the Department of Education and Training and NSW Health to deliver a check that supports their recruitment processes and practices, noting that the Check can never be a replacement for thorough assessment of suitability at recruitment.

The current AWARE tool is not suited to the proposed assessment model. The Commission is proposing to develop a new approach to assessment for the accreditation model – or to replace AWARE if the accreditation model is not adopted – by mid 2011. The Commission will engage major partners and stakeholders in this project to make sure that the model is transparent and meets the needs of the community.



***To manage risks following employment (by June 2010).***

**19. The Auditor-General recommends that the Commission ensure employers of significant risk employees implement Child-safe Child-friendly strategies [Recommendation 4a]. In its response, the Commission states that it will need to investigate statutory options for achieving this outcome and the Committee notes the Commission's recommendations to the Statutory Review (xxix and xxx).**

**If these recommendations are not adopted then how does the Commission propose to ensure employers of significant risk employees implement Child-safe Child-friendly strategies? How will you evaluate progress toward this goal?**

The Commission cannot compel any particular conduct by employers when they engage applicants assessed as significant risk.

Any person convicted of a serious sex offence, murder or kidnapping of a child or serious violence against a child is prohibited from child-related employment. For other applicants with less serious records, employers currently receive advice about the level of risk arising from these records so they can take steps to manage those risks. The scheme does not envisage that the only way to manage risks is by not engaging the applicant.

When an ASA identifies any risk to children from the applicant's history, it contacts the employer to assess the risks within the applicant's proposed role and within the employer's organisation. The ASA then writes to the employer listing the identified risks and possible mitigation strategies. This is part of the AWARE model of risk assessment.

The Commission has developed a program to follow up the employer's management of risks where significant risk applicants are engaged. This program involves contacting each employer in this small group and seeking their advice on how they propose to manage the risk associated with the engagement. Where necessary the Commission will also meet the employer to discuss options. The Commission will confirm the agreed approach and contact the employer after six months to find out how well it has worked.

Attending Child-safe Child-friendly workshops may also be an agreed action. Promoting Child-safe Child-friendly materials and actions in all organisations continues to be a strong focus of the Commission, and will help to mitigate risks associated with high risk employees. It should be noted that under an accreditation model, it will be an offence to employ a prohibited person and employers will only know if a person does or does not have an authority to work with children.

The Commission is starting this new program in the first quarter of 2010-11.

**20. Can you inform the Committee about how the Child-safe Child-friendly training program will be conducted in future? What do you see as the main challenges and opportunities? How will you evaluate the outcomes of the program?**

The Child-safe Child-friendly program is a critical part of the Commission's work to keep children in our community safe, and the Commission sees it as the continuing focal point for effective ongoing regulation of employers. It is currently funded by a three year allocation; 2011-12 is the last year of the current funding arrangement.

In 2010-2011, the Commission trialled new approaches for this program, running a large number of short courses as well as the standard full day courses. Courses were run every Thursday for two months at the Commission. Newly registered employers and other employers making inquiries to the Commission were invited to attend. Attendees were asked what additional support might assist them and a number of additional short courses were identified for development. To meet this demand, modules within the full day course will be developed into additional short courses. Regional Organisations of Councils and peak organisations have been actively engaged and strong relationships within government and the community have been established to pursue the child safe program.

Work has been undertaken for new employer groups whose contact with children does not require the WWCC. For example, the Commission worked with community language schools, whose teachers are volunteers and do not get checked, so they understood how to provide a child safe environment. Key Child-safe information was also translated into four community languages to continue supporting their needs.

The legislative review is expected to provide new opportunities and directions for the child-safe child-friendly program, as the regulatory and quality assurance functions of the Commission become better defined. The challenges will be in defining the Commission's regulatory roles, and in securing the necessary resources to support this work. The Commission will be exploring possible strategies, including evaluating the current Child-safe Child-friendly program.

**21. The Auditor-General recommends that the Commission identify people that have committed a prohibited offence while in child-related employment and advise police [Recommendation 4b]. In its response, the Commission notes that it supports ways to identify people already working with children who present a danger to them and acknowledges that the Auditor-General's recommendation 'is one way to do this'. For such a system to work with the WWCC, there is in the Commission's view, a requirement for statutory change.**

**How might the Commission's proposals to the Statutory Review provide an opportunity to achieve this outcome?**

The Commission has proposed an accreditation model for the WWCC. One of the benefits of an accreditation model, already realised in Victoria, Queensland and Western Australia, is that police can provide alerts when a person authorised to work with children has been charged with or convicted of a new offence. NSW Police already provide this service for the NSW Certificate for Self Employed People. NSW Police are keen to support the WWCC and have advised their willingness to provide these alerts for all authorised people.

The continuous monitoring of authorised people allows the checking agency to act when a person - whose previous record did not suggest a risk - starts to present a risk to children. The Commission proposes that the checking agency be given authority to remove or suspend a person's authorisation if new records indicate a serious risk to children. Employers would need to remove such people from child-related positions, and would have a legal authority for taking that action.

**22. The Auditor-General recommends that, in order to improve the reliability of checks, the Commission review its approach to collecting and analysing relevant employment information and review the usefulness of apprehended violence orders (by December 2010). The Commission states that it supports this recommendation and that the current arrangements are due for a full review.**

**How might the Commissions proposals to the Statutory Review provide an opportunity to achieve this outcome?**

The Commission proposed to the legislative review that Apprehended Violence Orders no longer be collected for the WWCC. The submission states the identified problems with AVOs as:

- *The subjects of AVOs are almost always unaware at the time that an AVO could affect future job opportunities, and do not take opportunities to challenge the Order.*
- *AVOs are often sought in the course of bitter relationship breakdowns; when risk estimates are undertaken years later, the applicant may recant, saying he or she did not in fact fear harm from their partner.*
- *It is standard Police practice to list all children of a household in an AVO, whether or not there is any evidence that the Order's recipient presents a particular risk of harming the children, other than the harm caused by an adult partner's fear of violence.*
- *More children are now taking out AVO against peers; these matters are rarely disputed so both sides of the case are not heard.*
- *Recording of information about AVOs is not extensive, so it is hard to get information about the conduct that led to the order.*
- *Consistency with Family Court Orders that cannot currently be accessed.*

*AVOs usually last for three years and then lapse. The Act provides that AVOs never lapse for the purposes of the WWCC. These issues raised concerns about the use of AVOs in the WWCC.*

*This process is not a sound process for records relied on in the WWCC. Other jurisdictions do not use AVOs in their processing except where breaches of AVOs are criminal records that would be considered in all WWCCs.*

This is not to say that AVOs cannot contain material that helps to determine whether an applicant poses a risk to children. The Commission proposes that breaches of AVOs be relevant records for the WWCC, triggering a risk assessment. The Commission also proposes that when an applicant has other records that trigger a risk assessment, any AVOs taken out against the applicant are considered in assessing risk. AVOs then would not trigger a risk assessment, but would be considered if another record triggered a risk assessment.

The Commission proposed to the legislative review that Relevant Employment Proceedings needed reconsideration for the Check because of the following limitations:

- *Definitions:* The definitions of reportable conduct in the Act are broad and are variably interpreted by employers and operators, resulting in trivial matters that do not indicate a risk to children being reported. In addition the Commission receives a very low number of notifications in the categories of neglect, psychological harm, ill-treatment and acts of violence. This suggests either a low incidence of such conduct or difficulties in identifying it in the workplace.
- *Thresholds:* The thresholds for reporting to the Commission are complex and lead to confusion amongst employers and operators, resulting in both under-reporting and over-reporting of matters.
- *Employer expertise:* The current provisions require employers to maintain a high level of expertise in making employment decisions, such as determining when conduct causes psychological harm to a child.
- *Review:* There is no legal capacity for the Commission to remove matters that are trivial or demonstrate no risk to children from the database. This can have a significant impact on employees and their future careers, without necessarily being in the best interests of children.

*In an accreditation system, the Commission would determine on a “yes/no” basis whether a person can work with children. Any decision not to accredit, including decisions based on REPs, would be reviewable by a court. This might explain the limited use of employment proceedings in accreditation-based WWCC in other jurisdictions.*

*In other jurisdictions the only employment proceedings that can be considered are those that have been determined through a judicial or quasi-judicial process – like an industrial court determination, or a registration made by a registration or licensing authority.*

Again, this is not to say that REPs cannot contain material that helps to determine whether an applicant poses a risk to children. The review is exploring other options for obtaining relevant employment proceedings for use in the WWCC.

## **COMMISSION’S SUBMISSION TO THE STATUTORY REVIEW OF THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE ACT 1998**

**23. “The Commission recommends the consolidation of sections 12, 13 and 14 of the Act, with the effective removal of the requirement outlined in section 13(2) that the Commission consult with children in exercising its functions, and, in particular, before making any significant recommendations. The Commission suggests instead that it must have regard to the United Nations Convention on the Rights of the Child.”**

**Could the Commission advise the Committee as to why it is suggesting "must have regard" rather than a statutory obligation to comply with the United Nations Convention on the Rights of the Child?**

The guiding principles contained in the Commission’s legislation are aligned with the United Nations Conventions on the Rights of the Child (UN CROC). In particular, that the views of children are to be given serious consideration and taken into account in decisions that affect their lives (Article 12 of UN CROC).

UN CROC places a number of obligations on member states via its 54 Articles and many of these Articles relate to the provision of government supports and services to children and their families.

The Commission is an oversight agency and does not deliver direct services to children, making it inappropriate for the Commission to have a statutory obligation to comply with the Articles of UN CROC. The Commission is a statutory authority established under its own legislation that:

- Advocates for child-centred policy development and decision-making in government.
- Monitors the impact of policy on children.
- Takes a holistic view of children irrespective of the specific issues dealt with by human service line agencies.
- Develops processes to obtain the views of children to build knowledge and understanding about children's lived experiences.

The Commission's recommendation within its submission to the review of its legislation is consistent with its role, as outlined above, and is also consistent with the provisions contained in the legislation of Children's Commissions and Guardians in other states and territories.

The Commission will continue to work with government to support agencies to uphold and promote the rights of children as part of its broader policy, research, advocacy and monitoring role, and consider articulating these principles in its forward strategic plan.

**24. The Commission proposes to retain its principle functions of conducting, promoting and monitoring public awareness [section 11(g)] and research [section 11(h)] but not in relation to training [section 11(f)]. How does the Commission propose to ensure that training in relation to issues affecting children is conducted, promoted and monitored?**

The Commission views training as one mechanism available to transfer knowledge about children's lives. The Commission's primary role is to develop this knowledge which is available through its publications and initiatives. As stated in the Commission's response to the legislative review, conducting, promoting and ongoing monitoring of training on these issues is more appropriately undertaken by other agencies.

The Commission has responsibility for child protection issues in work place settings. As part of this work the Commission does provide training and resources to support organisations to become 'child-safe' (see Commission's response to Question 20). The Commission is one of a number of agencies responsible for training and this role will continue in 2010-11.

# QUESTIONS ON NOTICE FOR THE REVIEW OF THE 2008 ANNUAL REPORT OF THE NSW CHILD DEATH REVIEW TEAM

## VOLUME 1: EXTERNAL CAUSES OF DEATH

### MORTALITY RATE

#### **25. Between 1996 and 2008, the directly standardised mortality rates for 0-17 year olds have dropped substantially [Table 5, p.13]. What are the likely factors contributing to this trend?**

Annual reporting by the Child Death Review Team (the Team) provides information on patterns and trends in death primarily for surveillance purposes. The reports help identify potential problems such as variations in mortality rates for different causes of death across time, across geographic areas, and across socio-demographic groups.

Where potential problems are identified, some research might be undertaken including the collection of additional information, to understand what the specific problems are and how they might be addressed.

There have been improvements in prevention since 1996: at a primary level in changes to healthier lifestyles and behaviours; at a secondary level in the provision of better health services for screening; and at a tertiary level in improvements in the quality of medical procedures in treating and rehabilitating persons diagnosed with disease or morbid conditions, or suffering from injury.

The Team's report *Trends in Child Deaths in New South Wales, 1996-2005* identified that the greatest changes in mortality rates across that period occurred for infants, where there were substantial declines associated with prematurity, sudden unexpected death in infancy (SUDI), and congenital malformation.

The decline in SUDI appears to be continuing. However the decline in deaths associated with prematurity and congenital malformations has not continued, these deaths have been erratic across recent years.

For teenagers, in comparing the period 1996-00 and 2001-05 there were substantial declines in drug-related deaths and fatal assaults, particularly by other teenagers. Since 2005, however, there appears to be no further trend.

### ABORIGINALITY

#### **26. The Committee notes the high death rates for Aboriginal children in comparison to non-Aboriginal children [Table 1, p.40]. Do you have any comments to make about the type and extent of initiatives required to reduce Aboriginal child deaths?**

Unless the Team specifically researches the causal factors contributing to death it is not in a position to identify those factors with any degree of confidence.

Without that specific research, advice on factors likely to be contributing to the higher rates can only be offered based on the Team's collective professional knowledge and judgement.



What initiatives would be appropriate to reduce Aboriginal deaths depend on the identification of what the critical risk factors actually are.

Notable in the surveillance statistics is that for the entire period from 1996-2008, deaths from diseases and morbid conditions is twice as high among Aboriginal as non-Aboriginal infants. For one to 17 year olds, the difference in mortality rates is not statistically significant at the 90 per cent level.

For 2008 only, however, the crude mortality rate for Aboriginal infants was 60 per cent higher than for non-Aboriginal infants – substantially higher, but lower than the average across the 1996-08 period. That implies things may be improving for Aboriginal infants, though much work still needs to be done.

The evidence strongly points to the need to evaluate the quality of health services to them.

Most infant deaths are from diseases and morbid conditions.

For the period from 1996-08, Aboriginal infants were more than four times as likely to die from external causes as non-Aboriginal infants, but annually numbers are small and deaths are rare.

## REMOTENESS

**27. The CDRT report *Trends in Child Deaths in NSW 1996-2005* identified that those living in remote and very remote areas were three times more likely to die from external causes than those living in major cities [*Trends in Child Deaths in NSW 1996-2005*, p.23]. In 2008, those children and young people in outer regional areas had a much higher crude mortality rate than other areas [*2008 Annual Report*, Table 10, p.23]. What factors are likely to be contributing to the higher rates?**

Unless the Team specifically researches the causal factors contributing to death it is not in a position to identify those factors with any degree of confidence.

Without that research, advice on factors likely to be contributing to the higher rates can only be offered based on the Team's collective professional knowledge and judgement.

For deaths across the period 1996-08, the difference in mortality rates from external causes of death for those living in outer regional and remote areas is estimated to be over twice the rate of that found in major cities, and a third higher than that found in inner regional areas.

A somewhat different pattern holds for deaths from diseases and morbid conditions, where mortality rates for those living in outer regional and remote areas is estimated to be only slightly higher than was found in major cities, where death rates were comparable to inner regional areas.

That might suggest that health services for the treatment of diseases and morbid conditions are equitably distributed overall; and that other factors associated with external causes are more common in regional, and particularly outer and remote areas.

These might be infrastructural factors (such as the quality of roads, the availability of supervised sports and swimming facilities, and access to good after school care) cultural/behavioural factors, such as a possibly higher risk-taking culture among children and young people in rural areas, or the same risk-taking propensity but higher frequency of risk-taking behaviours, which might be a function of lifestyle alternatives.

## FATAL ASSAULT

### **28. What mechanisms are in place to ensure that NSW Community Services (Department of Human Services) is informed of the trends in fatal assault data in relation to child deaths?**

Membership of the Team includes a representative from the Department of Human Services, Community Services.

In addition the Convenor of the Team writes to the Director General detailing the findings of the report and drawing attention to those that are of particular relevance to the work of Community Services.

## SUICIDE

### **29. The report notes that the form of coding of suicide deaths used by the Australian Bureau of Statistics is conservative and identifies the possibility of under-reporting [p.137]. What are the current debates about the type of evidence used to classify a death as a suicide death?**

The definition of suicide remains contentious both in terms of the age at which a child is considered capable of taking their life and the evidence needed to say that a suicide has occurred – intent needs to be demonstrated.

Currently NSW Health is examining this issue in their review of the *NSW Suicide Prevention Strategy*.

## SUDDEN UNEXPECTED DEATHS IN INFANCY (SUDI)

### **30. The Standardised Autopsy Protocol for Sudden Unexpected Death of an Infant, adopted for use in June 2008, was reportedly used in seventeen of the 31 autopsies. For the remaining 14 cases there was no information in the autopsy report to indicate the use or otherwise of the protocol [p.163]. What further steps are required to ensure that the Protocol is used across all cases and that its use is documented?**

In its report into sudden unexpected deaths in infancy the Team recommended that pathologists should follow an agreed protocol and make consistent decisions.

In consultation, NSW Health developed a protocol which was adopted in March 2006. In 2007 the Team asked NSW Health to report on the use of the protocol. A compliance review of the protocol was conducted by NSW Health in 2009.

This review found *'little change in the practices of forensic pathologists in the pre and post implementation phases'*. Five recommendations were made to address this. The NSW Forensic Pathology Services Committee has requested another audit to be conducted at the start of 2011 to ensure that the recommendations are implemented and that the Protocol is being successfully implemented. The Team will continue to monitor and report on the use of the protocol.

## ILLICIT-DRUG RELATED DEATHS

### **31. In 2008, the most common illicit drug found in association with the 10 deaths of the young people who died an illicit-drug related death was cannabis. What role does cannabis play in these types of deaths [p.185]?**

The purpose of the Team's Annual Report is to identify patterns and trends in child death including identifying the factors that might be associated with particular causes of death such as cannabis in illicit-drug related deaths.

Specific purpose research would be required before the Team could make comment on this issue.

## RESEARCH TO PRACTICE

### **32. Has there been any evaluation of the extent to which the data in the CDRT report is utilised and whether it is in the most appropriate format for end-users?**

The design of the report has developed over time in response to requests for more detailed information and feedback from the members of the Team many of whom represent the government agencies who are critical end users of the information contained in the report. As a result the report now contains both the description of deaths and more detailed data tables.

The report has been designed for a range of audiences including policy makers, researchers, and the community.

To meet the needs of these varied audiences the key findings are presented at the beginning of the report. Detailed information is provided within the various chapters for readers who require more detailed information. The detailed data tables are provided as an appendix.

The Commission distributes the report to a range of interested persons and organisations including non government agencies working to prevent deaths such as YouthSafe, Kids Safe and SIDS and Kids; medical professionals working in particular areas of morbidity and mortality; government agencies including Community Services, NSW Health, Police Service, Local Councils; Attorney Generals; and relevant national and international researchers and research bodies working in the area.

The Commission also monitors the down-loads of the report to assess interest. The 2008 Annual Report was viewed on the Commission's website 9,690 times from 29 October 2009 to 28 May 2010.

The Team's functions will be transferred to the NSW Ombudsman in November 2010.

### **33. What mechanisms are in place or could be introduced to assist in ensuring that these research findings result in changes in practice?**

The Team monitors and reports on the recommendations it makes. This monitoring continues until the Team is satisfied that the required policy or practice changes have been made.

In addition the government representatives on the Team work with their individual agencies to promote the required change and assist their agency in developing the appropriate mechanisms for achieving the change.

## NATIONALLY COMPARABLE DATA

**34. The Committee notes that the Australian and New Zealand Child Death Review and Prevention Group (ANZCDRT) met on 10 March 2009 [p.2]. What is the current status of the classification framework for system failures in child deaths and a data dictionary to guide the collection and reporting of child deaths?**

The work of the ANZCDRT (the Group) is undertaken within the resources of each jurisdiction so the progress of work is dependent on the resources that can be allocated to the tasks.

On 19 April 2010 the Group met to discuss the response to the *National Framework for Protecting Australia's Children 2009-2020*, in particular Outcome 4, Strategy 4.4:

*Support the Australian and New Zealand Child Death Review Committee to develop more consistent data to help better understand the circumstances of child death and how these could be prevented.*

The scope of this Strategy includes not only a data dictionary but also a co-ordinated approach to addressing identifying risk factors for child death.

The Group is currently developing a proposal for submission to the Commonwealth Department for Families, Community Services, Housing and Indigenous Affairs (FaCHSIA) that will focus on collaborative research to be undertaken using jurisdictional data. The aim of this work is to investigate modifiable risk factors for particular causes of child death at a national level.

New Zealand has responsibility for the work to achieve a classification framework for system failures. They have been unable to allocate sufficient resources to further develop this framework.

## RECOMMENDATIONS 1 AND 2 – MENINGOCOCCAL INFECTION PREVENTION STRATEGIES IN ABORIGINAL COMMUNITIES, AREAS OF LOW SOCIOECONOMIC DISADVANTAGE AND IN REGIONAL AREAS [COMMITTEE REPORT 4/54, P.5]

**35. Page 367 of the 2008 Annual Report notes that NSW Health does not support these recommendations in their current format and that these recommendations would now be referred to the Department of Premier and Cabinet. Has this occurred and has the Team received a response as yet?**

The transfer of the functions of the Team to the NSW Ombudsman was planned to occur immediately following tabling of the 2008 Annual Report. This did not take place with the status of the transfer remaining uncertain until recently.

In the context of the impending transfer, it was determined that the approach to the Department of Premier and Cabinet and subsequent negotiations be deferred for consideration and action by the NSW Ombudsman.

## **RECOMMENDATION 9 – DEVELOPMENT OF A DEFINITION OF CHRONIC CONDITIONS EXCLUDING CONDITIONS RELATING TO MENTAL HEALTH FOR CHILDREN AND YOUNG PEOPLE. [COMMITTEE REPORT 4/54, P.5]**

**36. Page 367 of the 2008 Annual Report notes that NSW Health does not support this recommendation as the work is outside the scope of the agency and that the Team will now approach WHO regarding this recommendation? Has this occurred and has a response been received?**

Before approaching the World Health Organisation (WHO), the Team have undertaken an extensive investigation of the International Classification of Diseases, Australian Modification (ICD-10-AM), developed by the WHO to determine if this classification can be used to identify children with chronic conditions.

These investigations have been positive and work is currently underway to test the approach developed. This approach uses the current ICD-10AM classifications for *personal history and certain conditions influencing health status*. If successful the Team will adopt this approach.

## **METHODS**

**37. Pages xxviii and 377 of the Annual Report note that data verification undertaken by the Team of case records provided by the NSW Registry in 2008 and again in 2009 revealed a discrepancy of over 250 deaths for the period 1996-2008. Has the Team received a response from the Registrar as to why this discrepancy occurred?**

The Registrar has advised that human error in the manual specification of data extraction procedures was the likely cause. To address this, the Register has standardised and automated the data extraction process and transferred the responsibility to the information Services Branch.

**38. Page 377 also notes that the Registrar of Births, Deaths and Marriages Victoria (RBDMVIC) has yet to agree to provide information on deaths of children and young people usually resident in NSW in ways that enable the Team to fulfil its monitoring and reporting responsibilities. Has RBDMVIC provided a satisfactory reason as to why they are not able to provide this information, when other jurisdictions are able to?**

Like all jurisdictions the RBDMVIC are not willing to provide information that might allow a child to be identified. Agreement has been reached with RBDMVIC on the extent of child specific information; outstanding is what can be reported from the information.

RBDMVIC have adopted the same reporting rules as the Australian Bureau of Statistics (ABS), namely that data cannot be reported when any number is less than five. For example, the Team could report that six females died but not that three of these six females drowned, one died by suicide, and two died as premature infants.

This requirement means that the Team cannot report on deaths within geographic locations if there are less than four deaths of a particular type in a given area. Since some causes of death are rare this is a likely outcome.

RBDMVIC have advised that they are not prepared to deviate from the position adopted by the ABS. The data rules applied by the ABS are part of a larger issue that is beyond the scope of the CDRT.

The changes to the coverage of the Victorian Consultative Council on Obstetric and Paediatric Mortality and Morbidity to include all children 0-17 years makes it possible for the Team to obtain the information it requires through the Council. The Council have provided and will continue to provide the information the Team.

## **LIMITATION OF CURRENT ANALYSIS OPTIONS**

**39. During the review of the CDRT report *Trends in Child Deaths in NSW 1996-2005*, the Commissioner informed the Committee that the Commission was currently exploring partnerships with institutions and groups who have sufficient authority to analyse smaller data groups [Committee Report 4/54, pp.6-7]. What progress has been made on this?**

Investigations of analysis options will require partnerships over an extended period.

Due to the uncertainty surrounding the timing of the transfer of the functions of the Team, the Team determined it was best to defer the commencement of these negotiations.