

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

At the Jubilee Room, Parliament House, Sydney, on Monday 3 April 2017

2017 REVIEW OF THE ADVOCATE FOR CHILDREN AND YOUNG PEOPLE AND THE CHILDREN'S GUARDIAN

The Committee met at 10:00 am

MEMBERS

Ms M. Gibbons (Chair)

The Hon. P. Green

The Hon. C. Cusack

The Hon. G. Donnelly

Mr D. Tudehope

Ms J. Harrison

Mr M. Johnsen

KERRY ANNE BOLAND, Children's Guardian, Office of the Children's Guardian, sworn and examined
LOUISE COE, Director Child Safe Organisations, Office of the Children's Guardian, sworn and examined

The CHAIR: The Committee on Children and Young People has a number of statutory functions; these include the monitoring and reviewing of the exercise by the Children's Guardian of its functions under the Child Protection (Working with Children) Act 2012 and the monitoring and reviewing of the exercise by the Advocate for Children and Young People of his powers under the governing Act of 2014. The Committee also examines each annual or other report of the Advocate and reports to both Houses of Parliament on any matter appearing in or arising out of any such report.

The Committee welcomes the Advocate for Children and Young People and the Children's Guardian for the purpose of giving evidence with respect to the statutory functions of the Committee. On behalf of the Committee, Ms Boland, Ms Coe, and Mr Johnson, Mr Drake and Ms Abdel-Rehim, who we will meet later on, I thank you all for giving your time, particularly during a busy Youth Week, to meet with us today. I apologise for the timing of this hearing during Youth Week. Thank you for giving evidence before the Committee on Children and Young People. Can you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

Ms BOLAND: Yes.

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

Ms BOLAND¹: As you know, we answered some questions on notice. It was not my intention to give a comprehensive opening statement but I think just simply to capture some background for people and hopefully we can spend most of the time with questions and discussion, if that is okay with the Committee. Just to focus on the Working With Children Check, there are two aspects to that: there is obviously the screening mechanism known as the Working With Children Check, and there is the second aspect, which is an obligation that we have to educate and ensure that agencies and organisations are child-safe organisations.

If I can just recap. New South Wales was the first jurisdiction to have a Working With Children Check, and that was introduced in 2000. In 2013, a second version of the Working With Children Check was implemented by the Office of the Children's Guardian and I think, without repeating all the differences, which I think people are most familiar with now, it was a radical change. So instead of doing risk assessments and referring those back to the employers, for example, to make the final decision as to whether people would be employed or not, that obligation moved to the Office of the Children's Guardian and it became the responsibility of the employee or the volunteer, as the case might be, to apply for a Working With Children Check and for that to be granted or not granted, and that check would go with them across whatever industry they worked in.

That was a major and significant expansion where three tiers of the previous Working With Children Check were amalgamated into one so that one check was across all of those areas, making it quite a streamlined mechanism. I think the most significant part of that was the capacity to continuously check a Working With Children Check. So if you were granted a Working With Children Check you were continuously checked by the system—it is not a point-in-time check, that is a continuous check—and that was one of the significant, and remains one of the significant strengths of the Working With Children Check that we now operate.

I think some of the issues in relation to how it is operated are well canvassed in the answers to the questions on notice. But just to give you an insight into the numbers and so forth, we start basically with a number that is the number of people who are in New South Wales working or of retirement age, which is around 5.84 million and, of those, 1.3 million hold a Working With Children Check and therefore are continuously monitored by our organisation. Since the beginning we have received nearly 1.3 million applications and during that time a number of people have been barred—again, that is in the answers to the questions on notice.

I think some of the things that we have seen in relation to the last four years in particular is that this system has been continuously reviewed—both continuously reviewed obviously internally by what we see, but just to give you an indication, there was a one-year review of the Working With Children Check, there was a

¹ This transcript includes hyperlinks to a [document](#) provided to the Committee by the Children's Guardian after the hearing.

two-year review of the Working With Children Check, there was a royal commission that looked at our Working With Children Check and all of those across Australia, and we are just finalising now a policy review; that is for five years and we are coming up to the five-year review of the Working With Children Check. So it has had continuous review both internally, and, as you will know, a number of amendments have gone forward to the Parliament and we have continuously improved that check as time has gone by.

In relation to the early stages, I think I have mentioned it before a similar committee, what we saw at the beginning of the Working With Children Check was a particular set of circumstances—we had the royal commission and we had a new check which we had spent nearly 18 months educating the community on. So in the beginning stages there was a significant number of applications and we had to deal with some, obviously, workload issues but we also had to deal with what we called internally. What we were anxious about was that there was an over-reliance on the check. The check will tell you about past behaviour and the continuous check event will tell you about behaviour post Working With Children Check, but it is only one tool in a workplace or an organisation. We have spent a considerable amount of time talking to employers and organisations about what constitutes a child-safe work environment.

We can see that in our continuous check events; for example, somebody will have a Working With Children Check clearance, an event will come up, it will come to our attention and either we will bar them or have to re-risk assess them. Those stats speak to the fact that we need to do more than just have a tool; we need to move down a very comprehensive child-safe approach to workplaces in general. I think that is my opening statement. I would like to go on a bit later and talk a bit more about the child-safe initiatives that we have at the moment.

The CHAIR: Ms Coe, do you wish to make an opening statement?

Ms COE: No, I do not.

The CHAIR: Ms Boland, with Child Safe, did you want to elaborate on that now or go straight to questions?

Ms BOLAND: Are there any questions in relation to the Working With Children Check? I should say in relation to the Working With Children Check, it is reasonably, in fact very comprehensively canvassed in the almost annual reports and in our annual report as well. I draw attention to the fact that we are doing the five-year review, which is required by the legislation, and hoping that that paper will be out in the near future, together with various questions and so forth, and we will have a series of consultations in relation to what is in that paper. Obviously we are also looking at what the royal commissioner said and what, if any, changes we need to make in relation to that because we are reasonably compliant with what the royal commissioner said, so that will be one area that we will look at.

The CHAIR: Is the Committee happy to move straight into the Child Safe side today with Ms Boland and then ask questions all in one go? We will do it all in one block of questions, if that is okay with you?

Ms BOLAND: Sure. Just to finish off the Working With Children Check, I might ask Ms Coe to talk about compliance because once you get the compliance bit it flows nicely into the Child Safe material.

Ms COE: We have quite a comprehensive compliance program under the Working With Children Check scheme. In sections 8, 9 and 10 there are obligations for the applicant or the employee and the employer to obtain a Working With Children Check and if you are barred, to be removed from employment. Our compliance program is based on an industry risk analysis which uses all the data that comes into our system around people who are barred, the type of work sectors that are engaged and registering for the Working With Children Check and then we evaluate the risk in particular industries. A key factor is whether employers are verifying under the system. We are aware if an employer who is registered is verifying their employees or not verifying their employees. So a number of programs that we run each year, one would be contacting employers who have not verified to make sure "Are you engaging people in child-related work? You should be verifying online" because that provides an important link between our system and notifying the employer when someone is barred.

So there is that program. We have also got when a worker is barred or if someone surrenders their Working With Children Check or they discontinue or their check is terminated. We will look in the system; we will see what employers have verified that person. Even if no employer has verified that person, we will go through the notes in the system, we will make searches online and we will try to verify if that person is actually potentially engaged in child-related employment. We then contact that employer and we make sure they remove that person from child-related employment.

Also if a person is interim-banned we go through the same process. They are two programs. We also have a proactive program where people make allegations so we will investigate those allegations. We then do our larger part of the program which is educating the sector. Each sector that phases in under the current five-year scheme we will look at that sector and we will make sure that all the employers there are registered and that they are verifying that they have registered correctly and they are following through on their obligations. So we go for 100 per cent compliance and we follow up with employers until they notify us that if, say, someone is banned that they have actually removed them from child-related employment. It is predominantly an educative role that we take. We do have the capacity to refer prosecutions if someone is particularly recalcitrant in not complying with their obligations and NSW Police can take prosecutions on our behalf if someone remains employed in child-related employment when they should not be.

The Hon. CATHERINE CUSACK: Would you mind taking us through the staffing and the budget for the financial year?

Ms BOLAND: The annual report material?

The Hon. CATHERINE CUSACK: For the financial year. I see that you have had a reduction in your cash reserves?

Ms BOLAND: I think we have answered those questions a few times. One of the really important aspects of our staffing profile is that we need to go with the ebbs and flows of demand. At the beginning of the Working With Children Check we had to escalate the number of staff because of the demand. At the moment we are getting towards the end of the five-year transition period and those requirements are tapering off. When we get into 2018, which is the next five years, we would expect that the system would be far more efficient in that most people will have had a previous Working With Children Check and there will be some efficiencies in relation to risk assessments and reviewing risk assessments and those kinds of things.

When we go to the public paper that we are putting out in relation to the review of the Working With Children Check in the next little while there will be a full description about how that works and what our future requirements will be in relation to both the legislative bit but also a description about how the ebbs and flows go in relation to that. I say that by way of introduction because one of the beauties of the check, for example, is that we can move our focus into areas where it is required. At first it was in relation to the number of risk assessments. At the moment we are changing our focus on that in relation to the number of continuous check events. They are escalating as the risk assessments sort of plateau from initial application; so it is that kind of, if you like not troughs but it goes like that in relation to what we respond to. The specifics are on page 76 and go through to page 100 and in appendix B at page 99 you will see the number of employees, so as at the end of the last financial year it was 114.

The Hon. CATHERINE CUSACK: As to the reduction in the cash reserves, is that funds that had accumulated but had to be returned?

Ms BOLAND: So is that the Treasury rule you are talking about? The actual budget is \$21.372 million.

The Hon. CATHERINE CUSACK: I will come back to it.

The Hon. PAUL GREEN: On page 88 you have other operating expenses, contractors, consultancy costs and down the bottom you have fees. Can you elaborate on what or who the fees relate to? It is quite a substantial amount.

Ms BOLAND: The fees are in relation to fees that we pay to CrimTrac, the Federal organisation that provides us with the criminal record material. The first iteration of the Working With Children Check material is you make your application, it goes off to—I am sorry, CrimTrac has a different name.

The Hon. PAUL GREEN: They charge us?

Ms BOLAND: Yes.

The Hon. PAUL GREEN: Is it full costs recovery? Is it a reasonable charge?

Ms BOLAND: It is the fee that everyone pays across Australia. That is what those fees are about. We also have some fees in relation to Service NSW who handle the front end of our Working With Children Check. When you make an application you go into Service NSW and they verify your ID and it goes into the system. They are the two major areas of our fees.

The Hon. PAUL GREEN: Then you have contractors and consultancy?

Ms BOLAND: Yes.

The Hon. PAUL GREEN: What is the difference.

Ms BOLAND: Is that a trick question? In our annual report there is a list of people that we pay fees to, contractors and consultants.

The Hon. CATHERINE CUSACK: On page 81 it states:

On 1 July 2015 the New South Wales Government implemented a number of cash management reforms to improve cash management within the public sector. In accordance with those reforms the office was required to reduce its surplus cash holdings which resulted in a reduced consolidated fund allocation for 2015-16.

What are the details of that?

Ms BOLAND: That is a system that operates across government. We go back and ask for the funding we need and require. In previous questions we have answered relating to this matter we said we were given an extra \$3.5 million going forward and that amount is what we got at that point in time. We continue to argue and say what our requirements are to get the funding for that. Probably the issue for us would be to have some certainty in relation to going forward over a number of years and that is what we are currently talking about. Given that we need to recognise that there are ebbs and flows in the demand and where we need to put our resources.

The Hon. PAUL GREEN: Can I draw your attention to page 88, "Employee related expenses". On 30 June 2015 the workers comp insurance was \$9,000 and in 2017 it is \$70,000. What do you attribute the increase to?

Ms BOLAND: Obviously it will be additional claims, but I can get you the details on that.

The Hon. GREG DONNELLY: On page 70 of the report, under the heading "Looking ahead", it states:

The policy and legal teams will explore the feasibility of expanding the scope of the Carers Register to include residential care workers, in order to prevent unsuitable workers from moving from one organisation to another. Work on this issue will occur in consultation with the out-of-home care sector.

Could you elaborate on the progress of that and what is happening in terms of your consideration of it?

Ms COE: We have scoped the information technology [IT], the platform system for expanding the register. At the moment residential care has been transformed by Family and Community Services [FACS] in the New South Wales sector and they are recommissioning for a therapeutic care process. It will look significantly different from October this year. We are putting a halt on that at the moment until we see what the landscape looks like. At the moment there are a number of providers providing residential care. There are about 29 providers in New South Wales. There will be a reduced number and they are providing a different type of care, it is a therapeutic care framework. The need for the register will be reassessed when we have more information about that process. We have scoped it. We have a scoping paper as far as the IT requirements and we are seeing if we move on to the consultation phase at this stage, given the change in landscape in that area.

The Hon. GREG DONNELLY: In terms of the work currently done with the New South Wales carers register, can you give us an overview of the reviewing that is undertaken of people working in this area? What is the sense of the people entering the industry, background and skills?

Ms COE: The carers register is a platform to enable agencies that are looking at engaging carers to do a probity check on their background. We provide the platform and hold the information. It is up to the agency to enter the information and if you were a carer and you are changing agencies the new agency is required by the regulations to check with the previous agency to do a probity check. It looks at whether there are any allegations for reportable conduct, it makes sure a Working With Children Check has been done, an assessment has been done on the home and training is undertaken. It is more a licencing type scheme. I cannot comment on the profile of the carers but we have done a number of reviews because it is just over a year and a half now since it was implemented and we go out to the sectors who are actually using the carers register and they have reported favourably on the usefulness of the register. It ensures the probity checks that are undertaken are uniform and done for each person. It also provides an important link for us because we have the Working With Children Check scheme that if a carer is barred or an adult household member is barred we can straightaway check on the carers register that that person's authorisation has been cancelled or the household has been cancelled.

The Hon. GREG DONNELLY: I should probably know the answer, but I do not: With respect to the carers register, who can access information to establish the bona fides of a person who is putting themselves forward to be a carer?

Ms COE: It is only the agencies and the carer who can apply to know what is held on the register. As I said it is a licencing tool.

The Hon. GREG DONNELLY: With regard to an individual?

Ms COE: Individual.

The Hon. GREG DONNELLY: What is the procedure for making an application for information, who do they go to?

Ms COE: They go to the agency. If you are with a particular agency, the obligation is that that agency enters the details on the carers' register, so you will go to the agency that entered the details.

The Hon. GREG DONNELLY: What comes back to the individual who makes an application?

Ms COE: It is their address, their household make-up, whether there are any flags on the system, whether there have been any reportable conduct findings, that they have a clearance and the appropriate checks have been done as per the regulations.

The Hon. GREG DONNELLY: Do people who are typically seeking care follow through and do that?

Ms BOLAND: You are talking about individuals?

The Hon. GREG DONNELLY: Yes.

Ms BOLAND: Do you mean individual carers or agencies? We are talking about individual agencies who are responsible for the carers.

The Hon. GREG DONNELLY: I am trying to discover the ability of an individual seeking care to gain some insights into the person who is putting themselves forward as a person who can provide care.

Ms BOLAND: Those kinds of assessments are done by the agencies or by FACS, whoever the authorising agency is. It is at that level. The carers register operates at the next level to ensure that all of those assessments and processes and the probity checks appropriate for a carer are completed. Until they are completed—as Louise said, it is a licence, and then you can operate. You can say that the carer is fine to operate within the system. It is very much a system that operates from the point of the agency into the carers system.

The Hon. GREG DONNELLY: The individual themselves seeking care, what information are they able to obtain?

Ms COE: This is the statutory out-of-home care so it is authorised carer and adult household member for a child that is in out-of-home care.

The CHAIR: I refer to the Working With Children Check. Earlier you mentioned the ramifications of police action and the like to someone who has been barred from working with children if they continue to work with children. What happens to employers that are aware that their staff member has been barred from working with children and continued to allow them to work with children. Are there consequences for employers?

Ms COE: We have the power to prosecute again through NSW Police if they knowingly engage a person who is barred from working with children.

Mr DAMIEN TUDEHOPE: Have there been any prosecutions?

Ms COE: I think we have probably made four referrals since 2013. There have been two prosecutions, one of which was successful.

The CHAIR: In your audits are there any businesses or organisations that should be undertaking a Working With Children Check but are not?

Ms COE: Definitely, that is part of our compliance program. As we have to, we keep going until we get 100 per cent compliance so we contact those agencies. A lot of time they are just not aware of the responsibilities and a lot of them are voluntary organisations so we work with them. There are a number of resources on our web site to help make that process easier. There is also e-learning tools that they can access. So it is about guiding them as to how to comply, not necessarily punishing them for non-compliance.

The CHAIR: Do people take up that option straightaway? Is there a lag once you have spoken to them?

Ms COE: No, we are very persistent. We keep going back until they are actually compliant.

The CHAIR: But they do comply quite quickly?

Ms COE: Yes, there are some that might be more reticent, or take a bit more persuasion, but as I said the team goes back until everyone is aware. The beauty of the system is that we can see when people are verifying and if they are doing what they are required to do under the legislation.

Mr DAMIEN TUDEHOPE: What does "continuous check" mean? Does it mean that if an event is notified then there is a continuous check done on that person?

Ms BOLAND: The continuous check event means if someone is charged with a relevant offence in New South Wales that event will come to us from the police. There are also other areas of the legislation where reportable conduct—

Mr DAMIEN TUDEHOPE: So it is just differentiating from having a Working With Children Check for five years and if nothing happens I do not have to renew?

Ms BOLAND: Yes, so previously it used to be point in time. So you got a Working With Children Check and the next time they got checked was when they went to another employer. This is just continuous and operates across the life of the Working With Children Check for five years. I think it is one of the substantial improvements in the Working With Children Check. As I said, I think we have had 709 notifications or continuous check events that have required us to risk assess.

Mr DAMIEN TUDEHOPE: A suggestion was made that there perhaps be a national Working With Children Check? What is your view of that?

Ms BOLAND: Just for your information, we put in a substantial submission to the royal commission. We suggested that there should be a number of standards across Australia. I think our point of view was that it should be nationally consistent but operated at the State level, and that was for a number of reasons, particularly from our perspective as the operator, which is all about local connections, connections with other initiatives and what would be the best safety net for keeping kids safe. Yes, we strongly support a national approach and are looking forward to the outcomes of the discussions that are happening now at the Federal and State levels about progressing that.

The CHAIR: What are the differences between the States at the moment that would need to be evened out?

Ms BOLAND: They are many and various. Some of them relate to the type of offences, some of them relate to the classifications of people who are required to have Working With Children checks. Some of them relate to classifications, you know, differential approaches to volunteers, vulnerable persons, et cetera. Having said that, there is a National Operators Forum so all of the people who operate a Working With Children Check meet on a quarterly basis. They have had a look at the substantial differences. I think what the royal commission raised was the issue about getting some sort of national continuous check event which would obviously be what people are discussing now, or a data base, for example, so that if you are barred in one jurisdiction you will be barred in another.

Mr DAMIEN TUDEHOPE: Do you support that?

Ms BOLAND: Absolutely.

Mr DAMIEN TUDEHOPE: Does CrimTrac pick up potential convictions in other jurisdictions?

Ms BOLAND: Yes. It gets all of its information from all of the jurisdictions.

The Hon. CATHERINE CUSACK: Is there a map of the differences across the jurisdictions?

Ms BOLAND: In the royal commission report there is quite a good map of the differences.

The Hon. CATHERINE CUSACK: Would you provide that to the Committee?

Ms BOLAND: Yes.

Mr DAMIEN TUDEHOPE: Does a Working With Children Check currently cost \$80?

Ms BOLAND: Yes.

Mr DAMIEN TUDEHOPE: Is there any flexibility in relation to that fee?

Ms BOLAND: Pardon?

Mr DAMIEN TUDEHOPE: There was an aside from the Chair that it does not apply to volunteers.

Ms BOLAND: Thank you, Chair. It applies to paid employees.

Mr DAMIEN TUDEHOPE: There has been some resistance by teachers who have to get it.

Ms BOLAND: I think the issue about the Working with Children is that when it was introduced in 2013 it was seen as a portable check. You can use that check to be a teacher or you can use it to be a foster carer. The idea is portability. It accrues to the employee and therefore the cost accrues to the employee. It lasts for five years and is about \$16 a year.

Mr DAMIEN TUDEHOPE: I refer to a case which got some notoriety during the course of the year in relation to girl "X". Was a Working With Children Check done in relation to the offender in respect of that matter?

Ms BOLAND: Yes, there was.

Mr DAMIEN TUDEHOPE: What was the result of that?

Ms BOLAND: I think the event that was reported in the paper happened post the Working With Children Check. Again it is the important aspect of the Working With Children Check which will tell us about past behaviours; it will not tell us about future potential offending. That is why we talk significantly about organisations being child-safe.

Mr DAMIEN TUDEHOPE: Did the alleged offender have a Working With Children Check certificate at the time of the offence?

Ms BOLAND: I do not normally comment on individual matters but can I get back to you on that. Let me come back to that because I get uneasy about commenting about individuals.

Mr DAMIEN TUDEHOPE: I accept that. I thought that might have been your response.

The CHAIR: The Committee may put that to you in a follow-up question.

Ms BOLAND: Yes.

Mr DAMIEN TUDEHOPE: Did you review the accreditation of the organisation—you may want to take this question on notice—that was involved in that incident?

Ms BOLAND: Yes.

Mr DAMIEN TUDEHOPE: Is that ongoing?

Ms BOLAND: Yes. The accreditation is similar to what is in the statutory out-of-home care area. When a critical incident happens, or where there is a significant organisational change, those kinds of things are triggers for us to go back to an agency and review its accreditation. We have a look at its systems, assessing whether, in fact, there is a systemic issue there and what to do about the systemic issue. That does go to their accreditation whether it be by conditions or us reassessing their accreditation.

Ms COE: In that particular case there was a substantial review by FACS, with their serious case review team, and also by the NSW Ombudsman.

Mr DAMIEN TUDEHOPE: One of the observations you made in your report is in respect to the reduction in out-of-home residential care for Indigenous children. Are there any recommendations you would want to make in relation to that?

Ms BOLAND: In relation to the services available?

Mr DAMIEN TUDEHOPE: Yes, for Indigenous children.

Ms BOLAND: Clearly, that is a significant issue in the system. We were being briefed the other day, and obviously it remains a significant issue and it does not appear to abate. There have been a number of initiatives. From our perspective, one of the key aspects of our accreditation work is to accredit Aboriginal agencies. We work substantially with those agencies to ensure that they have the best systems in place to care for their children. That is a continuous program that we have in relation to kids coming into the out-of-home care system. In relation to residential care, as Ms Coe mentioned there is going to be a substantial shift in this system to therapeutic care arrangements. One would envisage, and very much hope, that those things will see significant improvements, particularly for those most vulnerable kids. We are looking at how we operate in relation to that new residential care system, where we pick up, so that we do not end up with enormous overlap in effort. The department, under the contract, is making certain efforts in relation to the services, and so are we. We want to make sure that they are complementary and that kids do not fall through the system, and there is some sort of safety net or break in relation to individual children. That is what we are currently looking at.

Mr MICHAEL JOHNSEN: Ms Boland, you mentioned the continuous checks. In part of a previous answer you said that you are notified by the NSW Police Force of incidents and so forth. I imagine that is only one area of information that is provided. How are these continuous checks done? What systems do you have in place?

Ms BOLAND: The system does a lot of things automatically, so when people make an application their application goes to CrimTrac, there is a name check and then records come back within the system. In the system there is another check and balance when they come back into our system, which is about, is there anything held under reportable conduct records or whatever. All of that comes together in relation to what records we check. The continuous check event comes from the New South Wales police, and that material comes to us automatically on a daily basis in relation to offences. That material is matched up with the Working With Children Check numbers and the people. If those offences are offences that require interim bars, that is done immediately. It is very much of the minute; it is very much done on a daily basis and decisions can be made on a daily basis. If people go into a risk assessment then very quickly a risk assessment is made as to whether an interim bar should be issued or whether more information is required. That is how this system works, on a daily basis. As I said, we do get other information from the Ombudsman's office under what is called a notification of concern. We also get material on reportable conduct. There is also the general Chapter 16A exchange of information that occurs. We have a significant amount of access to FACS data; we have access to the Key Information and Directory System [KiDS] system. We have at our disposal a significant amount of information that allows us, I think, to make fairly timely decisions based on what is before us.

Mr MICHAEL JOHNSEN: You mentioned that CrimTrac provides national information. What about on the continuous checks? Are you able to receive national-level information or information from other jurisdictions?

Ms BOLAND: I think that is the issue that has been discussed at the Federal and State level, and certainly was discussed in the royal commission.

Mr MICHAEL JOHNSEN: So you are not necessarily getting that information?

Ms BOLAND: We are getting some of it, but it would be incredibly useful for that to be done at a national level, continuous check events and so forth. We do get some of that information under our information exchange arrangements with our protocols with other States. Also, in relation to issues, the Federal Police will let us know about particular kinds of offences. There is capacity in the system to get continuous check events or to get events that would lead us to either risk assess or bar a person who had a Working With Children Check. But, as I said, at the Federal and State level they are talking about the capacity to use the CrimTrac system.

Mr MICHAEL JOHNSEN: Can you identify any gaps in the system that you think could be improved?

Ms BOLAND: I think, as we have gone through the last four years, a number of things have been put by the Ministers to the Parliament for change. Some of the things, for example, would have been the amount of time that people had to get back to us and timely arrangements. We have tightened up quite significantly by reducing that to three months instead of six months. That lets us make more timely decisions. The thing that we really do want to emphasise and focus on is the next bit, because the continuous checks are telling us that the Working With Children Check is a tool—and in my opinion a very good screening tool—but that we need to work more with organisations and we need to look at child-safe principles. One of the amendments that was made was that in 2015 the Children's Guardian was able to issue guidelines, and we are about to issue those guidelines in relation to child-safe next week and put them out for consultation. We have articulated what those principles are, and they are based on those that have come out of the royal commission, so they are consistent with those.

Moving forward, what does it look like for child-safe organisations? You will probably know that Victoria has already introduced initiatives in relation to child-safe systems. What we are looking at doing will be similar. We are looking at spending a significant amount of time, as Ms Coe said, with agencies and organisations, building their capacity to understand what a child-safe organisation is and how it is a protective factor for children and then how over time we can build that capacity in each of the industries or sectors under the Working With Children Check so that we have a complementary system between the screening tool and the systems in the workplace or the volunteer organisation or the club. We need to make sure that those systems operate to keep kids safe.

One of the really essential elements—and if you talk about a gap—is about the shared responsibility. We saw this most recently, for example, when we did a very substantial campaign on home tutors and ensuring that when a tutor comes into your home there are particular checks and balances in place so that parents take

responsibility, if you like, and ask for the Working With Children Check and then go online and check the Check, check that they actually have the check, and make sure that the environment is a child-safe environment. This ensures there is some visibility of the tutoring arrangements. These things go straight to people's private arrangements and private lives, but if you are employing a commercial tutor then these things are very important. They are very important because obviously people move around the system. We get our strength by knowing exactly where they are moving, and if you verify we know where that person is moving to then we can notify you should something happen under the continuous check event.

It is also about characteristics of an organisation, how they look out for kids. It is about lead with child-safe messages, make sure they filter it down an organisation, make sure they filter it up that everyone in the organisation is empowered to look out for kids, and in that kind of environment you have your best prospect of detection of people who are unsuitable to work with children and perhaps pose a risk. Those guidelines come out next week and we are envisaging a substantial consultation with people.

I think the other thing to say in relation to the Working With Children Check is that clearly you can see how much information we have at our disposal to ensure the kids are safe and, for the compliance purposes Louise talked about, risk areas—there are maps and we can do this on a geographical basis. We would like to explore the prospects of complementing that with other databases and then really targeting our work on child-safe organisations to those particular areas or industries. I think that is the next—not even the next, because we have been doing it for quite some time, but I think that is the area that probably we need to step up and make sure that the two aspects of this system come together and that we have genuinely got child-safe organisations.

Ms JODIE HARRISON: Can I just clarify that the role of the Guardian in relation to, for example, out-of-home care is accreditation systems of agencies and audit of employers? Is there anything else?

Ms BOLAND: We have responsibilities in relation to children's employment in the entertainment and exhibition areas.

Ms JODIE HARRISON: I was just referring to out-of-home care in particular.

Ms BOLAND: In out-of-home care our role is accreditation, monitoring, oversight. We have referred to the carers register and we also have a voluntary out-of-home care register in relation to voluntary out-of-home care, statutory care and then we have got children's employment, which is about kids who work in the entertainment industry, which is a bit different.

Ms JODIE HARRISON: You mentioned in answer to Mr Johnsen's question about the continuous checking and that when someone gets charged that gets flagged on your system. What if those charges are dropped? Does that get reflected at all in a Working With Children Check?

Ms BOLAND: It depends what the charge is. If charges are dropped, that does not mean we do not risk assess, because charges are dropped for all sorts of reasons. It does not mean we will not go ahead and risk assess. I am thinking of an example where charges are withdrawn and we would go ahead and still risk assess those kinds of matters.

Ms JODIE HARRISON: So you are erring on the side of caution.

The Hon. CATHERINE CUSACK: Just a very quick factual question. You said that since 2013 there have only been four prosecutions and two convictions.

Mr DAMIEN TUDEHOPE: One conviction, I think.

The Hon. CATHERINE CUSACK: What was the outcome of that conviction? What was the penalty in the result in that case?

Ms BOLAND: I am sorry, I will have to take that on notice in terms of what the penalty was for that person. I will find that out for you.

The Hon. CATHERINE CUSACK: Do you have an estimate of non-compliance?

Ms BOLAND: When you say "an estimate"—the kind of material that we would look at in our system is verification rates.

The Hon. CATHERINE CUSACK: It is only that there is such a low number of prosecutions. Does that suggest that you have got almost 100 per cent compliance?

Ms BOLAND: I think we work very, very aggressively to get 100 per cent compliance. The differential between the previous Working With Children Check and this Working With Children Check is that significant resources have been put into compliance. I think the Auditor-General's report way back indicated that

was a very important gap in the system, and this system certainly addresses that gap. I think there are a couple of other things there: we have introduced the new Working With Children Check over a five-year phasing, which gives us the maximum opportunity to work with organisations and to do compliance work with them. From our perspective, introducing a new set of requirements, for us it is 100 per cent compliance and where there is not compliance, where there is persistent non-compliance—

The Hon. CATHERINE CUSACK: Sorry, the question was just whether you had a non-compliance estimate that you were working on and monitoring. I think you have answered it.

Ms BOLAND: That is really around the verification rates, which is what Louise talked about before. That is exactly where we see that and look at the risk areas—the verification rates when the employer goes on and verifies that people who come into the workplace they have a Working With Children Check.

The Hon. GREG DONNELLY: Contained within your annual report is a very useful section, section 2.4 on children's employment, which runs from page 28 to page 39. In that section it specifies the particular industries—I use the word "industries" broadly speaking—which you keep an eye on. The top of page 29 also refers to modelling, still photography, et cetera. Outside those specific industries or part thereof industries that are looked at, does the Office of the Children's Guardian receive complaints or have people ringing up being concerned about what is happening in other industries where young people work? Because clearly there is a huge set of industries—the obvious ones are hospitality, retail et cetera—which employ large numbers of young people. Do you receive complaints from parents or young people or maybe friends of young people who know of things going on in a workplace and feel like they need to report it to you?

Ms BOLAND: The history of the children's employment provisions of the legislation, there is a—I will use an old-fashioned word—demarcation between kids working in this industry and a child protection focus versus kids in an industrial environment. The industrial workplace environment has traditionally been where those kinds of complaints would surface in relation to particular industries. So from our perspective it kind of works like that, that the industrial relations jurisdiction takes up some of those issues with young workers. This area, for historical purposes, has been etched out and it has, I suppose, a child protection focus—obviously it has got some industrial workplaces in there. In terms of getting complaints from other areas, we can go back and have a look, but in my experience I do not think that we have and if we did we would probably refer them to their local union or employer or whatever in relation to their industrial conditions.

The Hon. GREG DONNELLY: I will get you to take that on notice and see what you can find.

The CHAIR: The Committee will have the opportunity to put some questions to you in writing so we will make this the last question.

Mr DAMIEN TUDEHOPE: I was very interested in the issue relating to private tutors. Having had people come into my home and tutor my children it had never occurred to me to get a Working With Children Check on that private tutor. Do you engage in any educational programs by way of advertising to try to make people aware that this is something that they should probably be doing?

Ms BOLAND: Yes. I referred to 'Check the Check', which was a particular campaign that is about informing parents of the opportunity to check online. If a tutor comes in, you ask for their Working With Children Check, their date of birth and you can go online and check that they have a Working With Children Check. I have to say that we did a survey and that led to the 'Check the Check' campaign and it became obvious from that material that people relied upon word of mouth. We did a survey and people said, "The main thing we do is rely on word of mouth. If they are a good tutor they are a good tutor according to X". Some of the other stuff that we got back was, "Well, they were a teacher and therefore they must have been checked somewhere else."

Based on that information—and there was a lot more—and from our perspective it was reasonably clear that we needed to do something really quickly. Like you I have had tutors for my child and I have to say it is not that easy to say, "Hi, can I have a Working With Children Check number and your date of birth?" Particularly when you have tutors in your own home, it is all about tutoring and the relationship and so forth; you know how difficult that is. We did spend quite a lot of time and the 'Check the Check' campaign is on our website. It is quite easy; we have made it really easy for people and I do recognise those human aspects but we also talked more broadly about making sure that there is a line of sight in the house, not necessarily in a closed bedroom, for example—that there is a line of sight of people coming and going.

We have really focused on parents and what we would like to do and plan to do quite a lot more work with parents in particular because the same sorts of issues apply in the sporting and clubs area where there is a presumption that it is all okay. We do not want to be alarmists but we want people to pay attention and have due diligence to ask a few questions to check out the site. We spent quite a lot of time out looking at sports fields

and so forth. They are probably things that when you drop your kids off you do not think about, "Who is going to take the kids to the toilet? It is dark; they have to go through a dark passage. Is there some rule that they go in a group?" It is that kind of stuff that we really want to focus on and talk to people about.

At our launch next week we have Professor Smallbone coming and he talks extensively about opportunistic offending because of the environment so the environmental factors are the factors that we want to focus on and he talks about a lot of offending occurs because the environment allows it so that is what we are really going to focus on in the next iteration.

The CHAIR: Thank you for appearing before the Committee today. I know that the Committee will wish to send you some additional questions and there are a few that we have asked you to take on notice. Those questions will come in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Ms BOLAND: Absolutely.

The CHAIR: Thank you very much and thank you for coming in on a cold and wet rainy day.

(The witnesses withdrew)

(Short adjournment)

ANDREW JOHNSON, New South Wales Advocate for Children and Young People, affirmed and examined

BRENELLA ABDEL-REHIM, Chair, 2016 NSW Youth Advisory Council, affirmed and examined

DECLAN DRAKE, Chair, 2017 NSW Youth Advisory Council, affirmed and examined

The CHAIR: Thank you for appearing before the Committee on Children and Young People to give evidence. Can you confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

Mr JOHNSON: I have.

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

Mr JOHNSON: I acknowledge that we meet on the lands of the traditional owners, the Gadigal people of the Eora nation and pay my respect to elders past, present, and given who we are, future. I acknowledge Ms Abdel-Rehim and Mr Drake, former chair and current chair of the NSW Advisory Council. I thank the members of the joint parliamentary Committee for meeting with us here today. I will also take the time to thank the many individuals and organisations that have assisted us particularly with the development of the plan: To the non-government organisations, civil society organisations and government agencies who have been so enthusiastic and considered at regional consultations; to the organisations that have assisted us with reaching so many children and young people across the State and to all the children and young people who took part; to the members of the interdepartmental advisory group and Minister Ajaka for their ongoing support in preparing the strategic plan for children and young people during this reporting period.

This was the first full year of Advocate for Children and Young People's [ACYP] operations since it was established and it has been a year of immensely rewarding work for us. We have worked hard at building up the new office while meeting the demands of developing the State's first strategic plan for children and young people and delivering on other statutory functions. During the reporting year the development of the strategic plan was the most significant body of work and it allowed us the opportunity to hear from thousands of children and young people across New South Wales about what they thought were the themes and directions that the plan should take.

The strategic plan for children and young people consultation report, which was released in May, contains a vast amount of rich information from the inputs of children and young people who participated in the consultations. We have provided a pack for the Committee that includes the reports. The important work of the Youth Advisory Council was presided over by the 2016 chairperson, who is sitting next to me, Ms Abdel-Rehim, and continues to grow under the current chair, Declan Drake. Both will be presenting today. We continue to develop our training and resources to assist organisations and government to consult with children and young people.

We utilise a range of different methods to engage children and young people, including bringing their voices into policy and service development through images, video, digital and online technologies. The office also continued to provide a wide range of advice to New South Wales Government reports, papers and submissions that impact the lives of children and young people. We made submissions and gave evidence to other parliamentary, and other, inquiries including the inquiry of this Committee into the sexualisation of children and young people. We congratulate the Committee for its efforts during the inquiry and the report.

On the work that we do on participation, we tested and utilised different ways to consult with and engage with children and young people, including bringing the voices of children and young people into policy and service development, worked with government and non-government agencies to increase the participation of children and young people in decision-making processes, produced eight videos highlighting best practice in participation, hosted a participation and practice event to mark the 2015 Children's Week, and hosted a youth-led initiative to mark the 2016 Youth Week.

We launched Real NSW, which some of you in this room attended. That was children and young people responding that the pictures that are used about them are not real or genuine and do not depict their lives. We were able to highlight pictures that young people took themselves. We have updated online resources for organisations wanting to build their participation practice. During this period we also launched the website, which was a co-design process with children and young people over a period of time and we continue to test, trial, amend and improve our current digital presence based on input from children and young people. With the New South Wales Advisory Council we investigated new methods about recruitment and utilised methodologies

like Citizens' Jury in picking the 2016-17 Youth Advisory Council. During this reporting period we received 300 applications from children and young people from all over the State. During this period we launched the strategic plan for children and young people consultation results, which is in the pack.

The regional consultation report, which gathers together all the regional consultations that were part of the plan, were with adults but with videos of children and young people giving their evidence at the beginning of those consultations. We released results of polling, which was about generation compassion. I beg your forgiveness, Chair. We should have made further efforts, but we produced a video highlighting the youth work and we also did a PowerPoint. Unfortunately, I have read our statement rather than show it to you in video format and PowerPoint.

The CHAIR: We will arrange for the Committee to view that at a later time.

Mr JOHNSON: We will send those to the Committee when we get back to the office. At this point in time I would also like to thank the staff of ACYP for their continued commitment to making New South Wales a better place for children and young people, the many organisations who support and work with us and, finally, most importantly, the children and young people who have so willingly engaged with us throughout this reporting year.

Ms JODIE HARRISON: How do you think the Committee should improve the inclusivity of the Youth Advisory Council? Do we need to?

Ms ABDEL-REHIM : I am sorry, what do you mean by that?

Ms JODIE HARRISON: Do you think the Youth Advisory Council is fully inclusive? Do we need to improve its inclusivity? Is the Youth Advisory Council representative of young people in general? How can the Youth Advisory Council better engage with young people?

Ms ABDUL-REHIM : Just speaking from last year's council, it was a very diverse group of young people across many profiles of diversity, including culturally and linguistically diverse backgrounds [CALD] young people, Aboriginal young people, regional and rural, and male and female. In terms of the way the office is recruiting us they are making every effort to make sure that young people doing it tough do have the opportunity to be represented on the council.

Mr MICHAEL JOHNSEN: I know your Chair is from regional New South Wales. What sort of focus is on regional, city and metropolitan on the Youth Advisory Council?

Ms ABDEL-REHIM : It very much reflects what the statistic is in New South Wales. It is about 60 per cent metropolitan Sydney and 40 per cent regional, rural. I do come from a regional town so there is always representation there.

Mr DRAKE: I think the council has always been representative of both rural and metropolitan. I think the office ensures that the council is reflective of New South Wales as a whole, and children and young people in New South Wales as a whole. That is reflected in the geographical spread. As the council represents 12 to 24—it does this year as well; we have people aged from 13 to 24. We have people living with a disability. We have CALD. We have Aboriginal representatives. I think the council is very diverse and is truly representative of the diverse range of people in New South Wales as well. I think it is important it needs to be to ensure that the advice we give does reflect everybody and not just a certain group.

Mr DAMIEN TUDEHOPE: One of your observations relates to the connection between participation and education and wellness. Do you adopt programs to increase participation in education in areas where there is significant disengagement from education?

Mr JOHNSON: You may be referring to the work that we are doing with the Department of Education, which is through an Australian Research Council [ARC] linkage grant that is looking at the connections between a sense of wellbeing within schools but also if you increase participation. Those results are imminent. We will be publishing those results soon. It is the Department of Education, universities and other key stakeholders who are part of that linkage grant. In relation to what we can specifically do, we work very closely with the Department of Education to look at what is emerging from different consultations that we are undertaking sometimes by ourselves but also with the Department of Education.

An example was utilising the great event of the Schools Spectacular when we set up a participation tent. We got hundreds of young people through there. We have an open dialogue with the Department of Education to feedback. They are obviously getting their own feedback as well. They do the Tell Them From Me survey. We are often meeting with the relevant units or departments within education to talk through what we are learning about increasing engagement. Certainly one of the really big things that came through about

increasing engagement was more life skills for children and young people. No matter how many times we ask that question we are still getting the same result, so whether there are young people, as you refer to, who are disengaged from schools, and it is also young children who are highly engaged in schools and are doing quite well. So all across the board children and young people are looking at life skills, being very clear about what they need to do, which has meant following on from the strategic plan from children and young people. We have been working with BOSTES, which is actually set out in the plan, about re-looking at Personal Development, Health and Physical Education [PDHPE] curriculum.

In fact, BOSTES, which is now called NESAs, met with our Youth Advisory Council just yesterday to talk about how do we further clearer and more relevant life skills training for children and young people. That is the solution they came up with as a greater sense to connect them not only to school but also to the wider sense of community and to ensure that they feel a lot more comfortable moving into more adult spaces as they grow older.

Mr DAMIEN TUDEHOPE: Have you done any work on the pressure that is placed on kids by their parents to achieve in school?

Mr JOHNSON: Not specifically. What we can say is, having heard back from so many young people we can talk about where that ranks. We asked open-ended question after open-ended question. Sometimes there may be issues that are not coming through in our consultations but if we prompt them they will talk about it. During this reporting period we spoke to more than 2,000 young people, and Higher School Certificate stress comes up quite strongly, but comes up quite strongly—not surprisingly—from those aged between 16 and 18 years. It is important to understand the pressures that young people in the current generation face.

During this reporting period we were able to talk about children and young people being very compassionate. The results that were released were, three and five, do volunteering work. Their heroes were parents and guardians, number one. Political leaders like Malala, Martin Luther King and others, were their second. Third were sports stars and celebrities. It is major shift. We started calling them generation compassion. In the polling that we continue to do and in the conversations we continue to have, that keeps coming back.

We have recently done a bit of work, which we have provided to the Committee, about internet usage. They are clearly getting a lot of news from social media as well as traditional outlets. But, for example, the rise of populism was something that was raised and came through. We are very lucky here in New South Wales that we have the antidote to the rise in populism in that we have a generation that can look at the good and bad of what is going on in the world while saying that they are still compassionate and still optimistic about living in Australia itself.

The Hon. GREG DONNELLY: I direct my questions to the two young leaders who have joined us today. One thing that has concerned me for some time is the impact of violence and pornography on developing young minds. We had an inquiry into the sexualisation of children and young people, which we undertook last year. The Advocate came along and provided evidence having made a submission on behalf of your organisation. These are difficult things to grapple with because, in some sense, they push us into areas in which we feel a little uncomfortable and perhaps do not want to talk about. As young adults, with your work on the council and the broader networks you have through school and other relationships, are young people talking about this exposure to hard-core violence and hard-core pornography, which is quite readily available now through the internet? Are young people articulating any concerns about that and expressing worries about how it is impacting them?

Ms ABDEL-REHIM: While I cannot speak to the experiences of the whole council, an issue that was brought up was violence against children and young people. It was seen as a significant issue for the Youth Advisory Council last year and one that they saw is really important to follow up. That is something that we as a council in 2016 spoke to the Advocate about. We spoke about things happening in that space, which I am sure Mr Johnson can speak to you about more thoroughly, but in terms of—

The Hon. GREG DONNELLY: Tell us about what you were talking about in terms of violence against children and young people. What areas are you covering?

Ms ABDEL-REHIM: Discussion very much surrounded the issue of violence being represented in the media and in the larger social scale as being an issue of violence directed towards women and their children in that language set, although it highlights a major issue that is happening in society. We felt that maybe issues towards children and young people were seen as secondary, and that was the issue that we were seeing.

The Hon. GREG DONNELLY: Was that basically in a domestic violence situation? Is that what you are fundamentally talking about, violence at home?

Ms ABDEL-REHIM: Not exclusively, but yes, in terms of family dynamics and things like that, violence perpetrated against children and young people was not paramount. We did not see that the rights of children were very clearly taken as serious.

Mr JOHNSON: To add to that, we need to understand the process of the Youth Advisory Council [YAC]. They meet every six weeks and if we have time we can talk about how those meetings are run to give people a better understanding when asking questions of members of the advisory council. The issue of violence was being raised with us outside the Youth Advisory Council. When we have polling and other issues and evidence that comes back, the advisory council sees those as well. We very much want to concentrate on the issues of violence against children and making the invisible visible. Interestingly, without talking to the Youth Advisory Council, they came to the same conclusion, that we need to do major work in this area. It will be one of our key focuses in this coming year. We will be working with non-government organisations [NGOs] and government agencies to ensure we are highlighting the issue. What children and young people are talking about, particularly when we are in lower socio-economic areas or with children who are doing it tough, is that they often feel like the violence perpetrated against them is not taken as seriously as violence that is perpetrated against adults. Whether that is the factual case, we cannot comment on. But we can comment on the large numbers of children who do feel like violence against them is not discussed or raised in the same way they think it should be, nor getting the same amount of attention. Media is one of the major issues that comes up in consultations with children and young people all the time, whether they are depicted stereotypically but also, in this specific instance, in relation to violence that is perpetrated against them.

The Hon. GREG DONNELLY: Mr Drake, do you have any comments? As I said, it is a difficult area and we understand that. It is very confronting, but it is out there and it is being consumed in quantities never seen before in our history. It begs the question about the impact these things, particularly violence and pornography, are having on developing minds.

Mr DRAKE: Yes, definitely. I think Ms Abdel-Rehim covered the issue of violence quite well, so I will focus on the issue of pornography. I do not speak on behalf of the whole council; I will speak from personal experience. Children and young people are accessing pornography and sexual content at a much younger age, and for me I do not think the system has really shifted towards recognising that. In current situations, both with parents and teachers, they have grown up in a different generation where it was not as readily available and it was not as big a thing. People accessing it at young ages is definitely an issue. I am not completely aware of the long-term effects this has on health, and I do not claim to be, but I do recognise there would be issues with this. As you progress to an older age, it continues to be an issue but it becomes more of a joke—people might joke about pornography; it might not be taken so seriously but is just generally accepted. It is not socially taboo in the groups I have been around, so I think that is definitely an issue. The education system needs to shift towards seeing, with the internet how it is and with portable devices how they are, that pornography is easily accessible and people, either by accident or on purpose, come across it at a much younger age.

Mr DAMIEN TUDEHOPE: The United Kingdom is proposing to introduce legislation requiring age identification to be certified in respect of all access to pornography sites. The question that arises is how to objectively determine that age identification. The United Kingdom was proposing to have an age authentication code, which young people would access to prove that they are over 18, or whatever, before they could access one of those sites. What is your view in relation to that?

Mr JOHNSON: I think, taking the broader point—and we would like to look into how that is working in the UK—as you know when we appeared before the Committee, we are very much concerned about access to pornography, particularly for younger children. As the evidence came out, we saw there are many steps we need to take around the issue of pornography. One is to understand that it is harmful, and I think we all agree on that. We must not look only at one particular solution; there are many ways in which we need to look at this issue. What we have seen generically from the evidence about trying to stop access via digital portals is it is one part of the solution, because of the fact that people can get around it. Yes, we need to take steps we know work and it is something to look into—and I am not suggesting that you are suggesting it is the only way to deal with it—along with that we are not going to increase the safety of children and young people if we just look at digital solutions. There has to be a lot about education and empowering both young people to understand the issue better and, particularly as we spoke about last time before the Committee, about empowering parents and guardians and teachers with the knowledge to assist young people to navigate what is quite a tricky and, I think, new area, given its availability.

Mr DAMIEN TUDEHOPE: It is a model that works in the same way as age authentication in other contexts. If you go to a hotel, for example, and someone asks you to prove you are over 18, you have to produce some sort of identification. Digitally you may have to do the same thing—rather than answer the question, Are you over 18, and you just press "yes", this would require you to enter your age authentication code.

Mr JOHNSON: We would be very happy to look at it in more depth and come back to the Committee about having looked at how it has been rolled out. From the last time we met with the Committee we looked at other developments in the UK and gave feedback, but if that is okay, Chair, we can take that on notice to give you a further answer.

Mr DAMIEN TUDEHOPE: I do not think the legislation has finally passed in the UK yet, but it is about to.

The Hon. GREG DONNELLY: I just find it extraordinary to claim, Mr Johnson, that this issue is a priority and it does not even get a mention in your annual report.

The Hon. CATHERINE CUSACK: It does mention it.

The Hon. GREG DONNELLY: In the "Sexualisation of Children and the issue of violence"?

Mr JOHNSON: The annual report that we are referring to is this one.

The Hon. GREG DONNELLY: I withdraw that then. I thought this was the report we were looking at.

Mr JOHNSON: In the report it outlines that we appeared before this Committee on the sexualisation of children. As you know, we produced a quite significant detailed report to the Committee and followed up with the Committee. We undertook a piece of research working with a research agency to look at the prevalence of usage, particularly with pornography, and we thought we were very supportive of the Committee taking this issue up, which is why we put a significant amount of work and resources into ensuring that we did give quite a detailed report. We were further asked for the baseline evidence that we received from the study, which was provided to the Committee as well.

The CHAIR: I know many of our recommendations will further your work in that area as well.

Mr JOHNSON: Which are being worked through as we speak. Obviously, the next time that we will be reporting on the annual report it will be reporting back on our responses and taking forward the recommendations of the Committee.

The Hon. GREG DONNELLY: Let me apologise and withdraw that. I was looking at the document provided to me.

The Hon. CATHERINE CUSACK: Special inquiries under part 5, it says here you did not conduct any during the reporting period. Are you envisaging any?

Mr JOHNSON: Under the legislation it was a power of the Commissioner for Children and Young People which was rarely used—I think once in the period of time, to set it in context. I think in this reporting year we were very much focused on ensuring that we could get the production of the strategic plan for children and young people and, of course, we liaised with the Committee about what this Committee would be looking at, which is why we put so much effort into the sexualisation review. I think that is something now that we are catching our breath a little about getting the plan done, making sure that the monitoring is in place, but I think that has to be demand-driven from children and young people—where are the gaps, where do we think we can value-add in relation to the special inquiry? At this point in time we are not moving forward with a perceived idea about what that could be. I think it is an important power to use, but to use it effectively and to ensure that when it is used it is used to value-add both to the Committee and to other parts of government. We would welcome any suggestions if you think we should use that power.

The Hon. CATHERINE CUSACK: I have a suggestion. One of my bugbears is young people in employment being ripped off. I noticed in your report that 31 per cent of young people said that employment was not working well—and, given the age group you cover, I imagine that would have been a substantial percentage of the older group that you cover—and 23 per cent said employment is an issue for the New South Wales Government. I come from a regional area and my anecdotal observation is, particularly in the hospitality area, young people not getting their increment when they turn a year older, young people not getting overtime—a whole range of issues—being put on contracts inappropriately when they should be employed on a full-time basis. Is this an area of jurisdictional difficulty given the role of Fair Work Australia? Is this an area that you would see as a potential gap that we could do more on? I find it very difficult to know who to complain to or get something done.

Mr JOHNSON: I think there are a few parts to that question that we would like to cover. One is: are we looking at that issue? Yes we are. That is coming out very clearly in talking to children and young people. The way we work is when the issue is raised, as you rightly point to, in this reporting period—if I can ask the Chair if I can now start talking about things that we are doing outside the reporting period? What we have been

doing specifically in relation to that is to better understand what is the kind of information they need to know. In a recent piece of research, young people were saying that they did not quite understand their rights, and we asked them to rank which of those rights. Interestingly—while it is not being made publicly available we are very happy to share it with the Committee—renting is a really big issue for children and young people and navigating that.

The Hon. CATHERINE CUSACK: They get ripped off in renting as well.

Mr JOHNSON: Understanding their rights at work. We have been working with, as we do, different government departments. Our approach is that there is often good work going on. Part of our job with the strategic plan was to look at what the Government is doing already, where do we need to value-add. We are now looking into the area of how do we work with government agencies but also non-government agencies about providing children and young people with the best information. There are some quite good websites and services out there. I think that is what led us to look at our local project, which is detailed in the plan, which is providing a digital platform to get all the information, whether it is events or rights or whatever the case may be, in one location.

We have been working with Government, we have an interagency—committee is too strong a word, but an interagency working group looking at providing the digital information that people need, which for the next while we will be focused on, and also moving on from the great work that the Committee did on the inquiry into volunteering. That was another area on which we provided feedback. We very much welcome your question that this should be an issue that we are looking at. We are indeed looking at that right now, but, as we always do, we go to children and young people first to determine what is it that they are looking for.

The Hon. CATHERINE CUSACK: In my experience, young people transitioning out of school have this expectation that adults will treat them fairly and what they get from the teachers, generally speaking, is fairness but that is not what they get from landlords and employers—not all of them; I am not saying everyone gets ripped off, but there is an additional vulnerability because of this optimism and this expectation that adults will treat them fairly. I think empowering young people is one thing but a 16-year-old not being paid properly by his boss I find a real problem. The *Sydney Morning Herald* has raised this as an issue; there has been a lot on social media about it and I am just wondering what should be the role of Government. I will leave that for you to think about, but I think it is a terrible problem.

Mr JOHNSON: We agree with you and we try to see what is our role in that problem. Our role in that problem, obviously, where we see it, is to ensure that on one side of the equation we are doing everything we can to ensure that children and young people are getting the information. Obviously it is talking to other departments and other bodies. I think you alluded to the fact that it is quite complicated when you are looking at the adult system. We are doing all we can ensuring that children and young people are empowered with the information. We completely agree with you that we need to be joining up more about are we ensuring that all those people in New South Wales over the age of 25 are fully aware of being able to respect children and young people wherever they are, whether that is in education or whether they are in employment?

The Hon. CATHERINE CUSACK: In your plan you talk about embedding consultation with young people in government consultations—this is to ensure that young people have a voice in government services. Can you just explain a bit more how that works, particularly in relation to young people being involved in program design, and how can we measure the outcomes on that—what kind of accountability? Just to give you one example, the Government seems to think that getting more school counsellors is a great thing to do to help young people, but when I talk to young people, in all the consultations they do not say that school counsellors are working for them, they would rather a teacher that knows them and likes them. I just wonder in those examples why young people are not more engaged in program design and what you will be looking for as evidence that that situation is improving.

Mr JOHNSON: Sure, and we would say, as we say every time we do a consultation with children and young people, "We will take what you say to us and we will try our best to ensure that it is implemented." That is in summary our approach to this. I think there is a lot of good news though. Part of the plan was creating a cultural change across government. Lots of things were happening. There was a Zeitgeist moment a little about people were starting to think about children and young people; there was focus from the services commissioner and others about ensuring that government is more responsive to the individual and we were able to enter that debate and say, "Well, we have now got 2.4 million people that you may not have thought about."

As to jurisdiction, people are more open than we give them credit for to accepting input from children and young people. I will talk about our role in that and then I will talk about how we monitor that. For example, there was going to be significant service reform on the Central Coast across agencies. We then spoke to each of those agencies and said we would be very happy to assist. In assisting children and young people at the very

beginning, being included in that process, we then got the metaphorical ACYP bus and our small team of people went up there and visited every single school, primary and secondary, and youth groups. Their input was then included in the design and implementation of the service reform and there is ongoing dialogue.

Once again talking outside the reporting period, we are looking at strategic plans that engage children and young people and we are keeping record of that. It has meant that we are doing a lot of that engagement and working with those agencies. Recently under the plan we are to have two regional meetings per year. I have just completed doing most of those regional meetings and they are set under the regional leadership executive groups. All of those meetings, whether that was a group as a whole and those groups are made up of different government departments—we got even more work to engage in the regions about ensuring that children and young people are included in the process.

As to our monitoring, we are looking at strategic plans as they relate to children. The good news is we are getting a lot of calls to the office about how can we assist different government agencies to include children and young people? That often means that we are doing that ourselves as we are building and hoping to build greater competencies across government to do it. We are in a journey to ensure that this is something that we should not deplore; it is something we should do as a matter of course. As a State we are making significant steps in that direction and certainly the strategic plan forms a very important part of that cultural change. We will be monitoring the amount of plans that will include children and young people.

The other two things, once again outside the reporting period but were set up in the plan, were setting up a pool of young people working with the Department of Education where we had 1,000 children across the State. As Ms Abdel-Rehim outlined, we take very seriously ensuring within processes that we are as accurate as we can be about the demographics of children and young people so we know, as Ms Abdel-Rehim outlined, that 40 per cent of young people live in regional New South Wales, so when we set up this pool, this pool is made up of 1,000 children derived from primary and secondary schools across the State and working with the Department of Education ensuring schools are set in regional areas, ensuring those schools had high culturally and linguistically diverse [CALD] populations, Aboriginal populations, children living with a disability, so that the Government has the opportunity to use this pool before they make policy.

The first one has already gone out and we have the Department of Premier and Cabinet and Health working with us to ensure that they are hearing the results back from young children as they are rolling out the Premier's priority as it relates to childhood obesity. The other thing that we are starting, once again mentioned in the plan but now talking outside the reporting period, is training up young people; we are calling it CYPIs, which is children and young people inspectors, so that they can go into services as a value-add to how government looks to see if services are working well, but very much focused on the client, in this case being children and young people.

So we are training up young people to talk to the chief executive officers, the board, front-line workers and importantly those young people who are clients so that they can give feedback to government about that service. We are looking at a very high level of ensuring government is getting access to children and young people. We make all of our information available to government and take it close to the grassroots, close to the ground, by training up young people themselves to actually be a part of transforming services by giving recommendations about what is currently happening.

The Hon. PAUL GREEN: You commented earlier about children as young as 10 having issues with housing. Could you elucidate?

Mr JOHNSON: One of the issues outside this Committee, as you work with children and young people all the time, is that children and young people are very affected by what is going on around them. I often get the question, "Did that young person really mean that or was that just what their parents said?" This young man's voice is in my head. He described it as, "I'm not quite sure I'll be able to live near my nan and my mum when I grow up." The notion that they are not taking complex information and being able to digest it; I think that is what we were talking about. In terms of the stresses and strains that are put on young people, that is just one that they are coping with. We would say that they are looking at the world in a very practical way yet still in large part remain compassionate and optimistic.

The Hon. PAUL GREEN: That is right. I think a quote from the *Bible* is "out of the mouths of babes". They just say it as it is. I applaud your recent efforts with the seminars you held on brain development, which were really good. Do you intend to do one on brain development and the impact on, say, pornography or sexualisation on children?

Mr JOHNSON: We are happy to consider that. As part of the strategic plan to ensure that we are value-adding to the monitoring, we are having a series, that is held in our office, called Young Thinking. There

is a series of 12 of those that are happening throughout this year. The first one was on brain science. The next one will be about the role of child rights in programming. This is in the packs, which I will hand to you, that give you an idea of the things that we are looking at. We will be looking at the impact of psychosocial programming and what does that mean and what can we learn from lessons overseas. Our idea with all of the Young Thinking was to bring together government, members of Parliament, the non-government organisation community and the best experts possible so that we can further our thinking on those things. We are very happy to take that on notice.

We will be doing further work on brain development. For those who were not able to be there we will be putting videos up of all the different speakers and particularly for those in regional New South Wales who do not always get a chance to come to Sydney. The format is that each speaker will only speak for five minutes—that happens most of the time—so it is an easy, digestible format. What came out of that meeting—and was certainly something we think is the newer science—is brain development in the middle years and particularly in upper adolescence. The seminar focused mainly on the early years. Judge Johnstone, who is the President of the Children's Court, as you all know, opened the event and he talked about the impact on brain science for the middle years and for adolescents.

The Hon. PAUL GREEN: I encourage members to get a copy. It is worth viewing. The Hon. Catherine Cusack made a comment about teenagers being ripped off. Are you going to make a submission to the human trafficking inquiry about debt, servitude, slave labour and stuff like that, which would probably be affected?

Mr JOHNSON: We have been looking at that. I do not have my colleagues next to me so I cannot tell you. We have many inquiries happening all at the one time at the moment. I know that we have looked through that material.

The Hon. PAUL GREEN: I think it would be worthwhile having a submission.

Mr JOHNSON: We have looked at the implication of that and we will take that recommendation on board.

The CHAIR: Looking at the legislation that governs your work, are there any changes we should be looking at for you? It is a very broad question but is there anything we can do?

Mr JOHNSON: It is a very broad question. I would say the very important part of the mandate is its independence. That allows us to work in a different way, both with government agencies and with members of Parliament. Answering your question to say what are the things that must remain, I think that that is central. I think for us to be able to do our job and if we are doing our job well it is that we can act as an honest broker; that there is nothing between us and giving you the information directly from young people. When it works well the feedback from other people, particularly in government, is that it is often seen as the value-add. In terms of what we can do with the legislation, there are many moving parts that deal with children and young people. You were talking to the Guardian this morning. It is important to understand that is working well. In terms of when we are looking at reformation post the royal commission, it is important to understand that in New South Wales it is a different jurisdiction. Fundamental to children and young people and fundamental to their safety is that they are able to have a voice.

If the Office of the Advocate did not exist, and putting my performance aside, it is incredibly important that there is a body within New South Wales that has that role and that role is independent of doing other projects. When you are looking at mandates our strength is the community engagement. We work with juvenile detention centres all the time. It is about clarifying what we already know. You understand that we work with and speak to children in detention centres and we are on advisory committees. That could be made more explicit in the legislation.

Ms JODIE HARRISON: In one of your answers to questions on notice you talk about several recommendations relating to young people who are experiencing or are at risk of experiencing homelessness. What are those recommendations?

Mr JOHNSON: To give the Committee some background—this is the system working—we knew there was major reform in the area of homelessness within the Department of Family and Community Services [FACS] and that one of the Premier's priorities is to reduce youth homelessness. We can value-add to that. I was privileged to sit down with 60 young people from around the State, mostly in regional New South Wales. We asked them what are their recommendations. That was a report—it is Youth Week so I have events jumping around in my head—that was launched last Monday and had a little bit of coverage. Their recommendations were set out in the report which is in the packs, but if not we will send it through to you.

The major things they talked about and when we sit down with children doing it tough there is a generic theme about respect. 'Can we have a service system that imbues more respect for children and young people?' One of the major considerations for children and young people was getting information earlier: if they had known what they know now maybe they did not need to be on the street for two weeks, they could have been connected with services. We have passed the recommendations on to FACS and the Department of Premier and Cabinet. They have taken that on board and are looking at those.

What we can do is keep faith with the children. The most extraordinary thing—and most of the meeting— was about 'how did you feel?' 'What would you tell other people?' And what I would tell other people is that these are children and young people like our sons and daughters and nieces and nephews. They were ordinary kids responding to exceptional circumstance. On the broad recommendation we think people should understand our lived reality and who we are and what we are going through. To that end we are working with the Australian Theatre for Young People. They are coming to our office tomorrow and we are bringing in homeless young people from around the State to work with the creative director of the Australian Theatre for Young People, to talk about those things to work up a play.

The specific things that young people were talking about were life skills. They needed more access to navigate the world such as renting and employment. The other clear recommendation was looking at how we can ensure that wherever they are staying they have access to being able to learn how to drive, particularly in regional New South Wales. If you are staying in a refuge, one of their recommendations was, "There are cars sitting out there. Can we not make sure they are insured for me to drive?" Government is looking at that and seeing if they can be responsive. To follow on from what Ms Abdel-Rehim was talking about, the major issue was the issue of violence perpetrated against them.

They are feeling that that can be taken more seriously and there should be more supports and services specifically for children and young people. There are two parts to that equation. One is that we need to get information about what already exists to children and young people and then work on some of the gaps they identify. For those living in regional New South Wales one of the things they were talking about was availability of services on a weekend, but that was equally present for young people we spoke to in Sydney. One of the recommendations is to ensure that we get the information out about what exists, but more continuity of service.

The Hon. CATHERINE CUSACK: What service?

Mr JOHNSON: If you spontaneously became homeless at one o'clock in the morning is there a 24-hour centre that people are aware of; does it exist? That was one of the recommendations they came up with. These are not our responses. It is what they told us they were looking for. Once again we will provide that to the Committee.

The Hon. GREG DONNELLY: Jumping to page 19. With respect to six of the 10 recommendations that the Committee made regarding the Inquiry into the Sexualisation of children and young people, 60 per cent of recommendations involved the Advocate. Do you have discussions with the relevant Minister over those recommendations?

Mr JOHNSON: There is a Government response to the Committee. We are a part of that. We are in a unique and privileged position. Most of the recommendations are for us as the independent agency. We will talk about it in a more fulsome way but we have started progressing the things we can progress. Working with the eSafety Commissioner is quite new. We met with her and talked about the work we had done with the Committee and how can we further that. We are looking forward to the second meeting. We got her on her fifth day.

We are looking at the proposals around sharing of non-consensual intimate images. In the policy team we have been looking at the law reform in those areas and working with education. There is the whole-of-government response to the Committee but those areas that we are completely in control of we are motoring ahead to ensure we are doing what we can do within the resources we have in the office, which are limited to a degree in the sense of our size.

The Hon. GREG DONNELLY: You are satisfied you have the ear of the Minister to put forward your thoughts about what is a response to the recommendations?

Mr JOHNSON: We do.

The CHAIR: Good to know that work is underway. Mr Drake, where do you see the Youth Advisory Council heading this year? What is your focus this year?

Mr DRAKE: Thank you for that. We have met twice so far as part of the council. The first meeting was establishing our role as the council. We briefly talked about our passion so we had time put aside for what

our priorities as a council were. I think it is important that the council remains fluid as well. So we have a hot topic session every meeting in which we react to events that have come up in the media or personal events which we might have seen or experienced ourselves. I know one passion that the council has is life skills. It sort of reflects the whole State.

As Mr Johnson said earlier, we did meet with BOSTES yesterday and we were looking through the new PDHPE syllabus as well as reform they are having across the board to implement life skills throughout. The council is passionate about that work. We are also looking towards holding more consultations this year than we have previously. For example, on Friday we have ideation, which Mr Johnson can talk about in a lot more depth than me, if he wants. I think whilst in previous years we have had the opportunity to consult with young people the council has not taken that on board as well as it should have, especially considering it is in our legislation that we do consult with young people.

I think a main focus for us this year should be talking to the people we are representing. It is really useful that we have access to the polls, to the information that the office provides so we get a good idea there. But there is really something else which is actually talking to the people. I think that is a priority for our group as well this year that we do interact more with the people we are trying to represent. Then we can give better advice as well to both the Advocate and the Minister.

The CHAIR: That is good advice for people in our roles as well so I think you are on the money there. This Committee undertake inquiries, for example, the sexualisation of children and young people, volunteering and unpaid work for children and young people. Do you have any ideas from your consultation with young people what topic the Committee's next inquiry should be? I am putting you on the spot but are there any gaps that you think this Committee could help to address?

Mr JOHNSON: I will give them time to gather their thoughts. I think that of the issues that are coming up from children and young people, some of which you have heard about already, violence against children was a major issue. The other thing that comes across is Aboriginal disadvantage. We often look at that in specific areas but not sometimes as a whole-of-government approach about what is the lived experience of Aboriginal children and young people in 2017, which comes up quite a lot when talking to children and young people. We will be doing a lot of work on violence against children anyway. They were both issues that came up from the Youth Advisory Council.

The CHAIR: Have you heard about any others?

Ms ABDEL-REHIM : I wish I could give you an answer right now but unfortunately a lot of issues are raised by young people throughout the State with the Youth Advisory Council that would be amazing if they could be taken into more depth. But off the top of my head I cannot say one definite one other than violence against children and young people that I think should be at the forefront.

The CHAIR: That is fair. One of the things we do all the time is try to think of what topics we have heard about. From what you have said today I have a list—and I am sure other Committee members do— of where we can head next.

Mr JOHNSON: We would be happy to take that question back to the next Youth Advisory Council. The process that we normally do is we write up policy briefs for the council. We will give them a context of what the Committee has already done, what are some of the other committees that are already happening and then they can have a discussion where the gaps may be.

The CHAIR: Yes. It is one thing for us to think we know where the gaps are but you are actually undertaking that work and you are right at the coalface. It would be good to address the topics that are needed. I think our State is in great hands with these two young people as the previous chair and the current chair. Our future is in good hands. The Committee will send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Are you happy to provide a written reply to any further questions?

Mr JOHNSON: Yes, We will.

The CHAIR: We will ask you for that video and PowerPoint presentation which the Committee is interested in seeing.

(The witnesses withdrew)

(The Committee adjourned at 12:14)