

REPORT OF PROCEEDINGS BEFORE

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

**REVIEW OF THE 2011-2012 ANNUAL REPORT OF THE
COMMISSION FOR CHILDREN AND YOUNG PEOPLE**

At Sydney on Friday 22 March 2013

The Committee met at 10.00 a.m.

PRESENT

Mr A. S. Cornwell (Chair)

Legislative Council

The Hon. J. Barham
The Hon. G. J. Donnelly

Legislative Assembly

Ms L. J. Burney
Mr A. R. Gee
Ms M. R. Gibbons

GREGOR MACFIE, Director, Policy and Research, Commission for Children and Young People, and

MEGAN MITCHELL, Commissioner, Commission for Children and Young People, affirmed and examined:

CHAIR: It is a function of the Committee on Children and Young People to examine each annual and other report of the Commission for Children and Young People and report to both Houses of Parliament in accordance with section 28 (1) (c) of the Commission for Children and Young People Act 1998. The Committee welcomes the Commissioner of the Commission for Children and Young People for the purpose of giving evidence on matters relating to the commission's annual report 2011-12. Commissioner, I understand that shortly you are to take up a new appointment as the first national children's commissioner. On behalf of the Committee I extend my warm congratulations on your appointment and thank you for appearing before us today.

Ms MITCHELL: Thank you.

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

Ms MITCHELL: Yes. Thank you for inviting me to discuss the work of the New South Wales Commission for Children and Young People for the 2011-12 reporting period. This is the first full year that the committee has overseen our work. I am sure it has been a great opportunity for members to gain a deeper understanding of the issues affecting children's lives. I hope also that it has provided members with greater appreciation of the role of the New South Wales commission. I hope the experience has reaffirmed members' commitment to children and young people in New South Wales and helped gain a deeper understanding about how their parliamentary work is making a difference to our younger citizens. As I said, this reporting period covers the first full year the committee has overseen the commission's work, but I am more than happy, as always, to discuss how that work has flowed into the commission's current strategic planning and projects.

The 2011-12 year was a challenging and exciting time for the commission. It was a time in which a number of projects and activities are bearing fruit. I would like to talk about a few of them this introduction. This year saw the passing of legislation that will see significant and important changes to the working with children check system and bring New South Wales into line with other States and Territories. This change has produced significant momentum within the commission and with many of our external stakeholders who have changed their own systems and processes to meet the demands of implementing a new check. As you know, this new check is fairer, simpler and much safer for children. Our consultations and community education with stakeholders in the education, sport and recreation welfare, health and children's services areas has been vital to increasing broad sector knowledge about the new check. I am very appreciative of the guidance and support provided by the high level interagency committee and its subcommittees established to assist us through this major project.

With so many stakeholders involved, there is significant interest in the community about the new working with children check and the difference it will make to organisations and individuals. With all the preparatory work now done it is really important to ensure that the new regulation associated with the legislation is proclaimed and that the new check can start as soon as possible. Every day we delay a new check coming into being constitutes risks to children associated with the current check. As part of the process, thousands of participants across New South Wales have participated in the commission's child safe training workshops and seminars. We are also developing a comprehensive communication strategy to support the introduction of the new check and a new commission website to inform stakeholders and the broader community about the check. As I mentioned, work on the regulation to support the legislation is finalised and it has taken into account the many suggestions provided through community feedback on the draft regulation.

It is encouraging that so many workplaces, organisations, associations and agencies are positive about these improvements to the check and are actively implementing their own policies and practices to help keep children safe. Obviously, keeping children safe and improving children's wellbeing is a major driver for our work across all areas of the commission. Of particular merit has been the commission's work on childhood development in the middle years and what influences children's wellbeing during this time. As identified by a New South Wales parliamentary inquiry several years ago, the middle years of childhood is a stage of accelerating growth and development, yet little was actually known about this hidden period in children's lives. During the 2011-12 reporting period the commission ramped up the process to shine a light on the middle years of childhood with further development of a policy agenda in response to the inquiry's 59 recommendations.

Our seminar series, research and policy mapping processes, along with the involvement of 25 non-government agencies at our commission-hosted roundtable have made a major contribution to the development of our overarching agenda for the middle years in New South Wales. Our research project conducted by the commission's 2012 Young People Advisory Group on how kids aged nine to 14 spend their time after school has also been completed. The research provided unique insights into how children see their world while they are living in the middle years rather than through the filter of adult eyes that are peering in from the sidelines. Committee members may be aware that recently there was very strong media interest in the results of this child-led research, which has helped inform and broaden the community's understanding of children during their middle years.

Our online databook, "A picture of NSW children" also helps inform stakeholders about how children are faring in different parts of their lives. During the reporting period the commission published new chapters on children's economic wellbeing, early childhood education and care, health behaviours, education and learning, and children and crime. This information is particularly important to the State's legislative, policy, program and service responses. For example, it highlighted the need for a public health campaign targeting young people and their sexual health, and we advocated strongly for that. The picture information also led to our recent work with the Australian Institute of Health and Welfare, which will be instrumental in identifying long-term trends related to serious child injury and the community's response to prevent children being hurt.

The commission recently welcomed the New South Wales Government's announcement that old as well as new strata buildings will have to install safety locks to prevent children falling out of apartment windows. This is an area where the commission has been a strong advocate for a number of years. We have been instrumental in raising this as an issue as leaders of a whole-of-government approach to the prevention of unintentional physical injury to children, including children falling from residential windows. Preventing serious injuries in New South Wales will continue to be a long-term area of interest and work for the commission. We are in the process of establishing a team of experts to guide research and monitoring of childhood injury in New South Wales, and the first meeting of this group is planned for early 2013.

Another long-term area of work for the commission that the Committee is aware of has been in the area of children and young people's participation. We have a proud history of being at the forefront of developing such policies and initiatives. Our participation resources, information and advice have been adopted and utilised or reproduced many times over the years by other children's commissions and thousands of organisations, and during 2011-12 the commission oversaw the production of *Citizen Me*, a new manual on engaging young people in organisations. This manual was developed with considerable input by young people. As an online resource, *Citizen Me* can be updated regularly with new information and case studies. It is based on new research and best practice to further assist organisations, including government, to ethically and effectively involve children and young people in decision-making.

Despite the broad enthusiasm for the concept of children's participation, there are still sectors challenged by some of the practicalities of involving children in the decision-making process. The commission's work with the built environment space is an example of how we assist the community to embrace an appropriate focus on urban design for children and young people. The impact of traffic pollution, the quality of play spaces, the accessibility of community activities and facilities and the availability of green spaces directly relate to children's health and wellbeing. We have been working with State and local government agencies, industry groups and the tertiary education sector to raise community awareness about these impacts.

In 2011-12 the commission launched its built environment seminar series and the Child-Friendly Planning and Design Award with the Planning Institute of Australia. The commission's toolkit to support planners and designers, *Built 4 Kids*, was accessed 160,921 times from the commission's website and is downloaded on average 13,410 times per month. With the commission's support, Healthy Cities Illawarra produced a *Child-Friendly by Design Resource Toolkit* (which complements *Built 4 Kids*), and hosted a number of regional workshops across regional New South Wales for local councils. The commission's work is contributing to the growing recognition amongst researchers, practitioners and policy makers of the significance of urban growth and the changing nature of communities on kids' lives.

I will sum up at this point. Making New South Wales a better place for children and young people is a continuing and evolving process. As communities evolve and change so do the lives of children and young people. It is a continuum that requires much more than a short-term static or a single response from governments and the broader community. Children are diverse and do not speak with one voice, and the reasons for

establishing a commission are as valid today as they were when the New South Wales commission was established in 1999. The New South Wales commission was one of the first children's commissions to be established in Australia. It is a well-respected model that works effectively to advocate for the interests of children and young people and all other States and Territories now have similar commissions.

Thank you for your congratulations on my new appointment as inaugural National Children's Commissioner. For some time there has been a strong push for the establishment of such a position and I am both honoured and humbled to be appointed to the role. I credit my time as New South Wales Commissioner with providing me with a really solid foundation to take up this work. This new appointment will be a great opportunity to build on my work as New South Wales Commissioner and extend that commitment to benefit all Australian children. During my time as New South Wales Commissioner I have come to greatly appreciate the depth and breadth of the organisation's work and how positive change for kids has been generated as a direct result of the work it undertakes. I am also convinced that this is a model that works and that integration of child safety background checking, research and policy development delivers great benefits for children.

The examples I have provided from 2011-12 have only touched the surface of what the commission has achieved over the years. Despite changing political environments and challenges, the commission continues to institute great waves of change and from a very small platform, so I believe it is excellent value for money. Through our consultations, research and policy work the commission has been a leading instigator of change and enlightenment for raising community awareness about children and young people. Our increased understanding of the diversity of kids' lives and their right to be respectfully considered in the same way as others in their community have now become part of the mainstream vernacular. It is important that we do not lose sight of the need for an independent advocate for children who can continue to represent the rights and interests of children and young people.

My great personal and professional wish is that multi-partisan support of the commission in Parliament continues to be recognised and respected along with the valuable work undertaken on behalf of children and young people in New South Wales. On a personal note, it has been a privilege to get to know you all as members of the Committee and to understand your deep commitment to the best interests of our kids.

CHAIR: Thank you, Commissioner. How will the establishment of a National Children's Commissioner affect the work of the New South Wales Commission for Children and Young People and how will the new Commonwealth commissioner work with State and Territory commissioners to promote and monitor the overall safety, welfare and wellbeing of Australian children?

Ms MITCHELL: Until this time there has not been a sole position or resource to focus on the needs of children and young people at a national level. The position of National Children's Commissioner will be primarily concerned with national laws, policies and programs and being able to analyse them and provide advice to government in terms of what is in the best interests of children. It will also provide the capacity to monitor our international commitments against the United Nations Convention on the Rights of the Child—there has not been a dedicated resource for that in the past—and other related international conventions that Australia is a signatory to. It will, where it is in the interests of children, also have the capacity to drive consistency across the States and Territories. Obviously that will need to happen in a collaborative and constructive way and, given I come from the State commissioner perspective I am well aware of what kinds of models would work best in that space.

Mr ANDREW GEE: My first question relates to answers you gave with respect to the commission's social media strategies. You gave some data about how the commission has been utilising Facebook and Twitter. Are you able to provide some further information on the commission's communication strategy with respect to social media and what further steps you may be taking to increase your dialogue with not only community groups but individuals via social media?

Ms MITCHELL: At the moment we have just under 1,000 Twitter followers and around 800 Facebook followers and that has grown significantly. We only introduced it a couple of years ago. From none to that number in a couple of years is a pretty significant development. We have more than 5,000 subscribers to news events, publications and kids polls and we have 13,000 subscribers to information about the Working with Children Check e-news bulletin. We do have somewhat of a good platform to move to a greater online presence.

In terms of our communications strategy: We are building a new web site for the new Working with Children Check which has a complete online presence. Those interactions will be online through a portal on the

web site. At the same time we have actually engaged children and young people and experts in online communication to help us develop the website more broadly so it is more accessible to the range of people in the community that use online mechanisms. We are looking at things like blogs and blog sites where people go. Our audiences are both adults who work with children, who care and want to protect children, and children themselves.

We have worked with the young people advisory group both last year and this year to understand what they would like from the commission. They have given us a lot of advice about what kind of web site presence they would like and what other interactions they would like with us. I have to say that whenever you talk to children their view is very strongly that you can give us information via this method but in the end, if you want deep analysis from us, you need to talk to us face to face. They consistently say that. I do not think an online presence can ever replace a relationship with children. Did you want to say anything more about that, Gregor, about the work with the children in particular?

Mr MACFIE: We had a consultancy firm come and help us with the redesign of the web site and how to reach out, in social media terms, to children and young people as well as to our other stakeholders. One of the big issues was not so much the technology but the way in which children and young people relate to each other using social media. Part of it is about building up the peer to peer relationships and discussions and then how do we actually draw on that or encourage that to happen. We are still in the early stages of doing that. Certainly the face to face, the engagement and understanding of the commission and the work it does is often the first step. From there on people are quite happy to engage in other ways but until they know a bit more who is involved and what the issues are—well, that is the starting point for some of this.

Ms MELANIE GIBBONS: You mentioned the Working with Children Check a moment ago and obviously it has been delayed. I like the way you are keeping people up to date with what is going on on your web site. When do you think it will now commence? What are some of the reasons for why it was delayed? What is the process from here?

Ms MITCHELL: Initially it was meant to start in September last year and all our forward budget is based on that. It is a bit of a challenge for us to balance the changes. As you know there are fees associated with it so while our expenses are less, because the new one has not changed, our income is also less. We are keeping a very close eye on that because the sooner it starts the better we are in terms of being able to manage in a budgetary sense. In terms of the delays, they are several-fold. Some of them are to do with our systems, getting the database system ready to go and all the interfaces with other systems such as Roads and Maritime Services, the police and other connectivity that we needed to establish. It is an absolutely new data system and we have had a few changes to that, so we have had some variations.

We were delayed in part getting the draft regulation out into the public sphere and that was very important for, in particular, setting out the phasing timetable for different sectors to come into the new check system over a five year period. In part that delay was due to one of my staff members breaking both her legs and having three months off. She was a key leader in that area. She is now better and back at work. That is Virginia Neighbour. I would like to say what a fantastic job she has done in leading that part of the business. That did delay us. We are a small organisation and we rely on the expertise we have in-house. There was a further delay in responding to people's views and issues that they raised with the regulation and then coming to a landing on things like the timing of when the various sectors would come in.

We have arrangements through the new system that certain government agencies have the capacity to facilitate bulk verification of Working with Children Check status and some of those agencies needed more time to get those systems in place at their end. They were the main delays. Another thing is being able to access parliamentary council drafting time when there are competing priorities. All of those things have added up to a delay. That work is now finalised. I see no reason why we cannot proceed as soon as possible, as I noted in the introduction.

There will be an evaluation in two-years starting from the beginning of the operation of the check so any additional issues can continue to be worked through. It is an evolving piece of work and it always will be. We do need to give the community some notice. You would be looking at from today plus a month or so to make sure that people know when they need to do what. We do need to give them enough time to understand the details of the system.

Ms MELANIE GIBBONS: What issues have come up during that consultation period and how have you worked out how to deal with them or any changes made because of that consultation?

Ms MITCHELL: There have been a lot of changes to the regulation made as a result of the consultation. One change is that we have added a lot of bodies as reporting bodies under the new check: That includes all the major churches—who are all very keen to participate—and all of the out-of-home care agencies. The challenge then will be to work with them and the Ombudsman and others to improve their investigative practices so the information they provide, in terms of reportable conduct, is of such a quality that it can be used in an assessment. Those reports will trigger a risk assessment. That is a piece of work to come in the future.

We can continue to add bodies as they demonstrate a capacity to make reports of that quality. There are other changes which have been primarily to do with the phase-in schedule. What it managed to do is actually focus people's attention on exactly how they would propose to phase-in their own sectors. For instance, the child care sector, the youth mentoring sector, the juvenile justice sector, the health sector and the education sector had to focus their minds on exactly how and when existing workers would come into this system. That, in particular, was a helpful process. That regulation now reflects what people have told us.

The Hon. GREG DONNELLY: Congratulations on the opportunities to come and I wish you very well. Commissioner, you have answered this to some degree but I would like you to elucidate on this if you are able to do so: That is, the issue of the satisfactory nature of the consultation, or otherwise, that was had with stakeholders. There was consultation in regard to the Working with Children Check, we are aware of that. I would like your views as to how that went—the strengths and weaknesses—and any other observations you might like to make.

Ms MITCHELL: I would say that this process of consultation has now been going on for about three years, starting with the review of the commission's legislation, for which we received approximately 42 submissions at the time. Following that, we held a series of workshops and individual meetings with stakeholders and others that made submissions concerning the issues that were raised in relation to the Working With Children Check. Then we released a discussion paper about the high-level proposed changes and also held a series of consultations with many, many people about that. Then the report on the review by an independent consultant, Michael Ayres, was tabled in Parliament, and that was made available. We also went further and spoke to stakeholders again. We have held many, many sessions with thousands of people across the State about the new check over the last two years and in the last year, in particular, and people have been able to provide feedback to us. Cabinet approved the model at the end of 2011, so we have been able to talk about the features of the model in those forums. We have had lots of feedback and we have responded to that feedback along the way.

Also, the consultation on the regulation, which was put out at the end of last year, has provided another opportunity to engage with stakeholders. At the moment, we currently have convened a group of government and non-government agencies and key stakeholders to help us develop guidance material for agencies to understand what they need to do, when they need to do it and why they need to do it. In terms of my reflections, it has been an extensive process. I think this is a contested area; people have strong and diverse views. Any policy solution seeks to find an elegant pathway while making significant improvements at the same time. I think the key is keeping people engaged in the process as we further develop the system over time.

The Hon. GREG DONNELLY: Do you believe that processes are in place or you are mindful of putting them in place?

Ms MITCHELL: Absolutely. In respect of the valuation, we will be setting up the terms of that as soon as the checks start, so we will be engaging the relevant stakeholders in that process as well.

The Hon. GREG DONNELLY: Congratulations on the year's work that has been done. That has produced useful research and substantive information that we were not aware of. In respect of using that information now and looking into the future, how do you envisage it can be used and should be used efficiently by the commission and perhaps the community more broadly?

Ms MITCHELL: You are right. The primary work up until this point has been deepening the information base about what happens to kids' brains and bodies and the hormones during that period, and how we will recognise if things are not going optimally. The next challenge is what do we do about that as a community and as a government? In addition to that work, we have convened a cross-agency group that met all

of last year and a bit before to help us refine the 59 recommendations that the original inquiry put to us, and we distilled those down to six priority areas. I will get Gregor to talk about that a little bit more. They very much relate to some of the areas that the parliamentary inquiry first put to us. In particular, as a priority area for us to think about, they include what do we do with children before and after school, but they also cover other areas. I will ask Gregor to talk about that. We have just now convened a new group of experts in the non-government sector who are assisting us distil the six priorities into practical recommendations for government. That will look like a policy agenda for these children. That really is our goal. Gregor, did you want to comment on the six priorities?

Mr MACFIE: We have been working in two phases alongside each other. One has been generating the information about the development of children across a whole range of domains: Their intellectual development, physical development, social development. That was the purpose of the seminars over the last year. That indeed was the purpose of the research that the young people advisory group completed last year, and how those 1,100 children are spending their time before and after school, what was stopping them doing the things that they wanted to do, what would they like to be doing and what were those barriers. We want to use that information to feed into the six priority areas, one of which is how do we drive better collaboration between schools, what is happening in schools and what is happening outside schools for children in respect of services and supports to further their whole development. That is an example of how we will carry that forward, and fleshing that out will be the work we will be doing over the coming years.

There is also work, as you would be aware, around student participation in schools and the links that that has with student engagement. That feeds into significant policy interest of the Government. Another priority area is around children's health, particularly focusing on mental health. We have already done a lot of work with the Mental Health Commission in that area. Sexual health, health behaviours and oral health were the other areas identified by the Committee back in 2008/2009, but we are trying to bring that together and focus on a few key areas. This will not be for the Commission to do alone. It is about encouraging other government agencies to take an interest in this particular group. As we know from this data some of the supports may have been enjoyed by the kids in the earlier years. The other area is reform of homelessness services for children who are too young and not with parents, to qualify, where they do not fit within that service system; continuing our work on transport and planning in a built environment, for which we have already done a significant amount of work, and working with the Department of Family and Community Services and other agencies concerning family supports and services for vulnerable teens. They are the areas we want to focus on while continuing to build the evidence base and ultimately encouraging everyone who works with these groups of children to understand it is a time of great change and some sensitivity to their particular needs is going to enhance services for them.

The Hon. GREG DONNELLY: I have raised this matter before and it is an area that I have an ongoing concern about. Barely a month goes by without an academic, someone in public office or just a commentator reflecting in the media on the varying attitudes towards sex and sexuality in our culture. I shared a piece with the Hon. Jan Barham recently. Academics from the University of Sydney were reflecting on attitudes of males towards females. In the context of children and young people, we hear all sorts of things. I was wondering where this is all going. From a statutory role, be it a State commissioner, a Territory commissioner, or now a Commonwealth commissioner overseeing the interests of children and young people, do you have a view that there can be comment about that and specific attention given to it that may lead to broader policy development and maybe even proposed legislative or regulatory changes? I say that knowing full well that law and regulation does not change things per se. This is a societal and cultural issue. Given these are important statutory roles, do you see that more could be done in this area to address some of the concerns that are being ventilated?

Ms MITCHELL: I think you raise a very important issue for children and young people that we see playing out and the commission, following the last time we were here, has been actively seeking out research and looking at areas where government might make a difference in this—and it is State Government versus the Federal Government—teasing that out. There are probably more levers at the national level, so that is something I will take with me into that new space.

One of the issues that we discussed last time is the paucity of research in this area that gives us strong evidence that exposure to sexualised material has a lasting negative impact on children. There is lots of anecdotal evidence though that it does in certain circumstances. I think that is something that there needs to be more of in terms of the research base, I can advocate for this at a national level, and I would certainly be wanting to continue to work with State and Territory counterparts to make sure that we are monitoring the

impact of exposure to material on children. Obviously there are areas that we are already actively trying to influence governments on—and I refer to the regulatory space around video games.

The Hon. GREG DONNELLY: I compliment you on the work that you have done in that area; you have shown real leadership because although the other State and Territory commissioners might be thinking about it, you have actually done something, which is great.

Ms MITCHELL: And we just recently wrote to our own Attorney General to ask what has happened to the commitment to re-evaluate those games in the M15+ category and potentially move them into the 18+ category. He then, to his credit, wrote to the Australian Attorney-General, who wrote back to him saying that he would like advice about which games are of concern. What we intend to do is seek advice from the other Commissioners and Guardians around the country about titles of games that we would like reviewed. It is a bit of a convoluted way because I really do not understand why they could not just review them all but there might be so many now that it is probably sensible to pinpoint particular ones.

We will continue to be active in trying to get games classified in an appropriate category. Given all of that, we also continue to stress the importance of monitoring the impact on children and families of access to these new games and whether they can get access to them regardless of their classification, so again further research is required. I would say that just more recently I understand—is it Mortal Kombat?

Mr MACFIE: Yes.

Ms MITCHELL: Do you want to talk about that; I am not really hip with this stuff.

Mr MACFIE: One of the fears of the Australian Children Commissioners and Guardians when the new R18+ category was first mooted was that what it would do was to increase the threshold, if you like, of the seriousness of the graphic depictions of violence and sexual violence that may occur with the introduction of R18+ and there was a game called Mortal Kombat that had been refused classification when it was just the MA15+ category, which with a very small amendment is now called Mortal Kombat Komplete or Komplete Edition or something. It has now been approved for R18+ and I suppose it reiterates or emphasises the concern the Australian Commissioners and Children's Guardians had originally, which has that although there were some refused classification videos available, once you have got it legal in a sense with R18+ you have certainly got a lot more of those products in the market and therefore the potential for greater exposure for the people who are not supposed to see this material, so that is disappointing.

The Hon. GREG DONNELLY: I would urge you to continue that work, Commissioner; I think it is very important work. Sometimes you might feel that small progress is being made but I think having very strong dialogue with the Australian community about that resonates particularly with parents so that they know about this material.

Ms MITCHELL: That is the other area, to equip parents and children with the tools that they might need to filter some of the access to this material. It really is about education in the schools and conversations parents can have with themselves and their children about how they can be equipped to filter exposure to this kind of material. Kids need to be in control of their lives more in this space because we will not be able to restrict all the access, so we do need to build up their capacity to be good advocates for themselves and to push back in particular areas.

Ms LINDA BURNEY: Congratulations, it is fantastic news.

Ms MITCHELL: Thank you.

Ms LINDA BURNEY: I am only able to stay until about five to 11 because as I am only a new member I did not have this Committee meeting in my diary at the beginning of the week.

Ms MITCHELL: Welcome to the Committee. I am sure you will be a great addition.

Ms LINDA BURNEY: Believe it or not after 10 years in this place it is the first hearing I have ever attended, not having to, I guess.

Mr ANDREW GEE: That is quite an achievement.

Ms LINDA BURNEY: It is. I am not quite sure if what I want to say requires a response but I want to make a couple of observations, that is, that particularly with the paperwork we have been given how difficult it is for smaller agencies to meet efficiency savings that are set broadly, which is fair enough; that is what all governments do. In the past I was the director general of a fairly small agency of about 100 people and it is very difficult for smaller agencies to meet efficiency savings. I just wanted to make that point, and I am sure other members would agree.

The second question about the child safety checks has already been answered in a question asked by Ms Gibbons and might prevent a question of notice at a later date. I wanted to make the point also—and this is not meant to be political; it is not about this Government because most governments look at this sort of thing—that with the Commissioner moving on to another role, we need to be vigilant that the position is not in some way downgraded in order to save money. I am not making a political statement. That is the kind of thing that governments do. If there are savings to be made, people in the budget office will be looking at ways to save money everywhere. We must demonstrate clearly that we do not want that to happen and be vigilant in not allowing it to happen, with the role, I assume, being advertised. Has it been advertised?

Ms MITCHELL: It has not been advertised. I have asked that question and my view is that the role needs to be advertised as soon as possible. It is a job that needs strong leadership across both the Working with Children Check and the policy work and all the intersections between those two in terms of ensuring that kids are safe and that their wellbeing is monitored and advocated for. I would put it on the record that I would strongly advise that it be advertised as soon as possible so that you can cement that leadership. I was advised yesterday that there would be some acting arrangements in place and it is going to be a challenging leadership option that they have decided for in the interim. They are seeking to act Kerry Boland, who is the current Children's Guardian—

Ms LINDA BURNEY: As well?

Ms MITCHELL: As the acting Commissioner, as well as her own role at a time when she has got quite a lot on her plate in accrediting agencies in particular in the out-of-home care area as they transfer to the non-government sector. They are looking for her to focus on the working with children check. I am unaware whether she has any experience in background checking or individual risk to children. However, she is aware of what the commission does and we have had a close relationship over the years. Kathy Rankin, from the TAFE sector, is also being appointed to deal with the other work of the commission—the policy research work. Again, I am unaware of her background. However, I assume that given she is in the education sector she knows a little bit about kids.

Ms LINDA BURNEY: I know both of them. Kerry is very good. I am simply making the point that it would be unfortunate if the advertising is being delayed to restructure or downgrade the position.

Ms MITCHELL: I would agree.

Ms LINDA BURNEY: I hope that will not happen, and I have no reason to think it will. It is simply something about which we should be vigilant.

Ms MITCHELL: I know small agencies can be a target, but they can also deliver amazing value for money. That is true of the commission. It is a very lean organisation and it delivers above its weight. The savings challenges are challenging. The commission has always been subject to efficiency savings and other measures and has always met them. One of the additional complications is being in a cluster arrangement where one needs to contribute to the savings shortfalls of a number of agencies. That has really increased the burden on us in terms of savings targets. We need to save nearly \$1 million this financial year. That means we are not filling particular positions and we have reduced capacity to do various things.

The Hon. JAN BARHAM: Congratulations on your new position.

Ms MITCHELL: Thank you.

The Hon. JAN BARHAM: You will be missed. You have already stated that there were problems in meeting budget requirements because of the working with children check not happening and the lack of funds. Is that factored into the savings that are meant to be delivered?

Ms MITCHELL: It has not been, but we are strongly advocating that it be. The savings targets are based on a budgetary situation that now does not exist. We have been working with the Office of Communities to review those targets.

The Hon. JAN BARHAM: I refer to your new position and your comments about the acting roles. Does that mean there has been no opportunity for a handover?

Ms MITCHELL: Unfortunately, there has not been. I have said that I will make myself available to do that. It is a complex area with lots of strands and some of them are quite technical. The working with children area is very technical and important, so it will be important to do a good handover. I have said that I will make myself available. It will be very difficult and challenging to split the work of the commission in the way potentially envisaged. That is another area about which I will need to talk to the acting people.

The Hon. JAN BARHAM: My understanding is that you are starting your new job soon.

Ms MITCHELL: On Monday. I am represented on a number of committees in my own right. The acting commissioner would need to be able to step into those roles.

The Hon. JAN BARHAM: What are they?

Ms MITCHELL: I am on the Child Death Review Team and the Keep Them Safe Regional Implementation Group. No-one else can fulfil those roles; I am in there in my own right. I also chair a number of committees, including the Child Sex Offender Counsellors Accreditation Scheme, the middle years expert advisory group and the governmental group. I also chair the injury expert group as well my own expert advisory group that is contained within the legislation. That is a group of external experts who provide advice to me on a regular basis. I also chair the Young People Advisory Group. It is important that the commissioner insert themselves into those kinds of spaces.

The Hon. JAN BARHAM: And it would be difficult for an acting person to do that.

Ms MITCHELL: I am simply saying that there are some challenges. The earlier that critical leadership role can be filled the better.

The Hon. JAN BARHAM: I am interested in an issue referred to by Mr Donnelly, that is, the sexualisation of children. Do you have information or advice about sexual harassment of young people in the workplace? Does it come up as an issue? How can be dealt with? Is it part of this committee's or the commission's work to look at that or to provide referrals or advice?

Ms MITCHELL: It is not something that we have progressed in the past. We have done work on children and work in the past, but that was before my time. I would suggest that the commission re-examine that work and see what came out of it. It is somewhat older work now. If there is something we could do in that space, it is probably new research with children. A lot of the children we work with, including those on the Young People Advisory Group, are employed. I think we would have the capacity to seek their views about their experiences. It is a really important issue because many kids juggle work and school nowadays. If they are unaware of their rights or they are being harassed in those forums then we have a duty of care to do something about it. It is also something that should be examined at a national level. In the New South Wales context we have the mechanisms to seek information from children. We could do that not only through the Young People Advisory Group but also through the new classroom consultation model.

Mr MACFIE: This is a new approach we have been taking to expand the range of children we might be able to reach in terms of getting their views on the areas in which they are experts—that is, their own lives. When we undertake consultation with the Young People Advisory Group we prepare a range of materials, including scenarios, and try to think through the questions that will be relevant and easy for them to engage with. Those materials are already created and we have now linked up a number of teachers and schools that are prepared to run a guided conversation in the classroom. The children then go online and complete a short survey so that we can get the information back from them. It is almost the same as running an individual advisory group session but in a classroom. Of course, classrooms can comprise a wide range of children and we are able to get the views of a wider range than we get through the Young People Advisory Group.

The Hon. JAN BARHAM: How many schools are involved?

Mr MACFIE: At this stage we have developed connections with a number of schools. All the schools that have participated are very excited. We have focused on children's help-seeking behaviour in relation to mental health. It is part of the project that we are doing with the Mental Health Commission. The schools that have done them want to do more of them. However, at the moment it only involves a number of teachers. We are in the process of seeing how we can roll that out a little more comprehensively. It is about building it up over time. We are currently evaluating that as well as our Young People Advisory Group model to inform future development.

Ms MITCHELL: For older children who may or may not be at school, we would need to look at partnering with one of the youth peak bodies. But any advice you had on that—I think it is a really important area—I would be very happy to commit the commission to looking into it.

The Hon. JAN BARHAM: This relates to my colleague's comments and my experience, and I have raised it before, I think there is broader sexualisation of children and that if that then passes on to obtaining a job, to maintaining a job and that sexualisation is part of or is submitting or allowing sexual harassment, we are sending very negative messages to young people about their place in the world. So thank you for that. I will keep working on that. I am also particularly interested in drug and substance abuse issues and how much that came up with the mental health issues, whether it feeds into some of the work that the Parliament is currently doing in other committees, looking at young people and their substance abuse issues and what can be done to support them.

Ms MITCHELL: Young people consistently raise this as an issue for them and the peer group pressure associated with it. They note that one of the major safety concerns in their communities relates to other young people consuming alcohol and other substances, and that is for quite young people now. This group of kids is between 14 and 16 years old, so for them to note that issue with their peers is, I think, quite concerning. We know that it is a small number of children; we know that the actual rate has dropped off overall in terms of substance abuse and alcohol abuse, but there are a small number of young people who are drinking at very risky levels and taking other substances as well.

The commission has made a submission to the inquiry that you referred to and in that we canvass the range of options that many people would support, I assume, who care about this issue: the opening hours of premises, the supply of alcohol, the regulation of the supply of alcohol to minors and dealing with the issue of advertising of alcohol in particular that is accessible to children.

The Hon. JAN BARHAM: Have you had feedback about the broader social messaging, particularly with celebrities or people who are held in high regard, sportspeople?

Ms MITCHELL: I think the issue of advertising and marketing through sports is of key concern. We have managed as a society to eliminate cigarette advertising from those forums and it seems to me it is only logical and only a matter of time before we eliminate alcohol advertising in sporting fixtures. Kids go along to the matches, they watch them on television—and not only that, you have now got annoying gambling messages in the middle of all of this as well. So I think there is a real space that we need to watch very, very carefully in terms of kids' exposure to what is seen as normal and a part of life from a very early age.

The Hon. JAN BARHAM: I did not know they put gambling ads in as well.

Ms MITCHELL: They are not only just gambling ads, they are annoying gambling ads.

The Hon. GREG DONNELLY: The issue of the views and attitudes of young people, it strikes me—and I do not know how this can be obtained because obviously it is not generally in the public domain—corporations in particular and marketing and advertising businesses spend multiple millions of dollars every year trying to understand the mind of the young person and what makes them tick, so to speak, particularly in terms of their interests, their activities, their likes, their dislikes and all those sorts of things. Perhaps this is more directed to your new role, Commissioner, but perhaps trying to work out how that might be made available to you as a commissioner, in other words, as a statutory role I am sure they would not hand over their most intimate secrets, so to speak, but you might be able to get companies to open up a little bit and provide you with at least some information which gives you insights into what makes young people tick, if I could use that phrase. Of course, to the extent that you are able to gather that information without cost—because I noted the earlier

comments about doing the work in-house and doing the research and putting it all together and analysing it—there is so much that has already been done and is being done on an ongoing basis, mainly for commercial purposes, but at least there might be some scope for gathering in what might be, in effect, information without charge and might prove to be quite useful for the broader role of the commission.

Ms MITCHELL: When I say we do a lot of work in-house, partnership is a key way we get things done, and small organisations have to partner, and we need to find out what is going on out there, what we can mine and who we can work with to advance the interests of children. You are absolutely correct; we should be able to mount the most fantastic marketing campaigns to children in positive and pro-social ways if we harness the wisdom and research of corporations, who are very, very good at this. I also think there is a lot of goodwill towards children in the community. They may be commodified to an extent, and that is part of modern life, but I also think people who run corporations have children and care about children, people in business have children and care about children, and they have the same concerns that all of us have. So I think there is an opportunity to tap into that goodwill towards children and children's wellbeing and growing up as children as opposed to a market. I think you are absolutely right that we should be mining that corporate goodwill to think about how we can promote positive behaviours in children and young people.

The Hon. JAN BARHAM: I think I raised this as a question previously, but particularly for Aboriginal children do you have programs that direct attention or support to them or do you have an understanding or an insight into how we can address those issues where we see a continual increase of difficulties for Aboriginal children?

Ms MITCHELL: The commission is well aware of the statistics involving Aboriginal children and that they fare far worse than non-Indigenous children on all sorts of measures. They are obviously overrepresented in out-of-home care in this State in particular. Just to give you some statistics about that: In New South Wales there are just over 18,000 children and young people in out-of-home care and nearly 35 per cent of those children are Aboriginal children. That is a very damning statistic, I think. So the extent to which their care experience is a positive one is obviously a focus of policy for all children but in particular for Indigenous children who have particular cultural and community connections that they need to maintain in order to gain a proper sense of identity and stability, and at the end of the day they will go back to those communities—that is the reality.

Also, one of the other big tasks is to stem the flow of kids into care, and in particular, Indigenous children, and that means dealing with some of the fundamentals of how families are living and experiencing disadvantage and poverty in the State. So we need to look at how we can build the capacities of families to be economically viable and also assist them in other ways to find work, access child care and family supports to enhance functioning so that those children are not the subject of abuse and neglect.

CHAIR: In that vein do you think that it falls within the commission's brief to look at improving the engagement of parents and/or guardians with children in their care, given the fact that we have been looking at parents as opposed to children?

Ms MITCHELL: Yes, absolutely. One of the key issues for the commission in promoting children's engagement and participation is to ensure that adults in all capacities have an effective relationship with children and listen to them so that children are empowered in environments where they can speak out, they can point to issues of concern. It is actually a safety measure as much as anything else if they have an effective voice in those situations. We are also very strongly supporting better engagement of children by case workers in developing case plans so that children can actually be part of that decision-making process wherever possible and wherever appropriate so that they own their own futures as opposed to having something imposed on them. Sometimes they do not even know why they are in care, for instance. They have not actually been privy to that conversation even. That is very confusing. No wonder placements fail and instability occurs if you do not even know why you are in a particular placement.

CHAIR: Is looking at parental or guardian engagement with the children in their care an appropriate area of work that the committee should perhaps consider?

Ms MITCHELL: I think it is an excellent area of interest, yes. That could be quite complementary to the work that the royal commission is seeking to do in terms of institutional responses to children and how safe and appropriate they are. You could look at the family area in a parallel sense. I know that was called for and it is not something that they are looking at. That would be a really interesting area and it could yield some helpful

advice to governments about how programs and messages go out to parents and guardians to assist them to do that. Engaging children is also about playing with children and supporting their learning and development through play as well.

The Hon. JAN BARHAM: This is what I have heard so I will just say it how I have heard it. Have you heard young people say that they are often parenting their parents because they know that they did not have appropriate parenting? In particular I am referring to young people who take on responsibilities if there are mental health issue or substance abuse issues with parents. Some of the courses available to young people give them skills that their parents do not have. I think I mentioned to you about the Expect Respect Project with parents saying there should be a program like that for adults who missed out at some point on gaining those skills. Do we have to address that generational thing where we have got a group of parents who maybe did not get skills to be parents?

Ms MITCHELL: I think one of the reasons Australia has now over 37,000 children in care actually goes to this very point. There are intergenerational repercussions of that experience. What is not fundamentally being addressed is that the capacity of the next generation is not being built and their resilience is not necessarily being built during those experiences. For me there is a duty of care to not only protect them and safeguard them from the risk of abuse and neglect but also to build their skills and resilience and aspirations beyond the experiences of the previous generation.

That involves targeting those children and giving them a different potential pathway than their parents, because you do see this ripple effect through the care system. Potentially there are some kids who will leave the care system who end up having children early and their children will be removed as well. That intergenerational issue is something that has to be dealt with in order to break this cycle of increasing numbers of people coming into the care system. Yes, we have to target both the parents and the children.

The Hon. JAN BARHAM: Was the commission able to do a submission for the child protection discussion paper?

Ms MITCHELL: We have. We have done quite a lengthy submission to that discussion paper. As you would be aware, it canvasses a range of options for increasing permanency and stability for children and having more levers to compel or encourage parents to change behaviours so that early decisions can be made—or earlier decisions can be made—about restoration, which is one permanency outcome. That then needs to be supported and that is what we have been saying. That is fine as long as the services are there to help them get over whatever their issue was, and often it is a multiplicity of issues, a constellation of factors like domestic violence, mental health, substance abuse. The supports need to be in place for them to address those issues but also on an ongoing basis to support placement back home if that is possible.

Also if the parent is not able to address those issues it is very clear and the evidence tells us that it is important that a child is in a permanent arrangement as soon as possible, especially if they are an infant, so that they can form appropriate attachments and remain in a stable environment for a long period. It also covers the issue of adoption as an option for permanency and in principle we do not have an issue with that as long as all the circumstances of the child and the family are taken into account and there is an open process.

The Hon. JAN BARHAM: Do you have an opinion or any evidence that supports the need for time frames to be put on that permanency planning process? How many chances do you give parents, or is that dependent on support that is made available? Can you put a time frame on that for someone who needs to get their act together?

Ms MITCHELL: I think what we have said is that we would support guidance about those things and performance reporting against those time frames but it is actually very hard to institute a one-size-fits-all approach to what are very complex lives.

Mr MACFIE: It is one of those difficult situations. I think that is why we have come down on the side of guidance. Obviously responding quickly and stabilising a child's life is really important but there are so many factors that can come into play.

The Hon. JAN BARHAM: I am interested in any research you have about those relationships—the importance of a child's stability with their parents compared to whether it is just stability with removal from parents if the parents are troubled?

Ms MITCHELL: There is mixed evidence. Again this is an area where there needs to be a lot more research to be able to make definitive statements at a population level. There is, however, strong evidence that the fewer placements and the fewer back and forth from the original family to the foster family and back again will cause fewer issues for children. Wherever that stability is it needs to be supported and that is what will give the children the best outcome. Even if they are moving placements or they are going between their family and different families, birth families or other families, if you are still having multiple placements you would want to ensure that they can stay at the same school, they can stay at the same footy club, they can maintain their friends. Wherever you can achieve stability and permanence a child is better off.

The Hon. JAN BARHAM: You and I attended the CREATE launch—

Ms MITCHELL: Yes.

The Hon. JAN BARHAM: —where we heard young people speak of their experiences. I was shocked to hear about the number of caseworkers that young people had had and how that had affected them. I think one boy said—I feel as if I am exaggerating here—he had had 37?

Ms MITCHELL: He had had 30-odd caseworkers in his life.

The Hon. JAN BARHAM: Is that an ongoing experience for young people?

Ms MITCHELL: I think that is a feature of care systems. There is a lot of turnover in it because it is quite a challenging profession. However, another young person at the launch from the non-government sector had had four, which is more easily handled by a young person. Most people grow up and they do not have any caseworkers in their lives. It is a very odd experience for a child to have all this service system engagement. I guess the movement of the out-of-home care services from the government sector into the non-government sector has potential to have much more stability in the relationship with the service provider, and I think that is a good thing.

The Hon. JAN BARHAM: A point was made about support being there for them after they turned 18, so that 18 is not a cut-off point where they are thrown out into the world and there is no-one there for them. Did the need for that additional support relate to experiences you had heard from young people?

Ms MITCHELL: That reflects again on this intergenerational issue. The kids are still growing up. Their brains are still developing until about 25. If you have the trauma of child abuse in there somewhere and multiple families, and potentially very difficult experiences along the way, they are exactly the kinds of vulnerable children and young people who need extended support so as not to become homeless or have an early pregnancy and to stay connected with education and work. Those are the sorts of things that potentially break that cycle of disadvantage into the next generation.

Leaving care is a very critical period for kids who have had a very difficult life on the whole. That is one of the issues that the Australian commissioners and guardians group is a particularly around, with the Federal Government and with their State counterparts. That is another area that I would be keen to take up at the national level. The National Framework for Protecting Australia's Children is a national partnership agreement. It is about getting better standards across the country in areas like leaving care and I think the national commissioner will play a key role in that.

The Hon. GREG DONNELLY: Commissioner, I have a part question, part observation for you. It deals with a sensitive area that is the subject of a lot of debate. My question deals with the issue of increased sexual education for children and young people. You have provided an answer to one of the Committee's questions on notice in this regard. Up to this point there has been a bit of orthodoxy in dealing with the sexuality of children and young people and the harm-minimisation approach is to get in early. To be frank, essentially the way to deal with the issue is, "Fellas you wear condoms, girls you get yourself on the pill."

Commissioner, you have made the observation that evidence shows the age when young people become sexually active is coming down. One of the real challenges is how to encourage consideration by children and young people not to become sexually active. It is not an easy one to sell. We understand they become sexually active; it is quite natural. But evidence has been building over a long period of time—putting aside the issue of brain development and making judgement, which is a big area that almost invites recognising

my point—about sexually transmitted diseases and a range of other things. I think there is at least a good case to put in terms of discussion with children and young people about the idea of not becoming sexually active. That takes us into the domain of the debate about abstinence education et cetera. We have observed that play out in the context of the United States of America where it has been a lot more of a hotly contested issue.

I am not advancing that per se, but at least to have the capacity to get into the discussion with children and young people that it does not need to be a zero sum game of get yourself on the pill, always make sure you have a condom in your wallet, and that will cover this off. It is profoundly more important than that. The challenge is to engage with young people, who obviously are maturing and starting to think about things, and then talk about these things at a more sophisticated level. Young people can be engaged to discuss these things not at almost the lowest common denominator level. It is a huge challenge but it is worth contemplating that young people can step-up to the mark and openly talk about these things at a more sophisticated level than perhaps we have been speaking to them in the past, in the context of sexual education in schools or other areas.

Ms MITCHELL: You make a very good point. I think one of the problems with the way that sex education has been dealt with in the past is that it has been very technical rather than being about emotions, respect, control and all of those things—in the same way as the alcohol debate and the online exposure to all sorts of materials and opportunities in life has. Really the conversation needs to be about, "You have choices. Here are some ways to help you make those choices." You might recall that when we released the chapter from our data book relating to sexual activity in children, we noted that in 2008 some 32 per cent of year 10 students—that is 15 to 16 years-old—reported having sex, with only 63 per cent saying that they had used a condom the last time they had sex. That is very concerning for all sorts of reasons.

We did call for a public health campaign targeted at young people to reduce harmful behaviour. That is also about making the kinds of choices that you are talking about, as well as making sure that they have safe sex if they are going to have sex. The decision should be one that comes from an informed base for children and young people that they have respect for themselves and respect for others, and they understand the relationship issues involved in this. That is of some concern to us. We have been calling for a public health campaign, and also in the school system too, where you can have those conversations. Certainly the young people we talk to are aware that young people are engaging in sexually-risky behaviours. They also note that it is often connected with alcohol and substance abuse. They are concerned for their friends and peers. Some of them also know that it goes to a lack of self-esteem in the individual, girls in particular. I think there is a lot more there to be talking about.

The Hon. GREG DONNELLY: And there is a big question mark over consent as well. I mean, there is a lot of evidence.

Ms MITCHELL: When you are consuming alcohol and all the rest of it.

The Hon. GREG DONNELLY: Of course.

Ms MITCHELL: I think we need to reorient the message around sex education to respect, relationships and self-esteem. At the same time I think we need to give safe sex messages too for some kids. It is a normal part of development as well to be curious about sex and your body, and all of that sort of stuff.

The Hon. JAN BARHAM: My question relates to the next step with that. As you know there is some concern around the social media and the sharing in what might be coerced situations that particularly young girls find themselves in. That is put into the social media sphere and their lives are affected. I know of suicide and self-harm episodes that have arisen from that. Is that an important part of the messaging—to tell the story of where it can end up? Do you see that being an important part, the consequences of some of those choices? Whose role is it to do that? Whose role is it to inform young people of those risks?

Ms MITCHELL: I am aware that a lot of schools do have these conversations at the moment and there are lots of tips and tools around to empower young people to be more circumspect in online environments. There also are controls you can put on computers and things like that now, and parents do that. But, again, I think at the end of the day children are a lot more savvy than their parents in terms of accessing the whole world of social media, and they will access it. We have to be mindful of that and we do need to empower young people to understand what is there and to push back. In all these areas, it is about education and the control that the young person can develop themselves.

There are some regulatory opportunities as well, I think. I know that at the Federal level at the moment they are looking at changing the law so that a person cannot misrepresent their age to children through online environments. Those are the sorts of areas you could also look at because children are highly vulnerable. We know their brains are attuned to peer relations, more than ever before or ever after, so they will want to connect and explore the world. But there are people out there who exploit that about children. This new media means that they can be virtually anonymous. So we do need to equip our children and parents to be aware of what is going on and to be able to have those conversations. I think we should be asking kids when they come home from school, not just "How was your day", but, "How was your online day?" They are the kinds of conversations we need to be having with children as they are exposed to so much more than we ever were.

Ms MELANIE GIBBONS: My question might stem a little from what we were talking about there, but I am wondering about a special inquiry and whether any consideration was given to that. If so, what would it be based on? I guess I am looking at under part 4 of the Commission for Children and Young People Act.

Ms MITCHELL: We are always looking for opportunities in that space because I do think it allows us and the community to really focus in on an issue. There are many options for us in that space. We were thinking about the issue of children who disengage from education and positive social engagement. This stemmed out of our work from the middle years. We know a lot of the kids who, for instance say, end up in juvenile justice have been exposed to suspensions and long suspensions from school. For many of them, their average school-leaving age is about 14. So we know of the consequences of disengagement but we do not necessarily, as evidenced from our middle years work, have the programmatic or policy framework to intervene early with children who are showing the signs of disengagement and risky behaviours.

That was an area in which we were particularly interested. The delay to the Working with Children Check, which really has been consuming a lot of resources for the last three years, has meant that I wanted to get to a point where that was settled and off and running before we could devote resources to that kind of inquiry or such a significant research project. But we would be very happy to consider issues that the Committee would like to look into. We could do something potentially jointly or, you know, we could run ourselves. But obviously there are going to be resourcing implications when you do something like that, depending on how it looks and feels. We certainly already have looked at what was done in Western Australia in terms of mental health for children and young people and what resources they needed to bring to bear for that. We have had a look at what models would be available to us, but I think it is really important to use that facility that the commission has, whether it is a small, targeted inquiry or something really large. Given that the royal commission is going on, there might be also something that could inform that through a targeted inquiry.

Ms MELANIE GIBBONS: I know we have mentioned autism before. I do not know if it is the same for other members of the Committee, but I am finding a lot more people coming into our offices saying that their children have autism. That is really showing through in schools in my electorate and from the parents coming in. The same applies to bullying. Some of it is as a result of having autism or Asperger's, but others are just trouble in the playground, I guess. Is that something that is focused on in the middle years, or is that something that needs to be looked at earlier? When do we have some kind of an impact on what happens in schools, particularly with trying to combat some of this bullying?

Mr MACFIE: For the middle years inquiry, the whole work we are doing on the forward agenda we are trying to build with others really does have a focus very specifically on what we have called vulnerable and disadvantaged children, which includes Aboriginal children, children who may be at risk of bullying, and children who are disengaging. There is certainly space within this agenda. Most of the non-government organisation partners and experts as well as people in government do feel that a focus on those kids is a particularly important focus. There is certainly scope within the work we are doing on how you ensure the full participation of all children in schools so that school is a positive experience for all. I think there are real synergies there with the bullying and the anti-bullying work.

Similarly, what is the place for children with disabilities, all sorts of disabilities, in schools? What are the supports they need? We are doing quite a lot of work around school climate and how that promotes the development of kids. Some schools are much, much better at that than others. Some of the work we are looking at doing, particularly in the mental health areas but in other areas, is: What are the school climates that lead to better outcomes—not just as an average, but better outcomes for the kids at risk? As Megan has mentioned, in terms of a special inquiry, those kids might be at risk of disengaging. How do we build those collaborations around schools? Schools are drawing in the resources that are there in the community to achieve those things.

There is certainly a lot of scope within the middle years agenda to bring that work together and for, if not us, then to direct others to try to investigate the detail around how can you improve that situation.

Ms MELANIE GIBBONS: Just very briefly while we are talking about engaging, the work on the built environment, how is it going with engaging councils to take notice of engaging young people in their decision-making, and other stakeholders? You have done some brilliant work on it. Is it cutting through with the decision-making level?

Ms MITCHELL: I would say we are not in a position to actually quantify the impact. It is something that we would want to work with our partners to attempt to do. We have had an evaluation of the built4kids resource, including who is using it and who is not using it. Reviewing that will help to answer that question and target further efforts. Certainly we have supported Healthy Cities Illawarra, which is a local council initiative, to run workshops called Child Friendly by Design around the State—regional workshops. We supported them to do that. That financial support ended last year but we have just agreed to do some more of them into the future. The commission is not a planning expert, so we want to make the snowball big enough so to run off by itself, but I agree local councils are a critical partner in this. Some do fantastic work, like Shellharbour and Illawarra, ensuring that that work they do is showcased. We involved them in the participation showcase last year at Parliament House as to the work they were doing. They brought children along and showed what they were doing in a planning sense. That is not just about the built environment, that is planning for the whole community. They have really taken that on board and expanded it out.

As I said before, last year we established an inaugural Planning for Children award. That was through the Planning Institute of Australia. It was my intention, and something for the commission to continue to think about, to have an award through the Local Government Association network as well in order to further keep that snowball going in terms of the built environment. The planning award last year went to Stockland down at a new estate at Dapto. It was called Dapto Dreaming. I went down for the opening of a playground that they had developed. They built the playground before they sold a house. It was not just one playground, it was a series of playgrounds for younger and older kids. It had the most fantastic view, it is the best real estate in the whole place. The kids from Dapto Public School were involved in the design of it. Just to see them enjoying that playground at the launch was fantastic. It was a really lovely thing to be a part of. That is where you can see it. When a developer starts taking it up, that is when you really are making headway, I believe.

Ms MELANIE GIBBONS: I agree with you, the commission is not a planning expert, but it is an expert in teaching people how to consult.

Ms MITCHELL: Yes. I think getting into the minds and hearts of people like Stockland is something I want to continue to be able to do.

Ms MELANIE GIBBONS: My final question is, particularly seeing we are losing your expertise, what do we need to do to continue working with the commission? What do you see ongoing?

Ms MITCHELL: I think we could have a closer relationship. I think we did make some moves to try to get more regular meetings, with you as a group and individually. I certainly came to see a few of you and talked to you about your personal interests and those in your constituencies. That was very helpful. I think if we had more regular meetings about what priorities we jointly have, that would help give life potentially to things like an inquiry. I think we have to have regular conversations to build up a case for such a thing and the impetus around such a thing.

We are about to—they are about to—revisit the commission's strategic plan. The current plan was developed when the last Government was in power, and it is a very different set of faces around this table. It is really important to revisit that plan. I think there can be some joint planning through that process, which will help, and if collectively we want to put something concrete like an inquiry on the agenda, that would be the place to do it. So, a new three-year plan going from 2014 to 2017 is on the cards. It is a great opportunity, and that really needs to be done this year—not just with you as stakeholders but the whole range of stakeholders. That is also a way of engaging the community in the commission's work as well and raising the profile of the commission.

The Hon. JAN BARHAM: Ms Gibbons raised the built environment. It is a great tool and I passed it on to my previous council and saw it as a way for us to do it with a development control plan. You do not just wait for the right developer, you embed it into the council. Were you able to meet with the planning Minister to

ask them to take on board the document? If council does development control plans, it is likely another thing we have to do. If someone hands it to them as a template—I know governments like templates; so do I—a template document that says here is your fundamental criteria, if you give that to a council and make it easy for them they will say yes, a great idea. And it fits in with the Local Government Act.

Ms MITCHELL: The Local Government Act commits councils to wide consultation, including with children, on development aspects. The extent to which that is done or monitored is a question, obviously. We have worked very closely with the Department of Planning and Infrastructure and we have a commitment from it—although this has not progressed greatly—to review the guidance and policies that it has for child friendly design. We will continue to follow that up with them. The other issue in the mix now is the new plan—what is it called?

Mr MACFIE: It is the new planning system for New South Wales.

Ms MITCHELL: The new planning system for New South Wales, and the extent to which the requirements for the kinds of things you are talking about can be built into that system.

The Hon. JAN BARHAM: That is the hierarchy. That is why it is interesting within that hierarchy that development control plans are under councils' powers. They can do things, and it is more about what works at the very local level.

Ms MITCHELL: We will certainly take that on board and think about how we can advocate around where is the appropriate level to encourage or even compel people—

The Hon. JAN BARHAM: And assist. I think assistance to local government, who are pressured, if it can be provided to them very simply. I like the document, my council liked it, but they still have to translate it, which takes resources. That might be an easier way.

Ms MITCHELL: We will certainly raise it with the planning department as to how we can introduce that notion and at what appropriate level we might be able to do that.

Ms MELANIE GIBBONS: Rather than having someone just find the resource and think of using it—if it is part of the staff.

Ms MITCHELL: One of the issues is that as soon as you compel somebody, people ask for resources to be able to do it. So, as easy and as simple we can make it—it is not a great deal of resources and it adds benefit to the process—the better it is, instead of making something mandatory.

The Hon. JAN BARHAM: When the Government does it or the Local Government Shires Associations provide those template tools—I know they did it with homelessness, they did a homelessness policy template—and it meant a lot of councils would then pick up on it. The overarching work was done to deliver something.

Ms MITCHELL: The other thing, working through the Local Government Association, there are champions in that network already who could assist other local governments to adopt a child-friendly planning approach.

Ms MELANIE GIBBONS: I think doing it through the association is a brilliant idea and it will take away the idea of that brilliant resource been put on the shelf, it makes them use it. Through something like an award, that gives them some kind of encouragement and reminds them every year that we have that, we should be engaging with that resource. That is a great idea, and, as you say, getting those champions—there are some councils doing it well—if they can present it at the conference and try to encourage other councils to do it, it stops you having to be the ones ringing and trying to engage them—getting them to do it amongst each other with you being a resource, rather than doing the footwork?

Ms MITCHELL: Healthy Cities Illawarra really has changed their whole attitude to consultation generally. They just see it as normal business now. If you can get people over the line they can have a good experience with it. It is not that hard. It gives benefits back to the community and they get lots of points in the community for the results. That is when it embeds itself into practice.

CHAIR: On behalf of the Committee I thank you Commissioner Mitchell and Director Macfie for appearing to give evidence today. I now close the public hearing and the Committee will commence a short deliberative meeting in private.

(The witnesses withdrew)

The Committee adjourned at 11.51 a.m.