

REPORT OF PROCEEDINGS BEFORE

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

**REVIEW OF THE 2012-2013 ANNUAL REPORT OF THE
COMMISSION FOR CHILDREN AND YOUNG PEOPLE**

At Sydney on Monday 26 May 2014

The Committee met at 1.30 p.m.

PRESENT

Mr Mark Coure (Chair)

Legislative Council

The Hon. J. Barham
The Hon. G. J. Donnelly
The Hon. Niall Blair

Legislative Assembly

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

CHAIR: It is a function of the Committee for Children and Young People to examine each annual and other report of the Committee for Children and Young People and to report to both Houses of Parliament, in accordance with section 281C of the *Commission for Children and Young People Act 1998*. The Committee welcomes Ms Kerry Boland, the Acting Commissioner for Children and Young People and Mr Gregor Macfie, Director of Policy and Research, to the table for the purpose of giving evidence in relation to matters relating to the 2012-13 Annual Report of the Commission for Children and Young People. On behalf of the Committee I welcome you both in your appearance before today's public hearing.

KERRY ANN BOLAND, Acting NSW Commissioner for Children and Young People and NSW Children's Guardian, sworn and examined:

GREGOR MACFIE, Director of Policy and Research, NSW Commission for Children and Young People, affirmed and examined:

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

Ms BOLAND: Yes, thank you for that opportunity. I start by saying I am pleased to appear before the Committee today and wish to acknowledge the contribution of the previous Chair, Mr Andrew Cornwell and I welcome the new Chair, Mr Mark Coure. I also acknowledge the previous Commissioner, Megan Mitchell, for her leadership during the reporting period before the hearing today. I mention also that this has been a significant time of change, both in the Commission and the Office of the NSW Children's Guardian and I note for the record that the staff has worked incredibly hard to make the reforms happen over this last reporting period and I pay tribute to them for their hard work and dedication.

From the perspective of the NSW Children's Guardian, this is a new relationship with this Committee and in relation to the Working with Children Check and the associated functions that have been transferred to the NSW Children's Guardian, I look forward to working with the Committee on that important area in the coming months. As you know, I commenced my appointment as Acting Commissioner in March 2013. The reporting period is approximately a three-month period, hence we have Gregor Macfie with us today to assist if there are any matters of issue prior to that time.

I will give the Committee a heads-up about what we have been doing in the ensuing year. In this context, and given the significant changes that have occurred, I will make a statement about progress but also indicate the key initiatives in 2012-13 since taking on the role of Acting Commissioner and at the end I will briefly talk about some of the issues in relation to the Working with Children Check and some of the work we have commenced on child safe organisations and the case studies associated with that work. We have provided answers to questions on notice, as you would know and obviously at any time I am happy to answer questions so please feel free to interrupt.

Our highlights and challenges: As the Committee would understand, this period contained substantial challenges in both the regulatory and advocacy spheres of the work of the NSW Commission for Children and Young People and the NSW Children's Guardian. Not only did we consult extensively with the community over this period but internal change was significant also in relation to cultural change and management plans. The preparation of the new Working with Children Check system was a major undertaking of the Commission and many external stakeholders and was the dominant focus of the organisation for much of the reporting period and in the lead-up to the successful implementation on 15 June 2013—a date that is etched into my mind.

The subsequent transfer of the Working with Children Check to the Office of the Children's Guardian provided the opportunity to think about ways to strengthen the Commission's advocacy role and functions. Mr Victor Dominello, the Minister for Citizenship and Communities, asked us to undertake consultation with the community on ways to strengthen advocacy for children and young people in New South Wales. The Committee will be familiar with the work undertaken in that regard. A lot of careful planning went into the project and the result was the most comprehensive consultation on child and youth advocacy conducted in the Commission's history. That is something of which we are particularly proud.

These consultations involved: the appointment of two youth ambassadors to guide and oversee the consultation process; the release of a discussion paper last year for public comment; community round tables for children and young people, held in Cabramatta and Wollongong; a non-government organisation round table in which 40 agencies were represented, held in this place; and classroom consultations held in 34 schools across metropolitan, regional and rural New South Wales and in each of the school sectors with responses received from more than 900 children and young people. I am pleased to say that the outcomes of the consultations are reflected in the bill now before Parliament to establish a new Advocate for Children and Young People.

The bill will create a new statutory Office of the Advocate of Children and Young People overseen by the Joint Parliamentary Committee on Children and Young People. It will bring together the broad functions of the Commissioner and the NSW Youth Advisory Council in the one entity, with a remit covering children and young people aged 0 to 24; require the Advocate to prepare, in consultation with the Minister, a three-year

draft strategic plan for New South Wales children and young people; retain the functions of the NSW Youth Advisory Council; and retain features and functions of the Commission, including the conducting of special inquiries, making recommendations to Government and non-government agencies on policies and services affecting children, conducting and monitoring research and giving priority to the interests and needs of vulnerable and disadvantaged children and young people.

Consultation on children and youth advocacy was one of a number of recent projects that have taken the Commission's engagement with children and young people to a new level. The ongoing refinement of the Commission's classroom consultation model allowed the Commission to consult with over 300 primary and high school students on the Committee's Inquiry into Volunteering—I believe the Committee has received that submission from us—and on unpaid work placements among children and young people and to test a pilot, Supporting Your Friends, which was an initiative of the mental health project and the Commissioner.

The classroom consultation model provides a way for a wide variety of children and young people to participate in the advocacy work of the Commission. Consultation is designed to complement the school curriculum and to contribute to student learning and involvement. School teachers are provided with materials to support a guided conversation in class, after which students provide their individual responses, through a short online questionnaire. The feedback on those classroom consultations from students and teachers has been extremely positive. I was able to attend some of the consultations, in particular one classroom consultation, which gave us a really good insight into the way our materials are used. The on-site questionnaire was extremely positive. It was great to see children and young people highly engaged in and animated about the subject matter.

There are two other significant pieces of work I would like to bring to the Committee's attention: The Supporting Your Friends mental health project that the Commission is undertaking in partnership with the Mental Health Commission of New South Wales is probably the most significant piece of research that the Commission has done in recent years. Involving a survey of students in years nine and ten in New South Wales secondary schools and school principals, as well as selected focus groups, the Commission has data collected from more than 2,800 students across 93 schools. The data analysis is now nearly complete and a draft report has been prepared for review by policy makers and practitioners.

The findings from this research are expected to improve our understanding of the impact of school climate and mental health initiatives on students referring mental health issues to adults within that environment. This understanding is important in shaping mental health programs in schools and in ensuring young people who experience mental health difficulties are identified sooner and supported earlier. The other project I would like to briefly mention is the Commission's online databook, "A Picture of NSW Children". All sections of the Picture have now been completed and will be updated continuously as new data becomes available.

By way of background, the picture analyses data from 44 state and national collections to provide a picture of children and young people in New South Wales and is designed for use by policy makers, planners, researchers and committees such as this. Information covers the demographic characteristics of New South Wales children and their families, along with detailed data on key national and state measures in the broad areas of economic wellbeing; health; childcare; education and learning; children and crime; and injury. Stakeholder feedback on the newly revised and updated picture has been positive. I give one example from the NSW Police Force which uses the picture as part of its detailed environmental scanning function. They recently told us that, for the purpose of routine information collection and trend identification, "A Picture of NSW Children" is an absolute stand-out.

I will talk briefly about the Working with Children Check. There were a number of questions on notice about the Working with Children Check. I will give the Committee a quick overview. As I said previously, it came into operation on 15 June. The new Working with Children Check operating system is the result of a collaborative approach between a number of agencies to create a responsive online system which scans existing databases to ensure that relevant, accurate and up-to-date information is captured and transmitted instantly. This information is then used to assess a person's suitability to work with children. Under the new Working with Children Check system there are only two results possible: a worker will be cleared to work with children or barred from working with children. A person who is barred obviously cannot work with children.

The process for obtaining a Working with Children Check is extensively streamlined and easy to use, both for applicants and employers. It is an online application with the employers also verifying online. In the first year of operation there have been over 382,000 verified Working with Children Checks. That number of applications was more than the original forecast and the reasons for that are various but a substantial reason is in

the transition program bringing forward the Working with Children Checks for foster carers and household members. I think the other unknown was the number of volunteers which is also impacting on the numbers and I think just generally that people were waiting for it, were in an environment where child protection is obviously out there, well-known and many people are applying for Working with Children Checks, probably ahead of their transitional schedule.

Obviously the thing that we need to keep watch on is the employee Working With Children Check versus the voluntary Working With Children Check and see how that proportion is going because obviously that has a financial impact. I suppose the beauty of the Working With Children Check is it is continuous monitoring of an applicant's clearance status. I think to date we have had 273 applicants that have been identified as being charged with offences resulting in their Working With Children Check clearance being cancelled. That ongoing monitoring allows us to respond obviously very quickly when a relevant offence has occurred and very quickly in removing that person from the workplace so they are no longer able to work with children.

The other important part of the Working With Children Check is the proactive compliance program. Some of the areas that we are looking at which I, in fact, referred to in the questions on notice were in relation to particular industries but also in relation to the verification rate, that is, when employers go online and verify an employee has a Working With Children Check. Clearly this is incredibly critical for the beauty of the system to operate because once they verify we obviously have access to their details and we are in a position to notify them should something subsequent happen. We have been doing quite a significant amount of work with stakeholders—holding seminars, round-table, newsletters, anyway we can—to get out the message about the importance of verification. We are doing surveys at the moment of employer groups and stakeholders and cleaning up the database where people have applied twice so there is quite a lot of remedial work happening at the moment.

We have also commenced some work on child-safe organisations which is looking at some case studies about the characteristics about what makes a child-safe organisation. As you would know the Working With Children Check tells us about retrospective offences and not about prospective risks. It helps in the risk mitigation but it is not the only thing that assists in keeping kids safe in the work environment. Those case studies are well underway. We have got the assistance of Professor Smallbone situational analysis and we are looking at some other dimensions. Hopefully I will be in a position to report to you more comprehensively soon. If you would like a briefing on that particular project, I would be happy to do that too. I am happy to take questions.

CHAIR: I have read the report and the Speak Up! consultation report. How does the Commission involve rural and regional young people to ensure that their voices are heard in the Speak Up! program and Citizen Me! and other consultations?

Ms BOLAND: In relation to classroom consultations?

CHAIR: Yes.

Ms BOLAND: And in relation to our youth advisory group?

CHAIR: Yes.

Ms BOLAND: Part of the process of putting together those consultations was, of course, to hear the voice of children and young people in rural and remote areas and, in particular, to our YPAG—Young Person's Advisory Group. We had two schools that represented those rural and remote areas. A number of outreach surveys and so forth have accessed rural and remote areas. In the child-safe area we have had considerable success in doing child-safe seminars. Webinars in particular have been a successful strategy that we have been using in relation to rural and remote communities. The deliberate purpose of Speak Up! was obviously to get the views of children and young people in rural and remote areas.

CHAIR: I address the same question in the multicultural communities. Twenty per cent of the people in my electorate of Oatley are from mainland China. What involvement has the Commission had in relation to Chinese or any multicultural community?

Ms BOLAND: During the time that I have been in the Acting Commissioner position we have successfully participated extensively with local councils and youth advisory groups. We hold seminars and

engage at the local level. In relation to classroom consultation, again they are particular youths and particular classrooms and we try as much as we can obviously to canvass the views of all children and young people in rural and remote areas, culturally diverse and Aboriginal and Torres Strait Islander, et cetera. I think it is probably important to say that while these models are quite successful in what they are producing that does not mean that they are the only models that we will use.

The opportunity via the consultations in Speak Up! was that we would look at various ways of consulting with various groups of children and young people, not just a one-size-fits-all and not just usual traditional advisory groups but actually how do we access children and young people who are not likely, I suppose, to participate in those kinds of round tables et cetera and that is where the work with the non-government sector has been and will be extremely important for us in order to access children and young people who will not necessarily participate in those formal arrangements.

Mr MACFIE: In relation to the Speak Up! consultation we liaise closely with the Community Relations Commission and with the Multicultural Youth Affairs Network. In fact, we were part of the youth consultation that they were running, and we built into the report, the feedback from that particular forum. We are quite deliberate about the ways in which we do source schools around the classroom consultation model. We specifically look for diversity. As we noted in relation to the questions on notice, there were a couple there about how we consult with students or young people from culturally and linguistically diverse backgrounds and from Aboriginal and Torres Strait Islander backgrounds. In relation to both the Speak Up! consultation and the mental health Supporting Your Friends project, you can see that those two projects have a higher proportion of young people from those backgrounds participating than in the population and we are very pleased with that result.

Ms MELANIE GIBBONS: I refer to the changes to the Working With Children Check. What is the timeframe at the moment from the time of submission to either approval or rejection?

Ms BOLAND: The system is totally electronic. If a person has no criminal record it will come back automatically and the clearance can be anything from two hours to 24 hours, depending on what time of day and the workloads contract. If there is confusion with names or multiple names that will take a little longer and usually the naming issues are resolved within a couple of days. If people have a criminal record they come back to the Office of the Children's Guardian for review and within the structure of the office there is a records review area. Those records are looked at to see if they are relevant. I think the important thing to note here is that we are getting all of the records for review—previously we got child-related records, we were not getting all of the records—so we can see patterns.

Once we move through there is another clearance rate if there are not relevant records. Then it goes into a system whereby we look at particular risks and decide whether a comprehensive risk assessment is required and then we request further information. That is when you will start to get Working With Children Check obviously taking a longer time so over 10 days. I should say that at the moment because of the large number of Working With Children Check applications that we have, we have a significant number of matters in risk assessment, the other day it was about 1,153 or something like that but I am sure it has moved on today. How quickly they can be processed is really a matter of how quickly we can get information from other agencies, that is one factor. The second factor is engaging with the person of the Working With Children Check, asking them questions, asking them to participate in the process. At the moment it is taking some time with those 1,000 matters so in excess of 10 days and some of them are taking around six months.

Ms MELANIE GIBBONS: I understand that originally you had some difficulties finding qualified people for temporary risk assessors. Have any new operational methods been put into place to help source those people or to help streamline the process? Or is it just the case there are not qualified people available?

Ms BOLAND: There are a couple of things there. One was the fact that there was an increase in the number that was anticipated and we have had to put on extra staff and extra risk assessors. In terms of finding extra risk assessors we have considerable success, I would say, in getting people from similar areas who have done risk assessments. The legislation is quite clear about what is to be considered in risk assessment and you will know under the previous system there was a tool called AWARE that was used, but that was a composite tool which is no longer relevant. At the moment we use obviously the criteria outlined in the legislation, and all of the research that underpins all of those criteria.

There is a process which I call a series of cross-checks internally to make sure we are getting consistency across decision making so they come up to a panel for a final review. You would know that a

Working With Children Check is not position-specific as the previous ones were. Internally obviously there is some cultural change and re-thinking that is occurring. We have got some checks and balances in there to make sure we are getting consistent outcomes across the various risk assessors.

Ms MELANIE GIBBONS: If someone receives a rejection that they cannot have a Working With Children Check approved are they able to reapply after a certain amount of time or is a refusal the end?

Ms BOLAND: The process is that they can appeal to the NCAT—New South Wales Civil Administrative Tribunal—so we are having people appeal, yes.

Ms MELANIE GIBBONS: Have they been successful?

The Hon. NIALL BLAIR: It is on page 22.

Ms BOLAND: Are you asking about people who have been successful in overturning the decision? Is the question in relation to current or past?

The Hon. NIALL BLAIR: I am talking about what happened last year.

Ms BOLAND: Are you talking about now or the past?

Ms MELANIE GIBBONS: I was talking about how many people who have gone through the NCAT process have been successful in their appeal and the timeframe.

Ms BOLAND: No-one has appealed the decision bar but on disqualification they are able to appeal and we have had 12 successful appeals.

Ms MELANIE GIBBONS: You mentioned that a person can apply online, which must rely on their honesty in relation to their criminal record.

Ms BOLAND: The system is that you make an application online then go to a motor registry and pay a fee. That application goes straight to CrimTrac.

CHAIR: Which is a national database.

Ms BOLAND: Which is a national database of all criminal records, charges et cetera. There is no declaration. It is automated and we get the records, so the scope for falsifying in that department has been eliminated.

CHAIR: Does CrimTrac communicate with other jurisdictions overseas, like New Zealand?

Ms BOLAND: No, it is a national database. When records come back, the names have been logged into the New South Wales Police system and that is where we get the updates. When we get updates, if a subsequent offence has happened, that is from New South Wales Police not CrimTrac.

CHAIR: Do you have questions, Mr Gee.

Mr ANDREW GEE: I am alright, thank you.

The Hon. NIALL BLAIR: I return to Working With Children Checks. The 2012-13 report gives estimates of risk on page 21 where it says there were background checks for 218,848 people and an estimated risk was undertaken for 899 applicants. That means there was enough information for a flag to be raised on 899 applicants and the Commission conducted 475 of those. Does that mean the rest are pending or were they conducted by someone else?

Ms BOLAND: The system that operated was in relation to approved screening agencies [ASAs]. There were other approved screening agencies apart from the Commission for Children and Young People. The figures reflect what the Commission conducted. That paragraph does not reflect what the other ASAs did.

The Hon. NIALL BLAIR: Some of the 899 were conducted by the other ASAs?

Ms BOLAND: Yes.

The Hon. NIALL BLAIR: There was one figure including everyone, and you reported what you completed?

Ms BOLAND: The risk assessments were done by the ASAs.

The Hon. NIALL BLAIR: The 475 were done by the Commission?

Ms BOLAND: Yes.

The Hon. NIALL BLAIR: We then assume that the remainder were completed by the other agencies. The target is for the Commission to conduct 200. Did you say that at the moment you have more than 1,200 in the system? Does that mean the Commission has 1,200 or all agencies have 1,200?

Ms BOLAND: Under the new system, which commenced on 15 June, all risk assessments are undertaken by the Office of the Children's Guardian (NSW). The results here are reflective of pre-15 June 2013.

The Hon. NIALL BLAIR: As a result of the new system, will a new target be set or will the target remain 200? Obviously that would easily be met.

Ms BOLAND: At the moment we are in our tenth month of operation and we are looking at the number of risk assessments. We look very carefully at the number of days and some of the delay points. We have committed to have a look after 12 months and see what is contributing to that area. Because it is so new, we have not put in any key performance indicators [KPIs] yet but we will. We really want to get a handle on volumes, because they are way in excess of what was anticipated in the transition plan that laid out who came in at what time. As I said, there are a number of contributing factors. We want to let it settle for 12 months. We have already started to look at some of the delay mechanisms and we have committed to do a review of the Working With Children Check after two years. This will commence in about September, because it will take us 12 months. We are already collecting lots of things about how our business rules are operating, how our systems are operating, how our information technology is moving things through the system. Given the volumes, I suspect we are looking at more than 200.

The Hon. NIALL BLAIR: With the suck-it-and-see approach at the moment, you will set KPIs once you have a better handle on it so we can look at how you are tracking on the risk assessment?

Ms BOLAND: Yes, absolutely.

The Hon. NIALL BLAIR: Do you know how many of the people who applied for Working With Children Checks were barred?

Ms BOLAND: Are you talking about now, under the new Working With Children checks?

The Hon. NIALL BLAIR: Yes. We have some of the old data.

Ms BOLAND: As at last Friday, 118 interim barred and 141 barred.

CHAIR: If you do not have the information you can take the question on notice.

Ms BOLAND: Those figures are correct as of Friday. I could give you a more comprehensive answer about the follow-up continuous ones, because those numbers are really interesting. I can then explain how the interim bars and bars work. I will take that on notice and give you a summary. I can also give you a summary of the number of days, which is what we are using at the moment in looking at performance. The system performs very well, with about 85 per cent getting immediate clearances. I am happy to give you what makes up the subsequent day blocks, including the more than 10 days. That is where we will burrow down and put our KPIs.

The Hon. NIALL BLAIR: I understand that it is an offence for prohibited persons, who have been convicted of serious offences, to attempt to work with children. Are there cases where people not prohibited apply and have gone through the risk-assessment process but been knocked back from working with children

and are then reported to any other authority, like the police, for attempting to seek employment in this area? They are assessed as being of high risk, although they have not been convicted of offences to make them prohibited, but are still trying to work with children.

Ms BOLAND: The beauty of the information technology system is such that if you have been barred from working with children and are trying to work with children, the obligation under the legislation is for the employer to go online and verify that the person has a Working With Children Check. As soon as that is done, the employer will see that the person is not permitted to work with children and so the employer will be prohibited from employing the person. The system has a good safety net in relation to that. Complementing that, the data we collect is extremely comprehensive in terms of which employers are registered and which employers are registering for what categories of person.

We use all of that data in our compliance plan. We have a compliance area and, in fact, we use that data to target particular areas where we think there is risk. Two things operate: it is pretty clear under the current legislation if you cannot work with children and there are obligations on both sides. We have a comprehensive system of accessing information and comprehensive level of records that we check. Then there is the capacity for us to ask for any other information we think may be relevant. Part of the risk assessments are because we have an extensive amount of information to consider.

The Hon. NIALL BLAIR: Seeking further information from the applicant will obviously have the biggest impact on the number of days for completion. You need to look at that before setting the next KPI.

Ms BOLAND: Yes.

The Hon. GREG DONNELLY: On page 12 of the 2012-2013 annual report you give a financial overview and you have provided useful answers in response to our questions on notice. The figures given for grants and contributions are \$10.804 million and \$12.045 million when investment income and the sale of goods and services are added. What proportion of your income was expended on staff involved in doing Working With Children checks? I am trying to establish that as a rough proportion of the Commission's total budget.

Ms BOLAND: It was about 70 per cent for the Working With Children checks, in the past.

The Hon. GREG DONNELLY: Page 19 of the annual report states:

In May 2013 the Minister for Family and Community Services and the Minister for Citizenship and Communities announced the new Working With Children Check would commence on 15 June 2013. The Ministers also announced that the Check's legislative functions and operations would be transferred to the Office of the Children's Guardian.

With respect to the budget for the checking, which you said is approximately 70 per cent of the total, is that being transferred from the budget under the new architecture, which is yet to pass through the Parliament, to the Guardian? I am trying to understand how the Guardian is going to fund what is, in effect, 70 per cent of what is the work done by the Commission into the future. Have I been poor in explaining what I am trying to establish here? The Guardian is going to be doing the checking in future, the Commission under its new form will not be. Does that mean it gets transferred across?

Ms BOLAND: The 70 per cent was mainly in relation to the staff that were not working on the Working With Children Check, and those staff did transfer.

The Hon. GREG DONNELLY: So they are across.

Ms BOLAND: Yes. The new system obviously has a different financial base and equation and we would be happy to take that on notice and tell you how that works and what the breakdowns are, because obviously now there is revenue in relation to the check.

The Hon. GREG DONNELLY: That 70 per cent of staff has, in effect, moved across to the Guardian. Is that correct?

Ms BOLAND: Yes.

The Hon. GREG DONNELLY: And they are on your payroll at the moment, is that correct? Is that how it works?

Ms BOLAND: Of those staff, yes.

The Hon. GREG DONNELLY: And they do the Working With Children Check?

Ms BOLAND: Yes, in addition to other staff that came from other areas. But yes, roughly speaking, the 70 per cent that was on the Working With Children Check.

The Hon. GREG DONNELLY: Did they transfer physically to new premises or are they still in the premises over there in Surry Hills? Where are they located?

Ms BOLAND: Surry Hills.

The Hon. GREG DONNELLY: Where is the Guardian's office?

Ms BOLAND: Surry Hills. It is in the same building; the Working With Children Check is on one particular level and the Guardian operations and some of the risk assessors are on the other—we occupy two floors at 181 Elizabeth Street.

The Hon. GREG DONNELLY: Is there anything else that came across to the Guardian, other than the Working With Children Check, from work done by the Commission or was it just, in effect, the Working With Children Check?

Ms BOLAND: Included in the Working With Children Check were the obligations in relation to child safe organisations. So that was included in the Working With Children Check as part of the Working With Children Check. There was another function that transferred which had no resources attached to it and that was in relation to the Sex Offender Counsellors Accreditation Scheme [SOCAS], which is a voluntary accreditation scheme for counsellors of people who sexually offend. That came across and I think it has been reported in the annual reports previously. I think it has been referred to as something that was done within the resources of the then Commission and it is now done within the resources of the now Guardian. There were no specific resources attached to that so there was nothing to transfer except the function. So within our resources now we have taken on the responsibility for that function.

The Hon. GREG DONNELLY: In terms of the dimensions and the activity and the budget of the new advocate role that is being developed, do we know what that looks like at all?

Ms BOLAND: The way that the Commission was organised, the Working With Children Check was quite discrete and the other activities occurred, in fact, mainly in the policy research area. They were also underpinned by some community education and communication staff. In the division of the budget—the one that came over to the Guardian—all of those functions were funded in the remaining Commission; so they have not lost any money at all, they have maintained—in fact there is some slightly additional money in there for communication. We can provide you with something that is quite precise on that if you like.

The Hon. GREG DONNELLY: As a rough explanation, if 70 per cent of the cost of the organisation, which was the work of staff associated with the Working With Children Check, has moved across, that leaves 30 per cent of the budget, of the pool. You are saying it is going to be augmented to get it back closer to the 100 per cent or part thereof, or we do not know.

Ms BOLAND: The \$10 million obviously was with the Working With Children Check. That Working With Children Check has transferred with its resources, and the other functions were funded appropriately and they have remained funded appropriately. But, as I said, there are budget papers and so forth. I am happy to extract that information and give that to you.

CHAIR: If you could report back to the Committee?

Ms BOLAND: That will not take long to do. But it is all on the public record and in the budget papers.

Ms JAN BARHAM: I am interested in following up on the mental health research and reporting. I am just trying to find the page where you refer to that liaison or the nature of approach to adults in relation to mental health concerns. Does that have some impact in the funding or support for counsellors in schools and

whether or not that is an appropriate place for counsellors and support people to be located for children to access?

Ms BOLAND: I will get Gregor to give you some background.

Mr MACFIE: Just to add some background on the research. We know that young people are often the first to know that other young people have got a serious mental health problem and this research is looking at what promotes them seeking adult help and what the barriers might be. We are still doing the analysis and, indeed, as part of this process we will be talking to policy makers about what are the implications of this work. I do not think on the basis of the research that we have seen that we can make specific recommendations, but one of the strengths of it is that we are in partnership with the NSW Mental Health Commission who are drafting a new mental health plan for New South Wales. The input of this particular report we are hoping will filter into that and filter into their thinking. So that across the board we are looking at better supports, what it is that makes the difference in terms of young people seeking adult help within schools but also within families and communities as well.

Ms JAN BARHAM: Will you publish a separate report or have that available prior to the input into the Mental Health Commission?

Mr MACFIE: We have provided some initial input to them so that they are able to consider that in their drafting, but there will be a separate and public report. We need to talk to them about how and when that will happen, but that is the idea.

Ms JAN BARHAM: In looking at the information you have on the website under mental health and suicide, the information there is 2009-10. Do you have updated information? I am particularly interested in self-harm, suicide in young people—where it is happening and what is being done. I am interested to know what input the Commission has had into any programs or support services for those people.

Mr MACFIE: You are talking about the "Picture of NSW Children" in the injury chapter?

Ms JAN BARHAM: Yes.

Mr MACFIE: Yes, that is the latest data that we have got available. There may be national data available but in terms of a New South Wales breakdown, that would be work that would need to be done on a specified basis with AIHW and ABS. We could probably drag that out from some of the admitted patient data.

Ms JAN BARHAM: It seems like a long time to wait to get an indication of what might be a trend that needs some action to be taken. I thought the data would be readily available if access was made possible. Is it not collating the data that should be there and making it accessible rather than waiting five years to find out if we have got more kids self-harming?

Mr MACFIE: It depends on how up-to-date the data we can get from the data custodian is and doing that particular piece of work. We have not done any more at the New South Wales level. There may be national data that we could provide, but in terms of the trends, the surveillance report that we commissioned from the AIHW does contain longer term trends in relation to all of the main causes of injury in terms of admitted patients, but we do not have the data on the non-admitted young people who are self-harming.

Ms JAN BARHAM: That is only admissions, hospitalisations?

Mr MACFIE: That is only admissions where it results in injury.

Ms JAN BARHAM: Does that lead you to think about how else you might be able to collect data on the trends around this or the number of young people who are self-harming? Anecdotally we keep hearing and we see media reports that it is reported as being quite high. How do you cope with trying to advocate for young people and understand what their issues are if it is difficult to obtain information? Is there any way it can be supported?

Mr MACFIE: There is no doubt that it is very difficult to get the data if there has been no access by the young people, for example, to the health system, or some way of recording it. But we do know—for example, the national Children's Commissioner has currently got an inquiry into self-harm and suicidal

behaviour among young people, and one of the questions is what kind of data and how can we collect this? I do not know that there is a clear answer to that and we are not experts in that area, but we will be following that closely to see what researchers and academics and policy makers can come up with.

Ms JAN BARHAM: I suppose it is significant that I ask this because this is Reconciliation Week and Sorry Day, but the whole area of Aboriginal children in out-of-home care and the removal of Aboriginal children from their families, do you delve into those areas anywhere with understanding the numbers of whether trends are developing in those areas? Are they matters that are reported? I note that you have been doing consultations in Aboriginal communities. Are they still concerns that people have in those communities?

Ms BOLAND: Just in terms of figures and in my role as Guardian, obviously FACS holds some data in relation to that and releases that data on a quarterly basis. From the perspective of the Children's Guardian who has the role to oversight the accreditation system with Aboriginal agencies, we are very aware of those proportions and what things can be put in place and what initiatives have been put in place by Aboriginal organisations themselves.

Ms JAN BARHAM: There are some good programs being done in that area.

Ms BOLAND: There are some very good programs. By and large, the Aboriginal agencies have embraced the accreditation process and operate effectively in relation to understanding their community and in relation to the particular issues. We work with them to look at how that work is done, and there are great innovations happening, particularly in relation to restorations or culturally appropriate plans and how that is managed within an out-of-home care system.

Ms JAN BARHAM: So it is not strictly under your area of research or interest but does it come in as part of the wellbeing and the safety and security of young people and children in New South Wales?

Ms BOLAND: Yes, it does. From the point of view of the New South Wales Commission for Children and Young People, the mandate has been on vulnerable children. It participated in and gave a submission to the recent review of the child protection legislation. It participates actively in all of those government initiatives. In all of the reviews that happen the Commission is quite an active participant. I would say that its views are sought extensively, both internally by government and by the non-government sector. That has been my observation over the last couple of months.

Mr MACFIE: I suppose on that level of input into some of the significant plans that are currently in development it is about keeping the focus on both children and young people, particularly those who miss out, who are vulnerable or who are disadvantaged in some way, so that those plans are addressing their particular issues. I cannot remember whether the Picture has data in terms of out-of-home care or whether it is broken down by Aboriginal or non-Aboriginal children. We can double-check on that. I think there was a new chapter on harm that touched on that, but I will have to check.

Ms JAN BARHAM: I was also interested in the New South Wales Ombudsman's report "Responding to child sexual assault in Aboriginal communities", which was released in December 2012. We are waiting for a government response to that report. I wonder whether you have had input into any response to that report. I think there were something like 93 recommendations in that report.

Ms BOLAND: We did not provide input to the Ombudsman's report and have not responded yet to the recommendations.

Ms JAN BARHAM: I am just trying to understand how it works. Do you get invited to respond? I have been trying to find out about any government response and I am wondering whether there was an invitation to respond to those recommendations. Is that how the Commission for Children and Young People gets involved?

Mr MACFIE: It depends really. It can occur through the Cabinet process or it can be that the individual agency, in this case the Ombudsman, could come and talk to the Commission or could write to the Commission for input or comment.

Ms JAN BARHAM: My next question is on a matter that we raised with the previous Commissioner—there has been a lot of interest in the area of the sexualisation of children, particularly in the

social media area—that is, whether or not this will be taken up as a priority area of interest? That is what other jurisdictions have done—for example, the United Kingdom has done quite a lot of work on this. Mr Donnelly has also been very aware of other places that are looking at this issue to see if there is something that can be done.

Ms BOLAND: I spoke previously at a hearing of this Committee and talked about how we are currently looking at kids as consumers and, within that context, how kids are marketed to—in particular, the imagery that is used both online and in the mainstream media in relation to the sexualisation of children. We have done some preliminary work on what has been done within school systems, both the independent and the state school systems—in particular in relation to how that is included in the curriculum, the awareness of particular stereotypes and what activities there are at various schools to educate parents. As you would know, the Western Australian Commissioner for Children and Young People has done some work in relation to the sexualisation of children, including not only guidelines—and we are looking at those—but also community education and parental education.

As you would know, we have already implemented in New South Wales legislation that prohibits children under the age of 16 from modelling adult clothing. That was quite a significant step forward and was reflective of what was happening internationally—in particular in the modelling area about using very young women, mainly, to model adult clothing in an appropriate fashion. So those things have already occurred. We are certainly looking at having seminars and education for parents. What we do not want to do is to duplicate something that is already happening within schools et cetera. In fact I was at a talk the other day at a school. It was a presentation to parents about how to talk to their children about sexualised images and the violence that is manifest in the media, electronic and otherwise. So those are the kind of strategies that the Commission will look at.

I think what has emerged over the last decade or so is that children and young people are obviously now seen as a group to be marketed to. Under the children's employment regulations and code of conduct that the New South Wales Children's Guardian administers any roles, pictures or otherwise need to be appropriate. So children are not to be given directions to pout or otherwise; so there are already some baseline regulatory requirements and codes of practice that exist in New South Wales. I suppose we want to build on that, in particular in relation to educating parents.

Ms JAN BARHAM: I know about that example of not having young people advertising adult clothing but what about the area of young people advertising young people's clothing and the scenarios and scenes set up in that advertising? Are there guidelines that could be implemented there about the presentation, setup and nature of some of those images—or the context of those and how they reflect or convey sexualised imagery?

Ms BOLAND: There are two layers to that. First of all, obviously the regulation that we have operating in New South Wales talks about a code of conduct when children are employed in particular industries such as modelling clothes for children and appropriate ways of modelling. The directions given to children is something that is regulated in New South Wales. You would understand that when there is a photo shoot, for example, the photographer might take many hundreds of photos. Which photos are chosen and then distributed is a matter for the Federal Government regime to look at in terms of advertising. In terms of what children are asked to do and where that is all regulated by the New South Wales children's employment area.

Ms JAN BARHAM: So there are guidelines in regulations, but only if there are complaints made is there any compliance.

Ms BOLAND: There is a code of practice. At the moment there is a range of information that goes to parents, in particular, and to employers. I should say that employers in this area, in the main, are very concerned to understand their obligations. We spend a lot of time with employers. Equally, we spend time with parents to make sure that they are very comfortable with what is being requested or indeed talk to them about what has been requested and making alternative suggestions. So that is quite hands-on work. It is done on-site. As I said, the taking of those photos and advertising with those images is then a matter of regulation in the federal arena.

Ms JAN BARHAM: People often ask what they can do if they are offended or if they think a particular organisation or product has gone too far. It is their responsibility to make a complaint or to follow up so that it can be looked into. Is that correct?

Ms BOLAND: Yes, they need to complain at the Federal level. At our level I would have to say that we spend quite a significant amount of time on all sorts of areas in relation to children and their use in the entertainment and still photography area. It is a bit of a partnership between not just us and the parents but also the employers. So it is a three-way thing looking at what expectations are. We do spend a lot of time with the parents talking about the future use of particular images and so forth and comfort level. It depends a lot on what the advertising campaign is. I suppose in a nutshell those people who are in the industry—for example, parents who have been in the industry—are well aware of how to manage it.

We supplement that by providing information to other parents who are not quite so familiar with the sort of things they should be thinking about. So we have some guidelines for parents about the things they should think about. This is what the regulation says. The code of conduct says that it must be appropriate and looks at the directions given to children such as how they are directed to do certain tasks et cetera. Apart from that there are a number of other requirements about working hours, times, breaks et cetera.

Ms JAN BARHAM: Sure, so it is about avoiding exploitation.

CHAIR: I have a question about bullying. I noted the discussion in the report about one of your projects called Speak Up!. I think there were two consultations at Cabramatta and Wollongong.

Ms BOLAND: Yes.

CHAIR: I note that bullying was ranked as a major issue by 85 per cent of participants—that was for bullying at school, and online bullying was ranked much the same at 83 per cent. With that in mind, in terms of influencing government policy relating to children and young people does the Commission through its reports make direct recommendations to the government? If not, might this be a function of the children's advocate in the future?

Ms BOLAND: Yes, and yes. I suppose the Commission has been very active in advocating and influencing the functions of government in relation to bullying, obviously via the Department of Education and Communities [DEC]. They have put extensive strategies in place, as you would know. They have indicated that they would be more than happy to provide to the Committee information on their programs and plans, if you would like.

CHAIR: I think we would like that.

Ms JAN BARHAM: Yes.

CHAIR: I am on the school councils of two schools in my electorate. From time to time we do raise the bullying management plan that each school has. I really worry when I see statistics like that. It is a major issue out there, particularly online bullying. My wife is a schoolteacher and she deals with issues of online bullying on an almost daily basis. I am wondering how the Commission can improve the situation.

Ms BOLAND: I should say in relation to the consultations that we ran that these recorded the perceptions of children and young people. They were about what worried them. So they are not figures about the occurrence rate. Clearly it is a big issue for kids and how they perceive themselves within the school context in particular. I would have to say that the initiatives undertaken by the Department of Education and Communities [DEC] plus the independent and Catholic schools sector have been significant. I think the information that we have collected verifies that. Obviously we will give that information to the Department of Education and Communities.

In terms of advocating for other kinds of initiatives, one of the things that has been seen to be effective in the independent school sector, and I know this via our child safe case studies that we are doing, has been intensive educational engagement with parents at the school, particularly on the online bullying issues. Schools feel that they are closing the gap, even though it is a small gap, between parents and children. Even for young parents the world that their children operate in is quite different to the one they knew in relation to online bullying. Schools are in fact engaging with and educating both parents and the school population and engaging with the community to deal with bullying issues, particularly online bullying and vigilance in relation to reporting. In terms of how it is dealt with, all of those things are obviously important for its elimination. Mr Macfie might want to add something here.

Mr MACFIE: There are a number of issues that have come out of the speak-up consultation, so we have put together a paper, particularly on bullying about what we have heard from young people, what insights they have.

CHAIR: Can that be supplied to the Committee?

Mr MACFIE: Yes. There is a huge amount being done both at the national and State level on this issue. We want to engage with the department and others to understand how all of that is being implemented and how effective it is. That is something we want to explore. It is a complex issue. I do not think that anyone has got a silver bullet, straightforward approach, but it does seem to be, as Kerryn was saying, a whole-of-school and whole-of-community approach. Persistent follow-up over time seems to be one of the keys.

CHAIR: Ms Barham has a similar question on bullying. In respect of what the Department of Education does in terms of implementing their management plans, I presume it gets reviewed regularly. I know the one that is in the schools that I am part of certainly does. Do you have direct involvement in that and are you asked for input?

Mr MACFIE: We certainly have regular discussions with the Department of Education and Communities [DEC]. We understand that the school bullying management plan places responsibility on the principal to report annually on implementation and evaluation of those plans. That is a clear responsibility for principals. We have had discussions with them in the past.

CHAIR: Ms Barham had a question on this issue.

Ms JAN BARHAM: Yes, particularly around implementation and evaluation. It is my understanding it may be a more regional issue where finances are more stretched, but a lot of schools that I am aware of do a less than satisfactory job with responding to complaints of bullying because there is a waiting list of up to six months to see a counsellor. Any advocacy or redress that is required is not dealt with because many schools, particularly in the regions, are not able to fund counsellors or appropriately trained people to deal with that response. We might have a heightened awareness about reporting it or having it acknowledged, but not responding, which, in some ways, could be more damaging.

Ms BOLAND: We are more than happy to get the Department of Education and Communities to give you some information on that.

CHAIR: It is probably more a question for them.

Ms JAN BARHAM: I wondered with it being such a high priority whether they had to report back to you because having a plan in place or a strategy is fine, but if it is not delivering the support for the young people, then I am concerned. From what I am hearing, as I said, it is predominantly regional areas, but stretched resources for school counsellors seem to be the issue.

Ms BOLAND: We will get you some information on that.

Mr ANDREW GEE: Can you give us an idea how the research program on young people being safe around alcohol is going, which is being conducted by the Young People Advisory Group, and is the report available?

Mr MACFIE: Yes, there has some been delay on finalising the report. We have got the data and we have analysed the data but we are still contextualising that, I suppose, and we still need to talk with various school sectors about the content of that and get feedback on the draft, so we would expect a final paper within six weeks to two months.

Mr ANDREW GEE: You have got a draft?

Mr MACFIE: We have got a draft.

The Hon. NIALL BLAIR: I wanted to follow up on how the new website is going.

Ms BOLAND: Yes.

The Hon. NIALL BLAIR: The new children's website was launched in June last year; is that right?

Ms BOLAND: Yes.

The Hon. NIALL BLAIR: The overall website is still the same?

Ms BOLAND: At the moment, because of the transfer of the functions to the Guardian, again, we are looking at the various platforms and what goes where. In fact, I am looking at the new-new website tomorrow or the next day. The website in relation to the Working With Children Check has been a primary and driving force of getting information out to the various sectors. We have needed to get information about how the new Check works. There is extensive information on various aspects of the Check, in particular, and it guides people through the Check process. It has also got some nifty YouTube directions on how to do it, so there are video assistance cameos about how to apply. It has also been matched in terms of getting information out to our various stakeholders very quickly.

During the process of implementing the new Working With Children Check, one of the things about those major changes is always about whether you have communicated the changes and how you have communicated the changes. We have received incredibly good feedback from our advisory group, the education sector in particular. The Catholic education sector has been complimentary about the information and how it is being distributed and the information available on the website. I do not know that there are that many questions. In fact, I am not sure that there are any stones that were left unturned in relation to what was on the website.

The Hon. NIALL BLAIR: I was thinking along the lines of connecting and consulting with children. From the report I see that there were 1,100-odd Twitter connections and 900 Facebook connections, which, in my mind, is quite low. I did a check-up and I know that Twitter is now over 1,600 and Facebook is over 1,300, which is an increase. But in terms of the work that is going ahead of the Commission and in some of those advocacy areas on issues such as bullying, how is the Commission aiming to drive that information to children? I know that a kids poll is not there, but maybe other polls through Facebook, et cetera, to get young people engaged with the Commission so they know about the information and the great work that it does.

Ms BOLAND: During the speak-up consultation obviously we used the website and the survey monkey and those kinds of facilities. We also consulted with the Young People Advisory Group [YPAG] as to what they use, how they use it, how they get information. I think it is a challenge going forward. Facebook is really for an older generation. They talked about over 30s.

The Hon. NIALL BLAIR: Instagram.

Ms BOLAND: They talked about Instagram and other means of—I am afraid I cannot even remember what they talked about.

CHAIR: Twitter.

Ms JAN BARHAM: No, Twitter is passé too.

Ms BOLAND: Twitter is almost passé as well.

Ms JAN BARHAM: They have got all these other ones.

Ms BOLAND: The critical information is that what children and young people did say was that there is, I suppose, no real substitute for direct contact. I think that is really also about the visibility of the Commission via the school system and using those mechanisms also. The national Commissioners and guardians also have a Twitter hash tag and it is significantly lower than the Commission's. In terms of getting the information, I do not know that it is exciting enough to follow. That is why we are quite strategic that we put out something that is of direct relevance to children and young people rather than the various activities and processes that we are putting in place to engage with kids, but I recognise the challenge.

The Hon. NIALL BLAIR: Is it not a two-pronged approach? It is information for parents of children and young people, again, those of us over 30 that may rely on something shared between our peers on Facebook that points to a good tour that the Commission may have developed or recognised and also that direct contact

with the children, whether it is through another media such as Instagram. It is good that the numbers are going up and hopefully that work will continue. You also led on that there is no substitute to face-to-face contact. I note the report mentioned visits to Broken Hill, Byron Bay, Walla Walla, Menindee. Is there another program? We talked about KPIs earlier such as other types of regional visits, face-to-face contact with staff or the Commissioner directly.

Ms BOLAND: That is the work that needs to be progressed under the strategic plan. In our answers we explained about the strategic plan and the work that needs to be progressed. Yes, there is an ongoing strategy about engagement. With the proposed Advocate, that is a main objective of the advocate position, to get out, whichever way that is, either physically or electronically or, however, to access the views of children and young people and to exchange information with them in a multiplicity of ways and via a multiplicity of organisations and while the Commission has been very successful in that, one of the extra places to go is via the non-government sector or some of the local communities, hanging out in particular places where kids hang out. Those kinds of strategies are very much on the agenda as the way forward.

The Hon. GREG DONNELLY: Can you help me discern the likely breakdown of responsibilities of the Guardian and the Advocate? With respect to the defined functions, the first function of the new proposed Advocate's role states "to advocate for and promote the safety, welfare and wellbeing of children and young people". Does that not in a large way overlap with the role of the Guardian? If you answer that as yes, how are we going to ensure that we do not have a potential tension emerging between the Advocate and the Guardian going forward?

Ms BOLAND: I suppose those responsibilities sit with a number of agencies, including the Guardian. The Guardian obviously has specific roles in relation to out-of-home care, voluntary out-of-home care and in relation to children's employment and of course now the Working With Children Check. In a sense it administers regulation. It administers those regulatory obligations created to keep children safe. Of course, Community Services is another one of those agencies that is in the field of keeping kids safe and looking after their wellbeing. It is one of those across-government responsibilities. The Advocate obviously will Advocate and drive those across the plan that has been envisaged and coordinate the particular plans and regulatory arrangements that sit in various portfolios. I actually do not see much of a conflict in the overlap and I do not think there has been in the past.

The Hon. GREG DONNELLY: I guess I am returning to the original question I was asking about how this future will work. We have got you in your role as the Guardian with a very significant new role brought in from the Commission. We are looking forward to a new body called the Advocate for Children and Young People. I am trying to discern what this Advocate is going to do. It seems to me it is almost a paradox that the resources and the firepower seem to reside in the Guardian and perhaps others in terms of capacity. You are going to have this Advocate who—I agree with what you have said—will have this broad role of advocating safety, welfare and wellbeing of children and young people but, quite frankly, who is going to listen to this Advocate when you have people like you in a much more significant role? Therein lies the problem. I just do not understand how it is going to work.

Ms BOLAND: I suppose from the Guardian perspective we are regulating in particular areas and delivering a particular outcome required by government, like accreditation of non-government agencies and government. It is very much a kind of regulatory support service to the objectives of government. That is also what the Working With Children Check is. The Working With Children Check in the Commission did exist very much as a discrete operation from its other—as you call it—firepower of influencing and advocating for children and young people. Except for the administration, I do not know that the Guardian having those regulatory functions overshadows what is a significant role for an Advocate to advocate for children and young people across the whole of government on all issues, not just on child protection issues.

The Hon. GREG DONNELLY: But if roughly 70 per cent of the resources have been transferred across, unless there is a significant augmentation of the resources that will be allocated to the new Advocate, which remains to be seen, that is a much more diminished organisation compared to what it was prior to the transfer of resources.

Ms BOLAND: There is no diminishment in function at all. It is just that someone else is administering the Working With Children Check. There is no diminishment at all. In terms of effectiveness of the Advocate, I would have to say the Children's Guardian has been previously quite a small organisation but quite influential. Also, comparatively, other children's commissioners will be of about the same size and resource and they have

been powerfully influential. I think it depends on a lot of factors but the legislation is a vehicle, and I think a very strong vehicle, for someone to advocate quite strongly for children and young people. I think what was really important about the consultation was that we went out and consulted and in fact the legislation is very much reflective of what people thought was important.

The Hon. GREG DONNELLY: I note at page 36 of the 2012-13 annual report under "Representation on External Boards and Committees" in the right-hand column it says that representation was on the Domestic and Family Violence Framework Senior Executive Steering Committee. Could you please explain what that input was and what specific position was being advocated in that consultation?

Mr MACFIE: That is one of the standing senior officers groups at which one of the members of staff attends on a regular basis and has, I guess, a child protection background. I do not have a record but we can certainly go back and indicate what may or may not have been said in relation to that. But when you are looking at family violence our focus has always been on making sure and keeping the focus on young people even as observers of domestic violence still being the victims of it, if you like. It has been very much just making sure in a broad sense that the needs of young people in these settings is taken into account in relation to the development of that framework.

The Hon. GREG DONNELLY: Is that steering committee still meeting, as far as you know?

Mr MACFIE: I can take that on notice but I think I understood that it may have wound up.

The Hon. GREG DONNELLY: On the issue of bullying I suppose I am basically asking for an opinion from the work you have done and from the discussions you have had with other organisations and people involved in advocating on behalf of children and young people. Let me use perhaps a trite example: young people with red hair might get teased at school because they have red hair. You hear the argument that what one ought to do is focus on those people with the red hair and try to work on that issue of being teased and how to deal with being teased. You could identify other groups, such as children who might have crooked teeth or big ears or whatever the case may be.

Another view is that bullying is bullying is bullying no matter what attribute it is focused on or whatever the case may be and we have to tackle the mentality of why bullying as a matter of principle is wrong. We have to teach children that bullying diminishes the person's respect and dignity and all that goes with that. Is there a view one way or the other on those two things that is being looked at? Is one being seen as the better way to tackle bullying of children and young people or is the jury out, so to speak?

Mr MACFIE: It is a word that can sometimes be misinterpreted, but there is certainly a lot of looking at the notion of resilience for all children and young people in terms of what are the backgrounds some of these young people who are either the bully or the bullied come from and how do people have a sense of self-worth, self-respect and respect for others. I do not know that it is just either the bullied or the bully; it is looking at the welfare and wellbeing of each individual child and how do we build that capacity so that people are not bullying and they are not being bullied.

But then of course there is that wider community aspect in terms of what schools and communities do around instances of bullying and what are the clear messages that it is wrong. It also involves looking back at sometimes the family background of young people who are bullied. They are very badly bullied in their own families and they come to school and they do not want to be bullied so they become the bully. It is quite a complex issue. You would think you would need to be working with that particular child, with the bully, and what are the resilience issues there.

Ms BOLAND: In terms of that multi-pronged approach, certainly the child-safe work that we have been doing is creating an environment where it is unacceptable but equally making it comfortable for children and young people to actually say this is happening. Those two things are incredibly important. No matter what the perception is, they have a capacity and the resilience to say and they know where to tell someone that this is happening to them, that they are listened to and that action is seen to be done. I think they are the really critical things in looking at the complex environment around bullying or, in fact, keeping kids safe in an institution or an organisation.

The Hon. GREG DONNELLY: Do you think we are making progress, as a general proposition? Do you think we are more enlightened and alive to these issues now or have we still got a long way to go?

Ms BOLAND: It is matter of opinion now, so go for it. I think we have come a long way. I think we have got a level of sophistication in the understanding of the issue and I think we are now starting to really articulate what it is. Lots of those things go to leadership and rules and creating the environment and making it unacceptable. I think we have come a long way from, say, 10 years ago. Apart from that, we have named it and we have put things in place that deal with it. Now we are recognising the complexities of the issues and we are looking at these issues in a far more complex way.

We are not just saying we need a set of guidelines and then we need to educate. We are looking at it as a whole-of-environment system. I think we have come a significant way. Yes, there is a way to go. Obviously, partly the awareness and understanding of bullying is also leading to more people articulating that that is what is happening to them. Therefore one would hope that the statistics go up in relation to that and that what was previously hidden becomes out there, if you like, and can be dealt with. There is nothing more insidious than having things quietly not dealt with and children and young people disempowered or not knowing who to turn to or who to go to. I think there have been significant steps forward, as a matter of opinion.

Ms JAN BARHAM: Do you have a principle about early action and early intervention, whether it is bullying or violence in the home? I note that you have referred to the middle years project, which was trying to respond to the needs of homelessness and those issues. I am interested to know whether your office has developed a position around the investment, that money is better spent delivering outcomes earlier. Victoria is doing a great job with bullying under the Solving the Jigsaw program in primary schools, to avoid bullying continuing into high schools and to lessen its impact. A lot of programs seem to be operating by the rule that the earlier you deal with the trauma of bullying or the bullying situation and educate young people, the better it is for the whole of society. Is this a principle?

Mr MACFIE: Yes, I think that prevention and early intervention is better than getting into the situation—as some young people find themselves—where they are living terrible lives or where they become very sick. I guess it depends on the example. Of course, we like to see intervention and early intervention, for example, in the health sphere but that should not be at the expense of equitable and high-quality care for those who are already sick or who have significant problems. It is all about the balance. However, if you are designing the system you want to intervene early and exercise prevention wherever you can, but not at the expense of the care and protection of those who really need it. So yes, we have that principle but it is also about supporting those who already find themselves in difficult circumstances.

Ms JAN BARHAM: On page 15—and I think it is also on the website—you refer to developing strategies to ensure appropriate accommodation and support for children under 15 years who are using homeless services or who are at risk of homelessness. You also refer to that same principle about early support in order to avoid homelessness. What focus are you having in the area of homelessness and dealing with those issues to provide support to avoid homelessness? Is this the area where you are doing more research this year on delivering more to those middle years?

Mr MACFIE: With the middle years strategy priorities, it was never the intention that the Commission would do work across all those areas, it was to be about other departments or other organisations carrying forward their responsibilities and we would monitor it.

Ms JAN BARHAM: Do you develop the priorities and seek input? I am wondering how these things work—particularly as we move towards the Advocate—where your consultations lead you to define priorities that young people express? Is that advice then given to Government? How does the whole thing work?

Mr MACFIE: In relation to the middle years strategy, it was an inquiry of this Committee previously, where I think 59 recommendations were made. The Government at the time accepted the vast majority of those recommendations. Progress is being made in relation to specific priorities and the Commission was monitoring the progress on those, to the extent that it could. We worked with a working group within Government, as well as with non-government organisations, on refining those recommendations so that we were able to have a more flexible approach—allowing there was a change of government—to meeting or advancing those particular priorities. That is how those priorities were identified.

Ms JAN BARHAM: You refer to the expert advisory panel and the first meeting in April 2013. I am trying to understand the work of the expert advisory panel in relation to the six or seven dot points that are

identified on page 15 around these middle years priorities. Is it about doing more work and advise Government or report to Government in some way?

Mr MACFIE: We would express it as being about building an agenda within Government and outside Government around those key areas. That expert advisory panel met shortly before there was a change in Commissioner and all these changes and—although we do not want to lose focus on the middle years and that critical developmental opportunity—there has certainly been discussion about a broader plan for children and young people. It is not just the middle years but from early to middle and late childhood and to early adulthood. We do not want to lose those but to incorporate them into a broader draft plan that would then go to Government for consideration and/or—if the decision is made to accept the plan—for implementation. So that is where we try to get some agreement around key priorities, as a way of advancing that. It is about building the agenda and influencing, I suppose, is the way we would push that forward.

Ms JAN BARHAM: And who sits on that advisory panel?

Mr MACFIE: It is a range of people appointed by the previous Commissioner. We had people from the Primary and Secondary School Principals Associations; a paediatrician; an alternative education provider; somebody from Youth Action; and somebody from UnitingCare Burnside Children, Young People and Families. The first meeting was focused on, in utilising those people, how can we better drive collaboration between what was happening within schools and the supports that lie outside schools, to support the welfare of children generally? That was where the discussion got to.

Ms JAN BARHAM: Is that continuing, as the expert advisory panel group?

Mr MACFIE: A decision has not been made on that but I think the idea would be that we would still utilise the expertise of those people, to help inform a whole-of-government plan around children and young people.

Ms JAN BARHAM: Another question about the volunteers—

Ms BOLAND: Just in relation to your general question about how does it all work? I think that was really one of the substantial issues that we consulted on: How does it all work? What is the perception of how the Commission does its work and how does it become an influencer in Government agendas and then, how does it oversee those Government agendas to ensure that the interests of children and young people are progressed? I think that was the substance of our consultation.

It was clear from those consultations that the primary role of the Commission or the Advocate is to become an advocate for the views of children and young people and to be influential in the Government agenda and, in fact, to pull together an overall plan for children and young people across the whole of Government and then to oversee that plan. I think the bill tries hard to articulate that and to clarify that and they were the questions that were asked in the consultations: How does it all work and how do you fit? That is why we had the consultation and I think it is reflective of what people—children and young people and the non-government sector and other stakeholders—are keen to see the Commission or Advocate do. It gives more clarity to how it all works, so to speak.

Ms JAN BARHAM: I think it does too.

(Short adjournment)

CHAIR: Ms Boland, I am not advocating a charge—I want to say that at the beginning—but Working with Children Checks for volunteers are free in New South Wales, is that correct?

Ms BOLAND: That is correct.

CHAIR: We had an informal chat at the beginning of the year and I asked the same question. In New South Wales they are free. In every other State and territory there is a charge, is that correct?

Ms BOLAND: Those that cover volunteer checks there is a charge, yes.

CHAIR: I meant to research this before we commenced, I apologise, but how much would that charge be?

Ms BOLAND: I would have to have a look at what the current charges are for volunteers.

CHAIR: The Deputy Chair will Google it.

Ms BOLAND: I can get those charges.

CHAIR: I would be interested in that breakdown.

Ms BOLAND: Particularly in which States it applies.

CHAIR: What is your personal belief? Do you think we would see a decrease in the number of Working with Children checks if a charge was implemented?

Ms BOLAND: I think it is a bit early to say because I think what we are not understanding yet is the extent of the volunteer sector. When we were doing estimations about how many volunteer checks might be required, there is no databank, if you like, that can give you precise numbers—they are estimates. So I would like to wait for the year and then have a look at the volunteers and particularly the volunteer sector, try to strip out whether employer behaviours are requiring Working with Children checks where they are not required, and to look more substantially at that.

CHAIR: I presume every State is different, based on that?

Ms BOLAND: Yes. There is no science in this that would suggest that perhaps having to pay some money is a disincentive.

CHAIR: That is the point I am making.

Ms BOLAND: I think we would need to use the information that is available to us to really understand what is happening in that sector, before—

CHAIR: If we can get a comparison of every State and territory, not just in terms of charges but certainly numbers as well, hopefully we can be able to dissect some sort of trend. I have just been advised there is no fee in Victoria.

Ms BOLAND: The Royal Commission is doing a lot of work in relation to the Working With Children Check, as you probably know. They have comparison charts, and we have some comparison charts which we can give to you.

CHAIR: Members of Parliament are community advocates and are heavily involved in groups like Rotary and Lions et cetera. What checks and balances are there from your point of view that such groups do their level best to ensure that everyone has a Working With Children Check?

Ms BOLAND: The legislation describes generally what is child-related work. There is capacity within the legislation for people to approach the Guardian and ask that particular categories of workers get a Working With Children Check because they have access to sensitive information for example. Judging on our activities at the moment it would appear that lots of people who are aware of the Working With Children Check, in fact, are seeking to have a Working With Children Check. I suppose on the one hand that is good, but on the other hand, we need to look at it to make sure that people are verifying those Working With Children checks because having a Working With Children Check is only as good as employer's verifying and keeping the system robust.

The second issue is in relation to making sure that the community and employers, in particular, or people using volunteers really understand that the Working With Children Check will tell you about retrospective behaviour and make some assessment about future risk but it will not be the whole package. You really need to look at it as part of the tools that sit within a framework of making organisations and institutions safe. As I said, we are really looking at the data and making sure that the behaviours that are being driven by the new working checks are delivering what we want them to and what needs to be supplemented, if you like, in

relation to child-safe environments and people really understand that having a Working With Children Check is not all that you have to do.

Ms MELANIE GIBBONS: From what I can see Victoria does not charge for volunteer applications for a Working With Children Check but if a person has a volunteer card they need to reapply for a work-related card.

Ms BOLAND: Yes.

Ms MELANIE GIBBONS: Does New South Wales do the same or is it once a person is checked, they have been checked?

Ms BOLAND: No, there is numbering system so for a volunteer they have a "V" in front of the number. Employers cannot accept that if a person is in a paid employment position and they need to go and pay for their check and then you get an "E" before the number.

Ms JAN BARHAM: I support an application being free as volunteers are pensioners or people who cannot afford a fee, and volunteers organisations cannot afford it either. Do you produce material, or a YouTube to explain how important it is for volunteers of those organisations to have a Working With Children Check? I have had conversations with some people who work in those organisations and they are not aware of it but they are just so grateful to get volunteer support.

Ms BOLAND: The transition plan for volunteers, so it may well be that they are transitioning a bit later. At the moment we are looking at sport and recreation in particular that has a high volunteer ratio. We are rolling out targeted information to all of those agencies by the various peaks and so forth because their timeframe is at the end of March 2015 when they need to be online. On the website there is all of the information, including the generic information about how you fill it out. I would say that one of the things that we are very keen to get out is information about who needs a Working With Children Check, the benefits of a Working With Children Check and that they must be in child-related work. It cannot be a blanket because some of the beauty of checking and exchanging information relates to child-related work, not just general work. I suppose given the large proportion of volunteers coming through—

Ms JAN BARHAM: Particularly in the regions where a lot of organisations and community groups cannot cope without volunteers. My experience of some of them is that they are so bogged down in paperwork. I thought a visual message from the Commission makes it personal and a bit different from just reading another document or something else. People have said that having a personal statement is a really nice way to get the message across about why something is important.

Ms BOLAND: Any further suggestions are more than welcome.

Ms JAN BARHAM: I saw you on television doing the organisational plan work at the dance studio on the north side. Was that last year?

Ms BOLAND: Yes, that was just last year.

Ms JAN BARHAM: Sadly it was after there had been that revelation of a problem there. How many of those types of organisations are you fulfilling the role of developing a safe place plan? Is that in your report?

Ms BOLAND: There are reports there about how many seminars et cetera that we have done but lots of those would have been in relation to the new Working With Children Check and the child-safe elements to that. We are probably still about another six to eight weeks off finalising our case studies which are indeed what the elements of a child-safe organisation look like. Part of that, of course, is having an appropriate Working With Children Check but as to the other elements, as I said, we have been doing that by way of case study. I think you have picked up on something very important that this is not an area where, you know, certain strategies will work in some industries but not in other industries and the dance industry is quite a good one.

They have been very responsive in educating their dance schools and their parent population. They have been looking at how they can, if you like, look internally at regulating child-safe organisations. I suppose from a point of view about what is most effective, that grass-roots level responsibility where everyone is vigilant is probably one of the more successful models in keeping kids safe. We have looked at the dance one but we are

looking at other industries. The Baptist Church has a Safe Church Strategy. We are looking at some Independent schools that have very comprehensive systems in place. I do not want to make it too prescriptive because I think at the heart of all of these things is not dissimilar to what we were talking about in bullying, namely strong leadership and community. At the base really it is about how children feel empowered to recognise "no" and make their views known very quickly and those systems are equally as important in child-safe.

CHAIR: I understand the Commission has representatives on external bodies, for example, the Sex Crimes and Joint Investigation Response and Squad Advisory Council meeting. I know this is not really the scope of the report, but does the Commission have a view on a national database of sex offenders?

Ms BOLAND: No, I do not have a view but I would be happy to get a view and get it to you. I am not sure exactly about your question in relation to a national database. Is that versus a local database?

CHAIR: Yes, that is right. Currently there is discussion about the need of a national database as opposed to single State databases, particularly when you have people move from border to border, State to State.

Ms BOLAND: From the perspective of the Working With Children Check we are active in the national database for the purposes of doing the check.

The Hon. GREG DONNELLY: Please take the question on notice.

Ms BOLAND: I have.

CHAIR: I am in favour of it and it would be good if you could report back to the Committee about it.

Ms JAN BARHAM: I refer to young people in work and we know it is difficult for them to get work. Some parents and children have told me about issues about harassment, bullying or other things for young people in terms of keeping jobs or working in jobs where they are threatened with dismissal if they do not engage in certain behavioural activities whether it is how they dress for the person who might be employing them. Could new technology be used to give them some support in those circumstances? I believe a lot of them do not know they have rights and I have struggled to find somewhere where the rights of young people at work are clearly defined in a way that is accessible to them and is interesting for them.

Ms BOLAND: I will take your question on notice, because some interesting work is being done in other States and in this State. I will put it all together, because there are some programs and legal services, particularly in Victoria, that have taken on some of those issues on behalf of kids.

Ms JAN BARHAM: Years ago there was a foldout card in New South Wales, but I think it is out-dated.

Ms BOLAND: There used to be a T-shirt, too, that might still be relevant.

The Hon. GREG DONNELLY: A bright orange one—I still have mine.

CHAIR: I never got one.

Ms MELANIE GIBBONS: There are still signs on telegraph poles.

Ms JAN BARHAM: Young people taking up their first job might not know their rights. As I said, I was at a youth forum about employment and they did not know that it was unacceptable behaviour to be bullied into sexual favours or hanging out with an older person.

Ms BOLAND: There was nothing in our consultation on volunteering?

Mr MACFIE: No, there was not. We asked a question about work in relation to the consultations at round tables, but the issues were more about access to work and whether there was work for young people rather than in-work experience. They were short consultations, not focus groups trying to dig down to those issues. We were not aware of any specific issues from those consultations.

Ms JAN BARHAM: I will pass on that information.

CHAIR: On behalf of the Committee, I thank you for appearing to give evidence. Committee members may wish to send additional questions in writing, and the replies will form part of your evidence and be made public. Would you be happy to provide a written reply to further questions?

Ms BOLAND: Absolutely.

(The witnesses withdrew)

(The Committee adjourned at 3.46 p.m.)
