

REPORT ON PROCEEDINGS BEFORE

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

**2020 REVIEW OF THE ANNUAL REPORTS AND OTHER MATTERS
OF THE OFFICE OF THE ADVOCATE FOR CHILDREN AND YOUNG
PEOPLE AND THE OFFICE OF THE CHILDREN'S GUARDIAN**

At Preston-Stanley Room, Parliament House, Sydney, on Friday 6 March 2020

The Committee met at 10:30.

PRESENT

The Hon. Matthew Mason-Cox (Chair)

Legislative Council

Ms Abigail Boyd
The Hon. Greg Donnelly

Legislative Assembly

Ms Jodie Harrison
Ms Robyn Preston
Mr Dugald Saunders

The CHAIR: Welcome to the 2020 review of the annual reports of the Office of the Advocate of Children and Young People and the Office of the Children's Guardian. I declare the hearing open. Before we commence I acknowledge the Gadigal people, who are the traditional custodians of the land on which we meet here at Parliament. I also pay my respects to Elders past and present of the Eora nation and extend that respect to other Aboriginal and Torres Strait Islander people who are either present or viewing the proceedings on the internet.

ZOE ROBINSON, Acting Advocate for Children and Young People, Office of the Advocate for Children and Young People, affirmed and examined

MICHAEL SHAW, Director, Office of the Advocate for Children and Young People, sworn and examined

EMILY BACKHOUSE, Chair, Youth Advisory Council, Office of the Advocate for Children and Young People, affirmed and examined

The CHAIR: The first step is to ensure that witnesses have received the information from standing orders that relate to the examination of witnesses—that is the procedural point we must address. You have received that information?

Ms ROBINSON: Yes.

The CHAIR: Do you have any concerns in that regard?

Ms ROBINSON: No.

The CHAIR: Terrific, thank you. I extend a special welcome to you particularly, Ms Backhouse. It is wonderful to make yourself available today. We are looking forward to hearing about your experience in the process with the advocate as well and some of your peers in that regard, which are very important to the work that we do here in Parliament. Thank you for coming.

Ms BACKHOUSE: Thank you.

The CHAIR: I also acknowledge at the start the wonderful work of Andrew Johnson, the former advocate, and place on record the Committee's appreciation for his work over the last five years. For the record, Mr Johnson was appointed as the inaugural Advocate For Children And Young People in 2015. He worked tirelessly and had a lot of interaction with members of the Committee and parliamentarians to establish the office as a leading voice for children and young people in New South Wales. Personally, I was always impressed by his passion and his enthusiasm for children and young people and his hands-on approach getting out there and meeting them where they are. Ms Backhouse, you would be familiar with that in particular.

Ms BACKHOUSE: Yes, definitely.

The CHAIR: He is a man of great passion and we certainly will miss him. Ms Robinson, I know you have got big shoes to fill and you are off to a flying start.

Ms ROBINSON: Yes. Thank you.

The CHAIR: It is wonderful to see. Mr Johnson encouraged the participation of children and young people through many consultations that were held during his time as advocate. He ensured that young people's voices were heard on many issues affecting their lives and helped to promote their engagement. I note some of his particular achievements besides the establishment of the office. They included creating and implementing a public awareness campaign to end violence against children; developing the NSW Education Standards-accredited child rights training for schoolteachers, which was an important innovation; and holding a Participation Conference in 2019 bringing over 100 government and industry leaders together. Mr Johnson achieved many, many other things in his time and he leaves a wonderful legacy for the office to build upon. The Committee acknowledges Mr Johnson for all his work as advocate and, indeed, we all wish him the very, very best for his future.

Ms Robinson, I understand that you would like to show a video to start with?

Ms ROBINSON: Yes.

The CHAIR: I also must note that we will have to turn Hansard off in order to have the video come on; we cannot run the two at the same time. We might just start with that and then move to some questions.

Video shown.

The CHAIR: The video shows you have been very busy, as reflected in the annual report. Thank you for that. It is certainly a great summary of the work that has been happening over the last year and prior to that, for which Mr Johnson was very much appreciated. Ms Robinson, in your short time in the role as acting advocate, can you please give us an idea of the key things you have been doing, in particular the reach-out in relation to the bushfires? I think members would be interested in some of your consultations in that regard.

Ms ROBINSON: Thank you, and thank you for the opportunity to show the video. It is a great way to hear directly from children and young people about the great work that Mr Johnson did certainly in the last year

and before that. Since I have been in the role, which you would appreciate is eight weeks, essentially we started a report around the impact of disaster on children and young people. In that time we have spoken to around 160 children and young people in schools and across various areas. I have been to Lithgow, to Katoomba, to Bowral, to Balmoral village—I am looking at Mr Shaw because I am sure he will remind me of other places that I have been to.

The intention of that report and that piece of work is to really bring the voice of children and young people into how they felt at the time of disaster—and we have consciously used the word "disaster" because it is not just about bushfire; it is about drought, it is about the flooding that is also being faced by children and young people. The intention is that as we face disasters this will be a piece of work that people can bring into because it will be the voice of children and young people. The intention is to really work with them directly about what they wish was available for them at the time during the disaster but also now post-disaster, what they would like to see happen and how they would like to see their communities rebuilt and, importantly, what part they want to play in that.

It has been, as you can imagine, both emotional but an incredible learning curve to sit there and hear the wise words of children and young people and how they really do want to have a part in what happens next and how they really do want to be heard in how their communities are being rebuilt. We have a number of consultations still to come. Next week I will be in Port Macquarie, the week after in Dubbo. We are heading back down towards Batemans Bay and Bega. We have also seen in these consultations how amazing community has been in terms of rallying around the situation. To give you one example that we are incredibly proud of, we went to Batemans Bay very early on and attended a meeting not long after that where police were present. They came up to us and said, "What is an area where you would like to see us deploy a program and we could do it fairly immediately?"

One of the towns that we spoke about was Mogo and as of yesterday I heard that program has been rolled out. It was rolled out a week after that conversation and it has been up and running now for four weeks. We have heard a lot about the need for activities and the need for children and young people to feel that they could have their holidays. So we are looking at what we will do at Easter as well because, as you would all appreciate, a lot of activities were cancelled. But the important thing is that they are very clear about what happens next with them as well and how they want to be engaged. They are very willing to have the conversation and we do all the right things around that to ensure there is counselling support available if it becomes a difficult conversation. In the short space of time that we have commenced this, to hear from 160 young people already is pretty incredible and shows how much it matters to them.

We have also worked with Professor Mary O'Kane, so we are also feeding into that work and have attended a community meeting with her to let the community know we are present and doing this piece of work. We have also put up, as of today, an online way to provide submissions for children and young people because, as we also heard when I attended at Lithgow, some children are not ready to have that conversation in school but given the opportunity to sit down with their mum and talk about it or do a drawing or do their own recording, they would like the opportunity to do that. So we are making that available as well.

The CHAIR: Terrific. In terms of the Mogo program, what were you doing there?

Ms ROBINSON: The Mogo program is the PCYC NSW RISEUP program. That is what they have rolled out there. I am not going to do it justice but they have rolled out a Fit for Life program down there. It is engaging in schools. It is a breakfast program. It is an activities program and they deploy it for about a year. That is the other wonderful thing about that program, it is a long-term program that will be an investment in Mogo.

The CHAIR: It is like the summer that was stolen from everybody in a wide range of areas. In terms of the feedback from the children, what are their top three concerns? What are they feeding back to you?

Ms ROBINSON: Their concerns, interestingly, at the time they have talked about where they go as children and as young people. So making facilities available to them. There are obviously evacuation centres and I pause there to say that every agency had an incredible response and served community so well in this disaster that we faced. We have seen them talk about the evacuation centres and what it could look like for children and young people. Interestingly, and one that we thought we might hear, and as a stepmother I certainly was worried about it for my own children, is the use of media and social media and the images and the things they were constantly seeing throughout this process as well.

To give you an example, one young person who I met with told me that they saw their house had burnt down on the news because a news crew was allowed back into their area before they were. So we are hearing how they are communicated with, how they are engaged with is an important part of what they would like to have a say in and then, importantly, in the rebuild. So being able to have a say in how their community is rebuilt, the part that they play in that and, importantly, where there is an opportunity for them to give back or to gain employment

in this as well. But we have also heard in a wonderful way them tell stories about how the community rallied, how they were helping get animals out of neighbour's yards, how they were alerting neighbours. And we have seen and met with an incredible number of young RFS volunteers, which is a credit to the Rural Fire Service, but also we have seen the genuine interest in that volunteering process and then the number of people who have said that they themselves will be wanting to sign up in their community.

The CHAIR: I am very pleased to hear that because they are always looking for members, the RFS.

Ms ROBYN PRESTON: Just listening to your involvement with bushfire-affected areas, Hawkesbury was also part of that impact. Have you been to Hawkesbury at all?

Ms ROBINSON: We are there today.

Ms ROBYN PRESTON: That is good to hear.

The CHAIR: You could be going along.

Ms ROBYN PRESTON: I am here.

Ms ROBINSON: My apologies that you cannot be there but I should also note we are also wanting to ensure that we are meeting with children in metro as well because of the images that everyone saw over summer and because people might have travelled into communities or had family holidays, we are making sure that we have the representation that it is across New South Wales and we are representing all children and young people in this work.

Ms ROBYN PRESTON: Will you be getting back to me to give me some feedback on what happened there?

Ms ROBINSON: Yes.

Ms ROBYN PRESTON: That would be great.

Ms ROBINSON: Absolutely.

Ms ROBYN PRESTON: I appreciate that.

Mr DUGALD SAUNDERS: I am particularly pleased to see you using the word "disaster" rather than just "bushfires". Being a regional MP, I would be interested in seeing what comes out as far as the difference is between regional and metro in that scenario. Have you got any feedback on what that looks like at the moment?

Ms ROBINSON: We do not have a lot because we have started out in the regions first. In some of the short conversations I have had in other forums, it is the way that people have received information. So it is that access to social media and that feeling that everyone has gone through it because we saw so many images of that. It is also—and we have seen it in so many wonderful campaigns going on right now like Empty Esky and Buy from the Bush—that ability to want to contribute. In the city you have a lot of schools that have people who are in boarding communities and who have come back and you see those in drought especially who have to go back to their farms and go back to their families. So we have also heard about that peer-to-peer education around mental health and young people wanting to be able to support their peers and how they can help. There is a keen interest in terms of metro being able to support rural and regional. But with rural and regional, it is that they were on the ground, they have been through this, they want to be able to have the support but they also recognise that there is support from the city.

Mr DUGALD SAUNDERS: Interestingly, with some people based in city areas, they feel guilty about not being able to help rural areas. Do young people feel that? Do they empathise on that level as well?

Ms ROBINSON: Based on what I have heard, it depends on the age. I have met with an incredible 16-year-old young man who was fighting a fire that was metres away from his house and saw all of that happen and then he was in the fire shed fighting to protect the fire shed as well. He is an incredible young man and he feels all kinds of range of emotions because of what he saw. His house is standing but his neighbours' houses are different and he also watched an older lady lose her house. So we have certainly heard about survivor guilt and we have heard a lot about that from adults or older younger people. From children it is different. It is the feeling of what they saw for themselves as well and the loss that they are feeling in their own homes. But then it is also in those communities—because they are such tightknit communities—it is that you know that the lovely lady down the street has lost things as well. So you do empathise with that. But I just note there is probably a slight difference in terms of ages and how they are immediately responding to that.

Mr DUGALD SAUNDERS: And as far as regional, in the video there was one section where there simply are not enough jobs and that sort of thing. Is that still coming up for you guys?

Ms ROBINSON: It does still come up in our consultations. There is an opportunity now with what we are seeing in disaster areas how in some of those regions to see if we can make any changes in there or give opportunities for young people to be part of that rebuild. It does still come up in consultations. Ms Backhouse, you might be able to speak to that in terms of your experience on the Youth Advisory Council [YAC] and what you heard from young people around that?

Ms BACKHOUSE: Yes.

Ms ROBINSON: Sorry, I do not mean to defer to a young person but you have one here.

Ms BACKHOUSE: This year on the YAC we did have quite a few regional young people. Definitely some of our conversations were about what services are out there and how the workforce is so low. There are a lot of people that are having to move to go study or to find an appropriate job for them and to cater for their needs. That is definitely a conversation that is ongoing and I think it is something that we have also looked at.

The CHAIR: Where are you from, Emily?

Ms BACKHOUSE: I am based out in Camden.

The CHAIR: Camden.

Ms BACKHOUSE: Yes.

The CHAIR: So it was close to Camden.

Ms BACKHOUSE: Yes, very, very close.

The CHAIR: How did you feel about what was going on?

Ms BACKHOUSE: For me personally, I have friends who were affected by the bushfire. For me personally being in that older young person bracket, I definitely empathise and I wish there was more that I could do but I knew I would just be getting in the way. It was hard to draw that line as to where I could help and how I could be of use. So it has not really directly impacted me but I definitely have people around me that have been impacted by the bushfires.

The CHAIR: What about now that the immediate threat is over and it is the rebuilding phase? Do you have any thoughts about that? How do you feel in that regard?

Ms BACKHOUSE: I guess for me that rebuilding phase is one of the biggest phases. It takes a village to bring it back up again and also people coming into our community and going out and buying from local suppliers. Just those little things that help people get back up. Out in Oakdale, the workers' club out there, they actually stayed open that whole time to make sure that people had somewhere to go for shelter and food and things like that. So it is just about that giving back and being able to be part of that new beginning really.

Ms ABIGAIL BOYD: I am particularly interested in children with disability. I know that from my perspective they often get overlooked particularly in disasters and I know that the experience of children with disability is different from other children during a disaster. Have you had any discussion with children with disability as part of that process yet?

Ms ROBINSON: So at the same time we have been running our disability consultations and have spoken to over 370 young people with disability. It has come up because a lot of that has been in similar areas. So it has come up and it is something we will continue to work around because we have heard the need to represent the difference in experience. So while the disability consultation was underway before the Christmas period, as a natural result we are hearing parts of that in that consultation. In the consultations we are doing in disaster there are no targets. We are not excluding anyone so if you want to participate and you have a disability you are obviously not excluded. It is different to the targeted disability consultations but it is a big part of what will form our report to ensure that we include the voices of children and young people with disability.

Ms ABIGAIL BOYD: I find that the media does not tend to report those experiences. It would be great to see your work bring those stories to the fore. That would be fantastic.

The Hon. GREG DONNELLY: I want to range you to an area under emerging issues? I appreciate that you have only been in the role for eight months. Just be patient with me as I work through it.

The CHAIR: Eight weeks.

The Hon. GREG DONNELLY: Sorry, what did I say?

The CHAIR: Eight months.

The Hon. GREG DONNELLY: I apologise. This is the issue of children and young people experiencing gender dysphoria. I have got some figures I would like to put before you to take away and be aware of. With respect to gender dysphoria—and I presume you have some awareness of the matter—the treatment of children experiencing gender dysphoria is primarily done in New South Wales through the Sydney Children's Hospital network gender clinic out at Westmead. The people they treat out there are children and young people. I have done some work to establish numbers of children being treated out at Westmead. I have got the period 2014 through to 2019 so the numbers are for 2014, 2015, 2016, 2017, 2018 and 2019.

I just want to share them with you. The total numbers being treated out at Westmead, in 2014 there was eight children and young people. In 2015 it jumped to 20. In 2016 it jumped to 48. In 2017 it jumped to 65. In 2018 it jumped to 85 and last year it jumped to 95, plus 63 being considered. So that is the aggregate numbers for that period. Can I just go then to the next set of figures that I want to draw to your attention? That is the children and young people receiving what is called the stage one treatment, which is called the puberty blocker treatment, which is where they are given medication to suppress the development of their natal hormones. So if they are female, it will suppress development of the oestrogen. If they are male, it will suppress development of the testosterone. If we just trace the same period of time. Back in 2014 there was eight children and young people receiving the puberty blockers. It jumped to 14 in 2015, to 26 in 2016, to 34 in 2017, to 35 in 2018 and to 37 in 2019.

The CHAIR: Do you want to bring it to a question?

The Hon. GREG DONNELLY: I need the numbers to ask the question. This is a significant matter that we have actually received a briefing paper on, as you would know, Mr Chair. My question is in terms of those numbers. They show clearly a rising trend whether you are looking at percentage terms or absolute numbers, so my question is that as the Advocate for Children and Young People and specifically dealing with advocates in other jurisdictions, are you aware that this is a matter that is being discussed at that level and provide some response to that?

Ms ROBINSON: Thank you for all the information. I appreciate those numbers. I am not aware of it being discussed at that level. That does not mean it has not been discussed before I took on my appointment.

The Hon. GREG DONNELLY: Would you be able to take on notice to find out whether or not it has been raised?

Ms ROBINSON: I was just going to say I will take that on notice.

The Hon. GREG DONNELLY: I am sorry.

Ms ROBINSON: I was going to say I will take it on notice.

The Hon. GREG DONNELLY: With respect to ongoing consideration of this matter, the data around Australia reflects that there are similar trends. There has been a significant escalation in regards to treatment. I have only talked about the stage one puberty blockers. The stage two is the cross sex hormone and the issue is the irreversibility of the treatment and its impact on the children and young people. My question is what would be the steps that we as a Committee would take to advance to you as the advocate the need to have this placed on the agenda for the meeting of the commissioners all around Australia? What would we do to put that to you? How would we go about that? So that it does become a matter for discussion if it is not.

Ms ROBINSON: So in terms of the formal process I do not think I can speak to that because I have not yet experienced it. You have raised it with me. You have raised the numbers with me. I am happy in my role to take that back and I would note that those numbers reflect that there are children and young people in New South Wales to which this is obviously of great importance. As advocate, my role is to listen to young people in New South Wales and the issues that are of great importance to them. What I can say is that I will put it to the Australian and New Zealand Children's Commissioners and Guardians [ANZCCG], the committee that we sit on of which I am now part and note that it is an issue that has been raised this morning.

Ms ABIGAIL BOYD: This question partially relates to that line of questioning. It seems again anecdotally, and I am interested in statistics that you are seeing. It seems to me there is a wonderful increase in tolerance for diversity and difference amongst our young people. I think this is something we have been interested in for a long time in relation to bullying in our schools. Are you seeing any improvement in the bullying numbers from children? Is that getting better?

Ms ROBINSON: I might start with a positive from one of my early consultations when I went out to meet with a school. I was blown away to discover that there were in that school 16 children who identified as transgender children. Every student knew about it and the school had done an incredible job in making it a safe and open conversation, of course driven with the children and the young people at the heart of it and with the

families at the heart of that. They have a great program called the Lighthouse Program which is a volunteer program and is incredibly well supported in the school. It was a school in an area that that was an incredible thing to have learnt about in that area. It was in a regional town. I think I met with that school two weeks into my job and was incredibly warmed by that.

We have heard, and we continue to hear, not in the disaster consultations, but we do ask two questions before we ask the four questions around disaster about what is working well and what is not working well. We still have heard bullying in some schools. So there is an opportunity in the world that we are faced with at present in terms of how we deal with that. In saying that, as always children and young people are often leaders in this space and how they take charge of looking out for each other and including each other and schools have done an incredible job around inclusive behaviour and education around that. We obviously did our report about socially excluded children and young people and we spoke to 4,000 children and young people.

In that, there were recommendations from school environment, to transport, to all the things that matter to children and young people. So, we are seeing shifts. We are seeing shifts, as I mentioned, in the regional school that I went to, that I think are incredible and there are wonderful leaders in that space. You are also seeing schools and school councils and youth advisory councils and young people share their learnings and share their experiences. So, yes, in some ways, but it still is a theme that we have heard in our consultations.

Ms JODIE HARRISON: Thank you, Acting Advocate. I really look forward to working with you, as part of the Committee, in your new role. I just want to go back to the impact of disaster on young people and the consultations that you are doing there. A couple of things: One of the things that you said was young people are identifying evacuation centres and where they fit and what is available in them as being an issue. What kinds of things are they saying?

Ms ROBINSON: I should probably make that clearer. There has been a variety of forms of evacuation centres in areas. So, to give you an example, in one area we visited with, the library was the first port of call and the library did an incredible job with extended hours and, as you can imagine, for children and young people the library is a wonderful space to go, considering the facilities that are there. This library allowed dogs and pets to be in the library with them and extended their hours accordingly, and that community worked quite well. That was because there was a limited amount of evacuation centres in that area because of the size of the area. So, there are some scenarios where we have heard—where the forms of the evacuation centre have been incredible and different. As you might imagine, for some children and young people, the ability to take their pets and animals with them has been a big part of what they felt was a good experience in an evacuation centre.

What I should make clear is that they have not necessarily said negative things about evacuation centres. Depending on the areas, it was that there was an inability to get to the evacuation centre because of what was happening at that time. There was maybe perhaps a limited knowledge of where those evacuation centres were and so they went to one, there was another one, and I think for children and young people it is actually often about what is available in that evacuation centre. So, what are we putting in evacuation centres for children and young people that can mean they are doing something different than looking at the social media and what is happening on it or they are hearing the conversations that are going on around them. There are some communities that responded to that because they had facilities to do so and there are communities that just had to have a different response to it. So, a big thing has been the ability to take your pet somewhere and the great example of the library was just the flexibility and adaptability to change what they were doing and make it available for children and young people but not every area would have been able to do that necessarily.

Ms JODIE HARRISON: Thank you. Trauma in young people who have experienced disaster: Are you hearing that that is an issue? Are young people experiencing trauma differently and how does it play out for them?

Ms ROBINSON: It is interesting because we had a conversation with the Mental Health Commissioner, as well, around trauma and I, myself, am quick to use the word "trauma", noting that there is a variety of response. So, there is that moment of crisis and the reaction you have in that crisis versus long-term trauma. Perhaps if I can separate bushfire and drought, we know that there are children and young people who have been in drought for a sustained period of time and there may be trauma or it may be that there is not trauma and it is an adjustment to the way of life that they are in but it might not be that the trauma has surfaced yet, as well.

The same will happen with bushfires. There was an instant reaction to that and, for some children and young people, it was the emotions that we would all have had which was frightened, the unknown, wanting to be able to do things but not sure what they can do versus now what they are living with, which is, again, if I turn to some of the young people we have met with who were members of the RFS, they have a very clear plan of what they now understand and what they want to achieve for themselves personally and that is, I guess, because they were on a front line and they have a different response to that.

We may, in time—and we cannot make any assumptions about this without speaking to those children and young people directly—see the young people who fought their homes develop trauma. Some are getting—if I think of a 16-year-old boy, he has seen things that, I think, most people would not want their 16-year-old boy to see in terms of fighting the fires to the very end. He is in school and he is doing his activities and he is part of that and there may be long-term trauma. But, again, the label—not the label—but just the caution is that there are some people who have experienced a moment and may adjust fine. That is why the long-term approach to things, we need to be really careful of. But we have heard the feelings of fear in the moments—the concern for family, the concern for home, the concern for memories and things that they grew up with—but the long-term effects, that is why we want to do the report we are doing because we need to get that balance right; the immediate response versus the long-term response as well.

The CHAIR: Can I just ask you a follow-up on that? In terms of the government services you are seeing on the ground, have you identified any sort of issues there? Perhaps needs not being met by the services on the ground for children and young people and perhaps areas we could improve on in terms of service delivery in these sorts of bushfire areas and more widely in the disaster areas you have visited?

Ms ROBINSON: The good thing about the work that we are doing is that we are working so well with so many agencies, and every agency is aware of the work that we are doing. And so, when we do have moments where we have heard differing experiences, so the Department of Customer Service deployed very quickly Service NSW into a number of areas, and that has been incredibly well received. For some areas, the ability for that to be there longer has been something that we have heard. And the ability of this work we are doing and to be there longer is something that we have heard. And the ability of this work that we are doing and the fact that we are doing it so closely with so many agencies means that we can give that information immediately back. When we did give that information back, Service NSW was in that town the next week for a longer period of time and responded accordingly.

The CHAIR: That is good.

Ms ROBINSON: We are working very closely with a number of agencies. We still, I think, for the time, we need to get through this immediate period and to be able to have the full look at all of that picture because a lot of services went into a lot of areas very quickly and you saw services mobilise. You saw community services mobilise, Country Women's Association mobilise. You saw people from different areas, so in drought areas, who have moved into bushfire areas, and vice versa when the drought had been going on for so long. So there has been a lot of service. We will continue to assess the long-term need of those communities and how people are responding, but we have seen Education respond very quickly, Health respond very quickly, PCYC respond very quickly. When they did Drought Break 2.0, it was two weeks, I believe, it was stood up, that program, and services were all on the ground providing activities for children and young people across rural and regional New South Wales.

The CHAIR: So, a pretty good response to date and, I suppose, in your consultations moving ahead are you looking at the aftermath, if you like, and just how services are meeting the needs of children and young people in those sorts of areas? You are continuing the theme, I suppose, for some time?

Ms ROBINSON: It will be. We, obviously, will have a time frame for this report so that it feeds into all the other work that is going on as well but that does not mean that it stops there. The ability of our office to be in schools and do face-to-face consultations means this inevitably will be something that comes up. And also, as we go through the rebuild of those communities, you will see how the impact happens and how those service responses have been felt by community. So, we will have the opportunity ongoing to see the service response.

The CHAIR: When do you expect to finalise your report?

Ms ROBINSON: The hope is that we will finalise our report in mid-June.

The CHAIR: Mid-June. We will certainly look forward to that.

Mr DUGALD SAUNDERS: I would like to ask Emily a question, if I could—really just about your role and how you see the importance of being the Chair of the YAC and how effective you think the YAC has actually been.

Ms BACKHOUSE: Yes, I am very, very privileged to have chaired the YAC this year and I think that, on a personal level, I actually did not realise how much the YAC had actually done until I read the report. I remember I was sitting in Andrew's office before we actually started the report, and he was like, "So, what have you done?" And I was like, "Oh we haven't done very much," and he gave me this piece of paper and he was like, "Emily, you guys have done so much." So, I think having the YAC is so effective because I think we are not just all one person. We are all very diverse people—from ages, from backgrounds, from where we come from,

to culture. So we are all very diverse and I think that is the most important part—is that we all, in a way, are representing ourselves but our communities. So, when we have a space, a safe space, for us to be able to come in and raise our issues, not only for ourselves but for other young people. Correct me if I am wrong, but there are 2.53 million children and young people—

Ms ROBINSON: Close to.

Ms BACKHOUSE: Yes, close to it. So, I guess, for us, and I know, talking to other YAC members, it is all a privilege to be on the YAC and I think that it is something that not every person gets the opportunity to do, so when we are given the opportunity, you run with it and you just do the absolute best that you can. I hope that I have done the best that I can for this year's YAC. I know from reading what we have done and the impact that we have made on various issues that is really important. I think it is something that follows on for future YACs.

Mr DUGALD SAUNDERS: Is there anything that you think could be better as far as your engagement with the advocate and from the Youth Advisory Council perspective?

Ms BACKHOUSE: I think the engagement with the advocate is absolutely amazing. Andrew and Zoe have come to every meeting that we have had. That support is very continuous. Not only is it with the advocate, but also with the office. I think we can ask for briefs at every meeting and we get given those briefs. It is just a very continually supportive environment. I think that for me on a personal level it has been very helpful. When I first began chairing the youth council I did not have the confidence to ask for anything and I was very—but these guys have allowed not only me but the rest of the members to flourish and try and find where we belong, if that makes sense. Yes, so the office is absolutely amazing.

Ms ROBINSON: And she is an excellent chair. She runs a very tight ship in a meeting. It is great.

Mr DUGALD SAUNDERS: From your perspective, have things changed? I guess it is probably a bit of a movable feast as far as how you do react or support the Youth Advisory Council. How do you see that having changed and what might it need to change to in the future?

Ms ROBINSON: Look, I think Emily says it is a privilege to be on the YAC; I think it is a privilege for me as the advocate and our office to have such a great interaction and to have such a great number of young people who share their voices, their opinions and their personal—I think for me I always like to be informed by children and young people. I would like to think I am a young person, but I am 36, so for me to do presentations, for me to stand in front of people, my preference is to be shoulder to shoulder with a young person or for that young person to lead and for me to follow. In both this job and jobs that I have had before, my preference is to work with people who are people that we are meant to be representing and to allow their voices to be the loudest voices in the room.

I look forward to continuing to work with the YAC. I look forward to them having really robust, wonderful conversations where I get to learn and get to be challenged in views that we might all hold. We have this privilege to hear directly from children and young people on issues that matter to them. So whilst we do provide briefing notes from agencies when there are issues that matter to agencies, we also have the wonderful opportunity to say to those agencies, "Here are the issues that matter to young people that matter for you". Being able to bring in agencies, businesses and community to hear that is something that I am excited to be able to do as well.

Ms JODIE HARRISON: Ms Robinson, the NSW Strategic Plan for Children and Young People: The current one was launched in 2016 and it goes to 2019. Firstly, has there been any evaluation of the measures of success in that? Secondly, the advocate has been incredibly busy doing consultations, which has been wonderful. Is there any plan to actually create a new plan or extend that one, revise it?

Ms ROBINSON: Yes, there is evaluation underway in relation to the plan and the actions within that plan. As you can appreciate, in the time that I have been there we have been heavily, as you mentioned, focused on impact of disaster. It is absolutely part of the next step, the review of the plan and the consideration of the new plan. I think it is appropriate to note that as an acting appointment I can define a plan but it is for the person who takes my seat to have a plan that is appropriate for the office. That plan will of course be informed by children and young people in New South Wales.

Ms JODIE HARRISON: I think one of the wonderful things about that plan was that it actually brought so many different government departments together and put responsibilities on those. It is certainly not a criticism of the advocate for not having revised it, but it would be really lovely to see exactly—

Ms ROBINSON: We have gone through and one of the things that was prepared obviously for me when I came in is the plan and the agencies that we had worked with. There is incredible credit to be given to a number

of those agencies for delivering against that plan. Again, I also want to emphasise that there have been agencies that have contributed immensely to the delivery of that plan.

The Hon. GREG DONNELLY: I would like to address my question to Emily. Once again, thank you for coming along. It is great to have you. Thanks for the great work that you have done as the chair. On the issue of mental health and social media, I am just interested in your comments, which have probably been informed by working with the other members of the committee since you have served as the chair. Just to give the context, obviously there is quite deep concern in our society today about matters of mental health, in particular with respect to children and young people. It is said and it is argued—you hear this in different forums and from different experts and people—that there is a belief that social media is having a role in impacting in a negative way—we will deal with the positive later on—on the mental health of children and young people. Some people say in fact that impact is potentially quite negative.

I am just wondering, is that something that you hear and have heard as the chair from your work, that social media is having—or can have, is perhaps a better way of putting it—a negative impact? The second part is, to flip it over, is there a view amongst young people that it can be a real tool for good? That, in fact, it is capable of really addressing what could be the mental health issues of children and young people? What are your thoughts about how that might be able to be done? It is a big question, but I am just keen on your ideas.

Ms BACKHOUSE: Yes, there are many parts to that. I will begin by saying the YAC has had many discussions of mental health and what support is out there for young people who are suffering from mental illness and also the effects of social media. Again, it is good to mention that there is obviously the positive and the negative aspects of social media. I think that it is really important that we do focus on positives as much as we do negatives, because I think that they kind of interact and counterpart each other. I will begin with the negatives, because that was where you had started. We have had lots of conversation about the overuse of social media and how often young people will resort to social media and posting about their mental illness as a way of speaking out. So often, especially in rural areas, the resources are not sufficient to support young people. Often they are more inclined to share or overshare on social media. That can often result in bullying and all of those roll-on effects. We have had many conversations about mental illness and the support, the resources that children and young people need and also how it works and how we can change that.

Focusing on the positives, it is important to recognise that sometimes the people who children and young people have on social media are often their safety. It is not obviously all the time, but sometimes people do respond to those people better. I guess in that turn social media can be used as a positive for networking and to be able to relate to other young people. Going back to disaster, I think it is really important that people are able to connect with others who are going through similar experiences, who are suffering from the same thing. Again, that brings it back to networking and being able to relate to other people—to not feel so alone. But mental health has been a big focus for us and we have had a lot of conversation around that and how we can, as a YAC, try and make more positive change to what is already happening.

The Hon. GREG DONNELLY: In terms of accentuating the positives—so let us focus on the positives—and how it can be a force for good, what is the thinking of young people about what needs to be done to try and make it a better or more of a force for good?

Ms BACKHOUSE: Yes, look, I cannot speak on behalf of all young people, because I personally have not done a consultation on that. But from my personal perspective I think we need to have a resource that is dedicated to young people, focusing on online support with other young people. I know organisations like Headspace have their online resource, but I think we need to have something separate from something that has this negative perception. I think when people think of Headspace that they go to this stigma and these stereotypes. I think it is really important that we have something separate for young people to access when they need it, to be able to support themselves but also other young people as well.

The Hon. GREG DONNELLY: Thank you.

Ms ROBYN PRESTON: Ms Robinson, have you been working with Alison Morgan at all? She is the chair of the Greater Sydney Regional Recovery Committee.

Ms ROBINSON: I have not.

Ms ROBYN PRESTON: I am just conscious because there are about five different MPs regions that are working in that space and looking at the different methods of bushfire and flood disaster recovery. Following on from that question, what strategies—when you go to regions do you have a package that you roll out there? Do you engage at the school level or do you bring children into a forum? How does it work and how do you reach out to support them?

Ms ROBINSON: The way that we do it is our usual face-to-face consultation—participatory research in schools. We approach the schools and we provide them with consent forms and they then approach the students. So we are doing face-to-face consultations in schools. Those groups can range from anything from three—I had one that was two that was an amazing group, interestingly, because it was a young RFS person who had actually saved another young person's house and they were in the same consultation—to up to 30 or more in a group. Because of the form of this consultation we are trying to ensure that we are working with smaller groups to ensure that the voices around this disaster are particularly heard, not necessarily a large forum size in terms of 150 as we would usually do.

When we go into the regions we take the participation team. It will be usually two. If we are at a push it will be one person who goes into the schools. I try to go to as many of the consultations as I can for the exact purpose of being able to engage with stakeholders as well as around the children and young people. That means principals who might want to talk to me about what is going on in their school as well as the local members, as well as local community and as well as local services who might have a view to share on that. When we opened up our online ability to do submissions we had two sections in that: those for those aged nought to 24, and then those for organisations and individuals who may want to share a view as well because they were providing a service or they saw things going on in their community and wanted to share it. So we are trying to get the various layers.

We also have the ability, where we can, to respond if there is a need. So if something else is going on in that community—being able to work with people. What we are also conscious of is, as you have just identified a person who is doing similar work, making sure that we are working together with people if somebody else is going into a community. That is why we are working with Professor O'Kane. We will go in. In the same way, I can just be present at the community meeting so people know that there is an advocate for children and young people who is doing this piece of work. We can help there. If there is a bigger meeting going on and we need to be a part of that then we can be a part of that too, but we are trying to work with multiple agencies and multiple organisations in how we are approaching the community.

Ms ROBYN PRESTON: So the recovery committee is working with a whole plethora of State and Federal agencies, counsellors and schools. I really think it would be good if you could connect with Alison Morgan. I am happy to give you the contact because there needs to be a conduit. I can see here there are activities going on from both groups that are well intended but probably a duplication in some ways—or at least for you to plug into the MPs to know that you are in the area. I had no idea, I am sorry.

Ms ROBINSON: We are also back in your area on 7 April.

Ms ROBYN PRESTON: Yes. And just understanding that the schools that were impacted are very distant apart.

Ms ROBINSON: Absolutely.

Ms ROBYN PRESTON: So to actually try and cover all the schools in one or two visits would be impossible. There were those schools that were shut down and not burnt out, and those that were burnt, so there are different flow-on impacts. I just wanted to put that out there. Perhaps you could connect with Alison Morgan and maybe come into the discussions. We have fortnightly briefings on a teleconference call on a Friday.

Ms ROBINSON: Absolutely. We also have a conversation this afternoon with an executive director in education. Her role is solely focused around the 181 schools that were impacted in the bushfires. So we will work with Education in some of the work that they are doing.

Ms ROBYN PRESTON: Thank you.

Ms ABIGAIL BOYD: Just quickly in the time left, in relation to Juvenile Justice and the work that you have been doing there, what are you hearing from the young people in those institutions and what recommendations—what can we do better?

Ms ROBINSON: You would have heard directly from some of those young people in the video. We are continuing those consultations. As you would know we have met with 84 children and young people. I think it is 127¹—I can make sure that number is right—in total. We have asked them the same questions that we asked. What is working well? What is not working well? We have heard things from—as you heard directly from that

¹ Correspondence from the Office of the Advocate for Children and Young People stated that 'the correct number of children and young people consulted in Juvenile Justice as referenced on page 4 of ACYP's Juvenile Justice Report is 260'.

young person, he talked about kind centres and kind people. That is not necessarily a reflection but that is exactly from a child and young person—his answer.

We are working with Youth Justice around child rights trainings. They have asked us to work with them to deploy child rights training for Youth Justice staff, which is great. It should be noted again that Youth Justice approached us and were very keen to ensure that we could do the training for them. Aboriginal and Torres Strait Islander children have said—cultural programs and being able to access culture and community is a big part of what we heard from those consultations. And then, also the kinds of activities and things that go on in juvenile justice—but we are working very closely with Youth Justice around what they are doing and supporting them where it is appropriate for us to support them.

The Hon. GREG DONNELLY: With respect to the current inquiry we have on foot, which as you know is dealing with supporting the children of imprisoned parents in New South Wales, the advocate's submission is submission number 22. As I understand there is a request to keep it confidential.

Ms ROBINSON: Yes.

The Hon. GREG DONNELLY: I have been through it very carefully and everything I see in it that is certainly in detail and specifically footnoted appears to be in the public domain already. There are publications and academic journals et cetera. Significantly, of course, there are the recommendations, which are very important. I am just trying to understand—why is the request to have it treated as confidential?

Ms ROBINSON: I understand that we have previously made submissions that have been confidential submissions. Noting that the focus that we have done in the last eight weeks that I have been there is on the disaster and the impact of disaster, it was a view formed that we had asked that this submission be confidential.

The Hon. GREG DONNELLY: But why?

Mr SHAW: In the past a lot of the submissions that the Advocate for Children and Young People have made have contained the voices of children and young people that formed parts of reports that we had not yet released.

The Hon. GREG DONNELLY: Yes, but this does not.

Mr SHAW: You make a good point. It does not look like it does.

The Hon. GREG DONNELLY: Not "look like". It does not, does it?

Mr SHAW: We draw from data and consultations with children and young people, but it was normal practice for us to request that it be made confidential. We are happy to that not be made confidential, if you like. That is fine.

The Hon. GREG DONNELLY: Okay. Thank you.

Ms ROBINSON: I think also to note that—in that report we have mentioned some recommendations and we work with the agencies around those recommendations already as well.

The Hon. GREG DONNELLY: Just to be clear then with respect to these recommendations, are these recommendations specifically for this inquiry? If you need to take it on notice—sorry. I do appreciate you have just been in the role for a short period of time. Are these specific to this inquiry or are these informing other engagements with government departments or agencies?

Ms ROBINSON: They are recommendations specific to this inquiry. But because we work with those agencies on a number of matters, we want to do those recommendations with agencies where it is appropriate. The intention is when we make recommendations that they are recommendations that we can support, where it is appropriate for us to support, with those agencies.

The Hon. GREG DONNELLY: Yes. But from your point of view—just a complete hypothetical—if the Committee supported all of the recommendations there is no discomfort for you in that regard? That would be a very good result, would it not?

Ms ROBINSON: It would be a great result.

The Hon. GREG DONNELLY: Yes, okay. Thank you.

The CHAIR: With that, I might just call this part of the inquiry to a close. Thank you all very much for coming along, particularly you, Ms Backhouse. Thank you for your work this year. It is terrific what you have done and the contribution you have made. Indeed, you are a very impressive young lady and we wish you all the best for the future.

Ms BACKHOUSE: Thank you.

The CHAIR: Before taking a break I just need to deal with one procedural matter in relation to additional questions in writing, the replies to which will form part of the evidence that will be made public. Would you be happy to provide a written reply to further questions within 10 days?

Ms ROBINSON: Noting disasters, yes.

The CHAIR: I know that you are very busy and we appreciate that there are many calls on your time at the moment. That would be appreciated. There are a few questions that have been put today that fall into that category, but the secretariat will advise you of those and also just seek final confirmation in relation to the submission that you have made to the inquiry into the children of incarcerated parents. That would actually be not confidential, as well, just to clarify all of that. With those thoughts, thank you again.

(The witnesses withdrew.)

(Luncheon adjournment)

SHARMINIE NILES, Director, Legal Services, Office of the Children's Guardian, sworn and examined

JANET SCHORER, Children's Guardian, Office of the Children's Guardian, sworn and examined

STEVE GHOLAB, Director, Working With Children Check, Office of the Children's Guardian, sworn and examined

The CHAIR: Welcome, one and all, to part two of our public hearings today into the review of the annual reports and other matters of the office of the Advocate for Children and Young People and the Office of the Children's Guardian. A special welcome to you all. Thank you very much for spending an hour of your time with us; I am sure it will be very productive. In that regard, can I just start by the outset to confirm that you have received the information about the standing orders that relate to the examination of witnesses?

Ms SCHORER: That is correct.

The CHAIR: Any questions in that regard?

Ms SCHORER: No. Thank you.

The CHAIR: It is pretty straightforward. Terrific. I also note that the Committee has resolved to authorise the media to broadcast sound and video excerpts of its public proceedings and that copies of the guidelines governing coverage proceedings are available. The hearing is being webcast and can be viewed on the Parliament's website. Ms Schorer, would you like to make an opening statement?

Ms SCHORER: Thank you very much. Firstly, I want to start by acknowledging that we meet today on the traditional lands of the Gadigal people of the Eora nation, the traditional custodians of this land, and I pay my respects to Elders past, present and emerging. Thank you for the opportunity to be before the Committee today. It is a good opportunity for us to be before you at the end of the first week of our new legislation and to talk to you in response to the last two years, but also where we are headed as an organisation.

I have a clear vision for the organisations that work with children in New South Wales that we create safe environments that put children's safety first. We want that to be every time and on every occasion. Our expectation is that vision is acted on across the community. My office is committed to promoting child safe practice, monitoring those organisations and taking action where we are able to, to ensure that organisations keep that safety at the forefront of their minds as well. Central to that is the drive that came from the royal commission and the Child Safe Standards, specifically expecting organisations to demonstrate a higher level of practice that was recommended by the commission, based on their evidence, and to use that framework to develop and respond to risks so that environments are created that are safe for children, and to prevent abuse and neglect.

Implementing those standards is at the forefront of our mind and for organisations that work with children. We want to make sure that every aspect of organisational culture is impacted by those standards, from boards, to leaders and managers, to people who are working with children every day on the ground. That requires strong leadership and sustaining collective effort for action. We need to have the right checks, reporting tools, guidance and support both in legislation and in practice to make that happen. No matter how large or small an organisation is or whether their workers are paid or unpaid, all organisations working with children can and should be safe.

As I just mentioned, from 1 March this year the Office of the Children's Guardian is supported by its own standalone legislation: the Children's Guardian Act. As you would be aware, the Act enabled the inclusion of the Reportable Conduct Scheme into my office. That puts the oversight of investigations of allegations of workplace child abuse alongside our delivery of the Working With Children Check and the work we do in regulating and oversight of child safe practices in out-of-home care and in other sectors. Our focus for last year has been on developing that legislation and continuing the work that we have done for many years in working with organisations to make them child safe.

For the next period of our organisation's life our job is to make sure that the Reportable Conduct Scheme is embedded well in our organisation and to make sure that it works well alongside all the other aspects that we deliver in the Office of the Children's Guardian. And so, there are many opportunities ahead. There are many things for us to learn and keep learning, and we are working currently on what the new strategy might be so that we can continue to deliver on the mandate that the community has given us. As I mentioned before, the Act creates our office as an independent statutory authority and consolidates functions that have been in the care and protection Act with what we already have in the working with children Act and bringing in reportable conduct. That gives us the principal functions in our legislation and broadens our responsibilities and our reach to support many more organisations in the community.

To develop our work to keep children safe, we will continue to administer the Working With Children Check. We continue to regulate statutory out-of-home care and adoption services. We oversee and regulate the employment of children under 15 years in specific industries. We register organisations that provide voluntary out-of-home care or respite and monitor the quality of that care. We oversee the Carers Register and are working to establish a residential workers register. We now oversee the Reportable Conduct Scheme and have responsibility with the Ageing and Disability Commissioner for the Official Community Visitor scheme. We have a voluntary accreditation scheme for people who have committed sexual offences against children.

We encourage organisations to build their capability to be child safe. My organisation has got more than 10 years' experience and capability, particularly in our child safe work, and we want to continue to leverage and support that so that organisations across the State are enabled to do what they want to do for every child, every time. With that, I ask the Committee if there is anything you would like to ask in relation to the opening statement, and any questions from there? Thank you.

The CHAIR: Thank you very much, Ms Schorer. Can I first of all thank you for the report you provided to us under part four of the Children's Guardian Act, under section 136? I might just start there, if we may. I understand that it has been a very, very busy time for you and, if you like, a transition to taking on these new roles under new legislation that started a few days ago.

Ms SCHORER: Yes.

The CHAIR: It is quite an extraordinary level of work that you must have gone through and continue to go through in order to settle all these things. I just wanted to pick up in relation to the section 136 report that you provided—looking at perceived or actual conflicts of interest. Perhaps you could give us a summary of what processes have been put in place? It was an issue raised in the Parliamentary debate and it would be good to understand how you have dealt with those potential conflicts with that transition.

Ms SCHORER: Thank you for the question. It is an interesting one and it was an interesting issue to observe in the debate. What I understand of the perceived issue—because some of it is a perception of how information has flowed historically between the functions that were formerly with the Ombudsman and my office, particularly around the Working With Children Check and the accreditation of organisations in out-of-home care. There has been a flow of information historically and quite a significant flow of information around reportable allegations in both of those sectors between our offices for some time. But we understood that there is a perception that when all of that information is held in one organisation, we might be perceived as being able to make a determination, particularly about an employee and their ability to work, without having the right checks and balances internally about how information was used to form a decision or a judgement.

What we wanted to do—I understand the basis for the amendment in the legislation was for us to provide some transparency about what do we understand as the legislative parameters for how information and when information is to be shared between our functions. There is already a great deal in our legislation and in our current practice that provides those containments. But as you said, we are really at the starters line as an organisation and so this is really our first outing to explain and to give clarity to our staff. But there is a fairly significant piece of work that follows that that is underway now to understand where we need to shift some of our decision points. I would be very happy to come back to the Committee separately and report on that so that you have clarity about where some of those decisions would be, but this is to give some insight particularly for organisations we work with as to what they can expect of us and how we use information internally.

The CHAIR: That was the reflection I had. It was very high level. In that regard, the practical measures on the ground and in the office—it would be interesting to understand that in more detail. Is that something that you are still working through?

Ms SCHORER: Absolutely. I think I recall that I wrote in my letter to the Committee that we would be reviewing and updating that within three months.

The CHAIR: Three months, yes.

Ms SCHORER: If the Committee is comfortable with that, we would welcome the opportunity and we are happy to provide that on our website. As an organisation, we want to be as transparent as we can about information and how decisions are made. I am very happy to provide another update within that three-month period to you.

The CHAIR: That would be excellent. A post three month review—it would be very pleasing to understand how that went as well, were there any issues that you identified and any actions that you have taken or intend to take to rectify those issues.

Ms SCHORER: Yes, absolutely.

Ms ABIGAIL BOYD: I have a few questions for you in relation to out-of-home care, in particular in relation to Aboriginal children and young people. Firstly, according to data that was obtained by my colleague Mr David Shoebridge, MLC, through the Government Information (Public Access) Act process, and reported on by Sky News, the New South Wales Government has removed almost 2,000 children from their homes in five years till June 2019, only to place them in motels, apartments and hotels. The data also showed that Aboriginal children were 14 times more likely to be placed in that kind of accommodation than non-Aboriginal children. In one year alone, we are told, the department spent more than \$43 million on alternative care. Are you concerned about those figures? What steps are you taking to address that?

Ms SCHORER: Thank you for the question. I would certainly share the concern about the quality of arrangements, particularly for those most vulnerable children whose placement has broken down for various reasons, which is often the case, and they end up in an emergency placement or alternative care arrangement. We have expressed concern regarding that. Our role that we identified in that particular issue was to make sure that we had visibility of all of those children and that we had a monitoring arrangement for each of those children and young people.

We as an organisation updated our guidelines and our expectations of reporting the out-of-home care sector—I think the date of that the end of 2018, maybe January 2019; I am happy to clarify that date—was that within a two-week period, we are advised of an arrangement being made that is temporary, and the ability for us to work with the agency to monitor that with the expectation that they have a care plan and a plan for them to go somewhere else that is more appropriate. The question then becomes for the department and for the organisations to work out what those alternatives might be. Our job is to make sure to do what we can to observe the quality of care and to make sure children are moving out and not coming back. We do not have the solution. This would be my observation.

Ms ABIGAIL BOYD: Has it improved, do you think?

Ms SCHORER: It is my understanding that—those would be numbers from the department primarily now—there have been a range of solutions put in place to move children. But the enduring question is: How to improve the quality of casework practice to reduce that? There will always be emergencies; there will always be placements that break down, but how do we provide alternatives that provide more enduring and suitable arrangements for those particularly vulnerable children and young people?

Ms ABIGAIL BOYD: Looking at the findings of the Davis report—obviously they were deeply concerning. *The Guardian* reported that the New South Wales child protection workers were regularly giving misleading evidence to the Children's Court, often taking the most traumatic option by removing Aboriginal children, including newborns, from their families and operating in a closed system that needed reform. I am sure you are familiar with the Davis report; I will not go into the findings. Basically, what is your response to that? Again, what is being done in relation to those findings?

Ms SCHORER: There is a portion of the Davis report that speaks to the regulatory environment that we are involved in responding to. We welcome the discussion on that. As it relates to the casework practice of removing and the evidence for children coming into care, it is not part of the system that we have oversight of. We regulate children and young people who are already in care. That is working with the Aboriginal community-controlled agencies or the department. Once the decision has been made, the Minister is the parent. That is our role. I do not have the ability or the oversight of the broader care and protection system.

Ms ABIGAIL BOYD: Just so I can clarify, you do not have any responsibilities over who is coming into the system, only over how they are treated once they are in the system.

Ms SCHORER: Yes.

Ms ABIGAIL BOYD: Understood. Thank you.

The CHAIR: I just might pick up as a follow-up to that first question in relation to young people in non-home-based emergency care. Can you give us an understanding of what length of time they are in that emergency care? There are reports I have heard informally of some children being in emergency care for not days or weeks but sometimes months.

Ms SCHORER: I would have to provide the data separately to estimate the time.

The CHAIR: Break it up as to the duration, perhaps in that way.

Ms SCHORER: We would have the data available. I think, as I said before, placements break down and so there is an expectation that some sort of medium-term respite or alternative placement might be needed for a season. Sometimes that is a couple of weeks or while a carer is located, particularly for sibling groups. It has

been the case that some young people have been in care in those arrangements for longer. That is for a whole number of reasons. Part of the work that has been going on with the department and with some of the peaks in the past six to 12 months has been to identify whether those are actually emergency placements or is there an opportunity to provide a more stable staffing and placement arrangement for those young people and move them into something different, rather than them being treated as an emergency. There has been some transitional work done, as far as I understand.

The CHAIR: It might be useful—I think the guidelines were changed in February 2019 and I think the changes are sensible—to understand where things in terms of outcomes are going in regard to that change, so we understand whether there has been an improvement—not only the number, it is the time they spend in that emergency care.

Ms SCHORER: I am happy to provide that if the Committee is comfortable with that.

The CHAIR: That would be good. We might put a specific question to you in terms of the time period just so that makes that easier.

Mr DUGALD SAUNDERS: I would be interested in talking a little bit about the Working With Children Check. I am not sure if that is for you, Ms Schorer, or if Mr Gholab wants to jump in as well. I guess there has been a little bit of talk about how effective that program has been. Do you have some initial insight as to what is working and maybe where things can be improved?

Ms SCHORER: I might kick us off and I will hand it over to Mr Gholab. The Working With Children Check is, as someone who has come to it in the last 2½ to three years, a really interesting, important foundation to what is the architecture of a child protection system overall, but it is a relatively small part in the scheme of things. There are now more than two million adults in New South Wales who have a Working With Children Check and increasingly those are people who have been in the system now for more than seven years or who are on their renewal. There is a maturity that has come with having had the scheme operating in New South Wales for some time and the model we have around continuously monitoring everyone who has one. Some of the challenges relate to my opening remarks around organisations and their understanding of risk and being child safe.

Our observation is seeing that often the check is used in ways that it should not be, so it is used by organisations to manage other risks, where people are not working with children. Our experience is that it means that people, who may have had a past that has had criminal activity or other things that would mean they do not get a check, are unfairly discriminated against, in our view, because they are being asked to go through a process that is unnecessary for them. Then it becomes a bit traumatising, in our experience. But the way that we operate now, the obligation is on us as an organisation to process those applications once they are with us. There is a lot of work for us to do and with the sector to understand if someone is really in child-related work and, if you say they are, that they understand the process they are going through, but also that you have an obligation as an employer to do your part as well.

The other part that we have been doing a lot of work on in the last 12 months has been the experience of Aboriginal people as applicants for the Working With Children Check. Whilst the outcome needs to be the same in terms of the thresholds in the legislation about who does or does not present a risk, we have been working hard to understand and improve the experience of the applicant through the process, doing some work on our communications and our initial interaction with someone who particularly needs to be risk assessed who is Aboriginal, and doing some work with some communities to enable a different conversation with community organisations, with Elders groups, with community legal services, so that applicants have a better understanding and are supported through the process, because it can be traumatising and we acknowledge that.

Also, to be able to provide a mechanism for a community reference to be included that provides some weight to someone undertaking the protective factors that are associated with remedial effort or being part of community life and the accountability to Elders and community. We want to make sure we still make the decisions that the legislation requires of us about individuals who present a risk, but to create a different experience for applicants who need and rightly deserve, because of their history with government entities like ours, a different experience as an applicant so we are not contributing to their further trauma. Those are some of the challenges that we are trying to work on. There are works in progress, I acknowledge that. Mr Gholab might have some other observations that he wants to add in response to your question.

Mr GHOLAB: Thank you for your question. I guess, just to further expand, for the last 12 to 18 months the Office of Children's Guardian is making a lot of practical changes to the way we interact with the community around what the Children's Guardian has noted around engagement with public awareness and information sharing around the Working With Children Check and engaging now with the two million Working With Children Check holders to also be the champions around what it means to be child safe in the broader community. The practical

changes may include as well the communication, so that it is accessible and inclusive of people with disability, cultural or linguistically diverse communities and also Aboriginal communities to engage with the process, because it is critically important—for those who are wanting to obtain a Working With Children Check, to engage in the process, if they proceed to a risk assessment—to hear their side of the story of what is going on for them at that time and make sense of that.

Other elements are improving the customer experience around, you may be aware, accessing the Working With Children Check via the Service NSW app, and the accessibility and the efficiency of that. Also, to assist people in regional and remote communities with access to that app and to be able to readily show that and share that with employers. And elements of operation or of continuous improvement within the Working With Children Check operations ranges from the mechanism of how we make decisions and the improvements in that, and learnings from the NSW Civil and Administrative Tribunal [NCAT] as well. So there have been a number of activities over the last 12 months, just to expand on the Children's Guardian's comments.

Mr DUGALD SAUNDERS: Has anything been going wrong? Have you noticed anything that you particularly think you need to fix in regards to the risks around what Working With Children Checks are supposed to be doing?

Ms SCHORER: We make the right decisions and we have a fairly robust process to do that. I think the challenge is—the primary one is the first one I mentioned around its use in the community for purposes it is not intended to do. For my staff, being on the end of the phone with someone who they know is having a really difficult time, going through another administrative process and having to retell their history, when we know they do not need it for their work, so that is something that we are doing some thinking about internally now as to how we might redesign when we come to the review of our regulation and then the Act in the next few years, how we might contain that, because it should not be something that is used to either discriminate against people because an employer knows that they will not get a clearance, or that it is used in a way that traumatises people. I think that is the main—the reality is that that means when we have people who are unnecessarily applying it is particularly more work in risk assessment, to be able to work through those when people have a lot of records. I think that is the main focus for us, how do we grapple with that.

Mr DUGALD SAUNDERS: Just finally, with the new Act coming in, obviously you are trying to do more community engagement. How are you managing staff-wise and is that something you need to be considering in the future?

Ms SCHORER: I will never say no to more funding. We have a focus at the moment on getting out to communities and talking about what we are about and the new Act and always us responding to questions about the Working With Children Check. We have a team of trainers and people who are doing that community engagement, so that is not—sometimes our risk assessors go out on the road with our compliance team, because it is great for them to be out in community to hear the sorts of questions people ask about the risk assessment process. Their feedback to me is how much that has really shaped and strengthened their practice, because when you have to explain it to an employer or an applicant in front of you, it gives you greater clarity. But we also want to be out on the road, so we have about 27 community forums happening across the State over the next month to explain every aspect of our role. We will continue to do those, but we have a dedicated team who are out and about doing that, partly explaining reportable conduct, but also the Working With Children Check and what we are about.

The CHAIR: Do you think that is adequate for your needs and to ensure that the messages are getting out there that you want to have out in those groups?

Ms SCHORER: I think that is a good start. There are lots of questions. We try and use other channels as much as we can. I think Mr Gholab mentioned before, and I was mentioning, the forums that we have done through organisations like the legal services and through community groups. I think the best approach to resource limitations, which there will always be, and the impact of community and culture change in understanding what child safe practice is overall, which is our ambition, is that other people are the messengers, not just us. So to have communities understanding how risk assessment works in the Working With Children Check, or how do I apply—and that is not our voice all the time—is much stronger. So we see ourselves as trying to facilitate and equip and not being the messenger all the time.

The Hon. GREG DONNELLY: My question is to the Children's Guardian in regard to the matter of the alleged bullying within the Office of the Children's Guardian, specific to the correspondence that has been exchanged between yourself and others, particularly the letter to the Chair, which you may not have in front of you, but it is a letter specific to 20 December 2019. In paragraph two you referred to the Grisard Consulting firm engaged to undertake an independent review, which I understand was completed, a copy of which was provided obviously to yourself, but I also understand the secretary of the Stronger Communities cluster and also a copy to

the Minister. That is confirmed on a piece of correspondence that I have dated 14 January 2020. In terms of the Grisard Consulting report, are you able to provide a copy of that report to the Committee on notice?

Ms SCHORER: I am happy to provide a copy of the report. Yes, that is fine.

The Hon. GREG DONNELLY: With respect to the same letter to the Chair dated 20 December, it says in paragraph 4:

The report notes that there were interviews held with approximately 15 per cent of the OCG's workforce. Staff volunteered to be interviewed or make a submission and this could be done anonymously. The report notes that the available evidence doesn't convincingly demonstrate that specific staff have been bullied. However, it does note there is sufficient evidence to suggest that leadership and management skills could be improved in several of the OCG's teams.

Now, specifically, the part that says, "The report notes that the available evidence doesn't convincingly demonstrate that specific staff have been bullied," did it demonstrate unconvincingly? I am not being clever here, but it says convincingly, which would suggest that there was some evidence provided via the survey that there was some bullying going on. Would you care to respond to my question regards clarifying?

Ms SCHORER: Yes, happy to and thank you for the question. I am happy to clarify that. So if I take a step back just to clarify the process that we went through. I will not go on about it, but at the time of those allegations being made I was very clear that I wanted to be transparent about the process that we went through so that staff and the community had confidence that when those sorts of allegations are made in any organisation, particularly any one that I am the head of, that we take them seriously, and in two ways. We wanted to give staff the opportunity to speak to some of the claims that were made anonymously and then to have that information treated anonymously if they chose to. Then the Grisard Consulting work was done independently of me so that there was not any sense that if there was anything—because one of the claims that was made was that things had been reported to me that I had not acted on. There was certainly no evidence of that.

The commentary from staff, the person that staff spoke to and the Grisard report indicates there was not any further information that came from those interviews that indicated there were any further claims to bullying. It said that there were some issues with management style and interaction style that we needed to work on, but there was nothing that indicated there was a culture of, or further claims of, bullying that needed to be investigated or tolerated.

The Hon. GREG DONNELLY: Addressed.

Ms SCHORER: Yes, that is right. There were a range of things that they recommended, and you will see that in the report, that we have been working on over the last few months that go to some of the things that come out of a new piece of legislation: helpfully, clarity of purpose, what is your role and investing more in our people. That is what we are doing. I think the other feedback that the report provides is that the strong view from staff, in their conversations with the person anonymously, was that the representations that were made about the culture of our organisation was not correct. There is lots for us to work on; we are an organisation of nearly 200 people—that happens. We have taken their feedback on board. But it is not a culture that is overridden by bullying by any means.

The Hon. GREG DONNELLY: Just returning to the final sentence:

However, it does note there is sufficient evidence to suggest that leadership and management skills could be improved in several of the OCG's teams.

Then over the page it has a summary of the recommendations. There are five dot points. Is that the extent of the recommendations? I appreciate you may not have the correspondence, but it says, "The recommendations are summarised as", and then there are five dot points. Is that the extent of the recommendations from the report?

Ms SCHORER: It is not a lengthy report and, primarily, when you see it, the report speaks to themes and high-level issues, because when staff have made—for reasons known to them—reports and commentary anonymously, we need to do what we can to protect the staff who have made those comments. It is high-level about things that, as an organisation, the consultant recommended to the secretary that I would adopt, which go to management practice, investment in capability building, how we give greater clarity to business process. You have it in front of you. I am speaking off the top of my head.

The Hon. GREG DONNELLY: Sorry, I am not trying to trick you here. The first dot point is quite a significant one. It says:

- A thorough and comprehensive re-engineering of business processes to be conducted with maximum engagement and input from staff.

To be making a recommendation that there should be "thorough and comprehensive re-engineering", that is a pretty bold statement. One might say, "Well, listen, something was obviously there"—when I say there, you know,

that was discovered through the process of the work done by the reporting organisation—"to justify making a bold statement like that." I mean, it is not subtle.

Ms SCHORER: No, that is right. If you will recall, the correspondence and the focus of that was staff, particularly in our operations area, not feeling that they had clarity about how they held risk and the types of decisions they were making on the basis of risk to clear or bar an individual. The recommendation comes from, "give people greater clarity across the organisation", because Working With Children Check is a pretty significant part of us, so we have taken exactly that opportunity and that will be part of what the Committee will have visibility of now. We have that work underway currently to do across the whole organisation, now that we are a bigger organisation, to re-engineer all of our business processes across functions, across the whole organisation, including reportable conduct, so that everyone is clear about where certain decisions are made, what kind of risk do I hold as an officer, where are different decisions made and providing the right tools and support for people to be able to do that.

That said, as far as the Working With Children Check goes, a lot of that work started following the review that Mark Robinson did of the selection of decisions, because whilst at the time he made some observations about how we keep our records, it was our observation that the sentiment coming out of the correspondence at the time was that we need to do some work with our staff to make sure that they understand and have the right tools to do their work and make the decisions that they do, and we need to give them the psychological safety in doing that really difficult work that they do every day to hold that risk. We have had someone working with us since November last year to do exactly that with our operational staff. Yes, it is a significant—I agree with you—recommendation. I do not shy away from that. It needs to acknowledge the evolution of this organisation and the significant and important work we do. We needed to hear it and it needs to be on the record for the community to have confidence that when we are making a decision—

The Hon. GREG DONNELLY: No, thanks for that. That is why I am giving you the opportunity to answer the question. I will finish on this point. Below the dot points on page 2 of the letter you say, "I accept all the recommendations made, many of these actions"—this is apropos your previous point—"are already underway and will be a central focus from early 2020." So in terms of the implementation of all the recommendations, what do you think will be the time in which you will be able to say with some confidence that they have been fully recommended? How long do you think it will take?

Ms SCHORER: I would want to give you as the Committee a fairly healthy and substantial response to most of those when I come back to you in three months, because, particularly when you have a new piece of legislation and you have a new part coming into your organisation, this is the time to do it and that is exactly what we are doing. As the letter and as the report recommends, that is something that our staff are deeply involved in. They are part of the working group to design that now, they have been part of a number of working groups and sessions to recast our strategic plan. Everything we are doing is deeply involving my staff to make sure that their view, their expertise, their knowledge is brought to the floor in how they want the organisation to look into the future. Absolutely.

The Hon. GREG DONNELLY: Thank you very much.

The CHAIR: If I could just pick up the strategic plan. When do you expect to finalise that?

Ms SCHORER: That will be finalised end of this month, early April.

The CHAIR: Would you provide us with a copy of that?

Ms SCHORER: Absolutely, yes.

The CHAIR: Thank you. That would be very useful.

Ms ROBYN PRESTON: I have a couple of questions following on from Mr Donnelly's line of questioning. How did it make you feel when you received those recommendations?

Ms SCHORER: In the review?

Ms ROBYN PRESTON: Yes.

Ms SCHORER: As the CEO of an organisation I call the game but I am the CEO. It is a great opportunity. Whilst the formal feedback that came from those letters from staff is deeply upsetting, because as I said to my staff at the time I would like to not be in the position where they feel that they have to go down that road. It creates a tremendous opportunity for us as an organisation, particularly in the season we are in, to learn. We have had many expert reviews with deep expertise in system redesign in the kind of work we do and we have brought to the fore the voice of our staff so powerfully. In my view now it is an absolute gift because we have the

architecture and the perspective to be able to say, "Well, we have had our watershed moment, now let us march on".

Ms ROBYN PRESTON: It is an opportunity to move forward?

Ms SCHORER: Absolutely. It is a great opportunity. And we have got deep insights from people who have reviewed us and also from our staff to do that.

Ms ROBYN PRESTON: Good. Just touching on what you said before about the forums that you have organisations attending to ensure that they create a safe opportunity for children. What sort of organisations would come along to those forums?

Ms SCHORER: I am happy to provide the information. They are usually organised in council where we have a great partnership with local government and they host us. It will be early childhood providers, the local sporting clubs, sometimes it will be focused on faith groups. They have just come in to the reportable conduct scheme so there will be a particular focus there. It might be neighbourhood centres, community legal services, a whole range of organisations.

Ms ROBYN PRESTON: Typically what numbers would come to those forums?

Ms SCHORER: Some of the forums we are running in the next month are upwards of 50, some of them are up to about 90.

Ms ROBYN PRESTON: Is there a kit or something that they can take with them that helps them work through that?

Ms SCHORER: Yes.

Ms ROBYN PRESTON: I am just conscious that we have a focus on safety for women as well in public spaces, for example. Is that the sort of thing you also look at, safety for children in public spaces?

Ms SCHORER: It would be a component of the training we would do with child safe practice. It might not be in these forums.

Ms ROBYN PRESTON: With local councils perhaps as well?

Ms SCHORER: Yes. There might be other information we can provide. I am happy to provide what we are delivering in those. At the moment it is specifically focused on people understanding the new legislation and what it means for them.

Ms ROBYN PRESTON: Yes, of course, and educating in that way.

Ms JODIE HARRISON: Ms Schorer, the annual report refers to work sector audits that have been done in early education and child care, children's health services and education. What are the outcomes of those audits, what have been the findings and general themes that have come out of those audits?

Ms SCHORER: Can I clarify the question? Are you talking about compliance audits, is that what you are referring to?

Ms JODIE HARRISON: Yes, compliance audits.

Ms SCHORER: Our compliance work is focused on that organisations are meeting their legal requirements to verify for the Working With Children Check, that is the limitation of our compliance work at the moment. In the main people, organisations, do the right thing fairly quickly. Either they did not know or they were already doing it and did not tell us. In a small number of cases—I am happy to provide the detailed data separately for the financial years that we are looking at—some of those need us to do more assertive compliance activity, so work with the organisation. In a small number of cases, two to three a year, we have matters where we need to refer these to police or an even smaller number where we have to make a report to the Department of Communities and Justice for risk of significant harm. In a lot of cases that is proactive work, going out and being in communities and seeing where an organisation has shut down and knowing that they no longer require our compliance activity. In the main it is just about their role and meeting their legal obligations to verify the Working With Children Check and not employ people who are barred.

Ms JODIE HARRISON: Were there any particular areas that popped up in the compliance audit?

Ms SCHORER: I do not have the specifics of what we have done around compliance for each sector. If the Committee is comfortable I am happy to provide that level of information, if it is available, from the compliance team. The information which I have, which I am also happy to provide, is more at an aggregate level. I am happy to provide you with themes of what we see from compliance.

The CHAIR: If I could ask you a little bit about the intensive therapeutic care model which has been rolled out and that you are monitoring. Can you provide an update of where that is at and what you are monitoring and your views on how that it is being rolled out, its effectiveness?

Ms SCHORER: Intensive therapeutic care [ITC] is the new model of residential care for children and young people providing for intensive therapeutic models. Our observation as the monitoring agency is it is still a model in development and I think the department would acknowledge that as well. We see some great opportunities with it and in monitoring those organisations see young people doing well and we can provide some information about that activity if that is helpful.

The CHAIR: Do you audit that in anyway? Do you see on the ground how it is operating?

Ms SCHORER: Our role with ITC, as with any out-of-home care provider, is that we have a schedule of monitoring and accrediting the same organisations. Some of them would be involved and provide statutory out-of-home care in foster care and some residential and providing ITC. They are assessed against the same standards, permanency standards, as every other out-of-home care provider. We go out and monitor those as do the official community visitors. Now that those are part of the organisation we work alongside them as well to make sure we get insights about the experience of young people but also our work with the organisations in our general program of monitoring and oversight.

The Hon. GREG DONNELLY: I am not intimately familiar with the community visitor program. I have been following it with the reports that come across our desk on a regular basis. It seems to be important, the community visitor role. I am wondering, are you able to share with us any insights: Is participation in it as good as it could or if it is not what might be able to be done to promote the role so more and more people might consider putting themselves forward?

Ms SCHORER: Being a community visitor?

The Hon. GREG DONNELLY: Yes.

Ms SCHORER: That is a good question. I am four days into having joint responsibility with the ageing disability commissioner.

The Hon. GREG DONNELLY: If you wish to take it on notice so you can reflect more deeply that is fine. I do not want to put you on the spot.

Ms SCHORER: No. I think my observation would be, as I said, particularly for young people in residential care, from our perspective, it has a different lens as it relates to adults in disability settings. It is an invaluable resource for us. We would encourage and will work with the commissioner to have a strong workforce of community visitors and to make sure we are able to get the insights we need about young people in that community.

The Hon. GREG DONNELLY: Do you have a sense that there are sufficient numbers of people coming forward to put themselves forward for consideration or there is a need for promotion?

Ms SCHORER: I do not know that I would have an observation. I have not got into the operational side.

The Hon. GREG DONNELLY: Take it on notice.

Ms SCHORER: Yes.

The CHAIR: I would like to ask you about the cross State reporting of the Working With Children Check. I think there was a move towards a national database so people could be tracked across States. Can you give us an update?

Ms SCHORER: Thank you for the reminder. There was a commitment made following the royal commission that there would be a national reference system to enable sharing of certain information about barred persons across States. The work has been done to design that and to set it up with the Australian Criminal Intelligence Commission. We are in the process of aligning our system to interact with that and it requires some legislation to be passed which I understand will move through later this year to enable us to interact with that. That is ready to go. Operationally it just requires the legislative amendment to make that happen.

The CHAIR: Is that for privacy concerns and the like?

Ms SCHORER: Yes and provide the ability in legislation to share the information.

The CHAIR: Okay. And the IT systems are there? There is no drama there? That is work that is well advanced.

Ms SCHORER: No, the IT system is easy enough.

Ms ROBYN PRESTON: Is there funding for that going forward?

Ms SCHORER: Yes. The process was that the Commonwealth directly funded the development and building of the system and then we pay—as usually happens in Federal arrangements—our portion as a State, the largest State, but we have the resources to do that. That is no problem.

The CHAIR: I also wanted to ask about your audit processes. Your compliance, if you like, so far as the risk-based approach you use determining where you have on-site inspections and the like. Can you just run through how you go about that and what information sources you look to and how you make those sorts of decisions?

Ms SCHORER: Could I just clarify? Compliance in terms of the Working With Children Check?

The CHAIR: Yes.

Ms SCHORER: There are a number of ways that we design our compliance model each year. A lot of that goes to where in looking at how organisations verify or do not and where we see people coming through the applicant process who have not been verified. To understand where we might put our effort in compliance on a risk basis so we know that organisations like the Department of Education have got compliance down to a fine art. That is their job, they have a regulatory body that does it for them. We focus much more on locations or on sectors where we know compliance is lower and often that is in the voluntary sector.

Our objective is always to build people's understanding of how to comply easily. We do not go to enforcement quickly and we very rarely do. That analysis comes from the information that is significant in the Working With Children Check system, the work that is done in ChildSafe and now insights from reportable conduct about where we know organisations need additional support. As good compliance staff do, they are looking on Facebook, they are out and about in communities and talking to people to know which organisations are doing the right thing and which are not. So part of their work now—my compliance team—they are out on the road a lot and they are in communities, talking to employers, talking to the local netball club about what they have got to do to be compliant and explaining it as simply as possible. That is the focus. They do it on a risk-basis and they do it on a geographic basis and we can draw those insights from the Working With Children Check system.

The CHAIR: So intelligence from across government is a source you would be looking to—

Ms SCHORER: Absolutely.

The CHAIR: —and any other media or type of incidents?

Ms SCHORER: We have a lot of people who just email us. All of those insights go into how do we focus our effort.

The CHAIR: How many inspectors do you have that do that work?

Ms SCHORER: The compliance team— I am happy to provide that exact number. I think it is six or eight that go out.

The CHAIR: I also wanted to clarify in terms of the entities coming into the scheme on proclamation. This slide you provided us, the providers of family group homes, overnight camps, accommodation and respite services for children, that provide overnight beds for children, including housing and homelessness services. Where is all that up to in the transition and when do you expect these groups to come online?

Ms SCHORER: The legislation commenced on 1 March. We have provided a range of information to those entities last month. We are in the process of doing some community education and some work individually with them. They have got a period of three months before the provisions are enforced. Our focus—certainly the focus of the Reportable Conduct Scheme—is about capability to do reportable investigations well, to manage reportable allegations well rather than being about enforcement. I might ask Ms Niles if there is anything more to add to that transition?

Ms NILES: So that list of agencies that you mentioned, they have not been proclaimed to commence yet. We need to have further consultation with them. They were recommended by the royal commission to be included so they have been included in the legislation but we need to do some further consultation with them before they are brought in. Given that we are already bringing the faith sector in and there is a lot of work to be done in that area in the first instance, just bringing them into the scheme because they have never been in the scheme before, we have left this—

The CHAIR: They are already in though, are they not?

Ms NILES: They are in. The faith sector is in and all of those that were previously in are in. This group—that third column—they will be coming in once we get a chance to do some further consultation with them. We have not done further consultation with them yet.

The CHAIR: So what is the time line? Have you got a start date for consultation? An end date? Application of the Act?

Ms NILES: We have not got a time frame yet because we are only three days into it. We need to get the faith sector settled in first. As soon as that is done our next port of call would be that group.

The CHAIR: But you must have an understanding of what your work program will be over the next 12 months is what I am asking?

Ms NILES: I would say in the latter half—

Ms SCHORER: In the second half of the year.

The CHAIR: In the second half of the year and that will be self-evident from the actual strategic plan which you are developing. So you will identify all of those things and the time lines.

Ms SCHORER: It is fair to say that they are conversations we are already having.

The CHAIR: Yes. There are a lot of conversations to have here. It is quite a stream of work, re-education or education of people of their new requirements, understanding the timings and their responsibilities. It is a very big piece of work.

Ms SCHORER: Significant, yes. The good thing is though that because the Reportable Conduct Scheme, in particular, has been operating in New South Wales for 20 years, in the sectors that work with children there is a familiarity. So many of these organisations might be providing those sorts of services but they might be coming in now because they are a faith entity or they have a school or those sorts of combinations, there is a level of understanding about what reportable conduct is and is not in terms of practice. So we are going from a strong base.

The CHAIR: That is good. With the faith groups or the faith religious bodies, how has that transition worked? Have you had any transition issues there as well? Is that working well in terms of their requirements being met?

Ms SCHORER: Early days would be the judicious response. Certainly a number of them are contacting us already days into the new legislation to ask questions about how do I handle this. That is exactly what we want. We want organisations to be in touch with us to say, I have got this matter, what do I do with it, how do I handle it, because a lot of the work is on the phone.

The CHAIR: But you have had conversations with them before now obviously.

Ms SCHORER: Oh yes.

The CHAIR: So they know that they are engaged.

Ms SCHORER: Particularly with handling a reportable allegation, there is something that comes in the conversation about it in theory but once you have actually got a matter before you, it is then what do you do with it? We really encourage people to get on the end of the phone, talk to us, we will work it through with you. We do have a specific tool for the faith sector around ChildSafe and how to manage reportable allegations that will be released later this month that will give specific guidance for organisations in the faith sector about how to think about and how to handle reportable allegations in their context. That will be coming out later this month.

The CHAIR: Should that not have already been in their hands?

Ms SCHORER: They have some of the information that has already been provided around the responsibility of entities. That stays the same for everyone. So what is already available on our website specifically goes to case studies and other specifics about in a ministry context, for example, how do you handle particular conversations with a child or with an individual who still wants to be part of a faith community for example, but where something has happened. How do you manage that? It goes into those sorts of details.

The CHAIR: But from their side, from the side of these faith organisations, have they been compliant? Do they want to be part of the process?

Ms SCHORER: They have been.

Ms NILES: They want to be part of the process. They have been very keen to come into it.

The CHAIR: There is no resistance there? I just wanted to clarify that.

Ms SCHORER: No. Not at all. They have worked with us on the development of the resources—

The CHAIR: A very collaborative approach.

Ms SCHORER: Very collaboratively. Without a doubt.

The CHAIR: Terrific. Any further questions?

Ms JODIE HARRISON: Appeals in relation to Working With Children Checks. There were 70 for the year. Some 26 of them were regarding automatic bars. What were the results of those appeals? Not just for the bars but for the remainder as well.

Ms SCHORER: I might ask Ms Niles.

Ms NILES: I would not be able to tell you the exact numbers but a significant number of matters would have been—they would have overturned some of our decisions. Mostly because if they were automatic bars, we would not have—the Children's Guardian does not have a discretion in relation to those matters. In relation to other matters, often there is additional information that comes onto the scene between the time that we made the decision and it goes to NCAT. For instance, there might be psychological reports that might have been provided, or time since, or other work that had been done in terms of rehab work. They would all contribute to the tribunal then looking at it slightly differently, perhaps, from the way the Children's Guardian might look at it. Overall since we have also introduced the real and appreciable risk test, which the tribunal also applies, there has been a much greater level of consistency in relation to the decisions that come out the other end from the tribunal. We can provide you with the exact numbers, if you wish.

Ms JODIE HARRISON: The changed decisions where it is as a result of additional information—is there some way that that additional information should have been considered in the Working With Children Check in the first place?

Ms NILES: It just depends on what information becomes available. We seek information from a very different number of sources in determining the matter in the first instance. Sometimes information is not forthcoming. Sometimes the applicant may not provide information as requested. Sometimes other agencies do not provide or they would not provide us with references. It just depends on how much information we are able to access. Often once it goes to the tribunal the information that comes in is of a better quality and a better value. The fact that it is at the tribunal—I think there is a greater degree of compliance in terms of the request for information. It just depends on what information is available to us. We do our best to get as much information, and that is sometimes why it takes a longer period of time for us to make the decision because we are waiting for information to come from various other sources.

Ms ROBYN PRESTON: Just following on from Ms Harrison's question, is there a trend for an industry that tends to appeal the applicants?

Ms NILES: I would not think so because these are applicants that are usually seeking a review of the decision. I would not be able to comment on that.

Ms ROBYN PRESTON: It is quite random, then?

Ms NILES: I would say so. It depends on how much an applicant would understand the process or have the capacity to, or be willing to, go through that additional review process. As well, there are some matters where a person cannot seek review. The legislation already prescribes certain offences that you cannot seek review on.

The CHAIR: Excellent. That all but concludes our hearing today. I just want to thank you all very much for coming before us today. I appreciate your time and efforts. A procedural item to finish with, and that is in relation to additional questions in writing, for which replies will form part of your evidence and be made public. Would you be happy to receive those and respond within 10 days?

Ms SCHORER: Of course.

Ms NILES: Yes.

The CHAIR: That would be excellent. There are also a few items that were requested during the course of the hearing, which will be made known to you through the secretariat—if you could provide those as well. I think you could probably safely assume that we would like to hear from you again in relation to the issues about business processes and the strategic plan and the like. We will come back in due course as to whether we need to actually have a further hearing to follow up on those issues. We realise it is a massive transition and you are doing a wonderful job in difficult circumstances. We do appreciate that and we are here to support and assist you in that

process as well. Thank you again. Thank you to the wonderful secretariat members here supporting us and of course our wonderful people from Hansard.

(The witnesses withdrew.)

The Committee adjourned at 14:04.