

REPORT ON PROCEEDINGS BEFORE

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

**2024 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 Jubilee Room, Parliament House, Sydney on Monday 18 March 2024

The Committee met at 10:15 am

PRESENT

Mrs Helen Dalton (Chair)

Legislative Council
Dr Amanda Cohn
The Hon. Aileen MacDonald

Legislative Assembly
Ms Karen McKeown (Deputy Chair)

PRESENT VIA VIDEOCONFERENCE

Ms Kylie Wilkinson

The CHAIR: Good morning. Thank you for attending the public hearing of the Committee on Children and Young People's 2024 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. I am Helen Dalton, the Chair of the Committee. I am joined by Deputy Chair Karen McKeown, the member for Penrith. My other colleagues include Dr Amanda Cohn; Donna Davis, the member for Parramatta; the Hon. Aileen MacDonald; and Kylie Wilkinson, the member for East Hills, who is joining us via videoconference. Welcome, everyone.

Before we start, I acknowledge the Gadigal people, the traditional custodians of the lands on which we are meeting today. I pay my respects to the Elders of the Eora nation, past and present, and extend that respect to other Aboriginal and Torres Strait Islander people who are present or are viewing the proceedings online. I thank the witnesses who are appearing before the Committee today.

Ms ZOË ROBINSON, Advocate for Children and Young People, Office of the Advocate for Children and Young People, affirmed and examined

Ms UNA O'NEILL, Director, Office of the Advocate for Children and Young People, affirmed and examined

The CHAIR: I now welcome representatives from the Office of the Advocate for Children and Young People. Thank you for appearing before the Committee today. Please note that the Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media purposes on the New South Wales Legislative Assembly's social media pages. Please inform the Committee staff if you object to having your photo and videos of you taken. Before we proceed, do you have any questions about the hearing process?

ZOË ROBINSON: No.

The CHAIR: Okay, thank you. Would either of you like to make a short opening statement before the commencement of questions?

ZOË ROBINSON: Just that, obviously, I acknowledge the traditional land that we're on today and pay my respects to Elders past, present and emerging, and I want to acknowledge all of the children and young people who informed our work for this reporting period, and the two members of our Youth Advisory Council who are here with us today, who will appear before the Committee later. Thank you.

The CHAIR: Una?

UNA O'NEILL: No, thank you.

The CHAIR: We will now move to questions from the Committee. Before we begin the questions, I inform the witnesses that they may wish to take a question on notice and provide the Committee with an answer in writing within 14 days after receiving the questions. I will begin with a question. During the reporting period, your office made a number of recommendations to stakeholder agencies and departments—that was at page 23 of the 2022-23 annual report and page 38 of the 2021-22 annual report. As a general comment, how are your recommendations received by the Government and agencies? Do you report on these or follow-up?

ZOË ROBINSON: Thank you for the question. In terms of the process of how specific reports work, we provide the specific recommendations that have an impact on a department or an agency to them. So we'd provide them a copy of the report in its fulsome and then we would pull out particular recommendations that affect that agency. In some of those scenarios and if I think about the strategic plan as a whole, as an example, there are things that our office aren't in charge of delivering against and so we would work with particular agencies and departments to see how they're tracking against that. What I would say is that we're currently in the process as an office of pulling all of the recommendations from all of the reports that I have had the privilege of working on since I have been Advocate to understand where they are and how they are tracking, because I think we've talked a lot about accountability. We, obviously, disclose the tracking report that's attached to our strategic plan. So there is work that needs to continue in terms of making sure that those recommendations continue to be worked with those departments and agencies.

If I give you a really relevant and recent example, the vaping report is a particularly good one, I would say, in terms of working with Health and Education about some of the key recommendations, and we've already seen those being implemented, including the recommendation that children and young people themselves had about vape detectors and the decision by the Department of Education. The shorter answer to that is we work with the agencies, we probably still have some work to do to ensure that there is tracking that goes on against those particular recommendations and reports. Some of those things are deliverables that we hold, some of them sit with the departments and agencies, but we're in the process of collating all recommendations from the key reports since I've been Advocate and doing a tracking against those recommendations to see where some of them are up to.

The CHAIR: Thank you. Page 23 of your 2022-23 annual report refers to—and you've just mentioned—the tracking mechanism to monitor the recommendations to Government made in the office's submissions and reports. Can you tell us more about how the tracking mechanism works and how effective it has been in enabling the Office of the Advocate for Children and Young People to track and follow-up on recommendations that have not been responded to?

ZOË ROBINSON: The way that the specific tracking report that you're talking about works is that when we did the *NSW Strategic Plan for Children and Young People* we had a baseline dataset and that is reflective of the pillars that are attached to that strategic plan. We did some work around having baseline data and that was done in a quantitative way—so that was using an external body to assist us with that. And then what we have done for now two years, because we've just released the second tracking report, is to track those key measurements year

on year. As an example, we do things—which we don't necessarily in government often test with young people—like, "How positive do you feel about life in New South Wales?" That is one of the measurements that we have as an example. That is not a measurement that's held anywhere else in government, I would suggest. We do that in a very structured, quantitative way, to make sure that we are seeing how children and young people are faring in the State of New South Wales broadly.

As an example, when we do the physical and mental wellbeing, that is one that, obviously, we share with our colleagues across Health and the Mental Health Commission to say, "Here's how young people themselves are tracking in this space." But one of the big things that we do that I think is really important and is often lost in terms of quantitative versus qualitative data is we actually asked children and young people what are the key issues for them right now. That is a free form text, and that allows us to keep seeing whether there are issues that have shifted. If you have seen this tracking report, one of the big ones is cost of living. That has now become the number one issue for children and young people, and so that allows us to work with Government to prioritise things around that particular issue.

As you would appreciate, considering the resources of the office, our ability to necessarily work with all departments about all the things that they are doing for children and young people, and ensure that there are consistently programs or policies or things that are tracking against that, is difficult for us to do because we just don't have the resourcing as an office to do it. But we do work in terms of saying, "Here are the key things". Again, we provide every department, secretary and Minister in relevant areas with that data to say, "Here is what children and young people are saying about the particular things that you might have a remit around." Then we would say, "If we have particular work that we can assist with around this, we would like to do so. If there are programs that you are doing, please let us know that you are doing particular programs to deliver on good outcomes for children and young people."

The CHAIR: I throw to the Committee for questions.

Dr AMANDA COHN: Thanks so much for being here today and for all the work you do representing young people in New South Wales. My first question relates to the top two priorities, as identified by the young people you are working with. They were the high cost of living followed by mental health and emotional wellbeing. I am sure you are aware that there is also a Legislative Council inquiry into mental health services at the moment, and we have received evidence about gap fees being fairly widespread for mental health services. I am interested in your reflections or comments on the affordability of mental health services and specifically how that is impacting young people.

ZOË ROBINSON: Yes. You would have seen in the cost-of-living report the young people who participated in that work themselves talking about the choices that they now have to make, and the choice in terms of engaging or paying for health services is something that they're deprioritising in terms of cost of living and expenses around that. There were recommendations about extending the free consults for young people around mental health. We have talked a lot in a number of places about the fact that children and young people having to make these choices in the first instance is problematic. They should have access to education and health and all of the things that allow them to thrive in the State of New South Wales, but they also talk, when we are doing specific work around mental health, around access, wait times and also the way that we have designed health services to support them. So being able to have a variety of ways to engage in that is also really important. Apps are important. Face-to-face is important. Online is important as well. But it still has to be affordable and it still has to be something that is accessible in all of those ways.

We continue and will always continue to work with our colleagues across government about what that can look like: what can happen in schools to ensure that there is a variety of support in schools for children and young people, be it the wellbeing officers, the wellbeing nurses or student support—and I encourage you to perhaps ask one of the members of the Youth Advisory Council who will be on who is a student support officer in a school in the Northern Rivers—but also then making sure that it's affordable for those who are at university and TAFE as well, because they need to be able to engage in those services as well. If a university isn't necessarily always providing those services then we need to create as much as we can in terms of access, because we know that children and young people themselves are saying they need it and they want it. So we should make it accessible, and that means affordable as well.

Dr AMANDA COHN: Thank you. That was very comprehensive. I am interested in the role you have played with the adolescent mental health and suicide prevention interagency meetings and specifically about the initiatives being rolled out by the New South Wales Government to address suicide and self-harm. From your perspective, is that well distributed or representative? I am particularly thinking about rural and regional areas and LGBTQIA+ young people.

ZOË ROBINSON: In a lot of our work—in the cost-of-living work that we've done and in the strategic tracking report we have done—we have often seen children and young people who identify as a part of the LGBTQIA+ community having, I suppose, more compounded effects on the things that are happening as well. So we also need to make sure that when we are designing all of the things that I just talked about in my previous answer that we are doing so for the cohorts that might have particular vulnerabilities or needs in terms of different ways of engaging or how we do that. I might take on notice the specifics about that just because, in my memory, it's been a while since that committee has actually convened, so I don't have specifics in terms of particular programs around that.

What I would say is that any government and cross-government group that comes together to have a response that is holistic for the benefit of children and young people who may be going through particular complexities and vulnerabilities is really important, because it means that we're taking a "whole-of" response to it, so it's not just the acute end. Certainly, in some of the vulnerable cohorts—noting that is the wording in my Act, not necessarily the wording that children and young people themselves would use—making sure that there is a variety of ways that we are responding to this, ensuring that it is not just necessarily talking about that acute end need but also, "What do you need in terms of your stability at home? What do you need in terms of access to education and training?" and, "What do you need in terms of holistic health response?" Any committee that convenes on that across government is always incredibly useful. And I think that it also demonstrates, from a government's perspective, the compassion for a particularly complex issue and making sure we are responding to that. But I will take the particulars on notice in terms of programs around that.

Dr AMANDA COHN: I look forward to that answer on notice. While we are talking about specific population groups that might require particular attention, I am sure I am not the only person who was quite horrified to read the proportion of neurodiverse children and young people experiencing discrimination in your report. What are the next steps to further investigate that or to address it?

ZOË ROBINSON: This year, in finalising the *Strategic Plan for Children and Young People*, we are taking a deep dive into some particular cohorts. We are doing a focus on refugee and migrant communities, and we have heard, in terms of—bullying in schools is one, but also there's discrimination now in the workplace that children and young people are talking about as well. So now it's an opportunity to work across business and community to understand how we can work with them to understand that. That includes Business NSW. We have done work with them previously about how we engage with the business community around what that could particularly look like. We do our annual Youth Week polling, which will include more data, I imagine, around this. Data is but one point. We also have to sit with children and young people to understand exactly what that is for them and how that might present itself to them. That is obviously part of the work that we will be doing in particular cohorts this year and with a particular focus.

We have, in our previous work, including our LGBTQIA+ report, heard that. That has included some work that we have done in terms of particular documents that we can share with business communities and health professionals and all of that, and it has been designed with children and young people. For us this year it's about unpacking that a bit more and then understanding the resources that exist. I do want to call out our colleagues at Multicultural NSW who have done a huge amount of work in terms of this. We would work with them about particular pieces of work and then, obviously, leveraging our young people to understand how we can connect with and work with young people for them to understand their own rights and how you might voice your rights and the things that you need. But the flipside is we also obviously need to work with business, government and community to understand how we can ensure that we are treating children and young people with the respect that they deserve.

Dr AMANDA COHN: I am also really interested in the report that you did about young people's perspectives on vaping. It is obviously a very topical issue, and the Committee really appreciates understanding the perspective of young people on this. I know NSW Health is rolling out a campaign. Was your office or were the voices of young people consulted or included in the development of that campaign?

ZOË ROBINSON: From the very beginning our office has been very engaged in that work, as you could appreciate. I do want to acknowledge the Cancer Institute, Health and the Cancer Council for engaging with us, and young people did review some of those campaigns.¹ There was also that ongoing learning piece. There were campaigns that happened that children and young people then reviewed and provided input to, there were changes that were made, and then there are the campaigns that are existing right now as well. We did have some young people, and I acknowledge—obviously not by name—those young people who came forward who were vaping and are vapers who participated in that. That is a credit to everyone that worked on that. That created a space where people could feel like they could engage and not be punished for it or judged for it. That is a really important piece of work.

¹ The Committee received correspondence from Ms Zoë Robinson providing clarification on these statements which is published on the Committee's [webpage](#).

The work that is now happening between the nib foundation and the Cancer Council around designing an app and a tool that is accessible to young people, again, is being informed by young people. Our office has worked really closely with Health and our friends across the Cancer Institute and Cancer Council around that and continue to do so.² That vaping report, which goes to demonstrate the power of what was in that and the voice of young people, has been presented to colleagues across the government and shared, obviously, with the Department of Education, and Health, and we are working really closely with them about what that looks like. I want to call out the fact that that is a really strong example of how, when the voices of young people are part of a design and part of a response, you can really start to see some good traction about policy, practice and procedure.

Dr AMANDA COHN: I am also interested in the inquiry that you are undertaking into alternative care arrangements in New South Wales. Noting that I don't think you have findings that you are able to share yet on that inquiry, what was already known about the impacts of those arrangements on children and young people that led you to undertake that inquiry?

ZOË ROBINSON: We are very close to doing an interim report, and that will be something that will be shared in the coming weeks. I should note that the reason we want to do an interim report is because we want, for those children and young people who have participated to date—that is 18 young people in a private hearing—for us to demonstrate that we are doing what we said what we would do, which is share their voices. That is the first step of it. When we sought to start this special inquiry in September of last year, this was not a reflection on any of the great work that came before. There have been a number of inquiries into this particular space, and there is a lot of commentary that happens around children and young people who are in alternative care arrangements, including the cost of those.

One of the things, as we read all of that work and acknowledged all of the work that had come before us, was there was this absence of the voice of the children and young people who were sitting in those hotels. We thought it would be very important and perhaps an incredibly useful tool if instead of it being, for want of a better description, media commentary you actually had the voices of the young people who had experienced it. I note that that is also a very difficult thing to do, as well, because you are sitting with these young people—and I have sat in all of these private hearings—and in that moment I cannot necessarily change the situation that they are in.

The fact that children and young people have been willing to participate in this—I do want to acknowledge that. But now it is very much what are we going to do as a government, as a community and as people who are genuinely concerned for these young people to change what has happened? We do know that in any situation, if you are not engaging with a social circle, if you are not engaged in education, if you are not having access to things which you're allowed to have access to, it can have an ongoing, long-term detrimental impact on your wellbeing.

There had been research done before, not necessarily about this space but about care and access to health and access to education. We know about the intersection between out-of-home care and Youth Justice, and so we want to make sure—and we are certainly hearing it from both sides, which I think is very important—that we do things differently and that we don't have these kinds of alternative care arrangements as an option for children and young people who already have complexities and vulnerabilities. For us, our entire work centres on voice, and this voice was particularly absent. The ability to do this particular inquiry, like I said, comes with a heaviness in it. But also I think the recommendations will be ones that people will agree with, and then we can move forward to ensure that children and young people have access—especially when they're in care—to all of the things that they need.

Dr AMANDA COHN: Will you bring that interim report to the attention of the members of this Committee as soon as it's ready?

ZOË ROBINSON: Absolutely we will.

Ms KAREN McKEOWN: In the 2022-23 annual report, your office summarised some of the findings from the vaping consultation, so I'd just like to go back to that. Page 15 of the report mentions that children and young people wanted alternative tools presented to them to help them stop vaping. Can you elaborate on that in any greater detail for us?

ZOË ROBINSON: In the vaping report, one of the things that I think people were particularly interested in was the fact that children and young people acknowledged that they might have been turning to vaping in terms of stress and anxiety, so making sure that we're providing ways that children and young people can manage their stress and anxiety early. Those tools obviously include things like wellbeing tools, student support officers and WHIN nurses in schools, and access to things like that, but then also obviously they've talked about tools that allow them to come forward in a non-judgemental way. I think that's also a very important thing.

² The Committee received correspondence from Ms Zoë Robinson providing clarification on these statements which is published on the Committee's [webpage](#).

That's obviously where the online—and there are obviously websites that exist that were designed with adults in mind, and now we're doing work to work with children and young people around designing a tool that supports them. But I think, with all of these things, it has to be a multi-approach in terms of being able to provide a safe space to have that initial conversation. That could be in schools or be in community or be with a health provider, and that happens in a way that does not necessarily come with judgement.

They also have talked about—and I think this is always a powerful tool, and we've heard it in a lot of places across our work—the peer-to-peer work that can happen. How do you have young leaders who have been through a particular situation, who can assist other young people through that situation? I think investing in mental health first aid for teens and young people is always very good, but children and young people themselves have said, "Give us the tools to help each other as well." I think we do still need to invest in that peer-to-peer workforce that can assist with children and young people.

The Hon. AILEEN MacDONALD: You touched on Youth Justice before, and that's a particular passion of mine. Data is important if we want to make informed decisions or recommendations, and I was just wondering whether you've done any work or if you could do any work in terms of what has happened in Moree just recently. It's in the news for all the wrong reasons, and we've got several different initiatives that are being put forward. Some may be good, some not so good, but what kind of work could you do to inform Government in how they come up with these initiatives that would respect the young people that are the most vulnerable in our community?

ZOË ROBINSON: As you know, it is also a piece of work that our office has been very committed to for a number of years in terms of sitting with children and young people who are in Youth Justice centres. I do want to acknowledge my colleagues in Youth Justice, who have enabled us to so frequently and regularly sit with those young people and who do such amazing work in terms of the access to programs within centres and learning. The first thing for us always is that we sit with young people to understand a bit about them and what's going on for them in their worlds.

We have done work in the Moree community before, and we have gone into that community and we have met with young people to understand it. I should acknowledge—and I know that you know this person—that we have a pretty incredible young person who works in our office, and they're undertaking for me to go into the centres and try to speak to some young people, to understand a bit more frankly about what might be going on for them. One of the key things that I think is important in any investment—and that is the part that we have seen in terms of that—is a holistic response to what children and young people need.

In the work that we have done in Youth Justice for a number of years, you will hear young people talk about things like access after hours. The ability for services to be available for young people after hours is incredibly important. It needs to look like, again, a variety of services, because there is great work that is done in that community and communities broadly around children and young people who, in the technical words of government, we might say have antisocial behaviour. There are amazing programs that are working with those young people to understand the things that they need.

Anything that is about prevention and true intervention, I think, is always a very good investment. That also means looking at things like suspensions and understanding what's happening in school, and that's also understanding where there might be early demonstrations of behaviour. Positive programs, strength-based programs and ways that we're engaging with young people on multiple levels is very important. I don't say this lightly and not acknowledging that there are communities that are suffering. We have seen that and read that.

I think that there are things that can be done in parallel, and I think any investment in programs that children and young people themselves say that they will engage in, but we also have to work with the continuum that exists. It's not just that moment; there are things beforehand where no doubt we can have conversations about where we could have intervened, where we should be intervening and where we should work with families and young people and the community around that. But then we also have to think about when young people are coming out of custody and how we're engaging them in employment and housing, and how they have access to those things that provide stability for them as well. But, like with all of our work, it starts by sitting with those people that we are talking about.

The Hon. AILEEN MacDONALD: Do you ever sit in on the youth action meetings that they have, similar to safety action meetings? Are you familiar with those?

ZOË ROBINSON: We've been strong supporters of the youth action meetings. Again, if I refer to my answer to a previous question, anything that is a whole-of-government response to a particular situation, we think, is very good. In the Northern Rivers we have a member of our team who sits in on the Northern Rivers youth action meetings. I don't sit in on them in a broad context, but we do a lot of work with Youth Command and

New South Wales police. There are particular instances where we might be asked to sit in on something. But it is also very strongly a community response, and so our view is the community can lead the response to that. But in the Northern Rivers, we do have a member of our team who sits on one of the youth action meetings up there.

Ms DONNA DAVIS: Page 13 of your annual report mentions the voices of LGBTQIA+ young people in New South Wales. We also have another committee inquiry happening into community mental health and best practices at the moment. I was wondering, following that focus, if there had been any feedback that either of you could enlighten us on.

ZOË ROBINSON: I can take on notice specific responses. As I said, those reports are circulated to specific agencies and departments to ensure—so let me take on notice any formal response in terms of those. Again, I can double-check that it has been finalised, but I know the team has been developing specific tools that can be provided, as I said, to service providers, general practitioners in terms of what children and young people themselves said in that. Obviously, there has been ongoing work that we are doing around education and ensuring that children and young people feel included and have access to education, inclusive of schools. But I'll take on notice any specifics in terms of a formal response from people in that report.

Ms DONNA DAVIS: Cost of living—as you mentioned in your report, it's obviously a massive impact. It's the number one issue that youth have identified. What are some of the things that you've been hearing recently in regard to cost of living? What are the key issues?

ZOË ROBINSON: Key issues that continue to come up—and I'm going to use a broad heading for it—are access. I mean that in terms of the affordability of health care, yes—the affordability of programs that young people might want to engage in. But quite simply in so many regards we've also heard transport. You might've read one of the particular quotes in there or one of the particular young people that we spoke to—and this was in a group of young people. They talked about the fact that, for them to get to places that they needed to get to—and that might've been health appointments, that might've been TAFE or university—they make a conscious choice that transport is going to be one of the biggest expenses for them.

I remember one particular young person talked about the fact that she is just prepared to wear the fines because she has to get to a place that she needs to get to. She can't afford necessarily to get there but she can do a working development order if she needs to if she has enough fines. I feel like that is incredibly problematic because transport is something that is so important. You hear it in regional communities—all of that in terms of how people get, and how young people engage in, the things that they need. The cost of transport is a particularly big one for young people because it is the thing that enables them to do all of the things that they're entitled to do, including access to education and health.

Housing is a big part of that in terms of—I think we often talk about this dream of owning homes. I think, when you speak to this current generation, they're talking about survival and they're talking about rent and they're talking about making choices about paying rent and utilities and food. You have to forego food because you need to pay your rent. I understand there are bills that need to be paid, but we are taking away a fundamental right as well in that. Housing is a big part of it—and variety of housing and what that can look like. Independent living is important. Group housing is important—all of that. What struck me when I was doing this particular work in consultations is that they are, in our view, and I'm certain from all of your experiences—there are some things that when you're a young person you should be able to do. You should be able to go to university and have a great time at university but also go out and have some fun with your friends and be able to afford your rent. I think this idea that they just have to make those choices and live with those choices because that's the world that we live in, I think, is a particularly unfair way.

One of the things that I thought was really brilliant that young people themselves at university said that I want to call out is they talked about, if you're a teacher in training and you have to do your prac work, you obviously don't get paid to do your prac work, but then you can be a substitute teacher at that same school and get paid for it. It's the same with social work students, as an example. They have to do a number of hours in a year that are completely voluntary. That is very difficult to do your studies, do your voluntary prac where you don't get paid and meet your basic needs. They talked about how is it that we could also look at what has happened for some of the other professions where we have funded and given them access to funding so that they can do prac or maintain all of that. Some of the young people we spoke to who are studying teaching particularly talked about that as being an option of something that they would like us to explore in government and the university sector and TAFE about how they can do their prac but also get paid for it potentially at the same time.

So there are some really practical things. And then the last one that always sticks with me is that young woman who had a young child who hadn't gone to a specialist appointment because they were too scared of the cost for it for the child. I think, again, if young parents have to make decisions about their health and their child's health, which involves sacrifice, we need to start thinking about how we can design a system to support all young

people to have the things that they should have. But, especially when you're talking about young parents as a cohort, we don't necessarily want people having to make a choice between their own health and their child's health. They're both entitled to health.

Ms DONNA DAVIS: You've given a couple of good examples there of some changes that could be considered. I know, for instance, with TAFE closing, brickies can't be trained up in Coffs Harbour, Port Macquarie. They've got to travel to Newcastle. That combines both of those issues. But how can the Government implement policies to improve financial security for young people in addition to what you've already—are there any other suggestions?

ZOË ROBINSON: I think the young people themselves made some recommendations in terms of transport. They're not asking for a heap; they're asking for investment in terms of free transport for a period of time when you're studying. I think that that seems like a pretty reasonable conversation to have. That report talks about debt and the buy now, pay later scheme and understanding the impacts of that. I think there is an opportunity for us to have a conversation with government and the private sector about how do we work with young people around financial literacy and access to those kinds of things.

We saw in that particular report—I think there was someone under the age of 18 who had access to those programs, so I think there are pieces of work that we can do from a policy lens to make sure that we are doing all of the things that we can do in a government to protect and work with young people about what they need but also the actual policy around access to things like buy now, pay later, and then also fee-free placements and looking at what that could do, especially when we're talking about particular cohorts. So young parents—how do we work with them? If they want to study and be a parent, what is the childcare access that they might need but also what do they need in terms of being able to engage in TAFE or university?

Ms KYLIE WILKINSON: Thank you for your advocacy for children and young people. It's such an important issue. Thanks for attending today. On page 56 of the report, you mention the MOU with the Department of Education. Can you just tell me a bit more about what that entails?

ZOË ROBINSON: Yes, absolutely. We do a lot of work, as you can imagine, across government but particularly when we talk about education—that is where children and young people spend a lot of their time. We had often been engaged in a number of ways across education. Sometimes it was sporadic and sometimes it was kind of consistent pieces of work that we might need to do. As an example, although it's NESA—NESA, when they were doing curriculum reform, came to our office and said, "We want to engage with young people around this reform." They would come to our youth advisory councils every meeting to have a conversation about curriculum. What we wanted to do is acknowledge the great work that Education was doing in terms of lifting up young people and engaging with our office to design programs and work on policy but also to create, noting the resources of our office, a streamlined way of getting that information so that we could understand what kind of particular pieces of work might be on the horizon for Education, where we could actually provide the most valuable input and engage with that process.

We just wanted to formalise that. I think, one, it was an acknowledgement of the great work of my team in the office for endlessly supporting such great work across Education but also Education acknowledging the work that they wanted to do and that they are doing with young people. It was a formal way of saying to a department and to an independent statutory office, "Great work. Let's do this in a really formal way and then let's put that through the Department of Education"—which we all know is a huge entity—to say, "This is a way that you can engage with ACYP." So there is this structure where people can now come in, put their particular piece of work to us, we have the opportunity to review it and say, "Something we can do now", "Something we can't do right now", or "Here are some resources we know already exist".

Ms KYLIE WILKINSON: Is there a review process—is there a time to look at that MOU again? Is it an interim one? Will you be reviewing how it's working?

ZOË ROBINSON: I would say that, even with the change, the MOU is still in practice. I'll double-check this, but I'm pretty sure that we did it in such a way that it is in existence until such time as either party decides it is no longer in existence.³ We tried to do it in a way that meant that it would sustain whatever happened in terms of that. Children and young people are in schools and no matter what happens at a government level, they still need to have their voice heard. So we wanted to do it in a way that meant that it was sustainable.

Ms KAREN McKEOWN: I understand that you're looking into alternative care arrangements and there's a special inquiry underway. I was hoping that you might be able to enlighten us about what you're hearing so far. Are there any key demographics and anything that might be consistently a theme coming out of that?

ZOË ROBINSON: People would be aware about a lot of it because there has been a lot of commentary

³ The Committee received correspondence from Ms Zoë Robinson providing clarification on these statements which is published on the Committee's [webpage](#).

on it. We do know in terms of the children and young people who may be in alternative care arrangements that there is a high representation of Aboriginal children and young people in those arrangements. Again, this is not something that is not in the public so I'm not sharing out of school here. What we have noticed is that there is an age range. There are quite little people in these arrangements, and I've spent some time with some people who are 16 and one who has just turned 18 as well. There is an age range in terms of the demographics, and it's also across the State. It's not particularly found in one area. It's utilised in a number of areas. One of the things that is key for the young people that won't surprise you is that they have shared with us that they do want to have the opportunity to share their stories and be heard. That is very much a key theme that has come out of it, in terms of who they can speak to and how they can share what's going on for them.

In this space broadly, when you're talking about care, what is the mechanism where young people have an opportunity to tell their story and are not necessarily reliant on a caseworker or carer to be the person that they're going to for that? That is certainly something that we've heard. I'm trying not to pre-empt the interim report, but I think it would be fair to say that it is not similar. It is very different for all of the young people that we have spoken to in terms of their experience. When you're talking about consistency of care and access to resources or supports, it would be fair to say—and I think everyone would agree—that there should be some consistency around that so that you should be able to access the things that you need but also that it should meet a good standard of care and what that means. There will certainly be some reflections on how it is that we can ensure that, when you're talking about care, you're talking about it in the way in which it is intended, which is good outcomes for those children and young people. That's what it should be centred on.

Dr AMANDA COHN: I had a follow-up question on the line of questioning of my colleague earlier this morning regarding rates of crime, particularly in regional areas. I know that one of the responses from Government has been Operation Regional Mongoose, in which statistics show that since September last year they arrested 145 people, and 103 of those were children. That's a high-visibility police operation targeting property-related crime being committed by young people. I am interested in your perspective on the impact that punitive approaches like that have on the ability to engage young people, either in your work or in their relationships with government and law enforcement, and the ability to undertake preventive work.

ZOË ROBINSON: This is not self-promotion but one of the brilliant things about having an independent person who has the voice of children and young people at the heart of the work that they do is that we have developed a rapport, as an example, in those custodial settings and in a variety of settings, be it some of the programs that the young people are in that are not custodial settings. I mean some of the programs that support young people prior, with prevention and exiting. We can have really frank conversations. That's why I want to acknowledge the colleague in our office who we've asked to go into some of those centres and have that conversation. He has spent time in custody. It's important to have an independent way of having those conversations, because there may be things that children and young people say that we don't necessarily agree with as adults, but we still need to have the conversations with them to understand exactly what's going on and the complexities that they may be dealing with.

Not to derail your question too much but, for the last two years, having worked with young people who have spent time in particularly complex environments and then spent time in custody, and understanding what it's like that moment you exit custody and you may need to get your documentation and the process, and you don't have housing or a job, it's very difficult to expect them just to shift their trajectory. We've worked that with a particular young person. I think our office has really understood the practice now in terms of what these young people need. I would say that when we talk to children and young people—and I mean this in a variety of contexts but particularly if you've had interactions with police—that first interaction that you may have with government can really pave a path as to how it goes for you from then on. If you are a person of particular interest or it's consistent or all of that, then you do have a very negative engagement with authority. I'm not saying that there is no way that you can repair that. That's why programs that see children and young people sit with adults from a variety of spaces and learn, understand and hear from each other are really powerful.

I've done a lot of reflection on this. If we're thinking about right now, we're in a space where numbers are big. There is a lot of focus on this in media. There is a lot of work that we need to do individually with children and young people, and as a community. Children and young people are part of those communities, so we still need to ensure that they are having those conversations. We need community-led responses, looking at things that have worked like the Just Reinvest programs and some of those amazing programs that exist in rural and regional communities that are working with young people. We also need to think about relational care and relationships and what that can look like broadly. But we know that as soon as a young person enters into a custodial setting, there is some impact on their life that is very hard to reverse.

The Hon. AILEEN MacDONALD: I have a follow-up question. It's to do with children and young people. At budget estimates we heard that 278 young people were in custody as at, say, 28 February. The majority of those children were on remand. I'm thinking that if the Bail and Crimes Amendment Bill 2024 comes into play,

then that will probably see more children on remand. In terms of the Convention on the Rights of the Child, how would you see that interplaying with your role? Children on remand are waiting for their day in court and sometimes we don't know how long they're going to be on remand. It's a significant time to be on remand. As you said before, the more they've come into contact with the criminal justice system, the more likely they are to keep coming into contact with that system. Are we setting them up for failure? Maybe. I don't know. This is probably the wrong forum to ask this question because I'm not supposed to get opinions, I don't think. But if you could put the lens of the advocate over this, I'd appreciate that.

ZOË ROBINSON: It's not for me to necessarily get involved in the legislative and judicial decisions. I think there has been great work around short-term remand. Again, I acknowledge my colleagues in Youth Justice, police and others who have done some work on two pilot sites in terms of short-term remand, and we've been involved in that. That's obviously looking at needs in terms of access to housing and supports and all of that. That is a strong project that's having great success. Again, we'd like to see that kind of work continue, which is good.

One of the things that we have looked to explore with our colleagues in Youth Justice is that you may be on remand for a particularly long period of time. How do you get access to particular programs whilst you're on remand in a custodial setting? That can sometimes be a bit tricky. You've been to a centre, but there are things like work programs, TAFE programs and learning programs. If someone is on long-term remand, how do you ensure that they're still getting access to things that they would need. I do want to acknowledge that there has been some really good work done around remand and short-term remand, and I hope that that kind of work and investment in that work continues. As I said before, we know that when someone comes into a custodial setting, it can have long-term impacts on them. We will continue to do our work in terms of sitting with those young people and understanding the things that they might need.

The CHAIR: I might just follow on from that question. The Office of the Advocate for Children and Young People has noted that the Violent Crime Amendment Bill is up for discussion. Were you, or was your department, at all consulted on this, given that you talked about business, government and community working together? Were you consulted before the drafting of this bill?

ZOË ROBINSON: No. I wouldn't necessarily expect us to be consulted in terms of the drafting of the bill. I think what I would say is that we've had conversations across government in terms of the investment of programs and the holistic response to youth crime. They are conversations that we have had with a number of agencies and departments, but not consulted on the drafting of the bill.

The CHAIR: Has the cost of living and probably the upcoming winter—do the numbers that are incarcerated, or kids going into juvenile detention, increase with winter? What I'm alluding to is the cost of living. It's difficult. Are some of those kids that are incarcerated wanting to be because they get fed and they've got routine and they're kept warm? Do you think that reflects on the numbers in juvenile detention?

ZOË ROBINSON: This is probably not the right answer, but I really hope not. I hope that we do a better job in community to ensure that the cost-of-living poverty doesn't lead to young people thinking that that is the best alternative for them. If they are thinking that, it goes to show that we should be investing in community programs. I know that we've spoken to young people who will talk about that, when they are in custody, they do have stability and they do have access to things. That only makes our office more determined to ensure that those things that they have access to, we make sure they have access to on the outside. We haven't got particular data on that. I'm happy to take it on notice and work with our friends at BOCSAR and see if there are numbers that shift. But I haven't necessarily heard that directly from young people.

The CHAIR: I think it would be interesting. My final question is to do with phones in schools, or now phones that aren't in schools. Is there any anecdotal evidence to support the policy of not having students with their phones?

ZOË ROBINSON: We haven't done particular work around that. I imagine my young people behind me might have some views on that. But we do know that inclusion and access are important things in schools. For some young people, having your phone is a useful tool and having access to a device is a useful tool. But we haven't done any particular work on the phone ban.

The CHAIR: No reports on a decrease on bullying or impacts like that?

ZOË ROBINSON: Our strategic plan tracking report demonstrates that there has been an increase in some of those things, but I wouldn't necessarily have an answer in terms of the direct correlation to phones. We know, obviously, the world of online bullying and all of that is a particular issue that children and young people are facing. When the decision around phones in schools happened, I think there was an unintended consequence on some young people who needed those devices for the ability of learning.

Ms DONNA DAVIS: I just had a quick question. Apologies if I've missed this, but in terms of those respondents—those youth and children that you're working with to secure the information that you have in the report—is there a breakdown on the percentage that are from regional areas, the percentage that are—

ZOË ROBINSON: Do you mean in all of our reports or a specific report?

Ms DONNA DAVIS: Across all of them.

ZOË ROBINSON: We work very hard to ensure that we're reflecting the diversity of children and young people across the State. All of our reports, in terms of both qualitative and quantitative—so when we're doing those data pieces—we will make sure we have the appropriate split between regional and metro and also the demographics throughout. We can share with you as an example, if it's useful, some of the key data that informs, for example, our tracking reports.

Ms DONNA DAVIS: The reason I'm asking that is that when we were looking at the issue around activities and places and spaces for youth, it's very hard with this sort of snapshot to gauge whether or not this issue is more significant in regional areas versus particular areas of metro settings, and whether or not it's particular age groups that are seeking different things. I think that is information that would be very useful, particularly when we're looking, in the city environments, at infrastructure and the needs of our youth and children, but in regional areas, in terms of activities, the locations where there may be a lack of activities and safe spaces and, therefore, the impact that has on youth. Have you got any comments about that?

ZOË ROBINSON: Every report that we do will have at the front of it a methodology and a demographic. If there are particular groups or a particular area of young people who might have an over-representation or a more detrimental or negative impact or experience of that, we would call that out—or, for example, what we have done recently and launched in the Northern Rivers, if there is a particular area that we have needed to focus on, we have done that particular piece of work. If I reflect back on the *Disaster Report 2020*, we did a huge amount of work. Whilst that was after bushfires, we also recognised that there had been drought and flooding in other areas. We made a conscious effort to not just focus on bushfire-affected communities but go into other areas where there had been disaster. One, we'd always call out the demographics of who we've spoken to.

In all of our quantitative polling, where we are engaged to do that piece of work, it's obviously in reflection of the age of consent. It's usually that above the age of 12 cohort, and we do call that out as well.⁴ We are about to launch Postcards to the Advocate. That was targeted at the under-12 cohort, so making sure that we could engage with them in a different way. But we do our best to call it out. Because we are across the whole State of New South Wales, we recognise our regional communities and make sure that we lift them up. Our Youth Advisory Council, we work hard to reflect both regional and metro. The young people who are here today and online, you have two people from regional areas and one person from a metro area. We try really hard to reflect all children and young people.

Ms DONNA DAVIS: Is there any information about the cultural diversity as well?

ZOË ROBINSON: Yes. We will also provide that too. We can at some stage—and I will declare that I am not a data expert, but we can also, with the data that we're given around, for example, our strategic plan tracking report, there are ways that we can divide that data—I think the language people use is "cutting" that data—to understand particular areas. It doesn't necessarily go down to postcodes and such, but we do.

The other thing I do want to call out, because I think it's important for us all to own the opportunities for growth, is the reason that we sometimes pick particular pieces of work in a year is that we recognise ourselves that perhaps, as a cohort, we need to go into further. That is the acknowledgement this year that we do want to do work on refugees and migrant communities to make sure that we are including them. But also, in all of the work we do, we do try to get that diversity right.

The Hon. AILEEN MacDONALD: Can I just make a correction? I said 278 people; it's 228.

The CHAIR: I think that might wind it up this morning. Thank you for appearing before the Committee today. It's much appreciated. You will each be provided with a copy of the transcript of today's proceedings for corrections. The Committee staff will also email any questions taken on notice from today and any supplementary questions from the Committee. We kindly ask that you return these answers within 14 days. The Committee staff will now organise for the next witnesses. Thank you once again.

ZOË ROBINSON: I don't think you get rid of me that quickly, but Una will leave.

(Una O'Neill withdrew.)

⁴ The Committee received correspondence from Ms Zoë Robinson providing clarification on these statements which is published on the Committee's [webpage](#).

Mr BILLY BOFINGER, Youth Advisory Council, affirmed and examined

Mr DYLAN FARR, Youth Advisory Council, affirmed and examined

Mrs SEREENA ZANUSO, Youth Advisory Council, before the Committee via videoconference, affirmed and examined

The CHAIR: I now welcome representatives from the Youth Advisory Council. Thank you for appearing before the Committee today. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media purposes on the Legislative Assembly's social media pages. Please inform the Committee staff if you object to having your photos and videos taken. Would you like to make a short opening statement before the commencement of questions? Billy, would you like to start?

BILLY BOFINGER: I'd just like to say that the work that is being presented today—we've had 12 children and young people on the YAC and they've all contributed to the work that we've got here and are presenting today.

The CHAIR: Thank you. Dylan?

DYLAN FARR: Again, just like it was said before, I'd like to acknowledge the traditional owners of the land on which we are standing today. That's it.

The CHAIR: Sereena?

SEREENA ZANUSO: Like Billy said, I'm very proud to be representing the 12 members that were part of my YAC and I'm very thankful for this opportunity to chat with you all today. Thank you.

The CHAIR: We will move to questions from the Committee. Before we begin the questions, I inform you as the witnesses that you may wish to take a question on notice and provide the Committee with an answer in writing within 14 days. It's a bit of homework if you can't answer, sorry. School is never out! We might begin with a question from me. During the reporting period, was the YAC consulted by the Minister for Youth and the advocate on the Government Acts, policies and programs concerning young people?

DYLAN FARR: Yes, we did speak to the Minister. I can't tell you by memory what of, but we did speak to the Minister during our term on the YAC.

BILLY BOFINGER: Yes. Just on that, at our first meeting we had the Hon. Natasha Maclaren-Jones come in, and she described her role and how her job as a Minister encompassed what we do as a YAC with children and young people, and gave us insight on how we could best use our voices to help her and provide evidence to make change.

The CHAIR: Sereena, do you have a comment?

SEREENA ZANUSO: Yes, thank you for your question. Like Billy and Dylan both said, we did meet with the Hon. Natasha Maclaren-Jones at our first meeting, just to, I suppose, be introduced to her in her role with the YAC. We also worked really closely alongside Zoë as the advocate and the ACYP around policies and stuff that the New South Wales Government were creating to do with children and young people.

The CHAIR: Can you tell me more about any outcomes that have been achieved?

BILLY BOFINGER: Our biggest goal as a YAC—on our first meeting, we came in and we started working on our project for the YAC. From all of our experiences, we decided on promoting student voice within schools. Just recently, we actually got our finished report on student voice and we created a survey and we conducted research, as well as numerous discussions as a YAC throughout our meetings. And then, just recently, myself and Sereena met with the secretary for Education and we presented this report. We've had some really great outcomes involving presenting this report to principals across the State. We're also being given the opportunity to have further input in regards to the Tell Them From Me survey, which we've done specific work on in the report and through our survey.

The CHAIR: The consultations were right across the State?

BILLY BOFINGER: Yes.

The CHAIR: You had a good representative response from rural and regional areas?

BILLY BOFINGER: Yes, we had 1,500 participants and 6 per cent were Aboriginal and/or Torres Strait Islander, and 10 per cent living with a disability. We had a huge range of demographics across the State and we had 53 per cent from regional New South Wales.

The CHAIR: Very good. Dylan, was that report really reflective—you're from Wilcannia?

DYLAN FARR: Walgett.

The CHAIR: Sorry, I knew it started with "W". Was the report, do you think, representative of Walgett's community and the young people there?

DYLAN FARR: Yes, I think it was representative of Walgett's community and just the rural New South Wales community in general, because we did speak to—like Billy said, 6 per cent were Aboriginal and Torres Strait Islander people and Walgett has a very high percentage of Indigenous people, especially in the schools. I believe that it did, yes.

The CHAIR: I'm trying to drill down a little bit. Were there any glaring omissions, do you think? Was there anything that was missing for you in your community at Walgett?

DYLAN FARR: No, not in the report, I don't think. I think we covered it, pretty much.

Dr AMANDA COHN: Thanks so much for being here today. I think it is so important that we actually hear directly from children and young people for the work that the Committee does. I'm also really pleased to hear that the Minister has come to meet with you, and that the department of the Government has been willing to meet with the YAC. But I also note all three of you were members of last year's YAC. From the end of that term to now, it has been nearly a year. Do you think they're listening to you? Has anything changed because of what you've told them?

BILLY BOFINGER: Thank you for your question. So far, we've seen mainly from our report, it's been very early days from speaking with Secretary Dizdar. We're still in the process of creating an email to go out to principals across the State, and also an email to go to him, which he will share with the Tell Them From Me team. That will go out when we send him the email. We're still waiting for that to go through. In regards to other work from the Youth Advisory Council throughout my term, I will have to take on notice the specifics of what has been put through from our advice.

DYLAN FARR: To follow-up on what Billy said, I think that we're starting to see things come out of the report that we've done. It's nice to see that people are actually interested in coming back with answers. In the report we do talk about the Tell Them From Me survey and we show this figure. It says that they're comparing between government schools and non-government schools and to just ignore the "no advice" and "don't know" because it doesn't really matter. It also says that children and young people want to see feedback on the Tell Them From Me survey, and I think it's really great that we're able to try to influence the way that the Tell Them From Me survey actually works because it's affecting us.

ZOË ROBINSON: I don't want to lead you, but we had a conversation about advocacy, when you met with the secretary, and time. Do you want to reflect on—

BILLY BOFINGER: Yes, when we got together as a YAC, we started with advocacy training. On top of that we had media training. All of this was to build our voice, and this has led us. Over the course of our YAC, we got to learn a lot. It helped us to use our voice effectively, and it ended up with us actually using that advocacy training to speak with the change makers that we were originally taught about on that very first day of the YAC. It really came together well. As well, throughout our YAC we did different projects, including videos and recommendations to the Department of Health. I believe that the fact sheet that we helped create did go through, so that's one thing that happened.

ZOË ROBINSON: It's always hard because I feel like a proud mother. There's a lot. The vaping video was informed by this Youth Advisory Council, so they had the opportunity to review the vaping video. One of the things that we had reflected on was time—how long it can take. Often you feel like advocacy is instant and you might see something change in policy quickly. But the input, for example, they've had on the New South Wales curriculum is what you're now seeing come through the changes in that curriculum as well. They were the YAC that was consistently consulted on that.

To their credit, the Office of the Advocate for Children and Young People is called out as one of the particular places in the year 11 health curriculum now where you can learn about voice and how you can advocate for your own health. There's a lot of work that they did do. They also provided advice to the Department of Education around their complaints page, which I think is brave, so I love that they did that. Also the School is for Everyone piece of work—they did provide advice on that as well.

Ms KAREN McKEOWN: I'm particularly interested in the perspective of young women and girls, so I'd like to ask Sereena: Are there any key take-outs for you that you might like to share with us?

SEREENA ZANUSO: I really value that question, so thank you. As a young woman, empowering other young women and girls is something I'm passionate about, and I feel like the YAC was a really safe space to be an empowered young woman. I'm currently 24. Throughout my journey of adulthood, it's something that I've been coming into and it's been really exciting. I think the YAC facilitated that around that media training and that advocacy training. I really found my voice and I feel really empowered to do that. Since my time on the YAC, I've spoken in several media articles that affect my local community. I probably owe big gratitude to the YAC for providing such training, and it's something that I bring into my work as well.

While we may only meet every two months, it's something that carries on throughout our lives, I feel. I found it so amazing—our youngest member was 12, so 12 years younger than me. It was really amazing to see her grow in that period as well. So it wasn't just supporting me as a young woman; it was supporting young girls to become young women as well. I think the more opportunities for young women to be in empowered leadership spaces in the New South Wales Government, the better things are going to be for our future.

The Hon. AILEEN MacDONALD: I want to congratulate you, first, on coming here. Sitting here can be quite daunting. What can we do as a Committee to make you feel more welcome? Do you feel welcome and able to participate and fully use your voice today?

BILLY BOFINGER: I think it all started off with the work that the YAC and the ACYP do to help us feel welcome. When we first came in and did the recruitment process, it was already a really welcoming process. I think it's all led up to today. Obviously, going from the ACYP office to a place like this is a big change, and I'm guessing we're pretty nervous. But I think we do feel welcome, with the support that we've got from the ACYP, and I think that just having the support and the bonds between everyone in this room is what we can do to make this a more welcoming environment for children and young people.

The Hon. AILEEN MacDONALD: Dylan?

DYLAN FARR: Yes, obviously I feel a bit nervous today but, again, I feel pretty welcome. Even just sitting outside in the chairs there, having a conversation about practising questions and meeting people walking past us, it just made the environment a little bit less daunting. Sitting there and listening to Zoë talk also sort of helps that.

The Hon. AILEEN MacDONALD: Sereena, what about your online experience?

SEREENA ZANUSO: Yes, I've been very supported throughout the past week, just making sure the Webex works and everything. I feel very supported in that sense. As part of the Committee, we're having this half-hour conversation today, but it's something that should be ongoing. It's about building that connection and that rapport so we have that space to continuously share and grow. While this is a one-off, I would strongly encourage you all to consider maybe making it a more regular thing.

I don't know if coming along to YAC meetings would be appropriate, but I think it would be really powerful and empowering for the young people that are present. Like the boys, I'm nervous, but I think nerves mean that it's important and so I'm working with that. But the support of the ACYP team, the support of your team—yes, I definitely feel very supported. I feel that I can share openly in this conversation. I feel that it's a safe space, so thank you all for providing that. I appreciate it.

The CHAIR: You're all highly equipped, I think, to handle it, and you have a big future.

The Hon. AILEEN MacDONALD: You've got the opportunity today. If you had one thing that you really wanted to tell us—to use your voice, each of you—what would it be?

BILLY BOFINGER: Definitely the student voice in schools. It's something that I personally have had a lot of focus on in my schooling career up until being on the YAC, and then I found that everyone else on the YAC had similar experiences. That's where we went with our report. But also in regard to mental health, especially in the school environment, I know that's something that the Government continues to work on, but that's something that is really important to me.

DYLAN FARR: I really can't back Zoë and the ACYP team enough. Growing up in a small town like Walgett, you sort of think things are going to stay the way that they are and this is just how it's supposed to be, until I started coming to the Youth Advisory Council. I noticed that someone like me is able to make a change in their home community and really talk on behalf of the people who can't talk or don't really want to talk. I find it very empowering, and it puts a lot of weight behind young people trying to come into Parliament or just trying to advocate in general.

SEREENA ZANUSO: As for me, I would strongly encourage you all to consider providing more opportunities like the YAC. Currently it's only 12 people on a yearly basis that represent hundreds of thousands

of children and young people in New South Wales, and that's quite a lot of weight on the shoulders. Providing more opportunities for young people to be involved in the New South Wales Government, I think, would be really valuable, and more for regional and rural areas as well.

I come from the Northern Rivers, near Lismore. I think joining the YAC, it really highlighted the discrepancy in, I suppose, opportunity. I feel a lot of city and metro young people and children have a lot more access to opportunities like this. I think it's really important to empower young people in their own communities because it strengthens the community, and it strengthens the young people in that community as well. So just providing more opportunity in general, I think, would be really empowering for the future generations of children and young people. It's a space that I'm really excited about. Obviously, we're having this hearing today because we want change, we want to continue making things great for children and young people. Yes, I think just having more opportunity would be great.

Ms DONNA DAVIS: Thank you for being here today and online. It's wonderful. We need to be talking more to you because this is what it's all about. I know that it isn't your report but in the ACYP's report they have their top 10 issues. You've already mentioned education issues and mental health. They are two things that you've spoken about and they're in the top three, but there's a new issue that has entered the top 10 for 2023 and that is "fear, stress or uncertainty for the future". Can you tell us what you're hearing, not just from your other YAC representatives but also from your friends in the community? What does that mean for you? What is that fear and stress and uncertainty for the future? Is any of it connected to the environment? Is it about your individual futures? I don't want to put words in your mouth, but what is that about?

SEREENA ZANUSO: I'm quite happy to speak to this first, if that's okay. I think, like you said, it's a multitude of things. Fear for the future, for example, it might be financial stress. I think we all understand the cost-of-living pressures and for children and young people living at home they're adding that stress from the family, trying to be supportive, losing their social options just to make ends meet. As a young person, it might be "Can I afford to buy a house?" Probably not, just given how things are going because, obviously, house prices are going up and it's completely unachievable for a lot of young people. So there is that financial stress and fear for the future. I know for me, personally, I have a lot of HECS debt and that's only going to keep going up, despite how much I pay back, so that's that fear of "I've got this looming debt over me, probably for the rest of my life."

Also, as a young person from northern New South Wales, we suffered the devastating Lismore floods in 2022, so there is that fear, because it's going to happen again. We're being realistic. Global warming and climate change is real. I think a lot of young people feel disempowered by the actions that the Government is taking because—sorry, it's something I'm really passionate about. If people aren't listening to the young people whose future it's going to be—yes, it's just really hard. That's my future, that's my children's future and I feel like sometimes we don't have a lot of control over that, which is hard. I'm crying because I'm passionate. I'm going to pass it to one of the boys. Thank you for listening to me.

Ms DONNA DAVIS: No, thank you. Thank you for sharing. It's so important that we hear what you've got to say about this because you are the ones living it. Dylan?

DYLAN FARR: Sereena pretty much covered it, but I was just going to go off my personal and my mates' experience. Currently I am studying, in Port Macquarie, environmental sciences. I have an uncertainty of what job that might get me. I just did the degree because I liked the idea of it and I felt I had to go to uni in order to get somewhere in life. So I'm doing the degree without knowing what job that's going to get me, and I know a lot of my mates are doing the same thing. Growing up, they're being told, "You have to go to uni to get this certain job or to make this amount of money", and people are just jumping into courses that they might like the idea of, but they don't necessarily know what job that's going to get them. Sereena covered everything else that I was going to talk about.

BILLY BOFINGER: Thank you for your question. At this time I'm only in year 9, but with my friends the biggest uncertainty is we've got so much pressure on ourselves as young people to be successful in life. At this age it starts when you've got to start choosing electives, which people say don't matter but then it all leads up to what you're doing in your HSC and then your career path. Again, as Dylan said, that's something that's really a big uncertainty of where your life is going to take you. At my age, you're starting to get the pressure of you have to take this route or that route. Even with cost of living, kids living at home, you're not moving out for a few years, but everyone is getting jobs and starting to really worry about all this stuff when it's still so far in the future. I think the tensions are getting really high, and everyone's quite worried about what the future holds and trying to prepare.

ZOË ROBINSON: Can I just acknowledge the vulnerability in leadership? I think it's really important. And I know, Sereena, that's tough for you. But this is why it's important to hear from young people directly, because young people feel it and they are living it. So I want to call out the vulnerability of all of the young people,

but the power in that in terms of leadership. Thank you for being your honest selves and bringing your full truth to this as well.

Ms KYLIE WILKINSON: I think that the three representatives who have come here today have done a wonderful job, especially in the last couple of comments about the pressures that you feel. I would like to acknowledge and thank you for coming along. You've really made it very personal. Thank you for your messaging.

The CHAIR: There are no other questions. Thank you again for appearing today. You've held yourselves admirably. You're amazing, really. You will each be provided with a copy of the transcript of today's proceedings for corrections. The Committee staff will also email any questions taken on notice—there was one question from today—and any supplementary questions from the Committee. We kindly ask that you do your homework and get your answer back within 14 days.

(The witnesses withdrew.)

(Short adjournment)

Ms SHARMINIE NILES, General Counsel, Office of the Children's Guardian, sworn and examined

Mr STEVE KINMOND, Children's Guardian, Office of the Children's Guardian, affirmed and examined

Ms LARISSA JOHNSON, Director, Out-of-home Care Regulation, Office of the Children's Guardian, affirmed and examined

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

The CHAIR: Good afternoon. I welcome our next witnesses who are representatives from the Office of the Children's Guardian. Thank you for appearing before the Committee today. Please note that the Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media purposes on the New South Wales Legislative Assembly social media pages. Please inform the Committee staff if you object to having photos and videos taken. Before we proceed, do you have any questions about the hearing process?

STEVE KINMOND: No.

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

STEVE KINMOND: Yes, thank you.

The CHAIR: Please proceed.

STEVE KINMOND: Thank you, Chair. First up, let me acknowledge the Gadigal people of the Eora nation, the traditional custodians of the land we're meeting on today. I do pay my respects to Elders past, present and emerging. To all the members of the joint parliamentary Committee on Children and Young People, thanks for giving us the opportunity to answer questions and to make this opening statement. That is very much appreciated. I just want to quickly go through a few of the functions and highlights from the annual report. Let me start with the fact that we do handle the Working with Children Check and NDIS Worker Checks. We run the Reportable Conduct Scheme and we also credit and oversee providers of statutory out-of-home care and adoption services in New South Wales.

However, the overarching piece, of course, is our child-safe function. In terms of that function, our 2023 annual report details our progress in administering this newly introduced Child Safe Scheme, which seeks to embed the 10 child-safe principles across key sectors that work with children. But let me stress, it's easy to say key sectors, but we're talking about tens of thousands of agencies so that well illustrates the challenge before us. But there have been some great initiatives that we've been able to employ—the online self-assessment tool, for example, that enables agencies to systematically go through and seek to identify where they're strong and where they're not so strong in terms of their child-safe practices.

There have been now over 5,700 new organisations across multiple sectors that have employed that tool. That is just one of many tools that we have in place and they are critical in terms of practice. For example, we have online podcasts and we've got eLearning series for early childhood, the local government sector and sporting and rec sector. So there's a great deal of participation with us in terms of both developing and then rolling out various child-safe initiatives. In fact, the figures my staff have given me show that there are over 93,000 who participated in one way or another in terms of the various learning exercises, tools and meetings that we've had. It's good to see that it is landing. I'm happy to talk to the Committee later because it's all fine for me to talk to you about the good things, but if there are some areas of challenge that you'd like us to present, I am more than happy to talk about the areas of challenge.

We directly accredit and monitor government and non-government agencies providing statutory out-of-home care services. There are currently 85 accredited services to provide out-of-home care services in the State. That includes the 16 DCJ districts. One notable area of increase, given the significant numbers of Aboriginal children in care, is the increase in Aboriginal-run out-of-home care services. In the last financial year, you will note that three additional Aboriginal out-of-home care agencies were accredited, bringing the total to 21 Aboriginal organisations, which is a significant proportion then of the 85 designated agencies. Another related initiative is we've currently got 23 New South Wales Child Safe Standards for Permanent Care and we're moving towards a code of practice that will seek to essentially roll in a lot of those practice issues under the 10 Child Safe principles. There's no good reason why the 10 Child Safe principles shouldn't govern out-of-home care as it does many other areas of service delivery. We'll be seeking an amendment to the Children's Guardian Regulation that specifies the requirements and puts them in under the 10 Child Safe principles.

There's also the carers' register, and the residential care register is working well, I'm pleased to report, and it speaks for itself in terms of its ability to identify risk-related information relating to people who work in the residential care area for the residential care register and also foster carers in the carers' register. It stops people coming into the industry who should not be working with kids, which is great. But one of the things of concern is a drop in the carer numbers, you will note. In 2020-21, there were 18,369 carers on the register. There are now 17,121. In light of the significant public media interest, legitimately, in the whole issue of kids in ACA placements and the like, it's obviously of concern that there's a drop in the number of foster carers. On a related note, we're very keen to be on the front foot in terms of the whole issue of, in a systematic way, ensuring that there's proper carer engagement; that there is proper carer support. We regard that as a very important issue.

We're also currently looking at the ACA service provision at the moment via an inquiry we're carrying out. We're happy to go into those details. Larissa can speak to where that work is at. We recently commenced that in September of last year, and it highlights some important quality assurance issues that need to be addressed in that area. Reportable conduct is a scheme that involves notification of a whole range of serious allegations against the employees and volunteers across a whole range of sectors, involving the Department of Communities and Justice and the out-of-home care area, the education sector, the early education area, religious bodies and public authorities generally. We noted last year that there was a 20 per cent increase in reports of reportable conduct matters, and that has continued to increase this year as well. The numbers are up by an additional 34 per cent increase in reportable conduct matters.⁵

One of the things we highlighted last year was delays. It is a bit of an area where justice delayed is justice denied. We've sought to really focus our attention on reducing the number of delays. Notwithstanding the significant increase in the number of reports, there are 7 per cent fewer notifications that have taken entities more than six months to investigate—so we've reduced that by 7 per cent. We have increased the timeliness of our assessment of final reports by 82 per cent. It was unacceptable, as the body oversighting this area, that there were delays in terms of our assessment of final reports. That has been reduced by, to be precise, 82.5 per cent. We have also increased the number of our formal inquiries involving the use of powers to compel information by 76 per cent. The two things go hand in hand.

We've got our house in order in terms of our oversight; that then enables us, with our house in order, to provide more practical assistance. That has a significant return in terms of the quality of investigative practice and reducing risk to children, and introducing and ensuring there is fairness to the subject of the allegations. Despite an increase in notifications—I said 34 per cent, which was inaccurate; it was 21 per cent on the last four years. I correct the record on that. We have reduced the total number of open reports overall by 18 per cent. There are some issues in that area that I'd be happy to talk about, but as I'm supposed to make a brief introduction, I will stop at this point in time.⁶

Let me talk about the Working with Children Check, finally, if the Chair is prepared to indulge me. In relation to that area, there were over 400,000 applications last year. What's significant when you cut to the chase in terms of that area—and, of course, that's an area that affects the public very significantly—there are about 432 people who were automatically barred as a result of the offences that they've committed. We cancelled, following a risk assessment, 59 applications. You might say, "Well, it's only 59 of the risk assessments you've done." But what is significant is that there are over 1,873 people who left the industry after we conducted a risk assessment. We sought further and better particulars from them to explain certain things to assist us, and they decided to vote with their feet by not responding. When you think of that—I mean, I think of individual cases. One person last year has been charged with hundreds of offences—one person. That Working with Children Check system doesn't cover everything, but it is an important protective part of the system. Chair, I will stop talking at this point.

The CHAIR: Would anyone else like to make a short opening statement?

STEVE GHOLAB: That's all good.

The CHAIR: Thank you. We will move to questions from the Committee. Before we begin, I inform witnesses they may wish to take a question on notice and provide the Committee with an answer in writing within 14 days after receiving the question. Please note that I will begin with my questions. We note that the office has received additional funding to cover the increased scope of the Working with Children Check and the Reportable Conduct Scheme. Can you comment on the adequacy of this funding in supporting the office to meet its new obligations?

STEVE KINMOND: We've received some additional interim funding in terms of the Child Safe

⁵ The Committee received correspondence from Mr Steve Kinmond providing clarification on these statements which is published on the Committee's [webpage](#).

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Scheme, and also in the reportable conduct area. Treasury has indicated to us that they want to move beyond one-off funding to ensuring that there is some certainty in relation to our funding base, so we have been preparing a submission for consideration by government as to a fees increase in relation to our NDIS Worker Check, which are by far and away the lowest in the country.⁷ The interesting thing is that they haven't been indexed, and so we're preparing a paper which basically demonstrates different scenarios in terms of funding increase as a possible way of securing the funding that we require to carry out this work on an ongoing basis, and so to meet our obligations.

One of the challenges we have—and I'm happy, Mr Gholab, for you to add to this—is that as time goes on, of course, there are more and more people who are both cleared to work with people with disability, that's the NDIS Worker Check, and are cleared to work with children. The problem is, the more people, in statistical terms, the greater the prospect that a number of those people are going to then face matters that trigger risk assessments. And so it's a treadmill that we can't get off. When one is looking at the actual cost of doing business, it isn't just about processing the application. Does that make sense? It's also accepting that over time the cohort of people who require more comprehensive work—it's not just the comprehensive work at the assessment stage; it's also comprehensive work because downstream matters come to attention about which we're advised.

We have a continuous monitoring system in place. New South Wales police advise us of relevant events. We get notified of matters relating to workplace issues. We've become part of the National Reference System, which does need to be improved, but if somebody is banned in another State or Territory from working with kids, then we get notified. What we're saying is that needs to be expanded. But all of those things mean that, over time, what is inevitable is that the number of people who we need to assess each year will continue to go up, and so that needs to be looked at.

The CHAIR: Thank you. We might open it up to the floor.

Dr AMANDA COHN: Thanks so much for being here today. My first question is about the Child Safe Self-Assessment. I was very interested that in your annual report there was a huge variation between sectors on the use of that tool. For example, it was 877, I think, for early childhood education care, but only one in justice and corrective services. Have you done any analysis to understand why that is? And how does that impact your work?

STEVE KINMOND: I was about to take you through the numbers, but what I will do is take the specifics on notice. I think it would be good for us to advise the Committee of the updated numbers now that there has been an increase. We will take that on notice.

Dr AMANDA COHN: Please do.

STEVE KINMOND: But the variation hasn't changed, as you would expect. Your question really highlights what I think is the biggest challenge in this area. You've got different sectors with different levels of capability. And so how do we, as a State, have confidence across all the relevant sectors, that, in fact, we're getting consistent improvement over time in terms of practice, if that makes sense? One area—going back to the earlier question raised by the Chair around resourcing, I will be seeking from the Government the rollout of funds that the guardian has managed to retain over a number of years, because I think the guardian realised that we would really need to resource this area. There are bodies, for example, under our Act, which are called prescribed bodies. They are government agencies that either fund or regulate or otherwise play a leadership role. NESAs are one, for example. The Department of Education, the Department of Communities and Justice, the Office of Sport, Local Government—and we have others.

I see enormous potential in terms of us not keeping the money for ourselves, but I would love to, over the next 12 months, use that prescribed body model and I'm bringing on a short-term basis a number of directors on board. The aim would be to seek to address the very issue that underlies your question: How do we make sure right across the sector that, when it comes to basic policies and procedures, we've got the baseline in place? How do we accelerate that process? What I'd be seeking from approval from Government is to roll over the significant funds we've got and, under close quality assurance by us to, across those key sectors, allocate funds over the next 12 months to do a very significant capacity-building work.

Now, from my analysis, if we use the prescribed body model that is there—and those prescribed bodies are meant under the Act to play a leadership role. It's not just about their entities; it's about the entities also that they fund or that they regulate. If we use that prescribed body model, with one exception, we would provide enormous coverage across those agencies to address the very issue that underpins your question. The only exception is the religious sector. I've got a community of practice in place with the religious sector. What I'd like to be doing with the religious sector is to challenge them to agree on a consortium that we would have to approve

⁷ The Committee received correspondence from Mr Steve Kinmond providing clarification on these statements which is published on the Committee's [webpage](#).

that could do the baseline work—does that make sense?—in terms of policies and procedures, and they're fine policies and procedures.

The next challenge is what governance arrangements need to be put in place to make sure that what is written on a piece of paper becomes real in the market. What needs to be done by way of monitoring the policies and procedures that are put in place and then to assess the outcomes? New South Wales should be proud of where it's at in terms of the child safety area. But, of all the areas under my oversight, you've identified the area of most concern, not because we haven't done significant work in this area but because of the significant challenge of how do you get tens of thousands of agencies so diverse up to speed in something that is so critical—namely, understanding and implementing and then tracking the progress in relation to child-safe practice.

Dr AMANDA COHN: I'm pleased to hear that you're across the issue. I look forward to an update on that work that's in progress next year. I understand that there are some significant impediments across State borders for some of the work that you do, particularly working with children checks and reportable conduct schemes. Is there any work underway to enhance child safety across jurisdictions?

STEVE KINMOND: That's a very good question. So information exchange itself—it has been some while since the Royal Commission pulled up stumps with its recommendation that, in relation to information exchange, the principles of chapter 16A, which operate in New South Wales, which is information relating to the safety, welfare and wellbeing of a child or a class of children can be exchanged between prescribed bodies—that that apply across borders. It doesn't yet and it should and it must. That's one area that came to light, of course, in terms of a particular case that gained significant media attention. In Queensland they called it Operation Tenterfield. It concerned a childcare centre, and operation Boorong was the description in New South Wales. We've used that as an example of the need for national information exchange changes so that we can move information across borders.

Dr AMANDA COHN: What representations have you made to advocate for that change?

STEVE KINMOND: We've had discussions with the Minister and the Minister, in turn, has had discussions at a national level making that point. Another area that we've sought to highlight is the National Reference System, which involves us being advised of anyone from any other State and Territory who has been banned from working with kids. What if they have a Working with Children Check in New South Wales, clearance in New South Wales, but they haven't got a Working with Children Check clearance in the other State and Territory but they nevertheless commit a relevant offence in that State or Territory—relevant offence being an offence that we would consider, that would trigger a risk assessment or it might even automatically bar someone. Unless they hold a Working with Children Check in that other State and Territory where they're charged, even if they hold a Working with Children Check in New South Wales, we won't know about it. That needs to be fixed, absolutely.

In addition, I've had some very good discussions with Liana Buchanan, the Children's Commissioner in Victoria, where we've had some initial meetings but we will be starting a series of ongoing meetings in terms of comparing and contrasting where we're all at in terms of our regulatory oversight. Does that make sense? Then we'll bring in sector players. The other issue that I've discussed with Liana—and there's in-principle agreement—is that I would like to have an independent advisory council which consists of people who, across the country, are experts in this area. It would be very useful to have a group of that type examining those jurisdictions that have got a child-safe regulatory responsibility and to put us through the hoops—does that make sense?—to be constantly asking us what we're doing, why we're doing it and how successful it is, and be putting ideas before us that we need to consider. I've got in-principle agreement from Liana Buchanan along those lines. Then, as other States and Territories come on board with their schemes, we'll be very keen to involve them as well.

Dr AMANDA COHN: I hope you understand my interest in this area living in Albury Wodonga.

STEVE KINMOND: There you go. Very much appreciated.

Dr AMANDA COHN: I'm interested in your inquiry into alternate care arrangements. As you would know, we had the Advocate for Children and Young People appear this morning to tell us about their inquiry that's about actually platforming the voices of the children and young people who are in those care arrangements. Are you aware of their inquiry? How will that be incorporated into the work that you're doing?

STEVE KINMOND: My director of out-of-home care does some great work. Would you be happy for my director to respond?

Dr AMANDA COHN: Please.

LARISSA JOHNSON: Thank you. We did commence the monitoring review of children and young people in ACAs in September and we did that as part of our regulatory oversight. In the review we looked at 55 children and young people and we've met with the advocate a number of times early on in our review and also quite recently when we finalised the draft report. We're obviously very interested in the findings based on the

voices of children and young people. We're interested to know whether or not what we saw through our review was protective factors actually reflects the experience of children and young people or—understanding the Government has introduced significant reforms to reduce the number. We've seen a significant reduction in number since last September when we started the review.

But, understanding that it is possible that a form of emergency care may always be needed for children and young people in out-of-home care, we want to know that, when that occurs, the best care possible is provided. That's why we've shared our report with them. That's why we're continuing to have discussions with them. The voices of children and young people will obviously have an impact on what our understanding is of what the protective factors are when they're in temporary care arrangements, emergency arrangements. But, in terms of our regulatory oversight—so that we understand where we should best focus our attention when we're regulating that particularly vulnerable cohort. That's our engagement with them in the main.

Dr AMANDA COHN: I understand that the position of the Aboriginal Deputy Guardian has been vacant for some time. What's the progress on recruitment for that position?

STEVE KINMOND: I'm glad you asked that question. That's great. We wanted to move straightaway upon Richard leaving the organisation, so I'd let key leaders from the Aboriginal sector know of my intention and the request from AbSec was for us to delay in terms of recruiting the position because, quite understandably, their view was that they wanted to ensure that any action we took along those lines did not undermine the *Family is Culture* recommendation for the creation of a children's commission and also, within a commission of that type, an independent—let me stress that—Aboriginal Commissioner. Given that I had previously publicly supported that, I perfectly understood where they were coming from. It's a good process, isn't it, to not just talk about consultation with Aboriginal leaders but to actually be accountable?

There were a number of meetings. It culminated in a meeting at the end of last year with an AbSec sector forum and I was on a panel and it was good. I was cross-examined as to my desire to move on this. In the course of my initial response and the discussions that took place, I had cause to look at the legislation and found that an assistant guardian actually has more power than the deputy guardian. An assistant guardian can carry out inquiries, including exercise of royal commission powers, and a deputy guardian cannot. I was able to table that.

And then it was left with Aboriginal leaders as to feedback. The feedback that AbSec received from that sector forum was very strong support for us to move and a belief that us moving on the filling of the Aboriginal designated assistant guardian role was a good thing. We have had the position evaluated and it has come in at a little more senior than the previous position, in terms of the points that they allocate, which is good. We're in a position now where we're working with AbSec in terms of the recruitment process. I have made it perfectly clear. I have to make the appointment, so I have to sit on the panel. But I want to be guided by Aboriginal leaders in relation to that appointment.

The Minister has recently established an Aboriginal advisory group. I am seeking a couple of nominations from that group and, in addition to that, other senior Aboriginal people who have had some time in very senior levels within government. We're also seeking a couple of nominations. I will be one of four and I will be very strongly inclined to be guided by the Aboriginal leaders on that panel as to who should be the person appointed. The bottom line is that we're really looking forward to it, and it has been a good process.

Ms KAREN McKEOWN: Can you update us on the implementation of the Child Safe Scheme in 2022? It's over a year into its implementation. Have there been any learnings and have you had to make any modifications to the scheme in that time?

STEVE KINMOND: There has been a significant amount of work done in the resource and development space, in terms of the Office of Local Government, the Office of Sport and then the entities and so on that they represent. There was a very interesting recent development by the Department of Education. They have outlined to us an overarching approach they are going to use, which is very similar to the approach they have in place in terms of their accreditation with NESAs. That's very encouraging because that says to me that education is taking that very seriously indeed. Has there been a lot of excellent work done? Yes, there has. But I come back to the point I made earlier. I can talk about the 95,000 or 93,000 people that have been engaged. I can talk about the thousands of people that have been involved in webinars and the like and the various products that we've rolled out. But if you were to ask me the question am I confident across all of the sectors—in terms of baseline policies, procedures, practice, governance arrangements—that we have child-safe practice, the answer is no, I can't.

That is why I referred earlier to how do we ensure—this is the challenge: that across each and every sector the optimal system or systems are put in place for the development, implementation and monitoring of child-safe policies, procedures and practices for organisations required to be child-safe organisations. For me, I can't see that happening any other way than that there is an investment. That is why I have indicated—we've managed to retain funds. I would actually like to be able to roll those funds over not for the Office of the Children's Guardian but to prescribed bodies that would then work with the non-government sector and be able to stand up

those policies, procedures and governance arrangements, and so we would accelerate progress in that area. Without that investment, we're going to continue to have a hit and miss proposition across various sectors. I think that's of critical importance.

Let me also say that I'm hoping that government will allow us to also roll over money that we've retained that was allocated to us in terms of our own operations there. That's a separate sum of money. I'm in the process of completing the recruitment of five directors who will have a role of looking at our own internal operations and making sure that it is as sophisticated as it can be but also that really strong issue of sector engagement. A number of those directors are very well credentialed when it comes to policy, procedure, development and governance arrangements. I really do see the next 12 months as being a period where that capability-building work is accelerated so that when I'm talking to you in 12 months time we can then start to talk more about the monitoring and compliance side of it, but with some fairness.

Just to illustrate, if you look at the ACN site and think how many religious entities do we have who are listed on the ACN site, it's 4,000. That's different religious groups who have got an ACN. That just illustrates one of the challenges, doesn't it? How do we make sure, across those 4,000 entities, that they understand the baseline, they understand what they need to do? We have to accelerate that process. In 12 months time I would like to be able to be saying—if you take religious, for example—"Okay, here it is. You've had this policy. Have you bothered to read it? Have you bothered to act on it? Where's your evidence?" If we haven't reached that point in terms of basic policy and procedure development across every sector, then you can see that, yes, we can take people on from the compliance point of view but, to some extent, prevention is better than cure, don't you think? Prevention would be getting that investment in New South Wales in terms of understanding what it takes to develop the resources, develop the operating framework. Then, with some credibility, we can talk about accountability.

The Hon. AILEEN MacDONALD: I am going to follow on with the Working with Children Check. From my understanding of the Working with Children Check, the \$80 application fee is your only revenue that you can bring into the organisation, aside from funding that you get.

STEVE KINMOND: Steve, over to you at this stage. The short answer is yes. That's our revenue stream. Whether in theory it's the only one in the future that we could bring in is an interesting point, but at this stage that's the revenue stream, with the NDIS worker cheques as well.

The Hon. AILEEN MacDONALD: You've got the Working with Children Check within New South Wales and then your cross-border ones. What about with international? If you were applying for a position such as a teacher's role, you actually had to be in Australia before you could apply. Is that still the case?

STEVE KINMOND: Can I respond? I misled the Committee. There is children's employment. There is a small revenue stream from that as well. I do apologise. Steve, did you wish to deal with this? I note that the Committee in informal discussions at the end of last year raised the issue of overseas employment. You will be pleased to know that we've come ready to respond to that question. I thank for you asking it.

STEVE GHOLAB: Thank you for the question. Previously when we met with the Committee, the formal application process was that you had to be in Australia. An aspect of that is now you can—working with children, you're allowed to renew and can renew online and you can be overseas or interstate. That reduces or supports the time taken and delays for communities and regional and remote communities to be able to apply online and that includes people overseas. We also work with Service NSW to look at how we extend that to new applications but also maintain the integrity around the application process—fraud, identity fraud—but also to protect children. An aspect of that is a renewal application can now be done online to support teachers, people who are overseas who are about to come to Australia or working overseas as well.⁸

In terms of the international records, it is, again, a gap. It is a gap that has been highlighted by the Royal Commission as to how do we bridge that. We're working through a process to progress amendment legislation that was passed to proclaim a section to allow individuals to self-disclose information when they apply for a Working with Children Check. However, it is a self-disclosure and it's also information that is readily accessible—and similarly—by the Australian Border Force who rely on those individuals when they come to Australia. It will allow us another element to gain that information and to have individuals share police records that is translated in a translated format that we can access. If that information, however, is lacking or limited between our international colleagues and the Commonwealth, then that information will be limited to us. Through the Children's Guardian we are making representations to be part of a group of individuals to try to bridge that. How do we try to access that information that is held with our Commonwealth bodies who are accessing information internationally. It is a work in progress.⁹

⁸ The Committee received correspondence from Mr Steve Gholab providing clarification on these statements which is published on the Committee's [webpage](#).

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The Hon. AILEEN MacDONALD: At the moment if you're a volunteer and apply for a Working with Children Check, that's free. For other people it's \$80. I think you said you were looking at increasing the \$80 fee but were you considering charging volunteers?

STEVE KINMOND: You've raised a really interesting issue, and I should have referred to another related development that we're pushing for. Because if we get it up, then even if the fee is increased to a degree, we may actually end up lowering the overall cost of probity checking in terms of records. How might that be done? In relation to the Working with Children Check, let me use that as an illustration. We have that in the NDIS worker checks. In relation to the Working with Children Check, 90 per cent of people who apply for a Working with Children Check, do not have a relevant criminal record. So that's the employees. With volunteers, 88 per cent. This is based on last year's figures.

The question for me then is: Why are people having to go off and get a national criminal record check when we actually know there's no criminal record? I'm involved in discussions—can you see what the saving costs would be? I was talking to the CEO of a kindergarten; it costs \$110 to do that. And then you think of the other on-costs—the administrative costs and all the rest of it. Every time somebody doesn't have to do it, then by my back of an envelope, the saving will be greater than \$100 if you think of the on-costs and so on involved. We've approached that, had discussions with the Australian Criminal Intelligence Commission and indicated to them that I'd like a system in place whereby I can tell the employer—and it'd have to be consent-based, let me stress this, for employers and applicants who consent—"In relation to Steve Kinmond, you don't need to do a national criminal record check because he's one of the 90 out of 100 who doesn't have a criminal record that's worth reviewing."

Quite frankly, we probably should've had CPI increases for the last dozen years. We're arguing for a fee increase. But at the same time, I'd like to roll this initiative out. Basically we call it a "no probity flag". In other words, there is no need. It would be telling agencies there's no need in relation to this applicant to go and waste your money. Does that make sense? That would make it more streamlined and lower administrative costs. We've currently got an agreement of sorts with government agencies in this area. I cannot understand why we'd have an agreement of sorts with government agencies in this area and not with the non-government sector as well because it's the same issue. It might need some slight tweaking of regulation but, from my point of view, that's money wasted. We could probably spend the money on better things, don't you think? So combining an approach like that. ACIC indicated to me that their board is considering it. I will take it up further with the board and indicate to them that we're happy to put these checks and balances in place, but, once again stressing, I cannot see why it can't be done.

The Hon. AILEEN MacDONALD: You mentioned—I think, in the break or between different groups coming in—that you'd like to have some sort of youth advisory council. What would you like them to be looking at or how do you see that working with your office if you did have one? And, the second part of the question is: What do you need to then organise to have a youth advisory council?

STEVE KINMOND: They're good questions. Two things. I think there should be a nominated youth representative on the—whether we call it council or committee of experts, because the expertise of young people needs to be recognised. If we have, for example, former royal commissioners who are sitting on that panel and former and/or current experts in relation to aspects to do with child-safe practice, which we're keen to do, let's recognise that we need young people at the table. That's in terms of the broader group. But, particularly, young people are critical if we look at child-safe standards and child-safe practice where we need the rubber to meet the road, to some extent. The standards say that young people should participate; the standards say that young people should be involved; and the standards say that young people should be consulted concerning child-safe practice. If we were to continue to roll out the Child Safe Scheme, but we don't have a mechanism in place to ensure that we're pulling from the various agencies the strategies that they're proposing to do those things, and if we're not running that past young people that's not adequate.

I would be liaising with Zoë Robinson and there's CREATE, for example. There are other experts throughout the country. Kerry Graham is another person who's engaged young people from a consultation point of view. Off the cuff, I don't want to say this is the arrangement I'll put in place. But like the question you asked of us last time, informally, which I thought was great, in terms of overseas checks and so on, I will treat the question as a challenge. I will expect that next time we're here you'll ask us what we've done. Thank you. I appreciate it.

Ms KYLIE WILKINSON: I have a further question about the Working with Children Check and in the volunteer space. The report suggests that there are people who apply that don't need the Working with Children Check. Is there any thought of trying to discourage people from applying for the Working with Children Check?

STEVE KINMOND: That's a really good question. We may seek from Government an amendment to the legislation so that when the person is not involved in child-related employment, we have the discretion to not proceed with the application. Does that make sense? Because the Act intends that people who are in child-related employment are required to have a Working with Children Check clearance. The Act doesn't intend, and Parliament didn't intend, that people who are not required to have a Working with Children Check clearance nevertheless use the system as a risk assessment process. We would be keen for Parliament to consider—and this is something we'll have to run past the Government—at least giving us the discretion in those circumstances. There may well be certain circumstances where, whilst the Act doesn't require it, there may be good public interest reasons for us to nevertheless do it.

Sharminie can confirm this—some of the more problematic matters that we've expended significant resources on in NCAT have been to do with people who haven't been required to have a Working with Children Check. We've refused them and then they end up in NCAT, and then we're expending significant resources, because it's not just giving them the right to work in a particular area—and it's often for a charity—it's giving them the right to work with kids generally. It's an area that does need to be addressed. We would be keen, first of all, for the Government to consider and, if the Government is so minded, put this to Parliament for us to have a discretion to essentially say, "Thanks, but no thanks. We are not going to process something, because you're not required to be in child-related employment." But giving us some discretion where, if we think it's in the public interest to process it, we will still do so, if that makes.

SHARMINIE NILES: I might just add that we're currently doing a review of the Working with Children Act and a discussion paper is being progressed, so some of these issues will be dealt with and will be out for public consultation as well.

Ms KYLIE WILKINSON: Is that coming from the point of view of costs and resources to process these applications that are not necessary?

STEVE KINMOND: Yes. The other area that we're looking at is the issue of verifications, because it's dangerous. There are significant numbers of people who are given a Working with Children Check clearance who are not verified. One might say, "Well, what's the problem with that Guardian?" The problem with that is if we go to ban the person, we need to know who they're working for. It's a major problem in the system. There are some people—for example, teachers—who are required to have a Working with Children Check clearance before they've got a job. That's okay. We could accommodate that in possible legislative changes. Another area that we're considering, because it goes to kids' safety, is for those industries apart from teaching and so on where the individual has to have a clearance before they can be accredited to work as a teacher—apart from similar sorts of areas.

What we would essentially want is a situation whereby you put in your Working with Children Check application and we'd consult on this, and after X number of days—X would be the number of days that we'd reach agreement in terms of consultation—if you haven't been verified, then your application ceases. We cannot continue to have large numbers of people who have got Working with Children Check clearances and we don't know who they're connected with; it's dangerous. Let me give you an illustration: Over the last 10 years—if these figures are out by 1 per cent or 2 per cent, please forgive me; it's off the top of my head—about 19 per cent of all people who have been banned—and Steve will correct me if I'm wrong—from working with kids come from the sporting and recreation sector. So close to one in five. But only about 40 per cent of those individuals are verified.

Now there might be a small percentage of them who might have had an aspiration to be in this industry, but they never ended up in the industry and that's why they haven't been verified. That might be a small percentage, but you can see the danger—such a high-risk area and such a large number of people and we don't know who their employers are. It's not a matter that we're negligent there. We make inquiries. We seek to identify who the person is. But can I, hand on heart, say that I'm confident that we've managed to get that information in each and every case? Clearly you wouldn't, given the volume that's there. That hole in the system needs to be addressed because it's not safe.

Dr AMANDA COHN: I understand your department has managed to escape the clutches of my colleague Abigail Boyd and her inquiry into the Government's use of consultants. I appreciate that this question will probably need to be taken on notice; I am happy with that. Could you outline each occasion that the department engaged an external consultant and what the purpose of that was?

STEVE KINMOND: Good. I will take that on notice.

Dr AMANDA COHN: I do not expect you to know off the top of your head.

STEVE KINMOND: No, you had me very worried then! I'm happy to take that on notice.

The CHAIR: Thank you for appearing before the Committee today. You will each be provided with a copy of the transcript of today's proceedings for corrections. Committee staff will also email any questions taken on notice from today and any supplementary questions from the Committee. We ask that you respond within 14 days. That concludes our public hearing. I place on record my thanks to all the witnesses who appeared today. I also thank the Committee members, Committee staff and Hansard for their assistance in the conduct of the hearing.

(The witnesses withdrew.)

The Committee adjourned at 12:55.