

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 Macquarie Room, Parliament House, Sydney, on Tuesday 2 July 2024

The Committee met at 1:10.

PRESENT

Mrs Helen Dalton (Chair)

The Hon. Natasha Maclaren-Jones

The Hon. Emily Suvaal

Ms Lynda Voltz

PRESENT VIA VIDEOCONFERENCE

Dr Amanda Cohn

Ms Donna Davis

Ms Karen McKeown (Deputy Chair)

The CHAIR: Good afternoon. 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. 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 SHARMINIE NILES, General Counsel, Office of the Children's Guardian, sworn and examined

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

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

Ms VANESSA FORD, Director, Strategic Projects, Child Safe Organisations, Office of the Children's Guardian, affirmed and examined

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

Mr PETER CRIMP, Interim Chief Financial Officer, Office of the Children's Guardian, affirmed and examined

The CHAIR: I welcome representatives from the Office of the Children's Guardian. 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 New South Wales Legislative Assembly's social media pages. Please inform the Committee staff if you object to having your photo or videos of you taken. Before we proceed, do you have any questions about the hearing process?

STEVE KINMOND: No.

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

STEVE KINMOND: Yes, and the Committee will be pleased to know that it will be short. First up, let me acknowledge the Gadigal people of the Eora nation, the traditional custodians of the land. Good afternoon, Committee. It is good to be with you. As the Committee is aware, we provided a short update to the Committee ahead of this hearing, so I hope that was of assistance. In that paper that we sent across, we briefly mentioned a number of areas including the Child Safe Scheme. In that regard, I note the appointment recently of five Child Safe directors over a 12-month period to really accelerate our work in that area. We're aiming to fill the gaps in the Child Safe Scheme and Vanessa Ford, who is with me, will be happy to put some flesh on some of the activity to date since her appointment a couple of months ago.

I note that we currently have 1,981 open matters in the Reportable Conduct Scheme. That's significant because in March 2023 we had 2,446 matters. So it's a significant reduction, notwithstanding a very significant increase in notifications. It's good to see that we're turning those matters around much more quickly, which keeps kids safer and it is also fair to those who are the subject of allegations. Regarding out-of-home care, we will soon be providing to the Department of Communities and Justice a report that looks at the issue of ACAs but goes beyond ACAs to look briefly at high-cost care placements. The report discusses the out-of-home care system more broadly, and then moves on to talk about the broader issues to do with the broader child protection system and also the oversight system. We will be providing that in the near future to the department, and we'll also then aim to release that on our website. Given the coverage, it's important that it be publicly released. This was work that we'd commenced prior to significant public commentary on the issue, but we felt it was very important for us to put on the table our observations about the out-of-home care system, and the system more broadly.

So far as the Working with Children Check, in the briefing paper we noted a number of systems issues, which we will canvass in the soon-to-be-released issues paper in connection with the review of that Act. We've spelt that out in the paper, including, for example, in certain sectors—the sporting and rec sector is a good illustration—low verification rates of people who've got applications. The consequence of that is, if an individual hasn't been verified and we need to take action against that individual, we don't know who they're working with. So that needs to be addressed. It's hardly a child-safe system if, for example, we're not able to verify who individuals are working with, particularly in circumstances where individuals are being risk assessed, then the employer must be contacted.

We also briefly mentioned ongoing work with interstate counterparts on information sharing across borders to keep children safe. That's important, particularly in light of discussions at the end of last year in connection with that childcare centre that was operating in New South Wales and also in Queensland, and the charges that have been laid. It's important that we continue that work.

What I'm very pleased to announce is the recent breakthrough in terms of the discussions. We've been given the go-ahead by senior Aboriginal leaders. There have been significant discussions in connection with the role of First Nations executive director, policies and programs. I very much respect that process of discussion that

took place by Aboriginal leaders, and I'm very appreciative of them endorsing the process that we've adopted and encouraging us to go to market in terms of filling that position, which is fantastic.

The scoping work that was raised at the last committee, appropriately—that is, our processes for engaging with young people. We're commencing early scoping work on the issue of a youth engagement and youth advisory council. I'm sure Vanessa would be happy to talk about the strategies that we're going to be employing in that regard. As the advocate's report well-illustrates, it is very important that we get to hear the voices of children and young people. They're all the opening comments I would like to make. I once again refer to the paper that we've sent across and look forward to today's discussions.

The CHAIR: If nobody else would like to make a short opening statement, we will move to the questions. Since the Committee's hearing in March this year, could you update the Committee on the recruitment for the vacant Aboriginal Deputy Guardian position?

STEVE KINMOND: We are in a position now where we have had recommended to us and we have supported the nomination of certain Aboriginal leaders who will join with me in terms of the selection process. A position has been evaluated. The technical title of the position is Assistant Guardian. The previous position was Deputy Guardian, but the Assistant Guardian has more powers than the Deputy Guardian. The Assistant Guardian under the Act has the ability to utilise royal commission powers in terms of investigations and also has the right in terms of issuing reports in their own right. That has all been carefully considered by Aboriginal leaders and endorsed.

However, the Aboriginal leadership has indicated to us that whilst they recognise that technically the position is one of Assistant Guardian—the most senior role that we are able to appoint under our legislation—they would prefer the title to not contain the word "guardian". But they have endorsed our suggestion of executive director of Aboriginal programs and policies. We are keen to move on the issue. There is a kind of residual issue as to the precise wording we should use. Should it be Aboriginal and Torres Strait Islander executive director or should it be First Nations executive director? You'll appreciate why I'm not going to make that decision. There are some final discussions that are taking place with Aboriginal leaders as to what is their view on that issue. The view of Aboriginal leaders will prevail in relation to that title.

The CHAIR: Is there a shortlist of people?

STEVE KINMOND: No, we haven't gone to market because we have only recently been advised of the endorsement. There had been a process, which was a good process, by the Minister's advisory group of Aboriginal leaders, which was a good exercise. They went through it and they checked what we proposed and then we got the endorsement.

The CHAIR: When do you think the position will be filled?

STEVE KINMOND: With the hoped-for outcome of the title being resolved—whether it's First Nations or Aboriginal or Aboriginal and Torres Strait Islander—we could go to market next week if we get that sorted. We're ready to go. The position has been evaluated. The evaluation of the position pegged the position at a more senior level than the level of the deputy guardian role. We're ready to go. But I have demonstrated and will continue to demonstrate my respect for Aboriginal leaders on this final outstanding question.

The CHAIR: If you're ready to go next week, what do you think the time frame would be?

STEVE KINMOND: The time frame would be that we should allow a month. We go to market and we advertise for a fortnight. The risk is we end up having a senior Aboriginal leader who doesn't learn of the exercise. We will make sure that there's consultation with the Coalition of Aboriginal Peak Organisations and AbSec and we will liaise closely with Aboriginal Affairs. It's of vital importance, nationally, that SNAICC is aware of it. My view is to wait another couple of weeks. To put it out there and allow a month for people to put in applications is the best way forward. I would be hoping that we have somebody in the role, if one thinks about it, some time in late August.

The Hon. NATASHA MACLAREN-JONES: Thank you, everyone, for coming in. I might start my questions with the Children's Guardian Act, and whether or not that is still under review or what the time frame of any reforms might be.

STEVE KINMOND: Yes, it is still under review. My understanding from recent discussions is that the department is still involved in consultation with particular parties. I think there is also an interesting issue sitting there. There's a very robust and constructive discussion that's taking place in terms of the issue of Professor Megan Davis's recommendations and related issues relating to whether the current oversight system is fit for purpose.

Professor Megan Davis, in the Family is Culture report, recommended that there be a combining of the Ombudsman's functions and the functions of the Children's Guardian so that there'd be a children's commission. As part of that children's commission, there'd also be the appointment of an Aboriginal commissioner. I know that that's an issue that's being discussed. Whether that is factoring in the time that it's taking, one can understand why a substantial review of the Children's Guardian Act, if one was going to change the oversight arrangement, is something that might give one pause for thought. What I don't want to do is to undermine the process that's taking place between senior Aboriginal leaders and the Government around very careful consideration as to what the oversight landscape should look like.

The Hon. NATASHA MACLAREN-JONES: Just to clarify, it's your understanding that it's currently with the department to look at. You've provided all your final comments and you're just waiting to hear from them?

STEVE KINMOND: That's right. But there is a bigger picture in play, too, potentially.

The Hon. NATASHA MACLAREN-JONES: I will move on to foster carers and the Carers Register. When is the next quarterly report due? The current one we've got is up to 31 March this year. Is there another one?

LARISSA JOHNSON: Yes. The statistics are run quarterly, so it would be July.

The Hon. NATASHA MACLAREN-JONES: Do you have any updated figures or is this the latest that you've got?

LARISSA JOHNSON: That is the latest.

The Hon. NATASHA MACLAREN-JONES: In the additional information that you sent through to us, you talked about the Carers Engagement and Advisory Committee. Could you update the Committee as to where that is up to? Have the members have been appointed, and what was the process for that?

LARISSA JOHNSON: There are a couple of things going on in the OCG around the carers groups. We have had a smaller working party of NGOs working with us around building templates, but I assume you're referring to the work that we've been advocating for a broader group.

The Hon. NATASHA MACLAREN-JONES: There was a letter that came through that Steve referred to at the beginning, and I see "Carers Engagement Advisory Committee".

LARISSA JOHNSON: Yes, we're sort of looking at three levels. The carers advisory committee is a governance arrangement that we have been, I suppose, actively encouraging senior leaders to form. My Forever Family was originally involved in proposing a group. We continued to advocate on behalf of that and have offered secretariat support. We engaged in looking at what some of the issues might be and how to go around ensuring that carers were also involved in that committee. But it's fair to say it hasn't really gained a lot of traction to date, despite our continued reaching out and engaging with our sector partners around setting that up, which is why we've formed the working group with some members of the NGO sector and are also looking at the possibility of having an internal reference group of carers.

The Hon. NATASHA MACLAREN-JONES: You referred to consultants that you brought on.

LARISSA JOHNSON: Yes.

The Hon. NATASHA MACLAREN-JONES: Was their role to look at establishing this working group, which you found isn't an option? Is that right?

LARISSA JOHNSON: The work that we've done in the Out-of-Home Care directorate, we originally had our own policy team look at bringing together all the information around what all the different—My Forever Family, DCJ, AbSec, ACWA—do to support carers at the moment. Then the work that Sandra did was to pull that together to look at other jurisdictional options and to come to us with a range of options about what that might look like. As I said, we already have the working group, I suppose we call it, within Out-of-Home Care. The second option is if we decide to engage as an organisation with a small group of carers. The third option is the broader steering group, which is what Steve refers to generally as that advocacy and engagement group.

The Hon. NATASHA MACLAREN-JONES: So the steering group currently exists?

LARISSA JOHNSON: No the working group currently exists. The steering group is the group that is more across the sector that we've been advocating for with DCJ and ACWA and AbSec.

STEVE KINMOND: Just to clarify on that, our own engagement group is for the purposes of assisting us to listen directly to carers in respect of the exercise of our functions. The broader sector engagement and support group quite frankly recognises probably what everyone here today recognises: We need to do better in terms of

engaging carers, listening to carers and responding to the issues of concern to them, as we do in terms of young people as well. That's not something that we can control. We were happy to run the secretariat role there. It is of critical importance that this be established, but we need DCJ at the table and then we need the support of the non-government sector at the table so that we can start to wrestle with some of the issues that affect carer recruitment, carer support, carer retention and placement breakdowns. If we don't have a solid multi-agency mechanism with carer representatives at the table dealing with those issues, we're not going to move forward. It's the internal side of it, which is our own engagement group to assist us in terms of the exercise of our functions, and a very, very strong commitment, which will be in the paper that we release, to say we're long overdue. We need to make sure that there is much more effective engagement with and respect shown for carers.

In addition to that we will be putting in the paper the fact that one area that does cause carers—from time to time—to have concern is when they contact us, expecting us as the regulator to be able to respond to concerns they've got and that we don't have a complaints jurisdiction. If young people contact us, again, we don't have a complaints jurisdiction. The only areas where we have a complaints jurisdiction is in connection with reportable conduct matters. That's not seen by carers or, indeed, by young people as the regulator engaging with them in terms of coalface issues that impact on them. So we'll be putting on the table that we think that issue needs consideration.

The Hon. NATASHA MACLAREN-JONES: When you refer to this paper, is that paper being prepared at the moment and it is to be released?

STEVE KINMOND: It is very close to completion.

The Hon. NATASHA MACLAREN-JONES: Perfect. I have a final question in relation to carers. In the report you refer to care applications refused and withdrawn. I wanted to understand the difference between "withdrawn - no concerns" and then "withdrawn - with concerns".

LARISSA JOHNSON: Generally, "withdrawn - no concerns" is the carer making a decision that they no longer want to be involved or no longer want to continue down the process of recruitment, and "with concerns" is usually from the agency. But we have a specific definition which we can share with you as well.

The Hon. NATASHA MACLAREN-JONES: Should a carer wish to challenge an application that's been withdrawn due to concerns raised by one of the providers, is there a mechanism for that? What is the process?

LARISSA JOHNSON: Yes, there is a mechanism and a process. It hasn't fully been stepped out yet. One of the reasons is the sector grappling with the concept of at what point is an application considered far enough down the track of authorisation for a carer to consider that they've been rejected, I suppose, for want of a better expression. But, again, we can provide further information on where that's at.

The Hon. NATASHA MACLAREN-JONES: If there's a timeline of finalising that process.

LARISSA JOHNSON: Yes. That's not our process, but in terms of—

The Hon. NATASHA MACLAREN-JONES: What knowledge you have.

LARISSA JOHNSON: Yes, exactly.

The Hon. EMILY SUVAAL: Thank you for making time to be here today. I wondered if you might start by updating the Committee on whether there have been any further changes in the senior executive staffing levels since we last heard from you.

STEVE KINMOND: Yes. I'm acutely aware I'm under oath, so I want to make sure that if there's absence—we have the appointment of five Child Safe directors in that regard, and those appointments are for an initial period of 12 months. The last appearance was in March. We had—and it was only intended until the end of July—an interim appointment of a director of corporate. That person recently left and has been replaced, up until mid-August, by Peter. Then we've also made an appointment of a permanent director of corporate, who will be commencing in mid-August.

I am trying to think. Since March, have there been any other changes? Yes, there has also been a 12-month appointment of a director of people and culture. We felt it was very important to stop simply indicating to staff that we were listening to the significant stress and pressure that they were under and actually start demonstrating in very strong terms that we are serious about that issue. We brought on board for a period of time a consultant, who was very well regarded and had conducted extensive consultations with staff. One of her recommendations was that we appoint, at least on an interim basis, a director of people and culture to take forward a myriad of issues that had been raised. That independent consulting work was very well received by staff. So we have got a 12-month appointment of that individual, who is already carrying out a whole range of staff engagement and staff development activities.

The Hon. EMILY SUVAAL: In addition to that, in the supplementary answers that you provided, you mentioned a final report with recommendations that have been incorporated into a new people strategy. Is it possible for the Committee to get a copy of that final report?

STEVE KINMOND: Can I take that on notice?

The Hon. EMILY SUVAAL: Yes, of course.

STEVE KINMOND: The reason why I'm taking it on notice is that my inclination is to immediately say yes, but I can't remember every single word that's in there. There might be sensitivities. My starting point will be, yes, we'd love to release that report. But if, for example, we want to adjust our position a little bit on that, if we could go back to the Committee, we'd obviously have to state reasons, if that makes sense.

The Hon. EMILY SUVAAL: In terms of the findings, they're obviously of great interest to the Committee given some of the recent survey results. In terms of the role that consultant had, the executive leadership team obviously worked closely with the consultant. Were there changes within that team during the time within which that report and strategy were created or implemented?

STEVE KINMOND: The recommendation concerning the director of people and culture came out of the exercise. What was also important was the person who carried out the review also acknowledged the role of the executive officers who work with me and indicated that it was helpful to let staff know precisely the activities that they were carrying out. That was another activity that was carried out. There was one other appointment that we made, which was an additional director in the reportable conduct area. As I've pointed out, the volume of reports in that area over the past couple of years has dramatically increased. We've needed to have one director then focus on the volume side and the appointment of a new director to look at the systems side, because it became impossible for one director to straddle both areas. We've recently appointed Ricky Hennessey, who has a background as an inspector with homicide. He is very well credentialed as an investigator and he was also strongly endorsed by me in terms of his skill as a manager. He's demonstrating that already.

The Hon. EMILY SUVAAL: By my rough maths, that's eight new directors since March.

STEVE KINMOND: Yes, but bear in mind that seven of the eight are temporary.

The Hon. EMILY SUVAAL: With the assistant guardian role that you have created or decided on, which is obviously being referred to as an executive director for the Aboriginal position, will that position exist in its own right? Will it have statutory powers or will that be delegated through yourself?

STEVE KINMOND: The powers that they'll be given will be—and I'm happy to go on record on this—the full powers that are able to be delegated under the Act. As I've indicated, that will include royal commission powers and the powers to make reports. It is absolutely essential that I take the approach that that senior Aboriginal leader is given as much autonomy as the Act allows. Let me just go back to the other good point you've raised in terms of the repositioning of the office in terms of more senior roles. An analysis was carried out last year at my request by my director of corporate, and it compared the number of senior positions that we have with the number of senior positions in another oversight body. Given that I haven't run these figures past that oversight body, I won't name them at this point in time because that wouldn't be appropriate. It also looked at data in relation to other oversight bodies in terms of our costs per employee and so on.

That other oversight body, which is well known, for example over 20 per cent of their staff are SES. Ours was 6 per cent. It might be six point something or other, but somewhere in the 6 per cent. We are making decisions day in, day out that affect the rights of people to work, about whether agencies should be accredited, that are challenged regularly at NCAT and that can be challenged by court proceedings. I've taken the view that the level of oversight and the technical expertise within the Office of the Children's Guardian should be comparable to other types of regulatory oversight bodies and therefore we need more senior roles in the position.

The Hon. EMILY SUVAAL: I suppose it's one thing to compare yourself to another statutory body but it still doesn't negate the need to make sure that we have taxpayer funds going where they are truly needed, particularly in the case of looking after some of the State's most vulnerable children. In terms of that 6 per cent, you used the example of the other statutory body—which will remain nameless—which is 20 per cent. Do you have comparable budgets? Do you have comparable staffing? Is it indeed your goal to get a senior executive staffing level of around that 20 per cent for the Children's Guardian?

STEVE KINMOND: I think it would be absurd for me to take a particular number and say that I'm going to adopt the number. What is a better approach is to say, "What do we need to do our job properly?" I'm happy to be able to demonstrate—for example, in terms of the Child Safe directorate—that in fact there will be a very significant return for the community on the investment. I absolutely agree with you. What we need are positions that are fit for purpose, but the purposes that we carry out and the technical nature of the work—and I'm

talking as somebody with three decades of experience in oversight—is highly technical work and it requires senior staff to support our fantastic staff across the office who are carrying out such important work.

The Hon. EMILY SUVAAL: Given the People Matter Employee Survey results surfaced issues with relation to management, how is recruiting more management going to address those concerns?

STEVE KINMOND: Let me give you an illustration. You've got, in the child safe area, 30,000 to 40,000 agencies under our oversight. We have the challenge, in circumstances where we still have no ongoing budget, of actually designing the most effective fit-for-purpose system which determines what we do and then also is able to engage with senior leaders across multiple sectors in terms of ensuring that they do the design work, supported by us, that's required to deliver the most fundamental of the royal commission's recommendations. That requires quite senior people to carry out that engagement. In the couple of months since we've had these directors appointed at very senior levels across a range of those sectors, we're getting engagement of the type we haven't had before. I have absolutely no doubt that there will be a return on investment.

The Hon. EMILY SUVAAL: You talk about there being no ongoing budget but it's true that you receive the revenue from Working with Children checks so that is a form of ongoing budget in a way. Is that correct?

STEVE KINMOND: We received the revenue from the Working with Children Check prior to the rollout of the Child Safe Scheme and so things haven't changed in that regard.

The Hon. EMILY SUVAAL: So that is, in a way, the ongoing budget for the Office of the Children's Guardian?

STEVE KINMOND: It's part of our budget. Yes, that's right.

Ms LYNDA VOLTZ: Going to the Working with Children Check, you raise in your report—and, sorry, I'm new to this Committee—that you were looking at doing a paper to raise a broad range of issues. You state in your opening statement that one of your concerns is people and where they're employed. Obviously it's 28 days, normally, to wait for a check. If they get an interim order not to work, or that gets knocked back, you want to go to an employer. Wouldn't it be a simple process, without going to this broad paper, to just include on the Working with Children Check pro forma to ask which organisation this is applying to? Obviously there are volunteers and there are workers. You don't need a paper to do that. You can just ask the question, can't you?

STEVE KINMOND: You could, but the people that you're going to be worried about may not actually tell you the answer. Then the other problem is that once a person has been given a Working with Children Check clearance, they've got five years before they need to get their next Working with Children Check clearance. Therefore, there's an awful lot of scope for them to work for a range of people. What we're proposing in this area is to actually have the application put in by the applicant—and this will be up for discussion and for debate—and we're exploring the scope to have a situation whereby, once the application goes in, there will be X period of time. We need to settle, after consultation, what X period of time would be for the person to be verified, before we conclude the application.

Ms LYNDA VOLTZ: Isn't that counterintuitive? Your immediate concern is that you might give them an interim block or you may block them completely from working with children, but they may already be working in a sector or volunteering in a community organisation, a church or a sporting group. You've got no capacity to go back to that employer or sporting group and say, "We've blocked this person. Make sure they're not working." Isn't that just a simple matter of putting that on the application?

STEVE KINMOND: But they may misrepresent things.

Ms LYNDA VOLTZ: Just to be fair, let's put aside someone that wants to ignore it—and I'll come to your national checks in a minute. In the first instance, your original complaint is that you want to be able to tell employers. If you don't even get them to write it down in the first place, there's no indication. At least if it is there, there's an indication of where you might be going.

STEVE KINMOND: If they put it down, then that would assist in the many cases where people will tell the truth. The concern I've got are those who don't. That's why there's an independent verification process that's in place. What we're essentially saying is that we want to look at a system whereby, apart from certain industries—and I'm happy to get into the technical detail—that process won't be able to be completed until it is verified. We would also have another layer, it's a reasonably complex area, whereby when the person seeks to renew their application, what we'll then be doing is precisely the point you've raised, which is, "Please let us know over the last five years who you've worked for."

Ms LYNDA VOLTZ: You can do that by ATO only if they're employed. A lot of Working with Children Checks are with volunteer organisations. If the application just asks them for an indication—"I want a

Working with Children Check because I'm going to coach kids at the Earlwood soccer club"—you know you've blocked them if you go to the Earlwood soccer club. There's no other way to check where they're working. They might go from the soccer club to the local archery club. They've got their Working with Children Check; you've got no capacity to check on those people. At least if it's on the initial form, you don't really need an inquiry for that, do you? You can just ask for that to be included in the application.

STEVE KINMOND: I have no objections whatsoever to include that on the form. What we are wanting to do is have a system—and we will still be proposing this—that requires a verification. But the point needs to be made, that's at a point in time. Over the next five years, they might work or volunteer for a range of entities. What we're proposing to do is, when the renewal comes up, as a part of the renewal form, it will be, "Who have you either worked for or volunteered for in the last five years?" Then we will do a cross-check on our system as to whether they have been verified. If they haven't been verified, our proposal is that we would then follow that up with the entity to say, "We've been advised that Steve Kinmond worked for you. In our system there's no evidence that, in fact, you're verified. Please confirm whether it is the case that Mr Kinmond worked for you. Please advise us."

Ms LYNDA VOLTZ: You're wanting to put another level of verification on top?

STEVE KINMOND: No, it's the same verification that should take place at first. We're not asking for anything more than what people are currently required by law to currently do under the Act.

Ms LYNDA VOLTZ: But if I applied for a Working with Children Check, you don't go to the soccer club and say, "Lynda Voltz has applied for a Working with Children Check," because that's not part of the application, is it?

STEVE KINMOND: No. The Act requires that if people are in child-related employment and they're required to have a Working with Children Check, the employer or the entity that engages them verifies them. It requires it. But the problem we have at the moment is that the system doesn't have the checks and balances to enforce it. We're proposing a system whereby those checks and balances will be in place.

Ms LYNDA VOLTZ: I'm required to have one for work. Will you come to the New South Wales Parliament?

STEVE KINMOND: No, what we'd do is we'd say to you on the application form, "Thank you for your application," first of all—very polite. We'd then say, "We're just advising you that your application needs to be verified"—and there needs to be consultation—"within X period of time. Can you please ensure that your employer"—and it's important that they're independent of you—"verifies you as their employee?"

Ms LYNDA VOLTZ: In the first instance, why wouldn't you just ask the employer or the organisation, so that if you get a flag on someone you can go to them?

STEVE KINMOND: I think I have indicated that we're happy to consider that, but that isn't a sufficient safeguard.

Ms LYNDA VOLTZ: No, I know it's not sufficient, but you don't need an inquiry to do that; it's a simple process.

STEVE KINMOND: That's right.

Ms LYNDA VOLTZ: So you're saying that with the national checks you want to bring in, you do your Working with Children Check, and in 90 per cent of cases you won't go to a national children's check. The employees are required to do that at the moment. Is that correct?

STEVE KINMOND: They should be doing that. In terms of whether it's a requirement, it will depend on the particular industries. But what we're saying is that it isn't a national criminal record check; it's a Working with Children Check or an NDIS Worker Check. Good practice is, in addition to that, to carry out a national criminal record check. What we are saying is that if you take the Working with Children Check population, 90 per cent of employees in the Working with Children Check area do not have a criminal record. In relation to volunteers, 88 out of 100 do not have a criminal record. We actually know, when we process the Working with Children Check, whether they have a criminal record.

Ms LYNDA VOLTZ: Are you saying a State criminal record or a national criminal record?

STEVE KINMOND: No, a national criminal record. As part of our Working with Children Check, we get access to the national criminal record. What we're trying to negotiate with ACIC is to save tens of millions of dollars, frankly, by actually saying to ACIC that in circumstances where we know from the Working with Children Check or the NDIS Worker Check that the person doesn't have a criminal record, we want to have a system in

place so that, with the consent of the employee or the volunteer, we can advise the employer or the agency that has engaged them that there is no need to spend money in relation to something that's not going to bear fruit. In other words, they won't have to pay—the figures range from \$50 to \$100—for something that, in nine out of 10 cases, or 88 out of 100 cases, they don't need.

Ms LYNDA VOLTZ: Is it a requirement of the Working with Children Check that they get that national—

STEVE KINMOND: Yes, we get it. In fact, we get more information from the national records than is reviewed as part of a national criminal record. We have a much more solid information base than what's checked through a national criminal record. In those circumstances, my view is why not save organisations and people money by us being able to put in place a simple service along these lines? There may be a minimal administrative cost for us in relation to these issues, but if one looks at the actual fee plus on-costs, it's probably costing about \$100 every time an entity has to do this. My view is that if in nine out of 10 cases they don't have to do it—because we can tell them that there's no criminal record for 88 out of 100 volunteers—then, in those circumstances, with the consent of the applicant, we'd be keen to pass on that advice.

Dr AMANDA COHN: Thank you to the Guardian and your staff for appearing again at this supplementary hearing and for the written answers that you provided to our questions on notice. I was hoping to pick up on one of your written answers about the Child Safe program, and specifically that you were seeking to allocate funding to a consortium that would act on behalf of religious entities. Noting that in New South Wales, under the Anti-Discrimination Act as it stands, it's currently legal for religious organisations to discriminate against LGBTIQ+ young people, and that that was a concern raised by the Advocate through consultation in the current Anti-Discrimination Act review, in going into that process, what protections are you ensuring for LGBTIQ+ young people, or using to ensure that that funding is not going to go to organisations that discriminate against young people?

STEVE KINMOND: I think you're relating back to the evidence that I provided in March where I've indicated that we would seek to provide funding to prescribed agencies that are responsible for playing leadership roles in relation to agencies that they either fund or they regulate. We've indicated that the prescribed agency model under the Act doesn't actually apply to the religious sector. We see that potentially as a high-risk area, given the diversity of various religious groups. We were keen to explore whether, in fact, an arrangement could be entered into to ensure that funding was provided to that sector, with the aim of ensuring that there was some robustness in terms of what was developed. We put a proposal up along those lines. That proposal for us to allocate some cash reserves that we had to both prescribed agencies and also the religious sector wasn't accepted. I was happy to accept that decision. So the responsibility was then on us to look at a different way of doing things.

What we have undertaken—and Vanessa can talk about this in detail—is we've looked at a range of sectors in terms of what's going to be needed so that you've got fit-for-purpose policy, procedures and governance arrangements to make sure that, over time, we can be confident across the diverse range of sectors that we've got a Child Safe practice. If we look at the religious sector, for example, what we have accepted is that whilst some of the large faiths have got very sophisticated policies, procedures and guidelines, there is a whole range of faiths where I could be talking to you in 10 years time if we don't take action and we're still not likely to have what's needed. In response, what we're seeking to do is to work with the faith-based community, and for us then to do some legwork in terms of ensuring that we have customised what I would describe as 101 policies, so that we can't have a situation in 12 months time where any faith-based group can say, "I don't know about the Child Safe Scheme. I don't know what to do, and it's unfair for me to be held accountable." We will be in contact with them.

Dr AMANDA COHN: Has any religious group actually raised concerns about their ability to adhere to the Child Safe Standards?

STEVE KINMOND: The Committee may have better knowledge of this than I do. I recall there was some discussion over the issue that you raised on the question of discrimination. We've made clear that whilst we respect people's faiths and their views in relation to issues, when it comes to kids, there is a responsibility for those children to be kept safe. There are relevant Child Safe Standards in that regard, and that is an area that we believe requires very careful consideration. We don't want to show a lack of respect and acknowledgement of people's faiths, but none of us—including this Committee and, in my opinion, any person who takes a serious view of Child Safe Standards—would think it was acceptable that all children should not feel safe, secure, loved and accepted.

The Hon. NATASHA MACLAREN-JONES: My question follows on from the care applications. I understand that in the annual report it was just over 3,000 applications that came through, and 1,843 were withdrawn with no concerns. That's an increase of around 400 from the previous year. What is the reason for people withdrawing their applications? That's quite a large number. Is any work being done to address it?

LARISSA JOHNSON: We currently don't collect information on why it's withdrawn. I hesitate to create any further confusion about the three carer groups. But the working group that we have set up with the NGO sector, that's something that we're really trying to unpack a little bit more, get more information about what happens in that process but also in the exit process. It's certainly an area that we are interested in, but under the Carers Register, at the moment, that information isn't collected.

The Hon. EMILY SUVAAL: In regard to the supplementary questions that you've provided answers to for the Committee, was there a reason that this information wasn't provided initially at the outset when we asked for the use of consultants for the Children's Guardian?

STEVE KINMOND: I don't know the history. All I can say is I didn't reach an informed view on that issue, but I'm happy to go back and ensure that the Committee is provided with an answer for that important question you've just asked.

The Hon. EMILY SUVAAL: In terms of the answers that you provided, I note you engaged a number of barristers at a cost of \$130,000-odd. Is there a reason that your own senior counsel couldn't undertake this work?

STEVE KINMOND: Because who we engaged was senior counsel and, given the critical nature of the decisions we make, I felt it was important—and I'm happy to take you through—

The Hon. EMILY SUVAAL: In the interests of time, just provide it on notice.

STEVE KINMOND: We can provide it on notice. We can give you high-level areas where they identified the need for improvements in practice.

The Hon. EMILY SUVAAL: That would be great. My question was specifically why did you not get your own internal senior counsel to do this work?

STEVE KINMOND: Because I felt it was important to get external legal advice.

The Hon. EMILY SUVAAL: What was informing that decision?

STEVE KINMOND: Because I wanted to be satisfied, as a lawyer, that the decisions that we were making affecting people's rights were soundly based.

The Hon. EMILY SUVAAL: And your own senior counsel couldn't provide that?

STEVE KINMOND: I felt it was important for there to be independent senior counsel advice.

The Hon. EMILY SUVAAL: In terms of the costs of consultants, these have tripled in the last year, in terms of the answers you provided. Is there a reason for that?

STEVE KINMOND: The reason for it is because I've identified that there are areas of work that we needed to do that required independent consultants.

The Hon. EMILY SUVAAL: In terms of that review that you've undertaken, obviously the review from people and culture you will provide on notice. In terms of the review for these senior barristers, the adequacy and effectiveness of the existing arrangements, which would then inform a review of your operations and practice, are you able to provide that to the oversight committee as well?

STEVE KINMOND: You mean the legal advice?

The Hon. EMILY SUVAAL: Yes.

STEVE KINMOND: Can I take that on notice?

The Hon. EMILY SUVAAL: Please do.

STEVE KINMOND: What we will do is certainly provide you with the areas of decision-making and our rated legal processes where senior counsel has indicated there is scope for improvement. Let me give you one illustration—

The Hon. EMILY SUVAAL: As an oversight committee, it would be really useful to have this information, given that we are obviously answerable to the people of New South Wales with regard to the operations of the Children's Guardian. It would be very useful.

STEVE KINMOND: Duly noted.

The CHAIR: We might leave it there. 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. The Committee staff will

also email any questions taken on notice from today and any supplementary questions from the Committee; there might be a few, by the sound of it. We kindly ask you that you return those answers within 14 days. I sincerely thank you for attending.

(The witnesses withdrew.)

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

Ms XANTHE FOSTER, Acting Director, Office of the Advocate for Children and Young People, affirmed and examined

The CHAIR: I welcome our next witnesses, representatives from the Office of the Advocate for Children and Young People. Thank you for appearing before the Committee. Please note that our 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 photos and videos taken. Before we proceed, do you have any questions about the hearing process?

ZOË ROBINSON: No, thank you.

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

ZOË ROBINSON: Just to acknowledge the traditional owners of the land on which we're on today, the Gadigal people of the Eora nation, and pay my respects to Elders past, present and emerging, and also to welcome the new Committee members to the Committee as well.

The CHAIR: Thank you. 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 question.

Dr AMANDA COHN: Thanks so much to the advocate for appearing again for this supplementary hearing. I have a couple of questions further to our supplementary questions about the requests that you're receiving from cross-government colleagues. Firstly, I'm really pleased that you're getting those kinds of requests. It's positive that State government departments are seeking the input of the voices of young people through your office. I'm interested in understanding further what types of requests you're receiving and what process you're going through to work out which of those requests to respond to.

ZOË ROBINSON: Perhaps to acknowledge, obviously, we are yet to return those supplementary questions, and that's the reason why—because we need some extra time to collate all of those things. I apologise to the Committee that there is a delay around that. But if I can give you some examples, we have people coming to us. The Department of Enterprise, Industry and Trade—and I apologise if those names have changed as well—for example, have come to us and said, "We have a number of boards and we would like to start considering putting young people on those boards". So we have collated information around some potential young people who might have displayed an interest in those areas or might have a particular skill set in those areas. We often get requests from agencies and departments around that.

We know that Mental Health have done that as well, in terms of NSW Health, and we've assisted them in appointing their youth advisory council. Often it's about young people sitting in spaces. We've also had, as examples, the education department come to us and say that there's a particular piece of work. As I raised in the last Committee hearing, we have a memorandum of understanding with the education department around those kinds of work.

Often, depending on the size, the nature and the work that we already have, sometimes it is, "We can do a little bit." So we can assist, for example, with the child safe survey that the Department of Education is doing by sharing that on social media, but we may not have the capacity to currently run workshops around that. Although we would like to be able to do that, it's just managing our own core work that we need to deliver as an office with those additional requests, as an example. One of the other examples is the Minister for Youth has asked about round tables to assist them in their particular work. We only have a limited capacity around that, and so we have said we need to have further conversations about what is possible within the existing resources that we have. I'm still collating it, but there are a couple of examples that we have done.

Dr AMANDA COHN: Those examples are really helpful. Do you have or do you put dedicated resourcing aside to respond to those kinds of requests? Or where are you finding the resourcing from?

ZOË ROBINSON: Sometimes it is that we have to say no because we don't have the resourcing to do it. If I give you the example of the participation team, who is the team that would usually lead the work of engaging with young people to design and draft and deliver, right now we are currently doing a massive piece of work, a beautiful piece of work, around young people who are refugees and newly arrived migrants. That is a focus for them—that is, to deliver against our Strategic Plan for Children and Young People in New South Wales. That is

a particular cohort that we are focusing on for this part of the first part of this year. That whole team is involved in the delivery of that piece of work. They have done work in Armidale. They are currently doing a consultation today. They are going down to Cooma to do that piece of work. So that involves sending that team, which is not a particularly large team, I might add, in the first place; it has a manager, some 9/10s, a 5/6, a 3/4. They are all part of that work.

So it becomes a choice of saying, "We have to deliver on The NSW Strategic Plan for Children and Young People and our commitments on that. Where can we assist and how can we do that best for you?" It might be that we say, "We'll engage with our list of young people who have said to us via email they're happy to participate in this work." So we might send out that work that way. But the resourcing that's involved in an example of running full consultations and writing a report, if we are talking about the refugee and migrant work we are doing right now, that's six months. That's purposeful, because we want to make sure that we're going across the whole State, we're engaging with as many young people as we can and we're preparing a report that can help effect change. If it is that you want surveys to be conducted, we can do that through our stakeholder list and social media, but it just depends on what it is. That team is very small and mighty, because they are incredible at what they do, but we have to balance it all.

Some of you will know—I know the Chair knows—that last week we had our Youth Advisory Council recruitment. That's 49 young people from across the State of New South Wales that we bring in. That starts in April, and that makes sure that we're going out to promote that, that we review every application that comes in for that Youth Advisory Council. Again, that is done by that participation team, with the support of other members of our team as well.

Dr AMANDA COHN: I appreciate you've requested some extra time on the last round of questions. If I can add to that, appreciating you are about to take it on notice, I'm really interested in the requests you've had to say no to, but also some of the examples you alluded to where a request was made and you've had to negotiate a much smaller scope of response because of your capacity. I'd be keen to have those examples.

ZOË ROBINSON: I can do that. I'll take that on notice.

Ms DONNA DAVIS: Thank you very much for appearing today. I note that the office receives \$2.7 million in funding for 19.4 full-time employees and \$745,000 for operational expenses. It would be really good to understand what that operational funding is being used for. How is it being spent?

ZOË ROBINSON: Yes and, obviously, that's a question that is one of the supplementary questions, and I'm always happy to give the detail. We always tackle this line of how much detail you would like in terms of that. Our operating expenses cover everything from office supplies, as per usual. If, for example, we need to do YAC recruitment, it would come out of operating expenses. Then there are round tables, any motor vehicle expenses, and all of that kind of stuff. If I give you examples, Children's Week and Youth Week are two of the biggest weeks, obviously, in my job. Any of the work that we do in that week, like the travel to various communities, any of the conferences that we run in those spaces or roundtable resourcing, would come out of that. That's what the operating expenses would be for. I should note that I think, based on what you've just said to me, we may need to give the Committee an updated response, because that 19.5 might not refer to the actual team that we have in the Northern Rivers, who are funded under both Commonwealth and State. I'm happy to give those adjusted figures in terms of our FTE as well. But that's kind of an overview of the operating budget attached to it.

Ms DONNA DAVIS: Of those funds, is any of that used to remunerate the children and young people that are involved on the YAC?

ZOË ROBINSON: Yes. We pay our children young and people who are part of our Youth Advisory Council. We pay according to the government rates around that. They are covered for their time on the day. We cover travel expenses if they have some and, obviously, accommodation and reasonable food attached to that. We obviously provide food. Then, also, if there are things that happen out of session—not in a face-to-face meeting—we also make sure they are covered for their time around that. Our view, as an office—just taking it outside of our Youth Advisory Council—is, if you are a young person and we have asked you to do work, you should be remunerated for that. I'll give you an example. We have a young person who sits on the Mental Health Commission review and that person is being paid for their time. We will always make sure that we have the appropriate resourcing. Again, if we cannot resource a young person to do that piece of work for us, we probably wouldn't engage with them or we'd use our Youth Advisory Council, who are already utilised for that. The other thing is, when agencies come to us and say, "We would like young people to assist with this," we say to them, "You need to pay them for their time."

Ms DONNA DAVIS: I note that the YAC is people aged 12 to 15, although younger people do also apply. Have you been considering engaging older people, say, up to the age of 30?

ZOË ROBINSON: Our YAC is actually 12 to 24.

Ms DONNA DAVIS: Sorry, that is my mistake. I meant to say 12 to 24.

ZOË ROBINSON: Yes, so 12 to 24 is the YAC, and that's actually reflective of the Act that our office operates under. There may be situations, and the example is—and people around this Committee would know this well. If we are doing a piece of work around a particular area that involves children and young people with vulnerability, like children and young people who have been in care, we may, for the purpose of that piece of work, engage with people who are further removed from that experience. They may sometimes be older. I can think of a young person who advises our office quite a bit around their experience in care, and they are over the age of 24. However, my Act is particularly focused on that cohort. Where it is that young people want to engage with our office and they are older than that cohort, we would try our best to create space where we think it is. In environments like the Minister for Youth might want to engage with them or Health might want to engage with them, we would support them into the spaces which make sense for them as well.

Ms KAREN McKEOWN: My question is also around resourcing. I am interested in the new tracking mechanism that was developed to monitor recommendations made by how the agencies and departments respond. How is that going, and how much resourcing has that work required?

ZOË ROBINSON: In terms of resourcing, what I should say is, except for one thing—which I'm certain a member of this Committee will ask me about—we operate within the budget we have every year to deliver the things we need to deliver. That also involves the people. I would love to, ideally, have someone who just oversees the implementation of the NSW Strategic Plan for Children and Young People. That is currently held by our policy team, who do that as well as all of the other work that they do in terms of inquiries and submissions.

The only thing that is outsourced that supports that NSW Strategic Plan for Children and Young People is the quantitative polling that we do annually to track the sentiment of children and young people in New South Wales. That is not a broad statement. That includes very detailed things that we have tracked year on year and not just, "How do you feel about being in New South Wales?" It's very detailed. That is something we do with a partner organisation and they deliver on that for us at the beginning of every year to make sure that we have that quantitative data attached to it.

In terms of following up with departments, agencies, business and community, and anyone who contributed to the NSW Strategic Plan for Children and Young People about that, that is done by members of our policy team. As we near the end of this current strategic plan, we are starting that process. That happens by us saying in letters to secretaries and letters to people who were part of that, "Here are the things you said you were doing. We want you to tell us where you are up to with that." You can imagine what that process is like and why I might love an additional resource attached to that. But, again, credit to the mighty and small policy team who lead that work.

The Hon. NATASHA MACLAREN-JONES: I might follow on from that question, particularly around the strategic plan. That plan comes to an end this year. What is the time frame for the next plan to be released?

ZOË ROBINSON: I don't feel like I'm announcing something new, but next year is the end of my term. My five-year term as Advocate for Children and Young People finishes in December of next year, I think, based on a media release. My view is that it is very difficult for someone to set up the next strategic plan. Depending on what is decided to happen with who is the next Advocate, it should absolutely be within their capacity to make those choices.

What we are currently discussing as an office is how do we wrap this up neatly for someone to make sure that we have done the review, the implementation or assess the recommendations so that it is a very good, closed chapter of this current strategic plan but in a way that is set up to say that the work that we continue to do—i.e. the tracking report that will happen next year and the Youth Week polling that will happen—can be things that could potentially inform the next NSW Strategic Plan for Children and Young People. I know how much time and effort they take. When we did ours, I was obviously an Acting Advocate for a year and then we launched ours very quickly within, I would say, the next year. But it would be a matter for the person who holds the seat. I'm not making any spoilers there. I don't know who that will be and I don't know what will happen.

The Hon. NATASHA MACLAREN-JONES: When is the next tracking report due?

ZOË ROBINSON: I'll check the timing and I can come back to the Committee, but we usually launch it in February. I think it's done in December and January and then it's updated in February and March. But I will double-check and take that on notice.

The Hon. NATASHA MACLAREN-JONES: The other thing is that in the last tracking report you indicated that the three areas were cost of living, finance and mental wellbeing. Do they still remain the priority at the moment?

ZOË ROBINSON: Cost of living has remained the number one priority and has increased to 46 per cent of the young people who we asked. They talked about cost of living being the issue, and mental wellbeing always features.

The Hon. NATASHA MACLAREN-JONES: Moving on from mental and crossing over to alcohol and other drugs, in your report I think on page 16 you talk about key findings around alcohol and other drugs, particularly around the community, from consultations. Did anything come from that process from young people who identified what they see as a means for diversion away from drug and alcohol use and how they prevent the need to access youth mental health services?

ZOË ROBINSON: Can I confirm, are you talking about the Youth Week polling or the strategic plan tracking?

The Hon. NATASHA MACLAREN-JONES: Strategic plan tracking.

ZOË ROBINSON: If I look at vaping as the very key thing that children and young people have spoken a lot about and we have done a lot of work on, when we talk about diversion, children and young people are always talking about being armed with as much information and education as they can to enable themselves to make good decisions about things. We would always say that up-front investment in education—and vaping education is a good example because the vaping campaign was informed by young people and we did see young people contribute to what that should look like. I think that they always talk about being informed and educated.

But if we look at the vaping report as an example, children and young people were saying to us that sometimes they were using vaping in relation to stress and anxiety. That means that actually one of the issues we should be consistently looking at first is how children and young people are getting access to managing and working around their own stress and anxiety, because we know that obviously can lead to other matters. They are saying themselves that they are using vaping to kind of self-medicate. Their own words are, "Invest in that education. Give us access to health and mental health and a variety of ways to get that, be it online, using app tools, having school supports, having access to the programs." That is what they themselves say is the thing that they need.

The Hon. NATASHA MACLAREN-JONES: Do they find that they actually have readily accessible information or are they confident that the services are there? Or is the feedback different to that?

ZOË ROBINSON: It depends. It wouldn't surprise you necessarily as well whether we are talking about metro and regional. I think when we have talked about children and young people in terms of vaping, some of the things that they talked about was where they were going was potentially misinformation and online. TikTok and Snapchat and all of that was both a tool that you could use to purchase vapes, but also which is the trusted source. We asked, actually, during the COVID period, "Who is a trusted source?" It won't surprise you that Dr Chant, as an example, came up during COVID as being a trusted source.

The other thing is how do you utilise what children and young people say are trusted places to go to get this information. Often it will be Headspace, an online service, or it will be something that their community of young people have referred themselves to. We would always welcome greater investment in that learning and access. As I've said in a number of places, it needs to look like a variety of things. It needs to be both online investment in terms of having access to, as children and young people said, cessation support for vaping, but also that online interaction that you might have in terms of exploring some of the things that might be going on for your own wellbeing, as well as school supports and community supports. We know that in regional areas, it is very different for those in metro as well in accessing that.

The Hon. NATASHA MACLAREN-JONES: I have a final question in relation to the committees and advisory boards that either you or your representatives serve on, and there are quite a few. I notice there are a number of health ones. With those advisory ones, I look at one that says "children, youth, mental health advisory group". Would you be discussing the recommendations and the feedback from some of those surveys at those working groups, or is it something totally different that you're covering off?

ZOË ROBINSON: We would always bring that work to those working groups. It's often obviously a working group that is driven by somebody else and we are a part of that, but always our contribution would be informed by the work that we do. As I've said before, all of that polling and that information is shared widely and openly, and transparently, purposefully—there are many "-lys" in that sentence, I apologise—but that's because

we want it to be accessible and inform that work. We always bring that work, but we are often asked to be on these things so that the voice of young people can be on those committees.

The Hon. NATASHA MACLAREN-JONES: Are your recommendations and the feedback you're providing being considered?

ZOË ROBINSON: In the health one, or generally?

The Hon. NATASHA MACLAREN-JONES: In the health ones.

ZOË ROBINSON: Certainly when we are talking about mental health and things like vaping, that was really work that was embraced—well, that's a credit to the team; I can't take that credit—and a credit for the young people who participated in it. Absolutely I would say that certainly Health and certainly Mental Health are very good at engaging and wanting young people there. They have led the charge in so many of those spaces by putting young people on their committee. We are in a very live conversation as they're doing the next iteration around vaping about having young people consistently embedded in that work with them.

The Hon. NATASHA MACLAREN-JONES: Health is doing things well. How can the other agencies or other departments improve that better engagement with young people with lived experience?

ZOË ROBINSON: Consistency, and I think asking in the first place. There are a lot of good people who do a lot of great work and I think the difficulty is—and it's a reflection on myself and, I think, everyone—that we come to these committees quite openly and happily. But we now need to start—and I have tried in the last couple of months in the committees I've appeared before—giving that space to young people. I think the more people see that, the more people engage with young people and the more people see the benefit of it makes it a lot easier.

But there's got to be a consistency of people wanting to have it embedded as opposed to "We have an issue. We need you now" versus "We're designing what our school wants to do in terms of a project. We're designing what a program might look like in a community for intervention. We're designing what transport needs to look like." Instead of it being just in that moment, or another one, what we need to do in terms of fines—it's great to have young people at the table for those conversations. Social media is a good example. Let's embed them now from the very beginning as we're starting to have these really live conversations. So ask and embed them.

The Hon. EMILY SUVAAL: You mentioned earlier in your remarks about an item for which you operated outside your budget. Could you update the Committee a bit more about that and the reasons for that?

ZOË ROBINSON: Special inquiry. When we launched the special inquiry last year, which is the special inquiry into alternative care arrangements for children and young people in hotels—and I'm happy to have an ongoing conversation about this for my own learning—we consciously didn't want to take money from anyone because we wanted it to be independent, if that makes sense. So we moved resourcing that would ordinarily be under opex to make a different decision.

We usually hold an event, as an example, called Voices of Change, where we have young people who come in and share their stories. We invite a number of people to come, and usually about 120 people come. It's a free event, so government, business and community can hear from incredible, young people. That is an event that we have moved to the end of this year, and we hope to do that this year. We made a decision to move the money. What I would say, pre-empting perhaps where you might go—and, again, I'm very happy to be transparent about this—is we didn't have the capacity to hire new people in, so we moved some of the people within the team internally.

The money that we did spend that I think is worthwhile is we had a social worker—who, again, was independent to our office—to sit with the young people who participated in the private hearings. One of the reasons we structured our special inquiry this way—and this is probably me being very vulnerable and transparent—is because we often get a lot of people who say, "Well, that is the voice of young people. She directed them that way. That's the question." So we wanted to build a really independent mechanism across this that meant we did our job but we had independent people who sat outside it to say that she asked the right questions, there were no leading questions and they were open-ended questions—all this. So we had a social worker who sat with all of those young people.

I went to a consulting firm, Deloitte, and they gave us pro bono assistance, so I did not pay for a consulting firm. I'm not gloating about that, but I feel pretty good about it. We had a barrister and lawyers who sat across it. Again, one of those reasons is we are an independent statutory office so we want to make sure that we are using independent resources that are not necessarily aligned to anything else that can provide advice that is for the benefit of children and young people. That special inquiry is about to wrap up, so we shifted money to focus on that, which wouldn't happen again next year because there won't be a special inquiry next year.

The Hon. EMILY SUVAAL: My colleague asked earlier about the 19.4 FTE team members that support your work. Is the Committee able to get a breakdown of what those roles are in terms of their levels and how they operate, just for the purposes of consistency? We noticed in the Office of the Children's Guardian report that that information was included, so I think it would be quite useful to have that, whether you're able to provide it now or on notice to the Committee.

ZOË ROBINSON: What I know that is obviously pressing is that, in terms of senior executives, you have myself as the Advocate for Children and Young People and I have one director. Everything else sits at 11/12 level and below that. But I'm happy to provide a breakdown of that.

The Hon. EMILY SUVAAL: Thank you. You mentioned that the participants on the YAC got paid at the government rate. Do you know offhand what that is or could you provide that on notice?

ZOË ROBINSON: I can provide that on notice. It's a daily rate and a half-day rate, but I can provide that on notice.

The Hon. EMILY SUVAAL: Thank you so much. That would be really useful for us. The other question I had was around how you determine the work that you're doing and how that comes up, if that makes sense.

ZOË ROBINSON: Absolutely. Our work is always determined by that consistent polling we do to see what is a key issue that's facing children and young people.

The Hon. EMILY SUVAAL: Is that via Octopus? Is that the polling company you use?

ZOË ROBINSON: We use—and their name has changed—SEC Newgate. Octopus was in relation to a particular survey. I can take that on notice and come back to you on that. The big strategic plan tracking and Youth Week are done by Newgate. There may be examples—for example, with the Minister for Youth's survey that she wanted to put out—where we use a very simple tool like SurveyMonkey that we can do in house because it's not going to be as large. For whatever reason, we can do it that way.

All of the work starts with what children and young people say matters to them. Every year is a good example, but last year is a good example because cost of living came out as number one. When that happened, we immediately decided to do a piece of work around cost of living. That was a key report that came out. The NSW Strategic Plan for Children and Young People that sits over the State is confusing because, often, people think it's the business plan for our office, which it isn't, necessarily. It is a reflection of what children and young people say matters to them. Because they are in a lot of spaces, it can't just be held by one office.

Under that, we have six pillars. They reflect the things that children and young people say matter, like environments for joy and fun, and hopes for the future. Every year, we pick two to focus on. Hopes for the future is what we're doing right now. I will take on notice the second one. I know the person sitting behind me in this hearing knows what it is because we talked about it the other day. That's why we're focusing on refugees and migrants, as an example, but also a broader conversation around hopes for the future. The other thing I would say we do is, if there is a particular cohort of children or young people that we have not engaged with for whatever reason—in my term or before my term—we try to make sure that we prioritise that voice, because we think it's very important. That's why you would have seen the Out-of-Home Care report that we did before the special inquiry, the LGBTQI+ report and also why we picked refugees and migrants.

The Hon. EMILY SUVAAL: In terms of the polling that is done, what checks are in place to ensure that it is done in a way that is accessible to children and young people, or is contemporary, for example, and in a language that they understand? The reason I'm asking this is that I'm trying to understand what mechanisms are in place to avoid there being a selection bias in the work you do, if you like?

ZOË ROBINSON: There's a few things around that. We're conscious of the selection bias. The Newgate polling is done in that very structured—meets the ethical standards, meets the survey standards. I can give you the full paragraphs that exist around that. Obviously it's 1,000. It should be representative of the demographics of children and young people, so we make sure it's culturally and linguistically diverse, Aboriginal and Torres Strait Islander. You would appreciate that in terms of those who can participate in that kind of work, they are over a certain age. We're never going to get the younger cohort participating in that piece of work, so we're conscious of that.

We also work with them to particularly target, if we need to—so refugees and migrants, for example, we asked for a bigger cohort this time to do that piece of work. We also have said to them, as an example, things like we want to make sure that we are working on trying to engage in different spaces, so people who might have experienced homelessness, people who might have experienced out-of-home care and people who might have

experienced the justice system. I've said it a number of times: we also recognise that the ability to and the willingness to want to engage in a process like this is incredibly difficult for some cohorts of people.

The Hon. EMILY SUVAAL: Arguably the ones that need the most help, right?

ZOË ROBINSON: Absolutely. I absolutely hear you on that. That is why that qualitative work that we do might often skew, for want of a better description, to those vulnerable cohorts who may not participate. I want to talk a little bit about that refugee and migrant work, because that is a very good example of where we have needed translators. All of the material that we use that has the questions and the support has all been translated into a variety of languages. Going out into a community and asking them to engage in this piece of work means that we have had to work with organisations that lead that work in a community and go with those organisations, which is what we would always do.

It's the same as we did in the disability report. We recognised that we needed to make everything accessible, not just the questions but the places that we were in and the spaces that we were in. Where we need to do that, we go with people who do provide that support. I'm not going to say what's perfect, but we are very conscious, in our office, of making sure—and we have seen that change over the years in the people who apply for our Youth Advisory Council. That has been remarkable in the sense that we have seen a lot of people who have had a variety of experiences. I was talking to someone on Friday who was homeless at 16 and talked about their experience, and they have applied. People who have been in custodial settings have applied. We've worked really hard to try to get that reach.

The CHAIR: We've got a few minutes, if there are any further questions.

Ms LYNDA VOLTZ: But does that also skew the results in terms of what you're doing? For example, the Youth Advisory Council has no males from Western Sydney on it.

ZOË ROBINSON: You mean this current year?

Ms LYNDA VOLTZ: Well, the one I looked at, yes. Given that's where a third of the population of the State lives; you're not picking up those voices. I'm just wondering how you balance that out with some of the core areas where we're having huge problems in representation. For example, if you look at boys high schools like Birrong, Punchbowl and Canterbury, where they're only at half capacity, how are you engaging those voices?

ZOË ROBINSON: I have the breakdown of the Youth Advisory Council in here so I'm happy to come back to you on notice, noting that we have had people from Western Sydney in previous youth advisory councils. That doesn't answer your question for now. I also have a young person who works in our office who actually has spent a lot of time in those particular areas working with young men and young people, sharing their own story about that. I would say that if it's not on the council at this stage—if there are particular areas of focus, we would shift to engage in those areas. But I do have a young person, who I know is in Canterbury and Guildford. We are having conversations and we work with those schools in that area very closely.

The work that is done on the Youth Advisory Council—for example, we have a young person right now who is from Liverpool, and noting that I'm not always great at west, people sit in those areas. Part of what they need to do is not just bring themselves; they have to bring their community. So that means in their own school environment, in the work that they do and in the committees that might sit on themselves, it's about bringing representative voices in with that. We do ask and support those young people to make sure that if there are particular things that are going in their area, they are coming to us with those issues. Not that this is south-west Sydney, but we had a young person, who is the Chair of our Youth Advisory Council from Walgett, who had particular concerns about issues in his community in Walgett. As a team, we went out to Walgett—myself and others—to run a youth work event for the purpose of responding to that particular need, so we do work with them in that way.

Ms LYNDA VOLTZ: I was more raising it in regard to the survey because you were stating, "How do we not skew it where we're concentrating on refugee communities?" How are you ensuring—for example, the special inquiry you did, there were nine males, nine females. It is my understanding that there were a hundred in that temporary accommodation at the time, and four of them in metropolitan Sydney. If you took that for the hundred, is that similar to what the breakdown would be across New South Wales? Would most of them come from regional rather than from metropolitan Sydney, or is that just the way it panned out on the inquiry?

ZOË ROBINSON: That is not reflective of how much effort the team put in to reach out and engage with young people.

Ms LYNDA VOLTZ: I'm not asking—

ZOË ROBINSON: I need to finish that sentence. I think it's reflective of how tricky it was to actually engage with people who might be serving and supporting those young people to have them encourage young people to participate in that special inquiry. We've discussed, at length, that data. If I can come back to the survey, as an example, it's always a thousand. The additional this year was because there was a particular cohort that we wanted to see and we knew it might be difficult to engage with them, and if we could work with Newgate, for them to try to make sure that we had a representative sample of that in that survey. We still have the usual thousand. Again, I can give the Committee, as a breakdown, a demographic of who engages usually in that quantitative polling through Newgate. I'm happy to share that.

The CHAIR: We might leave it there. Thank you for appearing before the Committee today. You'll 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. Thank you very much for attending. It's great to see you again. I did go to the YAC hearing in Parliament last Friday and I still haven't got over it, really. It's unbelievable the quality of kids from all over the State—just exceptional. I was really astounded at how good it was.

ZOË ROBINSON: Everyone is always welcome to attend those things and is invited to attend anytime.

(The witnesses withdrew.)

The Committee adjourned at 14:45.