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Committee on Children and Young People

Report 3/57– October 2021

2021 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



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Membership

Chair	The Hon Peter Poulos MLC (from 8 June 2021) The Hon Matthew Mason-Cox MLC (until 13 May 2021)
Deputy Chair	Mr Peter Sidgreaves MP
Members	The Hon Greg Donnelly MLC Ms Jodie Harrison MP The Hon Peter Poulos MLC (from 13 May 2021, elected Chair 8 June 2021) Ms Robyn Preston MP Mr Dugald Saunders MP Mr David Shoebridge MLC Mr Peter Sidgreaves MP
Contact details	Committee on Children and Young People Parliament House Macquarie Street SYDNEY NSW 2000
Telephone	(02) 9230 3051
E-mail	childrenyoungpeople@parliament.nsw.gov.au
Website	www.parliament.nsw.gov.au/childrenyoungpeople

Chair's foreword

I am pleased to present the Committee's review of the annual reports of the Office of the Advocate for Children and Young People, and the Office of the Children's Guardian. As an oversight committee, the Committee on Children and Young People monitors the functions of these two statutory agencies, as outlined under the *Advocate for Children and Young People Act 2014*.

The Committee's oversight of the Office of the Children's Guardian (OCG) focuses on the administration of the Working with Children Check and the Reportable Conduct Scheme. We found that the OCG has appropriately fulfilled its responsibilities in administering these two important schemes for protecting children in NSW.

The Reportable Conduct Scheme is a recent addition to the OCG's functions and responsibilities, and the Committee notes that the Guardian has successfully integrated the scheme into the work of her Office. However, the Committee recommends that Treasury provide the OCG with appropriate funding to meet the demands of this workload.

The OCG is leading the transition from the voluntary Child Safe Standards to the new, mandatory scheme proposed under the Children's Guardian Amendment (Child Safe Scheme) Bill 2021. The Committee recognises that mandatory implementation of the Standards will strengthen the ability of organisations to provide safe and secure environments for children. Given that the proposed scheme provides new powers for the OCG and new offences for non-compliant organisations, we recommend that the Committee be given a new statutory oversight responsibility of the OCG's functions in relation to the Child Safe Scheme.

This report also outlines the Committee's oversight of the Advocate for Children and Young People (ACYP). We found that the ACYP continues to fulfil its functions to promote the voice of children and young people. The ACYP has also appropriately supported the Youth Advisory Council, and the Committee is pleased with the ACYP's work in encouraging government and non-government organisations to incorporate the voice of children and young people in decision making.

The ACYP has recently reviewed its *NSW Strategic Plan for Children and Young People 2016-19* and is embarking on a new Strategic Plan that monitors progress on initiatives designed to improve the lives of children and young people. The Committee recommends that the next Plan incorporate an annual evaluation report, which will provide government and non-government organisations with timely insights on the progress of these initiatives.

I would like to thank the Advocate for Children and Young People, Ms Zoë Robinson, and the Children's Guardian, Ms Janet Schorer, and their staff, for working to protect and represent children and young people across NSW. I also thank Committee members for their contributions to this annual review as well as the Committee staff for their work and professionalism.



The Hon. Peter Poulos MLC
Chair

Findings and recommendations

- Finding 1 _____ 1
- The Committee finds that the Office of the Children's Guardian is fulfilling its functions and following the principles governing its work, as specified by the *Child Protection (Working with Children) Act 2012* and the *Children's Guardian Act 2019* in relation to the Reportable Conduct Scheme.
- Recommendation 1 _____ 8
- The Committee recommends that the Treasurer approve additional funding for the Office of the Children's Guardian to meet the requirements of administering the Reportable Conduct Scheme.
- Recommendation 2 _____ 11
- The Committee recommends that the *Advocate for Children and Young People Act 2014* be amended to give the Committee oversight responsibility of the new functions and powers provided to the Office of the Children's Guardian under the proposed Children's Guardian Amendment (Child Safe Scheme) Bill 2021.
- Finding 2 _____ 15
- The Committee finds that the Office of the Advocate for Children and Young People is fulfilling its functions and following the principles governing its work as specified by the *Advocate for Children and Young People Act 2014*.
- Recommendation 3 _____ 16
- The Committee recommends that the next Strategic Plan for Children and Young People incorporate the requirement for the Advocate for Children and Young People to publish an annual evaluation report that tracks other agencies' and Departments' progress against the Plan's key indicators.

Chapter One – Review of the Office of the Children's Guardian

Oversight of the Office of the Children's Guardian

Finding 1

The Committee finds that the Office of the Children's Guardian is fulfilling its functions and following the principles governing its work, as specified by the *Child Protection (Working with Children) Act 2012* and the *Children's Guardian Act 2019* in relation to the Reportable Conduct Scheme.

- 1.1 The Committee on Children and Young People is responsible for monitoring and reviewing the exercise of specific functions of the Office of the Children's Guardian. Section 37 of the *Advocate for Children and Young People Act 2014* (the ACYP Act) outlines the Committee's responsibility to oversight the Guardian's functions provided in the *Child Protection (Working with Children) Act 2012* and the *Children's Guardian Act 2019*, in relation to the Reportable Conduct Scheme.
- 1.2 Section 37 (1)(c) of the ACYP Act also provides for the Committee to report to Parliament on matters relating to the exercise of these functions. The Committee has been informed about some of the other work the Office of the Children's Guardian (OCG) does to promote the quality and safety of organisations that provide services for children.
- 1.3 The purpose of this chapter is to summarise the Committee's review of the OCG's 2019-2020 Annual Report, and other matters related to the exercise of the Guardian's functions under the Acts.
- 1.4 The Committee held a public hearing with the Children's Guardian on 7 May 2021, in relation to its review of the 2019-2020 Annual Report. The Children's Guardian, Ms Janet Schorer, appeared before the Committee, and was joined by Ms Sharminie Niles, Director, Legal Services and Mr Steve Gholab, Director, Working with Children Check.
- 1.5 The Committee found that the OCG has been fulfilling its functions and following its principles as specified by the *Child Protection (Working with Children) Act 2012* and the *Children's Guardian Act 2019*. The Committee is pleased to report that the OCG has continued to administer the Working With Children Check effectively, and is improving organisations' ability to provide safe, secure and inclusive environments for children in NSW.
- 1.6 The Committee is also satisfied that the consolidation of the Guardian's functions have been appropriately managed. This year's review took place in the aftermath of organisational change in the OCG, following the commencement of the *Children's Guardian Act 2019* on 1 March 2020. As noted in the Committee's

previous report, the new Act transferred responsibility for the Reportable Conduct Scheme (RCS) from the NSW Ombudsman to the Children's Guardian.¹

- 1.7 The Committee heard that 'the Reportable Conduct Scheme has integrated into the Office of the Children's Guardian well'.² However, the OCG also noted that a budget request for additional funding to accommodate the transfer of the RCS was not approved by NSW Treasury. We recommend that the OCG be provided with funding to appropriately resource the OCG's administering and monitoring of this important mechanism for protecting children.
- 1.8 The Committee also heard that the Children's Guardian has developed and commenced a new strategic plan during the reporting period. The plan prioritises responsiveness to the sector's needs, such as improved online engagement with child-related organisations and greater access to eLearning resources. In addition to commending the Guardian on these initiatives, the Committee welcomes the appointment of Mr Richard Weston as the first Aboriginal Deputy Children's Guardian.³
- 1.9 The Committee is pleased to report that no issues were raised with the Committee by the OCG about its powers. However, we note that the proposed Children's Guardian Amendment (Child Safe Scheme) Bill 2021 would introduce new powers for the OCG.
- 1.10 Following from the *Children's Guardian Act 2019*, the OCG's legislative remit continues to grow and evolve. The role of the Committee may also need to evolve alongside this expansion in the OCG's responsibilities. We recommend that the Committee be given an additional oversight responsibility in relation to the OCG's functions relating to the mandatory Child Safe Scheme proposed in the Bill. The specific powers proposed in this Bill are discussed further below.

Children's Guardian Regulation 2021

- 1.11 The Committee also notes that, during the reporting period, the *Children's Guardian Regulation 2021* became the first subordinate legislation proposed under the new Act.
- 1.12 The proposed Regulation outlines a register of residential care workers that would be kept by the OCG. Residential care providers would be required to record information related to their employees, such as the outcome of Working with Children Checks and any reportable allegations. The register will improve record keeping and allow organisations to share information, in order to reduce systemic risk and the ability of unsuitable individuals to exploit what are often transient employment arrangements in residential care.⁴

¹ Committee on Children and Young People, [2020 Review of the Annual Reports and other matters of the Office of the Children's Guardian](#), report 2/57, September 2020, p 4

² Ms Janet Schorer, Children's Guardian, Office of the Children's Guardian, [Transcript of evidence](#), 7 May 2021, p 16

³ Ms Schorer, [Transcript of evidence](#), 7 May 2021, pp 16-17

⁴ Office of the Children's Guardian, [Regulatory Impact Statement – Children's Guardian Regulation 2021](#), March 2021, pp 9-10

- 1.13 We note that a Regulatory Impact Statement for the residential care workers register was published by the OCG, and that public consultation on the draft Regulation ended in May 2021.⁵ The Committee looks forward to hearing more about the progress of the Regulation during the next annual review.
- 1.14 The following sections contain a more detailed examination of the work that the OCG has done to fulfil its functions under the relevant Acts.

The Working with Children Check

- 1.15 Examining the Guardian's functions under the *Child Protection (Working with Children) Act 2012* (the WWCC Act) is a core aspect of the Committee's oversight role. We note that 2020 marked 20 years since the Working with Children Check (WWCC) was introduced in NSW. New South Wales was the first Australian jurisdiction to introduce a WWCC, and it was acknowledged by the 2015 Royal Commission into Institutional Responses to Child Sexual Abuse as one of the most comprehensive schemes in the country.⁶ The WWCC has been managed by the OCG since 2013.⁷
- 1.16 Ms Janet Schorer, the Children's Guardian, emphasised that the WWCC, along with the Reportable Conduct Scheme and additional systems stemming from the Child Safe Standards, puts NSW in a 'really strong position' to protect children across the state.⁸
- 1.17 A WWCC is required for anyone in NSW engaged in child-related work (paid or voluntary) as defined under section 6 of the WWCC Act and the *Child Protection (Working with Children) Regulation 2013*. Applicants must clear a national criminal history check, as well as a review of any reported workplace misconduct incidents. Once issued, the WWCC is valid for five years. Holders can apply for a renewal as their WWCC reaches its expiry date.⁹
- 1.18 In 2019-20, 345 541 WWCC applications were processed. Of these, 187 326 were new applications, and 158 215 were renewal applications. 85 per cent were automatically cleared within 5 days.¹⁰ 46 193 of the applications received required review, which means they returned police or workplace misconduct records.¹¹
- 1.19 470 applications were automatically disqualified because of a disqualifying offence under Schedule 2 of the WWCC Act. This includes offence records from other Australian states and territories, as well as foreign jurisdictions.¹² Although the number of automatically disqualified applications increased, this is on trend

⁵ Office of the Children's Guardian, [Regulatory Impact Statement](#), p 4

⁶ Office of the Children's Guardian, [Annual report 2019-20](#), p 24; Royal Commission into Institutional Responses to Child Sexual Abuse, [Working With Children Checks: Report](#), 2015, p 31

⁷ Office of the Children's Guardian, [Annual report 2019-20](#), November 2020, p 24

⁸ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 24

⁹ Office of the Children's Guardian, [Annual report 2019-20](#), November 2020, p 25

¹⁰ Office of the Children's Guardian, [Annual report 2019-20](#), November 2020, pp 26, 28

¹¹ Office of the Children's Guardian, [Annual report 2019-20](#), November 2020, p 26

¹² Office of the Children's Guardian, [Annual report 2019-20](#), November 2020, p 26

with year-on-year increases over the previous two reporting periods. There were 422 disqualifications in 2017-18, and 448 disqualifications in 2018-19.¹³

- 1.20 Of the remaining 45 723 applications, 41 912 were cleared, because they had no relevant records related to child safety. The other 3811 were referred for a risk assessment. This process requests more information from the applicant and any relevant agencies, which is then used to determine if an applicant poses a 'risk to the safety of children' under Division 3 of the WWCC Act.¹⁴ Assessments are finalised with a decision to either grant or refuse a Check to the applicant. During 2019-20:
- 3988 risk assessments were finalised;
 - 1138 applicants were cleared and granted a Check; and
 - 100 applications were disqualified and the applicants barred.¹⁵
- 1.21 If, during a review period, the Guardian considers that there's a likely risk to child safety, section 17 of the WWCC Act allows them to impose an interim bar on an applicant. This means the applicant is unable to use the pending Check to engage in child related work. Over the reporting period, 364 interim bars were imposed, a proportional increase on the previous year.¹⁶
- 1.22 We note that the total percentage of applications that resulted in a barring decision (automatic or following a review) held relatively steady with previous reporting periods, at 0.17 per cent.¹⁷
- 1.23 2280 applications referred for risk assessment were closed. In these cases, applicants did not respond to a Notice of Risk Assessment – which requests more information from them – and they did not provide a reasonable excuse for not responding. We note that these closed applications represent a high proportion of the applications that are referred for risk assessment – 57 per cent. The OCG explained that they have worked to increase engagement with this process by improving correspondence and phone contact with applicants.¹⁸ We encourage them to continue work in this area and this will be an area of ongoing interest for the Committee.
- 1.24 As well as the processes for vetting applications, WWCC holders are subject to a continuous monitoring process throughout the 5-year lifetime of their Check. If any new police charges or workplace conduct reports are recorded, the OCG reviews them. If the review leads to a cancellation of the WWCC, the OCG then notifies their employer, and the individual must be removed from child-related work. The employer must then provide written confirmation that this has been

¹³ [Office of the Children's Guardian, Annual report 2019-20](#), November 2020, p 28

¹⁴ [Child Protection \(Working with Children\) Act 2012 \(NSW\), part 3, div 3, ss 14-16](#); [Office of the Children's Guardian, Annual report 2019-20](#), pp 26 & 27

¹⁵ [Office of the Children's Guardian, Annual report 2019-20](#), November 2020, pp 27-28

¹⁶ [Office of the Children's Guardian, Annual report 2019-20](#), November 2020, pp 27-28; [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#) s 17

¹⁷ [Office of the Children's Guardian, Annual report 2019-20](#), November 2020, p 28

¹⁸ [Office of the Children's Guardian, Annual report 2019-20](#), November 2020, pp 27-28

completed.¹⁹ The OCG was notified of 4881 continuous check events during the 2019-20 period.²⁰

- 1.25 We were concerned about the potential for delay between the barring of a WWCC holder and their removal from child-related work. The Guardian told us that the continuous monitoring process can be hampered by difficulties in contacting non-verifying employers (discussed in the case study below).

Case study: Delay between barring and removal

There were 11 instances during the reporting period where barred applicants were found to be working with children after they had been barred.²¹ This was of significant concern to us.

The Guardian advised that a barred worker is notified immediately after their check is revoked, and employers who have verified their staff are notified via phone or email within 24 hours of the barring decision.²²

Once these employers were informed, the workers were 'immediately removed' from child-related work. The Guardian indicated that this timeframe represents 'little risk of harm to children'.²³

The Guardian noted that greater risk is posed by employers who have not verified their staff, as there can be delays in identifying and contacting non-verifying employers.²⁴

These instances are concerning, but we note they represent a minority of the total cohort of barred applicants (972 people).²⁵ This also demonstrates the importance of employers verifying staff, and the Committee encourages the OCG to continue to impress this on all organisations.

Working with Children Checks and independent contractors

- 1.26 The Committee is also interested in the use of WWCCs in more transient or independent modes of employment, such as contract work and employment in the 'gig economy'.
- 1.27 We asked the OCG about the application of WWCCs to contractors. They told us that there are two reasons for discouraging blanket application of WWCCs. 'Blanket application' refers to organisations requiring all staff to obtain WWCC clearance, even if they're not engaged in child related work.²⁶

¹⁹ [Office of the Children's Guardian, Annual report 2019-20](#), November 2020, pp 29-30

²⁰ [Office of the Children's Guardian, Annual report 2019-20](#), November 2020, p 26

²¹ [Office of the Children's Guardian, Annual report 2019-20](#), November 2020, p 30

²² [Answers received to questions taken on notice](#), Office of the Children's Guardian, 28 April 2021, pp 2-3

²³ [Answers received to questions taken on notice](#), Office of the Children's Guardian, 28 April 2021, pp 2-3

²⁴ [Answers received to questions taken on notice](#), Office of the Children's Guardian, 28 April 2021, p 3; [Office of the Children's Guardian, Annual report 2019-20](#), November 2020, p 30

²⁵ [Office of the Children's Guardian, Annual report 2019-20](#), November 2020, p 30

²⁶ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 29

- 1.28 The first reason that blanket application is discouraged by the OCG is because this approach uses the WWCC screening process as a risk management strategy, rather than employers implementing other, more appropriate, strategies. We heard that the Child Safe Scheme may provide other ways to protect children in the instance of incidental contact with exempt contractors.²⁷
- 1.29 The second reason is because organisations that screen every employee do not always understand their obligations around verification of employees. The Guardian told us that this is a 'really important step'. It connects the OCG, the employer, and the person working with children.²⁸ They also said that when there are issues contacting employers regarding changes in their employees' WWCC status, they 'are usually the employers who have not done that verification'.²⁹
- 1.30 The Committee also raised the issue of how the WWCC is applied to people employed as independent contractors in the 'gig economy'. People who are engaged in this form of 'on-call' employment may be working with children, yet they may not be considered to be employees of their organisations. Ms Schorer reported that the OCG has undertaken a small amount of compliance work with these organisations in the 'gig economy', such as those who provide babysitting services.³⁰
- 1.31 The use of the WWCC in the gig economy is a developing issue which the Committee will be interested to hear about in future reviews.

The impact of COVID-19

- 1.32 We heard that the COVID-19 pandemic had an impact on the administration and operation of WWCCs during the reporting period. Most notably, there was a significant decrease in applications for new or renewed WWCCs. Compared to the previous reporting period, there was a 28 per cent decrease (345 541 in 2019-20, compared to 480 485 in 2018-19).³¹ Comparing the period March to December in 2019 and 2020 respectively, there was a 34 per cent decrease in applications (new and renewals) received.³²
- 1.33 The Committee notes that the OCG considered the impacts of the pandemic on applicants and took steps to manage them. A temporary extension was granted to over 100 000 WWCCs that were due to expire, allowing workers and carers who were unable to attend a Service NSW centre to renew their Check to continue working. The Committee notes that the continuous monitoring processes in place for every WWCC mitigated risks posed by extending a Check's expiry date.³³

²⁷ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 29

²⁸ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 29

²⁹ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 29

³⁰ Ms Schorer, [Transcript of evidence](#), 7 May 2021, pp 30-31

³¹ [Office of the Children's Guardian, Annual Report 2019-20](#), November 2020, p 25; Office of the Children's Guardian, [Annual Report 2018-19](#), November 2020, p 22

³² [Answers to questions taken on notice](#), Office of the Children's Guardian, 28 April 2021, p 3

³³ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 16

- 1.34 Temporary changes were also put in place for authorised carers and adult members of carers' households. Instead of being required to attend a Service NSW centre to provide proof of identity documents, applicants could choose to provide certified copies to foster care agencies.³⁴
- 1.35 We also heard that the COVID-19 pandemic impacted on plans to conduct community engagement about the WWCC process. Outreach work was planned with Aboriginal and culturally and linguistically diverse (CALD) communities across NSW, to provide information about the WWCC and discuss any issues experienced in accessing and engaging with the WWCC process. However, this has been paused.³⁵ The Committee recognises the need to delay these activities but this work is important and we expect that it will take place as soon as practicable or that the OCG will explore alternative forms of outreach.
- 1.36 A 'significant component' of the OCG's funding comes from revenue associated with the WWCC.³⁶ While this revenue fluctuates from year to year, the OCG works with NSW Treasury to carry forward revenue from one year to the next to ensure there is a consistent funding base.³⁷ The Committee notes that a significant decrease in applications for new or renewed WWCCs in the reporting period could affect revenue and funding for the OCG.

Working with Children Check engagement with Aboriginal and CALD communities

- 1.37 The Committee was pleased to note that the OCG is conducting community engagement to improve its relationship with Aboriginal and CALD applicants.
- 1.38 The Committee supports the work the OCG is doing to improve engagement with Aboriginal WWCC applicants, especially by supporting and improving communication with those applicants who are referred for risk assessment. Mr Steve Gholab, Director, Working with Children Check, highlighted that during the previous reporting period they had begun community engagement initiatives with the regional NSW communities of Dubbo, Brewarrina, and Bourke.³⁸
- 1.39 Dialogues with these communities allowed them to provide feedback on the resources and information they needed from the OCG (in relation to the WWCC), and allowed the OCG to 'dispel a lot of myths around the community, of why people need a [WWCC]'.³⁹ The OCG also explained that the engagement initiatives established a point of contact 'at our agency, should the community need someone to speak to and contact and clarify'.⁴⁰

³⁴ [Answers to questions taken on notice](#), Office of the Children's Guardian, 28 April 2021, p 3; [Office of the Children's Guardian, Annual Report 2019-20](#), November 2020, p 24

³⁵ Mr Steve Gholab, Director, Working with Children Check, Office of the Children's Guardian, [Transcript of evidence](#), 7 May 2021, p 18

³⁶ [Answers to questions on notice](#), Office of the Children's Guardian, 28 April 2021, p 1

³⁷ [Answers to questions on notice](#), Office of the Children's Guardian, 28 April 2021, p 1

³⁸ Mr Gholab, [Transcript of evidence](#), 7 May 2021, p 18

³⁹ Mr Gholab, [Transcript of evidence](#), 7 May 2021, p 18

⁴⁰ Mr Gholab, [Transcript of evidence](#), 7 May 2021, p 18

- 1.40 We heard that this program was planned to extend into the Hunter-New England region and the eastern seaboard, but has been paused due to the COVID-19 pandemic.⁴¹
- 1.41 The OCG reported that part of the engagement process has been working to improve communication with Aboriginal applicants and communities, especially relevant legal services. This has included development of community links and the creation of targeted resources and referral pathways to encourage and facilitate Aboriginal applicants.⁴² A policy statement on Aboriginal applicants and the WWCC was developed in 2020 and published on the information for WWCC applicants webpage.⁴³ The Guardian also told us that risk assessors will be undertaking a project called Your Story, which will train and equip them to engage with Aboriginal applicants in a culturally aware framework.⁴⁴
- 1.42 We also heard that community engagement has been planned for disability advocacy groups and CALD communities in NSW, but was deferred because of the COVID-19 pandemic. Mr Gholab told us that the OCG has translated WWCC process information into the '10 most sought-after languages' in NSW. The OCG is planning to expand available language resources in the future.⁴⁵

Reportable Conduct Scheme

Recommendation 1

The Committee recommends that the Treasurer approve additional funding for the Office of the Children's Guardian to meet the requirements of administering the Reportable Conduct Scheme.

- 1.43 The Reportable Conduct Scheme (RCS) plays a key part in keeping children and young people safe in NSW. The Committee welcomed its expansion to include religious organisations. We also recognise the benefits of introducing more robust reporting requirements. However, the Committee acknowledges the additional work that this has caused in the administration of the RCS. As such, the Committee supports additional funding being provided to the OCG to meet its requirements in this area.
- 1.44 The transfer of the RCS from the NSW Ombudsman to the OCG has led to an increase in workload for the OCG and an associated increase in the number of staff employed by the OCG. This included a Director, Reportable Conduct Scheme, joining the organisation.⁴⁶

⁴¹ Mr Gholab, [Transcript of evidence](#), 7 May 2021, p 18

⁴² [Office of the Children's Guardian, Annual report 2019-20](#), November 2020, p 28

⁴³ Office of the Children's Guardian, [Aboriginal applicants and the Working with Children Check](#), 2020, viewed 28 July 2021.

⁴⁴ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 18

⁴⁵ Mr Gholab, [Transcript of evidence](#), 7 May 2021, p 18

⁴⁶ [Office of the Children's Guardian, Annual Report 2019-20](#), November 2020, p 48

- 1.45 In recognition of this increase, the OCG received additional appropriations of \$1.7 million for the transfer of the RCS.⁴⁷
- 1.46 However, the OCG noted that efforts to meet saving targets and efficiency dividends, alongside the decrease in the number of new and renewal WWCC applications, and the related revenue, have impacted on the funding and resources available to them.⁴⁸
- 1.47 Under the *Children's Guardian Act 2019*, the RCS was expanded to cover the faith-based sector. This Act also introduced more robust reporting timeframes and requirements. Previously entities were required to make one notification of a reportable allegation within 30 days of becoming aware of it. Now, they must make two reports within 30 days - one within 7 days of becoming aware of the reportable allegation and another within 30 days, if the investigation is not completed.⁴⁹ Due to the expansion of the RCS and the work associated with the changes to the reporting regime, the OCG sought an additional \$1.8 million, for 2020-21. This funding was not approved.⁵⁰
- 1.48 Without this additional funding, the OCG will find it harder to fulfil their functions. The Children's Guardian explained that:
- What it means for us, operationally, is that you have to make choices about other things, which might be internal business. You redirect resources. Our focus is always to make sure the staff, the investigation officers in reportable conduct, our staff in Working With Children Check operations, those who do our compliance and our out-of-home care frontline work—we try to resource those as fully as we can within our envelope, and take cuts in other ways, so that we make sure we are putting as many resources as we can into that front line.⁵¹
- 1.49 While the Guardian noted that her office had found ways to work more efficiently, without additional funding, 'there will be a point where we are not able to do as much as what we would like to do in the next 12 to 18 months'.⁵² The Committee recommends that additional funding be provided to the OCG so that they are able to completely fulfil their responsibilities.
- 1.50 As was discussed in this Committee's 2020 review of the OCG, responsibility for the RCS was transferred from the NSW Ombudsman to the OCG in March 2020, following the commencement of the *Children's Guardian Act 2019*.⁵³
- 1.51 The RCS is designed to prevent, identify and respond to child abuse.
- 1.52 The OCG's role is to:

⁴⁷ [Office of the Children's Guardian, Annual Report 2019-20](#), November 2020, p 81

⁴⁸ [Answers to questions on notice](#), Office of the Children's Guardian, 28 April 2021, p 1

⁴⁹ [Answers to questions on notice](#), Office of the Children's Guardian, 28 April 2021, pp1-2

⁵⁰ [Answers to questions on notice](#), Office of the Children's Guardian, 28 April 2021, p 1

⁵¹ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 24

⁵² Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 24

⁵³ Committee on Children and Young People, [2020 Review of the Annual Reports and other matters of the Office of the Children's Guardian](#), September 2020, pp 4-7

- provide advice and education to relevant entities to assist in the detection of and response to reportable conduct;
- provide oversight and guidance on reportable conduct investigations and ensure the relevant entity takes appropriate action;
- monitor the progress of relevant entities' investigations and conduct inquiries and direct investigations when it is in the public interest to do so; and
- monitor relevant entities' systems for preventing, detecting and dealing with reportable conduct and reportable convictions.⁵⁴

- 1.53 The Committee notes that the OCG continued to work closely with the NSW Ombudsman's office to progress the transition of the RCS and ensure that the process runs smoothly.⁵⁵
- 1.54 The Committee is also pleased to note that the OCG has done significant work to build capacity amongst the newly covered sectors to support the intended outcomes of the RCS. In particular the OCG reported that they had worked to increase their network in the local government and faith-based sectors to assist them to understand their obligations under the RCS.⁵⁶
- 1.55 The OCG informed the Committee that it had also launched 'new, comprehensive e-learning' to engage with all the sectors covered by the scheme.⁵⁷ Given the recent complications and restrictions caused by the COVID-19 pandemic, particularly on in-person gatherings, the use of e-learning is a useful approach.

Reportable conduct and the Working with Children Check

- 1.56 Reportable conduct findings by employers and other reporting bodies can also be used in the WWCC process. Under the *Children's Guardian Act 2019*, reportable conduct findings, and other information relating to a 'real and appreciable risk' to children are considered as part of an application.⁵⁸
- 1.57 The OCG was notified of 122 workplace misconduct records through the RCS and from designated agencies. There was also a cumulative total of 5269 relevant records held in the WWCC system as at 30 June 2020 that covers workplace records, notification of concern from the NSW Ombudsman and reportable conduct from relevant agencies.⁵⁹
- 1.58 These interactions demonstrate some of the benefits to the OCG having responsibility for the RCS and the WWCC. The Committee was pleased to hear that the OCG continued to work to minimise or remove perceived or actual conflicts of interest associated with the exercise of its functions. This includes engaging an external consultancy to identify operational scenarios that give rise

⁵⁴ [Office of the Children's Guardian, Annual Report 2019-20](#), November 2020, pp 9-10

⁵⁵ [Office of the Children's Guardian, Annual Report 2019-20](#), November 2020, p 14

⁵⁶ [Office of the Children's Guardian, Annual Report 2019-20](#), November 2020, p 19

⁵⁷ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 17

⁵⁸ [Office of the Children's Guardian, Annual Report 2019-20](#), November 2020, p 26

⁵⁹ [Office of the Children's Guardian, Annual Report 2019-20](#), November 2020, p 26

to potential actual or perceived conflicts of interest, and to confirm any gaps or risks that need to be addressed.⁶⁰ The OCG also reported that they:

... have maintained separate management structures and decision-making delegations between our different statutory functions, particularly the Reportable Conduct, the Working with Children Check, and Accreditation and Monitoring (out-of-home care) functions.⁶¹

1.59 The Committee will continue to monitor this issue.

Child Safe Standards and the Child Safe Scheme

Recommendation 2

The Committee recommends that the *Advocate for Children and Young People Act 2014* be amended to give the Committee oversight responsibility of the new functions and powers provided to the Office of the Children's Guardian under the proposed *Children's Guardian Amendment (Child Safe Scheme) Bill 2021*.

1.60 In 2017, the Royal Commission into Institutional Responses to Child Sexual Abuse identified ten Child Safe Standards. The ten standards illustrate how child safety and the best interests of children should be embedded in the practices of organisations that work with children. The Royal Commission recommended that state and territory governments 'should require all institutions in their jurisdictions that engage in child-related work' to meet these standards.⁶²

1.61 As the key regulatory and oversight body for the NSW child sector, the OCG is responsible for administering the Child Safe Standards in NSW.⁶³ The Child Safe Standards (the Standards) currently serve as voluntary guidelines that support the functioning of mandatory schemes, such as the WWCC and RCS. The OCG has been working to transition the Standards from a voluntary to a mandatory scheme for approximately two years.⁶⁴

1.62 The Standards are now progressing from a voluntary set of guidelines to a mandatory scheme that is enforced by the OCG, as proposed under the *Children's Guardian Amendment (Child Safe Scheme) Bill 2021*. The proposed Bill is a further addition to the OCG's functions and responsibilities, after the inclusion of administering the RCS that followed the *Children's Guardian Act 2019*. The Committee notes the growing functions of the OCG, and will continue to monitor how this affects its work. The Committee's oversight responsibilities also expanded alongside these legislative changes with regards to the RCS.

1.63 We recommend that the Committee be given responsibilities to oversee the OCG's functions in relation to the new Child Safe Scheme, in addition to oversight

⁶⁰ [Office of the Children's Guardian, Annual Report 2019-20](#), November 2020, p 89

⁶¹ [Office of the Children's Guardian, Annual Report 2019-20](#), November 2020, p 89

⁶² [Royal Commission into Institutional Responses to Child Sexual Abuse, Final report: preface and executive summary, Commonwealth of Australia](#), December 2017, pp 109, 113

⁶³ [Office of the Children's Guardian, Annual Report 2019-20](#), November 2020, p 5; Office of the Children's Guardian, [Oversight and regulatory mechanisms aimed at protecting children and young people](#), 2020, p 1.

⁶⁴ [Office of the Children's Guardian, Annual Report 2019-20](#), p 18; Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 24

of the WWCC and RCS. Given the new powers introduced by this Bill, and the links between the Child Safe Scheme and the WWCC and RCS, the Committee considers it appropriate that it also oversights these aspects of the OCG's work.

The current voluntary Child Safe Standards

- 1.64 The Committee's oversight responsibilities under section 37 of the ACYP Act are currently limited to the OCG's regulation of the WWCC and RCS. The Committee does not have statutory responsibility for oversight of the Guardian's work on the Child Safe Standards.
- 1.65 However, some of the Standards are particularly relevant to the Committee's oversight of the OCG's administration of the WWCC and RCS. This includes Standard 5, which requires that 'people working with children are suitable and supported', and Standard 6, that 'processes to respond to complaints of child abuse (or other concerns) are child-focused'.⁶⁵
- 1.66 For these reasons, the Committee has previously taken an interest in the OCG's work in relation to the Standards and will continue to do so.
- 1.67 We note that the OCG published a *Guide to the Child Safe Standards* at the end of the previous reporting period. This provides a principle-based set of guidelines 'to enable organisations to respond to their own context'.⁶⁶ Among other advice to organisations, the document illustrates how documenting WWCCs and improving staff awareness of external reporting obligations can contribute to child-safe workplace cultures and governance structures.
- 1.68 The Committee was pleased to hear that this guide has been downloaded over 10 000 times. We also acknowledge that this guide has been produced through valuable inter-jurisdictional work that the Guardian has undertaken with the Victorian Commission for Children and Young People.⁶⁷
- 1.69 The Committee also heard that, during the reporting period, the OCG used an online survey to collect feedback on organisations' implementation of the Standards. The Guardian told the Committee that the survey provides insight into 'what organisations were doing, and how they were thinking and travelling, in terms of being child safe' and 'to make sure they understood what their obligations were when it came to being an employer'.⁶⁸
- 1.70 Most survey participants responded that their organisation had begun to implement the Standards and that their organisation generally fosters a child safe culture. A majority also believed that leaders and staff in their organisation demonstrated behaviours necessary to maintain a child safe culture.⁶⁹

⁶⁵ Office of the Children's Guardian, [A guide to the Child Safe Standards](#), 2020 pp 28-33

⁶⁶ Office of the Children's Guardian, [A guide to the Child Safe Standards](#), 2020; [Answers to questions on notice, Office of the Children's Guardian](#), 28 April 2021, p 5

⁶⁷ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 17

⁶⁸ Office of the Children's Guardian, [Child Safe 'pulse check' survey summary](#), January 2021; Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 25

⁶⁹ Office of the Children's Guardian, [Child Safe 'pulse check' survey summary](#) pp 5, 6

- 1.71 However, the OCG's report noted that 'there will be many organisations still in their formative stages of being child safe'.⁷⁰ Survey respondents identified areas in which their organisation could improve child safe practices. For example, respondents indicated challenges with incorporating children into decision making, and with making resources available in community languages.⁷¹ Ten per cent of respondents indicated that, outside of the WWCC, their organisation did not have any additional child safe human resource practices in place. This indicated an over-reliance on the WWCC in this portion of the survey sample.⁷²
- 1.72 Education and outreach relating to the implementation of the Standards have been ongoing. The OCG reported that 1168 people from 649 organisations participated in training and education activities relating to the Standards. 6479 people from 207 organisations also participated in more general information sessions about how to be child safe. The Committee notes that the OCG successfully moved most of these sessions online to accommodate for the disruption caused by COVID-19.⁷³

The Children's Guardian Amendment (Child Safe Scheme) Bill 2021

- 1.73 The Committee also notes the proposed Children's Guardian Amendment (Child Safe Scheme) Bill 2021 (the Bill).
- 1.74 The Bill proposes amendments to the *Children's Guardian Act 2019* that would embed the Standards as the primary framework to guide child safe practice in organisations in NSW, and for other purposes. The amendments would allow the Guardian to implement regulatory approaches for enforcing compliance with the Standards.
- 1.75 To facilitate this, the amendments introduce new powers for the OCG and new offences relating to non-compliance with the enforcement measures undertaken by the OCG. Given the expanded scope of the OCG's powers under the proposed scheme, we recommend that this Committee be given a statutory responsibility under section 37 of the ACYP Act to provide oversight of the OCG's functions relating to the Child Safe Scheme.
- 1.76 Schedule 1[5] of the Bill provides the Children's Guardian with powers to review organisations' systems, policies and processes in relation to reportable allegations and convictions. Schedule 1[12] outlines the enforcement measures available to the Children's Guardian when it believes an organisation does not reflect or has not implemented the Child Safe Standards (for example, compliance notices and enforceable undertakings). Schedule 1[18] provides power to share information, obtained for the purposes of the child safe scheme or its enforcement functions, with persons undertaking similar child safe functions in another state or territory or for the Commonwealth.⁷⁴

⁷⁰ Office of the Children's Guardian, [Child Safe 'pulse check' survey summary](#) p 6

⁷¹ Office of the Children's Guardian, [Child Safe 'pulse check' survey summary](#) pp 9-10; Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 26

⁷² Office of the Children's Guardian, [Child Safe 'pulse check' survey summary](#) p 10

⁷³ [Office of the Children's Guardian, Annual Report 2019-20](#), November 2020, pp 19-20

⁷⁴ [Children's Guardian Amendment \(Child Safe Scheme\) Bill 2021](#).

- 1.77 The Committee heard that the OCG has undergone a two-year consultation process in relation to a mandatory implementation of the Standards. This process began with a discussion paper in 2019 and has more recently involved consultation on the exposure draft of the Bill.⁷⁵
- 1.78 In its consultation on the exposure draft, the OCG received 61 written responses and 48 survey responses from government and non-government stakeholders. The Guardian reported that there is 'very broad support for moving to a mandatory scheme of Child Safe Standards', with over half of the survey respondents supporting the different components of the scheme.⁷⁶
- 1.79 The Guardian told the Committee that clarifying how the OCG works is a necessary component of their stakeholder engagement.⁷⁷ This was reflected in stakeholder feedback on the exposure draft. Among a number of concerns raised, stakeholders wanted clarification on the scope of the OCG's investigative powers, executive liability offences and the requirements for prescribed agencies to develop Child Safe Action Plans.⁷⁸
- 1.80 Stakeholders supported a broadening of the scope of the mandatory scheme, so that sport and recreation organisations were also included. The consultation also identified the need to limit the definition of religious organisations to those in which adults have contact with children. We note that the OCG has worked with Parliamentary Counsel's Office to address concerns that stakeholders raised during the consultation in the amended Bill.⁷⁹
- 1.81 The Committee supports the Guardian's statement that, in tandem with the WWCC and RCS, the mandatory Child Safe Scheme would provide:
- ... a really robust framework for being able to move much more towards the prevention of abuse, and the early addressing of some of the problematic behaviours that you might see in adults, who may escalate in their offending down the track.⁸⁰
- 1.82 The Committee will continue to take an interest in the proposed Child Safe Scheme.

⁷⁵ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 24; Office of the Children's Guardian, [Consultation Summary - Children's Guardian Amendment \(Child Safe Scheme\) Bill 2021 – Exposure Draft](#), 2021.

⁷⁶ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 25; [Answers to questions on notice](#), Office of the Children's Guardian, 9 June 2021, p 3; [Consultation Summary - Children's Guardian Amendment \(Child Safe Scheme\) Bill 2021 – Exposure Draft](#), 2021, p 1

⁷⁷ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 25

⁷⁸ [Consultation Summary - Children's Guardian Amendment \(Child Safe Scheme\) Bill 2021 – Exposure Draft](#), 2021, pp 6-8

⁷⁹ [Consultation Summary - Children's Guardian Amendment \(Child Safe Scheme\) Bill 2021 – Exposure Draft](#), 2021, p 2

⁸⁰ Ms Schorer, [Transcript of evidence](#), 7 May 2021, p 24

Chapter Two – Review of the Office of the Advocate for Children and Young People

Oversight of the Office of the Advocate for Children and Young People

Finding 2

The Committee finds that the Office of the Advocate for Children and Young People is fulfilling its functions and following the principles governing its work as specified by the *Advocate for Children and Young People Act 2014*.

- 2.1 One of the responsibilities of the Committee on Children and Young People under section 37 of the *Advocate for Children and Young People Act 2014* (the ACYP Act) is to monitor and review the Office of the Advocate for Children and Young People as it exercises its functions.
- 2.2 The Committee's responsibilities include examining each annual report of the Office of the Advocate for Children and Young People (the ACYP), reporting to Parliament on matters relating to the exercise of the Advocate's functions, and examining trends and issues affecting children and young people.
- 2.3 The purpose of this chapter is to summarise the Committee's review of the 2019-2020 Annual Report of the ACYP, and any matters arising out of the report. This chapter also follows up on recommendations that the Committee made in its previous annual review of the ACYP, in relation to the evaluation of the *NSW Strategic Plan for Children and Young People 2016-19*.
- 2.4 The Committee held a hearing on 7 May 2021 in relation to its 2021 review of the Annual Report, and other matters relating to the ACYP. The Advocate for Children and Young People, Ms Zoë Robinson, appeared before the Committee, and was joined by Ms Una O'Neill (Director, ACYP).
- 2.5 The Committee also heard from representatives from the Youth Advisory Council: Ms Julie Charlton (2020 Chairperson), Ms Emily Backhouse (2019 Chairperson) and Mr Marvin Smith (Member). This appearance from the Youth Advisory Council was a valuable opportunity for the Committee to hear directly from young people in NSW. We are grateful to the three Advisory Council representatives for sharing their views and experiences during the hearing.
- 2.6 The Committee found that the ACYP has been fulfilling its functions and following the principles governing its work as specified by the ACYP Act. The ACYP's extensive consultation work continues to give a voice to children and young people in NSW. It also encourages government and non-government organisations to better represent children and young people's interests in decisions that affect them.
- 2.7 The Committee is pleased to report that no issues were raised with the Committee by the ACYP about the operation of the ACYP Act or the powers of the ACYP. The Committee also heard that no issues were raised by the ACYP in

relation to funding. The Advocate told the Committee that 'we feel we are resourced and can deliver the work within our funding envelope'.⁸¹

- 2.8 The following sections contain a more detailed examination of some of the activities that the ACYP has undertaken to fulfil its functions under the ACYP Act.

The NSW Strategic Plan for Children and Young People

Recommendation 3

The Committee recommends that the next Strategic Plan for Children and Young People incorporate the requirement for the Advocate for Children and Young People to publish an annual evaluation report that tracks other agencies' and Departments' progress against the Plan's key indicators.

- 2.9 The Committee recognises the value of having an independent statutory agency reporting to Parliament and advising the public on whole-of-sector trends affecting children and young people. We also acknowledge the extensive work undertaken by the ACYP during the life cycle of the *NSW Strategic Plan for Children and Young People 2016-19*. Approximately 1-2 years was required for collating a large volume of data, inviting stakeholder feedback and publishing the analysis, before commencing a new planning cycle.
- 2.10 Given the long lead-time prior to publication of data relating to the Strategic Plan, the Committee recommends that the new Strategic Plan for Children and Young People incorporate the requirement for the ACYP to publish an annual evaluation report that tracks other agencies' and Departments' progress against the Plan's key indicators.
- 2.11 A reporting format such as this will give Parliament and the public more current information on how relevant sectors are tracking against state-wide initiatives, and will improve the accountability of these agencies. It will also give the ACYP an opportunity to report on any sectors that may benefit from extra assistance. Given the aims of these initiatives, this should better support children and young people in New South Wales.
- 2.12 Under section 15(1)(g) of the ACYP Act, one of the functions of the ACYP is to prepare, in consultation with the Minister for Families, Communities and Disability Services, a three-year strategic plan for children and young people in NSW.
- 2.13 The *NSW Strategic Plan for Children and Young People 2016-2019* (the Plan) was the first plan created by the ACYP following the commencement of the ACYP Act in 2015. The Plan was developed through consultation between the Advocate and over 4000 children and young people in NSW, in addition to oversight and guidance from an Interdepartmental Advisory Group comprised of state government representatives.⁸²

⁸¹ Ms Zoë Robinson, Advocate for Children and Young People, Office of the Advocate for Children and Young People, [Transcript of evidence](#), 7 May 2021, p 6

⁸² Office of the Advocate for Children and Young People, [The NSW Strategic Plan for Children and Young People 2016 – 2019](#), July 2016, p 6

- 2.14 The Plan identified six key themes that emerged from consultations with children and young people:
- safe
 - connect
 - respect
 - opportunity
 - wellbeing and
 - voice.
- 2.15 The Plan outlined how whole-of-sector progress related to each of the themes could be achieved through different initiatives and tracked against multiple indicators. For example, an indicator related to the 'connect' theme measured the number of children and young people attending cultural events in NSW.⁸³
- 2.16 In its previous annual review, the Committee recommended that the ACYP prioritise the evaluation of the previous Strategic Plan.⁸⁴ The Committee is pleased to note that the review of the Plan has been completed and was tabled in the Legislative Assembly on 7 May 2021.⁸⁵
- 2.17 In the review of the Plan, the ACYP collated publicly available data in order to track state wide progress against the indicators. The ACYP then sent this data to relevant agencies and departments, to invite feedback and collect any additional information relevant to the indicators and initiatives. The Committee was pleased to hear that at least 28 departments and agencies participated in this process.⁸⁶
- 2.18 The ACYP also launched several initiatives of its own as part of the Plan. This included initiatives such as the Our Local website, the Child and Young People Inspectors Program, and Child Rights training for government and non-government organisations (discussed further below).⁸⁷
- 2.19 Of the goals set in the 30 indicators, 17 were achieved, six had improved, five were stable and two were not achieved. Among the many goals that had been achieved, large increases were observed in the number of children and young people with a disability who participated in social activities outside their home, and in the number of schools receiving specialist mental health early intervention programs.⁸⁸ Improvements were also observed in reducing the percentage of

⁸³ [NSW Strategic Plan for Children and Young People 2016-19](#), p 17

⁸⁴ Committee on Children and Young People, [2020 Review of the Annual Reports and other matters of the Office of the Children's Guardian](#), September 2020, p 2

⁸⁵ Office of the Advocate for Children and Young People, [Review of the NSW Strategic Plan for Children and Young People – 2016-19](#), May 2021.

⁸⁶ [Responses to questions on notice](#), Office of the Advocate for Children and Young People, April 2021, p 1

⁸⁷ [Review of the NSW Strategic Plan for Children and Young People – 2016-19](#), pp 47, 53, 59, 60

⁸⁸ [Review of the NSW Strategic Plan for Children and Young People – 2016-19](#), pp 14, 17

children and young people re-reported at risk of significant harm, and the percentage of young Aboriginal people in custody.⁸⁹

- 2.20 However, there were also numerous areas where targets had not been achieved. For example, the proportion of Aboriginal and Torres Strait Islander students in the top two NAPLAN bands for literacy and numeracy increased by less than one per cent from 2013/14 to 2018, which was well below the goal of a 30 per cent increase.⁹⁰ The number of work-related injuries and fatalities in workers aged 15-24 increased between 2017/18 to 2018/19.⁹¹ A small decrease was also observed in the proportion of 18-25 year olds enrolled to vote.⁹²
- 2.21 The Committee looks forward to seeing the next Strategic Plan for the state. We note that the ACYP have outlined late 2021 as a deadline for presenting the new Plan to Cabinet, and are targeting early 2022 for its publication.⁹³
- 2.22 The Committee would like to emphasise the importance of meeting these deadlines for finalising the next Strategic Plan.

Youth consultations and initiatives

- 2.23 The ACYP conducts a variety of initiatives as it fulfils its functions under the ACYP Act. These initiatives aim to support children and young people in NSW and offer them advice to remain healthy and safe. The Committee notes the important initiatives that the ACYP launched during this reporting period, including:
- the Digital Lunchbreak website, which assists children and young people to find online resources and activities to occupy them in their free time, while adhering to social distancing measures;
 - the video series, *NSW, Through Their Eyes*, which presents interviews with inspirational children and young people, as well as adults who work with, and on behalf of, children and young people;
 - the Solutions Summit – End Violence Against Children and Young People, which brought people and organisations together to discuss ways to end violence against children and young people;⁹⁴ and
 - Producing health information videos, which present factual information about COVID-19 to children and young people.⁹⁵
- 2.24 The Committee was also interested to hear about the SHiFT anti-bullying pilot, an initiative from the ACYP that was trialled in NSW schools (discussed in the case study below).

⁸⁹ [Review of the NSW Strategic Plan for Children and Young People – 2016-19](#), pp 13, 17

⁹⁰ [Review of the NSW Strategic Plan for Children and Young People – 2016-19](#), p 16

⁹¹ [Review of the NSW Strategic Plan for Children and Young People – 2016-19](#), p 13

⁹² [Review of the NSW Strategic Plan for Children and Young People – 2016-19](#), p 18

⁹³ [Responses to questions on notice](#), Office of the Advocate for Children and Young People, April 2021, p 1

⁹⁴ Office of the Advocate for Children and Young People, [Annual Report 2019-2020](#), October 2020, pp 39-40

⁹⁵ Office of the Advocate for Children and Young People, [Annual Report 2019-2020](#), October 2020, p 72

Case study: The SHiFT Anti-Bullying Pilot

The Committee notes the work done by the ACYP on the SHiFT Anti-Bullying Pilot Program. This program was trialled in two NSW Government schools, and involved nine students in Years 8 and 9 from each school. It aimed to engage students in implementing a student-led behavioural and cultural change initiative to improve interactions between students, teachers and other staff.⁹⁶

The ACYP made efforts to recruit a diverse, and representative group of students to participate in the program. They ran a number of sessions where they gathered input from the students and feedback as the initiative progressed.

They reported that the program had led to an increase in the number of positive interactions between students, and between students and staff. School staff also reported a better understanding on how to support students during periods of interpersonal conflict.⁹⁷

Bullying remains a major concern for a large number of children and young people and the Committee supports any efforts to combat this problem.

The Committee was also interested to find what the ACYP had learnt during the program, both in areas that had received positive feedback and areas where there may be room for improvement.⁹⁸

Using this information will allow the ACYP to develop a more refined program if it chooses to expand the trial, or to offer it to more schools in the future. It is important for the ACYP to evaluate individual programs and initiatives that they develop, but also to use these as opportunities to further their understanding on the best way to consult with children and young people.

- 2.25 The Committee considers that it would be beneficial for the ACYP to evaluate the impact of initiatives such as these, and to communicate the outcomes of its initiatives in its publications. The Committee would be interested to hear how the ACYP assesses the impact of its initiatives, whether it encounters any challenges in conducting evaluations, and how it responds to evaluation data in partnership with its stakeholders.
- 2.26 This information would also be useful to the ACYP as it develops future initiatives. Making this information public will also allow the ACYP to further demonstrate the value of its initiatives. Moreover, this information would assist the Committee in exercising its oversight functions, as it will provide further information on how the ACYP is fulfilling their functions.
- 2.27 Under the ACYP Act, the functions and responsibilities of the Advocate include:

⁹⁶ Office of the Advocate for Children and Young People, [Annual Report 2019-2020](#), October 2020, p 21

⁹⁷ [Answers to questions taken on notice](#), Office of the Advocate for Children and Young People, 9 June 2021, pp 1-3

⁹⁸ [Answers to questions taken on notice](#), Office of the Advocate for Children and Young People, 9 June 2021, pp 3-5

- conducting, promoting and monitoring research into issues affecting children and young people,
- focusing on systemic issues affecting children and young people, and
- consulting with children and young people from a broad range of backgrounds and age groups throughout the State.⁹⁹

2.28 The ACYP reported that they had performed a range of activities to perform these functions including, face-to-face and online consultations, programs, training, events and attitudinal polling. They stated that since 2015, they had engaged with a combined total of over 34 800 children in face-to-face and online consultations.¹⁰⁰

2.29 Some of the work done in this area includes:

- disability consultations
- disaster consultations
- consultations on the Review of the Melbourne Declaration on Educational Goals for Young Australians
- Youth Justice consultations
- discussions with Aboriginal children and young people during the Nations of Origin event
- surveying children and young people as part of the Schools Spectacular.¹⁰¹

Consultations during the COVID-19 pandemic

2.30 The Committee notes that the ACYP adapted their processes in order to continue consulting with children and young people despite the restrictions caused by the COVID-19 pandemic. They explored a number of online options and polling when they were no longer able to meet children and young people face-to-face. The Advocate explained:

For us, the consultations that we would usually do face-to-face obviously could not happen. So then we looked at what the alternatives were. We did a number of polls during COVID. We shifted some investment so we could do some regular polling. We also had the technology platform that was Bang the Table. What we did, instead, was be connected to services. So, those services that were still able to serve and support children and young people, we made sure that we were reaching out to them to receive information from them directly.¹⁰²

2.31 Given the ongoing nature of the pandemic and associated restrictions, the Committee expects that the Advocate will continue to explore options in this

⁹⁹ [Advocate for Children and Young People Act 2014 s15\(1\)\(e\), s15\(2\)\(a\), and s15\(2\)\(c\)](#).

¹⁰⁰ Office of the Advocate for Children and Young People, [Annual Report 2019-2020](#), October 2020, p 15

¹⁰¹ Office of the Advocate for Children and Young People, [Annual Report 2019-2020](#), October 2020, pp 17-21

¹⁰² Ms Robinson, [Transcript of evidence](#), 7 May 2021, p 3

space. It will be important for these alternative options to be accessible to a sufficiently wide-range of children and young people from a variety of backgrounds, including vulnerable and disadvantaged children and young people.

- 2.32 The Committee was also interested to see the results of the polling to track children and young people's sentiment during COVID-19. From April to June 2020, the ACYP polled more than 2470 children and young people between 12-24 years of age.
- 2.33 After creating a benchmark for how children and young people were feeling about life in NSW, particularly the effects of the coronavirus and associated restrictions, subsequent polls were undertaken. This allowed the ACYP to track behavioural trends, which could also inform Government communication and messaging aimed at children and young people.¹⁰³
- 2.34 The Committee recognises that children and young people are an important section of society who will have felt the effects of COVID-19 and the associated restrictions. Gathering information on how they felt and how these feelings changed as the situation evolved could help inform Government decisions and improve community safety.

Youth Advisory Council

- 2.35 Part 4 of the ACYP Act establishes the Youth Advisory Council (YAC), and provides functions for the YAC to advise the Minister and Advocate on policies, programs and issues affecting young people. The Advocate's responsibilities include working co-operatively with the YAC in consulting with young people and monitoring and evaluating legislation and government policies that affect them.
- 2.36 The Committee was pleased to hear that YAC representatives are happy with the current model of the YAC and its relationship with the Advocate. Ms Emily Backhouse, 2019 YAC Chair, highlighted the success of the YAC in the variety of activities that they had performed 'in conjunction with the hard work of the [ACYP]'¹⁰⁴. Mr Marvin Smith, Member, YAC, also noted that the format of monthly YAC meetings was suitable for members who are managing the workload of casual employment and university studies.¹⁰⁵
- 2.37 YAC representatives observed that appropriate structures are in place to ensure that knowledge and skills are passed on between successive Councils. Ms Julie Charlton was a 2019 Member of the Council before becoming Chair in 2020; she reported that this arrangement provided a level of continuity for the YAC, in that 'the flow of work would not be lost on the next council'.¹⁰⁶ Mr Smith noted the ongoing mentorship and leadership from Ms Charlton during the reporting period.¹⁰⁷

¹⁰³ Office of the Advocate for Children and Young People, [Annual Report 2019-2020](#), October 2020, pp 23-28

¹⁰⁴ Office of the Advocate for Children and Young People, [NSW Youth Advisory Council Annual Report 2019-2020](#), January 2021, p 3

¹⁰⁵ Mr Marvin Smith, Member, Youth Advisory Council, [Transcript of evidence](#), 7 May 2021, p 2

¹⁰⁶ Ms Julie Charlton, 2020 Chairperson, Youth Advisory Council, [Transcript of evidence](#), 7 May 2021, p 7

¹⁰⁷ Mr Smith, [Transcript of evidence](#), 7 May 2021, p 7

- 2.38 The Committee also heard that the YAC has embraced remote work during the COVID-19 pandemic. The YAC's recruitment processes have been conducted online, as have its regular working meetings. Mr Smith noted that such a format was particularly amenable to young people, and that 'moving forward, definitely the online aspect would have a very beneficial impact on the youth'.¹⁰⁸ The Advocate also told the Committee that online consultations are particularly valuable for young people in remote areas, who may not be able to participate otherwise due to movement restrictions resulting from public health orders.¹⁰⁹
- 2.39 During the reporting period, the YAC consulted with a diverse range of organisations and individuals, including the Governor of NSW, the United Nations and the NSW Department of Education.¹¹⁰ YAC representatives told the Committee that these consultations were often conducted online, which created 'a more relaxed format, rather than being confronted with the more formal aspects of being at Government House or any other formal area'.¹¹¹

Cyberbullying

- 2.40 The Committee was interested to hear the YAC's perspective on cyberbullying. For example, Ms Charlton told the Committee that it is often difficult for young people to 'shut off' from social media and the 'negative feedback' that they often experience when communicating online.¹¹² As Mr Smith noted,

Certainly, in this day and age with the pandemic and everything going online, increasingly we cannot just turn off our phones because we need to continue our education. Education is online now. We need to continue engaging with our own circles and friendship groups. More often than not, all of those things have to be done and the cyberbullying that comes often appears with it.¹¹³

- 2.41 Ms Charlton told the Committee that mental health is an important, inter-related consideration in efforts to address cyberbullying. Ms Backhouse and Mr Smith also reported that a greater focus on youth mental health will be valuable in reducing the impact of cyberbullying. The YAC representatives agreed that education programs should place greater emphasis on building awareness of cyberbullying. The YAC members noted that these programs should include the participation of families and communities, while also improving understanding of the lived experiences of young people affected by cyberbullying.¹¹⁴

Regional Youth Taskforce

- 2.42 The Advocate and the YAC have also maintained their working relationship with the NSW Government's Regional Youth Taskforce. The ACYP assisted with recruitment for the Regional Youth Taskforce, and the Advocate continues to 'work closely' with them by attending the four meetings the Taskforce holds each

¹⁰⁸ Mr Smith, [Transcript of evidence](#), 7 May 2021, p 2

¹⁰⁹ Mr Smith, [Transcript of evidence](#), 7 May 2021, p 2; Ms Robinson, [Transcript of evidence](#), 7 May 2021, p 2

¹¹⁰ Ms Charlton, [Transcript of evidence](#), 7 May 2021, p 2; Mr Smith, [Transcript of evidence](#), 7 May 2021, p 2

¹¹¹ Ms Charlton, [Transcript of evidence](#), 7 May 2021, p 2; Mr Smith, [Transcript of evidence](#), 7 May 2021, p 2

¹¹² Ms Charlton, [Transcript of evidence](#), 7 May 2021, p 8

¹¹³ Ms Charlton, [Transcript of evidence](#), 7 May 2021, p 8; Mr Smith, [Transcript of evidence](#), 7 May 2021, p 9

¹¹⁴ Ms Charlton, [Transcript of evidence](#), 7 May 2021, p 9; Ms Emily Backhouse, 2019 Chairperson, Youth Advisory Council, [Transcript of evidence](#), 7 May 2021, pp 9-10; Mr Smith, [Transcript of evidence](#), 7 May 2021, p 9

year. The ACYP have also provided the Taskforce with media training and training in consultancy and advocacy facilitation.¹¹⁵

- 2.43 The Advocate also noted that the YAC would like 'more interaction' with the Regional Youth Taskforce.¹¹⁶ The Committee is supportive of efforts to further strengthen the relationship between these two advisory bodies. This would ensure that the unique experiences of young people in rural and regional areas continue to be reflected in the ACYP's consultation and advocacy work.
- 2.44 The Committee is pleased to see that the YAC continues to work well with the ACYP. The ACYP is managing the work with the YAC well, and the Committee believes that the YAC are a valuable resource in ensuring that the voices of young people are being considered in relation to policies, programs and legislation that affect them.

Outreach, advocacy and collaboration

- 2.45 Under section 15 (1)(d) of the ACYP Act, one of the functions of the Advocate is 'to make recommendations to government and non-government agencies on legislation, reports, policies, practices, procedures and services affecting children and young people'.
- 2.46 The Committee notes that the ACYP has fulfilled its obligation to make recommendations to government. This has included submissions to government inquiries, such as the Department of Communities and Justice's reviews of the *Disability Inclusion Act 2014*.¹¹⁷ The ACYP's research reports also contained recommendations to government, such as those focused on children and young people in juvenile justice centres or Aboriginal children and young people.¹¹⁸
- 2.47 The Committee also notes that the ACYP has received feedback on its *Children and Young People's Experience of Disaster* report.¹¹⁹ The Committee heard that 14 organisations provided feedback to the Advocate on the report, and several organisations described their planned responses to the recommendations. The Advocate is also working with government and non-government organisations to monitor the implementation of the report's recommendations, such as UNICEF's Drought Advisory Group.¹²⁰
- 2.48 Another function of the Advocate, under section 15 (2)(d) of the ACYP Act, is to 'work co-operatively with other organisations that provide services to or represent the interests of children and young people'.
- 2.49 The ACYP's outreach and educational work has included training for government and non-government agencies. The ACYP reported that they presented information on how to respectfully engage children and young people at

¹¹⁵ Ms Robinson, [Transcript of evidence](#), 7 May 2021, p 3; Office of the Advocate for Children and Young People, [Annual Report 2019-2020](#), October 2020, p 44

¹¹⁶ Ms Robinson, [Transcript of evidence](#), 7 May 2021, p 3

¹¹⁷ Office of the Advocate for Children and Young People, [Annual Report 2019-2020](#), October 2020, p 61

¹¹⁸ Office of the Advocate for Children and Young People, [Annual Report 2019-2020](#), October 2020, pp 31-32

¹¹⁹ Office of the Advocate for Children and Young People, [Children and Young People's Experience of Disaster](#), 2020

¹²⁰ [Responses to questions on notice](#), Office of the Advocate for Children and Young People, 29 April 2021, pp 4-5

approximately 30 events. The ACYP also developed a Child Rights Training course for NSW teachers, which was accredited by the NSW Education Standards Authority and attended by 25 teachers.¹²¹

- 2.50 The Committee also heard that the Advocate sits on a number of councils and advisory boards. This includes the Australian New Zealand Children's Commissioners and Guardians Group, the NSW Children's Week Council and Regional Youth Steering Committee.¹²²
- 2.51 The Advocate also sits on the advisory panel for the Wellbeing and Health In-reach Nurse (WHIN) program, where nurses work with primary and secondary schools to support students on diverse health and wellbeing issues.¹²³
- 2.52 The Advocate explained that the ACYP has provided guidance to the WHIN advisory panel 'in terms of areas of need that we have heard about'. The ACYP polling asked children and young people about where they would access mental health support. Rather than counsellors in school, the respondents preferred accessing mental health support via their GP (in addition to their parents, friends and online resources).¹²⁴
- 2.53 Given these experiences of children and young people accessing mental health supports, the Advocate commented that the WHIN program has had a positive impact – particularly in rural and regional areas, where children and young people may have reduced access to health services.¹²⁵

¹²¹ Office of the Advocate for Children and Young People, [Annual Report 2019-2020](#), October 2020, pp 57-58

¹²² Office of the Advocate for Children and Young People, [Annual Report 2019-2020](#), October 2020, p 60

¹²³ Ms Robinson, [Transcript of evidence](#), 7 May 2021, p 14; [Responses to questions on notice, Office of the Advocate for Children and Young People](#), 9 June 2021, pp 9-10; NSW Health, [Wellbeing and Health In-reach Nurse Coordinator program](#), viewed 18 August 2021

¹²⁴ Ms Robinson, [Transcript of evidence](#), 7 May 2021, p 12

¹²⁵ Ms Robinson, [Transcript of evidence](#), 7 May 2021, p 12

Appendix One – Committee's functions

Part 7 of the *Advocate for Children and Young People Act 2014* sets out the Committee's functions as:

- (a) to monitor and review the exercise by the Advocate of the Advocate's functions,
- (b) to monitor and review the exercise by the Children's Guardian of functions under—
 - (i) the *Child Protection (Working with Children) Act 2012*, or
 - (ii) the *Children's Guardian Act 2019* in relation to the reportable conduct scheme and working with relevant entities to prevent, identify and respond to reportable conduct and promote compliance with the scheme,
- (c) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter relating to the Advocate or connected with the exercise of the Advocate's functions, or on any matter relating to the exercise of the Children's Guardian's functions specified in paragraph (b), to which, in the opinion of the Joint Committee, the attention of Parliament should be directed,
- (d) to examine each annual or other report of the Advocate and report to both Houses of Parliament on any matter appearing in, or arising out of, any such report,
- (e) to examine trends and changes in services and issues affecting children and young people, and report to both Houses of Parliament any changes that the Joint Committee thinks desirable to the functions and procedures of the Advocate,
- (f) to inquire into any question in connection with the Advocate's functions which is referred to it by both Houses of Parliament, and report to both Houses on that question.

Appendix Two – Witnesses

7 May 2021

Public Hearing in Macquarie Room, Parliament House

Witness	Position and Organisation
Ms Zoë Robinson	Advocate for Children and Young People, Office of the Advocate for Children and Young People
Ms Una O'Neill	Director, Office of the Advocate for Children and Young People
Ms Emily Backhouse	2019 Chairperson, Youth Advisory Council, Office of the Advocate for Children and Young People
Ms Julie Charlton	2020 Chairperson, Youth Advisory Council, Office of the Advocate for Children and Young People
Mr Marvin Smith	Member, Youth Advisory Council, Office of the Advocate for Children and Young People
Ms Janet Schorer	Children's Guardian, Office of the Children's Guardian
Mr Sharminie Niles	Director, Legal Services, Office of the Children's Guardian
Mr Steve Gholab	Director, Working With Children Check, Office of the Children's Guardian

Appendix Three – Extracts from minutes

MINUTES OF MEETING No 9

1.32pm, Thursday, 18 February 2021

Room 1043, Parliament House

Members present

Mr Mason-Cox (Chair), Ms Harrison, Ms Preston, Mr Saunders, Mr Shoebridge and Mr Sidgreaves.

Officers in attendance

Elaine Schofield, Leon Last, and Mohini Mehta.

1. Apologies

An apology was received from Mr Donnelly.

2. Confirmation of minutes

Resolved, on the motion of Mr Shoebridge, seconded by Mr Saunders:

That the draft minutes of meeting no 8, held on 23 September 2020, be confirmed.

3. Oversight of the Advocate for Children and Young People and the Children's Guardian

3.1. Correspondence

The Committee noted the following correspondence received:

- Letter from Advocate for Children for Children and Young People, responding to recommendations made in Committee's annual report review, received 23 December 2020
- Email from Office of Advocate for Children and Young People, providing a copy of the Annual Report 2019-20 prepared by the Youth Advisory Council, received 12 January 2021
- Email from Office of Advocate for Children and Young People, advising that recruitment for the Youth Advisory Council is currently open, received 1 February 2021

Resolved, on the motion of Ms Harrison, that the Chair write to the Chair of the Youth Advisory Council to pass on the Committee's thanks for preparing their Annual Report and providing a copy to the Committee.

Resolved on the motion of Mr Sidgreaves, seconded by Mr Shoebridge, that the Committee publish the correspondence from the Advocate for Children and Young People responding to recommendations made in the Committee's annual report review.

3.2. Review of the 2019/2020 annual reports of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian

The Chair noted that the Office of the Advocate for Children and Young People presented its Annual Report for 2019/2020 on 19 October 2020; and that the Children's Guardian presented her Annual Report for 2019/2020 on 27 November 2020.

Discussion ensued.

Resolved on the motion of Mr Saunders:

- That the Committee conduct a review of the annual reports and other matters in relation to the functions and performance of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian;
- That the Committee conduct a public hearing on 7 May 2020 and invite the Advocate for Children and Young People, the Children's Guardian and representatives from the Youth Advisory Council; and
- That the secretariat draft questions on notice to be circulated to Committee members prior to being sent to invite the Advocate for Children and Young People, the Children's Guardian.

4. ***

5. ***

6. Next meeting

The Committee adjourned at 2.00pm until a date and time to be determined.

MINUTES OF MEETING No. 10

9.02 am, 29 April 2021

Jubilee Room, Parliament House

Members present

Mr Mason-Cox (Chair), Mr Sidgreaves (Deputy Chair), Ms Harrison, Ms Preston, Mr Saunders (via Webex), Mr Shoebridge

Officers in attendance

Elaine Schofield, Leon Last, Matthew Johnson, Ilana Chaffey, Mohini Mehta

1. Deliberative meeting

1.1. Apologies

An apology was received from Mr Donnelly

1.2 Confirmation of minutes

Resolved on the motion of Ms Harrison, seconded by Ms Preston:

That the minutes of deliberative meeting no. 9 held on 18 February be confirmed.

1.2 ***

The deliberative meeting adjourned at 9.04 am.

2. ***

3. Deliberative meeting

The Committee resumed the deliberative meeting at 12.21 pm.

3.1. Oversight of the Advocate for Children and Young People and the Office of the Children's Guardian

3.1.1. Government response to 2020 review of annual reports and other matters of the Advocate for Children and Young People

The Committee noted that the Government response to 2020 review of annual reports and other matters of the Advocate for Children and Young People was received by the Clerk of the Legislative Assembly on 20 April and published on the Committee's webpage.

3.1.2. Public hearing

The Committee discussed the upcoming public hearing with the Advocate for Children and Young People, the Youth Advisory Council and the Children's Guardian on Friday, 7 May.

3.2. ***

3.3. ***

The deliberative meeting concluded at 12.28 pm

4. Post-hearing deliberative meeting

The Committee commenced a deliberative meeting at 4.08 pm.

5. Next meeting

The Committee adjourned at 4.13 pm until 9.15 am on Friday, 7 May.

MINUTES OF MEETING No. 11

9.31 am, 7 May 2021

Macquarie Room, Parliament House

Members present

Mr Sidgreaves (Deputy Chair), Mr Donnelly, Ms Harrison, Mr Saunders

Officers in attendance

Elaine Schofield, Leon Last, Matthew Johnson, Mohini Mehta

Deputy Chair presiding

In the absence of the Chair, the Deputy Chair opened the meeting.

1. Public hearing: 2021 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

1.1. Apologies

Apologies were received from Mr Mason-Cox, Ms Preston, and Mr Shoebridge

1.2 Public hearing

Resolved on the motion of Mr Donnelly, seconded by Ms Harrison:

That the Committee take evidence from the witnesses listed in the notice of hearing for Friday, 7 May 2021 in relation to the 2021 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.

That the Committee authorise the audio-visual recording, photography and broadcasting of the public hearing on 7 May 2021, in accordance with the guidelines for the coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

That witnesses be requested to return answers to questions taken on notice and additional questions within 21 days of the date on which the questions are forwarded to the witnesses.

Witnesses were admitted. The Deputy Chair opened the public hearing and, after welcoming the witnesses, made a short opening statement.

- Ms Zoë Robinson, Advocate for Children and Young People,
- Ms Una O'Neill, Director, Office of the Advocate for Children and Young People,
- Ms Emily Backhouse, 2019 Chairperson, Youth Advisory Council, Office of the Advocate for Children and Young People,
- Ms Julie Charlton, Current Chairperson, Youth Advisory Council, Office of the Advocate for Children and Young People, and
- Mr Marvin Smith, Member, Youth Advisory Council, Office of the Advocate for Children and Young People

were affirmed and examined.

Ms Robinson made an opening statement.

Evidence concluded, the witnesses withdrew.

The hearing adjourned at 11.01 am and resumed at 11.32 am.

- Ms Janet Schorer, Children's Guardian,
- Mr Steve Gholab, Director, Working With Children Check, Office of the Children's Guardian, and
- Ms Sharminie Niles, Director, Legal Services, Office of the Children's Guardian

were sworn and examined.

Ms Schorer made an opening statement.

Evidence concluded, the witnesses withdrew.

The public hearing concluded at 12.59 pm.

1.3 Publication of transcript

Resolved, on the motion of Ms Saunders, seconded by Ms Harrison, that the corrected transcript of public evidence given today be authorised for publication and uploaded on the Committee's website.

2. Next meeting

The Committee adjourned at 1.02 pm until 8.45 am on Friday, 14 May.

MINUTES OF MEETING No. 12

8.57 am, 14 May 2021

Macquarie Room, Parliament House

Members present

Mr Sidgreaves (Deputy Chair), Mr Donnelly, Ms Harrison, Mr Poulos, Ms Preston, Mr Shoebridge

Officers in attendance

Elaine Schofield, Leon Last, Matthew Johnson, Ilana Chaffey, Mohini Mehta

Deputy Chair presiding

In the absence of the Chair, the Deputy Chair opened the meeting.

1. Deliberative meeting

1.1. Apologies

An apology was received from Mr Saunders

1.2 Confirmation of minutes

Resolved on the motion of Ms Harrison, seconded by Mr Donnelly:

That the minutes of deliberative meeting no. 10 held on 29 April 2021 and the public hearing held on 7 May 2021 be confirmed.

1.3 ***

The deliberative meeting adjourned at 8.58 am.

2. ***

3. Post-hearing deliberative meeting

The Committee commenced a deliberative meeting at 4.56 pm.

4. Oversight of the Advocate for Children and Young People and the Children's Guardian

4.1. Correspondence

The Committee received a letter from the Hon Mark Latham MLC, raising concerns about the Office of the Children's Guardian and the Office of the Advocate for Children and Young People, dated 4 May 2021.

Mr Donnelly moved, that the correspondence to the Committee Chair and cc'ed to committee members from the Hon Mark Latham, dated 4 May 2021, be forwarded to Ms Zoe Robinson, Advocate for Children and Young People, and Ms Janet Schorer, Children's Guardian, with the request that they respond in writing to the committee regarding the matters raised.

Mr Shoebridge moved an amendment to delete all words after May 2021, and insert 'be noted by the Committee.'

Discussion ensued.

Question put.

The Committee divided

Ayes: Ms Harrison, Mr Shoebridge

Noes: Mr Donnelly, Mr Poulos, Ms Preston, Mr Sidgreaves

Question resolved in the negative.

Mr Shoebridge left the meeting.

Following discussion, Mr Donnelly moved an amended motion:

That the correspondence to the Committee Chair and cc'ed to committee members from the Hon Mark Latham, dated 4 May 2021, be forwarded to Ms Zoe Robinson, Advocate for Children and Young People, and Ms Janet Schorer, Children's Guardian; and Gabrielle Sinclair, CEO of the Australian Children's Education & Care Quality Authority, with the request to comment on whether the matters raised in the correspondence fall within their organisations' statutory remit and, if so, that they respond in writing regarding the matters raised.

Question – That the amended motion moved by Mr Donnelly, be agreed to – put and passed.

4.2. Answers to questions on notice

Resolved, on the motion of Ms Preston, seconded by Ms Harrison, that the answers to questions on notice received from the Office of the Children's Guardian and the Office of the Advocate for Children and Young People be published on the Committee's website.

4.3. Review of the NSW Strategic Plan for Children and Young People

The Committee noted the Review of the NSW Strategic Plan for Children and Young People 2016-2019, tabled by the Advocate for Children and Young People.

5. ***

6. Next meeting

The Committee adjourned at 5.19 pm until a time and date to be confirmed.

MINUTES OF MEETING No. 13

1.18 pm, 8 June 2021

Room 1043, Parliament House

Members present

Mr Poulos (Chair), Mr Sidgreaves (Deputy Chair), Mr Donnelly, Ms Harrison, Ms Preston, Mr Saunders, Mr Shoebridge

Officers in attendance

Elaine Schofield, Leon Last, Matthew Johnson, Ilana Chaffey

The Deputy Chair opened the meeting.

1. Committee membership

As reported in the Legislative Council Minutes, of 13 May 2021, Entry 16, Mr Mason-Cox was discharged from the Committee and Mr Faraway was appointed as a member of the Committee.

As reported in the Legislative Council Minutes, of 13 May 2021, Entry 18, Mr Faraway was discharged from the Committee and Mr Poulos was appointed as a member of the Committee.

2. Election of Chair

As a consequence of the membership changes, the Deputy Chair noted the vacancy in the office of Chair for the Committee and called for nominations.

Ms Preston moved, seconded by Mr Saunders, that Mr Poulos be the Chair of the Committee. Mr Donnelly moved, seconded by Mr Shoebridge, that Ms Harrison be the Chair of the Committee.

Question put – that Mr Poulos be elected Chair of the Committee.
The Committee divided.

Ayes: Mr Poulos, Ms Preston, Mr Saunders, Mr Sidgreaves

Noes: Mr Donnelly, Ms Harrison, Mr Shoebridge

Question resolved in the affirmative.

Mr Poulos elected as the Chair, and presided over the meeting.

3. Confirmation of minutes

Resolved on the motion of Mr Donnelly, seconded by Mr Sidgreaves:

That the minutes of deliberative meeting no. 12, held on 14 May, be confirmed.

4. Next meeting

The Committee adjourned at 1.21 pm until 1.30 pm on Wednesday, 23 June.

MINUTES OF MEETING No 14

1.33pm, Wednesday, 23 June 2021

Room 1043, Parliament House

Members present

Mr Poulos (Chair), Mr Donnelly, Ms Harrison (via Webex), Ms Preston, Mr Saunders, Mr Shoebridge (via Webex) and Mr Sidgreaves.

Officers in attendance

Elaine Schofield and Leon Last

1. Confirmation of minutes

Resolved, on the motion of Mr Donnelly, seconded by Mr Sidgreaves:

That the draft minutes of meeting no 13, held on 8 June 2021, be confirmed.

2. Oversight of the Advocate for Children and Young People and the Children's Guardian

2.1. Correspondence

The Committee noted the following correspondence:

Sent

- Letter to Gabrielle Sinclair, CEO, Australian Children's Education and Care Quality Authority, forwarding correspondence from the Hon Mark Latham MLC.
- Letter to the Children's Guardian, forwarding correspondence from the Hon Mark Latham MLC.
- Letter to the Advocate for Children and Young People, forwarding correspondence from the Hon Mark Latham MLC.

Received

- Reply from Gabrielle Sinclair, stating that the matters raised are not within the legislative remit of the Australian Children's Education and Care Quality Authority, received 3 June.

2.2. Answers to questions on notice

Resolved on the motion of Ms Preston, seconded by Mr Donnelly:

That the Committee publish the answers to questions on notice from the Office of the Children's Guardian and the Office of the Advocate for Children and Young People, received on 9 June, and the answer to the supplementary question from the Office of the Children's Guardian, received on 16 June, on its website.

2.3. Conduct of inquiry

The Committee discussed the drafting of the report and members agreed to raise any issues to be covered with the Chair.

3. ***

4. General business

4.1. Chair to meet with officeholders

The Chair informed members of the Committee that he had arranged to meet informally with the Children's Guardian and the Advocate for Children and Young People.

5. Next meeting

The Committee adjourned at 1.54pm until a date and time to be determined.

MINUTES OF MEETING No 15

1.42pm, Thursday, 16 September 2021

Via video conference

Members present

Mr Poulos (Chair), Mr Donnelly, Ms Harrison, Ms Preston, Mr Saunders, Mr Shoebridge, and Mr Sidgreaves.

Officers in attendance

Elaine Schofield, Leon Last, and Mohini Mehta

1. Recording of meeting

Resolved on the motion of Ms Preston:

That the Committee agree to record the meeting for the purpose of the secretariat preparing the reports, and that the recording be deleted when the reports are adopted.

2. Confirmation of minutes

Resolved, on the motion of Mr Sidgreaves:

That the draft minutes of meeting no 14, held on 23 June 2021, be confirmed.

3. 2021 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

3.1. Correspondence

- Reply from the Children's Guardian responding to comments made in the correspondence from Mr Latham, received 25 June 2021.
- Reply from the Advocate for Children and Young People responding to comments made in the correspondence from Mr Latham, received 29 June 2021.

Ms Preston moved, seconded Mr Donnelly: That the Committee send a reply to Mr Latham forwarding the responses it received from the Children's Guardian, the Advocate for Children and Young People and the Australian Children's Education & Care Quality Authority.

Mr Shoebridge moved an amendment:

That the Committee note the correspondence.

Question put on Mr Shoebridge's amendment. Question negated

Question put on Ms Preston's motion, question agreed to

3.2. Committee consultation on the report plan

The Committee discussed the report plan prepared by the secretariat and forwarded to members for the *2021 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*.

The Committee considered the draft report plan and made suggestions.

4. ***

5. Next meeting

The Committee adjourned at 2.05pm until a date and time to be determined.

MINUTES OF MEETING No 16

1.40 pm, Thursday, 21 October 2021

Via video conference

Members present

Mr Poulos (Chair), Mr Donnelly, Ms Harrison, Mr Saunders and Mr Sidgreaves.

Apologies

Apologies were received from Ms Preston and Mr Shoebridge.

Officers in attendance

Elaine Schofield, Leon Last, Matt Johnson and Mohini Mehta

1. Confirmation of minutes

Resolved on the motion of Mr Donnelly, seconded Mr Sidgreaves:

That the draft minutes of meeting no 15, held on 16 September, be confirmed.

2. 2021 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

The Chair's draft report, which had been previously circulated, was taken as being read.

Resolved on the motion of Mr Saunders:

That the draft report be considered chapter by chapter.

Chapter One

Resolved, on the motion of Mr Donnelly: That Chapter One stand part of the report.

Chapter Two

Resolved, on the motion of Ms Harrison: That Chapter Two stand part of the report.

Committee Report

Resolved, *in globo*, on the motion of Mr Sidgreaves:

1. That the draft report be the report of the Committee, and that it be signed by the Chair and presented to the Houses.
2. That the Chair and committee staff be permitted to correct stylistic, typographical and grammatical errors.
3. That, once tabled, the report be posted on the Committee's website.

3. General business

The Committee thanked the secretariat for their work on the inquiry and the report.

4. Next meeting

The meeting adjourned at 1.47pm until a date to be determined.

Appendix Four – Glossary

ACYP	Advocate for Children and Young People
ACYP Act	<i>Advocate for Children and Young People Act 2014</i>
CALD	Culturally and linguistically diverse
OCG	Office of the Children's Guardian
The Plan	<i>NSW Strategic Plan for Children and Young People 2016-2019</i>
RCS	Reportable Conduct Scheme
WHIN	Wellbeing and Health Inreach Nurse Program
WWCC	Working with Children Check
WWCC Act	<i>Child Protection (Working with Children) Act 2012</i>
YAC	Youth Advisory Council