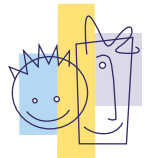


Captured by kids

THE FIRST TEN YEARS OF
THE NSW COMMISSION
FOR CHILDREN AND
YOUNG PEOPLE



nsw commission for
children & young people



captured by kids



THE FIRST TEN YEARS OF THE NSW
COMMISSION FOR CHILDREN AND
YOUNG PEOPLE



Acknowledgements

The Commission gratefully acknowledges those who agreed to be interviewed in the course of researching this publication: Jessica Agland, Dr Judy Cashmore, Catherine Cusack MLC, Ian Faulks, Graeme Innes AM, Helen L'Orange AM, Kate McKenzie, Dorian Sarkissian and Rachel Smith, not all of whom are quoted directly, but all of whom provided valuable information and insights that enriched this publication. The contribution of children and young people to the work of the Commission, including the preparation of this publication, is also gratefully acknowledged. The artwork reproduced here is sourced from material gathered in the course of the Commission's many consultations with kids.

Publication details

National Library of Australia Cataloguing-in-Publication entry

Author: New South Wales. Commission for Children and Young People.

Title: Captured by kids [electronic resource]: the first ten years of the NSW Commission for Children and Young People / researched and written by Bruce Williams.

ISBN: 9780734771919 (pdf)

Subjects: New South Wales. Commission for Children and Young People – History.

Child welfare – New South Wales – History.

Children's rights – New South Wales.

Other Authors/Contributors: Williams, Bruce, 1960-

Suggested citation

NSW Commission for Children and Young People (2009). Captured by kids: the first ten years of the NSW Commission for Children and Young People. Researched and written by Bruce Williams, Sydney: NSW Commission for Children and Young People, 2009.

contents



Foreword	v	Spotlight	
Introduction	1	‘What kids have told us’	29
1 Establishment	2	Appendices	37
2 About the Commission	5	A Publications of the Commission	37
A new way of doing business around kids	7	B Submissions to formal inquiries	39
3 Well-being	9	C Inquiries of the Parliamentary Joint Committee on Children and Young People	42
Power to influence	9	D Membership of the Parliamentary Joint Committee on Children and Young People	43
Research, reports and recommendations	10	E Membership of the Commission’s Young People’s Reference Group	46
The power of partnership	14	F Membership of the Commission’s Expert Advisory Committee	49
4 Participation	17	G Membership of the Child Death Review Team	52
The participation journey	17	H Legal change	57
Young People’s Reference Group	18	I Principal functions of the Commission – how the legislation has evolved	64
Traineeships	19	Notes	66
Kids influencing	20		
Kids researching	21		
5 Preventing harm in organisations	22		
The Working With Children Check	22		
Child-safe child-friendly organisations	24		
AWARE	25		
Child Sex Offender Counsellor Accreditation Scheme	25		
6 Future directions	27		
The next NSW Commissioner	28		



Children / Young people / Kids

In the Commission's legislation the phrase "young people" occurs only once – in the Act's title. On all other occasions the word "child" is used to refer to the New South Wales citizens aged 0 to 17 years for whom the Commission advocates. The phrase "young people" was inserted "at the request of the young people who participated in the development of the Commission for Children and Young People proposal [because many young people] do not consider themselves 'children' despite being under the age of 18 years, which is the definition of 'child' adopted".¹

To be as inclusive as possible, and to reflect kids' preference for a friendly, informal approach, this document generally uses "kids" to refer to children and young people younger than 18. This is consistent with many of the Commission's publications, especially those created for kids, and reflects its use on the Commission's website: kids.nsw.gov.au.



ForeWord



June 2009 marks the first decade of the NSW Commission for Children and Young People.

The Commission was established with the unanimous support of our New South Wales Parliament, who recognised the importance of providing an organisation exclusively and fully committed to the well-being of our youngest citizens.

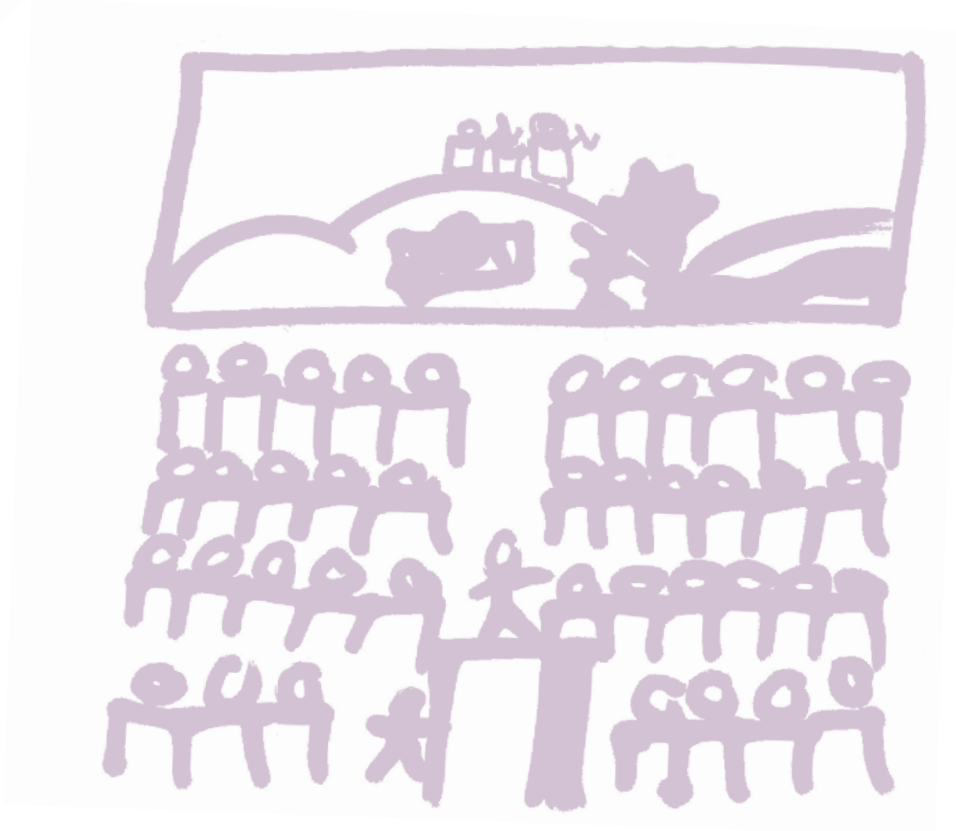
Over the past decade, the Commission has tackled important issues on behalf of our State's children and young people, encouraging us all to do better. The Commission advocates strongly for children's interests and represents their voice across the community. Through its work, the Commission has shown that children are able to express opinions about their lives and circumstances – and both adults and children benefit when these opinions are listened to and taken seriously.

The insights and needs of children assist adults to keep in touch with their own humanity. Indeed, caring for children and young people, helping them learn, keeping them healthy and safe, allowing them the freedom to be themselves, are integral to a healthy, happy and creative community.

Children are a nation's most valuable resource – its future.

My congratulations are extended to the Commission for its work over this first decade, and my best wishes for continuing achievement in the years ahead.

Professor Marie R Bashir AC CVO
Governor of New South Wales



"The only group I'm prepared
to be captured by is children
and young people."

Commissioner Gillian Calvert, 1999

Introduction



When on 14 May 1994 a Royal Commission into the New South Wales Police Service was established, its implications were expected to be wide-ranging – but few predicted it would change the way New South Wales government agencies, employers and community organisations respond to and interact with kids.

How this came to be is outlined in chapter one (Establishment), however a cornerstone of the recommendations of the Royal Commission's final report was the creation of a "Children's Commission"². Headed by Justice James Wood, the Royal Commission found that there was no single voice in New South Wales speaking out for the interests of kids. A Children's Commission would be that voice.

The New South Wales Commission for Children and Young People was established in June 1999, following the proclamation on 31 May of the *Commission for Children and Young People Act 1998*. Gillian Calvert was appointed Commissioner. Under the Act, a Commissioner is to serve a maximum of two five-year terms. Calvert was appointed for a second five-year term in 2004. In 2009, the Commission will mark the completion of its first decade and the opening of a fresh chapter when a new Commissioner will be appointed.

Captured by kids documents the development, achievements and activities of the Commission from June 1999 to December 2008. Also outlined are the key events and circumstances that led to the Commission's establishment, as well as the challenges facing the Commission in its work for the kids of New South Wales into its second decade.

The Commission's work falls into three broad areas: well-being, participation, and preventing harm in organisations. Well-being refers to the Commission's role in identifying and responding to issues important to kids, and influencing on their behalf to promote their well-being. Participation comprises the Commission's work to empower and involve kids in decisions and services that affect their lives. Preventing harm

in organisations includes the Working With Children Check within the overarching Child-safe Child-friendly program.

Captured by Kids tells the story of how the Commission has developed and progressed these three key elements in the interests of kids. This account also tells the story of the many ways the Commission has involved kids in its work, and the role that they have played as effective and persuasive advocates – something that is illustrated by the many artworks reproduced here that were created as part of the Commission's consultation work with kids.

Central to the Commission's work has been its underlying approach to interacting with kids:

The Commission has approached children and young people as partners and fellow citizens of our community. We see children and young people as capable of giving meaning to their world and their actions. We need to understand kids in all their diversity, as they understand their place in the world, not as we think they should be.³

The right of kids to have a say in issues that affect them – and the practical value this brings – is now widely recognised and instituted in policy-making in New South Wales and other jurisdictions in Australia. Kids are increasingly understood to be active citizens rather than passive beneficiaries or victims of systems and circumstances. Employers and organisations understand that they have a duty of care to manage risks around working with kids.

These are important systemic changes for the benefit of kids that the NSW Commission for Children and Young People has played a key role in bringing about.

Captured by kids is intended to shed light on how the Commission was established and how it has worked and developed over the past ten years – and how kids have played a vital role in making it happen.



I Establishment

The background to the establishment of the Commission involved a growing understanding during the preceding decades of issues around child protection, child development and the rights of children. One important point of reference is the United Nations Convention on the Rights of the Child adopted on 20 November 1989. In the New South Wales context, another point of reference is the 1985 report of the NSW Child Sexual Assault Task Force. While the Task Force preceded the Convention, it is worth noting that the convention was drafted over ten years, beginning in 1979.⁴

The Task Force report was part of the government and the community facing up to the reality of the sexual abuse of kids. It recommended to then Premier Neville Wran the establishment of a Child Protection Council. The Council's chief focus was responding to, and working to prevent, the crime of child sexual assault, before extending its role to include other forms of abuse or neglect of children.⁵

"Dealing with Wood's recommendations in a purely legislative way was never going to be enough – you needed to put resources into generating public debate because in many ways it's really about changing attitudes and influencing public thinking about children and their rights and needs."



Kate McKenzie, former Deputy Director General, NSW Cabinet Office

There was on the one hand a growing awareness of the dangers kids face – even, or possibly especially – in environments meant to care for them: kids are an especially vulnerable group needing adults to protect them or remove them from harm. There was on the other hand a growing awareness of kids as actors in our communities, and holding rights as adults do: kids and adults are partners.

These issues converged in the Paedophile Inquiry of the Royal Commission into the New South Wales Police Service conducted by Justice James Wood, and in the community and government response to the inquiry. The Wood Commission was established by then Premier John Fahey in 1994 amid media headlines about police corruption and involvement in the drug trade. It was all politicians and bagmen, drug traffickers and hidden cameras in taxi cabs. Kids weren't even on the horizon.

But as allegations of child sexual abuse began to surface – in particular, allegations that organised rings of paedophiles were operating with the protection of corrupt police or other officials – the Wood commission was extended in December 1994 to inquire into paedophilia.

At the same time in New South Wales (and elsewhere) there was much work being done to explore the implications for governments, families, communities – and kids – of the UN Convention. Much of this is discussed in the September 1996 report of the Legislative Council Standing Committee on Social Issues Inquiry into Children's Advocacy.⁶

Justice Wood released the final report of the Police Corruption Inquiry on 15 May 1997, but it was not until 26 August 1997 that he released the even more extensive final report of the Paedophile Inquiry – three volumes and more than 900 pages. The Paedophile Inquiry Report contained more than 40 recommendations for the establishment



of a New South Wales Children's Commission.⁷ Parallel to this was a commitment in government to seeking kids' views in any response to Wood – a commitment that can be traced to the advocacy report referred to above.

The progress of the Wood Commission was a long and arduous journey. There were prosecutions, sackings and resignations across a range of government agencies and services.

While the overall benefits of the inquiry and its recommendations were great, many felt that it was now time to move the focus from identifying failure to building success. As then Deputy Director General of the New South Wales Cabinet Office, Kate McKenzie, recalls, there was a conscious effort to move to the positive and build for the future. "You have to look at all the tools in your kit bag in terms of trying to change the world, and enforcement is only one of them."⁸

Cabinet decided to go to public consultation on the aspects of the Wood report's vision for a children's commission. This green paper process was led by the Office of Children and Young People, with Gillian Calvert as its Director. A green paper was released in December 1997 and submissions closed on 31 March 1998. Importantly, the consultation process sought the views of kids – a strategy that continued through from the first to the final stages, when for the first time a young person was appointed to the selection panel for the appointment of a senior statutory or government officer – the Commissioner.

The final report of the Wood inquiry was an important, influential – and highly public – document. But there were also many other strong views and voices on how a commission for children should work and, according to McKenzie, no single point of view held sway in Cabinet at the time the green paper was released.

The Government didn't have a pre-determined view. It had a set of recommendations from the Royal Commission, and we set about speaking to anybody who had knowledge and expertise in the area – and we had a wide range of responses that we sifted through and analysed, and these became a set of recommendations to Cabinet.⁹

"To be an effective advocate you do sometimes have to be critical, but I don't think we needed one more watchdog body telling people how inadequate all their efforts were."

Kate McKenzie, former Deputy Director General, NSW Cabinet Office

One of the key points of debate was the new Commission's role, as proposed by Wood, as an investigative body with a child protection focus. Others believed that sexual and other abuse was in important respects a symptom of broader attitudes and practices regarding kids and that, by focusing too fixedly on discovering and punishing abusers, opportunities would be lost for more effective responses for preventing abuse and building the well-being of kids. Were concepts like rights and well-being add-ons once protection had been achieved – or were they the keys to achieving that protection, and much more besides?



I Establishment (continued)

Wood recommended that the new Commission would replace the Child Protection Council – and that in itself was a difficult and emotional issue. Members and supporters of the Council could rightly claim many significant achievements for New South Wales kids. Many feared that in losing the Council, the gains that it had made in interagency cooperation for child protection would also be lost.

Crucially, Premier Bob Carr's Labor Government had a bare majority of one in the Legislative Assembly and did not hold a majority in the Legislative Council, and so required the support of Independents, the Greens or the Opposition to pass legislation.

Tensions were high because the well-being of kids was at stake, and because many established agencies and organisations – and individuals – stood to gain or lose depending on which path the Government took. In the end, the voices of kids proved decisive.

In addition to the more than 160 written submissions to the Green Paper that were received, the Office of Children and Young People travelled widely through the state to talk with kids about what they wanted from a Commission for them.

As Calvert recalls: "Kids wanted the Commission to be for all kids – they didn't want it focused purely on child protection. Child protection was important, but it didn't affect all kids, and they wanted the Commission to be for all kids – that was a very clear theme. It should be child-focused. Child-centred."¹⁰

According to Calvert, the broad encompassing themes were well-being, taking kids seriously and being responsive to kids, and these clear messages from kids were a persuasive force in framing the legislation that was finally put before the public.

The *Commission for Children and Young People Bill 1998* was introduced into the Legislative Assembly as a draft for community discussion on 3 July 1998 by then Minister for Community Services Fay Lo Po'.

Refinements to the Bill included provisions to strengthen the independence of the Commissioner including increasing the maximum appointment to two five-year terms.

In the original exposure draft the Commissioner's appointment was for no more than 2 successive terms of 3 years (clause 6 (3)); in Bill (No 2) the Commissioner's appointment was for no more than 2 successive terms of 4 years. The extension to a 5 year term was the result of a successful amendment move by the Greens ... Security of tenure, essential to independence, is also afforded by a section 5 (4) which provides that the Governor 'may remove the Commissioner from office only for misbehaviour, incapacity or incompetence...'¹¹

The final legislation – the *Commission for Children and Young People Act 1998* – was passed unanimously in New South Wales Parliament in December 1998, along with related legislation the *Child Protection (Prohibited Employment) Act 1998* and the *Ombudsman Amendment (Child Protection and Community Services) Act 1998*.

The position of Commissioner was advertised on 9 December 1998. The Commission's Act was proclaimed on 31 May 1999. The following day the Commission, with Gillian Calvert as Commissioner, was open for business.

2 About the Commission



The Commissioner began work on Tuesday 1 June 1999 in her office on the 14th floor, of the 22-storey office block, 447 Kent Street Sydney in the heart of the central business district. In the building's large, shiny foyer men and women in suits came and went between meetings or headed out to catch taxis while talking on their mobile phones.

It was pretty much exactly the kind of environment that kids, during consultations for framing the Commission's legislation, had said they did not want for their new Commission. Children and young people wanted a place that was easy to get to, friendly and fun to be in – informal and welcoming.

Following that advice, the Commission settled into the second floor of a small building about a block from Sydney's Central Station in December 1999. Extra meeting rooms were provided so that community groups could make use of the facilities, with the idea that this in turn would bring kids and the people who worked with kids into regular contact with the Commission. Kids helped to design the Commission's logo and choose the colours and layout of the offices. Importantly, through the process of framing the legislation, children had also helped design the Commission itself.

The newly created Commission for Children and Young People was to advocate for all children. It was to take notice of and respond to all parts of children's lives – not just where they interacted with government services. The Commission was also to build a network of safety for children in organisations and communities, the most visible form of which was to become known as the Working With Children Check.

The Commission would also build and develop adult networks to stay informed of developments, research and expertise on the many facets of kids' lives. One way

of doing this was the establishment under the Act of an expert advisory committee "with child-related expertise in the fields of health, education, child protection, child development, disabilities, the law, employment, sport or the arts".¹²



"From the beginning there was a real sense that we were there to do things differently. People came with a range of skills to contribute, and there was a real willingness to muck in together, to try new things. It was very liberating."

Rachel Smith, former Senior Policy Officer at the Commission

This committee was to "assist the Commission in the exercise of its functions"¹³ and would help to provide the interdisciplinary approach that had been so valuable under the Child Protection Council. Another way to retain what had been done and learned during the Council's time of operation was the publication by the Commission of *The NSW Child Protection Council 1985–1999: A History of Change and Innovation*.¹⁴

At proclamation, the principal functions of the Commission under the *Commission for Children and Young People Act 1998* were:

- a) to promote the participation of children in the making of decisions that affect their lives and to encourage government and non-government agencies to seek the participation of children appropriate to their age and maturity,



2 About the Commission (continued)

"We don't want some man in a suit sitting in a tower block."

Young contributor to a public forum on the Commission's legislation

- b) to promote and monitor the overall safety, welfare and well-being of children in the community and to monitor the trends in complaints made by or on behalf of children,
- c) to conduct special inquiries under Part 4 into issues affecting children,
- d) to make recommendations to government and non-government agencies on legislation, policies, practices and services affecting children,
- e) to promote the provision of information and advice to assist children,
- f) to conduct, promote and monitor training on issues affecting children,
- g) to conduct, promote and monitor public awareness activities on issues affecting children,
- h) to conduct, promote and monitor research into issues affecting children,
- i) to participate in and monitor screening for child-related employment in accordance with Part 7,
- j) to develop and administer a voluntary accreditation scheme for persons working with persons who have committed sexual offences against children.

Under Part 7A of the *Children (Care and Protection) Act 1987*, the Commissioner is the convenor of the Child Death Review Team established under that Part and the Commission is required to provide administrative support to that Review Team.¹⁵

See Appendix I for the evolution of this section of the Act.

Not included in this list of functions is the role of investigating or ruling on complaints or allegations regarding individual children. This avoids the conflict of the Commission being both an advocate and an umpire. The potential for such a conflict was noted in the 1997 Green Paper:

While an advocate promotes the needs and interests of the group it represents, the impartiality of a complaints handler must be beyond doubt. For a complaint to be properly handled, the agency must be completely impartial and know the potential strengths of any argument from both the complainant and the agency. Locating the two functions within the same body could compromise the performance of one or both of the important advocacy and complaints handling functions. This could potentially undermine the overall effectiveness and credibility of the Children's Commission.¹⁶

Probably the most contentious of the functions included in the Act were the conducting of "special inquiries" and "screening for child-related employment" (part of the Working With Children Check).¹⁷

Issues relating to the development of the Working With Children Check are included in chapter five (Preventing harm in organisations). However, debate around the powers for, and the conduct of, special inquiries provides important insights into how the Commission would do business.

In any public organisation, it is one thing to have powers – how those powers are used is also highly revealing.

In the course of passing the Act, much of the parliamentary (and community) debate focused on the power to conduct Special Inquiries: should the Commission have the power to enter premises and seize documents? Should the Commission have the power to establish such an inquiry under its own auspice? Or should this be subject to the approval of a minister?¹⁸



Part 4 of the Act details the Commission's powers and functions regarding Special Inquiries. Under the Act, these inquiries require the approval of the Minister, with the stipulation that any request by the Commissioner for approval to hold an inquiry be reported to parliament and, should the Minister refuse approval, the reasons for doing so must also be reported.

The Commissioner's powers in the conduct of such an inquiry include the power to compel "any officer of a government agency or any other person"¹⁹ to give evidence, along with penalties for knowingly providing false or misleading evidence.

"I would like to thank particularly the 150 young people across the State who gave their views on the Children's Commission. Their input was vital, and will remain vital once the Commission is established. Drafting these proposals, forming a new Children's Commission and establishing the rules governing the employment of people working with children is vital and important work, work that the Government could not have completed without the valuable input from those groups."

Faye Lo Po', Minister for Community Services, on the Commission for Children and Young People Bill (No. 2), Legislative Assembly, 21 October 1998

To date, while many inquiries and research projects have been conducted, there have been no Special Inquiries as defined under the Act.

A new way of doing business around kids

While having special inquiries powers enhanced its authority in adults eyes, the Commission chose a very different path for its day-to-day business. It developed models of inquiry about kids in ways that suited kids – that put their needs first. The model also involved working constructively with other organisations and agencies – an approach that was bolstered by the Act:

The Commission and other government or non-government agencies that provide or deal with services or issues affecting children must work in co-operation in the exercise of their respective functions.²⁰

As McKenzie recalls:

What was needed was a different way of thinking, a different way of doing business. Remember a judicial inquiry isn't a very friendly place to have kids come to talk about their views and opinions ... Having a judicial inquiry with people turning up with their lawyers isn't going to help you find out what kids think and want, and what the real root causes are of the real problems kids experience.²¹

Putting kids first was crucial, but just as crucial was acting from an understanding of children as capable of giving meaning to their lives and their world, and being able to express themselves about those meanings in ways that deserved to be taken seriously. This was at the core of the Commission's new way of doing business around kids, and it shaped the development of its three main areas of work: well-being, participation, and reducing harm in organisations. It is a framework that allowed children and young people not only to participate, but to lead.



2 About the Commission (continued)

"The only group I'm prepared to be captured by is children and young people."

Gillian Calvert, Commissioner

As the Commissioner put it in her first media interview: "I have power but I have to be judicious about how I use it in relation to government, business and community groups ... I have to maintain an on-going relationship with these people."²²

The Commission's first major milestone along that journey was the Inquiry into the best means of assisting children with no-one to turn to, where children not only contributed to the inquiry, but shaped its course.

Details of this and other work by the Commission for the well-being of children are provided in chapter three (Well-being).



A place for kids

Kids said they wanted the Commission to be easy to get to and fun to be in. They wanted an informal, friendly environment that had some fun things to do, as well as welcoming spaces where they could relax and talk freely about what was important to them.

For younger kids, there is play equipment, books, and art materials, while for older kids there are arcade and video games, as well as a TV/DVD player.

Kids also chose the Commission's logo and corporate colours, with more than 1,200 kids participating with the help of the Department of Education and Training (DET).

The Commission held two art workshops for kids, and ran an art competition, 'kid's art of the state 2000' which received more than

150 entries from kids across New South Wales. More than 30 artworks were framed and hung to enliven the Commission's offices.

The Commission continues to display recent works by kids through Operation Art – a joint initiative of the DET, The Children's Hospital at Westmead, the Art Gallery of NSW and the Penrith Regional Art Gallery.

The Commission's website, launched February 2000 and redeveloped December 2006, also reflects kids' preference for colour and fun. In 2008, the Commission's website received an Outstanding Achievement award for a Youth site in the international Interactive Media Awards.

The Commission's website is **kids.nsw.gov.au**

3 Well-being



Power to influence

As discussed in chapter two, the Commission was to use its coercive powers very sparingly. The Commissioner saw her role as an advocate, not a prosecutor or watchdog. Because so vast a range of government and community activities involve or affect kids, it would be impossible to make meaningful headway directive-by-directive, even if that power were available. What was required was a rethinking about how we advocate for and engage with kids. Many who worked in children's services struggled to come to grips with this new approach. It was not until they began to see it in action that its value for kids – and for the adults who care for them – was recognised.²³

In the policy field, the Commission embraced the growing emphasis on evidence-based work. The Commission's policy and research teams worked together to gather and marshal the best information available to underpin the Commission's advocacy for kids. Public debate was also seen as important, to put forward kids' voices on issues important to them and to keep their interests on the public agenda. But what made the Commission different was the depth of involvement of kids in its work.

The Commission established the Young People's Reference Group – to be discussed in greater detail in chapter four (Participation) – as an influential advisory committee. Policy officers began speaking with and listening to kids throughout New South Wales and developed ways to gather and use the knowledge that kids had – interviews, focus groups, games and activities and, especially for younger kids, drawings and artworks – some of which are reproduced here. Research officers also began developing ways of involving children in research projects – not just as subjects, or even as participants, but as researchers.

Many people, both inside and outside the government sphere, interviewed for this publication repeatedly stressed the importance of the quality of the information and analysis that stands behind the Commission's advocacy for kids and capacity to influence on their behalf.

This is noted by Liberal Member of the New South Wales Legislative Council, Catherine Cusack – a former shadow minister for youth and former member of the Joint Parliamentary Committee on Children and Young People and currently Shadow Minister for Climate Change and Environmental Sustainability.

The Commission's inquiries and research really established its credibility. Its credibility is everything – it determines how much influence it's going to have and what new frontiers it can take on. If there's an issue that needs looking into and you've got a credible source of information – you'll go to it every time.²⁴

Key themes emerged in the Commission's reports and recommendations: the powerful influence of the early years, the importance of strong relationships in helping kids get through tough times, that kids have the right to have their views taken seriously, and that doing so pays dividends.

"There's nowhere else we can go. We can talk to our parents, but our parents can't change things all through New South Wales."

Girl, Ellison Primary School



3 Well-being (continued)

Research, reports and recommendations

The best means of assisting children with no-one to turn to

How the Commission would gather information, and advocate for kids using that information, was to a large extent established with its first inquiry: the Inquiry into the best means of assisting children with no-one to turn to. This was not a “Special Inquiry” under the Act. Information was gathered not by taking evidence at formal hearings, but by engaging in a community conversation.

The inquiry responded to the Commission’s provision under the Act to “give priority to the interests and needs of vulnerable kids”.²⁵ Importantly, it also responded to the views of kids, and took on a new shape from how it was originally conceived because of those views, as noted by the Commissioner in her foreword to the inquiry’s report:

I began this Inquiry with the intention of focusing on very vulnerable kids and how to help them at the times of their greatest need. However the kids I spoke with said that they wanted me to concentrate on ways to prevent them from becoming vulnerable, rather than only on ways to help them once they were vulnerable. This point was made as strongly by the most vulnerable kids as it was by their more resilient peers. The direction of the inquiry developed to reflect this priority.²⁶

The inquiry employed a suite of tools to reach kids, including focus groups, seminars and structured observations and interviews.²⁷

The priority given kids’ views was a new approach. Equally new, according to then Senior Policy Officer Rachel Smith, was widening of the usual age of children they would speak with. As the report states: “We listened to, talked with and observed approximately 240 children and young people ranging in age from four to 18 years.”²⁸

The report was tabled in New South Wales Parliament in October 2002 along with a summary prepared for kids. Key to the inquiry’s findings and recommendations was that, while adults generally see supporting kids in terms of services that may be sufficient or insufficient, delivered well or badly, kids see the support they need in terms of relationships. Calvert recalls: “It was their relationships that mattered to them. Services were only occasionally mentioned”.²⁹ The inquiry’s recommendations revolved around finding ways to support and strengthen their relationships.

This pattern of seeking information, shaping questions around kids’ perspectives, prioritising kids’ views, and building a workable set of recommendations for changing laws and policies for kids’ benefit, would be repeated many times in the coming years.

Making the working world work better for kids

In its contact with kids in the course of its inquiries, in the preparation of policy recommendations, and in groups such as the Young People’s Reference Group, ‘work’ continually emerged as an important part of kids’ lives.

The experience of kids at work was seen as an area of kids’ lives that was important to them, but about which there was little good information. This was especially true of children near or below the New South Wales school-leaving age of 15 years as most available data collections do not include children younger than 15.³⁰ It was also an area in which there were many different views and opinions amongst adults about what was best for kids.

So in 2005, the Commission released its survey of 11,000 school students aged between 12 and 16 about their experience of work. It showed that more than half of these kids worked in paid or unpaid jobs, that most enjoyed working’ and that it contributed to their well-being. However there were still areas of concern that adults needed to address.



These issues were taken up by a taskforce of government departments, employers, unions, and young people.³¹ The findings also contributed to significant public debate on workplace issues during the passage through Commonwealth Parliament of the *Workplace Relations Amendment Act 2005*, or WorkChoices, along with the New South Wales Government's response to that legislation, the *Industrial Relations (Child Employment) Act NSW 2006*. Importantly the NSW Industrial Relations Commission relied on the Commission's findings in formulating a set of "no net detriment principles" that accompanied this Act.³²

A second survey of 1500 kids aged between 12 and 15 years confirmed the earlier finding that work contributed to children's well-being. *Ask the Children: I want to work* highlights how many kids participate in informal work, demonstrating the importance of informal work to kids in making the transition to formal work. The findings challenge the community to recognise how extensive kids' working is and invites them to reconsider the notion many people still hold – that work is bad for kids. It also explores some of the differences between adults' work and kids' work.

In December 2008 the Commission released *Making the working world work better for kids* and called for a national regulatory

framework to cover kids' work. Written by Professor Andrew Stewart of the University of Adelaide, the discussion paper argues that a more consistent and simpler system would mean more employers would understand the rules and give kids a fair go in their early working experiences. It would also help kids remain protected.

Engaging in workplace issues threw up new challenges for the Commission however, throughout, the Commission remained focused on kids' experience of work. As Cusack notes:

There's a lot of politics in workplaces. There's a lot of sensitivity to business in that work as well. All through this though, the Commission's focus has been very much for the benefit of children.³³

"Its credibility is everything – it determines how much influence it's going to have and what new frontiers it can take on."

Catherine Cusack MLC





3 Well-being (continued)

Built 4 kids

In October 2005, the NSW Joint Parliamentary Committee on Children and Young People – the committee that oversees the Commission’s work – called for submissions for its inquiry into children, young people and the built environment.

As noted in the inquiry’s final report, the committee’s “primary responsibility is to monitor and review the work of the NSW Commission for Children and Young People [...] However, the Committee has a broader responsibility to examine trends and changes in services and issues affecting children and young people”.³⁴

One of the catalysts for the built environment inquiry was the growing strength of the international Child Friendly Cities movement.

This in turn was a response to the 1989 United Nations Convention on the Rights of the Child, with the aim of building communities and governance systems that promote the rights and well-being of children (see www.childfriendlycities.org).

For the parliamentary inquiry, the Commission saw the inclusion of kids’ voices as vital: “Perhaps the most significant and useful contribution the Commission can make to this Inquiry is to help Committee members hear the views and experiences of children and young people.”³⁵

Following recommendations in the inquiry’s final report, the Commission has worked with several local councils to “harness [...] capacity to create more child-friendly environments”.³⁶ One of the results is a set of child-friendly community indicators for use in planning and evaluating the built environment. This work was created in partnership with Griffith University’s Urban Research Program.

These child-friendly indicators will help social and town planners create or assess development proposals in terms of their impact on kids, and to put in place processes where kids have meaningful input into planning decisions.

To help this happen, the Commission has produced *Built 4 kids* – a guide for local government staff and others involved in planning, designing, or managing the built environment. It provides practical, clear examples and case studies to help planners create better environments for kids.

Inquiries such as these provided the Commission with platforms for promoting children’s well-being and the opportunity to showcase kids’ views. Their subsequent reports and recommendations shaped the Commission’s priorities and activities. At other times, priorities and activities were shaped by the legislation itself.





Child Death Review Team

In 1993 a Child Death Review Committee was established by the New South Wales Government as an independent review mechanism to examine child deaths, and operated out of the Child Protection Council. The committee's first report recommended "the establishment of a permanent, statutory body for reviewing child deaths".³⁷

The NSW Child Death Review Team (CDRT) was formed in 1996, and was supported by the Child Protection Council until the creation of the Commission, which now provides administrative support and undertakes research for the CDRT, with the Commissioner as convenor. Initially its legislative base was as a 1995 amendment to the *Children (Care and Protection) Act 1987*. Later, the *Commission for Children and Young People Amendment (Child Death Review Team) Act 2003* would establish the CDRT as a committee of the Commission.³⁸

The CDRT provides information about child deaths to help prevent or reduce the number of deaths in New South Wales of children from birth to 17 years. It maintains a register of child deaths in New South Wales dating from 1996 and classifies these deaths according to cause, demographic criteria and other relevant factors. In its annual and special reports, the CDRT identifies patterns and trends relating to the deaths and makes recommendations to government and non-government agencies for the prevention of further child deaths.

In its first few years, the bulk of the CDRT's recommendations for reducing child deaths were contained in its annual reports but, increasingly, it was in its special reports into specific issues where recommendations for change were made.

These reports include *Fatal assault and neglect of children and young people, Suicide and risk-taking deaths of children and young people, and Sudden Unexpected Deaths in*

Infancy: the New South Wales Experience. Progress of the CDRT's recommendations is tracked in each of its annual reports.

The CDRT's data holding, the Child Deaths Register, was the first of its kind in Australia and has become the country's most comprehensive source of information on the causes and circumstances of child death. In 2008, the Commission released the report *Trends in Child Deaths in New South Wales 1996–2005* drawing on the register's first ten years of data. The most extensive and rigorous research of its kind ever conducted in Australia, this report produced a set of recommendations to help further reduce child deaths, including:

- Developing prevention strategies around meningococcal infection and pneumonia, especially in low socio-economic and regional areas and in Aboriginal communities
- Implementing strategies that raise awareness about the risks of recreational driving (such as motorbikes) by children under 16 years
- Requiring local authorities to monitor compliance with swimming pool legislation.³⁹

The Commission also led the establishment of the group, Australian and New Zealand Child Death Review Teams, which met for the first time in 2006 and continues to meet annually, and which aims to standardise and consolidate how deaths are classified and reported so that information across jurisdictions can be put to better use in the community's efforts to prevent or reduce child deaths.

"The safety, welfare and well-being of children are the paramount considerations."



Commission for Children and Young People Act 1998



3 Well-being (continued)

The power of partnership

Who's minding the baby? – Paid parental leave

Over the years, the Commission has joined forces with other organisations, groups and individuals to bring about positive change in kids' lives, in the spirit of the Commission's original vision statement: *Together, making NSW a better place for children and young people.*

Nowhere is this more evident than in the Commission's work around achieving a Commonwealth Government commitment to introduce Australia's first national paid parental leave system.

What started as a conversation between the Commissioner Gillian Calvert and the head of the National Foundation for Australian Women (NFAW) Marie Coleman grew into a major campaign that attracted strong support from women's, children's, small business and human rights groups – as well as health professionals, experts in early childhood development and unions.

The Commission and the NFAW's first national Newspoll revealed an overwhelmingly high level of support among Australians for paid parental leave. The vast majority (93%) of those surveyed agreed that what was best for babies was to have access to one-to-one care during an important period of their brain development.

Representations were made to all major parties in the lead up to the 2007 federal election, to commit to taking up this issue on behalf of Australian babies and their families. The then opposition ALP, spurred on by its women Parliamentarians, made a formal, written commitment to refer the issue to the Australian Productivity Commission

should they win the election. This pre-election promise was delivered shortly after the ALP victory at the polls.

During the Productivity Commission's inquiry into paid parental leave, new research was submitted by the Commission containing the latest, world-leading findings that highlighted a critical imperative that would strongly influence the inquiry's final recommendations that babies needed time to be with their parents.

This research showed that the continuous interaction between baby and parents in the baby's first twelve months of life shapes the brain wiring. It affects how a child regulates their emotions, communicates, solves problems, thinks logically and reacts to the world.

Following the release of the Productivity Commission's report, strong public and private pressure was maintained on the federal government by the Commission and its many partners.

The result was that on 10 May 2009, Mothers Day, the Commonwealth announced the introduction of national paid parental leave entitlements to benefit Australia's babies and their families.

"This is a great decision for Australian babies and the best ever Mothers Day present we could get," Gillian Calvert and Marie Coleman said on the day of the announcement.

On Monday 11 May 2009 the front page of the *Sydney Morning Herald* read: "Working mothers win the jackpot" with a report that Treasurer Wayne Swan had announced the introduction of paid parental leave:

From January 1, 2011, the primary carer of a newborn baby will receive \$544 a week, the minimum wage, to stay home for 18 weeks.⁴⁰



Not everyone believed that these measures were sufficient but, after decades in the doldrums, the debate about a national system of paid parental leave to support babies and families had moved to a new level – it had moved from if there should be such a system to *what kind* of a system there should be.

It was working with others that made the difference, but it was the Commission's influence within those partnerships that shaped the debate and the outcomes where kids come first.

Working with others to influence safety and security for kids

It is ironic that a decade after the release of the report that was one of the major catalysts for the creation of the Commission (the Royal Commission into the NSW Police Service Paedophile Inquiry) another inquiry by James Wood (the Special Commission of Inquiry into Child Protection Services in NSW established in December 2007) would provide the Commission with an important opportunity to influence public debate and public policy: one that succeeded because it was a partnership.

The 2007 inquiry presented an opportunity to rethink the best strategies and systems for protecting the children of New South Wales from harm. The Commission began formulating its response with two leading Australian experts – Dr Judy Cashmore, Associate Professor, Law, University of Sydney, and Professor Dorothy Scott, Director, Australian Centre for Child Protection, University of South Australia. The joint submission *Think Child, Think Family, Think Community: From a child protection system to a system for protecting children*, presented and developed many of the principles behind the creation of the Commission itself – that supporting all kids throughout their lives is the

best way to reduce harm, that kids have the right to a say in their lives and futures, and that no single agency or department can be responsible for protecting and nurturing kids, any more than there could be such an agency for protecting and nurturing adults.

Wood's final report was released on 24 November 2008, with the Commission broadly welcoming the findings and recommendations of the inquiry.

As noted by *Sydney Morning Herald* journalist Adele Horin:

The plan Justice James Wood and the Government have adopted was based on a joint submission to the inquiry by three of the nation's leading child protection experts: the academics Dr Judy Cashmore and Professor Dorothy Scott, and the NSW children's commissioner, Gillian Calvert.

The aim is to get all key government departments to take responsibility for children, and to open other gateways to services so not all vulnerable families must pass through DOCS for help.⁴¹





3 Well-being (continued)

A seat at the table

Working with others is central to the Commission's legislation. And it also reflects the importance that kids place on relationships: healthy relationships underpin well-being – between people; between people and organisations; and between one organisation and another.

Graeme Innes AM, Australian Human Rights Commissioner and Disability Discrimination Commissioner, knows the challenges of advocating for change:

Often you're moving processes incrementally, so you've got to be a mix of persistent, opportunistic and persuasive, and continue to make your messages positive.⁴²

It's about having a seat at the table – and more.

You've got a fine balance, because if you push too hard you can get marginalised and you're not effective, but if you don't push hard enough, then you don't achieve your goals for change that you set out to achieve.⁴³

The Commission works with a wide variety of government and non-government bodies in its work for kids and, according to Innes, has generally got the balance right.

Commission's been effective in achieving that balance. And much of it comes down to preparation and weight of evidence and consultation behind its work – The commission comes to the table with tested views and solid support for its recommendations.⁴⁴

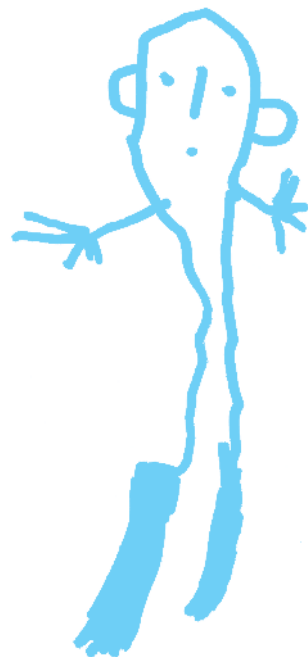
The Commission's strong working relationship with bodies like the National Investment for the Early Years (NIFTeY) has been important in building an evidence base for progressing the paid parental leave debate and many other policies and programs for supporting young kids and their families.

Complementing the Commission's strong focus on research, the Australian Research Alliance for Children and Youth (ARACY) has also been a key partner in many projects, including in the development of better models for participatory research with kids.

Working with the Council of Australian Governments (COAG), the Commission helped bring about a national approach to the exchange of criminal information, important in preventing prohibited people from working in child-related employment.

With the NSW Office for Science and Medical Research, the Commission promoted the creation of a paediatric pharmaceutical network to better manage the links between research and clinical practice. In 2008, the Better Treatments 4 Kids Research Network Working Group was established.

In this and other aspects of the Commission's work as an advocate for kids, it's about getting the balance right while never losing sight of the end goal – to benefit kids.



4 Participation



The participation journey

The Commission makes three key assumptions in its work with kids: kids have the right to participate in decisions that might affect them; kids have opinions and can express them; children's views deserve to be taken seriously. Much of this thinking can be found in the Commission's legislation: "the views of children are to be given serious consideration and taken into account"⁴⁵. The legislation goes further by stipulating that the Commission should not only involve kids in its own work, but promote kids' participation more broadly.

Further, the Commission's work in children's participation seeks to follow the principles noted by Dr Katherine Bishop (a former Commission researcher) in her doctoral thesis for the University of Sydney: participation is voluntary; it should bring no harm; it should contribute to children's lives – and participation should be supported.⁴⁶

The Commission's work to bring these principles into practice has been described as a journey.⁴⁷ This is because of the changing nature of the participation landscape – as boundaries to participation are rolled back, as new forms of participation are developed, and as what it means to be a kid itself changes. Speaking to an international conference on participation in Ireland in 2008, the Commissioner put it this way.

Participation is a dynamic process. A participation mechanism that worked wonderfully well with one group and for one purpose, may not work with a different group for a different purpose and in a different context.

Because participation is very largely a journey of discovery – the chances are we're going to find out something new which can send us off in unexpected directions.⁴⁸

The Commission's capacity to gain and mobilise kids' views has been a powerful element in its capacity to influence. As McKenzie recalls: "Kids' contributions were a real eye-opener. They made a great contribution and caused a lot of people to really rethink what this is about – maybe I should let go of my cynicism and listen to these kids."⁴⁹

One of the ways the Commission has captured and promoted what it has learned in participation with kids is the *TAKING PARTICIPATION Seriously* kit. This is an internationally recognised set of tools, resources and ideas for involving kids in decision making in activities, organisations and events.

During the course of its first decade, the Commission has been on a participation journey, and has shown ways for others to begin or continue a journey of their own.

"Participation is a dynamic process. A participation mechanism that worked wonderfully well with one group and for one purpose, may not work with a different group for a different purpose and in a different context."

Gillian Calvert, Commissioner



4 Participation (continued)

Young People's Reference Group

The first Young People's Reference Group (YPRG) met on 4 February 2000. The YPRG is a group of 12 young people aged 12 to 17 years chosen from applicants each year. Generally, the YPRG meets every two months to give the Commission their ideas and opinions. For these meetings, they come to the Commission from across the state, with travel, accommodation, care and supervision provided. Importantly, participation support is also provided.

One example of that support was the creation of the advocacy training package, *Speak up Speak out*. This is designed to help kids develop negotiation and influencing skills, as well as to provide information on how government and the policy process work. This is used as part of the orientation and training of YPRG members. The Commission

also provides *Speak up Speak out* workshops to other organisations working with kids, including the Youth Action Policy Association (YAPA). Attending such a workshop at a YAPA conference was the first contact with the Commission of Dorian Sarkissian, who went on to join the YPRG in 2002.

He recalls how the supports provided by the Commission helped the YPRG work productively from the beginning.

The orientation and training – it all went well. It was easy to feel comfortable and not intimidated either by Commission staff or the other young people in the group. Everything was laid out before we got there. They'd spoken to my parents. They'd spoken to my school. Everyone was well informed. Everyone knew what was happening. No surprises. It was just smooth sailing and down to work.⁵⁰



Showing the way on the participation Journey

The *TAKING PARTICipation seriously* kit is the Commission's flagship participation resource.

The kit, along with the Commission's promotion of kids' involvement in the NSW Summit on Alcohol Abuse, was a joint winner of the 2005 Award for Robust Public Participation Process from the International Association for Public Participation (IAP2) Australasia Chapter.

The kit comprises the following modules.

- *Sharing the Stage*: exploring the idea of participation and looking at the key elements that need to be in place for kids to participate effectively in decision-making.
- *Conferences and Events*: running events that make space for kids' participation.
- *Meeting together—deciding together*: involving kids in meetings where decisions are made that affect them.
- *All aBoard!* Looking at why and how organisations can involve children and young people on boards and committees.
- *Checking the Scoreboard*: helping organisations find out what's working and where participation activities could be added to or improved.
- *Count me in!* involving kids in research.
- *Sharing Our Journey*: charting the 'learning road' travelled by the Commission.



"I didn't realise how much impact the reference group had until I came and worked at the commission."

Dorian Sarkissian, YPRG member 2002

Since 2000, the YPRG has provided input, and even direction, for just about every element of the Commission's work. The group's ideas and knowledge has also been sought by many government agencies and community organisations.

Sarkissian gained a new perspective when he joined the Commission, first as a trainee then as an assistant policy officer, and saw the importance and value of the group's work.

I didn't realise how much impact the reference group had until I came and worked at the Commission. And one of the things I did when I was administering the group was improve the feedback to the group so that at every meeting we had "this is what you said and this is what happened" and everyone could see their advice fed through – here's the report, your views are in there, here are your quotes being used'.⁵¹

This is something reinforced by existing staff, with one officer finding particular value in working with the group over time.

The fact that I can go to them for their ideas and insights, take that advice back to my desk and reflect on it, then go back again and explore things further – it just gives us such good quality information.⁵²

In 2007 and 2008 the YPRG ceased briefly so that the Commission could explore other paths in the participation journey, investigating online options as well as additional ways of involving younger kids, developing networks in local communities and primary schools amongst others.

In 2009 YPRG was again in place. While the other paths had many benefits, having a group of kids who could work with the Commission over the year was too valuable to lose.

Traineeships

During consultation ahead of establishing the Commission, kids said they wanted Commission staff to be young and able to relate to children and young people. To this end, the Commission always includes children and young people in staff recruitment and enshrined "To us, kids are paramount" in the Commission's core values.

Another way of bringing young people into the Commission's organisational structure was through a traineeship program. The traineeships were designed to give young people the opportunity to be involved in the Commission's daily work. The Commission would also benefit – trainees would help staff keep in touch with issues concerning kids. They would also provide another link to kids in the community, which the Commission could tap into to connect with kids.

The Commission has offered at least three, one-year paid trainee positions each year with ages of trainees ranging from 17 to the early 20s. These traineeships have crossed all areas of the Commission's work including policy, research, communications, the Working With Children Check, information technology, and administration. In the course of their traineeship, the young people also undertake a Certificate in Business Administration in addition to their daily work at the Commission.

The benefits of having young people working at the Commission are widely recognised within the Commission itself. When meeting and consulting with kids, the presence of younger faces (and clothing styles) amongst Commission staff helps kids feel relaxed and to contribute more freely. And there are other benefits also, as one staff member explains:



4 Participation (continued)

Trainees help keep us in touch with what it means to be young in New South Wales today. Things change so quickly, it's easy to lose perspective. It might be just the posters they have above their desks or the music they're listening to and talking about...⁵³

Having several trainees at any one time was also an important support mechanism, as 2003 trainee Jessica Agland recalls:

It was good having other young people around. There were two other trainees – we went to college together, hung out together. That helped us fit in and feel at home.⁵⁴

Participating in staff selection was also important to the trainees, showing them that their points of view mattered.

The interview for the traineeship was the first time I'd ever been interviewed. Then in a couple of weeks I was doing the interviews. I was on the panel for Dorian. Yeah, I chose him! (laughs).⁵⁵

Kids influencing

The Commission acts as an engine room for reaching kids, gaining their views and perspectives, and marshalling this and other evidence to influence laws, policies, regulations and practices affecting kids. The YPRG has been one effective way of facilitating kids' participation in this process but, as Sarkissian notes: "They're just 12 people. No matter how diverse the group is, they can't represent every kid in New South Wales."⁵⁶

In the preparation of its reports and submissions, the Commission goes to where kids are – schools and preschools, community groups, hospitals, youth services networks, and others. Interviews and focus groups can also include asking kids to draw, paint or write – as well as speak. This means that at the core of the Commission's recommendations and policy work, are the voices and views of kids.

Larger scale events have also been important. In 2003 the Commission participated in the NSW Summit on Alcohol Abuse. The Commission saw kids' participation as vital, and put in place measures to maximise the power of kids' voices. Leading up to the summit, the Commission spent time with young people around New South Wales listening to them about their experiences with alcohol and what issues they thought were important to young people, their families, and their communities. This involved Commission staff spending time in rehabilitation services, in juvenile detention centres, in refuges and so on. Schools supported students to research the issue and develop ideas that they then forwarded to the Commission. The Commission then held a forum for young people the day before the summit and 58 young people aged 13 to 22 years from around the state took part. They developed a set of resolutions to take to the summit.

"It gives young people a voice. Lets them talk. We can all assume, but we don't really know until we hear from them."

Jessica Agland, former trainee

At the summit itself, 16 young representatives delivered well-prepared presentations and argued for the resolutions they'd adopted. The forum representatives came to the summit with 67 resolutions that they knew had the support of their peers, and argued for them accordingly. They participated in working groups, debated resolutions on the floor of the House and lobbied members for support – and they were persuasive enough that the summit adopted, wholly or in part, 47 of these resolutions.



It was a clear demonstration, not only to parliamentarians, but to the policy professionals, health authorities, and academics involved in the summit, of the value that kids can bring to the table.

The summit was one of the key “eye-openers” that McKenzie has already noted, and paved the way for increased influence of kids perspectives in government decision-making.

If the Commission’s new way of business around kids can be summed up in a single phrase, it is contained in the title of one of its publications series: Ask the children. As former trainee Jessica Agland comments when reflecting on the value of the Commission for kids: “It gives young people a voice. Lets them talk. We can all assume, but we don’t really know until we hear from them.”⁵⁷

Kids researching

Like many organisations conducting research into kids’ lives and circumstances, the Commission is on a journey in its relationship with kids. Steps along this journey are outlined by Bishop: from kids as objects of research, to kids as subjects of research, participants in research and, finally, co-researchers.⁵⁸ This is a good description of the Commission’s experience in and development of research involving kids. Two research projects provide effective illustrations: Children at Work and Mobile Me.

The design of the survey instrument for each wave of Children at Work research had strong input from kids, especially via the Commission’s YPRG. And this has been true for the vast majority of the Commission’s research projects. In this way, kids are involved in the research beyond simply being asked to perform a task – such as fill in a survey or attend a focus group or interview.

The Mobile Me research goes a step further. This research explores how kids use mobile phones and how owning a mobile phone affects young people’s relationships with family and friends, their economic maturity, and their general well-being.

In the course of completing the first wave of this research, the kids participating were asked if, and to what extent, they wanted to participate in future research. Of the 1,500 kids who participated in the first phase, more than 200 volunteered to act as student representatives for the project in their schools, or to become a member of an advisory group to help with designing, analysing and managing the research. In this research project, kids are more than just the subjects, they are partners.

In the field of research with kids, the Commission has advocated for, and modelled, this change towards research in partnership with kids – in the process developing innovative approaches of its own, and learning from the experience of others in the field both in Australia and internationally.

Finding ways to empower children to make informed decisions about their participation in research, while protecting them from harm and retaining the confidence of parents, teachers and others, is one of the key challenges facing the Commission and others researching with kids. Released in 2009, the joint Commission-ARACY compendium *Involving Children and Young People in Research Think Tank*, details these issues. The think tank enabled Australia’s leading experts to share their knowledge and experience of participatory research involving kids. The publication aims to strengthen both research, and the links between research and policy development, in the interests of kids.



5 Preventing harm in organisations

Every day in New South Wales, and throughout Australia, thousands of parents commit their children to the care of others – in organisations such as schools, playgroups, childcare centres and sporting clubs, as well as churches and other religious bodies.

The settings vary widely. Sometimes it's for a day, or for a whole school term; sometimes it's for less than an hour. Each time, the parents and kids put their trust in the adults in those organisations. In the vast, vast majority of circumstances, that trust is rewarded. Sometimes, that trust is betrayed.

The Royal Commission into the NSW Police Service Paedophile Inquiry shook the public's faith in institutions that were supposed to care for and protect kids. It showed that more needed to be done to keep harmful people out of child-related employment, and that organisations needed to actively work to protect kids' interests.

As noted in chapter two (About the Commission), the Commission's power to screen applicants for child-related employment, and to notify employers of high-risk applicants, was one of the most hotly debated issues both in parliament and in the community.

We were the only state doing it, so it was groundbreaking stuff. We had to design it from scratch because no-one had ever done it before. It meant managing unions, employers, a whole range of people who were really worried about what this was about.⁶⁹

Implementing such a system presented a very significant operational challenge to the Commission. It also presented a communication challenge. This was because excluding people known to have offended against kids from working with kids, while important, can never do the full job of making an organisation a good place for kids. While the Commission needed to promote and demonstrate the strengths of its system

for exclusion, it also needed to inform the community about its limitations and ways to manage them.

The Commission also needed to respond to the climate created by the Royal Commission into the NSW Police Service Paedophile Inquiry. Many employees were worried what this new approach meant for their employment: believing that if they hugged an upset child to comfort them they'd be accused of molesting them or if they stopped a child to stop them running onto the road they'd be reported for assault. The Commission spent time listening to people's concerns and fears and working with unions, employers and other stakeholders to fine tune the system so employees were reassured, the system was not undermined and, importantly, children could continue to turn to adults for the comfort, support and love that enables them to thrive.

The Working With Children Check

The Working With Children Check (the Check) was introduced in July 2000. The program consists of three elements: building child-safe and child-friendly organisations; excluding people with convictions for serious sex and violence crimes against children; and background checking for preferred applicants for primary child-related employment.⁶⁰

The early focus lay on the final two of these elements. The development of child-safe and child-friendly as a framework for children in organisations and communities was to develop over time.

Operationally, the Check was a major challenge, calling for the development of new information technology systems, procedures and guidelines, and close ties with key organisations and agencies – from unions and employers, to police, and agencies providing services for kids.

New law was also being developed as the *Prohibited Employment Act* came into operation. Turning to the Crown Solicitors



Office for advice and assistance, the Commission quickly became adept at operating within a legal framework. New procedures, precedents and processes were also developed in consultation with the Administrative Decisions Tribunal and the Industrial Relations Commission in developing jurisdiction – which was new ground both in New South Wales and Australia.

The Commission also developed expertise in risk assessment, which over time became

an increasingly important element of the Check, and would help pave the way for the development of Child-safe Child-friendly initiative (see page 24).

The launch of the Working With Children Check included a co-ordinated media and community education campaign, describing the check as the latest safety product for kids – setting the Working With Children Check logo alongside bicycle, a booster seat, and so



Two million and counting: how the Working With Children Check works

The Working With Children Check is made up of two parts:

- excluding people who are prohibited from working with children
- conducting background checking for preferred applicants for paid child-related employment, foster carers and spiritual leaders of religion who have unsupervised direct contact with children as part of their role.

People who are “excluded” encompasses those who have been convicted of a serious sex offence, serious violence offences against a child, kidnapping or murder of a child, or who are registered under the *Child Protection (Offenders Registration) Act 2000*. These are known as “prohibited persons”. It is an offence for a prohibited person to work, or seek to work, in child-related employment.

In New South Wales, every applicant for child-related employment must sign a declaration that they are not a prohibited person. It is an offence to make a false declaration. Under the Act, some prohibited persons are able apply to have their prohibited status reviewed.

Background checking is done for preferred applicants. Background checking is a free service fully funded by government. It provides information to employers that helps them make decisions in selecting staff in primary child-related employment. Background checks are conducted by the Commission and other approved screening agencies. The background check includes, but goes beyond, whether the preferred applicant is a prohibited person. It checks an applicant against a set of criteria including relevant employment proceedings, relevant criminal records, and relevant apprehended violence orders.

If the background check finds a “relevant record”, a risk assessment is conducted. Screening agencies give the results of the risk assessment to employers. A risk assessment does not constitute an order – the decision to employ continues to lie with employers.

More than 2 million background checks have been conducted since the introduction of the Working With Children Check in 2000.

See: kids.nsw.gov.au/working



5 Preventing harm in organisations (continued)

on. And this indeed came about and, with the Check now firmly entrenched as accepted – and expected – safety measure for kids.

The Check quickly became a routine part of the employment landscape of New South Wales. By 31 December 2008, more than two million Working With Children background checks had been conducted since its introduction in 2000.

Over time the Check has developed and been finetuned. A program for verifying volunteer Prohibited Employment Declarations has commenced. This increases the chance that falsely completing a declaration will be identified and so strengthens their deterrent effect of the declaration.

A Certificate for Self Employed People has also been introduced. From 1 May 2009, self employed people in child-related employment must now apply for a certificate to demonstrate that they are not banned by law from working with kids. Parents and others can check online that a certificate is valid.⁶¹

The work in New South Wales for reducing harm to children in organisations broke new ground for Australia. Other states started to develop their approaches adopting some aspects from New South Wales and in other aspects opening new directions. Interestingly the name Working With Children Check, originally coined by New South Wales as part of its communication campaign, was taken up by others. It has entered Australia's lexicon as shorthand for screening people who work with children. Importantly the Commission initiated a National Operators Forum for Working With Children Check units from around Australia to share information, resources and knowledge. The Commission was the inaugural chair of the forum.

Child-safe child-friendly organisations

While the Working With Children Check received rapid acceptance in paid employment involving kids, there was considerable debate about whether the same system should be applied for volunteer work with kids.

This was explored as part of the Volunteers and Students program. Beginning in April 2003, random background checks were conducted on “new volunteers and students on placement in ‘high risk’ activities”.⁶² Research was also undertaken to find out what volunteer organisations need to make volunteer organisations safer and better for kids.

It was in this context that the phrase “child-friendly” first appeared in the Commission's annual report in 2002–2003.

Now that the Working With Children Check was well established, initiatives like the Volunteers and Students program helped the Commission develop a clearer understanding of the limitations of the Check, and the pitfalls of ignoring other ways of managing risks around working with kids.

The Check relies on existing records, such as criminal records and workplace histories. It cannot be relied upon to exclude offenders who have never been caught. More systemic and sophisticated approaches would be necessary to effectively deal with risks – both known and unknown – and to build the capacity of organisations to manage those risks. It was in this way that the overarching principle of “Child-safe Child-friendly” was developed by the Commission – an approach that included, but went beyond, the Working With Children Check.

The Child-safe Child-friendly program helps organisations build robust systems for helping kids' voices be heard – in staff recruitment, decision-making, and in knowing that, if they have a complaint or concern, they will be listened to and taken seriously.



Important to the Child-safe Child-friendly program is that there is more to managing risk *in* an organisation than just the risks that individuals bring *to* that organisation. The organisation itself is part of the mix. This understanding is fundamental to the major overhaul of the Commission's system for estimating risk, which resulted in the creation of the new risk estimate model discussed below.

AWARE

The Act was amended in 2005 to acknowledge the important role of situational crime prevention and applies this also to preventing other negative behaviours towards kids. The amendment was also founded in the knowledge of the importance of relationships to kids – and that kids have relationships not only with individuals, but with organisations and systems.⁶³

In 2004–2005, the Commission began an evaluation of its risk estimate model. In 2007, a new model was created and introduced with the aim of providing more accurate, consistent and timely risk assessments. The Applicant and Workplace Risk Estimate (AWARE) model is made up of three instruments that produce an estimate of the risk in the employer organisation, the risk of the position itself, and the risk of the individual applying for that position.

The first two instruments reflect the importance of monitoring and controlling the place where harm to children can occur. The position risk estimate also considers the risks created by characteristics of the potential victims – the children an individual would work with if employed in a particular position. The last instrument estimates the risk an individual brings given what is known about their history in the records prescribed by the Act.⁶⁴

“At 31 December 2008, the Commission and other approved screening agencies had conducted about two million background checks since its introduction in 2000.”

Importantly, the AWARE model is designed not only to provide information to employers about a particular applicant for a particular job, but to feed back guidance and recommendations for organisations to better manage their risks for the benefit of kids.

It is a model that has won praise from experts in the prevention of child sexual abuse, including Smallbone, Marshall and Wortley in *Preventing Child Sexual Abuse: Evidence, policy and practice*:

the Commission recognises that risks for children in institutions do not reside solely within the individual. This is one of the few attempts of which we are aware that a holistic approach to risk assessment has been adopted, and where organisations are given guidance on managing situational risks.⁶⁵

Child Sex Offender Counsellor Accreditation Scheme

The Child Sex Offender Counsellor Accreditation Scheme (CSOCAS) is a voluntary scheme designed to make it easier for those seeking counselling to find professionals with specialist skills in this area, and is the only scheme of its kind in Australia. It also sets a series of minimum standards for professional practice and experience that must be met by counsellors seeking to be accredited under the scheme.



5 Preventing harm in organisations (continued)

There are two types of accreditation, the first is for counsellors working with kids who have offended against kids, and the second is for counsellors who work with adults who have offended against kids. CSOCAS

promotes the well-being of children and young people by establishing a public register of counsellors with the necessary knowledge and skill to work with people who sexually offend against children. The Commission publishes contact information for accredited counsellors on its website to help the community locate counsellors.⁶⁶

In May 2009, there were 59 counsellors accredited at three levels: associate, clinical, and supervisor.

The L'Orange round of legislative amendments included a provision for the Commission to develop and administer a similar scheme for programs for offenders – so that not just individual counsellors but counselling programs can have minimum standards applied and be easily located by the community. This is important work for the kids of New South Wales, helping make it less likely that offenders will re-offend.



Being child-safe and child-friendly

An example of this approach of building capacity in organisations is the Commission's work with the NSW State Library. This work began in 2006 when the State Library started to address issues and concerns about the best ways to make libraries safe and friendly for kids.

The Commission helped libraries set up a Child-safe Child-friendly working group and worked with the group to develop new policies and procedures specifically for public libraries, children's librarians and library managers.

The resulting Children's policy guidelines have been released by the Library Council of NSW, and are available on the State Library's website. The Commission also developed a set of answers to frequently asked questions about the Working With Children Check and Child-safe Child-friendly organisations for people who work in libraries.

These policies and resources are to be reinforced by a series of Child-safe Child-friendly workshops for children's librarians and library managers in metropolitan and regional areas.

Young people are very important clients in public libraries across New South Wales. Many library staff were keen to develop strategies to make their libraries child-safe, child-friendly places and they were concerned about the requirements of working with children checks and how they related to their libraries. Working with the Commission on this project has provided valuable expert information and a partnership which includes providing training for public library staff working in the 365 libraries and 22 mobile libraries across New South Wales.

Mylee Joseph, Consultant, Public Library Services, State Library of New South Wales

6 Future directions



Captured by kids tells the story of the first decade of the NSW Commission for Children and Young People – how its development is closely tied to a growing understanding of children as active citizens capable of understanding and expressing meaningful points of view. And how adults and kids benefit when kids' points of view are taken seriously.

Participation; seeking and prioritising kids views about their lives and decisions that affect them; recognising the primary importance of relationships for kids' well-being, especially in the early years – these have been some of the major themes of the Commission's work. The challenge will be to continue to progress these themes as the political, social, economic and environmental landscapes shift.

From the earliest consultations with kids about what kind of Commission they wanted, kids said they wanted their Commission to be responsive to their needs and interests, to be open to their views – to be kid-focused, kid-centred. And getting this across to adults was one of the earliest challenges that faced the first Commissioner:

As Commissioner I had to manage all kinds of expectations and agendas, and I also had to manage the idea that I would talk with adults and with children – but that I'd listen to children more than to adults.⁶⁷



In order to hear kids' voices, it is important to be where kids are – and this is another challenge noted by Calvert. New media spaces and social networking on the internet are increasingly important to kids. These are spaces where the Commission will need to develop a presence.

Global challenges such as climate change, and the international financial crisis will also be important in kids' lives into the future. With all the clamour and debate, with all the resources that adult stakeholders have at their disposal, the Commission, and others advocating for kids, will need to rise to the task of helping kids' voices be raised and listened to.

When the Commission was established, there was only one other such body in Australia. Along with the New South Wales and Queensland Commissions, there are now Commissions in the Australian Capital Territory, Northern Territory, Tasmania and Western Australia, while South Australia has an Office of the Guardian for Children and Young People, and Victoria a Child Safety Commissioner.

The landscape is summarised on the Australian Institute of Family Studies website:

Australia has developed a number of initiatives to safeguard the interests and well-being of all children (for example, the implementation of working with children checks and mandatory reporting). An enhanced awareness of the participatory rights of children has emerged alongside these developments. One way in which children's interests and participatory rights can be promoted is through the establishment of Commissions and Guardians intended to represent and advocate for children.⁶⁸



6 Future directions continued

Missing from this landscape is an Australian Commissioner, something put forward as far back as the 1996 advocacy report, which recommended:

that the Premier urge the Prime Minister to create the position of Children's Commissioner within the Human Rights and Equal Opportunity Commission to ensure that governments meet their obligations arising from the United Nations Convention on the Rights of the Child.⁶⁹

According to Calvert, this absence is of considerable concern, especially in the light of national and international interlacing of internet-based communication, and the global environmental and economic challenges facing our kids.

In those spaces we need to go to, there's no-one speaking for kids, no-one who can speak with the authority of a commissioner for the nation's children. Children need a national voice.⁷⁰

The next NSW Commissioner

At the time of writing, recruitment was underway for the second New South Wales Commissioner for Children and Young People. This in itself demonstrates how far we have come. In 1998, Calvert was Director of the Office for Children and Young People within the Cabinet Office. When she suggested that a young person be appointed to the selection committee for the new Commissioner, key members in Cabinet Office could hardly believe their ears. "Well, you'd think I'd asked them to fly to the moon," Calvert recalls.⁷¹ In the end, a member of the Youth Advisory Council, in his early twenties, was appointed.

This time around it's been very different. Kids as young as primary school age have contributed to the position description and the design of the job advertisement. Kids, along with former members of the YPRG, will be involved in selecting and interviewing applicants, and in the appointment decision.

Once again, the future of the Commission is in the hands of kids.



'What kids have told us'

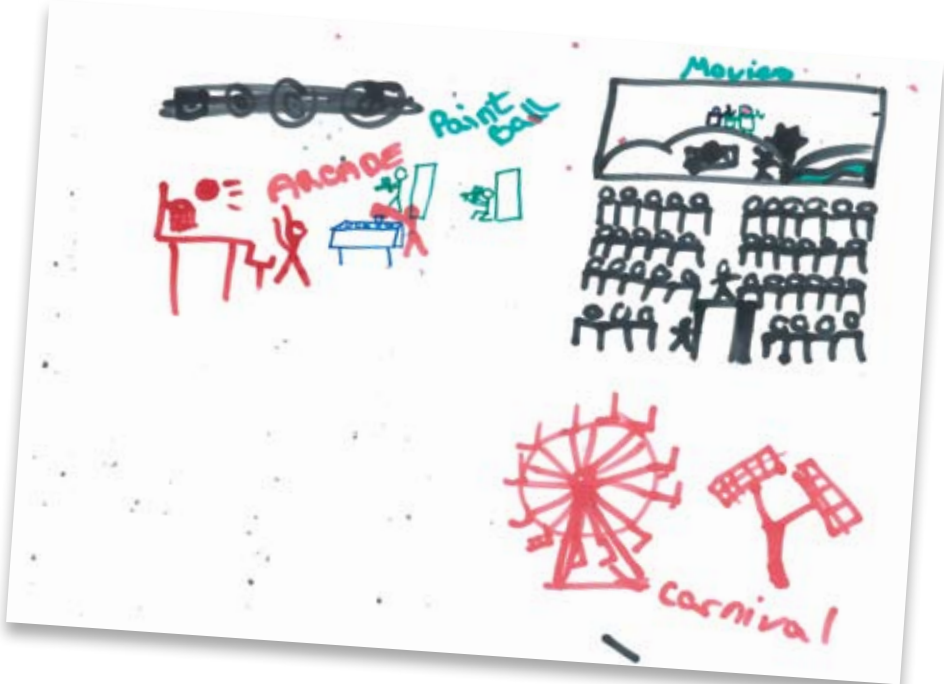
In its first ten years, the Commission has interacted with tens of thousands of kids – in interviews, meetings and focus groups; in research surveys and policy consultations; in the community, in schools, and in the Commission's offices.

From the first, "ask the children" has been at the centre of the Commission's new way of doing business around kids.

One method of gaining kids' perspectives – especially those of younger kids – is through artwork. This helps us have conversations and move through possible barriers to interacting – opening pathways of communication.

Drawing and other artwork is only one way of achieving this: some kids talk straight away, some like to write their thoughts down, sometimes kids prefer coming up with ideas in groups; others prefer games and role play to get their message across. It is important to be flexible and let the kids lead the way towards the approaches where they communicate best and most freely.

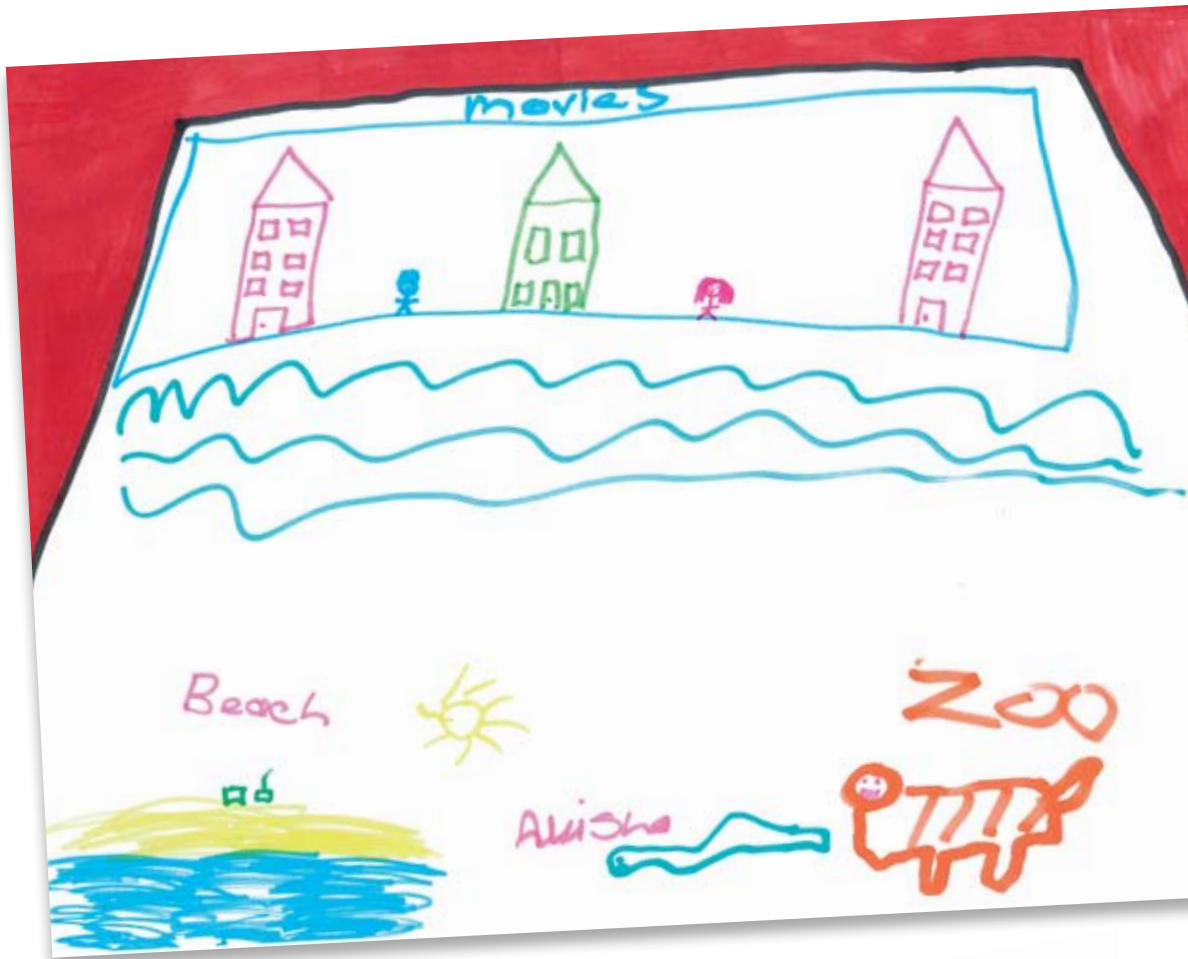
This collection of words and images gives a snapshot of what kids have told the Commission about themselves, their lives, and what's important to them.



Boy aged 11, Nowra, NSW.

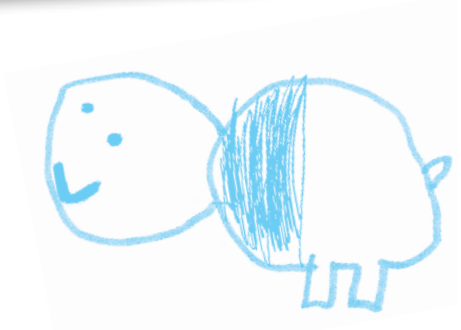
The cinema was a consistent theme in consultation with kids around the built environment and cultural facilities – even from kids from towns that have no cinemas.

'What kids have told us'



Girl aged 9, Mudgee, NSW.

The Commission spoke with kids about cultural facilities as part of its ongoing work on children, young people and the built environment. This child includes pictures of animals as well as cultural facilities, indicating that pets and the natural world play a significant role in her life. The Commission is responsive to this kind of additional information in its work for kids.



Relationships

The importance of relationships with family and friends has been a powerful theme in what kids have told the Commission over the past decade. Kid's lives are shaped by relationships with their family, friends and neighbours, and in and the relationships they experience through their child care, school and their community.

Family

Families are important to children and young people. Strong, supportive and nurturing families encourage and sustain kids' development and well-being.

I talk to Mum and Dad if I need help or advice – because they're caring and they know you and you know them.
(Girl, 11 years)

'Cos they're the people [parents] who have to deal with you...or help you a lot through your whole life, they support and encourage you and comfort you when you're upset...
(Girl, 14 years)

Family is the only thing you got.
(Boy, 15 years)



Friends

Friends play an increasing role in kids' lives as they grow and develop. Friends are often an important source of support when times get tough. While infants and young children turn to their parents for support, older kids may start to use their friends as help givers. Adolescents will often go to their peers for help before their parents.

Friends just keep me going, they're like the fuel to my life, so yeah, that's what helps me. (15 years)

You can go and hang out with them and just have a good time when you are with them and if there is something that I can't tell my mum or something like that, I can tell my friends. (Girl, 15 years)

Communities

People and relationships help kids feel part of a good community. Feeling part of their community, and being able to participate in community life, helps kids feel good about themselves and their lives. Being around friendly people, knowing their neighbours, having friends close by, and having lots of different sorts of people around are important.

I love where I live. I'm good friends with everyone in the street, it's very quiet with a cul de sac. (Boy, 17 years)

It's great having a very diverse mix of people and neighbours. (Girl, 17 years)

'What kids have told us'

Environment

The environmental health of their communities is a high priority for kids. Kids are also deeply concerned about the implications of climate change for their future.

[Climate change] is OUR future and generations after us. If what the scientists say are true then what does it matter if our elders are not here to experience the full impact. We must deal with their mistakes.

The planet is overheating and we need to fix it. (Girl, Year 6)

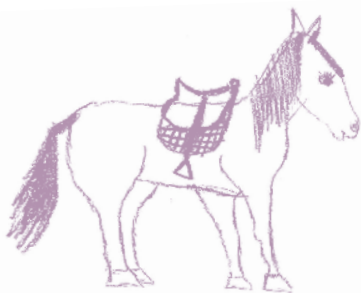
If you see rubbish anywhere, you should pick it up. Even if it's not yours.

Facilities

Kids say that good communities also have good facilities. Most important are parks, schools, shops, libraries and swimming pools – the places where they spend a lot of time.

I like where I live as there's lots to do – it's easy to get to parks, pools and shops. (Boy, 16 years)

And when I go to my Nanna's there's a park nearby to play. If you don't have a back yard, you can't play. (Boy, Year 2)



Getting around

Not having enough ways to get around (including buses, trains and cars) was raised by kids. Kids sometimes felt that this meant they couldn't do all the things they wanted to do in their community and neighbourhoods. Young people use public transport a lot and want public transport to be safe, reliable and not cost too much.

One thing I would try to change is the transport system. We can't get around without our parents driving us, and it's not always safe at night. (Girl, 16 years)

If the trains are late and I'm late to school the office ladies are like: Oh it's your fault ra ra ra. Why didn't you get up earlier? Like, it wasn't my fault, my train was late. And that's no excuse – detention, you know. It's not your fault. And that can sometimes be a bad start to the day. I mean you don't want to be at school. (Girl, 16 years)

Play

Kids need informal play spaces as well as fields for organised sports. Play and recreation help kids develop by encouraging creativity, individuality, and social, physical and intellectual growth.

When fields are full, there is no where else for kids to play – we need more other kinds apart from fields. (Boy, 7 years)

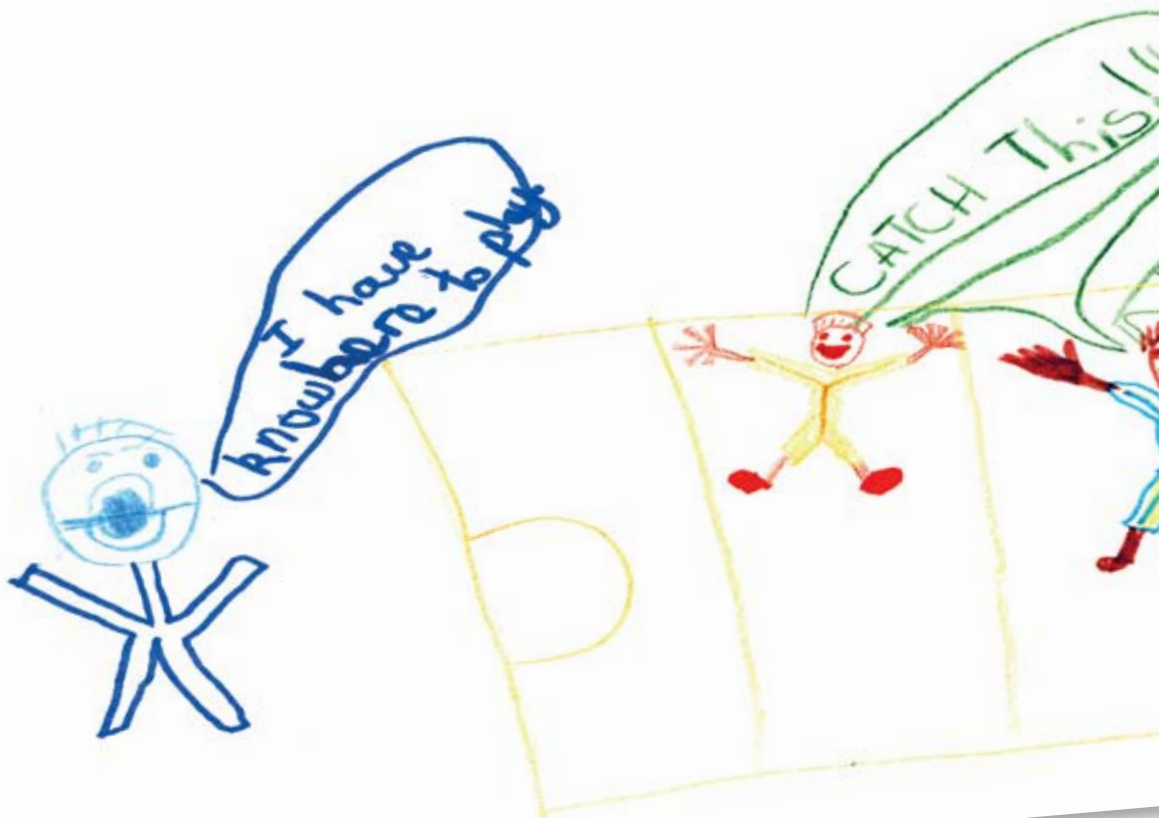
Choosing their own activities or doing activities in their own way are important for kids – *playing what they like to play and ... using their own moves. (Girl, 9 years).*



In this image from a girl in Fremantle, Western Australia, the left column contains representations of good things – chips, ice cream, slippery clips and a sunny day at the beach. On the right are not-so-good things – teasing, getting caught in the rain, thunderstorms and a bird being run over by a car.



'What kids have told us'



The boy from Cowra NSW who drew this picture said, "When fields are full, there is no where else for kids to play – we need more other kinds apart from fields". Kids need informal play spaces as well as fields for organised sports.





Safety

Kids often talk about the need to feel safe in their families and communities. Kids also speak about finding a balance between being cared for and learning through experience. Children feel most unsafe when they're alone.

We have to learn and experience life ourselves. We can't just be protected all the time. (Girl, 15 years)

Public spaces aren't safe around here. It's not safe on the streets if you're alone, you can't go to the public toilets, the train station's not safe. There are people using drugs. (Boy, 12 years)

Education

It is important to get a good education, no matter who kids are or where they live. For kids, schools are also places where friendships develop. Relationships with teachers are also important.

Education is the most important. Where will you be without education? Will you ever exist in what you are now? Everything around us came from education. (16 years)

I think it should be like fair and not like money wise like, the most important thing, education, should be less costly ... everything should be, everything that's needed in the society, should be easier to achieve. (17 years)

Teachers should know how to talk to you, to communicate with you and get along with you just like friends. (Boy, 15 years)



'What kids have told us'

Health

Access to good health care is important to kids. Many kids say that being healthy was about well-being rather than just not being sick. It was about "feeling good". Younger kids often focus on nutrition and exercise while for older kids the emphasis is more on emotional health.

Health is not about whether you are sick or not, it's really about whether you are feeling good or not. (Boy, 15 years)

I feel we have really great, like sort of hospital, health care, medical things... you've gotta think of other countries, here they really take care of everyone. (15 years)

Mum and Dad, teachers ... They take you to the doctor, give you medication when you need it. Give you the right sort of food to eat. Make you walk" (Boy, 9 years)

Rights

Kids like to be valued and respected for their own sake. Many kids feel they don't know enough about their rights and would like to know more. Kids say it is important to their well-being to have the power to make choices in everyday situations and be involved in decisions about their lives.

Children should have a right to have their say because they might notice something that adults don't. (Girl, 11 years)

What are my rights when entering a shop, especially when you get targeted because of the colour of your skin?

Rights should be taught at school where children can understand more when a teacher is helping them.

I LOVE MY RIGHTS!!!!!!

Having a say

Kids want to have their say, and for adults to listen and treat kids' views with respect.

Even though we have the right to voice our opinions we're kind of being like stopped by something that you can't really see, invisible sort of barrier ... like, opportunities are there and we can access them, it's just there's a certain point where you can't go any further as a young person. It's just the way that society is, really. (16 years)

They [kids] should be treated really nicely. They should be treated like 'real' people. Real people. (8 years)





A Publications of the Commission

Available from the Commission in hardcopy or online at 30 June 2009.

Annual reports

- *New South Wales Commission for Children and Young People Annual Report* from 1999–2000 to 2007–2008
- *Child Death Review Team Annual Report and Summary Report* 1998–1999, 1999–2000, 2001–2002, July–December 2002, then January–December 2003 to 2007

Children's issues reports

- *Report of an Inquiry into the best means of assisting Children & Young People with no-one to turn to*
- *A Head Start for Australia – An Early Years Framework (full and summary reports)*
- *Children at Work*
- *What about the kids?: Policy Directions for Improving the experiences of infants and young children in a changing world (full and summary discussion papers)*
- *Children at Work Recommendations*
- *Report on paid maternity leave poll*
- *A world fit for children – summary*
- *Child-friendly community indicators*
- *Making the working world work better for kids*
- *built 4 kids – A good practice guide to creating child-friendly built environments*
- *AWARE: A model for estimating applicant and workplace risks in NSW for child-related employment background checking*

For children and young people

- *Feedback* annually from 2000 to 2007
- *Your Voice – information brochure for primary school children*
- *Your Voice Activity Book*
- *Babysitting guide*
- *Feedback Mag* online e-zine, March, July, September and December 2008; March and June 2009

Child Death Review Team

Fatal Assault of Children and Young People (full and summary reports)

Suicide and Risk-taking Deaths of Children and Young People (full and summary reports)

Fatal Assault and Neglect of Children and Young People

Sudden Unexpected Deaths in Infancy: the New South Wales Experience (full and summary reports)

Trends in the fatal assault of children in NSW: 1996–2005

Trends in Child Deaths in New South Wales 1996–2005

TAKING PARTicipation Seriously

- *Sharing the Stage*
- *Conferences and Events*
- *Meeting together – deciding together*
- *All aBoard!*
- *Checking the Scoreboard*
- *Count me in!*
- *Sharing Our Journey*



APPENDICES (continued)

Information sheets and guidelines

- *Including children and young people*
- *Listening to children*
- *Raising children*
- *Child protection is everyone's business*
- *Reporting abuse and neglect*
- *Child sexual assault*
- *Involving kids in staff selection*
- *Child-Safe Child-Friendly*
 - *Checklist*
 - *Finding your risks*
 - *A Parent's Guide to Choosing Child-Safe and Child-Friendly Programs*
 - *Child-Safe and Child-Friendly Policy*
 - *Developing Codes of Conduct*
 - *Developing Codes of Conduct: for kids, with kids*
 - *Recruitment and Selection Checklist*
 - *Suitability for Working with Kids Checklist*
 - *Job Description*
 - *Application Form*
 - *Interview Schedule*
 - *Interview Questions*
 - *Referee Schedule*
 - *Induction: Welcoming new members to your team*
 - *Guide to Monitoring and Supervising Staff, Volunteers and Students*
 - *Staff, Volunteers and Students: Tips for Supporting your Team*
 - *The Feedback and Reflection Process*
 - *Developing a complaints process*
 - *Complaint record form*
- *Employer Guidelines – Working With Children Check*
- *Why children need at least 12 months paid parental leave*

Ask the Children

- *Prescription and Over-the-counter medication*
- *Prescription and Over-the-counter medication – General Practitioners*
- *Prescription and Over-the-counter medication – Pharmacists*
- *Prescription and Over-the-counter medication – Sports Coaches*
- *Prescription and Over-the-counter medication – Teachers and School Staff*
- *Children and young people speak about getting help*
- *Kids speak out about immigration detention experiences*
- *Young people talk alcohol*
- *Children and young people speak about the issues important to them*
- *Young people talk about driving*
- *Children and young people speak about education*
- *Young people talk about their experiences at work*
- *Overview of children's understandings of well-being*
- *Children and young people talk about health*
- *Children and young people speak about the built environment*
- *Mobile Me – Kids speak out about mobile phones*
- *Children speak about being at school*
- *I want to work*



B Submissions to formal inquiries

At 30 June 2009, the Commission's submission or joint submissions to the following formal inquiries or consultations were available on the Commission's website at kids.nsw.gov.au/kids/ourwork/changinglaws.cfm.

2001

- NSW Parliament *Crimes Amendment (Child Protection – Excessive Punishment) Bill 2000*
- Quality Matters: *Revitalising Teaching: critical times, critical choices*. Report of the Review of Teacher Education in New South Wales
- NSW Staysafe (Joint Standing Committee on Road Safety) review of traffic control around New South Wales Schools

2002

- NSW Legislative Council Standing Committee on Law and Justice inquiry into the operation of the *Crimes (Forensic Procedures) Act 2000*
- NSW Legislative Council Standing Committee on Social Issues inquiry into child protection services
- NSW Legislative Council Standing Committee on Social Issues Inquiry into Equal Age of Consent
- NSW Legislative Council Standing Committee on Law and Justice Inquiry into Child Sexual Assault Prosecutions
- Consultation on Labor's Proposal for a National Commissioner for Children and Young People

2003

- Senate Inquiry into *Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002* and related matters
- Senate Legal and Constitutional Legislation Committee inquiry into the *Australian Human Rights Commission Legislation Bill 2003*
- Ministry of Transport Inquiry into Sustainable Transport
- Senate Community Affairs References Committee Inquiry into Institutional Care
- *Age Discrimination Bill 2003*
- Commonwealth Department of Education Science and Training discussion paper: *Young People, Schools and Innovation: towards an action plan for the school sector*
- NSW Law Reform Commission Review of Apprehended Violence Orders

2004

- NSW Health consultation draft of the *Assisted Reproductive Technology Bill 2003*
- NSW Ombudsman Review of the *Children (Criminal Proceedings) Amendment (Adult Detainees) Act 2001*
- House of Representatives Standing Committee on Family and Community Affairs Inquiry into child custody arrangements in the event of family separation
- Review of Non-Government Schools in NSW
- Human Rights and Equal Opportunity Commission National Inquiry into Children in Immigration Detention
- NSW Attorney General's Department review of the *Privacy and Personal Information Protection Act 1998 (NSW)*
- NSW Law Reform Commission review of medical consent laws
- NSW Ministry of Transport announced a review of transport concession policy



APPENDICES (continued)

2005

- NSW Department of Education and Training consultation on the future of NSW public education and training
- NSW Roads and Traffic Authority on Improving Safety for Young Drivers
- Productivity Commission study into the economic implications of an ageing Australia
- NSW Attorney-General's Department review of the *Bail Act 1978 (NSW)*
- Human Rights and Equal Opportunity Commission (HREOC) research into discrimination in employment on the basis of criminal record
- Australian Government Attorney-General's Department discussion paper *A new approach to the family law system*
- Senate Select Committee on Mental Health inquiry on the provision of mental health services in Australia.
- NSW Legislative Council Standing Committee on Social Issues inquiry into teacher recruitment and training
- National Inquiry into the Teaching of Literacy
- House of Representatives Standing Committee on Legal and Constitutional Affairs – Exposure Draft of the *Family Law Amendment (Shared Parental Responsibility) Bill 2005*
- Standing Committee of Attorneys-General discussion paper *Unauthorised Photographs on the Internet and Ancillary Privacy Issues*
- Human Rights and Equal Opportunity Commission discussion paper *Striking the Balance: Women, men, work and family*

2006

- NSW Joint Select Committee on Tobacco Smoking inquiry into tobacco smoking in NSW
- Australian Joint Standing Committee on Electoral Matters inquiry into civics and electoral education
- NSW Parliamentary Joint Committee on Children and Young People inquiry into children, young people and the built environment
- NSW Department of Health – Health Futures Project
- NSW Joint Standing Committee on Electoral Matters inquiry into electoral enrolment
- NSW Legislative Council Standing Committee on Social Issues into the impact of Commonwealth WorkChoices legislation
- NSW State Plan: A New Direction for NSW
- Australian Fair Pay Commission minimum wage determination
- NSW Legislative Council Standing Committee on Social Issues inquiry into Dental Services in NSW

2007

- NSW Department of Local Government review of the *Swimming Pools Act 1992*
- Australian Law Reform Commission's issues paper *Review of Privacy*
- Australian Government Exposure Draft of the *Human Services (Enhanced Service Delivery) Bill 2007* for the Access Card
- Senate inquiry into *Workplace Relations Amendment (A Stronger Safety Net) Bill 2007*



- Australian Media and Communications Authority children's television standards review
- Royal Australasian College of Physicians – guidelines on attention deficit hyperactivity disorder (ADHD)
- NSW Attorney General's Department review of laws relating to graffiti
- NSW Legislative Council Standing Committee on Law and Justice inquiry into the prohibition on the publication of names of children involved in criminal proceedings

2008

- Australian Government call for submissions for the Commonwealth Budget 2008
- NSW Staysafe (Joint Standing Committee on Road Safety) inquiry into young driver safety and education programs
- Special Commission of Inquiry into Child Protection Services in NSW
- NSW Legislative Council Standing Committee on Social Issues inquiry into overcoming Indigenous disadvantage
- Minister for Health's Special Commission of Inquiry into acute care services in public hospitals in NSW
- Australian Commission on Quality and Safety in Health Care draft national patient charter of rights
- Senate Environment, Communications and the Arts Committee inquiry into the sexualisation of children in the contemporary media environment
- Australian Department of Families, Housing, Community Services and Indigenous Affairs green paper on homelessness
- NSW Parliamentary Joint Committee on Children and Young People inquiry into children and young people 9-14 years in NSW

- Australian Productivity Commission inquiry into paid maternity, paternity and parental leave
- NSW Department of Education and Training school leaving age review
- Australian Department of Education, Employment and Workplace Relations discussion paper, *National Quality Framework for Early Education and Care*
- NSW Law Reform Commission review of privacy laws
- Australian Government discussion consultation paper, *Australia's Future Tax System*
- Australian Communications and Media Authority (ACMA) Draft Children's Television Standards 2008
- Australian Productivity Commission inquiry into paid maternity, paternity and parental leave – draft report
- Australian Department of Families, Housing, Community Services and Indigenous Affairs review of the Commonwealth Disability Strategy

2009

- Australian Government 2009–2010 Budget
- Commonwealth House of Representatives Standing Committee on Education and Training Inquiry into combining school and work
- NSW Children's Services Regulation 2004
- NSW Legislative Council's General Purpose Standing Committee No. 2 Inquiry into bullying of children and young people
- National Health and Hospitals Reform Commission interim report "A Healthier Future for all Australians"
- NSW Review of the *Swimming Pools Act 1992* Options Paper
- National Human Rights Consultation



APPENDICES (continued)

C Inquiries of the Parliamentary Joint Committee on Children and Young People

The New South Wales Joint Parliamentary Committee on Children and Young People inquires into the annual reports of the Commission and of the Child Death Review Team. It also inquires into other issues affecting children and young people in New South Wales, and these inquiries are listed below.

At the time of writing, the Committee was conducting an inquiry into the needs of children and young people aged 9–14 years with its report expected in 2009.

The information provided is extracted from the New South Wales Parliament website, parliament.nsw.gov.au.



2002

- Fatal Assault of Children and Young People
- Legislative Amendments
- Issues in the education of children in out-of-home care
- Seminar: “The Development of Wellbeing in Children – Some Aspects of Research and Comment on Child and Adolescent Development”
- The use of prescription drugs and over-the-counter medications by children and young people

2004

- Review of Report of NSW Commission for Children and Young People: Children and Young People with No-one to Turn To
- Review of Child Death Review Team Legislation
- The Macquarie Street Lectures on Children and Young People

2005

Review of Child Death Review Team Reports: Suicide and risk-taking deaths of children and young people (2003), and Fatal assault and neglect of children and young people (2003)

2006

Children, Young People and the Built Environment

2008

Children and Young People 9–14 Years in NSW



D Membership of the Parliamentary Joint Committee on Children and Young People

The Parliamentary Joint Committee on Children and Young People was established on 17 August 2000, and re-established on 28 June 2007. Its primary responsibility is to monitor and review the work of the Commission for Children and Young People and report its findings and recommendations to parliament.

The committee examines and reports on the annual and other reports of the Commission. The committee also has a broader responsibility to examine trends and changes in services and issues affecting children and young people, and to make recommendations for changes to the functions and procedures of the Commission.

The terms of reference for the Committee are set out in Part 6 of the *Commission for Children and Young People Act 1998*.

May 2000 – March 2002

Mr David Campbell, MP, Chair

Ms Marie Andrews, MP

Hon Jan Burnswoods, MLC

Ms Diane Beamer, MP

Hon Alan Corbett, MLC

Mr Wayne Smith, MP

Hon Don Harwin, MLC

Mr Stephen O'Doherty, MP

Hon Peter Primrose, MLC, Vice Chair

Mr Peter Webb, MP

Hon Henry Tsang, MLC

March 2002 – February 2003

Mr David Campbell, MP, Chair

Ms Marie Andrews, MP

Hon Jan Burnswoods, MLC

Ms Diane Beamer, MP

Hon Alan Corbett, MLC

Mr Wayne Smith, MP

Hon Don Harwin, MLC

Ms Judy Hopwood, MP

Hon Peter Primrose, MLC, Vice Chair

Mr John Cull, MP

Hon Henry Tsang, MLC



APPENDICES (continued)

MAY 2003 – September 2004

Mrs Barbara Perry, MP, Chair

Mr John Bartlett, MP

Hon Kayee Griffin, MLC

Mr Stephen Cansdell, MP

Ms Sylvia Hale, MLC

Ms Virginia Judge, MP

Hon Melinda Pavey, MLC

Mrs Judy Hopwood, MP

Hon Jan Burnswoods, MLC, Vice Chair

Ms Linda Burney, MP

Hon Tony Catanzariti, MLC

September 2004 – October 2005

Mrs Barbara Perry, MP, Chair

Mr John Bartlett, MP

Hon Kayee Griffin, MLC

Mr Stephen Cansdell, MP

Ms Sylvia Hale, MLC

Ms Virginia Judge, MP

Hon Melinda Pavey, MLC

Mrs Judy Hopwood, MP

Hon Jan Burnswoods, MLC, Vice Chair

Mr Barry Collier, MP

Hon Tony Catanzariti, MLC

October 2005 – April 2006

Mrs Barbara Perry, MP, Chair

Mr John Bartlett, MP

Hon Kayee Griffin, MLC

Mr Stephen Cansdell, MP

Ms Sylvia Hale, MLC

Ms Virginia Judge, MP

Hon Melinda Pavey, MLC

Mrs Judy Hopwood, MP

Hon Jan Burnswoods, MLC, Vice Chair

Mr Michael Daley, MP

Hon Tony Catanzariti, MLC



April 2006 – March 2007

Mrs Barbara Perry, MP, Chair

Mr John Bartlett, MP

Hon Kayee Griffin, MLC

Mr Stephen Cansdell, MP

Ms Sylvia Hale, MLC

Ms Virginia Judge, MP

Hon Melinda Pavey, MLC

Mrs Judy Hopwood, MP

Hon Jan Burnswoods, MLC, Vice Chair

Mr Michael Daley, MP

Hon Penelope Sharpe, MLC

June 2007 – September 2008

Hon Carmel Tebbutt, MP, Chair

Dr Andrew McDonald, MP, Deputy Chair

Hon Catherine Cusack, MLC

Ms Marie Andrews, MP

Hon Kayee Griffin, MLC

Mr Stephen Cansdell, MP

Rev the Hon Fred Nile, MLC

September 2008 – June 2009

Mr Robert Coombs, MP, Chair

Ms Marie Andrews, MP

Hon Catherine Cusack, MLC

Mr Steve Cansdell, MP

Hon Kayee Griffin, MLC, Deputy Chair

Mr Geoff Corrigan, MP

Rev the Hon Fred Nile, MLC



APPENDICES (continued)

E Membership of the Commission's Young People's Reference Group

2000

Armina Soemino	Luke Kercheval
Charlie Zoghaib	Matt Lendrum
Jelina Frail	Mirjana Jovancevic
Kate Tyrrell	Sarah Khanlari
Katherine Fan	Tim Morrison
Katie Green	Zeah Behrend

2001

Adam Bournes	Iktimal Hage-Ali
Agata Imielska	Mitchell Haney
Ben Yates	Nathan Doyle
Claire Hunter	Sarah Khanlari
Erin Ditterick	Stephanie Tran
Hugh Farmer	

2002

Arthur Cheng	Kira Puru
Danielle Anthony-Goodwin	Lakshanth Shanmugan
Dorian Sarkissian	Paul McKay
Emily Mortimer	Pia Birac
Jessica Beech	Tanya Thompson
Josh Elliott	William Palmer



2003

Amanda Kerslake	Katy Hawkins
Andrew Little	Kelly Griffiths
Angus McDowall	Matthew Floro
Christine Shoemark	Rocky Ruperto
Holly-Ann O'Donnell	Rouel Dayoan
Kaila Murnain	Shawn Broughton

2004

Anton Jurisevic	Kir Deng
Daniel Connell	Marshall Peachey
Emma Baldry	Patrick Mayoh
Fatima Matar	Serena Hills
Hannah Klapdor	Troy Rebello
Kimberley Stuart	Ruth Tuulau

2005

Ashoor Khan	Justine Castillo
Brent Leary	Michelle Taylor
Carlo Ritchie	Ned Tieppo
Caroline Boateng	Sue Park
Emma Kenworthy	Tyson Beckman
Harry Whelan	Veronica Piatkov



APPENDICES (continued)

2006

Abdul Nahi	Kerry Deligiannis
Clare Power	Lucas Hejtmanek
Erica Boucher	Marsha Kojevnikova
Jacob Leung	Nathan Boyle
Jake Ribarovski	Nick Kraegen
Jessica Priebee	Olivia Couch

2009

Abdulsamiu Lawal	Jemma Witenden
Anthony Gallagher	Kevin Summerell
Brittany Papera	Max Singer
Callum Drake	Milena Mraovic
Dakota Dib	Tamika Briggs
Emma Peterson	Vanessa Kutcher



F Membership of the Commission's Expert Advisory Committee

The Expert Advisory Committee was established in June 2000 to assist the Commissioner in the exercise of her functions.

2000-2001

Dr John Yu, Chair	Dr Robert Parker (from May 2001)
Ms Lyndsay Connors	Ms Caitlin Newton-Broad
Fr John Usher (from May 2001)	Prof Ron McCallum
Prof Gwynnyth Llewellyn	Mr Adrian Ford (until February 2000)
Mr Michael Antrum	Ms Robyn Maher (until November 2000)

2001-2002

Dr John Yu, Chair	Mr Michael Antrum
Ms Lyndsay Connors	Dr Robert Parker
Fr John Usher	Ms Caitlin Newton-Broad (until May 2002)
Prof Gwynnyth Llewellyn	Prof Ron McCallum

2002-2003

Dr John Yu, Chair	Mr Michael Antrum
Ms Lyndsay Connors	Dr Robert Parker
Fr John Usher	Prof Ron McCallum
Prof Gwynnyth Llewellyn	Ms Helen L'Orange (from December 2002)



APPENDICES (continued)

2003-2004

Dr John Yu, Chair	Prof Ron McCallum
Mr Michael Antrum	Dr Robert Parker
Ms Lyndsay Connors	Fr John Usher
Prof Gwynnyth Llewellyn	

2004-2005

July-December 2004

Dr John Yu, Chair	Prof Ron McCallum
Mr Michael Antrum	Dr Robert Parker
Ms Lyndsay Connors	Fr John Usher
Prof Gwynnyth Llewellyn	

January-June 2005

Prof Richard Chisholm, Chair	Mr Peter Homel
Mr Jack Beetson	Ms Helen L'Orange
Ms Anna Booth	Dr Robert Parker
Ms Hetty Cislowski	Fr John Usher

2005-2006

Prof Richard Chisholm, Chair	Ms Hetty Cislowski
Mr Jack Beetson	Mr Peter Homel
Ms Anna Booth	Ms Helen L'Orange



2006-2007

Prof Richard Chisholm, Chair

Mr Peter Homel

Mr Jack Beetson

Ms Helen L'Orange

Ms Anna Booth

Ms Judith Meppem

Ms Hetty Cislowski

2007-2008

Mr Andrew Cappie-Wood, Chair

Ms Helen Kerr-Roubicek

Mr Jack Beetson

Ms Helen L'Orange

Ms Emily Booker

Ms Judith Meppem

Mr Peter Homel

Mr Jonathan Nicholas

2008-2009

Mr Andrew Cappie-Wood, Chair

Mr Peter Homel

Mr Jack Beetson (until February 2009)

Ms Helen L'Orange

Ms Emily Booker (until June 2009)

Ms Helen Kerr-Roubicek

Mr Chris Bonnor (from February 2009)

Ms Judith Meppem (until February 2009)

Prof Mary Crock (from February 2009)

Mr Jonathan Nicholas

Ms Marcia Ella-Duncan (from June 2009)



APPENDICES (continued)

G Membership of the Child Death Review Team

The Commission provides administrative support and undertakes research for the New South Wales Child Death Review Team, having taken over this responsibility from the

Child Protection Council. Since July 1999, the Commissioner has been the Convenor of the Team.

1999-2000

Ms Gillian Calvert, Convenor	Supt John Heslop
Dr Judy Cashmore, Deputy Convenor	A/Prof Jude Irwin
Dr Ian Cameron	Ms Melva Kennedy
Ms Helen Freeland	Dr Elisabeth Murphy
Ms Pam Greer	Prof Kim Oates
Ms Helen Kerr-Roubicek	Mr Graham O'Rourke
Dr Michael Fairley	Ms Toni Single
Dr Ferry Grunseit	

2000-2001

Ms Gillian Calvert, Convenor	Ms Helen Roubicek
Dr Judy Cashmore, Deputy Convenor	Dr Elisabeth Murphy
Ms Toni Single	A/Prof Jude Irwin
Supt John Heslop	Ms Pam Greer
Mr Graham O'Rourke	Ms Melva Kennedy
Ms Carol Peltola (from August 2001)	Dr Ian Cameron
Dr Ferry Grunseit	Ms Kathrina Lo
Dr Michael Fairley	Prof John Hilton (until 16 March)



2001-2002

Ms Gillian Calvert, Convenor

Ms Pam Greer

Dr Judy Cashmore, Deputy Convenor

Ms Kathrina Lo

Ms Toni Single

Dr Jonathan Gillis

Supt John Heslop

Dr Andrew McDonald

Dr Ferry Grunseit

Dr Ian Cameron

Dr Michael Fairley

Ms Alice Silva

Ms Helen Kerr Roubicek

Ms Anne Maree Gleeson

Dr Elisabeth Murphy

Mr Peter Mathews

A/Prof Jude Irwin

2002-2003

Ms Gillian Calvert, Convenor

Ms Pam Greer

Dr Judy Cashmore, Deputy Convenor

Mr John Feneley

Ms Toni Single

Dr Jonathan Gillis

Supt John Heslop

Dr Andrew McDonald

Dr Ferry Grunseit

Dr Ian Cameron

Dr Michael Fairley

Ms Anne Maree Gleeson

Ms Helen Kerr Roubicek

Mr Peter Mathews

Dr Elisabeth Murphy

Ms Sandie Bredemeyer

A/Prof Jude Irwin

Dr Dianne Little



APPENDICES (continued)

2003-2004

Ms Gillian Calvert, Convenor	A/Prof Judith Irwin
Prof Caroline Finch, Deputy Convenor	Dr Dianne Little
Prof Judy Atkinson	Supt Kim McKay
Dr Ian Cameron	Mr David McKie
Prof Kathleen Fahy	Dr Elisabeth Murphy
Mr John Feneley	Mr Stephen Olischlager
Dr Jonathan Gillis	Ms Robyn Shields
Ms Leanne Hillman	Mr Michael Tizzard
Dr John Howard	

2004-2005

30 June 2004–31 December 2004

Ms Gillian Calvert, Convenor	Dr Ian Cameron
Prof Caroline Finch, Deputy Convenor	Mr John Feneley
Ms Leanne Hillman	Dr Jonathan Gillis
Dr Elisabeth Murphy	A/Prof Jude Irwin
Mr Michael Tizzard	Dr John Howard
Mr David McKie	Prof Judy Atkinson
Det Supt Kim McKay	Ms Robyn Shields
Dr Dianne Little	

2004-2005

1 January 2005–30 June 2005

Ms Gillian Calvert, Convenor	Dr Dianne Little
Prof Caroline Finch, Deputy Convenor	Dr Ian Cameron
Ms Leanne Hillman	Dr Jonathan Gillis
Dr Elisabeth Murphy	A/Prof Jude Irwin
Mr Michael Tizzard	Dr John Howard
Mr David McKie	Prof Judy Atkinson
Mr John Merrick	Ms Robyn Shields
Det Supt Kim McKay	



2005-2006

1 July 2005–31 December 2005

Ms Gillian Calvert, Convenor	Dr Dianne Little
Prof Caroline Finch, Deputy Convenor	Dr Ian Cameron
Ms Leanne Hillman	Dr Jonathan Gillis
Dr Elisabeth Murphy	A/Prof Jude Irwin
Mr David McKie	Dr John Howard
Ms Judith Carll, (from October 2005)	Prof Judy Atkinson
Mr John Feneley	Ms Robyn Shields
Det Supt Kim McKay (until September 2005)	Det Supt Paul Jones (from November 2005)
Mr John Merrick (until September 2005)	Mr Maurice Taylor (from November 2005)

2005-2006

1 January 2006–30 June 2006

Ms Gillian Calvert, Convenor	Dr Dianne Little
Prof Caroline Finch, Deputy Convenor (until June 2006)	Dr Ian Cameron
Ms Leanne Hillman	Dr Jonathan Gillis
Dr Elisabeth Murphy	A/Prof Jude Irwin
Mr David McKie	Dr John Howard
Ms Judith Carll	Prof Judy Atkinson
Mr John Feneley	



APPENDICES (continued)

2006-2007

Ms Gillian Calvert, Convenor	A/Prof Jude Irwin
Dr Ian Cameron, Deputy Convenor	Dr John Howard
Ms Leanne Hillman (until September 2006)	Ms Robyn Shields
Dr Elisabeth Murphy	Mr Maurice Taylor
Mr David McKie	Ms Helen Freeland (from November 2006)
Ms Judith Carl (until November 2006)	Ms Anna Edwards (from November 2006)
Mr John Feneley	Det Supt Geoffrey Beresford (from December 2006)
Dr Dianne Little	Mr Jack Beetson (from February 2007)
Dr Jonathan Gillis	

2007-2008

Ms Gillian Calvert, Convenor	Mr David McKie
Dr Ian Cameron, Deputy Convenor	Dr Elisabeth Murphy
Mr John Feneley (until August 2007)	Ms Robyn Shields
Mr Stephen Olischlager (from August 2007)	Mr Maurice Taylor
Dr Jonathan Gillis	Ms Anna Edwards
Dr John Howard	Ms Helen Freeland
Prof Judith Irwin	Det Supt Geoffrey Beresford
Dr Dianne Little	Mr Jack Beetson

2008-2009

Ms Gillian Calvert, Convenor	Dr Elisabeth Murphy
Dr Ian Cameron, Deputy Convenor	Mr Stephen Olischlager (until May 2009)
Dr Jonathan Gillis	Mr Maurice Taylor
Dr Bronwyn Gould	Dr Ngiare Brown (from May 2009)
Dr John Howard	Ms Deborah De fina (from June 2009)
Dr Dianne Little	A/Prof Judith Irwin (until October 2008)
Det Supt Geoffrey Beresford	Ms Robyn Shields (until October 2008)
Ms Anna Edwards (from February 2009)	Mr Jack Beetson (until October 2008)
Ms Helen Freeland	Ms Anne-Marie Dwyer (from February 2009)
Mr David McKie	



H Legal change

Legal change to, or related to, the Commission's legislation is outlined below.

2000–2001

Child Protection (Offenders Registration) Act 2000

The *Child Protection (Offenders Registration) Act 2000* amended the *Commission for Children and Young People Act 1998* with the inclusion of Section 14A which provides the Commissioner with the power to compel any government agency to provide information relevant to an assessment of whether an applicant for an exemption under the *Child Protection (Prohibited Employment) Act 1998* poses a risk to the safety of children.

Statute Law (Miscellaneous Provisions) Act (No 2) 2000

The *Statute Law (Miscellaneous Provisions) Act (No 2) 2000* amended the *Child Protection (Prohibited Employment) Act 1998*. The amendment related to the definition of "conviction" in section 3. The definition originally defined "conviction" as including a finding that a charge is proved, even though the court does not proceed to a conviction. The effect of the amendment was to also include in that definition a finding that a person is guilty of an offence, even though the court does not proceed to a conviction.

Relevant judicial decisions

The Industrial Relations Commission in matter IRC4337 of 2000 provided a judicial decision on the term "primarily" as it applies to child-related employment.

The *Child Protection (Prohibited Employment) Act 1998* defined child-related Employment as: "any employment of the following kind that primarily involves direct contact with children where that contact is not directly supervised".

The Industrial Relations Commission further defined "primarily" to mean: "At least one of the essential duties of the position involves direct, unsupervised contact with children."

The Commission used this interpretation of "primarily" in its advice to employers after the date of the ruling.

2001–2002

Child Protection (Offenders Registration) Act 2000

Child Protection (Offenders Registration) Regulation 2000

Child Protection (Offenders Registration) Amendment Act 2000

The *Child Protection (Offenders Registration) Act 2000* (except for sections 1, 2 and 23, and Schedules 1.2(1) and (2)), the *Child Protection (Offenders Registration) Regulation 2000* and *Child Protection (Offenders Registration) Amendment Act 2000* came into effect. The *Child Protection (Offenders Registration) Act 2000* amended section 5 of the *Child Protection (Prohibited Employment) Act 1998* by expanding the definition of prohibited person to include any person who is a registrable person.

Child Protection (Prohibited Employment) Act 1998

Section 9 of the *Child Protection (Prohibited Employment) Act 1998* was amended by the *Statute Law (Miscellaneous Provisions) Act 2001* to incorporate the word 'or' in section 9(3). The amendment provided clarification through the addition of this previously omitted word.

Crimes Amendment (Sexual Servitude) Act 2001

The *Child Protection (Prohibited Employment) Act 1998* was amended by the *Crimes Amendment (Sexual Servitude) Act 2001*.

This Act amended the *Crimes Act 1900* to create offences relating to sexual servitude namely, causing a person to enter into or remain in sexual servitude, and conducting a business that involves sexual servitude. Any conviction for this offence makes a person a 'prohibited person'.



APPENDICES (continued)

2002–2003

Child Protection (Offenders Registration) Act 2000

The *Child Protection (Offenders Registration) Act 2000* amended section 33 of the *Commission for Children and Young People Act 1998*. The definition of relevant criminal record was expanded to include registrable offences.

Child Protection Legislation Amendment Act 2002

The *Child Protection Legislation Amendment Act 2002* amended the *Child Protection (Prohibited Employment) Act 1998* and the *Commission for Children and Young People Act 1998* to strengthen child protection provisions and address anomalies and inconsistencies between the legislation. The Act introduced a number of changes:

Apprehended Violence Orders:

The *Commission for Children and Young People Act 1998* was amended to allow the Commissioner of Police to provide information to the Commission for Children and Young People concerning relevant Apprehended Violence Orders. This means that the Working With Children Check would include background checks for relevant Apprehended Violence Orders and provide more information to help determine the suitability of a person to work with children. Relevant Apprehended Violence Orders are those taken out by a police officer to protect a child.

With the introduction of relevant Apprehended Violence Orders into the Working With Children Check in February 2003, all aspects of the Check were fully implemented.

Prohibited Employment: The legislative amendment allowed applications for exemption from the *Child Protection (Prohibited Employment) Act 1998* to be made directly to the Commission for Children and Young People. This was in addition to the provision for prohibited persons to apply to either the Administrative Decisions Tribunal or

the Industrial Relations Commission. The effect of the amendment was that the Commission could only grant an order where it formed the view that the applicant did not pose a risk to the safety of children. Where the Commission considered that an applicant might pose a risk to children no order would be granted. The applicant retained the right to seek an exemption from the Administrative Decisions Tribunal or Industrial Relations Commission.

The legislative amendment also varied the *Child Protection (Prohibited Employment) Act 1998* to clarify that s.579 of the *Crimes Act 1900* does not apply in prohibited person matters. The amendment meant that people who had previously been declared not to be prohibited persons because of s.579 were once again prohibited from working with children.

Other changes: The definition of “relevant criminal record” in the *Commission for Children and Young People Act 1998* was extended to include relevant spent convictions. Such convictions on a person’s criminal record are relevant for background checks and risk assessment purposes. The *Child Protection (Offenders Registration) Act 2000* was extended to include relevant spent convictions. The legislative amendment to the *Child Protection (Prohibited Employment) Act 1998*, the *Child Protection (Offenders Registration) Act 2000*, the *Commission for Children and Young People Act 1998*, and the *Summary Offences Act 1988* extended the definition of a relevant criminal record to include offences of intent, incitement or conspiracy to commit a relevant offence. Offences involving intent, incitement or conspiracy to commit a relevant offence would now be considered for the purposes of prohibited employment and background checks.

The legislative amendment to the *Commission for Children and Young People Act 1998* also provided certainty for employers about when their obligations with regard to the Working With Children Check



are fulfilled. This meant that when employers received the background check result, they would be considered to have complied with the Working With Children Check.

The *Community Services (Complaints, Appeals and Monitoring) Amendment Regulation 2002* transferred the responsibility for the review of deaths resulting from child abuse and neglect or occurring in circumstances suspicious of child abuse to the NSW Ombudsman on 1 January 2003.

Relevant judicial decisions

In the 2001-2002 reporting period, a judgment of the Industrial Relations Commission found that a person with a conviction for a serious sex offence could not be considered to be a 'prohibited person', as defined by section 5 of the *Child Protection (Prohibited Employment) Act 1998*, because the person was able to apply the benefit of section 579 of the *Crimes Act 1900* (section 579 provides that in certain circumstances convictions dating 15 years or more are to be disregarded for all purposes whatsoever and are inadmissible in legal proceedings). The applicant therefore did not need to seek an order from a relevant tribunal allowing the applicant to remain in child-related employment.

Consequently, other judges of the Industrial Relations Commission and Judicial Members of the Administrative Decisions Tribunal ruled in other matters that they did not have jurisdiction to hear applications for exemption from prohibition on working with children from persons who had convictions for sexual offences and to whom section 579 of the *Crimes Act* could be applied. The Commission appealed these decisions on the grounds of inconsistency between the identification of a 'prohibited person' by section 5 of the *Child Protection (Prohibited Employment) Act* and the operation of section 579 of the *Crimes Act*, arguing that the child protection focus of the more recent *Child Protection (Prohibited Employment) Act* should prevail.

In 2002 the Commission was unsuccessful in having one of these decisions overturned in an appeal to the Supreme Court. Other appeals by the Commission in 2003 were, however, successful, with findings made by the Supreme Court and by the Full Bench of the Industrial Relations Commission that the inconsistency between section 579 of the *Crimes Act* and section 5 of the *Child Protection (Prohibited Employment) Act* was to be resolved with the *Child Protection (Prohibited Employment) Act* being considered to be paramount. The *Child Protection Legislation Amendment Act 2002*, which came into effect in 2003, confirmed this when it amended the *Child Protection (Prohibited Employment) Act* to clarify that section 579 of the *Crimes Act* does not apply in prohibited person matters.

In the 2002-2003 reporting period, the Commission successfully appealed a decision of the Industrial Relations Commission that the *Child Protection (Prohibited Employment) Act 1998* did not apply to an applicant whose 'serious sex offence' was committed against an adult. The Full Bench of the Industrial Relations Commission upheld the Commission's argument that the age of the victim is not relevant under the Act.

2003–2004

Commission for Children and Young People Amendment (Child Death Review Team) Act 2003

The *Commission for Children and Young People Amendment (Child Death Review Team) Act 2003* strengthened the role of the Child Death Review Team by extending the Team's access to records about child deaths to private health agencies and practitioners, to non-government schools and to people or agencies providing services such as foster care or residential out-of-home care, family support, disability and children's services. Strict confidentiality safeguards that protected information gathered by the Team were also extended. The Act ensured that while



APPENDICES (continued)

confidentiality of sensitive information would be protected, information could be disclosed by the Team's Convenor where appropriate and necessary for the purposes of criminal law enforcement or reporting to the Department of Community Services that a child or children may be at risk of harm and reporting information to the State Coroner and the Ombudsman. The Act also provided the Team with a broader and more flexible research focus to look at deaths from all causes.

Child Protection Legislation Amendment Act 2003

The *Child Protection Legislation Amendment Act 2003* improved the operation of Part 7 of the *Commission for Children and Young People Act 1998* (which relates to employment screening for child-related employment) by clarifying the reportable conduct of employees under that legislation. The Act gave effect to the recommendations of a Government review into the impact of that legislation.

Child Protection (Prohibited Employment) Regulation 2004

The *Child Protection (Prohibited Employment) Regulation 2004* clarified that the provision of foster care or out-of-home care constitutes 'employment' for the purposes of the *Child Protection (Prohibited Employment) Act 1998*.

Commission for Children and Young People Amendment (Employment Screening) Regulation 2004

The *Commission for Children and Young People Amendment (Employment Screening) Regulation 2004* amended the *Commission for Children and Young People Regulation 2000* to reflect amendments to Part 7 of the *Commission for Children and Young People Act 1998* by the *Child Protection Legislation Amendment Act 2003*.

2004–2005

Children's Services Regulation 2004

This Regulation brought together the former regulations dealing with centre-based care, mobile care, family day care and home-based care. It increased the licence conditions to further protect children attending those services, including requiring probity checks for those working in children's services. It allowed the Commission to undertake these probity checks on behalf of the Department of Community Services.

Institute of Teachers Act 2004

This Act established the Institute of Teachers and provided for professional teaching standards and the accreditation of teachers. It allowed a teacher accreditation authority to revoke the accreditation of a teacher in certain cases including if a teacher in a non-government school is a prohibited person under the *Child Protection (Prohibited Employment) Act 1998*.

2005–2006

Commission for Children and Young People Amendment Act 2005

The *Commission for Children and Young People Amendment Act 2005* was passed in November 2005. The Act extended and strengthened the NSW system of protection for children in the workplace through changes to the Working With Children Check, including providing for a single Working With Children Check where employees do similar work for a number of employers, removing the need for an employer to re-check a casual employee if the employer has employed and checked that person in a similar position within the previous year, and clarifying that specific convictions of a sexual nature, like filming children for indecent purposes, are to be taken into account in the Working With Children Check. The Act also created a new Commission legislative function of assisting organisations to be more safe and friendly for children.



Parts of this Act came into effect in June 2006, (the remainder came into effect in January 2007).

Education Legislation Amendment (Staff) Act 2006

This Act amended the *Teaching Service Act 1980*, the *Education (School Administrative and Support Staff) Act 1987* and the *Technical and Further Education Commission Act 1990*. The amendments provided for the termination of employment of educational staff who are prohibited from being employed in child-related employment. Amendments also made provision for management of the conduct and performance of educational staff, and provided that the protection of children is to be the paramount consideration in taking any action against staff.

The Act's amendments also provided that where an application is made for review of the prohibited person status of a person, the Commission for Children and Young People or the relevant tribunal to which the application is made will be required to notify the relevant employer authority and the authority is entitled to appear and be heard in such a review application.

2006–2007

Commission for Children and Young People Amendment Act 2005

The remaining sections of this Act came into effect in January 2007. As a result:

- all the legislation relating to the NSW Working With Children program was brought into the *Commission for Children and Young People Act*
- provisions for prohibiting certain people from working with children were strengthened with the extension of the prohibition to those convicted as adults of intentionally causing grievous bodily harm to a child. People who were prohibited because of certain offences were banned for life and would not be able to apply for a review of their prohibited status

- the Commission's powers to audit and monitor compliance with the Working With Children Check were strengthened
- provision was made for certification of self employed people in child-related employment
- background checking for people who work in multiple casual or part time positions in one industry was streamlined.

New Working With Children Employer Guidelines and Working With Children Operator Guidelines came into effect at the same time implementing most of the above changes.

Commission for Children and Young People Amendment (Parliamentary Joint Committee) Act 2007

This Act reduced the size of the Parliamentary Joint Committee on Children and Young People from 11 to 7 members.

Statute Law (Miscellaneous Provisions) Act 2007

This Act retitled the "Chairman" and "Vice-Chairman" of the Parliamentary Joint Committee on Children and Young People as "Chair" and "Deputy Chair".

Parliamentary Electorates and Elections Amendment (Child Sexual Offences Disclosures) Act 2006

This Act required candidates for NSW Parliamentary general elections and by-elections to sign a declaration about whether they have been convicted of or charged with any child sex offences or murder of a child, and whether any relevant Apprehended Violence Orders have been taken out against them.

The Commission for Children and Young People is required to audit the accuracy of the declarations made by candidates elected to Parliament and report on the result of the Audit to both Houses of Parliament. These provisions came into effect in time for the March 2007 New South Wales general election.



APPENDICES (continued)

2007–2008

Commission for Children and Young People Amendment Act 2007

The *Commission for Children and Young People Amendment Act 2007* amended the *Commission for Children and Young People Act 1998* to:

- require all preferred applicants for primary child-related employment to be subject to background checking, regardless of whether they are related to the children they work with
- clarify that a relevant employment proceeding is completed only when the employer has made a determination as to the reportable conduct that occurred or may have occurred and any disciplinary action that may follow
- impose an obligation on an employer who has notified a relevant employment proceeding to the Commission to provide sufficient details for the purpose of background checking
- empower the Commission to charge a fee for issuing certificates to self employed people in child-related employment
- allow reciprocal arrangements between New South Wales and other Australian jurisdictions to enable the Child Death Review Team to research the deaths of New South Wales children who die elsewhere in Australia and to provide information for research aimed at preventing or reducing child deaths in other Australian jurisdictions
- constitute the Child Death Review Team as a Committee of the Commission rather than as a corporation to alleviate the necessity for separate financial reporting
- amend the terminology in relation to the definition of an “apprehended violence order” to ensure consistency with the *Crimes Act 1900* by substituting the phrase “external protection orders” for “interstate restraint orders”

- clarify that the Commission is governed by the provisions of the *Annual Reports (Statutory Bodies) Act 1984*
- clarify liability issues by providing that protection from personal liability is available for any action conducted or omitted in good faith in the execution of this or any other Act.

The *Commission for Children and Young People Amendment Act 2007* also amended the *Parliamentary Electorates and Elections Act 1912* by empowering the Commission to request the Police and courts to provide copies of documents it needs to complete an audit and to require agencies to comply.

Crimes (Domestic and Personal Violence) Act 2007

The *Crimes (Domestic and Personal Violence) Act 2007* amended the *Commission for Children and Young People Act 1998* to make the definition of a “relevant apprehended violence order” consistent with the definition in the *Crimes (Domestic and Personal Violence) Act 2007*.

2008–2009

Commission for Children and Young People Regulation 2009

This Regulation came into effect in April 2009 to:

- prohibit a self employed person from engaging in paid child-related employment unless the person holds a child-related employment certificate to the effect that the person is not prohibited from working with children
- provide for the issue by the Commission of child-related employment certificates, and for their revocation where the Commission becomes aware that the person to whom the certificate applies is a prohibited person
- provide for the display and production a child-related employment certificate by a self employed person



- prohibit a person using or attempting to use a child-related employment certificate that does not apply to the person with the intention to deceive
- remove the requirement for an employer to carry out the procedures of background checking of an applicant for child-related employment under the *Commission for Children and Young People Act 1998* where the applicant is to perform work as a self employed person for or in relation to a child under a contract of services with that child or a parent of that child.

Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009

This Act amends the *Commission for Children and Young People Act 1998* to expand and increase the categories of people who will be subject to background checking under the *Commission for Children and Young People Act*. The amendments to the *Commission for Children and Young People Act* by the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009* have not, as at the date of this publication, yet come into effect.

The definition of child-related employment in the *Commission for Children and Young People Act* has been extended to include employment of the following kind:

- employment comprising the provision of a prescribed children's service (prescribed children's services include centre-based children's services, family day care children's services, home-based children's services, and mobile children's services)
- employment as a person involved in the control or management of a prescribed children's service
- employment as an authorised supervisor under the *Children and Young Persons (Care and Protection) Act 1998* in relation to a prescribed children's service
- employment in certain other types of employment under the *Children and Young Persons (Care and Protection) Act 1998* and the *Adoption Act 2000*
- employment as a self employed person or as a subcontractor (by, in or on behalf of a relevant agency, including the Department of Community Services, the Department of Education and Training, and the TAFE Commission Division) if it involves direct unsupervised contact with children.

The definition of primary child-related employment in the *Commission for Children and Young People Act* has been extended to include:

- child-related employment of a student that involves working in the Department of Community Services
- child-related employment of a volunteer that involves the mentoring of disadvantaged children
- child-related employment of a volunteer providing personal care services to children with disabilities.

The background checking provisions in the *Commission for Children and Young People Act* have also been extended to apply to an adult person who resides in the home of an authorised carer or children's service provider (that is, the provider of a family day care or home based children's service under the *Children and Young Persons (Care and Protection) Act 1998*).

The *Children Legislation Amendment (Wood Inquiry Recommendations) Act* also amends the *Commission for Children and Young People Act* to transfer the secretariat functions of the Child Death Review Team to the Ombudsman.



APPENDICES (continued)

I Principal functions of the Commission – how the legislation has evolved

Section 11 of the *Commission for Children and Young People Act 1998* lays out the principal functions of the Commission. You can track how the entire act has been amended since proclamation at <http://portsea.austlii.edu.au/pit/xml/nsw/act/>

Working Date: 15 September 2000

- (a) to promote the participation of children in the making of decisions that affect their lives and to encourage government and non-government agencies to seek the participation of children appropriate to their age and maturity,
- (b) to promote and monitor the overall safety, welfare and well-being of children in the community and to monitor the trends in complaints made by or on behalf of children,
- (c) to conduct special inquiries under Part 4 into issues affecting children,
- (d) to make recommendations to government and non-government agencies on legislation, policies, practices and services affecting children,
- (e) to promote the provision of information and advice to assist children,
- (f) to conduct, promote and monitor training on issues affecting children,
- (g) to conduct, promote and monitor public awareness activities on issues affecting children,
- (h) to conduct, promote and monitor research into issues affecting children,
- (i) to participate in and monitor screening for child-related employment in accordance with Part 7,
- (j) to develop and administer a voluntary accreditation scheme for persons working with persons who have committed sexual offences against children.

Under Part 7A of the *Children (Care and Protection) Act 1987*, the Commissioner is the convenor of the Child Death Review Team established under that Part and the Commission is required to provide administrative support to that Review Team.

Working Date: 22 August 2003

- (a) to promote the participation of children in the making of decisions that affect their lives and to encourage government and non-government agencies to seek the participation of children appropriate to their age and maturity,
- (b) to promote and monitor the overall safety, welfare and well-being of children in the community and to monitor the trends in complaints made by or on behalf of children,
- (c) to conduct special inquiries under Part 4 into issues affecting children,
- (d) to make recommendations to government and non-government agencies on legislation, policies, practices and services affecting children,
- (e) to promote the provision of information and advice to assist children,
- (f) to conduct, promote and monitor training on issues affecting children,
- (g) to conduct, promote and monitor public awareness activities on issues affecting children,
- (h) to conduct, promote and monitor research into issues affecting children,
- (i) to participate in and monitor screening for child-related employment in accordance with Part 7,
- (j) to develop and administer a voluntary accreditation scheme for persons working with persons who have committed sexual offences against children,
- (k) to support and assist the Child Death Review Team in the exercise of its functions under Part 7A.



Working Date: 16 June 2006

- (a) to promote the participation of children in the making of decisions that affect their lives and to encourage government and non-government agencies to seek the participation of children appropriate to their age and maturity,
- (b) to promote and monitor the overall safety, welfare and well-being of children in the community and to monitor the trends in complaints made by or on behalf of children,
- (c) to conduct special inquiries under Part 4 into issues affecting children,
- (d) to make recommendations to government and non-government agencies on legislation, policies, practices and services affecting children,
- (e) to promote the provision of information and advice to assist children,
- (f) to conduct, promote and monitor training on issues affecting children,
- (g) to conduct, promote and monitor public awareness activities on issues affecting children,
- (h) to conduct, promote and monitor research into issues affecting children,
- (h1) to determine or intervene in review applications concerning prohibited persons,
- (i) to participate in and monitor screening for child-related employment in accordance with Part 7,
- (j) to develop and administer a voluntary accreditation scheme for persons working with persons who have committed sexual offences against children,
- (k) to support and assist the Child Death Review Team in the exercise of its functions under Part 7A,
- (l) to encourage organisations to develop their capacity to be safe and friendly for children,
- (m) to develop and administer a voluntary accreditation scheme for programs for persons who have committed sexual offences against children.

Working Date: 2 January 2007

- (a) to promote the participation of children in the making of decisions that affect their lives and to encourage government and non-government agencies to seek the participation of children appropriate to their age and maturity,
- (b) to promote and monitor the overall safety, welfare and well-being of children in the community and to monitor the trends in complaints made by or on behalf of children,
- (c) to conduct special inquiries under Part 4 into issues affecting children,
- (d) to make recommendations to government and non-government agencies on legislation, policies, practices and services affecting children,
- (e) to promote the provision of information and advice to assist children,
- (f) to conduct, promote and monitor training on issues affecting children,
- (g) to conduct, promote and monitor public awareness activities on issues affecting children,
- (h) to conduct, promote and monitor research into issues affecting children,
- (h1) to determine or intervene in review applications concerning prohibited persons,
- (i) to participate in and monitor background checking for child-related employment in accordance with Division 3 of Part 7,
- (j) to develop and administer a voluntary accreditation scheme for persons working with persons who have committed sexual offences against children,
- (k) to support and assist the Child Death Review Team in the exercise of its functions under Part 7A,
- (l) to encourage organisations to develop their capacity to be safe and friendly for children,
- (m) to develop and administer a voluntary accreditation scheme for programs for persons who have committed sexual offences against children.



NOTES

- 1 Simpson, R. & New South Wales. Parliamentary Library Research Service (1998). *The Commission for Children and Young People Bill 1998 and other child protection initiatives*. NSW Parliamentary Library Research Service: [Sydney] : p9.
- 2 Royal Commission into the New South Wales Police Service & Wood, J. R. T. (1997). *Royal Commission into the New South Wales Police Service: final report, Volume V: The Paedophile Inquiry*. Royal Commission into the New South Wales Police Service: Sydney : p1333.
- 3 Commission for Children and Young People (2000). *Annual report 1999-2000*. NSW Commission for Children and Young People: Sydney : p15.
- 4 UK Department for Children, Schools and Families (2008). *UN Convention on the Rights of the Child: background Every child matters, change for children website*, viewed 20 December 2008, www.everychildmatters.gov.uk/strategy/uncrc/background.
- 5 Child Protection Council & O'Donovan, E. & Commission for Children and Young People (2000). *The NSW Child Protection Council 1985-1999 : a history of change and innovation*. NSW Child Protection Council and Commission for Children and Young People: Sydney : p5.
- 6 New South Wales Parliament. Legislative Council. Standing Committee on Social Issues (1996). *Inquiry into children's advocacy / Standing Committee on Social Issues*. The Committee: Sydney.
- 7 Office of Children and Young People (1997). *A NSW Children's Commission green paper*. [NSW Government: Sydney] : p5.
- 8 Kate McKenzie interview conducted by Bruce Williams 30 October 2008.
- 9 *ibid.*
- 10 Gillian Calvert interview conducted by Bruce Williams 23 December 2008.
- 11 Griffith, G. & Parliamentary Library Research Service (2001). *Child protection in NSW : a review of oversight and supervisory agencies*. NSW Parliamentary Library Research Service: [Sydney] : p16.
- 12 New South Wales Government. *Commission for Children and Young People Act 1998*, s8.
- 13 *ibid.*
- 14 Child Protection Council & O'Donovan, E. & Commission for Children and Young People. *op.cit.*
- 15 New South Wales Government. *Commission for Children and Young People Act 1998 as in force June 1999*. New South Wales Acts (Point-in-Time), viewed 20 December 2008, <http://portsea.austlii.edu.au/pit/xml/nsw/act/>.
- 16 New South Wales. Office of Children and Young People, *op.cit.*, p18.
- 17 Parliamentary debate on the Commission's legislation can be found on the parliamentary website 'Hansard by Bill' section www.parliament.nsw.gov.au/prod/parlament/hansart.nsf/V3HHBListBills.
- 18 A discussion of parliamentary debate of the Commission's legislation can be found in the report *Child Protection in NSW: A Review of Oversight and Supervisory Agencies* by Gareth Griffith. NSW Parliamentary Library Research Service. 2001. p15-24.
- 19 New South Wales Government. *Commission for Children and Young People Act 1998*, s21.
- 20 *ibid.*, s14.
- 21 McKenzie, *op. cit.*
- 22 Helping Hand Goes Out To Children At Risk. *Sydney Morning Herald*, 10 June 1999.



- ²³ Calvert, interview 2008.
- ²⁴ Catherine Cusack interview conducted by Bruce Williams 22 January 2009.
- ²⁵ New South Wales Government. op.cit., s12.
- ²⁶ Commission for Children and Young People (2002). *Report of an Inquiry into the best means of assisting children & young people with no-one to turn to*. NSW Commission for Children and Young People: Sydney : p5.
- ²⁷ *ibid.*, p20-22.
- ²⁸ *ibid.*
- ²⁹ Calvert, interview 2008.
- ³⁰ Commission for Children and Young People & Fattore, T. (2005). *Children at Work*. Researched and written by Toby Fattore. NSW Commission for Children and Young People: Sydney : p1.
- ³¹ *ibid.*, p12-13.
- ³² Commission for Children and Young People (2007). *New principles to protect kids at work*, NSW Commission for Children and Young People, Sydney, viewed 20 December 2008, <http://kids.nsw.gov.au/kids/resources/news.cfm?itemID=B63A4EA9D2AA04BCD88C0149BD022CBE>.
- ³³ Cusack, op.cit.
- ³⁴ Committee on Children and Young People (2006). *Inquiry into Children, Young People and the Built Environment*. New South Wales. Parliament. Legislative Assembly. Committee on Children and Young People. Report ; no.53/8: [Sydney] : p7.
- ³⁵ Commission for Children and Young People (2006). *Parliamentary Inquiry into Children, Young People and the Built Environment. Submission from the Commission for Children and Young People*. NSW Commission for Children and Young People: Sydney : p8.
- ³⁶ Commission for Children and Young People (2006). op.cit. p51.
- ³⁷ Child Protection Council & O'Donovan, E. & Commission for Children and Young People. op.cit. p30.
- ³⁸ In April 2009, Parliament passed legislation to transfer supporting and convening the Child Death Review Team from the Commission to the NSW Ombudsman, as recommended in the final report of the Special Commission of Inquiry into Child Protection Services in NSW released in November 2008. See: www.lawlink.nsw.gov.au/cpsinquiry.
- ³⁹ Commission for Children and Young People (2008). *Ten years of child deaths – where does NSW go from here?* NSW Commission for Children and Young People, Sydney, viewed 20 December 2008, <http://kids.nsw.gov.au/kids/resources/news.cfm?itemID=6C4E04D3CD8BB096C832308EDE89EBA>.
- ⁴⁰ Coorey, P. & Peatling, S., Working mothers win the jackpot. *Sydney Morning Herald*, 11 May 2009, viewed 12 May 2009, www.smh.com.au/national/working-mothers-win-the-jackpot-20090510-az7a.html.
- ⁴¹ Horin, A., Time to have the little children suffer no more. *Sydney Morning Herald*, 7 March 2009.
- ⁴² Graeme Innes interview conducted by Bruce Williams 30 January 2009.
- ⁴³ *ibid.*
- ⁴⁴ *ibid.*
- ⁴⁵ New South Wales Government. op.cit., s10.



NOTES (continued)

- ⁴⁶ Bishop, K.G. (2008). *From their perspectives: Children and young people's experience of a paediatric hospital environment and its relationship to their feeling of well-being*. Doctor of Philosophy (PhD). University of Sydney. Faculty of Architecture, Design and Planning: Sydney : p48.
- ⁴⁷ E.g. *Sharing our journey*, the final module in the *TAKING PARTicipation seriously kit*.
- ⁴⁸ Calvert. *Sharing our journey – Participation at the NSW Commission for Children and Young People*. From Here to Where: Making connections for youth participation. Ballybofey, Ireland. 30 April 2008.
- ⁴⁹ McKenzie, op. cit.
- ⁵⁰ Dorian Sarkissian interview conducted by Bruce Williams 3 February 2009.
- ⁵¹ *ibid.*
- ⁵² Staff member, NSW Commission for Children and Young People, interviewed 1 April 2009.
- ⁵³ *ibid.*
- ⁵⁴ Jessica Agland interview conducted by Bruce Williams 21 November 2008.
- ⁵⁵ *ibid.*
- ⁵⁶ Sarkissian, op. cit.
- ⁵⁷ Agland, op. cit.
- ⁵⁸ Bishop, op. cit. p46-47.
- ⁵⁹ Calvert, interview 2008.
- ⁶⁰ Commission for Children and Young People (2008). *Working With Children Check*. NSW Commission for Children and Young People, Sydney. Viewed 20 December 2008, <kids.nsw.gov.au/check>.
- ⁶¹ The Certificate for Self Employed People was launched online on 1 May 2009 at <http://kids.nsw.gov.au/kids/working/certificateforselfemployedpeople.cfm>.
- ⁶² Commission for Children and Young People (2003). *Annual report 2002-2003*. NSW Commission for Children and Young People: Sydney : p32.
- ⁶³ New South Wales Government, op.cit., as in force 1 February 2007, s34.
- ⁶⁴ Commission for Children and Young People (2009). *AWARE : A model for estimating applicant and workplace risks in NSW for child-related employment background checking*. NSW Commission for Children and Young People: Sydney, viewed 1 April 2009, <<http://kids.nsw.gov.au/kids/resources/publications.cfm>>.
- ⁶⁵ Smallbone, S., Marshall, W.L. & Wortley, R. (2008). *Preventing child sexual abuse : evidence, policy and practice*. Willan Publishing: Cullompton, Devon : p169.
- ⁶⁶ Commission for Children and Young People (2008). *Annual report 2007-2008*. NSW Commission for Children and Young People: Sydney : p61.
- ⁶⁷ Calvert, interview 2008.
- ⁶⁸ Australian Institute of Family Studies. *Commissioners and Guardians for Children: a national snapshot*. Australian Institute of Family Studies: Melbourne, viewed 20 December 2008, <<http://www.aifs.gov.au/nch/resources/commissioners/commissioners.html>>.
- ⁶⁹ Standing Committee on Social Issues (1996). *Inquiry into Children's Advocacy*. Parliament of New South Wales Legislative Council: Sydney : pxiii.
- ⁷⁰ Calvert, interview 2008.
- ⁷¹ *ibid.*



nsw commission for
children & young people

NSW Commission for Children and Young People

Level 2, 407 Elizabeth Street, Surry Hills NSW 2010

Telephone 02 9286 7276

Facsimile 02 9286 7267

TTY 02 9286 7286

Email kids@kids.nsw.gov.au

Website kids.nsw.gov.au

