

Office of the Children’s Guardian

Responses to Parliamentary Joint Committee hearing – questions on notice and supplementary questions

Page	Questions on Notice	Response
4	1. On 30 June 2015 the workers compensation insurance was \$9,000 and in 2017 it is \$70,000. To what do you attribute the increase?	Allianz, the OCG’s workers compensation insurer, issue tax invoices in June for premiums payable for the following financial year. For the financial year 2014-15 the tax invoice of \$78,006.19 (ex GST) was prepaid in June 2014. Therefore, it is not reflected as an expense in the financial statements for the year ended 30 June 2015. In other words, the apparent increase can be explained by the fact that \$78,006.19 was pre-paid in June 2014 for workers compensation. Put together with the \$9,000 which was recorded for workers compensation insurance on 30 June 2015, the amounts are broadly consistent between 2015 and 2017.
6	2. In your evidence you made reference to map outlining jurisdictional differences. Could you please provide a copy to the Committee?	An extract from the Royal Commission into Institutional Responses to Child Sexual Abuse report on working with children checks is provided.
7	3. In relation to girl “x”, did the alleged offender have a Working with Children Check certificate at the time of the offence?	Yes, the individual had a WWCC clearance at the time of the offence. The clearance has since been cancelled.
9	4. What were the outcomes and/or penalties for the employer that was convicted in relation to employing individual(s) who had been barred from working with children?	A referral was made to the NSW Police Force to prosecute an employer in 2015 after an individual was convicted of an offence of engaging in child-related work without holding a working with children check clearance. The NSW Police Force decided not to prosecute the employer. In addition three employees have been successfully prosecuted in relation to working with children without holding a current working with children check clearance.
10	5. Do you receive complaints from young people, or parents or friends of young people, who know of things going on in a workplace and feel like they need to report it to you?	The OCG occasionally receives enquiries from members of the public regarding workplace issues involving the employment of children. In the financial year 2015-16 we received two enquiries regarding the employment of children in industries other than entertainment, exhibition, still photography, door-to-door sales or modelling, and referred these individuals to the Fair Work Ombudsman.
Supplementary Questions		
	1. In relation to the current circumstances ¹ where parents or close relatives require a Working With Children Check, do you foresee additional circumstances being included?	The current statutory review process is considering the treatment of parents on overnight excursions or stays in accordance with the recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse and invites comment on whether the current scope of the Act is appropriate.

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	<p>2. Does the Working With Children Check have reference to an individual’s record in international jurisdictions? How do Working With Children Checks operate in relation to workers on visas?</p>	<p>The Child Protection (Working with Children) Act 2012 outlines in Schedule 2 the following references to international records; Schedule 2 Disqualifying offences 1 Specified offences (1) The following offences are specified: (z) an offence under a law of another State or a Territory, the Commonwealth or a foreign jurisdiction that, if committed in New South Wales, would constitute an offence listed in this clause</p> <p>Workers on visas are required to have a WWCC if they are engaged in child-related work in NSW. The same process applies as well as registration for continuous monitoring by NSW Police. The NSW WWCC does not have reach in to foreign jurisdictions criminal databases, however, employers have the capacity when they are aware that a worker has lived in a foreign jurisdiction to seek the equivalent of a National Police Check certificate from that employee as part of the probity checking process for determining whether they are a fit and proper person to be employed by that employer. This is consistent with Child Safe practices and is encouraged as part of the Child Safe learning package.</p>
	<p>3. Are there are aspects of the legislation that governs your work that could be updated?</p>	<p>Potential updates to the legislation are being considered as part of the current process of statutory review. A number of other matters which are consistent with current policy underpinnings are being progressed separately from the statutory review.</p>
	<p>4. In the 2015/2016 reporting period, how many times was the Office of the Children’s Guardian contacted about children’s employment issues other than those in the entertainment, exhibition, still photography, modelling and door-to-door sales industries? From which industries did these enquiries come from?</p>	<p>The OCG received two enquiries during the 2015-16 reporting period. One enquiry was from a 14-year-old boy who was seeking advice about establishing a lawn mowing business and the other was from a parent seeking advice regarding her 15-year-old daughter who was employed to work in a coffee shop.</p>
	<p>5. Do you believe that the Office of the Children’s Guardian should have a greater remit regarding matters associated with children’s employment? If so, can you provide details.</p>	<p>The OCG has a particular role in the regulation of children in certain industries because of the particular risks to children in these work environments. The OCG does not see a need to widen the scope beyond what is currently provided for in the legislation as there are other regulatory bodies, such as the Fair Work Ombudsman, that can address industrial issues. In circumstances where there are child protection concerns related to a child or young person’s employment, Family and Community Services are responsible for responding to any allegations regarding risk of significant harm.</p>

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8	6. Could you please provide a copy of the Guidelines referred in your evidence on page 8?	A copy of the guidelines is provided.
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