

Obj File Ref: A3969273

Emma Wood
Committee Manager
Committee on Children and Young People
Parliament of NSW
Macquarie Street
SYDNEY NSW 2000

Dear Ms Wood

Re: Inquiry into 2018 Review of the Annual Report of the Advocate for Children and Young People and functions of the Children's Guardian

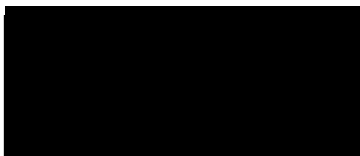
I am writing in response to your correspondence of 8 May 2018. I appreciate the opportunity to review the proof of transcript of oral evidence given at the hearing of the Committee on Children and Young People on 30 April 2018.

The transcript accurately reflects the evidence that was given at the hearing with one minor correction page 2 in relation to the spelling of my name, see attached.

I have also attached for your information a response to the question taken on notice by Ms Niles during the hearing.

If you would like more information about this, please contact me on [REDACTED].

Yours sincerely



Janet Schorer
Children's Guardian
11 May 2018



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Question from Ms Jodie Harrison taken on notice by Ms Niles:

Of the 121 applications, how many were upheld by NCAT?

Page 18 of the Annual Report refers to 121 applications for review to NCAT in 2016-17. This is a point in time reflection of the number of applications at the time of preparing the Annual Report.

The overall number of applications for review and outcomes since commencement of the new Check provides a more complete picture of robustness on the internal WWCC assessment process. Those figures are as follows:

By the end of the 2016/2017 financial year 518 WWCC applicants had sought review or appeal at NCAT. Out of the 518 applications that were made to NCAT, 180 matters were dismissed, 11 decisions are pending and 327 decisions were made.

It is important to note that there are three reasons individuals can seek a review to NCAT:

- in relation to decisions where the Guardian has determined that the individual poses a risk to children following a comprehensive assessment of risk;
- on appeal in matters where an individual has been automatically barred or refused a clearance;
- or after an interim bar has been in place for 6 months.

NCAT overturned a decision of the Children's Guardian in approximately 51% of its decisions (ie. 167 applications). Importantly, about half of these matters (82 cases) related to automatic bars where the Guardian has no discretion but to automatically bar the individual.

The overall outcomes reflect a robust internal assessment process and confidence in the OCG's decision making, with only a small number of matters in which the Guardian made an assessment of risk not being upheld by NCAT.