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The Hon Helen Dalton MLA
Chair, Committee on Children and Young People
NSW Parliament
Macquarie Street SYDNEY NSW 2000

By email: childrenyoungpeople@parliament.nsw.gov.au

19 April 2024

Dear Ms Dalton

2024 Review of the Annual Reports and other matters of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian

Thank you for the opportunity to appear before the Committee on Children and Young People at its recent hearing as part of the 2024 review of the annual reports and other matters of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian.

Please find below responses to questions on notice, and clarifications of some mistakes of fact.

Question on notice 1, from Dr Amanda Cohn:

My first question is about the Child Safe Self-Assessment. I was very interested that in your annual report there was a huge variation between sectors on the use of that tool. For example, it was 877, I think, for early childhood education care, but only one in justice and corrective services. Have you done any analysis to understand why that is? And how does that impact your work?

As highlighted in my verbal evidence on 18 March 2024, the key challenge of implementing the Child Safe Scheme is the scale and diversity of the organisations under the scheme. The number of organisations under the Child Safe Scheme runs into the tens of thousands, and includes a broad spectrum of organisations ranging from large Government organisations to very small volunteer-run community organisations. At present, different sectors are at different stages of awareness and engagement with the Child Safe Scheme and Standards.

The development and implementation of a strategy to reach those sectors and parts of sectors where we have limited engagement at present is a key priority of the OCG. We have recently engaged 5 new Strategic Directors in the Child Safe area to drive this critical work.

The OCG proposes to provide substantial funding to each of the bodies prescribed under Part 3A of the *Children's Guardian Act 2019*, to facilitate the effective implementation of their Child Safe Action Plans across a broad range of sectors. The funding would be focused on enabling prescribed agencies to fulfil their leadership responsibility to create

child safe cultures across their sectors. In particular, the funding would be used to develop, implement and monitor child safe policies, procedures, practices and related governance arrangements.

In addition, we note that we also are seeking to allocate funding to a consortium that would act on behalf of religious entities to undertake the same type of Child Safe development activity that we've described above. We note that the above funding proposal is dependent on Government approving the allocation for this purpose of funds that we have accrued.

Therefore, it is hoped that, with the roll-out of this funding, this would produce a greater level of consistency across sectors, in relation to the proper development and implementation of relevant policies. One proxy indicator of the success of this proposal would be greater use of the Child Safe Self-Assessment tool across all relevant sectors.

Question on notice 2 from Dr Amanda Cohn:

Could you outline each occasion that the department engaged an external consultant and what the purpose of that was?

2021-22 : Nil consultants engaged

2022-23:

- University of Sydney, engaged to conduct a review of the safety of children in Out-of-Home Care - \$76,680.
- Instinct and Reason Pty Ltd engaged to progress the OCG Communication Strategy, including implementing a reputation tracking project to measure progress and identify areas for further work - \$17,675.

2023-24: We would be happy to provide details of consultants engaged to date this financial year, if the Committee would find this helpful.

Question on Notice 2023

In discussions with the Committee last year, a question on notice was raised relating to overseas applicants for WWCCs. I now provide the following response:

Applying for a WWCC from overseas

- People outside of Australia who wish to engage in child-related work in NSW can only apply for a WWCC once they are in NSW, due to the need to establish their identity in Australia.

Overseas convictions

- A critical issue is the need to access police records held in overseas jurisdictions where the person has lived.
- Related to this issue, when section 36C of the *Child Protection (Working with Children) Amendment Bill 2022* commences, it will impose a duty on WWCC applicants and WWCC holders seeking to renew their WWCC to disclose if they have been convicted offence outside of Australia.

- Section 36C has been passed by the NSW Parliament, but has not yet commenced. Once it commences, the WWCC application form will include the requirement to declare overseas convictions. We are also currently developing related procedures for managing this process.

Corrections of errors in Steve Kinmond's evidence:

Mistakes of fact in Steve Kinmond's evidence are corrected below, in tracked changes.

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"We're also currently looking at the ACA service provision at the moment via an inquiry we're carrying out. We're happy to go into those details. Larissa can speak to where that work is at. We recently commenced that in September of last year, and it highlights some important quality assurance issues that need to be addressed in that area. Reportable conduct is a scheme that involves notification of a whole range of serious allegations against the employees and volunteers across a whole range of sectors, involving the Department of Communities and Justice and the out-of-home care area, the education sector, the early education area, religious bodies and public authorities generally. We noted last year that there was a ~~34~~ 20 per cent increase in reports of reportable conduct matters, and that has continued to increase this year as well. The numbers are up by an additional ~~20~~ 34 per cent increase in reportable conduct matters.

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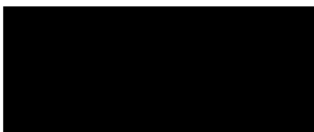
We've got our house in order in terms of our oversight; that then enables us, with our house in order, to provide more practical assistance. That has a significant return in terms of the quality of investigative practice and reducing risk to children, and introducing and ensuring there is fairness to the subject of the allegations. ~~Despite an increase in notifications — I said 34 per cent, which was inaccurate; it was 21 per cent on the last four years. I correct the record on that.~~ We have reduced the total number of open reports overall by 18 per cent. There are some issues in that area that I'd be happy to talk about, but as I'm supposed to make a brief introduction, I will stop at this point in time."

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"Treasury has indicated to us that they want to move beyond one-off funding to ensuring that there is some certainty in relation to our funding base, so we have been preparing a submission for consideration by government as to a fees increase in relation to our NDIS Worker Check and Working with Children Check, which are by far and away the lowest in the country".

Please do not hesitate to contact me if we can provide any further information in relation to the above issues.

Yours sincerely



Steve Kinmond OAM
NSW Children's Guardian