

## **QUESTIONS ON NOTICE**

### **PARLIAMENT OF NSW** **COMMITTEE ON CHILDREN AND YOUNG PEOPLE**

#### **PUBLIC HEARING 15 AUGUST 2025** **2025 REVIEW OF THE ADVOCATE FOR CHILDREN AND YOUNG PEOPLE** **AND THE CHILDREN'S GUARDIAN**

##### **1. QUESTION:**

**Ms DONNA DAVIS:** With those roadshows, what format do they take?

**RACHAEL WARD:** Presentation format.

**Ms DONNA DAVIS:** And how are you presenting? Are they being presented to specific groups, or are they more wide in the community?

**RACHAEL WARD:** Both. They will go to our bigger government organisations—DCJ [Department of Communities and Justice], Department of Education, Health, Office of Local Government, Office of Sport, and childhood and Custodial Services. That is one cohort of government agencies where we provide the resources, we train at that high level, and then the expectation is that they train down. For the roadshows, when they go out to communities, the team travels around New South Wales regional towns. It'll be held at the local PCYC; it could be held at a big venue at Penrith. That has a mix of people come. It will be people from the early childhood sector, the Department of Education. It may be family day care centres. Any number of sporting groups is another one—the local sporting groups. They will attend, and the presentations take the form of individual presentations done by the child safe trainers on each of the standards. It's an interactive PowerPoint presentation with the lead trainer leading the room. There are some collaborative exercises as well, particularly around recruitment.

**Ms DONNA DAVIS:** Do tutoring colleges fall into the categories? That might be something you may not know off the top of your head. When I say tutoring—tutoring colleges of all ages. We have tutoring colleges now that are even for preschoolers.

**RACHAEL WARD:** I am sure that is a part of the amendments to the Children's Guardian Act, but I might take that on notice. I can get the specific section for you and when that is going to be enacted.

##### **ANSWER:**

I am advised:

- Government schools, non-government schools, and approved education and care services within the meaning of the *Children (Education and Care Services) National Law (NSW)* or the *Children (Education and Care Services) Supplementary Provisions Act 2011*, are child safe organisations under the *Children's Guardian Act 2019*.

- Tutoring colleges that provide instruction in a particular activity to children, such as academic instruction in maths, English or science, are not child safe organisations under the *Children's Guardian Act 2019*.
- However, individuals who provide tuition to children are required to hold a Working with Children Check clearance under the *Child Protection (Working with Children) Act 2012* and the associated regulations.
- The Office of the Children's Guardian will conduct a review of the Child Safe Scheme in 2026, including reassessing which organisations fall within the Scheme's scope.

## 2. QUESTION:

**Dr AMANDA COHN:** Just on one other topic, other members know that I live in Albury-Wodonga, so I've got a bigger interest than most in interjurisdictional issues. This Committee has looked before at the issues with information sharing between other states and territories. Has there been any progress on that work?

**RACHAEL WARD:** At the moment, you might have seen—I'm sorry, I didn't answer Ms Voltz's question fulsomely before, when she asked about the national reform work. That is exactly what's on the table at the moment. The Commonwealth government has committed to having—I'm going to call it a strike force.

**ALEXIS BRADSHAW:** Taskforce.

**RACHAEL WARD:** A taskforce, yes—that's what they're called. Thank you, Alexis. A taskforce to refocus and draw together the states, to tackle this first issue of, how do we share information between states? New South Wales does have the ability to share information with other states, quite robustly. That's not the same for other jurisdictions, so urgent legislative reform, I think, would be required. But in the meantime, if we can get some protocols working between the states, New South Wales are fully supportive of that.

**Dr AMANDA COHN:** Is there a time frame on that national work?

**RACHAEL WARD:** I think by the end of the year they're hoping to have a very clear road map.

**Dr AMANDA COHN:** Do you know if the Office of the Cross-Border Commissioner has been involved at all?

**RACHAEL WARD:** I would have to take that on notice.

## ANSWER:

Our office is not aware whether the Cross-Border Commissioner has been involved, however Chris Collett, First Assistant Secretary of the WWCC Reform Taskforce would be best placed to confirm this.

### **3. QUESTION:**

**The Hon. SCOTT BARRETT:** I've just got a couple of questions about out-of-home care, if that's okay. Have we got some stats around the number of kids in New South Wales that are currently housed in out-of-home care?

**LARISSA JOHNSON:** DCJ [Department of Communities and Justice] holds those records, but it is around 14,000. We can come back to you with that.

### **ANSWER:**

Our office provided the Committee with a contact at DCJ to share with The Hon Scott Barrett for a response to this question.

### **1. FOLLOW UP QUESTION RELATING TO ABOVE:**

**The Hon. SCOTT BARRETT:** That 14,000, is the general consensus that that number is going up or down?

**LARISSA JOHNSON:** There has been a downward trend, in terms of children and young people entering out-of-home care.

**The Hon. SCOTT BARRETT:** I'm not sure whether we can get those stats provided, but can that also include some trends with that as well?

**LARISSA JOHNSON:** Sure. As I said, they are numbers that DCJ hold, but we'll be able to provide that to you, or link you to the appropriate area that can provide the detail to you.

### **ANSWER:**

As above

### **2. QUESTION:**

**The Hon. STEPHEN LAWRENCE:** In terms of compliance, how effective is the reportable conduct system working? When you do your spot checks and the like, or work on the basis of complaints, how often are you finding that reportable conduct in relevant organisations is not being reported within seven days?

**RACHAEL WARD:** I might have to take that question on notice, that specific. In terms of compliance action, I do have some figures.

### **ANSWER:**

Data about notification timeframes over the 2024 – 2025 financial year is available for 2010 notifications (of 2836).<sup>\*</sup> Of those, 79% were received within 7 days of the Head of Relevant (HRE) entity becoming aware of the reportable allegation. There is an exception to the 7-day notification requirement when the HRE has a reasonable excuse for taking longer to make the notification. In the 21% of notifications (587) made outside the 7-day timeframe, whether a reasonable excuse was present has been recorded in 397.<sup>\*\*</sup> In those matters, 49% of HREs presented a reasonable excuse for the delayed notification.

The OCG only considers compliance action in connection with notifications made outside the 7-day timeframe in the case of either repeat failures by an entity or else an egregious failure indicative or suggestive of the failure being wilful. At present, we are considering compliance action against one relevant entity for repeated failures to make timely notifications.

<sup>\*</sup>The data is not available for notifications from the Department of Communities and Justice and Department of Education, which do not make notifications through the OCG's portal. Compliance by those agencies is monitored, however not captured in the same data as other relevant entities. Both departments have strong compliance against the 7-day notification requirement.

<sup>\*\*</sup> This is data is mandatory for input at the conclusion of a matter.

### **3. QUESTION:**

**ALEXIS BRADSHAW:** In the year 2024-25, the last financial year, 7,531 individuals who held a clearance in New South Wales were charged with offences that the Working with Children Check reviewed. Not all of those would have been schedule 1 or 2 records. Our law part code list that we have with New South Wales Police extends beyond those schedules, which enable us to ensure that no relevant record is missed by our agency.

**The Hon. STEPHEN LAWRENCE:** In terms of that cohort of people—the people committing criminal offences during the period of their clearance—do you know, even roughly, how many of those are we talking about criminal conduct that is being committed while working with children and doing the things that the check clearance allowed them to do?

**ALEXIS BRADSHAW:** We don't have that data. Anecdotally, because of the nature of the charge being a criminal charge, it is typically conduct which has occurred outside of the workplace.

**The Hon. STEPHEN LAWRENCE:** Outside of the workplace?

**ALEXIS BRADSHAW:** Outside of the workplace.

**The Hon. STEPHEN LAWRENCE:** Do you have an idea of the rough percentage? Would we be talking about 80 or 90 per cent that is not work related? Would it be lower, or do you not have a sense of it?

**ALEXIS BRADSHAW:** I might take that question on notice.

**ANSWER:**

We do not hold specific data on the location/environment where all continuous check events (CCE) have occurred and therefore are unable to confirm the breakdown of what conduct occurred in the workplace. However, as an indication of the 'rough percentage', 517 (6.5%) workplace misconduct notifications were received in FY 24/25.

**4. QUESTION:**

**The Hon. STEPHEN LAWRENCE:** I appreciate that this might not be information that you hold, but how many cases have you had where someone has been granted the Working with Children clearance on merits review in the tribunal and where they've gone on to engage in either relevant criminal offending or reportable conduct?

**RACHAEL WARD:** We'd have to take that question on notice.

**ANSWER:**

This data is not readily available. To obtain this data, it would require significant resources to cross match and reconcile NCAT decision against the WWCC database to confirm whether any further adverse records were received. Noting the data may not provide an accurate depiction given some individuals may not have renewed their WWCC.

**5. QUESTION:**

**The Hon. SCOTT BARRETT:** Just a little bit more data for my purposes, as far as the Working with Children Check goes, I presume you also track the purpose—whether it is work related or whether they're part of volunteer organisations. Can I get a breakdown of what that might be? How many people are doing this for volunteer purposes versus work?

**RACHAEL WARD:** We'll have to take that on notice. We've got the total number, but I don't have the breakdown between volunteers and paid worker checks.

**ANSWER:**

Of the total WWCC applications and renewals received in FY 24/25, 157,381 (35.5%) were volunteer applications and 284,405 (64.5%) were paid applications.

**6. FOLLOW UP QUESTION RELATING TO ABOVE:**

**Ms LYNDA VOLTZ:** Would you have that, though, for the 7,000 that you found to have had an offence? Did you have a breakdown between those for whether that was for employment purposes or volunteer purposes?

**ALEXIS BRADSHAW:** We'd need to take that on notice as well.

**ANSWER:**

Of the total CCEs received, 29% of individuals held a volunteer WWCC and 71% held a paid application.