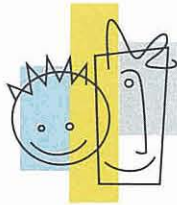


**Submission  
No 48**

## **INQUIRY INTO 2008 LOCAL GOVERNMENT ELECTIONS**

**Organisation:** NSW Commission for Children and Young People  
**Name:** Ms Gillian Calvert  
**Position:** Commissioner  
**Date Received:** 18/05/2009

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nsw commission for  
children & young people



The Hon Cherie Burton MP  
Chair  
Joint Standing Committee on Electoral Matters  
Parliament of NSW  
Macquarie St  
SYDNEY NSW 2000

Dear Ms Burton

I am writing regarding the Inquiry into the 2008 local government elections. I am pleased to provide the following comments.

Under the *Commission for Children and Young People Act 1998* ("the Act"), one of the principal functions of the Commission is to participate in and monitor background checking for child-related employment.

A small number of local councils have suggested to the Commission that candidates for election to local government be required to have a Working With Children background check.

Under the Act, the Working With Children Check background checks are carried out for three categories of employee:

- preferred applicants for paid child-related employment;
- ministers, priests, rabbis, muftis or other religious leaders or spiritual officials of religion seeking child-related employment; and
- foster carers.

Some minor additions were made to this list by the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009*, but they are yet to be proclaimed.

The Working With Children background check targets employees whose roles require them to have direct, unsupervised contact with children and therefore present potentially higher risks to children. For example, in local government, background checks are undertaken for child care staff, youth workers, children's librarians and some recreation staff.

The role of a local councillor role and the nature of their contact with children do not constitute a risk high risk to children. For these reasons, I do not believe that Working With Children background checks are appropriate for local government election candidates.

In addition, since 2007 all candidates for election to the NSW Parliament have been required to make a child-related conduct declaration under Division 5A of the *Parliamentary Electorates and Elections Act 1912 (NSW)*. The Commission audits these declarations for accuracy and reports to Parliament on the outcomes of this audit.

It has been suggested that these declarations could be extended to local government election candidates.

State Parliamentarians deal with a wide range of policy, legislation and funding issues involving children: health, education, child protection, juvenile justice, child care and sport, among many others. Children, parents and organisations wishing to raise matters of State Government responsibility are likely to contact a local Member of Parliament. Local councillors' involvement, though highly important, involves a narrower range of issues. Community members wanting to raise a local government issue are likely to contact the Council's office and speak to a staff member, rather than an elected councillor. It seems to me inappropriate to therefore require child-related conduct declarations from local government candidates.

If there are concerns that councillors could pose risks to children, it would be more appropriate to encourage councils to manage their risks through adopting child-safe and child-friendly policies and practices. This would be both more effective and efficient than requiring checks or auditing declarations.

The Commission promotes and implements child-safe, child-friendly strategies to help organisations become better places for children. Our website has resources and tools to help organisations become Child-safe and child-friendly. We would be happy to talk with councils about tailoring our child-safe, child-friendly resources to help them manage their risks to children.

If you require any further information, please contact the Commission's Manager, Policy, Maj-Britt Engelhardt at [REDACTED] or on [REDACTED]

Yours sincerely



**Gillian Calvert**  
**Commissioner**  
14 May 2009