

**INQUIRY INTO FOLLOW UP OF AUDITOR-GENERAL'S  
PERFORMANCE AUDIT REPORTS OCTOBER 2009 TO  
SEPTEMBER 2010**

**Organisation:** NSW Commission of Children and Young People  
**Name:** Ms Megan Mitchell  
**Position:** Commissioner  
**Telephone:** 9286 7276  
**Date Received:** 5/08/2011

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**Theme:**

**Summary**



Mr Jonathan O'Dea MP  
Chair  
Public Accounts Committee  
Parliament of New South Wales  
Macquarie Street  
Sydney NSW 2000

Dear Mr O'Dea

I am writing in response to your request that NSW Commission for Children and Young People provide a submission outlining the action taken in response to the Auditor-General's report on the Working With Children Check (the Check). I have enclosed a summary of the recommendations and the action taken to implement them.

The Commission has implemented all the recommendations of the report. I reported this to the Auditor-General in February 2011.

The recommendations and findings of the Auditor-General's report have provided strategic direction to the work of the Commission, providing many benefits to the community.

The Commission has implemented an enhanced education, monitoring and audit program which targets child-related sectors at high risk of non compliance with the Working With Children Check.

Several of the Auditor-General's findings and recommendations can be implemented only through legislative change. The former Minister for Youth commenced a review of the Commission's legislation in 2010 following the Auditor-General's Audit Report. The Minister for Citizenship and Communities, the Hon Victor Dominello MP tabled the Report of this review on 2 August 2011. The recommendations of the review will, if implemented, deliver the changes indicated by the Auditor-General.

The Commission is working with an interagency committee to plan the changes that will be required if the review's recommendations are adopted.

The full cost of implementing the recommendations is yet to be determined as the changes to legislation require significant changes to the structure and focus of the Commission. I would be happy to provide additional information if you require it.

Yours sincerely

**Megan Mitchell**  
**Commissioner**

31 July 2011

Encl: Table of recommendations and responses

**PERFORMANCE AUDIT – WORKING WITH CHILDREN CHECK, NSW COMMISSION FOR CHILDREN AND YOUNG PEOPLE  
IMPLEMENTATION OF RECOMMENDATIONS**

Recommendation	Accepted or Rejected	Actions to be taken	Due Date	Status/ Comment	Responsibility
1 Reduce the risk of prohibited people working with children	Accepted	<p>The Commission will:</p> <ul style="list-style-type: none"> <li>a) have all volunteer organisations register with the Commission;</li> <li>b) move to direct electronic lodgement to the Commission of the Prohibited Employment Declaration by volunteers;</li> <li>c) undertake regular audits to check that volunteers are completing Prohibited Employment Declarations and are not prohibited persons;</li> <li>d) make sure that organisations and parents check that self-employed people have current certificates.</li> </ul>	Dec 2010	<p>Completed to the extent possible under current legislation; changes proposed to Government.</p> <p>Completed to the extent possible under current legislation; changes proposed to Government</p> <p>Completed</p> <p>Completed</p>	Commission for Children and Young People
2 Improve compliance with the WWCC	Accepted	<p>The Commission will:</p> <ul style="list-style-type: none"> <li>a) undertake regular audits to ensure all employers who are required to request the check are in fact doing so;</li> <li>b) implement provisions to only check certain short term employees once every 12 months;</li> </ul>	Dec 2010	<p>Completed</p> <p>Unable to complete without statutory change; proposed changes to Government</p>	Commission for Children and Young People

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

	Recommendation	Accepted or Rejected	Actions to be taken	Due Date	Status/ Comment	Responsibility
			c) screen applications and only process checks for child-related employment.		Completed	
3	Improve risk estimate outcomes	Accepted	The Commission will: a) ensure consistent practices amongst screening agencies by December 2010; b) complete the evaluation of AWARE as planned.	Dec 2010	Completed  Commenced; on track	Commission for Children and Young People
4	Manage risks following employment	Accepted	The Commission will: a) ensure employers of significant risk employees implement Child Safe Child Friendly strategies; b) identify people that have committed a prohibited offence while in child-related employment and advise Police.	June 2010	Completed  Unable to complete without statutory change; proposed changes to Government	Commission for Children and Young People
5	Improve the reliability of checks	Accepted	The Commission will: review its approach to collecting and analysing relevant employment information and review the usefulness of apprehended violence orders.	Dec 2010	Commenced; on track	Commission for Children and Young People