



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 2

MEMORANDUM

To	Hon Tony Catanzariti MLC Hon Arthur Chesterfield-Evans MLC Hon Patricia Forsythe MLC Revd Hon Gordon Moyes MLC Hon Melinda Pavey MLC Hon Christine Robertson MLC Hon Henry Tsang MLC	cc:	Hon Don Harwin MLC Hon Peter Primrose MLC Hon Eddie Obeid MLC Hon Catherine Cusack MLC Hon Patricia Forsythe MLC Hon Amanda Fazio MLC
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From Tanya Bosch

Subject Answers to questions on notice – Tourism, Sport and Recreation, Women

Date 27 October 2004

Reference

Please find attached a copy of the answers provided to the questions taken on notice by the Hon Sandra Nori MP, Minister for Tourism, Sport and Recreation and Women, at the Budget Estimates hearing on Friday 17 September 2004.

Tanya Bosch
Director, Budget Estimates



**LEGISLATIVE COUNCIL
BUDGET ESTIMATES COMMITTEE
QUESTION ON NOTICE**

**LEGISLATIVE COUNCIL
COMMITTEES**

27 OCT 2004

RECEIVED

Berry Sport and Recreation Centre – The Hon Melinda Pavey – to Minister for Tourism, Sport and Recreation and Minister for Women

Minister are you aware of the case of an employee at the Berry Sport and Recreation Centre who was dismissed for sexual misconduct in 1999 after multiple previous allegations of inappropriate behaviour of a sexual nature, including one case of a disabled client, approximately 16 years old, who was inappropriately touched by the employee?

Answer: Arising from allegations of inappropriate conduct by a temporary staff member employed at the Berry Sport and Recreation Centre during a program run at the Centre in January, 1999, an external and independent investigation was conducted. The complaints were made by work experience adults assisting in program supervision and did not involve a disabled client. The nature of the allegations did not require involvement of the NSW Police.

The investigation found that “the behaviour of the temporary employee, although unintentional, constituted sexual harassment under the Department’s policy.” Accordingly, the Director-General informed the employee that his employment contract would not be renewed and his services were terminated.

Approved

A handwritten signature in black ink, appearing to read 'Sandra Nori', written over a horizontal line.

SANDRA NORI MP
Minister for Tourism and Sport and Recreation
Minister for Women



**LEGISLATIVE COUNCIL
BUDGET ESTIMATES COMMITTEE
QUESTION ON NOTICE**

Recruitment procedures in place within the Department to ensure that a person dismissed for sexual misconduct could not be employed at another sport and recreation centre – Chair – to Minister for Tourism, Minister for Sport and Recreation and Minister for Women

What policy does the Department have in place to ensure that an employee sacked for sexual misconduct cannot be re-employed at another sport and recreational centre in New South Wales?

Answer: The Department provides an Approved Screening Agency service to the sport and recreation industry throughout New South Wales. People who apply to work with children are subject to the *Working with Children Check* which helps to ensure the appropriateness of people engaged to deliver services to children. These checks include a relevant criminal history check, a check on relevant Apprehended Violence Orders and a check on relevant employment proceedings including incidents of sexual misconduct. In addition to these checks, the Department's recruitment procedures for employees working in sport and recreational centres includes compliance with the requirements of the Public Sector Employment and Management Act 2002 and the procedures outlined in the NSW Government Personnel Handbook. This includes a check of previous service and referees checks.

All positions in the Department's Sport and Recreation Centres are considered to be child related positions. The Department's Child Protection Policy and Procedures outlines the processes to be followed prior to engaging a person in a child related role as well as the requirements for employees appointed to deliver services to children. The recruitment procedures are further outlined in Departmental Circulars circulated to all staff with employment responsibilities.

Approved

A handwritten signature in black ink, appearing to read 'Sandra Nori'.

SANDRA NORI MP
Minister for Tourism and Sport and Recreation
Minister for Women



**LEGISLATIVE COUNCIL
BUDGET ESTIMATES COMMITTEE
QUESTION ON NOTICE**

Number of dismissals for sexual misconduct since 1998 – The Hon Melinda Pavey – to Minister for Tourism and Sport and Recreation, and Minister for Women.

Can the Minister provide information on the number of employees dismissed from the department for sexual misconduct since 1998?

Answer: Since 1998, one departmental staff member [a temporary employee] has been dismissed for sexual misconduct.

Approved

A handwritten signature in cursive script, appearing to read 'Sandra Nori'.

SANDRA NORI MP
Minister for Tourism and Sport and Recreation
Minister for Women



**LEGISLATIVE COUNCIL
BUDGET ESTIMATES COMMITTEE
QUESTION ON NOTICE**

Termination of contract – Lisbet Dean, Executive Director, Sport and Recreation – The Hon Melinda Pavey – to Minister for Tourism and Sport and Recreation, and Minister for Women –

Can the Minister provide details of the amount received by Ms. Lisbet Dean for her 39-week termination payment?

Answer: In accordance with a decision of the Statutory and Other Offices Remuneration Tribunal, Ms. Dean was paid an amount of \$152,610 in accordance with Section 78 of the Public Sector Employment and Management Act 2002.

Approved

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SANDRA NORI MP
Minister for Tourism and Sport and Recreation
Minister for Women



**LEGISLATIVE COUNCIL
BUDGET ESTIMATES COMMITTEE
QUESTION ON NOTICE**

Internal Audit Bureau Report concerning Mr Peter Nolan – Chair – to Minister for Tourism and Sport and Recreation and Minister for Women

When was the Internal Audit Bureau report completed?

Answer: May 2003

Vacating of departmental residence - Peter Nolan, former General Manager, Berry Sport and Recreation Centre – Chair – to Minister for Tourism and Sport and Recreation, and Minister for Women

Can the Minister provide information on when Peter Nolan left the Department's property and moved to his house?

Answer: Arising from the decision of the Executive Director, Sport and Recreation made on the 17th October, 2003, to formally demote and transfer Peter Nolan from his position of General Manager, with immediate effect, he was advised that he would be required to vacate the departmental 'on-site' residence that he and his family occupied. He was given two weeks to vacate the residence. This was increased to four weeks on representations from Mr. Nolan.

Approved

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SANDRA NORI MP
Minister for Tourism and Sport and Recreation
Minister for Women



**LEGISLATIVE COUNCIL
BUDGET ESTIMATES COMMITTEE
QUESTION ON NOTICE**

Berry Sport and Recreation Centre – Chair – to Minister for Tourism, Minister for Sport and Recreation and Minister for Women

Also at Berry, is it a fact that a student was injured by a maintenance officer – the student was run over by a maintenance officer on a quad-bike in April, 2004? Did the student receive appropriate medical attention and were the student's parents informed?

Answer: Arising from information received by the General Manager, Berry Sport and Recreation Centre in an 'end of camp' evaluation completed by the Principal of a public school in March, 2004, an investigation was commenced into allegations that a member of staff at the Centre had struck a student whilst operating a quad-bike.

Staff at the Centre were not immediately informed of the incident and teachers from the school initially handled the matter, including first-aid. The child suffered bruising to a thigh.

In reviewing the evidence, the Executive Director formed the view that there had been contact between the bike operated by the staff member and the child, but whether that contact had been a deliberate act on the part of the employee was difficult to determine. The employee was formally warned of expectations about the operation of quad-bikes.

A full report on the investigation was provided to the NSW Ombudsman.

Approved

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SANDRA NORI MP
Minister for Tourism and Sport and Recreation
Minister for Women



**LEGISLATIVE COUNCIL
BUDGET ESTIMATES HEARING
QUESTION ON NOTICE**

Safety procedures in place at the Berry Sport and Recreation Centre for the cable glide – Chair – to Minister for Tourism, Minister for Sport and Recreation and Minister for Women

Is it true that the cable glide activity at the centre that is meant to be run with five trained staff is normally run with only two trained staff and three untrained staff, including teachers?

Answer: The policy for operating the cable glide calls for a minimum of two trained staff. The cable glide is manned at or above the recommended level at all times. In practice there are sometimes up to five operators of the cable glide, including two trained staff and a trained Services Officer who is responsible for transporting the necessary equipment, setting the braking mechanism and maintaining radio contact between dispatch and dismount.

Approved

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SANDRA NORI MP
Minister for Tourism and Sport and Recreation
Minister for Women

**LEGISLATIVE COUNCIL
BUDGET ESTIMATES HEARING
QUESTION ON NOTICE**

Safety procedures in place at the Berry Sport and Recreation Centre for the cable glide – Chair – to Minister for Tourism, Minister for Sport and Recreation and Minister for Women

Has that activity been the subject of any internal investigation process?

Answer: The cable glide activity is currently being reviewed in terms of its operating efficiency.

Approved



**SANDRA NORI MP
Minister for Tourism and Sport and Recreation
Minister for Women**