

Annexure "I" to the Statement of Bishop  
Gregory Edwin Thompson dated June  
2016.

4 August 2014

The Hon. Gabrielle Upton, MP  
Minister for Family and Community Services  
Governor Macquarie Tower  
Level 31  
1 Farrer Place  
SYDNEY NSW 2000

Dear Ms Upton,

**Child Protection (Working with Children) Regulation 2013 and Working with Children Checks**

We write to you in your capacity as Minister for Family and Community Services

The Diocesan council has expressed the view that members of Parish Councils should be subject to the Working with Children Check. It has also considered other boards and committees with a role of overseeing work that might involve children.

Section 6 (1) of the Child Protection (Working with Children) Act 2012 states that A worker (whether paid or voluntary) is engaged in "child-related work" for the purposes of this Act if: (a) the worker is engaged in work referred to in subsection (2) that involves direct contact by the worker with children, or (b) the worker is engaged in work in a child-related role referred to in subsection (3).

Section 6 (3) provides that a number of child-related roles require a WWCC. It does not include board or committee membership. It does provide in section 6(3) (g) for any other role with respect to children prescribed by the regulations.

Much of our ministry with children is captured under section 6(2) or under regulation 13 of the Child Protection (working with children) Regulation 2013 which provides that Work for a religious organisation where children form part of the congregation or organisation is child related work, if the work is carried out:

- a) As a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of the organisation, or
- b) In any other role in the organisation involving activities primarily related to children, including youth groups, youth camps, teaching children and child care.

Members of the Parish Council or other boards and committees do not satisfy the "direct contact" or "primarily related to children" expectations of the Act and Regulations.

We respectfully suggest that Regulation 13 be expanded to include a new section (c) which reads:

***c) in any other role in the organisation which the head of the organisation determines is a role related to children***

The reason for the suggested change is so that members of boards and councils would also be captured by the regulation as they have a key role in our Diocese with:

- Regulating and approving our Safe Ministry Training
- Approving key appointments (including other board appointments) in the organisation
- Considering and approving key policies including child protection related policies
- Approving codes of conduct and expectations for church workers (including in child related activities)

Whilst these roles do not necessarily involve direct contact with children, they clearly are in an important related role to children.

We now seek your support on this matter and look forward to your response.

Yours faithfully,

**John Cleary**  
Diocesan Business Manager  
Secretary to the Diocesan Council

**Michael Elliott**  
Director of Professional Standards