



Human
Services



Reference No.: CSD 10 129037
File No: 08/9063

TO:

REDACTED

**NOTICE OF INTENTION TO IMPOSE CONDITION ON CHILDREN'S SERVICE
LICENCE FOR**

CEG

REDACTED

Issued under section 217 of the Children and Young Persons (Care and Protection) Act 1998

I give you notice that 28 days after service of this notice on you I intend to place the following additional conditions on the children's service licence for ^{CEG} REDACTED located at REDACTED ('the service') unless I am satisfied that this action is not necessary.

PROPOSED LICENCE CONDITIONS

1. The licensee and authorised supervisor of the service must not at any time permit ^{CDM} REDACTED to enter or remain on the premises of the service.
2. The licensee and authorised supervisor of the service must ensure that no person at any time permits ^{CDM} REDACTED to enter or remain on the premises of the service.
3. The licensee and authorised supervisor of the service must ensure that at no time is ^{CDM} REDACTED involved or connected in any way with the operation or management of the service.
4. The licensee and authorised supervisor of the service must ensure that if there is any breach of the above conditions notice of the breach is given immediately to the Executive Director, Children's Services, Community Services, Department of Human Services.

GROUNDS FOR PROPOSAL TO IMPOSE ADDITIONAL CONDITIONS

- I have reason to believe that [CDM] is or has been involved in, or connected with, the provision of the service and has been regularly present on the premises of the service. I am of the opinion that [CDM]'s continued involvement or connection with the provision of the service or presence on the premises of the service would constitute an unacceptable risk to the safety, welfare or well-being of a child or children enrolled with the service.
- I have therefore issued an exclusion notice under section 216 of the *Children and Young Persons (Care and Protection) Act 1998* ('the Act') directing [CDM] [REDACTED] to refrain from entering the premises of the service.
- In accordance with section 217 (1) of the Act I am required to give a copy of that direction to you, as the licensee of the service.
- This notice is issued in accordance with section 217 (2) of the Act in consequence of the issuing of the exclusion notice.

REASONS FOR ISSUING THIS NOTICE

I understand that:

- (a) on 11 November 2010 [CDM] was arrested and charged with 'indecent assault on child under ten with aggravation of person in authority x 2'
- (b) the alleged assaults were on a child enrolled at the service and are alleged to have occurred on the premises of the service
- (c) [CDM] has been bailed to appear at Court on 1 December, and
- (d) bail is subject to the following conditions:
 - (i) he is to report daily to Sutherland Police station between the hours of 8-8pm
 - (ii) he is not to have contact with the alleged victim or her family
 - (iii) he is not to approach any child under the age of 16 years
 - (iv) he is not to approach or have contact with any parent, child or staff member of the service except for your daughter
 - (v) his passport is to be surrendered within 24 hours
 - (vi) he is not to approach the service.

Having considered this information and the seriousness of the allegations, I am satisfied that there is a significant risk that [CDM] is not a fit and proper person to be involved in the provision of the service and that his continued presence on the premises would constitute an unacceptable risk to safety, welfare or well-being of a child or children enrolled with the service. I therefore consider that it is necessary to impose conditions on the service licence to address this risk.

In forming this opinion I have had regard to the objects of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998* namely:

- (a) to ensure the safety, welfare and well-being of children in children's services
- (b) to promote certain standards for those services
- (c) to ensure, as far as possible, that all persons working in those services are suitable for such work.

SUBMISSION ABOUT WHETHER CONDITIONS SHOULD BE ADDED

If you do not wish to have the conditions placed on the licence you may make a submission on the matter, within 28 days of being served with this notice, to:

Director, Central Licensing and Regulatory Support
Children's Services Directorate
Community Services
Department of Human Services
Locked Bag 4028
ASHFIELD NSW 2131

INQUIRIES REGARDING THIS NOTICE

Any inquiries regarding this notice should be made to Carolyn Strange, Director, Central Licensing and Regulatory Support, Community Services, Department of Human Services

(REDACTED).

REDACTED

**Jennifer Mason
Director General
Human Services**

Date: 15/11/2010.