



# NSW DEPARTMENT OF COMMUNITY SERVICES

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Reference No.: CSD 10/129754  
File No: 08/9063

TO:

REDACTED

## NOTICE OF IMPOSITION OF CONDITIONS ON CHILDREN'S SERVICE LICENCE FOR

CEG

REDACTED

Issued under section 217 of the Children and Young Persons (Care and Protection) Act 1998 and clauses 26 and 27 of the Children's Services Regulation 2004

Notice of the intention to impose additional conditions on the children's service licence ('the licence') for CEG at REDACTED (the service) was given by notice dated 15 November 2010. A submission was received in response to the notice from REDACTED on 9 December 2010 and I took the submission into account in deciding whether to impose the conditions.

### ADDITIONAL LICENCE CONDITIONS

I have decided to impose the following additional conditions on the licence for the service:

1. The licensee and authorised supervisor of the service must not at any time permit CDM 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 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 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.

### DATE FROM WHICH CONDITIONS TAKE EFFECT

The conditions take effect from Wednesday 29 December 2010.

#### GROUNDS FOR IMPOSITION OF 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.

#### REASONS FOR ISSUING THIS NOTICE

I understand that:

- (a) On 11 November 2010 [CDM] was arrested and charged with indecent assaults on a child enrolled at the service and that the assaults are alleged to have occurred on the premises of the service.
- (b) [CDM] was then bailed on conditions which are now to the following effect:
  - (i) he is to be of good behaviour
  - (ii) he is to report to Sutherland Police Station once each Monday between 8am and 8pm
  - (iii) he is not to contact or approach the alleged victim or her family
  - (iv) he is not to contact or approach any child and/or parents attached to the service apart from his daughter
  - (v) he is not to be alone with, contact or approach any child under the age of 16
  - (vi) he is to surrender his passport
  - (vii) he is not to enter or approach the service except on Saturdays and Sundays.
- (c) On 15 December 2010 [CDM] was charged with indecent assault on another child enrolled at the service and the assault is alleged to have occurred on the premises of the service.
- (d) The police have indicated that they will be requesting amendment of the conditions of [CDM]'s bail to include a condition that he not approach or contact this second child or any of her family members.

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 presence on the premises would constitute an unacceptable risk to the safety, welfare or well-being of a child or children enrolled with the service. To address this risk I consider that it is necessary to impose on the licence the conditions set out on the first page of this notice.

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.

**Duty to inform parents**

Under clause 28 (2) of the *Children's Services Regulation 2004*, you are required to give written notice to a parent of each child to whom the service is provided that the conditions set out on the first page of this notice have been imposed on the licence for the service.

The notice to parents must be given within the 2 weeks after you receive this notice.

**Review of decision**

Section 53 of the *Administrative Decisions Tribunal 1997* provides that you may apply to have my decision to impose additional conditions on the licence reviewed internally by the Department of Community Services. Any application for a review of the decision must:

1. be in writing
2. be sent to me at the address set out below within 28 days; and
3. state an address where we can write to you about the review.

You may also be able to have this decision reviewed by the Administrative Decisions Tribunal. Contact the Tribunal on (02) 9223 4677 for further information on your review rights.

**Address for lodgement of any application for internal review**

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

**Service of this notice**

As required by clause 27 of the *Children's Services Regulation 2004*, I am serving a copy of this notice on Ms Lissa Kasim, the service's authorised supervisor.

REDACTED  


Carolyn Strange  
Director central Licensing & Regulatory Support

Date: 24/12/2010