

**Nadine Woodward**

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**From:** Nadine Woodward  
**Sent:** Thursday, 9 August 2012 11:48  
**To:** REDACTED @yahoo.com.au'

Hi Steve,

My preliminary views are as follows:

Tim is right in that the precondition to triggering a risk assessment and/or for applying and interim bar refer specifically to an

Ultimately, I think the questions as to whether the Commission can, pursuant to s.23(1), 'cancel' a self-employed person's clearance on the basis that the person poses a risk to the safety of children, turns on how broadly the definition of a 'clearance' is interpreted. Section

I have drafted the following email to the CCYP for your consideration.

2. 23(1) The Commission must cancel the working with children check clearance of a person if the Commission becomes aware that the person is a disqualified person or the Commission is satisfied that the person poses a risk to the safety of children.

*working with children check clearance* or *clearance* means an authorisation that is in force under this Act to engage in child-related work.

**Situation re self-employed persons under the new Act.**

From the implementation of the new check, every person starting a new paid position or setting themselves up as a self-employed person must have a new Working With Children Check clearance.

People continuing in their existing employment will not need a new Working With Children Check until their sector is phased in (details to be advised). People with a current Certificate for Self-Employed People will need to get a new Working With Children Check when their certificate expires.

From the final letter – School 1 undertook a protracted and complex investigation of multiple concerns regarding ARH's alleged behaviour, which were alleged to have occurred across three separate schools and over a decade of his time as a teacher.

Sustained sexual misconduct for a 'pattern of inappropriate behaviour with and towards students (i.e. repeatedly taking photographs of boys at water polo events in questionable contexts), further supported by the previously identified pattern of such behaviour over the two other schools investigated and over a ten year period, and sometimes after being directed not to, and with no defensible reason.

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