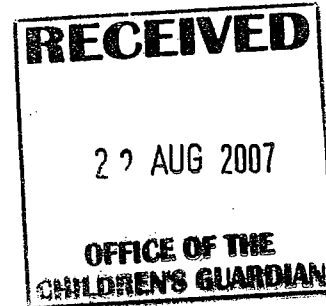


nsw commission for
children & young people



Ms Kerryn Boland
Children's Guardian
Level 13
418A Elizabeth St
SURRY HILLS NSW 2010

Dear Ms Boland

I am writing regarding your revised proposals for regulatory and administrative changes.

I support the changes as you have now proposed them. I have addressed the individual proposals below.

I endorse the wording of the draft section of the report on comprehensive risk management strategies and the development of child-safe, child-friendly practice and governance.

In relation to information exchange about designated agencies' compliance with Working With Children Check requirements, I agree that we should deal with issues individually as they arise without a formal Memorandum of Understanding at this stage. This arrangement can be reviewed if it does not work.

I believe that the revised recommendations 7 and 8 about principal officers of designated agencies, provide appropriate powers and protections to designated agencies and your Office, without the need to redefine "child-related employment" for the purposes of the Working With Children Check. I support this as a good solution to a difficult issue.

The proposed wording in the report about extending background checking to all principal officers of designated agencies is appropriate. I also support your proposals for National Criminal History Record Checks to be used as part of probity checking for principal officers and for other carers.

Finally, I agree with your removal of the section in the report on the situation of foster carers employed by one employer but then authorised as a carer by a different designated agency.

This employment arrangement is complex for Working With Children Check purposes. The definition of "employment" in the *Commission for Children and Young People Act 1998* makes separate provisions for performance of the duties of an authorised carer and performance of work under a contract of employment. In the case you describe, both the designated agency and the

other employer are "employers" of the carer under the terms of the Act. If the carer's employment with the second employer is paid rather than voluntary, both the designated agency and the second employer are required to undertake a Working With Children background check on the carer.

While a requirement that some carers be checked twice is not ideal, I understand that there are very few people in this situation, and it does resolve your earlier concern about designated agencies authorising carers without access to Working With Children background check information.

I would appreciate being advised if a number of people authorised through such arrangements increases significantly. If it does, I may need to consider a regulatory change so that only one Working With Children Check is required.

I am pleased to note that we have resolved all the issues raised in your original letter. If your officers need any further information, they can contact Mr Stephen Robertson, Director, Policy at REDACTED or on REDAC RED.

Yours sincerely



Gillian Calvert
Commissioner
21 August 2007