

"A5"

This is Exhibit "A5" to the Statement of  
AWDated: 4 October 2013

**From:** Charmán, Greg [REDACTED] on behalf of Graham, Martin  
**Sent:** Thursday, 19 January 2012 11:13 AM  
**To:** [REDACTED]  
**Subject:** Re - Allegation at OSHC centre in Caringbah - RML11/6897 & DGL12/34

Dear AW and AT

I write in response to your email of 12 December 2011 to the Minister for Family and Community Services regarding concerns you have about the safety of children attending an outside school hours care centre in Caringbah. The Minister for Education, the Hon Adrian Piccoli MP, to whom you copied your email, has asked me to respond on his behalf.

In relation to your concerns about the response to the Caringbah service matter I am advised that as soon as the service was made aware of the matter they contacted the appropriate authorities (the NSW Police and NSW Department Family and Community Services) and satisfied themselves that these authorities had taken action.

At the time of the alleged incidents involving a staff member of the Caringbah service, the Department of Education and Communities did not have regulatory responsibility for outside school hours care services. That situation has since changed. On 1 January 2012 a new national law which regulates outside school hours care services, including the Caringbah service, came into effect in New South Wales and other states and territories.

Under the new law (called the *Education and Care Services National Law*) most services that provide education and care on a regular basis to children under 13 years of age have to comply with comprehensive requirements aimed at ensuring the safety and well-being of children at those services.

In NSW, the Department of Education and Communities is the authority which has been given the responsibility of monitoring services' compliance with the new requirements as well as assessing and rating their quality.

Under the new law the providers and nominated supervisors of services must ensure that children are adequately supervised at all times. In addition, the provider must ensure that all staff are aware of child protection laws and their obligations under those laws.

In NSW there is a further requirement, namely that the supervisor must have done an approved course in child protection to ensure that he or she can identify any child at risk and respond appropriately.

Other laws already require the provider and all staff of the service to have 'working with children checks' to ensure that they are fit and proper to be involved in the provision of an education and care service for children.

Over the coming months, officers of the Department's Early Childhood Education and Care Directorate will be visiting outside school hours care services as part of a formal approval process under the *Education and Care Services National Law*. During these visits the officers will be ensuring that the services are well aware of their new obligations and of the importance of complying with them. Our officers will also be ensuring that the services have in place required policies and procedures about staff interactions with children.

I am aware that Ms Melinda Wallace, Regional Operations Manager has already been in contact with you about your concerns. If you require any further information about this matter please contact Ms Melinda Wallace on telephone (02) [REDACTED] or [REDACTED].

Thank you for raising these importance matters.

Yours sincerely

Martin Graham  
R/CHIEF EXECUTIVE  
OFFICE OF EDUCATION

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