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18 July, 2000

Mr P Wilkins  
 Partner  
 Corrs Chambers Westgarth  
 Lawyers  
 GPO Box 9925  
 SYDNEY NSW 2001

**COPY**

**POSTED**  
 19-7-00

Dear Peter,

I have received your comprehensive documentation in respect of our employment contracts and codes of conduct and policy manual.

These documents were distributed to the Board on Tuesday 11 July and it was resolved that each Director provide me with feedback prior to our August meeting with a view to formally adopting the documents at that meeting.

For the moment however please delete proposed item F of the manual (Tennis New South Wales Event Safety Policy). Whilst this type of policy could well be developed in the future and added to the manual it is not absolutely necessary at this stage.

I have enclosed some preliminary information on the new 'Working With Children Check' which I believe should form part of our manual. You should note that NSW Sport and Recreation are an approved screening agency and it would seem appropriate that we work with that body in respect of 'Working with Children Check'.

On another matter you should be aware that I have spoken to Stephen Price in respect of invoices forwarded to me in relation to work undertaken in this matter. You will recall that we were provided with an estimate of \$5,200 to complete this work. Subsequently we were provided with an account for \$12,061.00 with an estimate of a further \$2,500.00. Following that account a further invoice has been forwarded for \$7,113.90. In total this exercise has cost \$19,174.90, which by any stretch of the imagination is an excessive overrun of the originally estimated \$5,200.00. I have asked Stephen to review this situation in view of the quantity of information provided by Tennis New South Wales and in view of the original estimation.

**Tennis...You're gonna love it!**

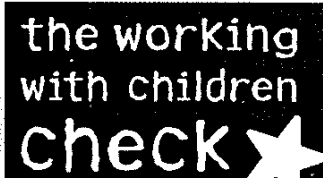


I will be in touch shortly once I have further information to hand.

Kind regards,



Craig Watson  
**Chief Executive**



June 2000

Dear Employer,

The Working with Children Check will help protect children and young people from the risk of abuse in the workplace. The new laws, which start on **3 July 2000**, are about checking the suitability of people who work with children. They are a practical outcome of the 1997 Wood Royal Commission and have the bipartisan support of the NSW Parliament.

The laws mean that:

- people convicted of a serious sex offence are not allowed to work with children in either a paid or unpaid capacity, and
- people seeking paid employment working primarily with children will have their backgrounds checked before they start work.

Your support and cooperation will help make the Working with Children Check a success.

Inside this kit is all the information you need to start the Working with Children Check for your organisation. It contains:

- Guidelines for Employers, and includes the forms you need
- an easy-to-read overview for employers
- a step-by-step Employer's Checklist, and
- a General Guide outlining the Check for current staff and applicants for positions within your organisation.

This information is also available on the Commission's website: [www.kids.nsw.gov.au/check](http://www.kids.nsw.gov.au/check). If you have any questions, contact the toll-free Working with Children Check Help Line on **1800 500 499**.

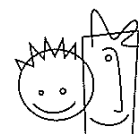
A crucial part of the Working with Children Check is checking for relevant disciplinary proceedings. Employers are required to notify the Commission by **31 October 2000** of relevant disciplinary proceedings that have been completed against an employee in the last five years.

The Working with Children Check is an important way that we can all help make New South Wales a better place for children and young people. Thank you for your support.

Yours sincerely

A handwritten signature in cursive script that reads "Gillian Calvert".

Gillian Calvert  
**Commissioner for Children and Young People**



nsw commission for  
 children & young people



To the Employer,

The New South Wales Government has introduced legislation for the safety, welfare and wellbeing of children in our State. The new legislation introduces changes to help employers engage people who are suitable for child related employment.

The Commission for Children and Young People (CCYP) is responsible for implementation of the legislation. However, NSW Sport and Recreation has been designated by the Premier and the CCYP as an Approved Screening Agency for the sport and recreation industry. This has enabled us to work together to make sure that the legislation is implemented in a fair and responsible manner.

One of the most significant changes you will notice is the Working with Children Check. The Working with Children Check is designed to limit the possibility of unsuitable people working with children. This check applies to all preferred applicants for paid child related positions in all industries across NSW, and is not specific to the sport and recreation industry. The CCYP is providing employers of child related employment with information kits detailing the changes that have occurred.

As an Approved Screening Agency for employment screening purposes NSW Sport and Recreation will undertake the Working with Children Check on behalf of employers of preferred applicants for child related positions within the sport and recreation industry. The material you are receiving today from CCYP is specific to the Working With Children Check. It sets out how the legislation will affect you and provides ways for you as an employer to fulfil your responsibilities under the legislation. The CCYP will be addressing employers in general, and NSW Sport and Recreation will be providing employers in the sport and recreation industry with relevant industry specific support.

For the benefit of employers, NSW Sport and Recreation has established an information line at its Client Services Centre to provide information for the sport and recreation industry in relation to child protection legislation and the Working With Children Check. Employers wishing to obtain a copy of *NSW Sport and Recreation Information Package for Sport and Recreation Organisations*, or the *Commission for Children and Young People Information Kit*, may do so through the Client Services Centre.

The *Information Package for Sport and Recreation Organisations* aims to assist organisations to manage the changes that are occurring due to the new legislation. The document covers the new legislation, definitions and indicators of abuse, risk management for organisations to prevent abuse occurring and contacts for specialist advice in relation to child protection issues. In addition, it provides information on

the process employers will be required to undertake to access employment screening services from NSW Sport and Recreation.

NSW Sport and Recreation will be conducting information sessions for the sport and recreation industry on child protection in the months of July and August. Further information regarding these sessions will be forwarded to you at a later date. Attendance at these sessions is strongly recommended as specialist advice will be on hand to address specific issues that employers may have.

For further information contact NSW Sport and Recreation on:

- Child Protection Information Line: **1300 366 407**
- The Coordinator Employment Screening:  
E-mail: [workingwithchildrencheck@dsr.nsw.gov.au](mailto:workingwithchildrencheck@dsr.nsw.gov.au)  
Fax: **(02) 9954 1763**

We look forward to assisting you with these changes that affect you as an employer. By working together we will ensure that children and young people participating in the sport and recreation industry enjoy a safe and positive experience.

Yours sincerely,



BRENDAN O'REILLY  
Director-General

**STATUTORY DECLARATION**  
**UNDER THE CHILD PROTECTION ACT**

I \_\_\_\_\_ state that I have no offences relating to child sexual abuse and that I am not a "prohibited person".

Section 5 - Child Protection (Prohibited Employment) Act 1998 No 147

- (1) For the purposes of this Act, a **prohibited person** means a person convicted of a serious sex offence, whether before or after the commencement of this subsection.
- (2) For the purposes of this Act, a person is not a prohibited person in respect of an offence if an order in force under section 9 declares that this act is not to apply to the person in respect of the offence.

(3) In this section:

**Serious sex offence** means (subject to subsections (4) and (5):

- (a) an offence involving sexual activity or acts of indecency that was committed in New South Wales and that was punishable by penal servitude or imprisonment for 12 months or more, or
- (b) an offence, involving sexual activity or acts of indecency, that was committed elsewhere and that would have been an offence punishable by penal servitude or imprisonment for 12 months or more if it had been committed in New South Wales, or
- (c) an offence under sections 91D-91G of the *Crimes Act 1900* (other than if committed by a child prostitute) or a similar offence under a law other than a law of New South Wales, or
- (d) an offence under section 578B or 578C (2A) of the *Crimes Act 1900* or similar offence under a law other than a law of New South Wales, or
- (e) an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in the preceding paragraphs, or
- (f) any other offence, whether under the law of New South Wales or elsewhere, prescribed by the regulations.
- (4) An offence that was a serious sex offence at the time of its commission is not a serious sex offence for the purposes of this Act if the conduct constituting the offence has ceased to be an offence in New South Wales.
- (5) An offence involving sexual activity or an act of indecency is not a serious sex offence for the purposes of this Act if the conduct constituting the offence:
- (a) occurred in a public place, and
- (b) would not have constituted an offence in New South Wales if the place were not a public place.

I hereby give my permission for a police check to be conducted on myself after the 10<sup>th</sup> July.

Signed \_\_\_\_\_ this.....day of.....2000.

Before me ..... Signed .....

(Justice of the Peace)

## {Employer's Checklist}

the working  
with children  
check 

### IF YOU ARE AN EMPLOYER IN A CHILD-RELATED WORKPLACE, YOU SHOULD:

- ✧ Register with the relevant Approved Screening Agency to enable the Working with Children Check to be undertaken on your behalf.
- ✧ Identify 'child-related' positions in your organisation.
- ✧ Within six months of the start of the legislation, ask all employees, **paid** and **unpaid** who primarily work with children, if they are a 'prohibited person'. You must ensure that any employee who is a 'prohibited person' does not continue to work with children.
- ✧ Include advice about the Working with Children Check in all advertisements or information packs for 'child-related' employment positions.
- ✧ Ask preferred applicants to declare if they are a 'prohibited person' before you offer them **paid** or **unpaid** 'child-related' employment.
- ✧ Check the preferred applicant's background before offering them 'child-related' employment.
- ✧ Notify the Commission for Children and Young People if an applicant is rejected because of issues raised in the checking process.
- ✧ Ensure the privacy and confidentiality of any information obtained through the checking process.
- ✧ Ensure that only genuine requests for checks are made.

### ALL EMPLOYERS, NOT ONLY EMPLOYERS IN CHILD-RELATED WORKPLACES, MUST:

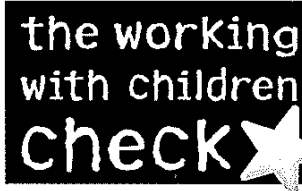
- ✧ Notify the Commission for Children and Young People of any relevant disciplinary proceedings that have been completed against an employee within the last five years.
- ✧ Provide, upon request, appropriate information to an Approved Screening Agency relating to employees who have been subject to completed disciplinary proceedings.

### AS AN EMPLOYER YOU MUST NOT:

- ✧ Employ, or continue to employ, a 'prohibited person' in a position that primarily involves direct unsupervised contact with children.
- ✧ Employ a person in a position primarily working with children without requesting that person to declare if they are a 'prohibited person'.
- ✧ Employ a person in a **paid** position primarily working with children, foster carers or ministers of religion without checking their background.
- ✧ Inappropriately obtain or tell another person about information obtained during the checking process.



# { A Guide to the Working with Children Check }



The Working with Children Check is about creating workplaces where our children are safe and protected

## When will these new laws start?

Checking preferred applicants for paid 'child-related' positions, foster carers and ministers of religion will start in July 2000. 'Prohibited person' checks for all employees will commence at the same time.

It is likely that checking for all other paid and unpaid employees in child-related employment will be available in 2001.

## Who does the Working with Children Check?

Approved Screening Agencies will undertake checking on behalf of all employers in New South Wales.

Approved Screening Agencies are the:

- NSW Department of Community Services
- NSW Department of Education and Training
- NSW Department of Health
- NSW Department of Sport and Recreation
- Catholic Commission for Employment Relations
- Commission for Children and Young People

## How is privacy protected?

There are strict provisions to protect the privacy of people being checked. It is an offence for any person to inappropriately obtain or tell another person about the information gathered during the checking process.

If any adverse information is obtained, the applicant has an opportunity to discuss the matter with the Approved Screening Agency before a final assessment about their suitability to work with children is made.

Any person who has had disciplinary proceedings taken against them can apply under the *Freedom of Information Act 1989*, to view this information and apply to have their records amended if they are not correct or complete. The new legislation means that, in these particular circumstances, Freedom of Information requirements apply to all employers, not only public sector employers.


The Working with Children Check will help keep unsuitable people from working with children. Together, with your involvement, we will make New South Wales a better place for children and young people.

For further information, visit our website at [www.kids.nsw.gov.au/check](http://www.kids.nsw.gov.au/check)





## { An Employer's Guide to Keeping Records and Freedom of Information }

the working  
with children  
check 

There have been some important changes to Freedom of Information (FOI) requirements that affect all employers in New South Wales, not just public sector employers.

With the introduction of the Working with Children Check, employees can now apply to view information about some types of disciplinary hearings that have been completed against them.

This means that it is important that employers keep complete, accurate records about disciplinary proceedings involving their employees.

### What is the Working with Children Check?

New legislation will be introduced in New South Wales in July 2000 that will affect all people working with children. The new laws are the:

- Commission for Children and Young People Act 1998
- Child Protection (Prohibited Employment) Act 1998

The laws make up the Working with Children Check. The goal is to make sure that, as far as possible, people who may pose a risk to children are not employed to work with children.

Approved Screening Agencies will undertake the Working with Children Check on behalf of employers in New South Wales. An important part of the Working with Children Check is to check if an employee has had relevant disciplinary proceedings taken against them by an employer.

The NSW Commission for Children and Young People is required to collect notifications from all employers in New South Wales of any relevant disciplinary proceedings that have been completed against an employee. This covers paid and unpaid employees, such as volunteers.

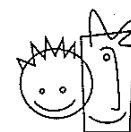
All employers in New South Wales are required to provide the Commission with details of any relevant disciplinary proceedings that have been completed against an employee within the last five years and any that happen in the future.

### What is Freedom of Information?

Throughout Australia there are laws that mean that members of the public can look at documents, including personal records. The laws also allow a person to apply to change information about them if the information is incorrect or incomplete.


There are generally two categories of FOI requests – requests to view personal records and requests to view non-personal documents, such as a government department's policies and procedures.

With the introduction of the Working with Children Check, some Freedom of Information requirements now apply to all employers in New South Wales, not just public sector employers. This means that employees can apply to look at information they might not have been allowed to before.



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# Employer's Kit Order Form

the working  
with children  
check 

If you are a large employer, you may need extra copies of the Employer's Kit. This information is available from our website: [www.kids.nsw.gov.au/check](http://www.kids.nsw.gov.au/check).

A limited number of Employer's Kits are also available.

To order additional kits simply fill out your details below and fax the form to the Commission for Children and Young People 02 9286 7201.

**Contact Name:** \_\_\_\_\_

**Organisation:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

**No. of kits:** \_\_\_\_\_

If you have further questions about the Working with Children Check, please call the toll-free Help Line on **1800 500 499**.

