



**Office of the Children's Guardian
Annual Report 2016–17**



The Hon. John Ajaka MLC
President of the Legislative Council
Parliament House
SYDNEY NSW 2000

The Hon. Shelley Hancock MP
Speaker of the Legislative Assembly
Parliament House
SYDNEY NSW 2000

Dear Mr President and Madam Speaker

In accordance with section 187 and 190 of the *Children and Young Persons (Care and Protection) Act 1998*, I am pleased to present to Parliament the Children's Guardian annual report for the 2016–17 financial year.

The annual report has been prepared in accordance with the *Annual Reports (Departments) Act 1985* and the *Children and Young Persons (Care and Protection) Act 1998*.

As provided by section 190(2) of the *Children and Young Persons (Care and Protection) Act 1998*, I recommend that this report be made public forthwith.

Yours sincerely



Janet Schorer
Children's Guardian
20 October 2017

Office of the Children’s Guardian

Annual Report 2016–17

FOREWORD



THE OFFICE OF THE CHILDREN'S GUARDIAN experienced a significant milestone this year with the departure of Ms Kerry Boland on 7 July 2017 after 12 years as head of the agency. As with all major changes, this presents both challenges and opportunities for the organisation, its people and its many stakeholders across the NGO sector, in government and in business.

All Office of the Children's Guardian staff are to be highly commended for their focus and resilience during a long period of uncertainty leading up to the change of leadership, and the transition of a new Children's Guardian into the role.

During my first three months as the NSW Children's Guardian it has been impressive to observe the strong dedication of these professionals. Despite the impact of organisational change they have consistently demonstrated an unswerving focus on delivering services that work to protect the best interests and wellbeing of children. The results of their efforts are outlined in this report.

While the Children's Guardian doesn't represent individual children, the work we do will affect every child in NSW at some stage of their lives. Our broad reach includes the 1.4 million adults who work with children in a paid or unpaid capacity in a vast range of sectors. It also involves the 28,000 organisations and parents registered with us who engage adults to work with children, as well as our oversight of the many government and non-government agencies that offer services to the most vulnerable children and the individual carers who provide day-to-day care to those children.

I am very encouraged by the high regard in which our organisation is held by those who engage with us, and their respect for our important role and efforts to help keep children protected through our regulation and promotion of child safe policies and practices.

It is clear that our agency's greatest strengths are the commitment of our people and their expertise, and the independence and influence the Office of the Children's Guardian has as an organisation. We also hold an enormous amount of information about the systems and people that work with children and provide services to them.

These are important and positive attributes that along with recent changes provide an opportunity for the organisation to refresh its vision and purpose so it can continue to be relevant and effective. It's vital that we orient our legislation, policies and practices – including our internal

operations – towards having a positive impact on the lives of children and young people, in whatever way we interact with them.

It is my intention to work collaboratively in the design and implementation of our programs and our interactions with stakeholders to see child safe principles become child safe practice. This will include progressing discussions on the benefits of developing a Special Guardianship role to provide more direct oversight of the community's most vulnerable children.

My brief time as NSW Children's Guardian has been an intensely interesting experience and I'm looking forward to the next 12 months as we build on our strengths and expand our legislative scope and policy settings. This work will help to ensure the most appropriate safeguards are in place to provide the protections all children and young people in NSW need and deserve.

A handwritten signature in cursive script that reads "Janet Schorer".

JANET SCHORER, NSW CHILDREN'S GUARDIAN

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OVERVIEW



Beccy – 9 years

I love my family

The shoes represent each member of my family where I live.

The Children's Guardian's functions

The Children's Guardian was established under the NSW *Children and Young Persons (Care and Protection) Act 1998* as a statutory office that reports directly to the Minister for Family and Community Services and to Parliament. The Office of the Children's Guardian, which supports the Children's Guardian in the exercise of her functions, is independent of the NSW Department of Family and Community Services (FACS) but is located in the FACS cluster for administrative purposes.

The Children's Guardian's functions are set out in section 181(1) of the *Children and Young Persons (Care and Protection) Act 1998* and include:

- administering the Working with Children Check system
- promoting the best interests of children and young people in out-of-home care and ensuring their rights are safeguarded and promoted
- administering the Carers Register
- accreditation and monitoring of agencies that provide statutory out-of-home care
- registration and monitoring of agencies that provide voluntary out-of-home care (VOOHC)
- accreditation and monitoring of non-government adoption service providers
- regulating employers of children in the entertainment industry
- administering the voluntary Child Sex Offender Counsellor Accreditation Scheme
- encouraging organisations to develop their capacity to be safe for children.

Legislation

The following legislation sets the framework for the operations of the Office of the Children's Guardian:

- Children and Young Persons (Care and Protection) Act 1998
- Children and Young Persons (Care and Protection) Regulation 2012
- Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Adoption Act 2000
- Adoption Regulation 2015

Reporting framework

The *Children and Young Persons (Care and Protection) Act 1998* requires the Children's Guardian to provide an annual report to NSW Parliament on the operations of the Office of the Children's Guardian.

The Children's Guardian reports to Parliament and the Minister for Family and Community Services, the Hon. Pru Goward MP.

The NSW Parliamentary Joint Committee on Children and Young People monitors the execution of the Children's Guardian's functions under the *Child Protection (Working with Children) Act 2012*.

Overview of functions

Working With Children Check

The Working With Children Check is a background screening system that excludes people with certain records from holding a clearance to work in child-related employment. A Working With Children Check involves a full review of a person's national criminal history and notifications of workplace misconduct.

Full criminal histories are disclosed to the Office of the Children's Guardian, including:

- convictions (whether spent or unspent)
- charges (whether heard, unheard or dismissed)
- juvenile records from all states (except Victoria).

Other notifications include:

- reports of workplace misconduct involving children made by reporting bodies (including employers)
- notifications of concern by the NSW Ombudsman
- reports of concern from other agencies.

The Children's Guardian must not grant a Working With Children Check clearance to a disqualified person — a person who has been convicted of an offence specified under Schedule 2 of the *Child Protection (Working with Children) Act 2012*, or a person charged with an offence specified under Schedule 2 against whom proceedings have been commenced, and those proceedings have not been finalised.

Applicants with a Schedule 1 offence are subject to a risk assessment so that the Children's Guardian can determine whether the individual poses a risk to the safety of children.

Individuals issued with a Working With Children Check clearance are subject to continuous monitoring for new relevant criminal offences in NSW for the five-year life of the clearance.

Employers must register online with the new Working With Children Check and verify all employees and volunteers online. Employers are also required to remove any barred or unauthorised person from child-related work. The Office of the Children's Guardian monitors employer compliance with Working With Children Check requirements.

Carers Register

The Carers Register records information about carer applications, authorised carers and their household members. The register is a licensing tool to assist in the selection and probity assessment of carers, and NSW is the only state with such a tool.

The Register requires designated agencies to share information on carers, prospective carers and their household members. It is designed to prevent unsuitable carers from moving from one designated agency to another.

The Register requires carers to undergo mandatory assessment, training and other probity checks before they can be authorised to provide care. The suitability of other adult household members is also considered.

Out-of-home care and adoption

The Office of the Children's Guardian is responsible for assessing agencies that provide statutory out-of-home care and adoption services against the *NSW Child Safe Standards for Permanent Care* and for making recommendations to the Children's Guardian about the accreditation of agencies.

The team also monitors agencies' provision of services to children and young people on an ongoing basis to ensure that agencies continue to meet the requirements of the *NSW Child Safe Standards for Permanent Care*.

Information is contained on the agency's *Notice of Conditions of Accreditation* which can be found on the Office of the Children's Guardian's website at:

<http://www.kidsguardian.nsw.gov.au/statutory-out-of-home-care-and-adoption/designated-agencies>.

Voluntary out-of-home care

Voluntary out-of-home care (VOOHC) is an arrangement between an organisation and a parent to provide overnight care to a child under the age of 18 years, outside of the child's home, within NSW and where there are no child protection concerns. VOOHC provides support for families caring for children and young people with complex needs. Many children and young people in VOOHC have a disability. VOOHC can be centre based, with a host family or residential, and can be short term or long term care, or provided as respite.

In NSW all VOOHC must be provided or arranged by a designated agency or a registered (non-designated) agency registered by the Children's Guardian. The registration systems team monitors the provision and arrangement of VOOHC and makes recommendations to the Children's Guardian regarding the registration of agencies.

A comprehensive and holistic case plan must be prepared by or approved by a designated agency for all children and young people who have been in VOOHC for 180 or more days in a 12-month period. This information is essential for an agency to deliver care that is consistent and appropriately meets the child's needs.

Children's employment

Children's employment in NSW is regulated under Chapter 13 of the *Children and Young Persons (Care and Protection) Act 1998* and the Children and Young Persons (Care and Protection) (Child Employment) Regulation.

The Children's Employment team is responsible for the authorisation and monitoring of employers of children in the entertainment, exhibition, still photography, modelling and door-to-door sales industries. The team processes employers' authority applications and notifications about intended employment of children, and visits productions to ensure that the children are safe and the production is being carried out as previously notified.

Schedule 1 of the Regulation contains a Code of Practice that sets out the minimum required standards when employing children within these industries.

On 26 October 2016 the *Children and Young Persons (Care and Protection) Act 1998* was amended, providing the Office of the Children's Guardian with new powers to:

- enter onto premises of suspected employment without a warrant
- compel the production of information or the furnishing of records
- enter into enforceable undertakings
- seize property or documents for the purposes of preserving evidence.

The amendment also provided the ability for authorised officers of the Children's Guardian to issue penalty notices.

Child Sex Offender Counsellor Accreditation Scheme (CSOCAS)

The Child Sex Offender Counsellor Accreditation Scheme (CSOCAS) is a voluntary accreditation scheme for counsellors who provide services to people who have sexually offended against children, and to people working with children and young people with harmful sexual behaviours.

Counsellors wishing to achieve accreditation and to be listed on the CSOCAS register are required to meet criteria regarding experience, qualifications, ongoing professional development and ongoing supervision. The bulk of the scheme is comprised of psychologists or social workers.

There are two types of accreditation, for:

- professionals who work with children and adolescents who sexually harm others
- professionals who work with adults who sexually offend against children.

At 30 June 2017 there were 48 members in CSOCAS:

- 12 accredited at supervisor level
- 17 accredited at clinical level
- 1 accredited at supervisor and clinical level
- 18 accredited at associate level.

Child Safe Organisations program

The Office of the Children's Guardian works with organisations across NSW to encourage the adoption of child-safe practices and help organisations to develop their capacity to be safe for children. We do this by delivering face-to-face and online training across NSW, and producing relevant resources. Through our work, we assist organisations to develop effective and practical child-safe policies.

Our Child Safe Organisations program provides free, high-quality training and resources for organisations to help them make sure that people they engage to work or volunteer are safe and suitable to work with children and young people.

The child-safe training includes:

- managing risk and preventing unsafe situations
- creating a child-centred organisational culture
- staff recruitment and professional development
- managing complaints and allegations
- understanding the Working With Children Check
- encouraging children to speak up if they feel unsafe, worried or scared

Our child-safe organisations training resources can be found on our website at:

[http://www.kidsguardian.nsw.gov.au/child-safe-organisations.](http://www.kidsguardian.nsw.gov.au/child-safe-organisations)

Meeting our goals: Performance highlights 2016–17

‘Child-related organisations and employers of children effectively implement child-safe policies and practices.’

167 Child Safe Organisations training sessions delivered to **4564** people

85 visits to employers of children – full site inspections focusing on supervision of children

Child Safe eLearning package released in April 2017; **268** participants completed all eight modules first ten weeks

‘Organisations that deliver adoption and out-of-home care services meet child-safe standards for care.’

19,974 carers authorised on the Carers Register

86 agencies accredited to deliver out-of-home care and adoption services

167 agencies authorised to provide or arrange voluntary out-of-home care

‘Individuals in child-related work and employers of children understand and meet legislative requirements.’

1,388,092 WWCC clearances issued since 13 June 2013, and **392,991 WWCC** in 2016–17

551 authorisations issued to employers of children in the entertainment industry

831 people refused a Working With Children Check clearance

‘The Office of the Children’s Guardian is credible, responsive and accountable.’

In 2016–17 the Children’s Guardian appeared at 3 public hearings and roundtables.

Web-based technologies used for managing records, stakeholder engagement and application processes and sharing newsletters

Annual reporting under the *Annual Reports (Departments) Act 1985* and the *Children and Young Persons (Care and Protection) Act 1998*

Source: Office of the Children’s Guardian Corporate Plan, 2016–2019

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STRONGER PROTECTIONS FOR CHILDREN



Janaia – 12 year

My football

This football represents my love of sports and the connections I make when I play sports such as family, friends and community.

Stronger laws

This year a number of important legislative amendments were made to enhance protections for children. These included a response to findings of the recommendations of the Royal Commission.

Important amendments to the ***Child Protection (Working with Children) Act 2012*** include those made in order to:

- Enhance the exchange of interjurisdictional Working With Children Check information with our interstate counterparts. This ability to exchange information across jurisdictions is a step towards national portability and consistency in Working With Children Check systems – these objectives were recommended by the Royal Commission in its report. This amendment was made on 25 October 2016.
- Expand the meaning of direct contact for workers who provide ongoing counselling, mentoring, or distance education for children in NSW by any form of communication. This means these workers are now required to have a Working With Children Check. This amendment responds in a targeted way to recommendation 7 of the Royal Commission’s report on Working With Children Checks. The amendment takes effect from 1 July 2017.
- Introduce an offence for providing false or misleading information in connection with an application for a Working With Children Check, in accordance with the Royal Commission’s recommendation 16(d) in its report on Working With Children Checks. This amendment commenced operation on 25 October 2016.

The Children and Young Persons (Care and Protection) Act 1998 was amended to give increased powers to the Children’s Guardian to ensure the health, safety and well-being of children employed within the film, television, entertainment, still photography and modelling industries. The amendments allow the Children’s Guardian to accept undertakings from employers and to apply to the Supreme Court for an order where an undertaking has been breached.

The Children’s Guardian now also has the power to compel the production of information for the purposes of furthering an investigation or preparing submissions to the Supreme Court. Importantly the amendments also empower authorised officers of the Office of the Children’s Guardian to enter and inspect premises where they suspect the employer is breaching children’s employment laws and issue penalty infringement notices where there is a breach.

Five-year statutory review of the *Child Protection (Working with Children) Act 2012*

A review of the *Child Protection (Working with Children) Act 2012*, required by s53 of the Act, commenced in early 2017. The process involved significant consultation, including roundtables with key stakeholders to gather their views and the development of a discussion paper for public comment. The Discussion Paper was placed online, and stakeholders were invited to make submissions in response.

In 2017–18, the team will finalise the recommendations made to Parliament so that amendments can be made to the current legislation.

Responding to the Royal Commission

The Royal Commission into Institutional Responses to Child Sexual Abuse has been conducting hearings since September 2013, and has done much to raise awareness of child abuse and its consequences in our community.

As a result of the Royal Commission's findings, improvements have been made to child protection measures across the country, including to the Working With Children Check and its equivalent interjurisdictional screening schemes.

Importantly, the Royal Commission has heard that, while these measures provide essential protections, they are not enough to keep children and young people safe. The need for organisations to be proactive in providing child-safe environments and services has been one of the major themes throughout these hearings. This year the Office of the Children's Guardian supported the Royal Commission's work by:

- collaborating with the Department of Premier and Cabinet on NSW's response to Case study 51, specifically in relation to actions undertaken by the NSW Government in response to the Royal Commission's recommendations on Working With Children Checks
- providing supporting information to assist the Secretaries of agencies called to appear at a hearing on Case Study 51 to confirm action and consideration by the Government relating to the Royal Commission's recommendations about the Working With Children Check
- responding to consultation papers on criminal justice, information-sharing arrangements, and responding to summonses issued by the Royal Commission
- advising the Children's Guardian for her attendance at Royal Commission hearings and roundtables
- implementing a number of legislative changes arising directly from the Royal Commission's findings which are included in the amendments to the *Child Protection (Working with Children) Act 2012* outlined above
- engaging with the interjurisdictional Working Group considering the Royal Commission's recommendations.

The Upper House Inquiry into Child Protection in NSW

The Office of the Children's Guardian provided a submission to the NSW Legislative Council's General Purpose Standing Committee No.2, Inquiry into Child Protection in New South Wales. This inquiry looked at the structure of oversight and interaction between the Office of the Children's Guardian, FACS, and non-government organisations relating to providing services for children and young people at risk of harm or in out-of-home care.

Legal advice and support

Within the Office of the Children's Guardian, legal advice is provided in relation to accreditation, Working With Children Check matters, the Carer's Register, reviews by and appeals to the NSW Civil and Administrative Tribunal (NCAT) on Working With Children Check matters, child safe organisations and children's employment. The Office of the Children's Guardian also meets its obligations under the *Government Information (Public Access) Act 2009* and other reporting frameworks.

A close working relationship is maintained with other government agencies and peak bodies on legal reforms aimed at improving protections for children throughout NSW, as well as on complex individual Working With Children Check review matters to the NCAT.

The Office of the Children's Guardian proactively responds to Working With Children Check appeal matters to both NCAT and the Supreme Court by:

- providing sound instruction to the Crown Solicitors office on appeal matters
- extracting learnings from appeal/review decisions to reduce the number of matters where the Children's Guardian has made a determination that are appealed and to improve the robustness of Working With Children Check decisions
- assisting the NCAT to reach correct and preferable decisions in relation to appeals by ensuring that relevant information is placed before the tribunal, and
- upholding model litigant principles.

In 2016–17 there were 121 applications for review to NCAT.

3

STRONGER SYSTEMS TO PROTECT CHILDREN'S SAFETY



Gypsi – 15 years

Dance trophies

The dance trophies represent me being good at what I do and also committed to what I love.

An enhanced Working With Children Check system

The Working With Children Check system checks the backgrounds of people who seek to engage in child-related work and includes a full review of a person's national criminal history and notifications of workplace misconduct.

Applications for the Working With Children Check

In 2016–17, the Office of the Children's Guardian processed 392,991 applications.

On average there were 1556 online applications per day; of these, 63% were for paid work and 37% were for volunteers.

The new Working With Children Check: Year four

The new Working With Children Check system is being phased in over five years. This year, the fourth phase-in was conducted, and completed on 31 March 2017. The sectors phased in included some children's health services and education providers (secondary, vocational, and private tuition and coaching). The final categories of child-related work are being phased in between 1 April 2017 and 31 March 2018. These sectors include the remaining children's health services, justice health, forensic mental health, NSW Ambulance Service, early education and child care and remaining education services.

Continuous check events

All people with a Working With Children's Check clearance are subject to ongoing monitoring and any new relevant records may result in a person's clearance being cancelled.

Where a new relevant offence has been identified, the applicant's criminal history will be reviewed and will result in one of the following:

- automatic disqualification from working with children
- referral for risk assessment (which may lead to an interim bar being placed and/or the clearance being revoked)
- clearance to work with children.

Where notification has been received that an applicant or clearance holder has been charged with a disqualifying offence, the Office of the Children's Guardian aims to bar the person within 24 hours of the record being identified.

People with a bar must not work or volunteer in child-related roles, and would be committing an offence if they did so. It is also an offence to employ, in a child-related role, a person who is barred from working with children.

In 2016–17 the Office of the Children's Guardian was notified of 2927 continuous check events for applicants, the highest figure in the past four years.

In 2016–17, 327 people had their Working With Children Check clearance cancelled following a continuous check event and of these people, 97 had no previous criminal record or workplace records at the time they first applied for a check.

Records review

Of the Checks referred to records review, 42,599 (88%) did not require risk assessment under the *Child Protection (Working with Children) Act 2012* and were cleared.

Overall, 80% of applicants with no records or non-relevant records were cleared within 24 hours.

Where a relevant record was identified, 4330 were either automatically disqualified or referred for risk assessment.

At 30 June 2017, there were 661 applicants undergoing a review to determine if a risk assessment was required in accordance with the *Child Protection (Working with Children) Act 2012*.

Workplace records – NSW Ombudsman notification of concern

Findings of workplace misconduct by a reporting body and notifications of concern made by the NSW Ombudsman are also considered in the Working With Children Check. Applicants and clearance holders are continuously monitored for any new findings or notifications.

In 2016–17:

- 268 workplace records and NSW Ombudsman notifications were matched to applications in the Working With Children Check system
- of these, 105 were reported and matched to a person who had already lodged a Working With Children Check application or held a clearance
- 216 applicants with a workplace record or notification of concern were referred to risk assessment, and 60 applicants who had a workplace record or notification of concern were barred (the workplace record or notification may have been matched in a previous year, but they were barred or referred to risk assessment in 2016–17).

At 30 June 2017 there were 2825 workplace misconduct records and NSW Ombudsman notifications in the Working With Children Check system.

Risk assessment results

For the Checks undertaken in 2016–17, risk assessment results were as follows:

- **Interim bars:** A total of 670 applicants were issued with an Interim Bar. An interim bar is placed on an applicant's Working With Children Check application or clearance when the Office of the Children's Guardian determines that there is a risk to the safety of children and young people if the applicant engages in child-related work, pending the determination of the risk assessment.
- **Barred:** A total of 831 were barred either because they were a disqualified person, or following a determination by the Office of the Children's Guardian that the applicant posed a risk to the safety of children.
- **Cleared:** A total of 684 were cleared after risk assessment, following the Office of the Children's Guardian's not being satisfied that the person posed a risk to the safety of children.
- **Termination/withdrawn/surrendered:** A total of 2797 applications were terminated at risk assessment.

See Table 3.1 for a four year comparison of risk assessment results.

Table 3.1 Risk assessments completed, 4-year comparison, 2013–17

Activity	2013–14	2014–15	2015–16	2016–17
Working With Children Checks undertaken	420,499	357,241	339,620	392,991
Barred following a risk assessment or automatically barred	175	547	1230	831
Cleared following a risk assessment	758	895	388	684
Interim barred	189	185	448	670
Terminated	123	682	267	2797

Table 3.2 shows a four-year comparison of the percentage of people refused a clearance relative to the number of applications. The percentage for 2016–17 is lower than that for 2015–16.

Table 3.2 Refusals, 4-year comparison, 2013–17

Year	Working With Children Checks processed (100%)	Clearance refused	%
2013–14	420,499	175	0.04
2014–15	357,241	547	0.15
2015–16	339,620	1230	0.36
2016–17	392,991	831	0.21

The powers of the Office of the Children’s Guardian to terminate applications were expanded in 2016–17 to include clearance holders. An increased number of these applications were terminated because applicants failed to adequately engage in the risk assessment. In previous years, this outcome had not been available to clearance holders, who had had to undergo a full risk assessment.

However, the drop in refusals also indicates that the number of applications (higher than in previous years) resulted in increased risk assessments in percentage terms. The current cohort included education and health sectors compared with the clubs and other bodies in the previous cohorts phased in.

If employers are registered with the Check, the Office of the Children’s Guardian can contact them when a worker’s status changes that impacts their ability to work with children.

Closing applications

Applications are closed:

- when an applicant requests to withdraw their Working With Children Check application with the approval of the Children's Guardian
- when an applicant surrenders their clearance with the approval of the Children's Guardian
- if a person subject to a risk assessment has failed, without reasonable excuse, to provide further information within three months of the request.

Where an application has been closed, the applicant is not able to work in child-related employment. If they are currently engaged in child-related employment they must cease work immediately. When employers verify a worker's Working With Children Check number (WWC number), they can identify whether the person has a valid Working with Children Check clearance.

Working With Children Check compliance activities

Before engaging a new child-related worker (in paid or unpaid work) an employer must ensure the worker has a clearance to work with children, or a completed Check application in progress.

Employers must register online with the new Working With Children Check and verify all employees and volunteers online. Employers are also required to remove any barred or unauthorised person from child-related work.

The Office of the Children's Guardian works to ensure that employers understand and fulfil their Working With Children Check responsibilities.

Work sector audits

The phase-in schedule as set out in the Regulation determines when employers and applicants must meet their obligations for the Working With Children Check. Obligations include registering as a child-related employer, verifying workers engaged in child-related work, and keeping accurate records. The compliance program mirrors the staged application of the Act and the team conducts audits of sectors following phase-in.

During 2016–17 audit programs in the following child-related sectors were completed:

- assessment officers
- clubs or other bodies providing services to children (predominantly working with sporting organisations)
- community service organisations
- cultural and recreational organisations (predominantly working with the dance, swimming and combat sports organisations)
- entertainment for children
- voluntary out-of-home care (VOOHC).

Monitoring high risk

A key feature of the Working With Children Check is continuous monitoring of records. When a person's Working With Children Check status changes, the Children's Guardian contacts

verifying employers to notify them of their worker's change of status and to ensure the worker is removed from child-related work.

If the employer confirms that the applicant is currently working in a child-related role, the employer is advised of their status and of their legal obligation to remove them from that role. The employer is required to provide advice on how this has been achieved.

In 2016–17:

- **1039** barred applicants were reviewed.
- **1393** employers were contacted about closed or withdrawn applications for the Working With Children Check, to ensure that the person with the interim bar or bar would no longer be working in direct contact with children.

Investigations

The Office of the Children's Guardian investigates instances of alleged non-compliance, by employers or employees, with the Working With Children Check. All allegations of non-compliance are treated seriously, and investigated thoroughly. Allegations are received via referral from many sources including other Government agencies, such as Police and the NSW Ombudsman, internally or from concerned members of the public.

In this reporting year, **90** referred matters of alleged non-compliance with Working With Children Check requirements or misconduct towards children were investigated.

Audit of non-verifying registrants

In 2016 the Office of the Children's Guardian assessed the more than 1700 employers who had registered but were not verifying employees' Working With Children Checks. Contact with 1705 registrants in March and September 2016 resulted in 920 employers verifying their workers' WWC numbers, and over 500 employers being made inactive or moved to other sectors.

In total, 3795 employers in the Clubs or other bodies sector were contacted in the 2016–17 audits, resulting in 2081 verifying the WWC numbers of their workers online where they had not previously done so.

Engaging stakeholders

The Office of the Children's Guardian provides information, education and general advice to employers to assist them in understanding and meeting their Working With Children's Check obligations. In 2016–17 we identified and worked with peak groups, associations and large employers to gain a thorough understanding of their member organisations. Partnerships were formed with some larger sporting organisations to conduct joint audits of their members and confirm that all clubs within their membership were registered and applying the legislation correctly.

Some peak sports bodies were proactive in complying with the legislation, ensuring that only the people who need a Check have one, and that all Working With Children Checks are verified. Some peak organisations met their obligation to remind employers that it is a legal requirement to verify all WWC numbers online.

4

SAFER CARE FOR CHILDREN



Jade – 11 years

My school

This is my school which is very important because it is where I see my friends every day, like Rowan, Ginger, Zoe, Monique and Zoey.

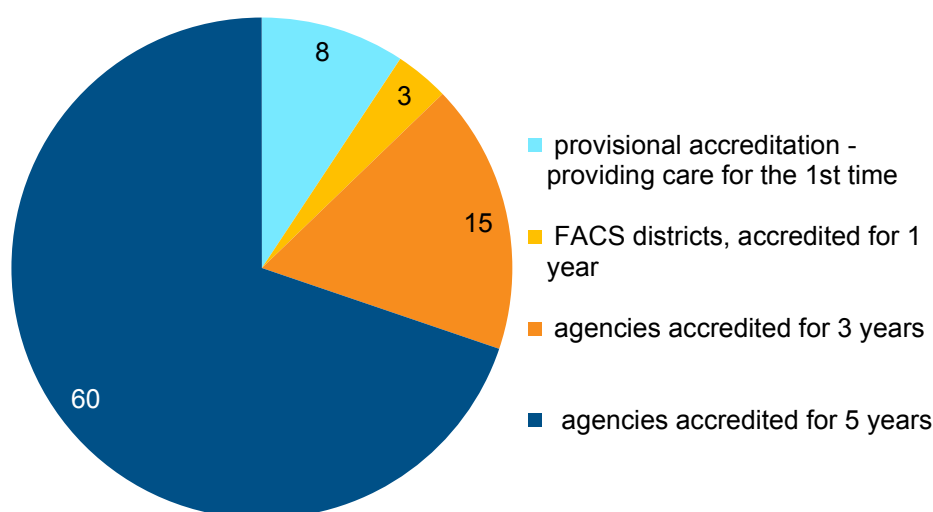
Regulating statutory out-of-home care and adoption

The Office of the Children’s Guardian has oversight of the statutory out-of-home care and adoption sectors in NSW. Our responsibilities include:

- assessing and accrediting agencies that provide statutory out-of-home care against the *NSW Child Safe Standards for Permanent Care*
- making recommendations to the Children’s Guardian regarding the accreditation of agencies
- monitoring the services provided to children and young people on an ongoing basis.

There are 86 designated agencies providing statutory out-of-home-care in NSW. They include non-government providers, and government agencies ADHC and FACS. Figure 4.1 provides a breakdown of levels of accreditation for the 86 designated agencies.

Figure 4.1 Accredited agencies providing statutory out-of-home care in NSW, 2016–17



Twelve of these designated agencies are Aboriginal Community Controlled organisations. There are also four non-government agencies in NSW accredited to provide adoption services.

This year **13** accreditation renewal assessments were completed and renewal assessments commenced for a further **10** non-government agencies.

Monitoring for compliance

This year a compliance monitoring program of all designated agencies was completed. The program involved an assessment of whether agencies were continuing to provide quality services to children and young people at a time of significant change — two years into the transition of out-of-home care services to the non-government sector. In each designated agency, practice over the previous 12 months was assessed through:

- onsite assessment of all non-government designated agencies
- a case file audit of records of care for a sample of children and young people
- evaluation of placement decision making and case planning

- an audit of a sample of reportable conduct matters
- an audit of a sample of authorised carer files and staff recruitment, supervision and training records
- interviews on governance with principal officers and board representatives.

Review of designated agencies – highlights

- In 2016–17, care records were reviewed for 1924 children and young people, which included children and young people from 0-18 years placed in foster care, relative/kinship care, residential care and independent living arrangements
- 34% of these children and young people identified as Aboriginal or Torres Strait Islander
- records for 569 staff were reviewed
- 834 carer files were reviewed relating to the children and young people whose care records were reviewed (see the first point in this list). The records were also reviewed of carers who were subject to reportable conduct investigations.

Key findings

Placement decisions, case planning and casework

- Only 33% of children and young people had a permanency planning assessment to guide casework with the child and their family/carers
- Placement matching assessments were evident only for 50% of the children and young people reviewed
- 34% of Aboriginal children were placed with relative or kin; 5% were placed with a member of the Aboriginal or Torres Strait Islander community to which they belong and 20% were placed with a member of another Aboriginal or Torres Strait Islander community. Almost one-third of children and young people were placed with a non-Aboriginal carer, or it was not possible to determine from the records the cultural heritage of the carer
- 82% of children and young people reviewed had a current case plan
- 84% of children and young people reviewed had a formally constituted case conference to review their case plan and 46% of these children and young people attended the case conference
- In most cases, children and young people’s carers were involved in case planning meetings, but participation of birth parents was generally low
- Where children and young people had behavioural support needs, 69% had a current behaviour support plan developed by an appropriately qualified professional. Where a child or young person was prescribed psychotropic medication, just over half (55%) had the necessary consent of the principal officer.

Authorised carers

- Almost all carers (99%) had valid Working With Children Checks; however, only 89% of these checks had been verified by the agency. This finding was followed up on immediately during the onsite assessment
- Only 55% of carers had undertaken training before being authorised as carers. While agencies routinely provide opportunities for training, only 50% of carers reviewed took up these opportunities
- 84% of carers had signed the Ministerial Code of Conduct for authorised carers.

Staff

- Almost all staff (99%) reviewed had a valid Working With Children Check and 94% of these had been verified by the employer
- Almost 75% of staff reviewed had signed the agency's code of conduct
- Almost 75% of staff reviewed had relevant tertiary qualifications
- 80% of staff had participated in some form of professional development during the period of employment with the agency
- Only 54% of staff working in residential care settings had completed behaviour management and support training
- The frequency and nature of staff supervision varied across the sector; however, just over three-quarters (78%) of staff reviewed were having some form of regular, formal supervision by their manager.

At the conclusion of the review, individualised reports, which identified areas for improvement, were provided to each agency. These areas continue to be monitored and assessed at subsequent visits. The Office of the Children's Guardian also prepared an overview of trends across the sector and provided it to each agency as well as key stakeholders including FACS, the Association of Children's Welfare Agencies (ACWA) and the Aboriginal Child, Family and Community Care State Secretariat (AbSec).

A review of every child and young person in residential care

This year the Office of the Children's Guardian commenced a review of every child and young person who was in residential care on 30 November 2016. The purpose of the review was to understand the current circumstances of children and young people in residential care and their likely trajectory in the care system.

This review included analysis of FACS records regarding these children and young people and included children and young people placed in motel accommodation, or special care arrangements with non-designated agencies. The review will be finalised in the 2017–18 reporting period and a final report will be prepared.

In 2017–18, the team will also undertake onsite assessment of some residential care agencies.

Information reported to the Office of the Children's Guardian

All designated agencies are required to notify the Office of the Children's Guardian when they receive an allegation of sexual misconduct or serious physical assault of a child or young person in statutory out-of-home care, by staff or volunteers (including carers). The Office of the Children's Guardian cross-references this information against the Carers Register, the Working With Children Check system and information held by the NSW Ombudsman to ensure that agencies are meeting their reporting obligations.

This year, we received notifications of 118 allegations of sexual misconduct or serious physical assault of a child or young person in statutory out-of-home care.

Agencies are also required to report the death of a child or young person in statutory out-of-home care to the Children's Guardian. This year notifications were received of the deaths of 5 children and young people. Four deaths were as a result of significant medical problems and one young person died as a result of suicide.

Residential care providers advise the Children's Guardian when a child under the age of 12 years is placed in residential care. As of 1 July 2017 there were 108 children under 12 in residential care.

Family and Community Services accreditation

The mandatory accreditation scheme for statutory out-of-home care providers in NSW was introduced in 2003. A number of agencies were granted interim accreditation at that time while working towards full accreditation. FACS was also granted interim accreditation status at that time.

In 2013, six Intensive Support Services teams and FACS' residential care service (Sherwood House) were assessed as meeting the Standards and were granted accreditation for 5 years. However, interim accreditation was extended for the remainder of FACS' statutory out-of-home care services which were unable to demonstrate compliance against the Standards at that time.

Between 2013 and 2016 the Office of the Children's Guardian conducted a series of accreditation assessments of FACS practice across all 15 of its Districts. In September 2016, the Children's Guardian granted accreditation for five years to three Districts on the basis that they had wholly met the accreditation criteria:

- Central Coast
- Far West
- Southern

The Children's Guardian also granted accreditation for five years to these Districts on the basis that they had substantially met the accreditation criteria, with a condition that each District wholly meet the accreditation criteria within 12 months:

- Hunter New England
- Illawarra Shoalhaven
- Western Sydney
- Nepean Blue Mountains
- Northern NSW
- Northern Sydney
- South Eastern Sydney
- South Western Sydney
- Central Sydney

In December 2016 the Children's Guardian granted accreditation for one year to the following Districts, subject to additional monitoring conditions:

- Western NSW
- Murrumbidgee
- Mid North Coast

Assessment and monitoring of practice commenced in 2016–17 for the three Districts granted one year accreditation and for the nine Districts substantially accredited.

Voluntary out-of-home care (VOOHC)

In NSW all VOOHC must be provided or arranged by a designated agency or a registered (non-designated) agency registered by the Children's Guardian. The registration systems team monitors the provision and arrangement of VOOHC and makes recommendations to the Children's Guardian regarding the registration of agencies.

The VOOHC system is now in its fifth year of operation and aims to:

- make it possible for parents to access relevant information, and participate more in planning and decision-making
- improve the consistency and quality of intake, assessment, planning care and interagency coordination
- enhance sector knowledge of a child or young person's care history and previous case plans, thereby supporting improved planning of care and information sharing
- ensure that children and young people in longer term care benefit from proper case planning.

Key achievements this year

In 2016–17:

- New Statutory Procedures for VOOHC were published (March 2017). The new procedures incorporate changes and reforms to the child protection system in NSW as well as the implementation of the National Disability Insurance Scheme (NDIS).
- A VOOHC Roadshow was conducted around NSW in collaboration with the NSW Ombudsman. The Roadshow updated agencies on the VOOHC procedures and the reportable conduct scheme. It received an overwhelmingly positive response from all 108 agencies represented.
- As of March 2017 all VOOHC agencies had participated in VOOHC monitoring. VOOHC monitoring visits were completed for 35 agencies across NSW. Educational monitoring teleconferences were conducted with 34 agencies.
- 156 agencies were monitored (36 designated agencies and 120 registered agencies as well as 10 that have withdrawn during the year) and more than 2000 children and young people accessing VOOHC placements.
- The VOOHC Monitoring Framework was redesigned. The new design included the introduction of the Registration and Monitoring process to replace the previous Registration and Self-Certification process and development of the VOOHC Registration and Monitoring review, requiring all current agencies to submit relevant policies for review.

Key statistics

- 1333 children or young people accessed placements with registered agencies, 589 children or young people accessed placements with the NSW Department of Ageing, Disability and Home Care (ADHC) and 363 children or young people accessed placement with designated agencies other than ADHC. Altogether 2133 children assessed VOOHC in 2016–17, a slight decrease from the previous year. However, the total number accessing placements is higher (1333+589+363 – see above), reflecting the fact that some children or young people accessed multiple agencies, e.g. a registered agency as well as ADHC
- A total of 16,294 placement episodes were recorded. Of these placements, 15,667 (96%) were provided to a child or young person with a disability.

For 2016–17, the VOOHC Register indicates that:

- the number of care episodes decreased by nearly 10%. While care episodes have been decreasing since the Register was established in 2011 this is the most significant decrease to date
- the total number of VOOHC agencies has decreased by 11 since the same reporting period last year.
- the VOOHC placements of 70 children and young people were being supervised by a designated agency at the end of the 2016–17 reporting period and the majority are being supervised by ADHC.
- at the end of the year there were 62 current case plan notifications lodged on the VOOHC Register.

The NSW Carers Register

The Carers Register records general non-identifying statistical Carers Register information. During the operation of the Carers Register in 2016–17:

- the number of designated agencies providing statutory foster care remained static (since 15 June 2016)
- the number of authorised carers increased by approximately 1674
- NGOs authorised marginally more carers than FACS
- **2564** authorised carers identified as Aboriginal or Torres Strait Islander
- **12,285** authorised carers were female
- **6088** household members were female
- **7583** household members were over 18 years and required a Working With Children Check.

Working With Children Check bars:

- **199** carer applicants, provisionally authorised or authorised carers had a Working With Children Check bar or interim bar issued.
- **97** household members had a Working With Children Check bar or interim bar issued.

Table 4.1 provides Carers Register statistics for 2016–17.

Keeping agencies better informed

Training was provided to 30 agencies on using the Carers Register, supporting new staff and reinforcing knowledge for staff who had attended the original training. As a result of the training, agencies were able to improve their processes for using the Register.

Carers Register onsite reviews also commenced, focusing on auditing data that was entered into the Carers Register against carer assessment information, including probity requirements. As a result, agencies received summaries of recommendations, and an outline of processes for ensuring compliance.

Information collated from the Carers Register informs the accreditation and monitoring process for designated agencies.

Table 4.1 Carers Register: Key statistics, 2016–17 (figures are cumulative)

	Jul–Sep 2016	Oct–Dec 2016	Jan–Mar 2017	Apr–Jun 2017
Designated agencies – accredited to provide statutory out-of-home care	46	46	47	47
Authorised carers (currently authorised) <i>Note: some carers may be authorised with one or more agencies</i>	19,033	19,482	19,722	19,974
FACS	9,748	10,018	10,177	10,162
NGO	9,613	9,779	9,842	10,119
Authorised carers who identify as Aboriginal and/or Torres Strait Islander	2,502	2,552	2,576	2,564
Households (current)	12,444	12,708	12,783	12,664
FACS	6,545	6,678	6,755	6,544
NGO	5,899	6,030	6,028	6,120
Household members (currently residing with an authorised carer)	11,213	11,996	11,312	12,922
< 18 years	4,680	4,703	4,889	5,339
> 18 years	6,533	7,293	6,423	7,583
Authorised carers (current)				
Female	11,908	12,156	12,254	12,285
Male	7,125	7,326	7,467	7,688
Household members (currently residing with an authorised carer)				
Female	5,254	5,609	5,348	6,088
Male	5,954	6,387	5,964	6,829
Carer applicants	3,002	3,021	3,051	3,001
Households <i>Note: includes provisionally authorised carers</i>	1,864	1,880	1,917	1,894
FACS	1,665	1,580	1,453	1,254
Households	1,010	973	910	786
NGO	1,343	1,448	1,598	1,747
Households	854	907	1,007	1,008
Authorisation				
Cancelled - with concerns	344	416	445	552
Cancelled - without concerns	552	641	722	1,008
Surrendered - with concerns	49	85	104	133
Surrendered - without concerns	998	1,437	1,716	2,657
Applications				
Refused	466	552	717	823
Withdrawn – with concerns	180	248	321	339
Withdrawn – without concerns	1,017	1,317	1,623	1,965
Reportable allegations (lodged during period)				
Current	185	261	275	186
Finalised – contact agency	29	24	21	11
Finalised – no record	36	41	66	43
Working With Children Check bars				
Authorised carers	83	97	103	137
Household members	46	53	57	61
Working With Children Check interim bars				
Authorised carers	21	27	33	62
Household members	14	17	23	41

Notes on Table 4.1

In 2016–17, 47 designated agencies were accredited to provide statutory out-of-home care

Carer authorisations are automatically cancelled if the person no longer has a Working With Children Check (WWCC) clearance, or a current application, or is subject to a bar or interim bar. Carer authorisations are automatically suspended if a residing person no longer has a WWCC clearance or a current application or is subject to a bar or interim bar.

The relevant designated agency must, within 48 hours of becoming aware of a cancellation or suspension, ensure that children or young people in out-of-home care are no longer placed in a household where a person with a Working With Children Check bar or interim bar resides.

Small differences in total applicant numbers in the table indicate that some applicants are associated with both an NGO and FACS.

5

SAFER PLACES FOR CHILDREN



Laura – 16 years

Nature

Being outdoors makes me happy, and gives me a sense of freedom in my life.

Helping organisations to be safer for children

Child Safe eLearning

To improve access to child safe training, a Child Safe eLearning package was developed and released in April 2017. Modules cover:

- organisational culture
- risk management
- situational prevention
- reporting allegations
- recruitment processes
- the Working With Children Check.

Response to the eLearning exceeded expectations, with 268 participants completing all eight modules by the end of the financial year — only ten weeks after the release of the eLearning package.

SAFE series

The SAFE series protective behaviours program was launched in October 2016 at Burwood Council library.

The series comprises four books, a guide for users and a two-hour face-to-face training session for program facilitators, available free on request to the Office of the Children's Guardian.

The Office of the Children's Guardian is working with KU Children's Services to implement the SAFE series protective behaviours program in all their centres. In the second half of 2017 KU will co-partner with us in an evaluation of the SAFE series program.

SAFESpace: Supporting children and young people living with a disability

The Office of the Children's Guardian received funding of one million dollars in June 2016 to create resources and training workshops to support parents and carers of children who self-manage their children's funding under the NDIS. The materials developed include free Child Safe Organisations training workshops. The training is designed to reinforce the responsibilities outlined in the NSW *Child Protection (Working with Children) Act 2012*, the NSW *Disability Inclusion Act 2014* and the ADHC publication "Addendum to the Standards in Action: Guide for services working with children and young people with disability and their families".

During the consultation stage, the Office of the Children's Guardian liaised with peak bodies, disability providers, third party verifiers and parents and carers.

At the end of 2016–17, an eLearning package was in development, based on the Office of the Children's Guardian's Child Safe eLearning modules. Material specifically targeted to parents and carers of children with disability was also being developed.

A 28-minute training video called Risk Harm, comprising four parts (Recruitment Processes, Risk Management, Restrictive Practice and Reporting Allegations), was created, and has been incorporated into the face-to-face SAFESpace training. This was first made available online in May 2017.

See <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/child-safe-elearning/elearning-resources>.

Summary of activity

In 2016–17 the Child Safe Organisations team conducted 167 training sessions for 4564 people representing 1387 organisations, comprising:

- 8 sports sessions
- 6 conference stalls
- 63 child-safe workshops
- 83 SAFE series workshops
- 7 Working With Children Check information sessions.

Table 5.1 provides a record of Child Safe Organisations activities in 2016–17.

Table 5.1 Child Safe Organisations activities, 2016–17

	Sydney metro events	Regional events	Total events	Total people
Child-safe workshops (full day)	28	22	50	995
Child-safe seminars (half day)	8	5	13	283
Child-safe sports sessions (2hrs)	6	2	8	183
Working With Children Check information sessions	7	0	7	590
SAFE series	64	19	83	1726
Conference Stall	2	4	6	519
eLearning certificates of completion issued (April–June)	n/a	n/a	n/a	268
Total	115	52	167	4564

Safer employment for children

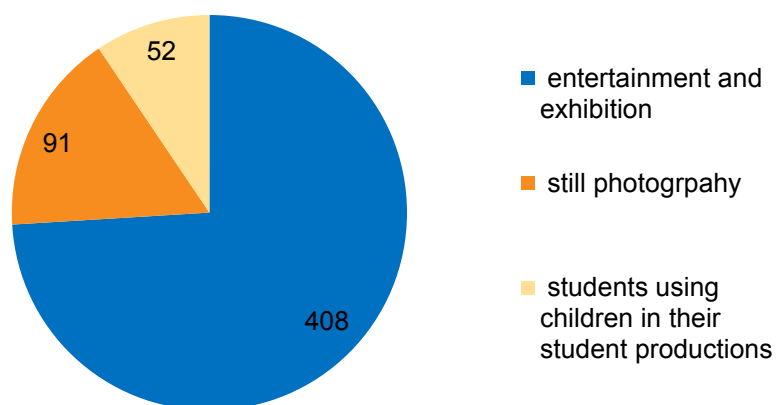
Employer's authorities cover the categories of entertainment and exhibition, still photography, and student productions. The purpose of the employer's authority is for employers to register their intention to employ children in NSW with the Children's Guardian.

Employers can apply for an authority to cover a week, three months, six months or 12 months.

In 2016–17, the Office of the Children’s Guardian received 551 applications for an authority to employ children within NSW. This figure represents 70% more applications than the previous year. Of the 551 applications:

- 379 were for a one-week period
- 8 were for a three-month period
- 12 were for a six-month period
- 152 were for a 12-month period.

Figure 5.1 Employer’s authority applications, 2016–17



The significant increase in employer authority applications this year can be attributed to:

- a strong foundation over the past few years in community education programs
- a stronger focus on compliance this year
- an increased number of compliance visits, which created greater employer awareness of the need for an authority
- the reduced cost of an employer authority
- following up on intelligence around employers working without authorities.

Application fees (including surcharge fees) received by the Office of the Children’s Guardian totalled \$335,343.31 (including GST), as compared to \$309,601.85 (including GST) in fees received in 2015–16. This represents an 8.3% increase in total fees received.

Productions

In 2016–17 the Office of the Children’s Guardian received 1206 notifications of productions involving the employment of children, compared with 1080 for the previous year, an increase of 12%. This is the highest number of productions notified in the last 10 years, and may reflect the increasing awareness of employers of their obligations under the children’s employment legislation.

The number of productions employing children across all industries increased. The number of exhibitions, however, decreased by 36%.

There were 41 student productions assessed in 2016–17. This is a 95% increase in the number of student productions assessed in 2015–16. The level of engagement with students has increased, and has provided an opportunity to educate future industry leaders.

Compliance

New powers

On 26 October 2016 the *Children and Young Persons (Care and Protection) Act 1998* was amended, providing the Office of the Children’s Guardian with the power to:

- enter onto premises of suspected employment without a warrant
- compel the production of information or the furnishing of records
- enter into enforceable undertakings
- seize property or documents for the purposes of preserving evidence.

The amendment also provided the ability for authorised officers of the Children’s Guardian to issue penalty notices.

Compliance operations

Monthly compliance checks saw employers selected at random for unannounced inspections of work conditions. A risk-based, targeted compliance plan was implemented to:

- identify areas of non-compliance
- develop and execute targeted compliance activities
- liaise with industry stakeholders to identify emerging trends and issues
- encourage upfront compliance of employers by developing an enforcement plan to address and deter non-compliance and encourage a level playing field within the industry; educating employers on their child employment obligations; and reducing red tape to make it simpler to comply.

Location visits

In addition to the compliance operation program, 30 location visits were conducted in 2016–17. While this figure is lower than the 37 productions in 2015–16, when combined with visits that occurred as part of compliance operations, a total of 85 employers were visited in 2016–17, a 10% increase over 2015–16.

New compliance approach

In 2016–17 a new approach to compliance was implemented. A series of proactive compliance operations were undertaken to test compliance with specific provisions of the Regulation and increase the Office of the Children’s Guardian presence in the sector. Through 20 operations 55 employers were visited — this is a 49% increase over 2015–16. Of the employers visited, 37 were compliant with and 16 in breach of the legislation.

The operations conducted focused on the following areas:

- supervision
- talent agents
- checking that employers were employing children under the conditions advised to us
- general Code of Practice
- full site inspections

Stronger policies for child safe organisations

A number of initiatives commenced in 2016–17 to make organisations safer for children.

Child Safe Principles —the *Principles for Child Safe Organisations* were developed. The principles are designed to be flexible enough for organisations to implement child-safe strategies that address their organisation’s own particular environmental risks.

Improving the application of data held by the Office of the Children’s Guardian to enhance operations. This work is being undertaken in consultation with the NSW Data Analytics Centre. In June 2017 a design workshop was held with key stakeholders to explore opportunities to make organisations safer for children through better use of information held by a range of child-related organisations.

Supporting the accreditation and monitoring of out-of-home care — as a result of a review of accreditation of a designated agency, Wundarra Services Pty Ltd, recommendations were made to address systemic issues in the residential care system. The Office of the Children’s Guardian produced a report after a skills and qualifications audit of the statutory out-of-home care sector.

Enhancements for the residential care sector — to prepare for the proposed redesign of the residential care sector, an options paper was prepared for the Children’s Guardian on an assessment and monitoring framework for the new therapeutic care system. This also included advice on how the new approach to providing residential care will impact on our organisation’s functions.

Residential care review — A review of the circumstances of every child and young person placed in residential care commenced on 30 November 2016. This review was conducted in response to critical incidents involving children and young people in residential care settings. The review will continue into 2017–18, and a report will be produced on our findings and recommendations.

Australian Children’s Commissions and Guardian’s (ACCG) — the Children’s Guardian is a member of the ACCG. The purpose of the ACCG is to strengthen the quality and effectiveness of strategic advocacy to promote and protect the safety, well-being and rights of children in Australia, particularly the most vulnerable or disadvantaged. The ACCG meets twice yearly to share information and identify opportunities for collaborative action, particularly in relation to matters of mutual interest and /or national significance.

6

LOOKING AHEAD: CREATING CHILD SAFE ORGANISATIONS



Angel – 12 years

I spy

I like to see my world through a hole, doesn't have to be perfect but it just has to be a hole that shines.

Working with a common purpose

2017–18 will be an exciting time for the Office of the Children’s Guardian. We will build on our important work to keep children safe by promoting and regulating the quality of child-safe organisations, services and people.

We will continue to focus on providing high quality professional advice, services and support. And we will explore new ways to work more collaboratively, drawing together expertise from across the sector to promote evidence-based practice.

Stronger protections for children

In 2017–18, work on the report of the statutory review of the *Child Protection (Working with Children) Act 2012* will continue to be a major focus, including progressing recommendations to government for legislative change and consulting further on other recommendations of the report.

The Expert Advisory Committee to support the Working With Children Check scheme has been appointed and will continue to provide advice in 2017–18. The Children’s Guardian will also appoint additional members with relevant expertise such as in the areas of cybercrime, mental health and domestic violence.

The Office of the Children’s Guardian will consult with the out-of-home care sector to explore the feasibility of expanding the scope of the Carers Register to include residential care workers. This will help to prevent unsuitable workers from moving from one organisation to another.

We will continue to proactively respond to Working With Children Check appeal matters to both NCAT and the Supreme Court.

We will also continue to monitor the activities of the Royal Commission closely, and will engage with FACS on the statutory review of the *Children and Young Persons (Care and Protection) Act 1998*. One of the tasks will be to re-examine whether there is a need for the special guardianship functions of the Children’s Guardian to be progressed.

Other areas of focus to strengthen protections for children in 2017–18 include:

- monitoring the implementation of the *Principles for Child Safe Organisations* in NSW
- engaging with peak and funding bodies across all child-related sectors to help organisations put the principles into action
- engaging with dance education providers to explore options for including Working With Children Check obligations and child-safe practices in the national dance qualifications curriculum
- working to improve the oversight of children and young people in statutory out-of-home care who are placed with non-designated agencies.

Stronger systems to protect children’s safety

In 2017–18 we will continue to protect children by identifying individuals who pose a risk to the safety of children, and barring them from child-related work. The final sectors will be phased in to the Working With Children Check.

Working With Children Check application renewals will open in March 2018. We will focus on preparing the system for application renewals and will develop and implement a plan to support the anticipated increase in work.

We will continue to audit the sectors that were phased in this year, and commence working with the new sectors phased in by 1 April 2018.

We will continue our focus on high risk areas, working on bars and closed applications, and responding to allegations as they arise.

A plan will be developed for managing compliance with Working With Children Check application renewals, which will commence from March 2018. The focus will be on supporting employers in the re-verification process to ensure that, as workers' checks expire and new applications are made, employers understand their obligations to re-verify the WWC numbers of their workers.

Safer places for children

Children's employment

The design of the automated employer's authority application and pre-employment notification processes, completed in 2016–17, will be implemented in 2017–18. This will make it easier for employers to apply for authorities and comply with the legislation, and will reduce our processing times. This automation is expected to free up resources and allow for better targeting of Office of the Children's Guardian activities to higher risk productions.

Compliance activities around unauthorised employment will increase. Results will be communicated more frequently.

We will also improve the readability and accessibility of information about children's employment.

Child Safe programs and resources

Later in 2017 we will be introducing an animated version of the SAFE series, in response to a need identified by the early education childhood sector in our initial review of the program. These vivid cartoons are aimed at complementing the books and reinforcing the messages of the program for children aged 2 to 6 years.

Further resources are planned for the SAFE book series, including more activities, incorporating the suggestions we have received for creating tools that reinforce messages on protective behaviours.

Safer care for children

Voluntary out-of-home care (VOOHC)

In 2017–18, we will:

- review the compliance of relevant policies of all current VOOHC agencies, and any new agencies registering to provide VOOHC
- manage any non-compliance, and de-register agencies as required (withdrawal or cancellation)
- continue to work closely with FACS and ADHC on the pending closure of ADHC and the impact this will have on VOOHC, particularly in relation to the supervision of long-term VOOHC placements
- monitor and manage the impact of the NDIS rollout and closure of ADHC on the provision, planning and supervision of VOOHC.

The Carers Register

Plans for 2017–18 include continuing to:

- ensure the integrity of the Carers Register data
- provide targeted refresher training and support
- conduct Carers Register audits
- publish information (non-identifying) on our website
- engage stakeholders.

To support the accreditation process, reports and desktop monitoring strategies and outcomes will be provided.

7

APPENDIXES

Appendix A Financial statements

Appendix B Our people

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Appendix A: Financial statements



INDEPENDENT AUDITOR'S REPORT

Office of the Children's Guardian

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of the Office of the Children's Guardian (the Office), which comprise the statement of financial position as at 30 June 2017, the statement of comprehensive income, statement of changes in equity, statement of cash flows, for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion the financial statements:

- give a true and fair view of the financial position of the Office as at 30 June 2017, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 45E of the *Public Finance and Audit Act 1983* (PF&A Act) and the Public Finance and Audit Regulation 2015.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Office in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Children's Guardian Responsibility for the Financial Statements

The Children's Guardian is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the PF&A Act, and for such internal control as the Children's Guardian determines is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Children's Guardian must assess the Office's ability to continue as a going concern except where the Office's operations will cease as a result of an administrative restructure. The assessment must disclose, as applicable, matters related to going concern and the appropriateness of using the going concern basis of accounting.

Auditor's Responsibility for the Audit of the Financial Statements

My objectives are to:

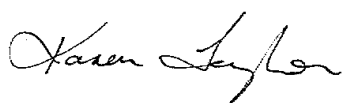
- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

My opinion does not provide assurance:

- that the Office carried out its activities effectively, efficiently and economically
- about the assumptions used in formulating the budget figures disclosed in the financial statements
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Karen Taylor
Director, Financial Audit Services

5 October 2017
SYDNEY

OFFICE OF THE CHILDREN'S GUARDIAN

Statement by the Children's Guardian

Pursuant to Section 45F(1B) of the *Public Finance and Audit Act 1983*, I state that to the best of my knowledge and belief:

- (a) the accompanying financial statements have been prepared in accordance with applicable Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board, the requirements of the *Public Finance and Audit Act 1983* and the *Public Finance and Audit Regulation 2015* and Treasurer's Directions.
- (b) the financial statements exhibit a true and fair view of the financial position of the Office of the Children's Guardian as at 30 June 2017 and the financial performance for the period 1 July 2016 to 30 June 2017;
- (c) there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.



Janet Schorer
Children's Guardian
5 October 2017

Office of the Children's Guardian

**Financial Statements
for the year ended 30 June 2017**

**Office of the Children's Guardian
Statement of comprehensive income
for the year ended 30 June 2017**

	Actual 2017 \$'000	Budget 2017 \$'000	Actual 2016 \$'000
Notes			
Expenses excluding losses			
Operating expenses			
Employee related expenses	2(a) 14,071	14,966	13,460
Other operating expenses	2(b) 16,101	13,012	13,714
Depreciation and amortisation expenses	2(c) 677	530	879
Grants and subsidies	2(d) 550	550	350
Finance costs	2(e) -	-	3
	<u>31,399</u>	<u>29,058</u>	<u>28,406</u>
TOTAL EXPENSES EXCLUDING LOSSES			
Revenue			
Recurrent appropriation	3(a) 11,790	16,413	5,606
Capital appropriation	3(a) 584	584	339
Sale of goods and services	3(b) 20,034	12,521	15,035
Grants and contributions	3(c) 1,100	-	-
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d) 187	532	382
Other revenue	3(e) 2	-	10
	<u>33,697</u>	<u>30,050</u>	<u>21,372</u>
Total Revenue			
Other gains/(losses)	<u>(18)</u>	<u>-</u>	<u>(1)</u>
Net Result	<u>2,280</u>	<u>992</u>	<u>(7,035)</u>
Other comprehensive income			
Total other comprehensive income	<u>-</u>	<u>-</u>	<u>-</u>
TOTAL COMPREHENSIVE INCOME	<u>2,280</u>	<u>992</u>	<u>(7,035)</u>

The accompanying notes form part of these financial statements.

**Office of the Children's Guardian
Statement of financial position
as at 30 June 2017**

		Actual 30 June 2017 \$'000	Budget 30 June 2017 \$'000	Actual 30 June 2016 \$'000
ASSETS				
Current Assets				
Cash and cash equivalents	4	1,194	800	19
Receivables	5	<u>1,913</u>	<u>1,488</u>	<u>2,098</u>
Total Current Assets		<u>3,107</u>	<u>2,288</u>	<u>2,117</u>
Non-Current Assets				
Plant and Equipment	6	292	293	290
Leasehold improvements	6	<u>536</u>	<u>717</u>	<u>714</u>
	6	<u>828</u>	<u>1,010</u>	<u>1,004</u>
Intangible assets	7	<u>913</u>	<u>1,019</u>	<u>968</u>
Total non-current assets		<u>1,741</u>	<u>2,029</u>	<u>1,972</u>
Total assets		<u>4,848</u>	<u>4,317</u>	<u>4,089</u>
LIABILITIES				
Current Liabilities				
Payables	8	1,786	3,136	3,431
Provisions	9	<u>1,748</u>	<u>1,412</u>	<u>1,625</u>
Total current liabilities		<u>3,534</u>	<u>4,548</u>	<u>5,056</u>
Non-Current Liabilities				
Provisions	9	<u>98</u>	<u>88</u>	<u>97</u>
Total non-current liabilities		<u>98</u>	<u>88</u>	<u>97</u>
Total liabilities		<u>3,632</u>	<u>4,636</u>	<u>5,153</u>
Net assets		<u>1,216</u>	<u>(319)</u>	<u>(1,064)</u>
EQUITY				
Accumulated funds		<u>1,216</u>	<u>(319)</u>	<u>(1,064)</u>
Total Equity		<u>1,216</u>	<u>(319)</u>	<u>(1,064)</u>

The accompanying notes form part of these financial statements.

**Office of the Children's Guardian
Statement of changes in equity
for the year ended 30 June 2017**

	Accumu- lated Funds \$'000	Total \$'000
Balance at 1 July 2016	(1,064)	(1,064)
Net result for the year	<u>2,280</u>	<u>2,280</u>
Other comprehensive income:		
Total other comprehensive income	<u>-</u>	<u>-</u>
Total comprehensive income for the year	<u>2,280</u>	<u>2,280</u>
Transaction with owners in their capacity as owners		
Increase / (decrease) in net assets from equity transfers	<u>-</u>	<u>-</u>
Balance at 30 June 2017	<u>1,216</u>	<u>1,216</u>
	\$'000	\$'000
Balance at 1 July 2015	5,971	5,971
Net result for the year	<u>(7,035)</u>	<u>(7,035)</u>
Other comprehensive income:		
Total other comprehensive income	<u>-</u>	<u>-</u>
Total comprehensive income for the year	<u>(7,035)</u>	<u>(7,035)</u>
Increase / (decrease) in net assets from equity transfers	<u>-</u>	<u>-</u>
Balance at 30 June 2016	<u>(1,064)</u>	<u>(1,064)</u>

**Office of the Children's Guardian
Statement of cash flows
for the year ended 30 June 2017**

	Actual 30 June 2017 \$'000	Budget 30 June 2017 \$'000	Actual 30 June 2016 \$'000
Notes			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee Related	(13,721)	(14,434)	(13,127)
Other operating expenses	(18,927)	(14,336)	(13,219)
Grants and subsidies	(550)	(550)	(350)
Total Payments	<u>(33,198)</u>	<u>(29,320)</u>	<u>(26,696)</u>
Receipts			
Recurrent appropriation	11,790	16,308	5,606
Capital appropriation	584	689	339
Interest received	-	-	62
Sale of goods and services	20,008	12,521	15,035
Grants and contributions	1,100	-	-
Other	1,355	950	772
Total Receipts	<u>34,837</u>	<u>30,468</u>	<u>21,814</u>
NET CASH FLOWS FROM OPERATING ACTIVITIES	12 <u>1,639</u>	1,148	(4,882)
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchases of plant and equipment and infrastructure systems	(106)	(189)	(58)
Purchases of Intangibles	(358)	(500)	(646)
NET CASH FLOWS FROM INVESTING ACTIVITIES	<u>(464)</u>	<u>(689)</u>	<u>(704)</u>
CASH FLOWS FROM FINANCING ACTIVITIES			
NET CASH FLOWS FROM FINANCING ACTIVITIES	<u>-</u>	<u>-</u>	<u>-</u>
NET INCREASE (DECREASE) IN CASH	1,175	459	(5,586)
Opening cash and cash equivalents	19	341	5,605
Cash transferred in (out) as a result of administrative restructuring	-	-	-
CLOSING CASH AND CASH EQUIVALENTS	4 <u>1,194</u>	800	19

The accompanying notes form part of these financial statements.

1 Summary of Significant Accounting Policies

(a) Reporting entity

The Office of the Children's Guardian (the Office) is a reporting entity and is consolidated as part of the NSW Total State Sector Accounts.

The Public Sector Employment and Management (Children's Guardian and other matters) Order 2013 established the Office of the Children's Guardian as a Division of the Government Service responsible to the Minister For Family and Community Services. The order was dated 15 May 2013 and was effective on the 17 May 2013.

The Office is a not for profit entity (as profit is not its principal objective) and it has no cash generating units. The financial report for the period ended 30 June 2017 has been authorised for issue by the Children's Guardian on 5th October 2017.

(b) Basis of preparation

The Office's financial statements are general purpose financial statements which have been prepared on an accrual basis in accordance with:

- Applicable Australian Accounting Standards (which include Australian Accounting interpretations);
- The requirements of the Public Finance and Audit Act 1983 and Public Finance and Audit Regulation 2015 and
- The Financial Reporting Directions mandated by the Treasurer.

Plant and equipment are measured at fair value. Other financial statement items are prepared in accordance with the historical cost convention.

Judgements, key assumptions and estimations management has made are disclosed in the relevant notes to the financial report.

All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.

NSW Treasury has approved the Office's future budgeted expenditure for the period 2018-2022, resulting in an improvement in net assets in 2016/17. As such, the financial statements of the Office have been prepared on going concern.

(c) Statement of compliance

The financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

1 Summary of Significant Accounting Policies (cont'd)

(d) Accounting for the Goods and Services Tax (GST)

Income, expenses and assets are recognised net of the amount of GST, except that:

- The amount of GST incurred by the Office as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of an assets cost of acquisition or as part of an item of expense and
- Receivables and payables are stated with the amount of GST included.

Cash flows are included in the Statement of Cash Flows on a gross basis. However, the GST components of cash flows arising from investing and financing activities which is recoverable from, or payable to, the Australian Taxation Office are classified as operating cash flows.

(e) Income recognition

Income is measured at the fair value of the consideration or contribution received or receivable. Comments regarding the accounting policies for the recognition of income are discussed below.

(i) Parliamentary appropriations and contributions

Except as specified below, parliamentary appropriations and contributions from other bodies (including grants and donations) are recognised as income when the Office obtains control over the assets comprising the appropriations / contributions. Control over appropriations and contributions are normally obtained upon the receipt of cash. Appropriations are not recognised as revenue in the following circumstances:

- Unspent appropriations are recognised as liabilities rather than income, as the authority to spend the money lapses and the unspent amount must be repaid to the Consolidated Fund.

(ii) Sale of goods

Revenue from the sale of goods is recognised as revenue when the Office transfers the significant risks and rewards of ownership of the goods, usually on delivery of the goods.

(iii) Rendering of services

Revenue is recognised when the service is provided or by reference to the stage of completion (based on labour hours incurred to date).

(iv) Grants revenue

Income from grants (other than contributions by owners) is recognised when the entity obtains control over the contribution. The entity is deemed to have assumed control when the grant is received or receivable.

Contributions are recognised at their fair value. Contributions of services are recognised when and only when a fair value of those services can be reliably determined and the services would be purchased if not donated.

(f) Property, plant and equipment

(i) Acquisitions of property, plant and equipment

Property, plant and equipment acquired are initially recognised at cost. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent, i.e. deferred payment amount is effectively discounted over the period of credit.

1 Summary of Significant Accounting Policies (cont'd)

(f) *Property, plant and equipment (cont'd)*

(ii) Capitalisation thresholds

Property, plant and equipment and intangible assets costing \$5,000 and above individually (or forming part of a network costing more than \$5,000) are capitalised.

(iii) Revaluation of property, plant and equipment

Physical non-current assets are valued in accordance with the "Valuation of Physical Non-Current Assets at Fair Value" Policy and Guidelines Paper (TPP 14 01). This policy adopts fair value in accordance with AASB 116 *Property, Plant and Equipment*.

Non-Specialised assets with short useful lives are measured at depreciated historical cost, as an approximation of fair value. The office has assessed that any difference between fair value and depreciated historical cost is unlikely to material.

(iv) Impairment of property, plant and equipment

As a not-for profit entity with no cash generating units, impairment under AASB 136 *Impairment of Assets* is unlikely to arise. As plant and equipment is carried at fair value, impairment can only arise in the rare circumstances where the costs of disposal are material. Specifically, impairment is unlikely for not for profit entities given that AASB 136 modifies the recoverable amount test for non-cash generating assets of not-for-profit entities to the higher of fair value less costs of disposal and depreciated replacement cost, where depreciated replacement cost is also fair value.

(v) Depreciation of property, plant and equipment

Depreciation is provided for on a straight line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life to the Office.

All material separately identifiable components of assets are depreciated over their useful lives.

Depreciation Rates	% Rate
Plant & Equipment	
Office furniture and fittings	14
Computer equipment and software	25
Leasehold improvements - over the period of the lease	-

(vi) Restoration costs

The estimated cost of dismantling and removing an asset and restoring the site is included in the cost of an asset, to the extent it is recognised as a liability.

(vii) Maintenance

Day-to-day servicing costs or maintenance are charged as expenses as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated.

(g) *Leases*

A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of the leased assets, and operating leases under which the lessor effectively retains all such risks and benefits.

Where a non-current asset is acquired by means of a finance lease, at the commencement of the lease term, the asset is recognised at its fair value or, if lower, the present value of the minimum lease payments, at the inception of the lease. The corresponding liability is established at the same amount. Lease payments are allocated between the principal component and the interest expense.

1 Summary of Significant Accounting Policies (cont'd)

(g) *Leases (cont'd)*

Operating lease payments are recognised as an operating expense in the Statement of Comprehensive Income on a straight line basis over the lease term.

(h) *Intangible assets*

The Office recognises intangible assets only if it is probable that future economic benefits will flow to the Office and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition.

The useful lives of intangible assets are assessed to be finite.

Intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for the Office's intangible assets, the assets are carried at cost less any accumulated amortisation.

1 Summary of Significant Accounting Policies (cont'd)

(i) Financial Instruments

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity.

Financial assets and financial liabilities are initially measured at fair value. Transaction costs that are directly attributable to the acquisition or issue of financial assets and financial liabilities (other than financial assets and financial liabilities at fair value through profit or loss) are added to or deducted from the fair value of the financial assets or financial liabilities, as appropriate, on initial recognition. Transaction costs directly attributable to the acquisition of financial assets or financial liabilities at fair value through profit or loss are recognised immediately in net result.

(i) Financial assets

Financial assets are classified, at initial recognition, as financial assets at fair value through profit or loss, loans and receivables, held-to-maturity investments, available-for-sale financial assets, or as derivatives designated as hedging instruments in an effective hedge, as appropriate. The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

- Loans and receivables

Trade receivables, loans, and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as loans and receivables. Loans and receivables are measured at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

Short-term receivables with no stated interest rate are measured at the original invoice amount unless the effect of discounting is material.

(ii) Financial liabilities

Financial liabilities are classified as either 'at fair value through profit or loss' or 'at amortised cost'.

- Financial liabilities at amortised cost (including borrowings and trade payables)

Financial liabilities at amortised cost are initially measured at fair value, net of transaction costs. These are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

Payables represent liabilities for goods and services provided to the Office and other amounts. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

Borrowings are financial liabilities at amortised cost. Gains or losses are recognised in the net result for the year on de-recognition of borrowings.

Finance lease liabilities are determined in accordance with AASB 117.

(iii) De-recognition of financial assets and financial liabilities

A financial asset is derecognised when the contractual rights to the cash flows from the financial assets expire; or if the entity transfers the financial asset:

- where substantially all the risks and rewards have been transferred; or
- where the Office has not transferred substantially all the risks and rewards, if the Office has not retained control.

1 Summary of Significant Accounting Policies (cont'd)

(i) *Financial Instruments (cont'd)*

Where the Office has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset continues to be recognised to the extent of the Office's continuing involvement in the asset. In that case, the Office also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the Office has retained.

Continuing involvement that takes the form of a guarantee over the transferred asset is measured at the lower of the original carrying amount of the asset and the maximum amount of consideration that the entity could be required to repay.

A financial liability is derecognised when the obligation specified in the contract is discharged or cancelled or expires. When an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as the de-recognition of the original liability and the recognition of a new liability. The difference in the respective carrying amounts is recognised in the net result.

(iv) Offsetting financial instruments

Financial assets and financial liabilities are offset and the net amount is reported in the statement of financial position if there is a currently enforceable legal right to offset the recognised amounts and there is an intention to settle on a net basis, or to realise the assets and settle the liabilities simultaneously.

(j) *Employee benefits and other provisions*

(a) Salaries and wages, annual leave and sick leave

Salaries and wages (including non-monetary benefits) and paid sick leave that are expected to be settled wholly within 12 months after the end of the period in which the employees render the service are recognised and measured at the undiscounted amounts of the benefits.

Annual leave is not expected to be settled wholly before twelve months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with AASB 119 *Employee Benefits* (although short cut methods are permitted). Actuarial advice obtained by Treasury has confirmed that the use of a nominal approach plus the annual leave on annual leave liability (using 7.9% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The Office has assessed the actuarial advice based on the Office's circumstances and has determined that all annual leave is taken within 12 months so discounting is not applicable.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

(b) Long service leave and superannuation

The Office's liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity. The Office accounts for the liability as having been extinguished, resulting in the amount assumed being shown as part of the non-monetary revenue item described as "Acceptance by the Crown Entity of employee benefits and other liabilities".

Long service leave is measured at the present value of expected future payments to be made in respect of services provided up to the reporting date. Consideration is given to certain factors based on actuarial review, including expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using commonwealth government bond rate at the reporting date.

1 Summary of Significant Accounting Policies (cont'd)

(j) *Employee benefits and other provisions (cont'd)*

The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (ie State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

(c) *Consequential on-costs*

Consequential costs to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised. This includes outstanding amounts of payroll tax, worker's compensation insurance premiums and fringe benefits tax.

(k) *Provisions*

Provisions are recognised when: the entity has a present legal or constructive obligation as a result of a past event; it is probable that an out flow of resources will be required to settle the obligation; and a reliable estimate can be made of the amount of obligation. When the entity expects some or all of the provision to be reimbursed, for example, under an insurance contract, the reimbursement is recognised as a separate asset, but only when the reimbursement is virtually certain. The expense relating to a provision is presented net of any reimbursement in the statement of Comprehensive income.

(l) *Fair value hierarchy*

Fair value hierarchy disclosure under AASB 13 *Fair Value Measurement*, is not required as Office's assets are non-specialised short-live assets and measured at depreciated historical cost as a surrogate for fair value.

(m) *Equity*

Accumulated Funds includes all current and prior year retained funds.

(n) *Comparative information*

Except when an Australian Accounting Standard permits or provides otherwise, comparative information is disclosed in respect of the previous period for all amounts reported in the financial statements.

(o) *Budgeted amounts*

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent amendments to the original budget (e.g. adjustment for transfer of functions between entities as a result of Administrative Arrangements Orders) are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed in the primary financial statements is explained in Note 13.

1 Summary of Significant Accounting Policies (cont'd)

(p) *Changes in accounting policy, including new or revised Australian Accounting Standards.*

(i) Effective for the first time in 2016-2017

The accounting policies applied in 2016-17 are consistent with those of the previous financial year except as a result of the AASB 124- Extended Related Party Disclosure to Not-for-Profit Entity that has been applied for the first time in year ending 30 June 2017.

- AASB 124 Related Party Disclosures

(ii) Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise.

The following new Australian Accounting Standards have not been applied and are not yet effective (NSW TC 16/13).

- AASB 9 Financial Instruments
- AASB 15, AASB 2014-5, AASB 2015-8 and 2016-3 regarding Revenue from Contracts with Customers
- AASB 16 Leases
- AASB 1058 Income of Not-for-profit Entities
- AASB 2016-2 Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 107
- AASB 2016-7 Amendments to Australian Accounting Standards – Deferral of AASB 15 for Not-for-Profit Entities
- AASB 2016-8 Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities

**Office of the Children's Guardian
Notes to the financial statements
for the year ended 30 June 2017**

2 Expenses Excluding Losses

	30 June 2017 \$'000	30 June 2016 \$'000
(a) Employee related expenses		
Salaries and wages (including annual leave)	12,109	11,343
Superannuation - defined benefit plans	73	64
Superannuation - defined contribution plans	985	941
Long service leave	122	339
Workers compensation insurance	57	70
Payroll tax and fringe benefit tax	725	703
	14,071	13,460
 (b) Other operating expenses include the following:		
Employment Screening	11,296	9,269
Operating lease rental expense - minimum lease pay	611	879
Corporate services	495	736
Contractors	1,280	1,196
Events Management	83	12
Stores and Stationery	59	33
Internal Audit	25	13
Consultancy Costs	128	182
Telephone	99	89
Printing	167	72
Data processing	295	118
Travel	112	184
Auditor's remuneration - audit or review of the financial statements	46	49
Community education	168	118
Boards, Tribunals and Meetings	24	28
Motor vehicle	42	16
Conference and seminars	128	49
Electricity and cleaning	73	118
Fees	850	450
Maintenance expenses	11	21
Other	109	82
	16,101	13,714
 (c) Depreciation and amortisation expense		
Depreciation		
Office Equipment	45	46
Computer Hardware	41	24
Leasehold Improvements	178	224
Total Depreciation	264	294
 Amortisation		
Intangibles	413	585
	677	879

**Office of the Children's Guardian
Notes to the financial statements
for the year ended 30 June 2017**

Expenses Excluding Losses (cont'd)

	2017 \$'000	2016 \$'000
(d) Grants and subsidies		
Grants	<u>550</u>	<u>350</u>
	<u>550</u>	<u>350</u>
(e) Finance costs		
Interest	<u>-</u>	<u>3</u>
	<u>-</u>	<u>3</u>

3 Revenue

(a) Appropriations and transfers to the Crown Entity

	30 June 2017 \$'000		30 June 2016 \$'000	
Summary of Compliance	Appro- priation	Expen- diture	Appro- priation	Expen- diture
Original Budget per Appropriation Act	16,997	16,997	4,845	4,845
- s33 Appropriations Act	-	-	1,100	1,100
- Amount carried forward	(4,518)	(4,518)		
- Other Adjustment	(105)	(105)		
Total Appropriations/Expenditure	<u>12,374</u>	<u>12,374</u>	5,945	5,945
Appropriation drawn down*		<u>12,374</u>		<u>5,945</u>
Liability to Consolidated Fund		<u>-</u>		<u>-</u>
 *Comprising: Appropriations (per Statement of comprehensive income)**		<u>12,374</u>		<u>5,945</u>
		<u>12,374</u>		<u>5,945</u>
 **Appropriations:				
Recurrent Appropriation		11,790		5,606
Capital		<u>584</u>		<u>339</u>
		<u>12,374</u>		<u>5,945</u>

**Office of the Children's Guardian
Notes to the financial statements
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3 Revenue (cont'd)

	2017 \$'000	2016 \$'000
(b) Sale of goods and services		
Fees-Working with children check	19,726	14,748
Recoveries	28	10
Fees-Other	280	277
	<u>20,034</u>	<u>15,035</u>
(c) Grants and contributions		
Grants Received – Department of Family and Community Services	1,100	-
	<u>1,100</u>	<u>-</u>
(d) Acceptance by the Crown Entity of employee benefits and other liabilities		
Superannuation	73	64
Long Service Leave	111	315
Payroll tax	3	3
	<u>187</u>	<u>382</u>
(e) Other revenue		
Recoveries	2	10
	<u>2</u>	<u>10</u>

4 CURRENT ASSETS - CASH AND CASH EQUIVALENTS

	30 June 2017 \$'000	30 June 2016 \$'000
Cash at bank and on hand	1,194	19
	<u>1,194</u>	<u>19</u>

For the purposes of the Statement of cash flows, cash and cash equivalents include cash at bank, cash on hand, short term deposits and bank overdraft.

Cash and cash equivalent assets recognised in the statement of financial position are reconciled at the end of the financial year to the statement of cash flows as follows:

	30 June 2017 \$'000	30 June 2016 \$'000
Cash and cash equivalents (per statement of financial position)	1,194	19
Closing cash and cash equivalents (per statement of cash flows)	<u>1,194</u>	<u>19</u>

**Office of the Children's Guardian
Notes to the financial statements
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5 CURRENT ASSETS - RECEIVABLES

	30 June 2017 \$'000	30 June 2016 \$'000
Current Receivables		
GST Receivable	160	329
Other receivables	1,641	1,677
Prepayments	110	78
Sale of goods and services	<u>2</u>	<u>14</u>
	1,913	2,098

6 NON-CURRENT ASSETS - PROPERTY, PLANT AND EQUIPMENT

	Plant and Equipment \$'000	Leasehold Improvement \$'000	Total \$'000
At 1 July 2016 - fair value			
At Cost	1,004	2,494	3,498
Less: Accumulated Depreciation	<u>(714)</u>	<u>(1,780)</u>	<u>(2,494)</u>
Net carrying amount	<u>290</u>	<u>714</u>	<u>1,004</u>
At 30 June 2017 - fair value			
At Cost	898	1,188	2,086
Less: Accumulated Depreciation	<u>(606)</u>	<u>(652)</u>	<u>(1,258)</u>
Net carrying amount	<u>292</u>	<u>536</u>	<u>828</u>

Reconciliation

A reconciliation of the carrying amount of each class of property, plant and equipment at the beginning and end of the current reporting period is set out below.

	Plant and Equipment \$'000	Leasehold Improvement \$'000	Total \$'000
Year ended 30 June 2017			
Net carrying amount at start of year	290	714	1,004
Additions	106	-	106
Disposals	(18)	-	(18)
Acquisitions through administrative restructures	-	-	-
Depreciation expense	<u>(86)</u>	<u>(178)</u>	<u>(264)</u>
Net carrying amount at end of year	<u>292</u>	<u>536</u>	<u>828</u>

	Plant and Equipment \$'000	Leasehold Improvement \$'000	Total \$'000
At 1 July 2015 - fair value			
At Cost	1,082	2,494	3,576
Less: Accumulated Depreciation	<u>(779)</u>	<u>(1,556)</u>	<u>(2,335)</u>
Net carrying amount	<u>303</u>	<u>938</u>	<u>1,241</u>
At 30 June 2016 - fair value			
At Cost	1,004	2,494	3,498
Less: Accumulated Depreciation	<u>(714)</u>	<u>(1,780)</u>	<u>(2,494)</u>
Net carrying amount	<u>290</u>	<u>714</u>	<u>1,004</u>

Reconciliation

A reconciliation of the carrying amount of each class of property, plant and equipment at the beginning and end of the previous reporting period is set out below.

Office of the Children's Guardian
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6 NON-CURRENT ASSETS - PROPERTY, PLANT AND EQUIPMENT (cont'd)

Year ended 30 June 2016	Plant and Equipment \$'000	Leasehold Improvement \$'000	Total \$'000
Net carrying amount at start of year	303	938	1241
Additions	58	-	58
Disposals	(1)	-	(1)
Depreciation expense	(70)	(224)	(294)
Net carrying amount at end of year	290	714	1,004

7 INTANGIBLE ASSETS

	Software \$'000	Total \$'000
At 1 July 2016		
Cost (gross carrying amount)	4,349	4,349
Accumulated amortisation and impairment	(3,381)	(3,381)
Net carrying amount	968	968
At 30 June 2017		
Cost (gross carrying amount)	4,309	4,309
Accumulated amortisation and impairment	(3,396)	(3,396)
Net carrying amount	913	913
Year ended 30 June 2017		
Net carrying amount at start of year	968	968
Additions	358	358
Amortisation (recognised in "depreciation and amortisation")	(413)	(413)
Net carrying amount at end of year	913	913
At 1 July 2015		
Cost (gross carrying amount)	4,192	4,192
Accumulated amortisation and impairment	(3,285)	(3,285)
Net carrying amount	907	907
At 30 June 2016		
Cost (gross carrying amount)	4,349	4,349
Accumulated amortisation and impairment	(3,381)	(3,381)
Net carrying amount	968	968
Year ended 30 June 2016		
Net carrying amount at start of year	907	907
Additions	646	646
Assets transferred out through administrative restructures	-	-
Transfers from other assets	-	-
Amortisation (recognised in "depreciation and amortisation")	(585)	(585)
Net carrying amount at end of year	968	968

8 CURRENT LIABILITIES - PAYABLES

	30 June 2017 \$'000	30 June 2016 \$'000
Payables		
Accrued salaries, wages and on-costs	99	72
Creditors	1,687	3,359
	1,786	3,431

**Office of the Children's Guardian
Notes to the financial statements
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9 CURRENT / NON-CURRENT LIABILITIES - PROVISIONS

	30 June 2017 \$'000	30 June 2016 \$'000
Current		
Employee benefits and related on-costs		
Recreation leave	1,398	1,289
Long service leave	218	209
Payroll tax	<u>132</u>	<u>127</u>
Total Provisions	<u>1,748</u>	<u>1,625</u>
Non-current		
Employee benefits and related on-costs		
Recreation leave	19	18
Payroll tax	<u>11</u>	<u>11</u>
	<u>30</u>	<u>29</u>
Other provisions		
Restoration costs	<u>68</u>	<u>68</u>
Total provisions	<u>98</u>	<u>97</u>
Aggregate employee benefits and related on-costs		
Provisions - current	1,748	1,625
Provisions - non-current	30	29
Accrued salaries, wages and on-costs (Note 8)	<u>99</u>	<u>72</u>
	<u>1,877</u>	<u>1,726</u>

10 COMMITMENTS FOR EXPENDITURE

(a) Operational Lease Commitments

Future minimum rentals payable under non-cancellable operating lease as at 30 June are, as follows:

Within one year	737	679
Later than one year and not later than five years	-	600
Later than one year and not later than five years	-	-
Total (including GST)	<u>737</u>	<u>1,279</u>

11 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The office is not aware of any contingent liabilities and / or assets associated with its operations.

**Office of the Children's Guardian
Notes to the financial statements
for the year ended 30 June 2017**

12 RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET COST OF SERVICES

	30 June 2017 \$'000	30 June 2016 \$'000
Net cash used on operating activities	1,639	(4,882)
Depreciation	(677)	(879)
Decrease / (increase) in provisions	(124)	(222)
Increase / (decrease) in prepayments and other assets	(185)	621
(Increase) / decrease in payables	1,645	(1,672)
Other Losses	(18)	(1)
Net Result	2,280	(7,035)

13 Budget Review

Net result

The net result was a surplus of \$2,280k compared to a budgeted surplus of \$992k. This is a favourable variance of \$1,288k arising from the following items.

Expenses

Total expenses excluding losses were \$31,399k compared to a budget of \$29,058k. This was \$2,341k over budget. The factors causing this were primarily an increase in other operating expenses of \$1,610k compared to a budget of \$13,012k. Employee related expenses were \$1,407k compared to a budget of \$14,966k.

Revenue

Sale of goods and services was \$20,034k against a budget of \$12,521k (\$7,513k over budget) which reflects increased revenue for higher than projected demand for paid Working With Children Checks.

Grants and contributions were \$1,100k.

Due to increased revenue from the sale of goods and services the recurrent appropriation received was \$11,790k compared to a budget of \$16,413k (under budget by \$4,623k)

Assets and Liabilities

Net assets were \$1,216k compared to a budget of (\$319k). The major variances arising on the Statement of Financial Position are noted below:

Assets

Cash and cash equivalents were \$1,194k compared to a budget of \$800k. This is \$394k over budget which is due to the higher than anticipated revenue for the sale of goods and services.

Liabilities

Payables were \$1,786k compared to a budget of \$3,136k. This is \$1,350k under budget which is due to a lower level of accruals for the reporting period.

Cash flows

The closing cash position was \$1,194k compared to a budget of \$800k. This is over budget by \$394k and is primarily due to the increase in revenue as shown in the Net Cash Flows from Operating Activities.

14 FINANCIAL INSTRUMENTS

The Office's principal financial instruments are outlined below. The financial instruments arise directly from the Office's operations and are required to finance the office operations. The Office does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

The Office's main risks arising from the financial instruments are outlined below, together with the Office's objectives, policies and processes for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout this financial report.

The Office has overall responsibility for the establishment and oversight of risk management and reviews and agrees on policies for managing each of these risks. Risk management policies are established to identify and analyse the risks faced by the office, to set risk limits and controls and to monitor risks. Compliance with policies is reviewed by the office, to set risk limits and controls and to monitor risks. Compliance with policies are reviewed by the internal auditors on a continuous basis.

(a) Financial instrument categories

Financial Assets	Note	Category	Carrying Amount 2017 \$'000	Carrying Amount 2016 \$'000
Class:				
Cash and cash equivalents	4	N/A	1,194	19
Receivables ¹	5	Loans and receivables (at amortised cost)	1,643	1,691
Financial Liabilities	Note	Category	Carrying Amount 2017 \$'000	Carrying Amount 2016 \$'000
Class:				
Payables ²	8	Financial liabilities measured at amortised cost	1,687	3,359

1 Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7)

2 Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7)

14 FINANCIAL INSTRUMENTS (cont'd)

(b) Credit Risk

Credit risk arises when there is the possibility of the Office's debtors defaulting on their contractual obligations, resulting in a financial loss to the office. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for impairment).

Credit risk arises from the financial assets of the Office, including cash, receivables and authority deposits. No collateral is held by the office. The office has not granted any financial guarantees.

Credit risk associated with the Office's financial assets, other than receivables, is managed through the selection of counterparties and establishment of minimum credit rating standards.

Cash and cash equivalents

Cash comprises cash on hand and bank balances within the NSW Treasury Banking System. Interest is earned on daily bank balances at the monthly average NSW Treasury Corporation (TCorp) 11am unofficial cash rate, adjusted for a management fee to NSW Treasury.

Receivables - trade debtors

All trade debtors are recognised as amounts receivable at balance date. Collectability of trade debtors is reviewed on an ongoing basis. Procedures as established in the Treasurer's Directions are followed to recover outstanding amounts, including letters of demand. Debts which are known to be uncollectible are written off. An allowance for impairment is raised when there is objective evidence that the entity will not be able to collect all amounts due. This evidence includes past experience, and current and expected changes in economic conditions and debtor credit ratings. No interest is earned on trade debtors. Sales are made on 30 day terms.

The only financial assets that are past due or impaired are "sales of goods and services" in the "receivables" category of the statement of financial position.

	Total ^{1,2}	\$'000 Past due but not impaired ^{1,2}	Considered impaired ^{1,2}
2017			
< 3 months overdue	1	1	-
3 months – 6 months overdue	1	1	-
> 6 months overdue	-	-	-
	Total^{1,2}	\$'000 Past due but not impaired^{1,2}	Considered impaired^{1,2}
2016			
< 3 months overdue	11	11	-
3 months – 6 months overdue	3	3	-
> 6 months overdue	-	-	-

Notes

1 Each column in the table reports "gross receivables".

2 The ageing analysis excludes receivables that are not past due and not impaired. Therefore the "total" will not reconcile to the receivables total recognised in the statement of financial position.

14 FINANCIAL INSTRUMENTS (cont'd)

(c) Liquidity risk

Liquidity risk is the risk that the Office will be unable to meet its payment obligations when they fall due. The Office continuously manages risk through monitoring future cash flows and maturities planning to ensure adequate holding of high quality liquid assets. The objective is to maintain a balance between continuity of funding and flexibility through the use of overdrafts, loans and other advances.

The Office's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

The liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSW TC 11/12. For small business suppliers, where terms are not specified, payment is made not later than 30 days from date of receipt of a correctly rendered invoice. For other suppliers, if trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received. For small business suppliers, where payment is not made within the specified time period, simple interest must be paid automatically unless an existing contract specifies otherwise. For payments to other suppliers, the Head of an authority (or a person appointed by the Head of an authority) may automatically pay the supplier simple interest. There was no interest paid during the year 2016-2017. (2015-2016: nil)

The table below summarises the maturity profile of the Office's financial liabilities, together with the interest rate exposure.

Maturity Analysis and interest rate exposure of financial liabilities

Financial Liabilities	Nominal Amount	Interest Rate Exposure		Maturity Dates		
		\$'000				
		Non-interest bearing	< 1 yr	1-5 yrs	> 5 yrs	
2017						
<i>Payables:</i>						
Creditors	1,687	1,687	1,687	-	-	-
	<u>1,687</u>	<u>1,687</u>	<u>1,687</u>	<u>-</u>	<u>-</u>	<u>-</u>
2016						
<i>Payables:</i>						
Creditors	3,359	3,359	3,359	-	-	-
	<u>3,359</u>	<u>3,359</u>	<u>3,359</u>	<u>-</u>	<u>-</u>	<u>-</u>

Note

The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities based on the earliest date on which the Office can be required to pay.

14 FINANCIAL INSTRUMENTS (cont'd)

(d) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The Office has no exposure to foreign currency risk and does not enter into commodity contracts.

The effect on profit and equity due to a reasonably possible change in risk variable is outlined in the information below, for interest rate risk and other price risk. A reasonably possible change in risk variable has been determined after taking into account the economic environment in which the Group operates and the time frame for the assessment (i.e. until the end of the next annual reporting period). The sensitivity analysis is based on risk exposures in existence at the balance sheet date. The analysis is performed on the same basis for 2015. The analysis assumes that all other variables remain constant.

Interest rate risk

The Office has no interest bearing liabilities. The Office does not account for any fixed rate financial instruments at fair value through profit or loss or as available for sale. Therefore, for these financial instruments, a change in interest rates would not affect profit or loss or equity. A reasonably possible change of +/- 1% is used, consistent with current trends in interest rates. The basis will be reviewed annually and amended where there is a structural change in the level of interest rate volatility. The Office's exposure to interest rate risk is set out below;

		-1%	Equity	Profit	1%	Equity
2017						
<i>Financial assets</i>						
Cash and cash equivalents	1,194	(12)	(12)	12	12	
Receivables	1,753	(18)	(18)	18	18	
<i>Financial liabilities</i>						
Payables	1,786	-	-	-	-	
2016						
<i>Financial assets</i>						
Cash and cash equivalents	19	(19)	(19)	19	19	
Receivables	1,769	(17)	(17)	17	17	
<i>Financial liabilities</i>						
Payables	3,431	-	-	-	-	

(e) Fair value measurement

(i) Fair value compared to carrying amount

The amortised cost of financial instruments recognised in the statement of financial position approximates the fair value, because of the short term nature of all the financial instruments.

15 Related Party Disclosures

The entity's key management personnel compensation are as follows:

	30 June 2017 \$'000
Short-term employee benefits:	
Salaries	290
Other monetary allowances	-
Non-monetary benefits	13
Other long-term employee benefits	18
Post-employment benefits	-
Termination benefits	-
Total Remuneration	321

**Office of the Children's Guardian
Notes to the financial statements
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15 RELATED PARTY DISCLOSURES (cont'd)

**30 June 2017
\$'000**

During the year, the Office of Children Guardian entered into transactions with the following NSW Government entities:

Family and Community Services – grant to develop resources for NDIS	1,000
Services NSW – fees paid for the collection of Working With Children Check (WWCC) revenue and proof of identity services	4,600
Property NSW – rent for leased property vested with Property NSW	600
Department of Justice – payment of a grant for the provision of services associated with the WWCC	550

16 Events after the Reporting Period

There are no events subsequent to balance date which affect the financial statements.

End of audited financial statements

Appendix B: Our people

As at 30 June 2017, there were 137 people employed with the Office of the Children’s Guardian on a full-time or part-time basis. The workforce includes employees with a diverse mix of backgrounds, and working experience that includes child protection, community and social work, legal practice, policy development and implementation, auditing and compliance, customer service, government services and administration.

Table A.1 provides numbers for staff other than those in senior executive roles.

Senior executive details for the Office of the Children’s Guardian as at 30 June 2016 are listed in tables A.2, A.3 and A.4.

There were no exceptional movements in salaries, wages or allowances.

Executive team

Children’s Guardian

- Until 9 July 2017: Ms Kerry Boland, Bachelor of Laws, Graduate Diploma of Legal Practice
- From 10 July 2017, Ms Janet Schorer, Diploma in Applied Science (Nursing), Bachelor of Arts (Psychology), Graduate Diploma in Child and Adolescent Psychology, Executive Master of Public Administration

Director, Child Safe Organisations:

Ms Louise Coe, Bachelor of Commerce, Bachelor of Laws (Hons), Diploma of Legal Practice, Executive Master of Public Administration

Director, Business and Executive Support:

Ms Liz McGee, Diploma of Teaching (Primary), Graduate Diploma in Public Administration

Director, Legal Services:

Ms Sharminie Niles, Master of Laws, Solicitor of the Supreme Court of NSW, Solicitor of the Supreme Court of England and Wales

Director, Working With Children Check:

Mr David Rees, Master of Arts (History), Diploma of Teaching

Table A.1 Actual number of employees, by category

Category	At June 2013	At June 2014	At June 2015	At June 2016	At June 2017
Clerk grade 1/2	8.2	6	8	6	11
Clerk grade 3/4	14	28	29	19	28
Clerk grade 5/6	3	6	9	10	14
Clerk grade 7/8	20.2	30	35	39	43
Clerk grade 9/10	15.7	25	24	27	27
Clerk grade 11/12	7	11	10	12	12
Legal officer grade 4	0	1	1	1	2
Total	68.1	107	116	114	137

Note: These figures include contractors and exclude senior executive roles

There were no exceptional movements in salaries, wages or allowances.

Table A.2 Number of senior executives employed at the end of the reporting year, by band and gender

Remuneration level	Male	Female
Band 3	-	-
Band 2	-	1
Band 1	1	3
Total		5

Table A.3 Average remuneration of senior executives in each band at 30 June 2017

Remuneration level	Range	Average remuneration
Band 4	\$452,251–\$522,500	N/A
Band 3	\$320,901–\$452,250	N/A
Band 2	\$255,051–\$320,900	\$296,313
Band 1	\$178,850–\$255,050	\$206,857

Table A.4 Percentage of total employee-related expenditure relating to senior executives

Year	Percentage
2017	7.94%

Human resource management policy and practice

The main focus of the human resource practice of the Office of the Children’s Guardian in 2016–17 has been implementing requirements relating to the *Government Sector Employment Act 2013*. We continue to develop new role descriptions that reflect the NSW Capability Framework.

Recruitment and selection processes were amended in line with the new requirements of the *Government Sector Employment Act*.

During the year, the Office of the Children’s Guardian has been reviewing, updating and developing internal policies and procedures to ensure compliance with legislative requirements and NSW public sector policies and procedures.

During the reporting period the following corporate policies were developed and/or updated:

- Grievance Policy and Procedures
- Travel Policy and Guidelines
- Motor Vehicle Policy
- Code of Ethics and Conduct
- Learning and Development Policy
- Conflict of Interest
- Internal Reporting Policy and Procedures

Following our usual practice, as internal policies were reviewed or developed they were made available to all staff on our intranet and promoted at all staff meetings.

Industrial relations policy and practices

A Joint Consultative Committee was established in 2014–15 to provide a forum for representatives from the Office of the Children’s Guardian and the Public Service Association to communicate and consult on general workplace matters that may impact on employees.

During 2016–17 there were no industrial issues raised with the Office of the Children’s Guardian in its capacity as an employer.

The employment practices of the Office of the Children’s Guardian are in accordance with industrial relations policies and practices contained in government-sector legislation and policy documents, namely the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, the Personnel Handbook and Determinations and Directions issued by the Public Service Commission under the *Government Sector Employment Act 2013*, Government Sector Employment Regulation 2014 and the Government Sector Employment Rules 2014.

Work health and safety policy and practice

Key work health and safety and wellbeing initiatives actioned during 2016–17 included:

- A flu vaccination program
- access to an employee assistance program for staff and their immediate family members, to provide professional support for a broad range of personal and/or work-related issues

There was one (1) work health and safety incident reported, which resulted in a worker’s compensation claim during 2016–17.

Overseas visits

There were no overseas visits by Office of the Children’s Guardian staff during 2016–17.

Workforce diversity

Equal employment profile and outcomes

Under the *Government Sector Employment Act 2013*, workforce diversity strategies must be integrated with an agency’s workforce planning. The Office of the Children’s Guardian is committed to establishing and developing a workforce that draws on the diversity of people in NSW. We recognise that a diverse workforce helps us to be more responsive and builds the capability of the workforce to deliver our services to the community

During the year the Office of the Children’s Guardian took steps to attract, develop and retain a diverse workforce. These steps included performance management processes and enhanced recruitment processes based on clearly defined capabilities. Table A.5 outlines the trends in the representation of workforce diversity groups over four years, and Table A.6 provides an outline of trends in salary distribution for the same period.

Table A.5 Trends in the representation of workforce diversity groups, 5-year comparison

Workforce diversity group	Benchmark / target	2013	2014	2015	2016	2017
Women	50.0%	88.0%	81.1%	79.3%	76%	77%
Aboriginal people and Torres Strait Islanders	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%
People whose first language spoken as a child was not English	19.0%	10.7%	6.3%	16.4%	22.2%	23.5%
People with disability	N/A	9.3%	2.7%	1.7%	2.8%	2.3%
People with disability requiring work-related adjustment	1.5%	5.3%	0.9%	0.9%	1.4%	1.0%

**Diversity data provided by the Public Service Commission.*

Table A.6 Trends in the salary distribution of workforce diversity groups, 5-year comparison

Workforce diversity group	Benchmark / target	2013	2014	2015	2016	2017
Women	100	N/A	98	103	105	107
Aboriginal people and Torres Strait Islanders	100	N/A	N/A	N/A	N/A	N/A
People whose first language spoken as a child was not English	100	N/A	N/A	N/A	88	89
People with disability	100	N/A	N/A	N/A	N/A	N/A
People with disability requiring work-related adjustment	100	N/A	N/A	N/A	N/A	N/A

**Diversity data provided by the Public Service Commission.*

Notes to Table A.6:

1: A Distribution Index score of 100 indicates that the distribution of members of the Workforce Diversity group across salary bands is equivalent to that of the rest of the workforce. A score less than 100 means that members of the Workforce Diversity group tend to be more concentrated at lower salary bands than is the case for other staff. The more pronounced this tendency, the lower the score. In some cases, the index may be more than 100, indicating that members of the Workforce Diversity group tend to be more concentrated at higher salary bands than is the case for other staff.

Note 2: The Distribution Index is not calculated when the number of employees in the Workforce Diversity group is less than 20 or the number of other employees is less than 20.

Disability plan

Before its establishment as an independent office in May 2013, the Office of the Children's Guardian, as part of the Office of Communities, was included under the Office of Communities' Disability Action Plan. We continued to adopt the Office of Communities Disability Action Plan until the new *Disability Inclusion Act 2014* was finalised. During 2016–17 we commenced developing the Disability Inclusion Plan to meet the requirements of the new Act. The plan will be finalised in 2017–18.

Multicultural policies and services program

Prior to its establishment as an independent office in May 2013, the Office of the Children's Guardian was included under the Multicultural Policies and Services Plan of the Office of Communities.

During 2016–17 the Office of the Children's Guardian continued to adopt the Multicultural Policies and Services Plan of the Office of Communities. The development of a new plan for the Office of the Children's Guardian will be finalised in 2017–18.

Appendix C: Legislative framework

The office of the Children's Guardian is established under the *Children and Young Persons (Care and Protection) Act 1998*. Responsibility for the administration of the Act sits with the Minister for Family and Community Services.

The principal functions of the Children's Guardian are at section 181 of the Act.

The establishment of the Children's Guardian and the functions associated with the Children's Guardian are part of the *Children and Young Persons (Care and Protection) Act 1998* which is allocated to the Minister for Family and Community Services.

During 2016–17, the *Child Protection (Working with Children) Act 2012* and the Child Protection (Working with Children) Regulation 2013, also allocated to the Minister for Family and Community Services, were administered by the Office of the Children's Guardian.

Appendix D: Public information and access

Public access to NSW government information

The Office of the Children's Guardian holds a range of documents and information, many of which are publicly available. The production of some documents may require an application under the *Government Information (Public Access) Act 2009*, the *Privacy and Personal Information Protection Act 1998* or the *Health Records and Information Privacy Act 2002*.

Right to information requests

To promote open, accountable, fair and effective government in NSW, members of the public have the right to access government information. This right is restricted only when there is an overriding public interest against disclosing the particular information.

Formal requests made under the *Government Information (Public Access) Act 2009* for access to documents held by the Office of the Children's Guardian should be accompanied by a \$30.00 application fee and directed to:

Right to Information Officer
Office of the Children's Guardian
Level 13, 418A Elizabeth Street SURRY HILLS NSW 2010

Telephone enquiries: (02) 8219 3600

Email: kids@kidsguardian.nsw.gov.au.

Further information can be found on our website: www.kidsguardian.nsw.gov.au.

Children and young people aged less than 18 years are granted open-access information free of charge.

Statistical information about Government Information (Public Access) Act 2009 applications

Under section 7 of the *Government Information (Public Access) Act 2009*, agencies must review their programs for the release of government information to identify the kinds of information that can be made publicly available. This review must be undertaken at least once every 12 months.

We ensure that information about the functions of the Office of the Children's Guardian is available on our website.

During the reporting period, no documents were identified for publication on the website. See Table A.7. Table A.8 shows the number of applications by type of application and outcome. Table A.9 indicates the number and reason for invalidity of invalid applications. Table A.10 lists public interest considerations against disclosure in line with Schedule 1 of the Act, and Table A.11 notes other public interest considerations. Table A.12 records the timeliness of decisions, and the number of applications reviewed under Part 5 of the Act is given in Table A.13. Table A.14 provides information on applications for review under Part 5 of the Act.

Table A.7 Number of applications by type of applicant and outcome

TYPE	APPLICANT OUTCOME*							
	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/ deny whether information is held	Application withdrawn
Media	0	0	1	0	0	0	0	0
Members of Parliament	0	0	0	1	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not-for-profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	0	1	1	0	0	0	0	0
Members of the public (other)	2	8	4	0	0	0	0	0

**More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each decision. This also applies to Table A.8.*

Table A.8 Number of applications by type of application and outcome

APPLICATION TYPE	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refusal to deal with application	Refusal to confirm / deny whether information is held	Application withdrawn
Personal information applications*	2	9	0	0	0	0	0	0
Access applications (other than personal information applications)	0	1	1	0	1	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0

Table A.9 Invalid applications, reason for invalidity and number

Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the Act)	0
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

Table A.10 Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 of the Act

Interest consideration	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	1
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	9
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environment heritage	0

**More than one interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also relates to Table A.11.*

Table A.11 Other public interest considerations against disclosure: matters listed in table to section 14 of the Act

Public interest consideration	Number of occasions when application not successful
Responsible and effective government	7
Law enforcement and security	2
Individual rights, judicial processes and natural justice	6
Business interests of agencies and other persons	1
Environment, culture, economy and general matters	0
Security provisions	0
Exempt documents under interstate Freedom of Information legislation	0

Table A.12 Timeliness of decisions

Time period	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	13
Decided after 35 days (by agreements with applicant)	0
Not decided within time (deemed refusal)	0
Total	13

Table A.13 Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

Type of review	Outcome		
	Decision varied	Decision upheld	Total
Internal review	0	1	1
Review by Information Commissioner*	1	0	1
Internal review following recommendation under section 93 of Act	0	0	0
Review by the NSW Civil and Administrative Tribunal	0	0	0
Total	1	1	1

**The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.*

Table A.14 Applications for review under Part 5 of the Act (by type of application)

Type of application	Number of applications for review
Applications by access applicants	1
Applications by person to whom information the subject of access application relates (s. 54 of the Act)	0

Public interests disclosures

There were no public interests disclosures during the 2016–17 reporting year.

Privacy and personal information

The Annual Reports (Departments) Regulation 2015 requires a statement of action taken by the Office of the Children’s Guardian in complying with the requirements of the *Privacy and Personal Information Protection Act 1998* and details of any reviews conducted by or on behalf of the Office of the Children’s Guardian under Part 5 of the Act.

The Office of the Children’s Guardian has in place a Privacy Management Plan. In 2016–17 the Office of the Children’s Guardian finalised its updated Privacy Management Plan, which was circulated to employees in December 2016.

Internal reviews

There was one (1) internal review undertaken in 2016–17, conducted under the *Government Information (Public Access) Act 2009*.

Appendix E: Risk management and insurance activities

Internal audit, risk management and insurance

The Office of the Children’s Guardian established an Audit and Risk Committee (2014). Its focus during its third year of operation has been to consolidate the program of work developed in the previous year, which was designed to ensure that the committee meets all its obligations under its Charter and the revised NSW Treasury policy TPP15-03 that was released in July 2015.

The committee has expressed its satisfaction with the standard of audit and risk-related work undertaken by the Office of the Children’s Guardian, including governance frameworks, policies and procedures designed to enhance our risk controls.

Audit and Risk Committee membership

The Office of the Children’s Guardian Audit and Risk Committee comprises Mr Alex Smith, Independent Chair; Mr John Hunter, Independent Member; and Ms Gul Izmir, Independent Member. Meeting dates and attendance for 2016–17 were:

- 10 August 2016 (Alex Smith, John Hunter, Gul Izmir)
- 31 December 2016 (Alex Smith, John Hunter, Gul Izmir)
- 8 February 2017 (Alex Smith, John Hunter, Gul Izmir)
- 7 June 2017 (Alex Smith, John Hunter, Gul Izmir)

Internal audit program

As part of our internal audit program, the Office of the Children’s Guardian undertook a comprehensive review of our risk profile, which was facilitated by the internal auditors Deloitte in 2014–15. Subsequently our business risk register was finalised. This provides an overall assessment

of our risk environment, including details of any significant emerging risks or legislative changes impacting the Children’s Guardian. The information contained in the register has been used to inform the development of the Internal Audit Plan that was endorsed by the Audit and Risk Committee in May 2015.

During 2016–17, the Office of the Children’s Guardian engaged Deloitte to continue with developing a Quality Assurance Framework for the Working With Children Check.

External audit

The Audit and Risk Committee noted the Office of the Children’s Guardian’s attestation and the NSW Audit Office’s opinion that the financial statements for 2015–16 were a true and fair view of our financial position. The committee has worked again with Office of the Children’s Guardian and the NSW Audit Office for the planning and review of the 2016–17 financial statements.

Insurance

The insurance arrangements of the Office of the Children’s Guardian are managed as part of the NSW Treasury’s Managed Fund portfolio. We have been allocated Allianz for Workers Compensation insurance requirements and Suncorp for business insurance. See Table A.15 for insurance policies held.

Table A.15 Insurance policies held in 2016–17

Type	Coverage
Liability	For professional, product, directors’ and officers’ liability
Property	Provides coverage for owned assets including consequential loss
Motor vehicle	Comprehensive
Miscellaneous	Covers risks mainly associated with employee dishonesty and agency-specific travel overseas but not with personal effects
Workers compensation	Workplace injury

Credit card certification

In accordance with Treasurer’s Direction 205.01, it is certified that credit card use at the Office of the Children’s Guardian is in accordance with appropriate government policy, Premier’s Memorandum and Treasurer’s Direction.

Internal Audit and Risk Management Attestation

Internal Audit and Risk Management Attestation Statement for the 2016-2017 Financial Year for the Office of the Children's Guardian

I, Janet Schorer, am of the opinion that the Office of the Children's Guardian has internal audit and risk management processes in operation that are compliant with the eight (8) core requirements set out in the *Internal Audit and Risk Management Policy for the NSW Public Sector*, specifically:

Core Requirements	For each requirement, please specify whether compliant, non-compliant, or in transition ¹
Risk Management Framework	
1.1 The agency head is ultimately responsible and accountable for risk management in the agency	Compliant
1.2 A risk management framework that is appropriate to the agency has been established and maintained and the framework is consistent with AS/NZS ISO 31000:2009	Compliant
Internal Audit Function	
2.1 An internal audit function has been established and maintained	Compliant
2.2 The operation of the internal audit function is consistent with the International Standards for the Professional Practice of Internal Auditing	Compliant
2.3 The agency has an Internal Audit Charter that is consistent with the content of the 'model charter'	Compliant
Audit and Risk Committee	
3.1 An independent Audit and Risk Committee with appropriate expertise has been established	Compliant
3.2 The Audit and Risk Committee is an advisory committee providing assistance to the agency head on the agency's governance processes, risk management and control frameworks, and its external accountability obligations	Compliant
3.3 The Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'	Compliant

Membership

The chair and members of the Audit and Risk Committee are:

- Independent Chair, Alex Smith, 1 April 2014 to 31 March 2018
- Independent Member, John Hunter, 1 April 2014 to 31 March 2021
- Independent Member, Gul Izmir, 1 April 2014 to 31 March 2020



Janet Schorer, Children's Guardian
11 October 2016



Liz McGee, Director Business and Executive Services
liz.mcgee@kidsguardian.nsw.gov.au

¹ Where an agency notes that it has been 'non-compliant' or 'in transition', the agency head must complete the 'Departure from Core Requirements' section below.

Appendix F: Payment of accounts

The Office of the Children's Guardian complies with the NSW Treasury Circular 2011–12 Payment of Accounts, which requires all NSW Government agencies to pay small business suppliers within 30 days for goods and services, or otherwise pay interest on outstanding amounts.

The purchasing agreement between the Office of the Children's Guardian and Infosys, the corporate and shared service provider, includes an undertaking that all valid tax invoices from a registered small business are to be paid within 30 days of receipt of the invoice. Where invoices are not paid within 30 days the supplier is entitled to interest payments.

There were no interest payments made in 2016–17. Tables A.16 and A.17 provide details of account payments for 2016–17.

Table A.16 Aged analysis at the end of each quarter, 2016–17

Quarter	Current (within due date)	< 30 days overdue	30 and 60 days overdue	60 and 90 days overdue	> 90 days overdue
September	(1,790,460)	0.00	(1,061,732)	(49,595)	161,496
December	(6,449,689)	0.00	(110,739)	(20,879)	75,099
March	(5,408,098)	0.00	(40,079)	45,391	(373,032)
June	(5,732,852)	0.00	142,829	(155,019)	(716,359)

Table A.17 Accounts due or paid within each quarter, 2016–17

Measure – all suppliers	September 2016	December 2016	March 2017	June 2017
No. of accounts due for payment	382	433	372	537
No. of accounts paid on time	317	349	310	465
Actual percentage of accounts paid on time (based on number of accounts)	83	81	83	87
Dollar amount of accounts due for payment	3,736,206	3,870,977	5,088,189	5,673,410
Dollar amounts of accounts paid on time	3,135,124	3,124,771	4,653,656	4,479,004
Actual percentage of accounts paid on time (based on \$)	84	81	91	79
No. of payments for interest on overdue accounts	0	0	0	0
Interest paid on overdue accounts	0	0	0	0
Small business suppliers	0	0	0	0

Appendix G: Consultants

Table A.18 and Table A.19 provide details of consultancy payments in 2016–17.

Table A.18 Consultancies of value equal to or more than \$50,000

Consultancy category	Title/nature of the consultancy	Cost
Management services	Charles Sturt University, A review of the accreditation functions of the Children's Guardian, pursuant to section 188(1) of the <i>Children and Young Persons (Care and Protection) Act 1998</i> .	\$50,000
Management services	Deloitte, \$71,800 exclusive of GST – WWCC QA Framework Development fees phase 2 & 3	\$71,800
Management services	Preparation of business case for the implementation of an enhanced approach to child safe program. (on-going from 2015–16)	\$6000
TOTAL: 3 consultancies with a value equal to or more than \$50,000		\$127,800 (EX GST)

Table A.19 Consultancies of value less than \$50,000

Consultancy Category	Cost
Management Services	0
Research	0
Total number of individual consultancies with a value less than \$50,000 - 0	\$0

Appendix H: Research and development

During 2016–17, the Office of the Children's Guardian commissioned the Australian Institute of Criminology to review research relating to risk to children.

A forum was held on a monthly basis where small groups of Risk Assessment Officers presented the research to the team and held workshops to explore the impact of this research on risk assessment. The monthly forums will conclude in the period 2017–18, and learnings from the research will be incorporated into practice.

The Expert Advisory Panel was established in 2016–17, appointing members. By the end of the 2016–17 reporting period there were two pieces of research regarding contacting complainants and disclosures made by child complainants. These papers will be completed in 2017–18.

Appendix I: Major works in progress

The Office of the Children's Guardian did not undertake any major works in 2016–17.

Appendix J: Consumer response

The Office of the Children's Guardian accepts complaints, comments and suggestions about any of our services. We are committed to quality customer services by providing courteous and prompt assistance. Our complaint handling process is provided on our [website](#).

During 2016–17, the Ombudsman received 91 enquiries and complaints concerning Working With Children Checks, which primarily related to the time taken to process applications that required a risk

assessment. The Office of the Children’s Guardian processed in excess of 390,000 Working With Children Check applications in this period.

The Office of the Children’s Guardian continues to work in partnership with the Ombudsman to respond to enquiries and complaints, and to enhance internal systems and procedures so that risk assessments can be finalised promptly.

Appendix K: Digital information security policy attestation

Digital Information Security Annual Attestation Statement for the 2016-2017 Financial Year for the Office of the Children’s Guardian

I, Janet Schorer, am of the opinion that the Office of the Children’s Guardian had an Information Security Management System in place during the financial year being reported on consistent with the Core Requirements set out in the *Digital Information Security Policy for the NSW Public Sector*.

I, Janet Schorer, am of the opinion that the security controls in place to mitigate identified risks to the digital information and digital information systems of the Office of the Children’s Guardian are adequate for the foreseeable future.



Janet Schorer
Children’s Guardian

Appendix L: Annual report preparation

This annual report was prepared in accordance with Premier’s Memorandum M2013-09 Production costs of annual reports. There were no production costs for copywriting, design or printing outside existing staffing allocation.

Appendix M: Compliance with annual reporting requirements

Under the *Annual Reports (Departments) Act 1985*, the Annual Reports (Departments) Regulation 2015 and various Treasury circulars, the Office of the Children’s Guardian is required to include certain information in its annual report. Table A.20 provides a list of information the Office of the Children’s Guardian is required to include in accordance with the NSW Treasury’s Annual Report Compliance Checklist, and the location of this information in this report

Table A.20 Compliance with annual reporting requirements

Compliance requirement	Comment or page reference
Access	100
After balance date events	Not applicable
Agreements with Multicultural NSW	No such agreements
Aims and objectives	9–13
Application for extension of time	Not applicable
Audit opinion	45–46

Compliance requirement	Comment or page reference
<i>Availability of this annual report</i>	www.kidsguardian.nsw.gov.au
<i>Charter</i>	9–13
<i>Consultants</i>	86
<i>Consumer response</i>	86
<i>Contact details and website address</i>	100
<i>Credit card certification</i>	83
<i>Digital information security policy attestation</i>	87
<i>Disability inclusion action plans</i>	76
<i>Disclosure of controlled entities</i>	No controlled entities
<i>Disclosure of subsidiaries</i>	No subsidiaries
<i>Economic or other factors</i>	Not applicable
<i>Equal employment opportunity</i>	75
<i>External costs incurred in the production of this annual report</i>	87
<i>Financial statements</i>	45–72
<i>Funds granted to non-government community organisations</i>	No funds granted
<i>Government Information (Public Access) Act 2009</i>	77–82
<i>Human resources</i>	73–77
<i>Identification of audited financial statements</i>	48, 72
<i>Inclusion of unaudited financial statements</i>	No unaudited financial statements
<i>Industrial relations policies</i>	75
<i>Internal audit and risk management attestation</i>	84
<i>Land disposal</i>	No land disposal
<i>Legal change</i>	16–18, 38, 41
<i>Letter of submission</i>	ii
<i>Management and activities</i>	8–43, 73
<i>Management and structure</i>	73
<i>Multicultural policies and services program (formerly EAPS)</i>	77
<i>Numbers and remuneration of senior executives</i>	74
<i>Payment of accounts</i>	85
<i>Price determination</i>	Not applicable
<i>Privacy and personal information</i>	82
<i>Promotion – overseas visits</i>	75
<i>Public interests disclosures</i>	82
<i>Requirements arising from employment arrangements</i>	No personnel services to another agency
<i>Research and development</i>	86
<i>Risk management and insurance activities</i>	82
<i>Summary review of operations</i>	9, 14
<i>Time for payment of accounts</i>	85
<i>Work health and safety</i>	75
<i>Workforce diversity</i>	75
<i>Workforce profile</i>	76

Appendix N: History of the Office of the Children’s Guardian

Reviews of the child protection system in NSW during the 1990s identified the need for an independent Children’s Guardian. These included the 1992 review of substitute care undertaken by the Ministerial Review Committee (the Usher Committee), the 1997 Review of the *Children (Care and Protection) Act 1987* (the Parkinson Review) and the 1997 Royal Commission into the NSW Police Service. The Parkinson Review also recommended the establishment of a standards-based accreditation scheme for out-of-home care.

In January 2001, the Office of the Children’s Guardian was established and Ms Linda Mallet was appointed as the first Children’s Guardian.

In 2003, the accreditation powers of the Children’s Guardian were proclaimed, NSW out-of-home care standards were introduced and the functions of the Children’s Guardian were expanded to include authorising certain types of children’s employment, such as employment in the entertainment industry.

The out-of-home care accreditation program began in July 2003. Agencies arranging statutory out-of-home care at that time were granted interim accreditation. This enabled them to continue arranging statutory care while working towards accreditation. Agencies with interim accreditation had until 14 July 2013 to be fully accredited by the Children’s Guardian and remained in the quality improvement program while their interim accreditation was in force.

The first designated agency was accredited in March 2004. In July of that year the Office of the Children’s Guardian began auditing the case files of designated agencies as part of the statutory out-of-home care case file audit program.

In 2004, the Office of the Children’s Guardian held its first children’s employment regulatory review, resulting in the Children and Young Persons (Care and Protection—Child Employment) Regulation 2005.

The accreditation of non-government adoption providers was delegated to the Children’s Guardian in July 2005.

Kerryn Boland was appointed Children’s Guardian in October 2005.

In April 2006, the Office of the Children’s Guardian became part of the newly established Office for Children.

The out-of-home care accreditation and quality improvement program was reviewed in 2007. As a result it was recommended that the program move from desk-based compliance assessment to strengths-based assessments that incorporated agency visits and inspections. The review resulted in a significant overhaul of the regulatory framework for the program.

The 2008 Special Commission of Inquiry into Child Protection Services in NSW recommended that the functions of the Children’s Guardian be expanded to include the regulation of VOOHC and the repeal of several non-proclaimed functions of the Children’s Guardian. The Special Commission also recommended that responsibility for arranging the provision of statutory out-of-home care be progressively transferred from government providers to designated non-government agencies.

In July 2009, the Office for Children was dissolved and the Children’s Guardian became part of Communities NSW.

VOOHC legislation commenced in July 2010 and the revised NSW Standards for Statutory Out-of-Home Care were released in July of that year, accompanied by a new strengths-based accreditation system.

In 2010, the Children’s Guardian began a second review of the children’s employment regulation, resulting in the Children and Young Persons (Care and Protection) (Child Employment) Regulation 2010.

From 3 April 2011, the Children’s Guardian was located within the Office of Communities, part of the Department of Education and Communities.

On 17 May 2013, the Office of the Children’s Guardian was re-established as a Division of the Government Service, reporting to the Minister for Family and Community Services and to NSW Parliament.

On 15 June 2013, the *Child Protection Legislation Amendment (Children’s Guardian) Act 2013* transferred responsibility for the Working With Children Check, child-safe organisations and the Child Sex Offender Counsellor Accreditation Scheme to the Office of the Children’s Guardian.

On 29 October 2014 changes came into effect for the *Child Protection (Working with Children) Act 2012* and *Child Protection (Working with Children) Regulation 2013*. These changes included:

- the extension of Working With Children Check requirements to additional roles/persons
- bringing forward the phase-in date for principal officers
- the requirement for the compliance of self-employed people – the Children’s Guardian is now authorised to require a self-employed person to comply with Working With Children Check requirements ahead of their scheduled phase-in date.

The NSW Child Safe Standards for Permanent Care 2015 replaced the Statutory Out-of-Home Care Standards and the Adoption Standards and came into effect on 1 December 2015.

On 2 November 2015 changes came into effect for the *Child Protection (Working with Children) Act 2012*. These changes included an expansion of the list of offences specified as disqualifying offences and restrictions to appeal entitlements for disqualified persons.

The Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015 came into effect on 17 December 2015.

Further changes came into effect on 25 October 2016 including arrangements to facilitate the interstate exchange of working with children check information, a new offence of providing false and misleading information in connection with an application for a working with children check clearance and a new power for OCG officers to enter premises reasonably suspected to be a place where a child is employed in breach of legislation concerning children’s employment.

In 2017 Janet Schorer was appointed Children’s Guardian, succeeding Kerry Boland when her term of office ended, and commenced in this position on 10 July 2017.

Appendix O: Collaboration in our sector

Forum and conference participation

In 2016–17 the Children’s Guardian participated in state and national forums, including:

- the Child Protection Taskforce
- the Safety and Permanency Advisory Group
- the Australian Children’s Commissioners and Guardians (ACCG), and the ACCG Officer’s network

The Office of the Children’s Guardian is a member of the National Operators Forum, which brings together state and territory government agencies accountable for the operation of the Working With Children Check within their jurisdiction to share experiences and developments.

The Office of the Children’s Guardian played a major role at the 2016 Conference of the Association of Children’s Welfare Agencies (ACWA). ACWA is NSW’s non-government peak body representing the voice of community organisations working with vulnerable children, young people and their families.

The ACWA Conference is widely regarded as the premier child and family welfare professional event held in Australia, featuring local, national and international speakers and promoting discussion on both existing practice and new developments in emerging permanency pathways for children. The 2016 conference theme was 'Pathways to Protection and Permanency: Getting it Right for Children, Young People and Families'. This emphasis on permanency is mirrored by our revised out-of-home care and adoption standards, the *Child Safe Standards for Permanent Care*, which came into effect last year.

The Office of the Children’s Guardian is a major sponsor of the event. The former Children’s Guardian, Kerry Boland, gave a keynote presentation and participated in discussions, and our conference stand provided more information about our work.

Committee membership

The Children's Guardian is on several committees, including:

- the [Play by the Rules](#) Management Committee
- Australian Children's Commissioners and Guardians
- the Child Protection System Task Force
- the Safety and Permanency Advisory Group.

The Office of the Children's Guardian is also a NSW representative on the National Steering Committee for the National Exchange of Criminal History Information regarding People in Child-related Work. This body operates through an Intergovernmental Agreement.

Working with other government organisations

The Office of the Children's Guardian collaborates with other state government organisations in our role of keeping children safe. In 2016–17, collaboration included:

- providing advice to the Minister for Family and Community Services
- together with state and Commonwealth counterparts, considering the recommendations of the Royal Commission, including recommendations for a national Working With Children Check
- continuing to advise the NSW Police Service of people barred from engaging in child-related work. Barred people are then checked against the NSW Child Protection Offender Register and the Australian National Child Offender Register. This process identifies any NSW or interstate registered people who have applied for a Working With Children Check in NSW.

This year we continued our collaborative relationship with the Australian Federal Police (AFP) to help keep children safe. The information exchange between the two agencies is critical to our respective functions. In 2016–17 the AFP requested information regarding **118** people. Of these, **24** were in the Working With Children Check system at the time, and **3** were subsequently charged by the AFP.

In 2016 the Office of the Children's Guardian was granted permission by the Department of Attorney General and Justice to access court information via Justice Link. This has produced some increased efficiencies in obtaining information relevant to WWCCs and has reduced the administrative burden on Courts responding to information request from the Office of the Children's Guardian.

Local community support

The Office of the Children's Guardian acknowledges the generous support of the NSW community during 2016–17. The support of local councils, non-government and government agencies has allowed us to deliver child-safe messages to a wider audience across more communities in NSW.

We thank the following organisations for providing us with training venues free of charge:

- Association of NSW Regional Conservatoriums
- Bankstown TAFE
- Big Fat Smile
- Burwood Council
- Catholic Diocese of Lismore
- Coolgardie Children's Centre
- Cooma Monaro Shire Council
- Family Day Care Campbelltown City
- FSG Australia
- Fusion Sydney South Youth Service
- Goonellabah Preschool Inc

- Goulburn Mulwaree Shire Council
- Holbrook Early Learning Centre
- Hunter Parents and Teachers Association of Community Language School
- Illawarra Area Child Care
- Lake Macquarie Family Day Care
- Moruya Preschool
- Muddy Puddles Disability Services, Batemans Bay
- Networks of Practice - Family InSight
- NSW Rural Fire Service- Griffith
- Nyngan RSL& Civic Club
- Penrith City Council
- Red Cross and Little Yuin Pre School
- Richmond Hill Preschool
- Rooty Hill RSL - RHR Group
- St Carthage's Community Care
- Senior Citizens Centre - Wiradjuri
- Shoalhaven Family Day Care
- Sutherland Council Shire
- Tamworth Family Day Care
- Wesley Preschool
- YWCA NSW Tumut Preschool Cooperative Society

GLOSSARY

Abbreviations and acronyms

ACWA	Association of Children's Welfare Agencies
ADHC	NSW Department of Ageing, Disability and Home Care
FACS	NSW Department of Family and Community Services
NCAT	NSW Civil and Administrative Tribunal
NDIS	National Disability Insurance Scheme
VOOHC	Voluntary out-of-home care
WWC number	Working With Children Check clearance number

Accreditation

Out-of-home care accreditation

- **Provisional accreditation (3 years)** – based on assessment of indirect evidence (an agency's policies and procedures) only. Applies to applicants that have not made placements of children and young people in statutory out-of-home care in the 12 months prior to the application.

Provisionally accredited agencies are required to notify the Children's Guardian when they first start providing out-of-home care placements. Agencies are required to participate in a direct evidence program which involves regular onsite assessments of practice against the standards.

The direct evidence program is designed to assess provisionally accredited agencies as they develop and consolidate practice compliant with the key indicators of the NSW Child Safe Standards for Permanent Care while working towards gaining full accreditation. This program involves progressive onsite assessments of the agency's practice (direct evidence).

Once a designated agency has been accredited, the Office of the Children's Guardian monitors the performance of designated agencies throughout the period of accreditation, and in accordance with the conditions of accreditation of designated agencies.

- **Full accreditation (1, 3 or 5 years)** – based on assessment of both indirect and direct evidence. Applies to agencies seeking to renew their accreditation. Available only to applicants able to show current evidence relating to placements of children and young people.

A decision by the Children's Guardian to defer accreditation is a serious matter. It indicates that an agency has been unable to sustain practices that promote the best interest of the children and young people in the care of the agency.

Agencies are allowed to continue providing statutory out-of-home care services while a decision to renew accreditation is deferred. However, the agency is closely monitored by the Office of the Children's Guardian to ensure a commitment to remedial action and the implementation of an action plan that addresses the identified gaps in practice. Under the Regulation, the Children's Guardian must inform the Minister of Family and Community Services if a decision is deferred for six months or more.

Carers register

The Office of the Children's Guardian is responsible for the development and operation of a register to support the authorisation of people as authorised carers.

The purpose of the Carers Register is to promote the safety, welfare and wellbeing of children and young people in out-of-home care by providing a mechanism for designated agencies to exchange information about current and prospective carers. The register requires designated agencies to share information regarding carers, prospective carers and their household members, and is designed to prevent unsuitable carers from moving from one designated agency to another.

The register requires carers to undergo mandatory assessment, training and other probity checks before they can be authorised to provide care. The suitability of other adult household members is also considered.

The Carers Register is essentially a licensing tool to assist in the selection and probity assessment of carers, and NSW is the only state with such a tool.

Carer authorisations are automatically cancelled if the person no longer has a Working With Children Check clearance, or a current application, or is subject to a bar or interim bar.

Carer authorisations are automatically suspended if a residing person no longer has a Working With Children Check clearance or a current application or is subject to a bar or interim bar.

The relevant designated agency must, within 48 hours of becoming aware of a cancellation or suspension, ensure that children or young people in out-of-home care are no longer placed in a household where a person with a Working With Children Check bar or interim bar resides.

See also **Out-of-home care accreditation**

Children's employment

Children's employment – employer requirements

To employ a child within the entertainment, exhibition, still photography, modelling and door-to-door sales industries employers are required to follow the steps below:

Authorisation. Employers are required to apply for an employer's authority prior to employing children. The Regulation sets out the fees payable for the various authority durations and types.

Pre-employment notification. Employers are required to provide information on how the child will be employed and the circumstances of their employment. Employers are also required to identify any risks to the children employed and detail their risk mitigation strategies.

Compliance with the Code of Practice during the course of employment. The employer is required to comply with all provisions in the Code of Practice.

Variation request. If any variation from the Code of Practice required, the employer must apply to the Children's Guardian for approval.

Why regulate children's employment?

The Office of the Children's Guardian is always proactive in our efforts to protect children. We regulate the employment of children within the entertainment industry to ensure the health, safety, and wellbeing of children. This assists in the growth of the industry by safeguarding children's experience within it.

The major risks to children we aim to mitigate through regulation are:

- sexual abuse
- physical injury
- psychological injury
- exposure to adult themes or concepts
- exploitation through excessive hours of work
- educational neglect.

Employers may apply for an exemption from applying for an authority if the child is more than 10 years old and the employment is outside school hours and for no more than 10 hours per week.

Legislation

The office of the Children's Guardian was established by the *Children and Young Persons (Care and Protection) Act 1998*.

The Guardian administers the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013*

Parts of the *Children and Young Persons (Care and Protection) Act 1998* and the *Adoption Act 2000* are also relevant to the functions of the Children's Guardian.

The Guardian's functions are implemented in accordance with the following regulations:

- *Child Protection (Working with Children) Regulation 2013*
- *Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015*
- *Children and Young Persons (Care and Protection) Regulation 2012*
- *Adoption Regulation 2015*

Voluntary out-of-home care (VOOHC)

The Office of the Children's Guardian regulates VOOHC so that parents are able to make arrangements for care with organisations that comply with the V procedures and legislation.

The underpinning objectives of VOOHC are:

- ensuring children and young people in longer term care benefit from proper case planning, and their care is appropriately supervised
- promoting the need for parents to have access to relevant information, and participate in planning care and making decisions
- improving the consistency and quality of intake, assessment, planning care and interagency coordination of arrangements
- enhancing sector knowledge of a child or young person's care history, to support improved planning of care, information sharing and interagency coordination.

The arrangements can take many forms, including out-of-home respite with a host family or in a care centre, or longer-term residential arrangements.

Legislation for VOOHC: An Australian first

The VOOHC provisions in the *Children and Young Persons (Care and Protection) Act 1998* and the *Children and Young Persons (Care and Protection) Regulation 2012* commenced on 24 January 2010. This is the first legislation of its kind in Australia.

The legislation applies to all organisations that provide or arrange VOOHC in NSW, irrespective of who funds those arrangements (whether private or state, federal or local government – including the National Disability Insurance Scheme). This also includes government and non-government organisations such as corporations, associations and family partnerships.

The system requires that all care is to be provided or arranged by a designated agency or an organisation registered by the Children's Guardian to provide or arrange care.

The Office of the Children's Guardian regulates the provision of VOOHC by:

- maintaining the operational functions of the VOOHC Register
- administering the Registration and Monitoring Framework – registration assessment, onsite monitoring visits and desktop monitoring
- maintaining the Statutory Procedures for Voluntary Out-of-Home Care in NSW to guide agencies in the key VOOHC provisions of the *Children and Young Persons (Care and Protection) Act 1998* and the *Children and Young Persons (Care and Protection) Regulation 2012*

- monitoring whether children and young people in longer term VOOHC receive care that is appropriately supervised and planned
- liaising with and reporting to relevant bodies
- publishing the names of VOOHC agencies and key statistics on our website.

Working With Children Check

Background

Under the *Child Protection (Working with Children) Act 2012* the screening arrangements that were previously undertaken by four separate screening agencies were centralised within the Office of the Children's Guardian. The new Working With Children Check resulted in the following key improvements:

- having volunteers and self-employed people also undergo the new Working With Children Check
- having a five-year term of validity for a Check, with the same Check being portable across all categories of child-related employment
- a review of all Checks at the end of the five-year period, including a full national criminal history check
- the capacity to phase in existing child-related workers to the new Check
- preventing employers from engaging a person assessed as posing a risk to children
- requiring applicants to go through an established proof of identity process
- subjecting applicants to ongoing monitoring for new police and workplace records, to manage risk to children
- the use of an online application process, with faster results
- greater powers to obtain relevant information from external agencies
- enabling parents to verify the status of the self-employed person who is working with their child
- cover of all categories of child-related work, including:
 - paid work, contracting and volunteering (with some parent exemptions)
 - authorised and home-based care, including adult household members of these carers
 - authorised supervisors
 - licensees for centre based care
 - people applying to become adoptive parents
 - wellbeing units
 - placement of tertiary students
 - self-employment.

The key strengths of the new system

More people working with children have to have the Check: people working in all categories of child-related work are required to have the Check, and volunteers are also required to undertake the Check

More information sharing: the new system requires more information exchange with other agencies, with employers and with law enforcement agencies

Easier to monitor for offenders: a continuous checking system has been introduced, which means that if people offend in NSW after acquiring the Check, this will be picked up by the system and action will be taken

Review: every Check will be reviewed after 5 years, and the review will include a full national criminal history check

Working With Children Check definitions

Bar: Having a bar imposed means not having clearance to work with children. Once a bar is in place, it is an offence to work with children and penalties apply. If a person is already working with children, they must immediately remove themselves from this work. It does not matter whether the work is paid or voluntary.

A bar is also applied once a final decision has been made that an individual must not engage in child-related work. An interim bar is used to prevent individuals who likely pose a risk to the safety of children from working with children while a risk assessment is conducted and until a final decision is made. A person subject to an interim bar must not engage in child-related employment while it is in force. An interim bar may be imposed for up to 12 months. Not everyone who is subject to a risk assessment will receive an interim bar.

Termination and closure occurs where:

- an applicant requests to withdraw their Working With Children Check application with the approval of the Children's Guardian
- an applicant surrenders their clearance with the approval of the Children's Guardian
- a person subject to a risk assessment has failed without reasonable excuse to provide further information within three months of the request.

Where an application has been terminated or closed, the applicant is not able to work in child-related employment. If they are currently engaged in child-related employment they must cease work immediately. Where employers verify workers' Working With Children Check application number, they can identify whether the person has a valid Working with Children Check clearance.

Disqualification: If a person has a conviction or proceedings have commenced in relation to an offence listed under Schedule 2 of the *Child Protection (Working with Children) Act 2012*, and the person was an adult at the time of the offence, the person must be refused a Working With Children Check clearance. This applicant is automatically disqualified from child-related employment. [Schedule 2 offences](#) include sex offences and serious violence towards children.

A person may be refused a clearance for the Working With Children Check if at the completion of a risk assessment the Office of the Children's Guardian assesses that the person poses a risk to the safety of children.

A person who has been refused a clearance cannot make a further application for a clearance for five years. A further early application is permitted under some circumstances.

Most people who have been identified as a disqualified person or have been refused a clearance can appeal the decision through the NSW Civil and Administrative Tribunal. There are, however, circumstances in which a person cannot lodge an appeal (see Section 26 of the *Child Protection (Working with Children) Act 2012*).

Risk assessment: When assessing an individual's risk to the safety of children, the Office of the Children's Guardian may consider the following factors, as set out in Section 15(4) of the *Child Protection (Working with Children) Act 2012*:

Factors relating to conduct:

- seriousness of the conduct
- length of time since it occurred
- age and vulnerability of the victim
- relationship between offender and victim
- age difference between offender and victim
- whether the offender knew or could have known the victim was younger than 18.

Factors relating to the applicant:

- conduct since the offence
- age at the time of the offence
- current age
- seriousness of total criminal records.

Factors relating to recurrence:

- likelihood of the offences or conduct being repeated
- impact on children of the offences or conduct being repeated.

A risk assessment is conducted when a Schedule 1 assessment requirement trigger is identified. Triggers include:

- convictions for violent offences against or in the presence of children
- criminal charges for violent offences against or in the presence of children
- patterns of violent or sexual behaviour against adults and children
- convictions for sexual offences committed when the applicant was a juvenile offender
- non-convictions for sexual offences committed against adults and children
- findings of misconduct involving children
- notifications by the NSW Ombudsman

In conducting a risk assessment, the Office of the Children's Guardian relies on external agencies such as courts, the Department of Corrective Services, FACS, and police services in NSW and interstate to provide information relevant to the assessment process. To ensure procedural fairness to applicants undergoing a Working With Children Check, we take into account any information provided by an applicant before a final decision is made. Therefore the risk assessment process is often complex, and can take varying lengths of time to complete.

Verification Verification involves employers confirming with the Office of the Children's Guardian that their employees have in fact obtained the Working With Children Check. It also provides a point of contact with employers should an employee's status change, indicating that their WWC number has expired, the employee has withdrawn their application or surrendered their clearance, or that the employee has been barred or interim barred from working with children

Schedule 2 offences

A Schedule 2 offence is:

1 Specified offences

(1) The following offences are specified:

- (a) murder,
- (b) manslaughter of a child (other than as a result of a motor vehicle accident),
- (c) an offence involving intentional wounding or causing grievous bodily harm to a child by an adult who is more than 3 years older than the victim,
- (d) an offence under section 61B, 61C, 61D, 61E or 61F of the *Crimes Act 1900*,
- (e) an offence under section 61I, 61J, 61JA, 61K, 61L, 61M, 61N, 61O or 61P of the *Crimes Act 1900*,
- (f) the common law offence of rape or attempted rape,
- (g) an offence under section 65A or 66 of the *Crimes Act 1900*,

- (h) an offence under section 66A, 66B, 66C, 66D, 66EA, 66EB, 66F or 73 of the *Crimes Act 1900*,
 - (i) an offence under section 67, 68, 71, 72, 73 (before its substitution by the *Crimes Amendment (Sexual Offences) Act 2003*), 74 or 76 of the *Crimes Act 1900*,
 - (j) an offence under section 78A, 78B or 79 of the *Crimes Act 1900*,
 - (k) an offence under section 78H, 78I, 78K, 78L, 78N, 78O, 78Q or 81 of the *Crimes Act 1900*,
 - (l) an offence under section 80A, 80D or 80E of the *Crimes Act 1900*,
 - (m) an offence under section 86 of the *Crimes Act 1900*, where the person against whom the offence is committed is a child, except where the person found guilty of the offence was, when the offence was committed or at some earlier time, a parent or carer of the child,
 - (n) an offence under section 91D, 91E, 91F, 91G or 91H of the *Crimes Act 1900* (other than an offence committed by a child prostitute),
 - (o) an offence under section 42 or 43 of the *Crimes Act 1900*,
 - (p) an offence under section 91J, 91K or 91L of the *Crimes Act 1900*,
 - (q) an offence under section 21G of the *Summary Offences Act 1988* or section 91M of the *Crimes Act 1900* where the person intended to be observed or filmed was a child,
 - (r) an offence against section 272.8, 272.10 (if it relates to an underlying offence against section 272.8) or 272.11 of the *Criminal Code* of the Commonwealth,
 - (s) an offence against section 272.9, 272.10 (if it relates to an underlying offence against section 272.9), 272.14 or 272.15 of the *Criminal Code* of the Commonwealth,
 - (t) an offence against section 272.18, 272.19 or 272.20 of the *Criminal Code* of the Commonwealth if it relates to another offence listed in this Schedule,
 - (u) an offence against section 270.6A or 270.7 of the *Criminal Code* of the Commonwealth where the person against whom the offence is committed is a child,
 - (v) an offence against section 233BAB of the *Customs Act 1901* of the Commonwealth involving items of child pornography or of child abuse material,
 - (w) an offence against section 471.16, 471.17, 471.19, 471.20 or 471.22 of the *Criminal Code* of the Commonwealth,
 - (x) an offence against section 471.24, 471.25 or 471.26 of the *Criminal Code* of the Commonwealth,
 - (y) an offence under section 91H, 578B or 578C (2A) of the *Crimes Act 1900*,
 - (z) an offence under a law of another State or a Territory, the Commonwealth or a foreign jurisdiction that, if committed in New South Wales, would constitute an offence listed in this clause,
 - (aa) an offence an element of which is an intention to commit an offence of a kind listed in this clause,
 - (ab) an offence of attempting, or of conspiracy or incitement, to commit an offence of a kind listed in this clause,
 - (ac) any other offence that is a registrable offence within the meaning of the *Child Protection (Offenders Registration) Act 2000*, if the offence was committed as an adult.
- (2) This clause applies to convictions or proceedings for offences whether occurring before, on or after the commencement of this clause.

Excluded offences

An offence is not specified for the purposes of this Schedule if it was an offence specified in this Schedule at the time of its commission and the conduct has ceased to be an offence in New South Wales.

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