

CHILD CARE SERVICES BILL 2007

Consideration in Detail

Clause 1: Short title -

Ms S.E. WALKER: This bill should be renamed the Child Care Protection Services Bill 2007. I am horrified to think that this minister has come in here to deal with this bill when, even as the responsible minister, he could not respond, as usual, to all the recommendations I read out in the second reading debate. In his report No 8, "Second Public Sector Performance Report", the Auditor General has written about the regulation of child care services -

Point of Order

Dr E. CONSTABLE: It is very difficult to hear what the member on her feet is saying with the caucus going on at the other side of the chamber.

The SPEAKER: Order! If members want to have a little meeting, they should take it outside

Debate Resumed

Ms S.E. WALKER: Thank you, Mr Speaker. I therefore move -

Page 2, line 3 - To insert after "*Child Care*" the following -

Protection

The reason I have moved that amendment is that, frankly, I am quite stunned that the department will be split and that this legislation, which is about the licensing of childcare centres, will be put under the control of the Department for Communities and not the Department for Child Protection. It is quite clear, after reading the Auditor General's report, that this legislation involves child protection, and it involves allegations - 1 800 a year - of child mistreatment; yet, once again, this government is not taking childcare protection very seriously. It has never taken childcare protection seriously. It has not implemented all the recommendations of the Gordon inquiry. It was dragged, and it is still being dragged, kicking and screaming to have the mandatory reporting of sexual abuse, physical abuse and emotional abuse of children. It still has not brought in that bill, and it has been under consideration for six years. The children's commissioner was the creation of the Liberal Party. All these things were the creation of the Liberal Party. Even the bill that the government introduced in 2004 was an old Liberal bill that the government dusted off the shelves because it was too lazy to create its own.

Point of Order

Mr J.C. KOBELKE: Clearly, in the second reading debate, one can range very far and wide and simply pick up one aspect of the bill or a title in the bill that has nothing to do with the content and develop those sorts of themes. However, now that we are in consideration in detail, I think the member is straying well beyond what is allowed under standing orders. I put to you, Mr Speaker, that when we are dealing with an amendment that the member has moved to the short title, it does not give any member the option to start debating a whole range of wider issues.

The SPEAKER: The Leader of the House is accurate in his description of what is relevant to the member's amendment. I am sure that the member for Nedlands, now that she has had her say on the history, will refer to the amendment.

Debate Resumed

Ms S.E. WALKER: Of course, I was laying the groundwork for child protection, because the minister said that this has nothing to do with protection. In fact, it has everything to do with protection.

Dr E. Constable interjected.

Ms S.E. WALKER: I thank the member for Churchlands. It sure does, the member for Churchlands said. As stated in the Auditor General's report, we are licensing people to look after more than 70 000 children in Western Australia for most of the day and some of the night, and the Minister for the Environment is saying that it has nothing to do with protection of children. When that minister is doing things for other ministers, he should do his homework, as I did and as I am doing for the new shadow Minister for Child Protection. The Minister for the Environment has not done any. I can see him nodding and smiling. He has not done any. I am very disappointed again with this government that it has not brought in this bill under the child protection act. I am saying "*Protection*" needs to be inserted because the Auditor General's report is all about licensing people, checking their backgrounds and making sure that no paedophiles are running childcare centres. Of course, what we have is an industry in which the Department for Community Development can grant licences, and the new

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department will also be able to do that, but it has no access to the sex offenders register. This minister cannot guarantee to any parent in this state that those people have had a clearance from the sex offenders register. The minister opposite cannot tell me, unless his advisers have now said something different to him. That is a very disturbing aspect of this legislation. The fact is that the minister cannot tell me. The new Minister for Child Protection, with all the resources and all the people at her disposal, has not briefed him. They have not gone through this. If I were the responsible minister, I would have gone through this, made a list, ticked it off and said to the Minister for the Environment, "There we are. I've done this." However, the minister has not done that. That is why I have moved that the bill should be amended.

Dr E. CONSTABLE: I am inclined to support the amendment of the member for Nedlands. This short title seems to me to be inadequate. I agree with the member for Nedlands that in licensing childcare centres and family day care providers, we are actually protecting children. That is exactly what we are doing.

Sitting suspended from 6.00 to 7.00 pm

Dr E. CONSTABLE: I indicated before the dinner break that I am inclined to support the amendment moved by the member for Nedlands because even though the minister brushed this bill off as a procedural bill, and I can understand why he is saying that, this is actually a very meaty bill. It is all about making sure children are well cared for in childcare centres or family day care, and therefore it gives us an opportunity to think again about the protection of children. This is about protecting children and making sure that they are safe in those environments. I am not sure that the title of the bill covers what we are trying to get at here.

The other thing is that the title of the bill presented by the minister, "Child Care Services Bill", implies that all child care is covered in this bill, when it is not. An awful lot of children are cared for by paid individuals in their own homes - "nannies" is the common word for them. I have grandchildren who are cared for by a nanny. It seems to me that we should be considering the quality of the people who are nannies and giving parents who choose to employ them some way of making sure that the nannies they employ are suitable people. Parents need access to records and so on to do that.

I remind the minister that the Ford review only happened because there were people in this Parliament, notably members of the opposition and me, I might venture to say, who made so much noise about the problems of protecting children in this state. I think the minister glossed over the record of the government when he said that this government has focused on the protection of children. We all know the terrible record of the last six years in the protection of children, particularly those in the care of the state. It is really important for us to make sure, even though this bill is procedural and has just been hived off because of a separation of the two departments, that we are still happy with this legislation. That is a reason to look at it, not to just say that it is procedural and we have done it before.

Mr D.A. Templeman: I need to clarify something. Effectively, what we are doing is transferring across part 8 of the current Children and Community Services Act.

Dr E. CONSTABLE: I understand that. The minister dismissed that.

Mr D.A. Templeman: No, I did not dismiss that.

Dr E. CONSTABLE: The minister said, "It is just procedural", whereas it may well be in one legal -

Mr D.A. Templeman: I highlighted that there is no immediate structural change to what currently exists. It is procedural in that we are transferring part 8 across as a bill in its own right.

Dr E. CONSTABLE: I understand and accept that but I think it is more than that. Although we are doing that, and we looked at it in 2004 or 2005 when we debated this matter, that does not mean to say that just because it has been hived off into a separate bill now that we should not look at it and make sure that we are happy with what is in this bill. There are two levels to look at. There is the procedural level, and I do not have a problem with that. However, this is such important legislation because it goes to the heart of the protection of children through licensing centres and making sure that children in day care are properly cared for. The protection of children is fundamentally important to us in this bill. That is the bottom line. That is what the member for Nedlands has highlighted in her amendment. The more I think about it, the more I think it is important to make that change. I would like the title of the bill to mention children in organised care because it is not just about children in individual care, which I drew attention to. The current title could be seen as misleading.

Ms S.E. WALKER: I agree with the sentiments of the member for Churchlands. The minister says that it is a procedural bill and that we will just take one act and plonk it into a separate act, which is what we are doing. However, we debated the current bill in 2004 and the Auditor General's report was produced in 2005. That report contained a lot of recommendations that the government has accepted. I want to know whether children are being properly protected. The regulation is about ensuring that children are being protected while they are

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being looked after. We are looking at the qualification of staff. They are not properly assessed. We do not know whether they are getting adequate training.

Mr D.A. Templeman: That is incorrect.

Ms S.E. WALKER: That is what I want the minister to tell me.

Mr D.A. Templeman: I did that in my response to the second reading debate.

Ms S.E. WALKER: The minister said that it was not a question that he had to answer.

Mr D.A. Templeman: No. I highlighted the fact that we have working with children checks currently in place.

Ms S.E. WALKER: Can the minister tell me what they are?

Mr D.A. Templeman: The working with children checking legislation enables the checking of all people who work with a child, whether they are paid employees or volunteers. Parliament supported a rollout of that system in targeted sectors. Previously, when that legislation was enacted in the beginning of 2004 -

Ms S.E. WALKER: What legislation is that?

Mr D.A. Templeman: It is the Working with Children (Criminal Record Checking) Act. Each year subsequent to that there was a new rollout of people who were targeted. Included in that, of course, are people who are employed as childcare workers, for example. There are also provisions in the act and indeed in the regulations with regard to the proprietors of childcare centres.

Ms S.E. WALKER: What are they? They are found wanting here.

Mr D.A. Templeman: You are referring to the Auditor General's report.

Ms S.E. WALKER: What the minister is saying is wrong. He is talking about 2004, but this is a 2005 report.

Mr D.A. Templeman: Can I clarify whether the member is referring to the Auditor General's report of 2005?

Ms S.E. WALKER: October 2005.

Mr D.A. Templeman: The department has responded to the recommendations. What I need to highlight in terms of the Auditor General's report is that there were no legislative recommendations from the Auditor General.

Ms S.E. WALKER: There were.

Mr D.A. Templeman: I understand that there were not.

Ms S.E. WALKER: I refer the minister to page 21 of the "Second Public Sector Performance Report: Report 8 - October 2005", which states -

New legislation to be introduced in January 2006 will allow more thorough record checking of people that work with children.

What was that?

Mr D.A. Templeman: That is a reference to the new Children and Community Services Act. That legislation already had been passed but was not enacted until 1 March 2006. That is the legislation that the Attorney General is referring to.

Ms S.E. WALKER: However, before that the Auditor General was referring to the fact that the Department for Community Development cannot access the sexual offenders register to ascertain whether someone is a paedophile.

Mr D.A. Templeman: You are bringing in another issue.

Ms S.E. WALKER: I am not.

Mr D.A. Templeman: I want to answer the question because the member is referring to the Auditor General's report.

Ms S.E. WALKER: The minister is fudging the issue.

Mr D.A. Templeman: I am not.

Ms S.E. WALKER: I will come back to that.

Mr D.A. Templeman: I am trying to clarify the series of events. The Children and Community Services Act was passed by the Parliament and was enacted on 1 March 2006. Prior to that - the member is correct - an Auditor General's report of October 2005 made a series of recommendations. Included in those

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recommendations was reference to the act that I just mentioned. That was the only reference to legislation. It was not new legislation; it was legislation that was about to be enacted. Then a series of recommendations focused primarily on practices and procedures of the department.

Ms S.E. WALKER: What ones?

Mr D.A. Templeman: We are not debating the Auditor General's report and I am trying to explain what has happened since then.

Ms S.E. WALKER: We are debating it.

Mr D.A. TEMPLEMAN: What has happened since then is that, as per the Auditor General's requirements, the department reported its responses to those recommendations to the Public Accounts Committee. I am not certain whether the report or response by the department to the Public Accounts Committee is public information. Therefore, I do not want to -

Ms S.E. Walker: Pre-empt it.

Mr D.A. TEMPLEMAN: As per the procedure, the department's response was required to go through the Public Accounts Committee.

Dr S.C. Thomas: What do you want to know about the Public Accounts Committee?

Mr D.A. TEMPLEMAN: I do not know whether the department's response to the Public Accounts Committee is public information. The Public Accounts Committee wrote to the department on 13 May.

Ms S.E. Walker: This year?

Mr D.A. TEMPLEMAN: Yes. It said that it had received the response and advised that the committee had completed its review of the report that will be included in the 2007 review of the Auditor General's performance examinations. I do not want to quote from it because it is the property of the Public Accounts Committee.

The ACTING SPEAKER (Mrs J. Hughes): I have been advised that the review will not be tabled until later this year.

Mr D.A. TEMPLEMAN: Therefore, as per the requirements of the Auditor General and the Public Accounts Committee, the department has responded to all the recommendations. Many of those recommendations, as I have already said, were procedural or practices of the department. The Auditor General's report included criticisms of the childcare procedures and practices of the department. They have been responded to through the proper statutory processes.

Ms S.E. Walker: Does the minister mean that instead of the department putting in place practical processes for training and assessment it has to go through the Public Accounts Committee?

Mr D.A. TEMPLEMAN: No. It has to report through the Public Accounts Committee -

Ms S.E. Walker: Can't your advisers tell me?

Mr D.A. TEMPLEMAN: The only document that I have is something that I have been told by the Acting Speaker is not for public information. I do not want to break the parliamentary processes. I assure the member for Nedlands that to the best of my knowledge the department's responses to the Auditor General's recommendations have been taken up as priorities and enacted. If we were able to quote from or respond to the Auditor General's recommendations as per his report, the member would be assured of that.

Ms S.E. WALKER: The minister said absolutely nothing. It was total rubbish.

Mr D.A. Templeman: The member for Nedlands is talking rubbish because she is not talking about the bill.

Ms S.E. WALKER: I am talking about the protection of children.

Mr D.A. Templeman: The point is that the member does not understand the bill.

Ms S.E. WALKER: I understand it better than the minister.

The ACTING SPEAKER: I advise the member for Nedlands that we are working on the short title and her argument needs to pertain to that.

Ms S.E. WALKER: To protection?

The ACTING SPEAKER: Yes. If the member would ensure that her comments relate to that, I would appreciate it.

Ms S.E. WALKER: They do. How can we protect children in child care? We protect them by making sure that the staff who are looking after them are properly qualified. We protect them by making sure that the

investigations into child maltreatment are carried out expeditiously. We protect them by ensuring that the licensing database is not flawed. We protect them by ensuring that when people are assessed -

Point of Order

Mr R.C. KUCERA: Madam Acting Speaker, I raise the issue of relevance. We are debating the bill. We are not debating the Auditor General's report. The bill reflects the issues raised in the Auditor General's report. I know that you have raised a point of order on that matter already, Madam Acting Speaker.

The ACTING SPEAKER (Mrs J. Hughes): I take what the member is saying. It is not a point of order. However, I remind the member for Nedlands that we are debating clause 1. If what the member is saying pertains to other clauses, the member can address those matters as those clauses arise. I ask the member to keep the debate to clause 1.

Debate Resumed

Ms S.E. WALKER: I am speaking to clause 1, Madam Acting Speaker, because I am talking about why the word "Protection" should be inserted in the short title of the bill. This bill should be all about the protection of children. The Auditor General said in his report that children in child care are not being properly protected, because the standards are falling far short of what they should be. The Auditor General outlined what the standards should be, and the government said, "Sure. We understand. We accept those recommendations." One of the recommendations was that clear criteria be established to determine whether an applicant for a licence to provide a childcare service is a fit and proper person. If I cannot explain why the word "Protection" should be included in the short title of this bill, we might as well not have this debate. These recommendations have been made. However, the minister has said that he cannot talk about what the government intends to do about the Auditor General's recommendations, because the matter is before the Public Accounts Committee. It has been 18 months since the Auditor General's report came out. In 2004-05, there were 1 800 breaches by childcare centres in this state. Eighteen months later, we do not know how many breaches there are. It is very poor that this government is trying to stop me from debating child protection. The member for Yokine raised a petty point of order to try to stop me from debating this issue and making sure that children in child care in Western Australia are being looked after properly. The track record of the government on this matter is pretty poor.

Dr E. CONSTABLE: In this bill, we are amending the Children and Community Services Act, on the basis of the recommendation of the Ford review that the Department for Community Development be split in two. Has that department already been split in two?

Mr D.A. Templeman: Yes, it has.

Dr E. CONSTABLE: Does that mean that there are now two chief executive officers?

Mr D.A. Templeman: There is an acting CEO for each new department.

Dr E. CONSTABLE: So, the purpose of this bill is just to catch up with what has already been put in place?

Mr D.A. Templeman: Yes, and obviously there are also implementation processes. The various roles and responsibilities of each department are now being implemented as per the Ford review.

Dr E. CONSTABLE: In 2004, we had a very lengthy, and I think also very productive, debate about the parent legislation, the Children and Community Services Act. We are now separating out one part of that legislation, because Prudence Ford recommended that two separate departments be created out of the former Department for Community Development, with two CEOs, so that one department can concentrate solely on the protection of children in the care of the state, such as state wards. This bill is dealing with the services provided by childcare centres.

Mr D.A. Templeman: Childcare services are universal services, as you know.

Dr E. CONSTABLE: Yes. That is what this bill is all about. The member for Nedlands is saying in her amendment that even though this is a procedural bill in that sense, a much more fundamental issue is at stake in this legislation. That issue is the protection of children who are placed in child care, be that a day care centre, or family day care. That is basically what this bill covers.

Mr D.A. Templeman: But not nannies, as you have said.

Dr E. CONSTABLE: I will take that up a bit later when we get to clause 4.

Mr D.A. Templeman: The current legislation - the Children and Community Services Act 2004 - is silent on that matter.

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Dr E. CONSTABLE: I understand that. I think it is an issue. It has been three years since we last debated this issue. It does not do Parliament any harm to raise these fundamental issues again. The minister might believe that it is a waste of time; however, I do not. There has been much debate in the past three or four years - or longer - about this issue. Questions have been asked during the estimates hearings. I am sorry that I was unable to attend this year's estimates hearing on this portfolio. Fundamental issues were raised in the estimates hearings and during debate on the parent bill. It is a good idea to revisit these issues every now and again. In three years, the minister can tell us what a great job the government is doing, which is what he did in the summing up of his second reading reply. I do not have any data to know whether that is correct. The member for Mandurah had a very big smile on his face when he said that he was no longer the responsible minister. The member for Mandurah is clearly happy that he is no longer the Minister for Community Development, or the Minister for Child Protection, as it is now. He is now the Minister for the Environment and the Minister for Climate Change. I think he will be jumping out of the frying pan and into the fire, but we will see how he goes. Jokes aside, this is an incredibly important topic. As I have said previously, if the Labor Party cannot get the protection of children right, it should not be in the business of governing this state. Its record over the past four or five years is one that no government would be proud of. I admire the fact that the government is trying to meet this issue head-on and that it is making changes. However, there is still a case to be made for us to continue considering these issues. The fact that this part of the parent legislation has come back for debate provides us with that opportunity. When the member for Nedlands referred to the Auditor General's report, she asked some important questions about childcare centres and the protection of children. All members of Parliament should take this issue seriously and make themselves aware of the issues with which the government is grappling. The government has not solved all the issues in three years. I will put more questions on notice to determine where we are at and what we have achieved. The fundamental issue is about the protection of children, even though this is a so-called procedural bill. I support the member for Nedlands' amendment.

Ms S.E. WALKER: The Auditor General states in the opening of his report on the regulation of childcare services -

The community expects child care will occur in a safe and nurturing environment.

It is simply nonsense for Legislative Assembly members to argue that the bill is not about protecting children. In 2005, an estimated 38 per cent of children up to six years of age and 15 per cent of children up to 13 years utilised childcare services in Western Australia. Given those statistics, we must ensure that the government is being accountable and implementing the recommendations that were made.

Amendment put and a division taken with the following result -

Ayes (15)

Mr D.F. Barron-Sullivan	Dr E. Constable	Mr P.D. Omodei	Mr G.A. Woodhams
Mr M.J. Birney	Dr K.D. Hames	Mr D.T. Redman	Dr J.M. Woollard
Mr T.R. Buswell	Ms K. Hodson-Thomas	Mr G. Snook	Mr A.J. Simpson (<i>Teller</i>)
Mr G.M. Castrilli	Mr J.E. McGrath	Ms S.E. Walker	

Noes (25)

Mr J.J.M. Bowler	Mr J.A. McGinty	Mr P. Papalia	Mr P.B. Watson
Dr J.M. Edwards	Mr M. McGowan	Mr J.R. Quigley	Mr M.P. Whitely
Mr J.N. Hyde	Ms S.M. McHale	Ms M.M. Quirk	Mr B.S. Wyatt
Mr J.C. Kobelke	Mr A.D. McRae	Ms J.A. Radisich	Mr S.R. Hill (<i>Teller</i>)
Mr R.C. Kucera	Mrs C.A. Martin	Mr E.S. Ripper	
Mr F.M. Logan	Mr M.P. Murray	Mrs M.H. Roberts	
Ms A.J.G. MacTiernan	Mr A.P. O'Gorman	Mr D.A. Templeman	

Pairs

Mr T.K. Waldron	Mr T.G. Stephens
Mr R.F. Johnson	Mr P.W. Andrews
Mr C.J. Barnett	Mr A.J. Carpenter
Mr J.H.D. Day	Mrs D.J. Guise

Amendment thus negated.

Clause put and passed.

Clause 2 put and passed.

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Clause 3: Terms used in this Act -

Ms S.E. WALKER: Here we see my very point, in the definition of “criminal record check”. Is there an amendment on the notice paper stating that when a criminal record check is done, the sex offenders register will be checked? No, there is not. That is what I am saying. When the Auditor General’s report of 18 months ago told us that there was no access to the sex offenders register when a criminal record check was made to see whether a person was fit and proper to have a licence to operate or work in a childcare centre, what did this government do? Nothing! I am asking the minister: why? He has tried to dismiss my question and fob me off, and has allowed government members who do not take this matter very seriously to stand and speak in this place. I do not hear the member for Yokine jumping up now and saying, “Yes, but while I’ve been on the back bench, I’ve been working hard to make sure that children are protected and that there is a reference to them on this criminal register.” I do not hear the member for Yokine saying that. I do not know what he is doing while he is sitting on the back bench, but he gets up and tries to stop me debating the protection of children when he is not actually positively doing anything about it himself.

Mr R.C. Kucera interjected.

Ms S.E. WALKER: The member for Yokine asked me why I wanted the word “Protection” in the short title. I told him and he tried to dismiss it.

The ACTING SPEAKER (Mrs J. Hughes): Member, we are on clause 3.

Ms S.E. WALKER: Yes. In clause 3 -

“criminal record check” means a document issued by the Australian Federal Police or another body or agency approved by the CEO that sets out the criminal convictions of an individual for offences under the law of this State, the Commonwealth, another State or a Territory;

However, it does not say anything about the Community Protection (Offender Reporting) Act 2004 that we passed specifically so that people who run places such as day care centres can know whether someone is on the register. That is because when that bill came into the Parliament, I said that it would be a closed list, a golden list, that nobody in Western Australia would know about, except the Commissioner of Police, anyone over the rank of inspector and anyone authorised by the police commissioner. If people knew a person was on that list and told someone, the penalty would be a fine of \$60 000 or 10 years in jail. That is total incompetence by the former Minister for Community Development, the minister prior to that and the current minister. I rest my case about what the current minister is doing about child protection.

Clause put and passed.

Clause 4: Meaning of “child care service” -

Dr E. CONSTABLE: This clause is relevant to the issue I raised a moment ago about the definition of “child care service” and the matter that I raised to do with children in individual care. It is quite an interesting issue as many thousands of children are in individual care. The recent Australian Bureau of Statistics figures show that large numbers of children under the age of two years are cared for individually, often by a grandparent - that is a different situation - and also by a paid person commonly referred to as a nanny. Those circumstances, therefore, of someone in paid employment caring for a child are not covered at all. I would like the minister to clarify for me, because I do not know, what assistance can be given to parents in checking out not only the qualifications, but also the record of a person who applies to be a nanny. The state needs to provide some backup to parents who want to check out people applying to look after their children in a paid capacity, even if that employed person has a relationship with the parent. I can understand why this bill does not include those people, but what does the state provide to support parents in that situation?

Mr D.A. TEMPLEMAN: The member for Churchlands raises some good issues; I do not deny that. It is quite an interesting direction that we are moving in. As I said, nannies, as they are defined, have not traditionally been covered by the legislation.

Dr E. Constable: I have acknowledged that.

Mr D.A. TEMPLEMAN: However, the addition of the working-with-children checks has created a mechanism that, I suppose, captures those who are operating as nannies through an agency, as they are required under the Working with Children (Criminal Record Checking) Act to apply and then go through the assessment criteria. The assessment process involves a fairly detailed check of the person’s criminal history to see whether they have any previous convictions. Then a recommendation is made as to whether that person is granted a provisional working with children card. If there is a dispute or if there is a negative notice, there is an appeal process. I do

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not know how many negative notices have been issued, but I know there have been some. A person who is issued with a negative notice can appeal against that assessment.

The other issue relates to the more informal caring of children that occurs in the home, either by family or by friends who are not part of the register or are not part of a registered business or a registered service provider. I think we have moved a long way in covering carers who were not previously covered, particularly nannies. I concede that there will always be potentially some informal arrangements, particularly those made between a parent or parents and someone who is not captured by the current system.

Dr E. Constable: Is the onus on the parent in that situation to make sure that there's been a proper criminal check and so on of the nanny or is the onus on the nanny? If you were to discover that there was a nanny out there who had not had a criminal check but was employed, who is in trouble?

Mr D.A. TEMPLEMAN: That is a good point. Unless the department is informed of an informal arrangement, the department would not be aware of that situation.

Dr E. Constable: Is it an informal arrangement when you employ somebody and pay them? I thought that was a formal contract.

Mr D.A. TEMPLEMAN: I would have thought that any parent would satisfy his or her own concerns by ensuring that a person is checked before taking on that parent's children. For example, one of the important elements of the working with children check is the coverage of babysitters. To my knowledge, if they are within the age constraints, they are also required to be part of the working with children checks. The member raises a valid concern. Apart from having a system where we would need to have every informal arrangement registered in some way -

Dr E. Constable: Are you saying it is an informal arrangement where you actually have a contract by which you employ someone to look after your children? That is fairly formal to me.

Mr D.A. TEMPLEMAN: It is, but I understand that those who are associated with or attached to an agency are captured within the working with children check net.

Dr E. Constable: Nannies are often recommended by word of mouth from one parent to another.

Mr D.A. TEMPLEMAN: That is very true. The onus is certainly on parents to be vigilant about the quality of the person they hire.

Dr E. Constable: From what you have said, the onus is on the nanny, the person being employed, to have the check.

Mr D.A. TEMPLEMAN: Yes, that is true.

Dr E. Constable: If you're going to work with children, you have to make sure you've had the check.

Mr D.A. TEMPLEMAN: That is very true and that is part of the legislation that deals with the working with children check.

Clause put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Guiding principles -

Ms S.E. WALKER: I decided not to go into debate on clause 6, "Best interests of children paramount". However, clause 7 outlines the guiding principles and states -

In the administration of this Act the following principles must be observed -

- (a) the principle that a child care service should be provided to a child in a way that -
 - (i) protects the child from harm; . . .

Can the minister tell me how the government is protecting children from harm when the department is not implementing the recommendations in the Auditor General's report of 2005?

Mr D.A. TEMPLEMAN: I can assure the member that the department is implementing the recommendations as per the Auditor General's report of October 2005.

Clause put and passed.

Clauses 8 to 17 put and passed.

Clause 18: Condition as to supervision and control -

Ms Sue Walker; Dr Elizabeth Constable; Speaker; Mr John Kobelke; Acting Speaker; Mr Bob Kucera; Mr David Templeman

Dr E. CONSTABLE: The minister is quite at liberty to correct me if this is the wrong place, but I want to raise the issue of complaints. It seems to me that licence conditions and the contravention of conditions may well fit in with the question I want to ask the minister. I want to raise an issue about complaints that was referred to in the Auditor General's report. It states that complaints relating to matters such as health and safety, childcare activities and administration took an average of 111 days to resolve and that 43 per cent of investigations into child maltreatment allegations took between 91 and 239 days to resolve. Can the minister enlighten us about any improvement on those figures in the past couple of years? It is almost two years since this report was issued and it would be two years since the study was done. It seems to me that 111 days is a long time - it is about four months - to resolve an issue related to the safety and health of a child. I find that very worrying. I am aware that the department has had some issues with finding and keeping staff, as have so many service industries at the moment, including teaching, hospitals and so on. I cannot imagine that the staffing situation has improved. What has been put into place to improve the worrying situation in which someone makes a complaint and four months later, on average, there might be resolution of that complaint? If that is the average, that means that some complaints take longer than four months to be resolved. I seek the minister's guidance and response on what I think is a very important issue.

Mr D.A. TEMPLEMAN: I thank the member for Churchlands. The member has referred to a recommendation in the Auditor General's report that basically highlighted concerns about the practices of the department at that time and highlighted that there needed to be appropriate improvements to the policies and procedures. In response to that recommendation, the department agreed. It specifically agreed with the time lines issue that the member has highlighted in her query. As a response to that, in terms of action by the department, outstanding investigations are reviewed with the investigations team leader on a monthly basis. The implementation of reporting continues, and key performance indicators - there has been a KPI commitment - for timeliness standards have been identified as an action item in the operation plan for this -

Dr E. Constable: What is the KPI? What is considered to be a reasonable time in which to receive a complaint, investigate it and resolve it?

Mr D.A. TEMPLEMAN: The KPIs are being developed. Obviously, the aim of those will be to reduce the time it takes to deal with complaints.

Dr E. Constable: I hope so.

Mr D.A. TEMPLEMAN: With regard to resourcing, it is important to note that, as a result of the funding increase in the 2007-08 budget, there will be an increase of 13 permanent positions to the child services licensing unit.

Dr E. Constable: Will those people be involved in licensing and looking at complaints, or everything outlined in this bill? What will be the total number of full-time equivalents?

Mr D.A. TEMPLEMAN: The total will be 39.

Dr E. Constable: So it has gone up from 20-whatever.

Mr D.A. TEMPLEMAN: It has increased from a very low number in 2001 of nine, from memory. There will be a substantial increase with the additional money in the 2007-08 budget. The department acknowledged that the Auditor General's recommendation regarding timeliness needed to be responded to and improved. The processes that have been put in place and the monitoring of them will mean an improvement. Additional to that are the extra FTE positions to be included in the unit, which I hope will mean that that element of the unit improves.

Clause put and passed.

Clauses 19 to 73 put and passed.

Schedule 1 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr D.A. Templeman (Minister for the Environment)**, and transmitted to the Council.