

WORKING WITH CHILDREN SCREENING CHECKS

2330. Mr P.D. Omodei to the Minister representing the Minister for Child Protection

Further to the answer given for Legislative Assembly Question on Notice No. 1748 -

- (a) of the 12 finalised negative notices, how many were employed by government agencies;
- (b) what areas or departments were they working in;
- (c) of the 12 finalised negative notices, how many were employees of a private organisation;
- (d) of those people issued a negative notice, were the places of these people's employment investigated or assessed by the Department for Community Development in the past five years;
- (e) if so, what dates were they investigated;
- (f) of the people issued negative notices, what were the positions held – e.g. carer, child care worker et al;
- (g) regarding the one person given a negative notice who is listed on the Australian National Child Offender Register, were they working in a child care or child-related capacity prior to the negative notice being issued;
- (h) of the five people issued with interim negative notices as at the time of answering Question on Notice No. 1748, how many have been issued a negative notice;
- (i) how many Working with Children screenings have been completed; and
- (j) how many people have now been issued with a negative or interim negative notice?

Mr D.A. TEMPLEMAN replied:

- (a) None are identified on the application form as employed or proposed to be employed by state government.
- (b) N/A
- (c) There is no data classification in the Working with Children systems for 'private organisation'. However a review of hard copy applications suggests that the 12 persons with Negative Notices were not working for a State Government agency and are either self employed, employed by commercial or not for profit agencies or employed by local government or other types of employer. The response to (f) provides what further information is available.
- (d) The Working with Children Screening Unit (WWCSU) has not provided to the Department for Child Protection information about the workplaces of the 12 Negative Notice holders or their places of employment for investigation or assessment under the Children and Community Services Act 2004t.

Section 12(9)(b) of the WWC Act requires a known employer to receive a copy of the notice. The Department for Child Protection was not identified as the employer of any of these persons.

Section 38(3) enables information that a person has been issued a Negative Notice to be provided to the CEO of the Department if the person holds a child care licence or is a child-care supervising officer or managerial officer and it is in the public interest to do so. None of the persons in question applied under those categories of child-related work.

Section 38(2) enables information that a person has been issued with a Negative Notice to be provided to public authorities prescribed in the Regulations where it is in the public interest to do so. The Department responsible for the Children and Community Services Act 2004 is one of these bodies. There has not been reason to advise the Department for Child Protection of the above Negative Notices but this will occur if there is information received that suggests a child may be abused in a family or in a work situation such as a placement or child care service.

The Western Australia Police are also prescribed in Regulations to be able to receive information about persons with Negative Notices and in all such cases this information is provided to the police for law enforcement purposes. Where persons are issued with Negative Notices, the police are already involved and particularly when the convictions or charges are recent, often have access to information about the person's work and home situation not available to the WWCSU. The police investigate workplaces when criminal offences occur in

that context and advise the Department when required to ensure the safety of children in their homes or when children and their families need support services.

(e) N/A

(f) The information below is obtained from the application forms. Of the 12 finalised Negative Notices above - the categories of child-related work identified in section 6(1) of the Act are:

Category of child related work	Status
s(1)(a)(iv): a coaching or private tuition service of any kind , but not including an informal arrangement entered into for private or domestic purposes	2 self-employed (or proposed to be) 1 employee (or proposed to be)
s(1)(a)(xi): a religious organisation	3 volunteers (or proposed to be) 1 employee (or proposed to be)
s(1)(a)(xii): a club, association or movement(including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership of involvement of children, but not including an informal arrangement entered into for private or domestic purposes	1 volunteer (or proposed to be) 1 employee (or proposed to be)
s(1)(a)(xv): an overnight camp, regardless of the type of accommodation or how many children are involved	1 employee (or proposed to be)
s(1)(a)(xvi): a transport service specifically for children	2 employees (or proposed to be)
Total	12

Note: A person may be in more than one job but only one employer signs the application form to verify that the person is in child-related work.

(g) Yes. A person must be in, or proposing to be in, child-related work to qualify to apply for a WWC Check. As a Negative Notice was issued in this case the person would be in breach of the law if they continued to work with children, their employer was also notified of this.

(h) Four, as is allowed for under the WWC Act. One Interim Negative Notice did not result in a Negative Notice because the applicant withdrew his application. The person cannot work in child-related work without applying for a Card.

(i) From 1 January 2006 to 30 June 2007, 55 200 screenings (rounded figure) were completed.

(j) From 1 January 2006 to 30 June 2007, nine Interim Negative Notices and 20 Negative Notices have been issued by the WWC Screening Unit. Of the 20 persons issued with Negative Notices from 1 January 2006 to 30 June 2007, three have since been issued with Assessment Notices, that is the Negative Notice has been cancelled and a Working with Children Card has been issued. Of these, one was reconsidered by the WWC Screening Unit when further information was received and two decisions to issue Negative Notices have been set aside by the State Administrative Tribunal (SAT) which ordered the issue of Assessment Notices. The Department is currently appealing one of the overturned decisions. This is scheduled to be heard in September 2007. An application to stay the SAT orders pending the hearing of the leave to appeal and the appeal was heard on 30 July 2007 and the decision has been reserved, but expected in the near future. The other is not being appealed because of the significant additional information that emerged at the hearing.