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Royal Commission into Institutional Responses to Child Sexual Abuse
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Dear Commissioners,

Working with Children Check Issues Paper

Thank you for the opportunity to provide a submission to the Royal Commission in response to the abovementioned issues paper.

Given our role in overseeing the handling of employment related child protection allegations, my office has a substantial interest in the Working with Children Check (WWCC) system, both as it operates in NSW, and also more generally.

We strongly support the goal of national consistency in relation to the operation of WWCCs. Furthermore, we believe that the aim should be to eventually implement a national WWCC scheme. However, as our submission makes clear, the adoption of such a scheme will not adequately protect children, if it fails to contain certain essential elements. In this regard, the foundations of the NSW system have been built on recommendations made by Justice Wood that recognised that there was a need for an employment-related child abuse oversight system to complement child related employment screening.¹

However, notwithstanding our view that the WWCC system in NSW has a number of strong features, there are aspects of the current system which require further examination.

Given our view of the relative strengths of the current NSW WWCC system – and our particular expertise in this area – we have focussed our submission on highlighting both the strengths and weaknesses in the current NSW system. In doing so, while we address many of the questions raised by the Commission's Issues Paper, we have not sought to address each question.

We trust our submission will be useful in guiding the Commission's consideration of this important topic.

Yours sincerely



Bruce Barbour
Ombudsman

¹ Royal Commission into the NSW Police Service, *Final Report, Volume V: Paedophile Inquiry*, Chapter 20, August 1997.

NSW Ombudsman submission to Royal Commission into Institutional Responses to Child Abuse: Issues Paper 1 – Working with Children Check

1. A nationally consistent approach to child related employment screening

The *NSW Commission for Children and Young People Act 1998* established the first WWCC in Australia, commencing in 2000. Since then, WWCCs have been introduced in other jurisdictions. There are a number of important differences in the type of screening programs in place, what records are checked, and who is required to undergo screening.²

As the Commission is aware, there is no national legislative or policy framework that sets out requirements or standards for the operation of WWCCs in individual states and territories. However, the *National Framework for Protecting Australia's Children 2009-2020* commits to developing "a nationally consistent approach to working with children checks and child safe organisations across jurisdictions."³

A WWCC working group was formed for this purpose as part of the framework's first three-year action plan (2009-2012). The working group endorsed the implementation of a range of actions proposed by the National Operators Forum – a voluntary network of national screening agencies – notably:

- Implementing strategies to address cumbersome requirements for persons who have been screened in one jurisdiction and are temporarily working with children in another.
- Implementing risk management strategies in organisations that work with children and subjecting these to ongoing monitoring and enforcement through licensing and funding requirements.
- A shared understanding of what an exclusionary framework might look like in order to prevent 'high risk' individuals from entering the risk management system in the first place.
- Actions that heighten the awareness of organisations about the duty of care they have to protect children.
- Actions that heighten NGO and community awareness about existing actions and provisions in place for the purpose of protecting children.⁴

On the specific issue of legislative reform, the working group suggested that "*harmonisation of state and territory legislation would require substantial investments of resources to bring the data and related information management mechanisms into line.*"⁵

The working group has developed a range of guidelines around building the capacity of child safe organisations; risk assessment and decision making when undertaking background checking; the exclusion of individuals from employment/volunteering in child-related areas; and information sharing across jurisdictions.⁶

We are not aware of any further developments that have taken place in relation to progressing a nationally consistent approach to WWCCs. However, we note the view of the National Operators Forum – a voluntary network of national screening agencies (predominantly Children's Commissioners) – that ongoing enhancement of existing WWCC legislation is increasingly making

² Australian Institute of Family Studies, *Pre-employment screening: Working with Children Checks and Police Checks* (Factsheet), June 2012.

³ Council of Australian Governments, *National Framework for Protecting Australia's Children 2009-2020*, Supporting outcome 2, strategy 2.1.

⁴ Department of Families, Housing, Community Services and Indigenous Affairs, *Position Paper: Towards a Nationally Consistent Approach to Working with Children Checks*, 2011. p5. <http://www.fahcsia.gov.au/our-responsibilities/families-and-children/publications-articles/a-nationally-consistent-approach-to-working-with-children-checks-2011>.

⁵ Op.cit.p3.

⁶ <http://www.fahcsia.gov.au/our-responsibilities/families-and-children/programs-services/protecting-australias-children/working-with-children-checks>

the checks more consistent across jurisdictions.⁷ The second three-year action plan (2012-2015) under the *National Framework for Protecting Australia's Children* commits to “continuing to improve the effectiveness of Working with Children Checks across jurisdictions.”⁸

We strongly support the goal of national consistency in relation to the operation of WWCCs. While we believe that the aim should be to eventually implement a national WWCC scheme, the adoption of such a scheme will not adequately protect children, if it fails to contain certain essential elements. In this regard, we consider that the system for child related employment screening in NSW has particular strengths and provides a sound benchmark for developing agreed standards.

However, it is important to stress that the WWCC is but one important component of ensuring safe environments for children and must be complemented by processes for ensuring that children’s organisations develop and implement child safe practices and policies, including (but not limited to) quality systems for detecting, investigating and reporting allegations of workplace child abuse. For this reason, we would also support any move towards national consistency around the development and regulation of ‘child safe’ standards for children’s organisations.

2. Strengths of the system for child related employment screening and the broader regulatory and oversight framework in which it sits in NSW

A new WWCC system, established by the *Child Protection (Working with Children) Act 2012*⁹ (Working with Children Act) commenced in NSW in June 2013. The Act gives effect to several recommendations arising from the statutory review in 2010 of the *NSW Commission for Children and Young People Act 1998* (CCYP Act).

Key operational changes effected by the new WWCC system in NSW include:

- Child related volunteers, paid workers and self-employed people having the same check (unless exempt).
- The onus for obtaining a clearance now rests on employees in child related work.
- There are only two possible outcomes of the check – clearance, or a bar (temporary or permanent).
- The new check lasts for five years, is portable and renewable.
- Cleared applicants are subject to continuous monitoring for new NSW criminal and disciplinary records.¹⁰
- Employers are under an obligation to confirm that potential employees have the requisite clearance.

These changes – in particular, the move to a person based, accreditation screening model; and the standardisation of screening requirements for volunteers, paid workers and the self-employed – make the WWCC in NSW more consistent with checking systems operating in other states and territories.

⁷ Department of Families, Housing, Community Services and Indigenous Affairs, *Position Paper: Towards a Nationally Consistent Approach to Working with Children Checks*, 2011. p2.

⁸ Council of Australian Governments, *Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020, Second three-year action plan 2012-2015*. p15.
http://www.fahcsia.gov.au/sites/default/files/documents/09_2012/second_action_plan.pdf

⁹ The *Child Protection (Working with Children) Act 2012* was subsequently amended in May 2013 by the *Child Protection Legislation Amendment (Children's Guardian) Act 2013*. The principle effect of the amendment was to transfer several functions, including responsibility for the WWCC, from the NSW Commission for Children and Young People to the NSW Office of the Children's Guardian.

¹⁰ For a point-by-point comparison of the new and old systems, see NSW Office of the Children's Guardian, *What's changed in the new Check?* Factsheet, July 2013. <http://www.kids.nsw.gov.au/Working-with-children/New-Working-With-Children-Check/Publications-and-resources>.

Previously, the Commission for Children and Young People had responsibility for the WWCC, both as the regulator of the system and as one of five screening agencies. Responsibility for the WWCC now sits with the Office of the Children's Guardian.

The new WWCC check in NSW is unique in Australia, in that it is a completely paperless, online system that operates by providing applicants with a verifiable number once they receive clearance.¹¹ As such, it has been designed with the aim of achieving greater efficiencies, and better resistance to fraud, than the previous system. The resource impact of these changes, particularly the greater ease with which individuals can now apply for a check – free of charge in the case of volunteers – will be a matter for the NSW Government to monitor as the new system unfolds.

Employment screening for the purpose of identifying risks posed by certain individuals to children is an important component of an effective child protection system. In our view, the new Working with Children Act in NSW has established the most rigorous WWCC in Australia. A number of particularly important components of the NSW system framework are discussed below.

2.1 Ombudsman oversight of employment related child protection

As the Commission is aware, the NSW Ombudsman oversees the handling of allegations of a child protection nature against employees by designated government and non-government agencies or of other public authorities. Part 3A of the *Ombudsman Act 1974* requires the relevant government and non-government agencies – including non-government schools, approved children's services and agencies providing substitute residential care – to notify the Ombudsman of any reportable allegations or convictions involving their employees within 30 days of becoming aware of them.¹²

The Ombudsman oversees how agencies investigate and respond to these allegations, as well as scrutinising the systems that agencies have in place to prevent this type of conduct and to respond to allegations against their employees.

Reportable conduct includes:

- sexual offences and sexual misconduct involving a child
- physical assault of a child
- neglect and ill-treatment of a child, and
- behaviour causing psychological harm to a child.¹³

We receive and assess notifications from employers concerning individual matters; respond to complaints and inquiries; convene meetings with agencies to discuss individual and systemic issues arising from investigations; and audit agencies' processes in relation to reportable allegations. We also investigate wrong conduct and assist agencies to develop their processes and procedures for responding to reportable allegations and convictions against employees.

The allegation based model of notification required by Part 3A of the Ombudsman Act complements the notification/reporting based model integral to the Working with Children Act. In determining whether an investigation into a reportable allegation or conviction against an employee of a designated agency that has been notified to us has been properly conducted, and whether appropriate action has been taken as a result of the investigation, we identify whether relevant misconduct findings have been notified to the Children's Guardian as required under the Working with Children Act.

¹¹ We understand that Victoria has also just introduced an electronic application system for its WWCC.

¹² In this context, an 'employee' is defined broadly as including: any employee of the agency, whether or not employed in connection with any work or activities of the agency that relates to children, and any individual engaged by the agency to provide services to children (including in the capacity of a volunteer).

¹³ *NSW Ombudsman Act 1974*, section 25A.

In this regard, under section 35 of the Working with Children Act, prescribed reporting bodies are required to notify the Children's Guardian of findings of misconduct in relation to:

1. Sexual misconduct committed against, with or in the presence of a child, including grooming of a child.
2. Any serious physical assault of a child.

In addition, Schedule 1, Clause 2A of the Act, enables the Ombudsman to make a 'notification of concern' to the Children's Guardian if we form the view, as a result of concerns arising from the receipt of information by our office in the course of exercising our functions, that '*on a risk assessment by the Children's Guardian, the Children's Guardian may be satisfied that the person poses a risk to the safety of children*'.¹⁴ It is also important to note the clause is not limited to our functions under Part 3A. This means that if we have a sufficient level of concern arising from information received through exercising *any* of our wide-ranging functions, we can refer our concerns to the Children's Guardian.

Both section 35 referrals and Schedule 1, Clause 2A referrals by our office trigger a 'risk assessment' by the Children's Guardian in relation to whether a person poses a risk to children.

Furthermore, through the use of Chapter 16A, there is the potential for our office and other agencies to refer information to the Children's Guardian to assist her in developing profiles of individuals in circumstances where there is evidence of emerging risk. In this regard, we have commenced discussions with the Children's Guardian and other stakeholder agencies about the need to develop an effective information/intelligence system that is built on solid and consistent interagency practice.

2.2 Inclusion of relevant misconduct findings in the WWCC

It is important to stress that the inclusion of relevant misconduct findings – and other critical sources of information – in the WWCC system, is important because it allows conduct falling short of criminal charges to be taken into account.

While there are legislative provisions in other jurisdictions, including Queensland, Victoria and the Northern Territory, that require WWCC screening to have regard to a limited range of employment related findings, these systems are not supported by an oversight arrangement comparable to our Part 3A function.

In our view, any consideration of standards for the national alignment of WWCCs should have regard to the benefits that flow from the inclusion of relevant misconduct findings.

2.3 Carer and carer household screening

Question 8(a) of the Issues Paper asks whether a WWCC should apply to persons living in the homes of children in out-of-home care.

An important feature of the new WWCC system in NSW is the requirement, under section 10 of the Working with Children Act, for any adult who resides at the home of an authorised carer or where a home based education and care service or family day care service is provided, to obtain a WWCC.

We have previously advised the Commission of our work in examining this important issue of adequate screening and risk assessment of both carers and those adults who reside with them.¹⁵ We have conducted several investigations into matters where inadequate screening in relation to other adults living in carer households has resulted in serious risks, and in some cases serious harm, to children. We have also identified instances where the standard of assessment for

¹⁴ *Child Protection (Working with Children) Act 2013*, Schedule 1, Clause 2A

¹⁵ NSW Ombudsman, *Systemic issues relevant to the handling of sexual abuse/sexual misconduct allegations and related cases*. Provided to the Royal Commission in May 2013. See issue 4.

kinship carers has been poor due to insufficient weight being given to known risk factors or inadequate inquiries failing to even identify significant risks.

In 2011, our office and the Children's Guardian hosted a roundtable discussion with stakeholders¹⁶ to develop a consistent and rigorous approach to carer screening and assessment. Further roundtables were held that resulted in an agreement on a number of critical policy initiatives (including adopting equivalent standards for kinship carer and general foster carer assessments; requiring that all members of carer households are included in the carer assessment process; and ensuring consideration of consistent types of information as part of probity checking).

As an additional safeguard, under section 181(1)(d) of the Children and Young Persons (Care and Protection) Act, the Children's Guardian is now required to establish and maintain a register for the purpose of authorising persons as authorised carers. The Carers Register will ensure that all carers have undergone the requisite probity and other checks. In addition, the register will provide agencies with relevant information about a potential carer's previous care history. Furthermore, the register will assist the Children's Guardian to improve its assessment of agency performance against accreditation criteria for Section 3 of the *NSW Standards for Statutory Out-of-Home Care (Management of Carers and Staff – People Who Manage and Care for Kids)*.

3. Current weaknesses in employment related child screening

Notwithstanding our view that the WWCC system in NSW has a number of strong features, there are aspects of the current system which require further examination.

3.1 Employers may still be unaware of significant child protection risks posed by potential employees

We have previously expressed concern that the new WWCC may put those who are considering whether to employ certain individuals in child related employment in a situation where they may be blind to child safety risks that potential employees may present because, under the new system, relevant employment-related information might no longer be available to them via a centralised checking agency.

The previous system 'cast the net' too widely in terms of flagging that individuals might pose a risk to children. The Commission will no doubt be aware of the former category one and two classification system which formed the basis of the point of employment risk assessment triggers; there was often a poor correlation between actual risk to children and those who were flagged under the classification system.

However, notwithstanding the limitations of this aspect of the former system, we believe that under the new system, prospective employers should be alerted to possible child protection risks associated with those they are considering employing. In relation to this issue, we note that the potential to bar individuals from child related work – and the associated legal threshold for imposing a bar – do not provide a guarantee that individuals with histories which indicate potential child protection risks will automatically be removed from child related employment. Furthermore, it would be naïve to suggest that referee checking is sufficient to adequately deal with this residual risk.

In our view, it would be relatively straightforward to combine the new person based, accreditation screening model in NSW, with a system for ensuring that the Children's Guardian provides alerts to employers in circumstances where an employer is considering making an appointment of an individual who has a problematic (and relevant) employment history – this could be performed following the employer checking the currency of an individual's WWCC certificate. While Chapter 16A would

¹⁶ Community Services, the Commission for Children and Young People and out-of-home care peak organisations participated in the roundtable.

appear to allow for the exchange of such information under the current system in NSW, an argument could be put that it might be preferable to explicitly provide for this kind of arrangement in the legislation.

3.2 Expanding the notification requirements under the *Child Protection (Working with Children) Act 2012*

Under the previous WWCC system, Section 39 of the CCYP Act required *an employer* to notify the Commission of the name and other identifying particulars of *any employee* against whom relevant employment proceedings were completed, other than proceedings in which a finding was made that the alleged reportable conduct or alleged commission of an act of violence did not occur or in which a finding was made that the relevant allegations were vexatious or misconceived.¹⁷

Under section 35 of the new Working with Children Act, it is the duty of a *reporting body* to notify the Children's Guardian of the name and other identifying particulars of *any child-related worker* against whom the reporting body has made a finding of sexual misconduct or serious physical assault of a child.¹⁸

While we acknowledge that the previous reporting regime was extremely broad and unworkable, we believe there is merit in the Commission considering whether the new reporting regime for relevant employers is overly restrictive. In particular, we believe that consideration should be given to the likely effect of requiring reports to only be made in relation to 'child related workers'.

3.3 Exemption of police officers from WWCC requirements

Under the previous WWCC system in NSW, general duties 'sworn' police officers were not required to have a WWCC, as the Commission for Children and Young People did not consider that they were engaged in child related employment as defined by section 33 of the CCYP Act.¹⁹ However, the NSW Police Force (NSWPF) had policies in place that required WWCCs for police employed in certain child related positions; for example, School Liaison Police, Domestic Violence Liaison Officers and positions located in the Child Abuse and Sex Crimes Squads.

We believe it is in the public interest for general duties police officers to be subject to a WWCC given that they can have frequent and unsupervised contact with children, and the range of powers that they can exercise in relation to children.

Currently, section 20(1)(h) of the *Child Protection (Working with Children) Regulation 2013* specifically exempts "a police officer or a member of the Australian Federal Police when working in his or her capacity as a police officer" from the Working with Children Act.

An additional risk associated with the exemption, is that the NSWPF is under no duty to notify the Children's Guardian of relevant sexual misconduct or serious physical assault findings against police officers. Therefore, in the absence of criminal charges, should an individual seek child related employment following sexual misconduct or serious physical assault findings having being made against them while working as a police officer, there is no guarantee that the Children's Guardian will have on its database this critical information.

We note that section 7 provides a mechanism for the NSWPF, with the approval of the Children's Guardian, to require all or certain police officers to be brought within the WWCC system. However, in recent communications with the NSWPF about this issue, they indicated that it does not consider a WWCC necessary for police officers as their current pre-employment

¹⁷ *Commission for Children and Young People Act 1988*, section 39 (repealed 15 June 2013).

¹⁸ *Child Protection (Working with Children) Act 2012*, section 35. The conduct to which section 35 applies is set out in clause 2 of Schedule 1 of the Act.

¹⁹ In contrast, we believed that police were caught by the previous provisions.

checking processes ‘*subject candidates to a significantly greater level of scrutiny than the WWCC process*’. In addition, the NSWPF indicated that the approach that has been adopted avoids duplication in screening processes and is mirrored in WWCC systems in several other jurisdictions.²⁰ Given our understanding of the NSWPF’s screening systems we believe we are well placed to conclude that, while they have a rigorous screening system, it does not duplicate the WWCC system. Furthermore, the NSWPF response to our concerns does not address the additional risk outlined in the previous paragraph.²¹

3.4 Exclusion of relevant Apprehended Violence Orders from the WWCC

Under the previous system that operated in NSW, a WWCC included consideration of ‘relevant apprehended violence orders’ (AVOs), being orders made for the protection of a child (or a child and others) prior to 3 July 1995. The Commission for Children and Young People maintained a database of AVOs for this purpose.²²

The new WWCC system in NSW does not require the Children’s Guardian to have regard to relevant AVOs, as they are not considered to be an ‘assessment requirement trigger’ pursuant to Schedule 1 of the Working with Children Act. Furthermore, the offence of contravening an AVO is not included as either an assessment requirement trigger or a disqualifying offence (under Schedule 2 of the Act).²³

In NSW, only a police officer can apply for an AVO for a child under the age of 16 years. However, under section 38(2) of the *Crimes (Domestic and Personal Violence) Act 2007*, a court that grants an AVO for the protection of a person of, or above 18 years of age, must also include as a protected person under the order any child with whom the person of, or above 18 years of age, has a domestic relationship, unless there is a good reason not to do so.

In the context of examining the question of national consistency in relation to WWCCs, it is our view that the issue of whether relevant AVOs should be included in the WWCC checking process is one that is worthy of further discussion and consideration. For example, there would appear to be merit in including in the WWCC process, final AVO orders made in circumstances where police have sought the order *in conjunction with* an investigation into physical or sexual abuse committed against the child.²⁴

3.5 Exemption of parent volunteers

In relation to parent/close relative volunteers in NSW, there are broad exemptions from the requirement to obtain a WWCC. The NSW exemption applies to volunteering by a parent or close relative.²⁵

(e) a parent, or close relative, of a child who attends a school, an education and care service or other educational institution when volunteering at or for activities of the school, service or institution, and

²⁰ Letter from NSW Police Force to NSW Ombudsman dated 9 August 2013.

²¹ Any system that relies on employees being forthcoming about their past employment history needs to be able to ensure that the prospective employer can be confident that the involved individual has made an accurate disclosure of their history. The current police system appears to provide no such guarantee. (We know, for example, of a case involving a former teacher the subject of a serious sexual misconduct finding who entered the NSWPF without the agency being aware of his history.)

²² *Commission for Children and Young People Act 1998*, section 34(a) (repealed).

²³ *Crimes (Domestic and Personal Violence) Act 2007*, section 14. The offence is commonly referred to as ‘breach AVO’.

²⁴ In this regard, we note that the review of the CCYP Act in NSW recommended that AVOs taken out by a Joint Investigation Response Team (JIRT) be included in the WWCC. However, it is important to note that not all investigations of child abuse, or applications for AVOs protecting children, are managed by the Child Abuse Squad – the NSW Police Force arm of the JIRT. Child abuse investigations are also carried out by local police commands.

²⁵ *Child Protection (Working with Children) Regulation 2013*, clause 20(e) and (f).

(f) a parent, or close relative, of a child when volunteering in connection with a team, program or other activity of which the child is a member or in which the child usually participates.

We acknowledge that the participation by parents/close relatives in activities involving their children is inextricably linked to healthy parenting and should be encouraged. However, it is important to balance the positives of this type of engagement against the fact that simply because a volunteer is a parent or close relative, does not, in and of itself, minimise the risk posed by that person to children. For this reason, we believe that this is another area that warrants further debate.

As a starting point, there is a need to first consider whether there are sufficient grounds to treat parents and close relatives differently against the background of the objectives of the WWCC. Only if this is accepted, should consideration be given to identifying those situations where parent/close relative volunteering without a requirement for a check would constitute a clearly unacceptable risk. For example, from our discussions with stakeholders, there appears to be a consensus that parent volunteering which involves overnight trips warrants a WWCC.

In terms of further debate in relation to this issue, it is our opinion that this is an area where public policy makers should be informed by the views of relevant sectors (as well as parent/child stakeholders).²⁶

3.6 Powers of the regulator – for example, in relation to self-employed workers

It is important that under any WWCC system, the regulator has both the power and resources to ensure compliance with the regulatory requirements. By way of illustration, unless self-employed persons are deemed to be ‘employers’ for the purposes of the NSW Working with Children Act, then problems exist under this new Act in relation to compelling relevant individuals who are self-employed, to disclose information to assist the Children’s Guardian to determine whether the nature of their activities is such as to require a WWCC clearance.²⁷

4. Other related issues

4.1 Exchanging information

In order to achieve the goal of a nationally consistent approach to WWCCs, it is essential that relevant bodies within each jurisdiction have the ability to readily exchange information with each other in order to promote the safety, welfare and wellbeing of children as well as the ability to exchange information with relevant agencies in other states/territories.

Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* was introduced in NSW in 2009, and allows NSW government and certain non-government agencies to share information that promotes the safety, welfare and wellbeing of a child or young person, and specifically overrides privacy legislation.

Chapter 16A has significantly opened up the scope for relevant agencies to exchange information with each other in a broad range of child protection contexts. The ability of relevant government and non-government agencies to directly request relevant information from each other (and be proactive about providing it) has meant that information from a variety of sources can be easily gathered to better inform assessments of children who may be at risk.

²⁶ Whilst we are aware of the new provisions relating to the ability of the Children’s Guardian or a person authorised by the Children’s Guardian to audit the accuracy of statutory declarations, we do not believe this is an adequate safeguard.

²⁷ In relation to this issue see section 40 and the definition section (section 5). It is also interesting to note that section 40 does not contain any provisions relating to self incrimination.

We believe that other jurisdictions would similarly benefit from a Chapter 16A type provision. However, in highlighting the value of Chapter 16A, it is important to also note that given the ease with which persons who pose a risk to children can travel across jurisdictions, any weakness in the regime for exchanging information *between* states and territories can pose significant risks to children.

While there are provisions that apply consistently across the nation in relation to the exchange of criminal information between jurisdictions, these provisions do not encompass other relevant information that can be vital to identifying risks to children, including relevant misconduct findings and child protection notifications.

In our recent report to the NSW Parliament about our audit of the *NSW Interagency Plan to Tackle Child Sexual Assault*, we highlighted a number of problems with the current arrangements relating to cross-border exchange of child protection information (see section 14.6).²⁸ We have recommended that the NSW Government actively pursues with the Federal government and its state and territory counter-parts, the need for legislative and related policy change that addresses the current weaknesses in the regime for cross-border exchange of child protection-related information.

While our recommendation has broad implications, we would argue that the same need to exchange information across borders is relevant to any national approach to the WWCC. In this regard, we note that an effective WWCC process needs to be complemented by nationally consistent provisions that allow involved agencies to share risk related information with each other.



Bruce Barbour
Ombudsman



Steve Kinmond
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Community and Disability Services Commissioner

²⁸ NSW Ombudsman, *Audit of the NSW Interagency Plan to Tackle Child Sexual Assault*, January 2013. See Chapter 14: Law reform, pp176-174.