

Submission

Exposure Draft for the NSW Children's Guardian Amendment (Child Safe Scheme) Bill 2020

January 2021

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Opening

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to make a submission on the Exposure Draft of the Children's Guardian Amendment (Child Safe Scheme) Bill 2020.

This submission was endorsed by the LGNSW Board in February 2021.

Background to the Children's Guardian Amendment Bill

The Bill is part of broader child protection reforms that are occurring nation-wide following the December 2017 release of the report of the Royal Commission into Institutional Responses to Child Sexual Abuse.

In April 2019, LGNSW made a submission in response to the NSW Regulating Child Safe Organisations Discussion Paper, and from this consultation the Office of the Children's Guardian (OCG) created a consultation outcomes report.

The Bill is informed by that consultation outcomes report (July 2019). On 1 March 2020, the *Children's Guardian Act 2019* came into effect. This Bill proposes amendments to that Act including a requirement for child-related organisations, including councils, to implement the Child Safe Standards and be held accountable for their implementation through independent oversight.

The ten Child Safe Standards are:

1. Child safety is embedded in institutional leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are child-focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the institution is child safe.

The Bill seeks to implement a stronger, more preventative Child Safe Scheme (more-so than the Working With Children Check scheme and the Reportable Conduct Scheme). This will occur by enabling the OCG to proactively address identified gaps in an organisation's systems and processes before an incident occurs, guided by the Child Safe Standards, and respond to concerns in a proportionate way through the availability of strengthened powers to monitor, investigate and enforce Child Safe Standards.

The new framework is reflected across two new parts in the Bill – proposed Parts 3A (the Child Safe Scheme) and 9A (Enforcement measures).

LGNSW position on protection of children from institutional abuse

LGNSW has 12 Fundamental Principles which are the overarching principles on matters of importance to local government. The Principles are endorsed at our annual conference which was most recently held in November 2020. Two principles of direct relevance to this submission are as follows:

Social and Community

- Local government is committed to social and community principles, including:
Rights – equality for all people
Access – to services essential to quality of life
Participation – of all people in their community
Health and safety – for all in the community

Accountability

- Local government is responsible and accountable to the citizens and the communities it represents, through consultative processes, legislative accountabilities, efficient delivery of services and effective customer service.

These Fundamental Principles align with the Bill's premise to mandate implementation of the Child Safe Standards, which is consistent with ensuring children are afforded rights, safety and participation in their communities. The Fundamental Principles are also consistent with organisations being held accountable for the implementation of the standards.

Role of local councils in child protection

Councils in NSW promote, provide and plan for the needs of children and young people through both direct services and infrastructure as well as creating an enabling environment through policy and planning.

NSW councils employ over 50,000 people. Many council occupations have direct and indirect contact with children and young people.

Councils services which involve direct contact with and/or direct service delivery to children include:

- Youth services
- Children's librarian
- Children's programs and engagement
- Schools programs and engagement
- Swim centres
- Sport and recreational services
- Supervisors of work experience students
- Colleagues of workers under the age of 18
- Investigators of child protection allegations against staff

There are also areas within council which may not traditionally be considered exclusively child-related based on their title, however, these areas do provide services to children as part of their overall work. These services include:

- Community centres
- Arts and culture team
- Resource recovery
- Events
- Community engagement
- Library staff

Councils may also have relationships with organisations in their communities that have contact with children. The types of relationships councils may have with other child related services include:

- Employer of a contractor, supplier or vendor
- Funder of programs and initiatives
- Owner of leased facility or premises
- Provider of resources or information
- Facilitator of events
- Coordinator of interagency networking.

LGNSW response to the Children's Guardian Amendment Bill

a) Child Safe Scheme framework

Main change: Embedding the Child Safe Standards as the primary framework to guide child safe practice in organisations in NSW.

Councils are supportive of the Child Safe Standards becoming the primary framework for institutional child protection in NSW. The outcomes-focused, principles based regulatory approach provides councils the flexibility to implement the standards in a way that is appropriate to their unique context.

With the Child Safe Standards becoming the primary framework for institutional child protection, councils note that there are still many prescriptive child protection laws that exist in NSW. These include the:

- *Child Protection (Working with Children) Act 2012*
- *Child Protection (Offenders Registration) Act 2000*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Civil Liability Act 2002, including the 2018 Organisational Child Abuse amendment*
- *Crimes Act 1900*

The *Children and Young Persons (Care and Protection) Act 1998* currently establishes the legislative framework governing child wellbeing and providing child protection and out-of-home care services in NSW. The main NSW agency with carriage of the Act is Department of Communities and Justice (DCJ), rather than the OCG.

There is also a myriad of other regulations that are not specifically about children but do currently govern the way organisations interact with children. In the local government context, councils are bound by the *Local Government Act 1993* and the Model Code of Conduct.

Councils are therefore seeking guidance on how the amended Children's Guardian Act would interact with the Children and Young Persons (Care and Protection) Act, as well as how it would interact with the other pieces of legislation listed above. The local government sector would welcome regulatory clarity on how the different pieces of legislation fit under the Children's Guardian Act. A guidance document, perhaps with flow chart, should also be created to clearly identify the merging of previous frameworks. Consequential amendments to the other related legislation should also be made to remove duplication and reference the amendments to the Children's Guardian Act and to ensure the Child Safe Standards are a component of all child protection legislation.

Councils note that the Children's Guardian Act and the Child Safe Scheme is useful to regulate child-related organisations which have previously been loosely regulated or not regulated at all. However, for those types of organisations which are already governed by child protection legislation, such as council-run early childhood education and care (ECEC) services which report to the NSW Department of Education, more information is needed on ways to mitigate regulatory overlaps. Where an organisation is already regulated by stricter child protection laws, would the OCG delegate their investigative powers to that other regulatory authority such as DCJ, or the Department of Education? One authority should take the lead.

In the same way that oversight of the Reportable Conduct Scheme was transferred to the Office of the Children's Guardian on 1 March 2020, consideration should be given for other

child protection functions to also be overseen by the OCG such as mandatory reporting and risk of significant harm schemes. At present, allegations by organisations against employees, volunteers or certain contractors are made to the OCG under the Reportable Conduct Scheme. Conversely, allegations of abuse that occur in the community or domestically are made by members of the public or certain professions to the DCJ under the ChildStory Reporter page or the Child Protection Helpline. This has the potential to cause confusion and duplication. A process flow or triage document would be welcome to better understand type/s of reports, the criteria for each one, and the relevant reporting authority.

To the child, the setting where the abuse occurs is not the issue, the abuse itself is the issue. Therefore the Bill could more clearly set out that abuse of children in any context is not tolerated but that this Bill's focus is on the institutional context.

Recommendation 1: That further clarity is provided on how the amended Children's Guardian Act will interact with other pieces of child protection legislation and other reporting schemes, to minimise confusion and potential duplication. The other Acts should be amended to refer to the Child Safe Standards and/or consideration should be given as to whether oversight of the other schemes can transfer to the Office of the Children's Guardian.

b) Implementing the Child Safe Standards

Main change: That relevant organisations will be required to implement the 10 Child Safe Standards. The head of an organisation will be required to ensure the organisation implements the Child Safe Standards through systems, policies and processes, and that these are continuously reviewed and updated.

To assist in embedding the Child Safe Standards as the primary framework for institutional child protection, the OCG may wish to look to the disability inclusion reforms which were enacted through the *Disability Inclusion Act 2014*. This Act requires all NSW Government Departments, some other government agencies and all councils to develop a Disability Inclusion Action Plan (DIAP). The DCJ is responsible for providing a framework for governance, evaluation and reporting on DIAPs, and monitoring the actions under the DIAP. All councils had 2.5 years until 1 July 2017, to develop their DIAP. The DIAP is then reviewed every 4 years. As DIAPs are a legislated requirement of councils, the NSW Government provided funding in 2016 for disability inclusion officers to work in the peak bodies of certain industries to assist with the development of the DIAPs. LGNSW was able to employ an officer for 12 months through this funding.

Timing to implement the Child Safe Standards needs to be realistic in the same way councils were given 2.5 years to develop their DIAPs. Councils are seeking a minimum 2-year capacity building period from the enactment of the Act to allow time for cultural change to begin and the embedding of the Standards into leadership and governance. Depending on the impact of the COVID-19 pandemic in 2021, councils may need longer if their finances and resources continue to be stretched due to pandemic response.

Recommendation 2: That the Office of Children’s Guardian consider whether an implementation model, and commensurate resourcing and timing, similar to that enacted in the *Disability Inclusion Act 2014*, could be rolled-out for the Child Safe Standards.

Councils have also raised questions about the responsibility of the head of an organisation as defined in the Children’s Guardian Act. Whether or not the head of an organisation can delegate their responsibility under the Children’s Guardian Act needs to be made clear. It would be preferable for consistency in liability by having the Act or supporting regulations specify whether delegation is permitted. If the delegation powers are clearer or formalised it would ensure there is clarity about who is responsible.

Section 165 of the Children’s Guardian Act sets out the executive liability offence provision:

- [s165\(1\)](#) A person commits an executive liability offence if—
- (a) a corporation commits an executive liability offence, and
 - (b) the person is—
 - (i) a director of the corporation, or
 - (ii) an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and
 - (c) the person—
 - (i) knows or ought reasonably to know that the executive liability offence (or an offence of the same type) would be or is being committed, and
 - (ii) fails to take all reasonable steps to prevent or stop the commission of that offence.

Sub-section 220(4) of the *Local Government Act 1993* provides that a law of the State applies to and in respect of a council in the same way as it applies to and in respect of a body corporate (including a corporation). This means that the executive liability offences will apply to council officers who fit the criteria specified in s165(1).

However, councils seek more information or examples on what constitutes 'persons involved in the management of the corporation', as problems have arisen for council staff in the early childhood education and care sector when the responsibility of the head of agency has been delegated, and children's service managers are then legally liable.

Councils in NSW offer a diverse range of services, including child related services such as early education and care and youth services. Councils also offer a range of services that may or may not involve child related work, but where children regularly attend. These include libraries, aquatic and recreation facilities and community events such as for New Year's Eve and Australia Day.

This creates complexity for councils, as some of these services are also subject to other regulatory schemes. In the ECEC sector, the Department of Education requires a suitable 'approved provider' to be nominated. The approved provider has rigorous responsibilities. The regulatory requirements are strict and penalties may apply where an approved provider has not taken reasonable steps to meet key responsibilities. In some councils, the General Manager has been listed as the approved provider, but in other councils the Children's Services Manager has been listed. If the Children's Guardian Act is to also apply to the ECEC sector, then clarity is needed on whether the General Manager, despite delegating the approved provider responsibility to a staff member, is in fact covered by the executive liability offence.

Councils are concerned that where the same activity is subject to two regulatory schemes, there may be situations in which the different regulators, for example the OCG and Department of Education, may have differing requirements and/or provide differing or conflicting direction during an investigation or assessment and rating inspection.

Further, regarding the approved provider responsibilities in the ECEC sector, Board and committee members can be considered as having management and control of the ECEC service their organisation provides and therefore should be aware of the National Quality Framework. Clarity is needed on whether board members, or in the case of local government – councillors, can be constituted as "*persons involved in the management of the corporation*". The Bill implies that Board members/councillors can be considered as 'Directors of the corporation' as per b(i) above. However, in the NSW Reportable Conduct Scheme responsibility falls to the head of an entity which is defined in the *Children's Guardian Act 2019* in s17 as the chief executive officer. This could cause confusion if different levels of management have responsibility for different child safe schemes.

Recommendation 3: It is recommended that there is consistency and clarity in how the executive liability offence is applied across organisations and across difference schemes in the Act, and whether the liability can be delegated. More information about the interaction of the child safe scheme with other relevant regulatory frameworks should be made available to services which are already regulated for child safety.

Section 8BA of the Bill lists policies that the head of the organisation is expected to implement including:

- Statement of the organisation's commitment to child safety
- Child Safe Policy

- Code of Conduct applying to staff, management, volunteers and contractors
- Complaint Management Policy and Procedure
- Human Resources Policy
- Risk Management Plan

This is a helpful starting point but these policies need to be premised with a caveat that having these policies does not necessarily mean your organisation meets the Child Safe Standards. Meeting the Child Safe Standards should remain the minimum requirement of the Child Safe Scheme, and not just meeting the list of policies in 8BA. This is more clearly explained by the OCG in the [Exposure Draft Explainer](#) for the Children's Guardian Amendment (Child Safe Scheme) Bill 2020 but this is less clear in the proposed legislation.

Regarding what is meant by each of the policies listed in 8BA, it would be helpful if there were a definition in the legislation and/or corresponding guidance material from OCG outlining what each should achieve in child safety terms. Perhaps all of the elements listed should be defined in terms of what these documents should cover broadly.

In the Bill, the code of conduct is listed as applying to employees, management, contractors and volunteers. It is not listed as covering suppliers; partners (through formal partnerships); lessees or hirers. This creates confusion and questions whether the child safe organisation is responsible for the compliance of these individuals in terms of the Child Safe Standards. Clarification is also required in situations where councils outsource the delivery of direct service provision, for example, swimming pool operators contracted at a council owned facility.

Recommendation 4: That the Bill stipulates that having the policies in section 8BA does not necessarily mean an organisation meets the Child Safe Standards. The OCG should include a definition in the legislation and/or corresponding guidance material outlining what each of the policies should achieve in child safety terms.

c) Monitoring, investigation and enforcement

Main change: Provides the Children’s Guardian with powers to monitor the implementation of the Child Safe Standards, and investigate complaints about an entity’s implementation. Provides for enforcement measures allowing the Children’s Guardian to issue compliance notices and enter into enforceable undertakings.

Feedback from councils suggests that the scope of the OCG’s investigative powers needs to be better defined, for example by having the legislation set out the threshold for compliance action. This would also assist the OCG in managing workload and resources. In 2009, legislative changes to the *Children and Young Persons (Care and Protection) Act 1998* replaced the ‘risk of harm’ statutory threshold with ‘risk of significant harm’. This is defined as “what is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child’s or young person’s safety, welfare, or wellbeing”. The Bill may wish to use similar definitions.

It is the understanding of councils that organisations will be supported and encouraged by OCG capacity building initiatives prior to compliance action being taken. It is up to the organisation to take what the head of agency views as appropriate steps to meet the Child Safe Standards until a complaint or reason to be concerned is identified by the OCG, at which point an investigation by the OCG will ensue. Prior to investigative measures being taken (i.e. the space between capacity building and compliance measures) clarification is sought on OCG’s responsibilities and course of action.

Councils have also questioned whether there is a plan for assessment and rating of the way organisations meet the Child Safe Standards. This could operate similarly to the rating system in use for the ECEC sector, assessing services against the National Quality Framework. This has been helpful for parents and guardians to indicate the quality of institutions which care for their children.

Referring to organisations covered by the *Children’s Guardian Act 2019* as ‘child safe organisations’ implies that the organisations have been assessed as being safe (rather than the actual definition which is used to mean a particular organisation is required to be child safe). This can lead to confusion if a child safe organisation is non-compliant. Perhaps the legislation should use the term child-related organisation or similar and once an organisation is assessed as meeting the standards, then it could be referred to as a child safe organisation.

Recommendation 5: That the Bill and/or supporting instruments are amended so that the scope of compliance and investigation is clearer, including:

- the threshold for compliance action
- the course of action between supporting an organisation and when enforcement measures are taken
- only referring to organisations that have met the Child Safe Standards, not those that are required to meet the Standards, as being child safe organisations.

d) Child safe action plans

Main change: Requires significant public sector agencies, ‘prescribed agencies’, that are responsible for the provision of services to children to develop and implement child safe action plans. These plans must be developed within 12 months (reviewed every 4 years) and will then be publicly available.

The Office of Local Government (OLG) is listed in the Bill as a prescribed agency required to develop a child safe action plan, and required to consult with related bodies, (bodies/services which the entity provides, funds or regulates) who are likely to be affected by the plan. LGNSW understands this to mean that OLG will be required to consult with councils in the development of the plan, and LGNSW supports this.

Councils are seeking clarification as to which organisations the action plan will apply to. Is the action plan outlining how the OLG will become child safe, how councils will become child safe, how OLG will assist councils to become child safe, or ideally a combination of all three?

After the lead agency, in this case the OLG, has developed its action plan, will there be a requirement for councils to also develop an action plan? This is recommended (with appropriate resourcing as discussed in section a. of this submission) as it would mirror the established process of disability inclusion action planning in NSW. If there isn’t a requirement for councils to develop their own plans, some may still choose to. A template for councils and a number of examples would be welcomed.

In Section 8EB of the Bill, clause 1b states that ‘The Children’s Guardian may develop and make publicly available assessment criteria for child safe action plans’. This suggests that assessment may be undertaken. Councils would like to see the assessment criteria set out in supporting guidelines and plans (noting that the criteria may be amended as the Scheme progresses) so that organisations are working off the same ‘song sheet’.

Recommendation 6: The scope of the prescribed agency child safe action plan should be clarified and it should focus on how the prescribed agency will assist related entities to become child safe. Once a prescribed agency develops its own child safe action plan, it is recommended that related entities be required to develop their own action plans, similar to the disability inclusion action planning process in NSW. Resourcing, templates and examples of action plans are needed.

Recommendation 7: That the OCG clarify whether the assessment of child safe plans, and by extension the assessment of organisations against the child safe standards, may be undertaken.

e) Code of Practice

Main change: Codes of Practice will prescribe mandatory approaches (such as technical child protection requirements relevant to the sector) to the implementation of the Child Safe Standards for certain sectors – at this stage agencies providing statutory out-of-home-care to children and adoption service providers.

There is confusion as to why the Bill only requires out-of-home-care and adoption services to develop a Code of Practice. Councils would like further explanation of the rationale behind which sectors require a code of practice to implement the standards. If a Code of Practice is required for out-of-home-care and adoption services because they are already heavily regulated and need to be prescriptive/explicit in how the standards are implemented in their unique context, then it is suggested that education and early education services would also benefit by having a Code of Practice.

There is also confusion as to how the Code of Practice is different to a Code of Conduct mentioned in section 8BA of the Bill. If there is a likelihood that councils and council services may eventually be required to have a Code of Practice, early identification of this in the Bill now would be preferred.

Recommendation 8: That the OCG through departmental advice and guidance provide information as to why certain sectors require a Code of Practice, how a Code of Practice is different to a Code of Conduct and provide more explanation as to what a Code of Practice is meant to achieve. Consideration should be given as to whether other sectors might benefit from a Code of Practice and this should be added to the Bill.

f) Capacity building and support

Main change: Requires the Children’s Guardian to work with entities to raise awareness of child safety and to build the capacity of entities to implement the Child Safe Standards. This may include guidelines, training, templates and other resources.

Councils will welcome and rely on resources from the OCG and OLG to implement the child safe standards. Council staff have greatly appreciated the resources from the OCG and the assistance from the Child Safe Coordinator for local government/sport – Harris Short. Some further capacity building needs of councils include:

- Generic online e-learning inductions for council staff.
This would be a general video (to sit alongside the more in-depth training on each of the 10 standards) and could be used as a 30-minute introduction for all staff, volunteers etc. on understanding what a child safe organisation is and what their responsibilities are.
- A case study of a hypothetical council that has implemented the standards.
This could include ways to implement the standards without being prescriptive.
- Training on how to recognise signs of abuse. Additional training on the signs of abusers.
The signs of abusers training could be added into the TAFE Community Services Training Module which is included in many certificates: ‘CHCPRT001 Identify and respond to Children at Risk of Harm’. This could help those in the local government sector not only to look for signs of abused children, but also be taught a more proactive approach to preventing abuse.
- Online training modules from the OCG that councils can access and put into their own online training systems.
Councils are seeking permission to embed OCG training into their own training systems. This would ensure councils have a digital record of the training of their staff, volunteers etc. Having the OCG logo on the training even though it is within the council’s system may bolster the authority of the training.
- Data could be collated for each local government area to show numbers of reports of child abuse and substantiated claims.
This de-identified data could perhaps be collated by OLG or OCG to assist councils to communicate the message that child abuse can happen anywhere. This would help council officers show leaders and community members evidence of the significant nature of the problem of child abuse/neglect that the Bill is trying to combat. This data might come from NSW Bureau of Crime Statistics and Research (BOSCAR) Crime Tool or the Australian Institute of Health and Welfare Australia’s Children report.
- A circular from OLG targeted at council general managers and councillors.
This circular could include information about their executive responsibilities/liabilities and what the amendment Bill means for general managers and councillors. The circular should explain that child protection reform requires a whole of government approach.
- Assistance in knowing how to self-assess an organisation against the Child Safe Standards.
Section 8EA of the Bill states that ‘the Children’s Guardian may develop guidelines to assist child safe organisations to implement the child safe standards.’ It also states that ‘an organisation that adopts a guideline developed under this section may rely on the guideline as evidence of appropriate practice by the organisation.’ Councils argue that

the OCG and organisations should have the tools to assess the practice of an organisation against the standards, but disagree that the adherence only to the guidance material constitutes appropriate evidence that child safe practice has been followed. This is because the standards rely on a cultural change and not merely compliance.

- More child focused material including for children aged under 12.
This is in recognition that children should understand the aim of the reforms, i.e. to make them safe from abuse in institutions, and that action plans should be co-designed with the voice of children present in the plan.

Councils expressed concern that the resources and training may not come quickly enough, based on their experience with the implementation of other legislation. The OCG and OLG need adequate funding from the NSW Government to ensure they are resourced to implement the capacity building that is promised in the Bill. The support really needs to be provided during the first 12 months of the implementation of the Child Safe Standards.

The local government sector, supported by LGNSW, has an email network for council staff who are working to implement the child safe standards. This email group is supported by a small working group of council staff who meet monthly to brainstorm issues and share examples which are then communicated to the wider email group. The OCG and OLG are welcome to use either group as a sounding board for draft resources. For example, staff in the working group may have already produced child safe implementation plans for their councils, and these could be a model for a generic template.

Recommendation 9: That the OCG and OLG create further capacity building resources for councils, including:

- Generic e-learning inductions for staff
- Case studies
- Additional training on recognising the signs of abusers
- Online training models that can be migrated to a council's own online platform
- Evidence of the nature and scale of the problem, for each LGA
- A circular to council general managers and councillors
- Self-assessment tools.

Recommendation 10: That the capacity building resources come as quickly after the enactment of the legislation as possible. To assist in the efficient development of the resources, OCG and OLG could work with LGNSW, the child safe email network for council staff, and the council child safe working group.

Recommendations

In summary, LGNSW makes the following recommendations:

Recommendation 1: That further clarity is provided on how the amended Children’s Guardian Act will interact with other pieces of child protection legislation and other reporting schemes, to minimise confusion and potential duplication. The other Acts should be amended to refer to the Child Safe Standards and/or consideration should be given as to whether oversight of the other schemes can transfer to the Office of the Children’s Guardian.

Recommendation 2: That the Office of Children’s Guardian consider whether an implementation model, and commensurate resourcing and timing, similar to that enacted in the *Disability Inclusion Act 2014*, could be rolled-out for the Child Safe Standards.

Recommendation 3: It is recommended that there is consistency and clarity in how the executive liability offence is applied across organisations and across difference schemes in the Act, and whether the liability can be delegated. More information about the interaction of the child safe scheme with other relevant regulatory frameworks should be made available to services which are already regulated for child safety.

Recommendation 4: That the Bill stipulates that having the policies in section 8BA does not necessarily mean an organisation meets the Child Safe Standards. The OCG should include a definition in the legislation and/or corresponding guidance material outlining what each of the policies should achieve in child safety terms.

Recommendation 5: That the Bill and/or supporting instruments is added to so that the scope of compliance and investigation is clearer, including:

- the threshold for compliance action
- the course of action between supporting an organisation and when enforcement measures are taken
- only referring to organisations that have met the Child Safe Standards, not those that are required to meet the Standards, as being child safe organisations.

Recommendation 6: The scope of the prescribed agency child safe action plan should be clarified and it should focus on how the prescribed agency will assist related entities to become child safe. Once a prescribed agency develops its own child safe action plan, it is recommended that related entities be required to develop their action plans, similar to the disability inclusion action planning process in NSW. Resourcing, templates and examples of action plans are needed.

Recommendation 7: That the OCG clarify whether the assessment of child safe plans, and by extension the assessment of organisations against the child safe standards, may be undertaken.

Recommendation 8: That the OCG through departmental advice and guidance provide information as to why certain sectors require a Code of Practice, how a Code of Practice is

different to a Code of Conduct and provide more explanation as to what a Code of Practice is meant to achieve. Consideration should be given as to whether other sectors might benefit from a Code of Practice and this should be added to the Bill.

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LGNSW would welcome the opportunity to assist with further information during this review to ensure the views of local government are considered.

To discuss this submission further, please contact Elizabeth Robertson, LGNSW Senior Policy Officer at elizabeth.robertson@lgnsw.org.au or on 02 9242 4028.