

Ms Janet Schorer  
NSW Children's Guardian,  
Office of the Children's Guardian  
Locked Bag 5100, Strawberry Hills NSW 2012

Dear Ms Schorer

This submission is in response to the discussion paper, Regulating Child Safe Organisations.

In relation to the principal issue canvassed in the paper, we note and support the decision to introduce mandatory child safe standards.

We also support the view expressed in the paper that the best way of gaining the necessary 'buy in' of agencies is to develop the proposed regulatory system through joint work with affected sectors and their organisations.

In relation to this issue, as the NSW non-government peak body representing the voice of community organisations working with vulnerable children, young people and their families, the Association of Children's Welfare Agencies (ACWA) is committed to working with your organisation, and other stakeholders, in helping to ensure that the rollout and implementation of child safe standards across NSW is effectively and efficiently executed.

In this regard, we are in early discussions with a number of our member agencies concerning how we might best support this process in a way that delivers "the optimal level of safety for children and young people". Consistent with this commitment, we are committed to supporting both our member agencies and other sectors in this most critical endeavour. In addition, we are particularly keen to carry out our work in this area in close collaboration with the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec).

In terms of the particular questions that you have raised, we note the following:

**Q1: In what ways is a principle-based approach a good fit for regulating child safe organisations in NSW?**

Consistent with the recommendations of the Royal Commission, and the approach taken in your paper, we fully support a principle-based approach for regulating child safe practice. We also note that it will be essential for an efficient and effective process to be put in place to guarantee that the application of the relevant principles are well designed and executed by the many different types of organisations that work with children across NSW. As a

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major peak body with a focus on vulnerable children and young people, we are keen to play our role in ensuring that the practical application of the principles result in the design of policies, procedures and practices that effectively deliver child safe operating environments.

**Q2: In what ways would a different approach be a better fit for regulating child safe organisations in NSW?**

Given our support for the proposed approach, we do not believe that a different approach is necessary. Nevertheless, as we have indicated in response to Question 1, we are keen to work with your agency, and with other stakeholders, in ensuring that our collective endeavours in this sphere lead to the efficient and effective application of the child safe standards.

**Q3 and Q4: What types of organisations should be regulated to meet child safe standards in NSW? What types of organisations should not be regulated to meet child safe standards in NSW?**

In terms of the organisations that should be regulated in NSW, we support the list identified in the paper. We also note that the categories that you refer to align with the Royal Commission's recommendations. However, as it is possible that, in future, the evidence might demonstrate the need to bring other sectors under the proposed regulatory scheme, we suggest that the NSW legislation has a provision enabling other sectors to be prescribed by regulation.

**Q5: What sorts of organisations should help to co-regulate child safe standards?**

We fully support the need for independent oversight of the implementation of the child safe standards.

However, consistent with the position taken by the Royal Commission, we also note, and endorse, the desire to minimise regulatory burden by "reducing duplication where an existing regulator is in play".

On a related note, we support the potential benefits in partnerships between the regulator and, among other entities, peak bodies, as a means of delivering a commitment to 'shared responsibility' for creating child safe organisations. In this regard, we recognise the many thousands of agencies that would be affected by the proposed legislation, and believe that it is in the public interest to adopt the co-regulatory approach canvassed in the paper, in order to secure the strong multi-sector buy-in and ownership required for this critical reform initiative.

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**Q6 and Q7: How should the OCG support organisations to build their capacity to meet the child safe standards? How should the OCG roll out regulation of the child safe standards so that organisations have time to plan and make changes if required?**

We are also encouraged by the recognition in the paper that “capacity building and support is the foundation of the regulatory model we are proposing.”

We are very keen to support the OCG in its efforts to build the capacity and readiness of all relevant organisations to implement the child safe regulatory scheme, particularly in our own sector. As noted in our introduction, we are already undertaking consultation with our members concerning how we might ensure that our sector, and potentially other sectors, might be provided with very practical support to enable them to execute strong child safe practice in an efficient and effective manner that accords with the proposed child safe requirements.

**Q8 and Q9: What powers should the regulator have to monitor the child safe standards? What powers should the regulator have to enforce the child safe standards?**

We note and support the types of child safe regulatory powers referred to in your paper. Our support for these powers is based on our acceptance of the undertaking in the paper that there will be proportional compliance interventions and a strong commitment to capacity building and support.

**Q10: How can the OCG support parents, families and communities to encourage organisations to be child safe?**

At this stage, we do not propose to provide detailed advice on the role which parents, families and the community might play to encourage organisations to be child safe. However, we support the need for a strong focus on these groups, especially given the potential preventative outcomes that can be achieved through work in this domain. In terms of reaching these groups, we note the potential benefits of a broad community awareness campaign that delivers the ‘right messages’, as well the importance of targeted and well executed communications strategies tailored to different audiences within different sectors.

It will be also important to ensure that, in a very practical and effective manner, children and young people are informed and empowered through various child safe sector initiatives. In this context, we note the important roles that the Advocate for Children and Young People, CREATE, and other vehicles for promoting the voice of children, could play in this sphere.

ACWA and our member agencies will also seek to do what we can to raise awareness among parents, families, communities, children and young people, about their right to be heard on this critical issue of child safe practice by the organisations that are serving them.

We are able to provide further information and comment at your request and appreciate this opportunity to contribute to these critical considerations.

Yours Sincerely

Steve Kinmond  
Chief Executive Officer  
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