



COMMUNITY CHILD CARE CO-OPERATIVE

LTD. (NSW)

ABN 81 174 903 921

28th September, 2009

Mr Peter Hallahan
Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

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Please find below Community Child Care Co-op's submission to the Senate's Standing Committee on Legal and Constitutional Affairs Inquiry into the Crimes Amendment (Working with Children – Criminal History) Bill 2009.

Thank you for the opportunity to comment on the impact of this Bill on Children's Services in NSW.

Yours faithfully,

A handwritten signature in black ink that reads "Carol Lymbery". The signature is written in a cursive, flowing style.

Carol Lymbery
CEO

Community Child Care Co-operative (NSW) is a 30 year old not-for-profit organisation that promotes, supports and advocates for quality children's services, meeting the needs of children, their families and the community. We are a peak organisation in NSW representing over 1300 children's services, families and individuals.

We endeavour to:

- provide leadership which empowers the decision makers within children's services.
- identify service provision gaps and needs, and proactively target resources to these areas.
- support and collaborate with other children's services providers who reflect similar philosophical beliefs.
- embrace the value of difference and debate.
- be efficient and sustainable in the use of resources.
- be a role model for best practice in corporate governance and organisational operation.
- be a respected organisational citizen and a positive force in the community.

Although Community Child Care Co-operative represents services in all areas of the children's services sector, our members are predominantly community based **long day care services** and community based **preschools**.

Our submission thus predominantly reflects the views and interests of these two groups.

Community Child Care Co-op supports the amendment of Part VIIC of the Crimes Act 1914 (Crimes ACT) to create an exception for disclosure of spent convictions of persons who seek to work with children.

Children's Services in NSW are under obligation through various pieces of legislation, primarily the *Children and Young Persons (Care and Protection Act 1998)* and the *Children's Services Regulation 2004*, to ensure that children attending services are safe from harm. Children's Services are also required to undertake a *Working with Children Background Check* and follow the *Exclusion of Prohibited Persons* rules to ensure that we do not employ prohibited persons in early education and care services. Children's services are also required under the Child Care Quality Assurance systems to have comprehensive Child Protection Policies in place.

It is our belief that families' rights to the assurance of the safety of their child in a children's service and a child's own rights to safety outweigh a prohibited person's interest in putting the offence behind him or her via the normal application of the spent conviction scheme.

Children within a children's service are particularly vulnerable to the risk of abuse. Anything the community can do to reduce this vulnerability, is vitally important.

Community Child Care believes that individuals with a spent pardoned or quashed conviction should still have to disclose such convictions to ensure that children's services employers have access to as much information as possible to judge the risk of employment of each individual.

Community Child Care also understands that passage of the amendment will facilitate the inter-jurisdictional exchange of criminal history information for people seeking to work with children. Such exchange of information with other states will further protect children at children's services across Australia.

Thank you for the opportunity to make this submission.