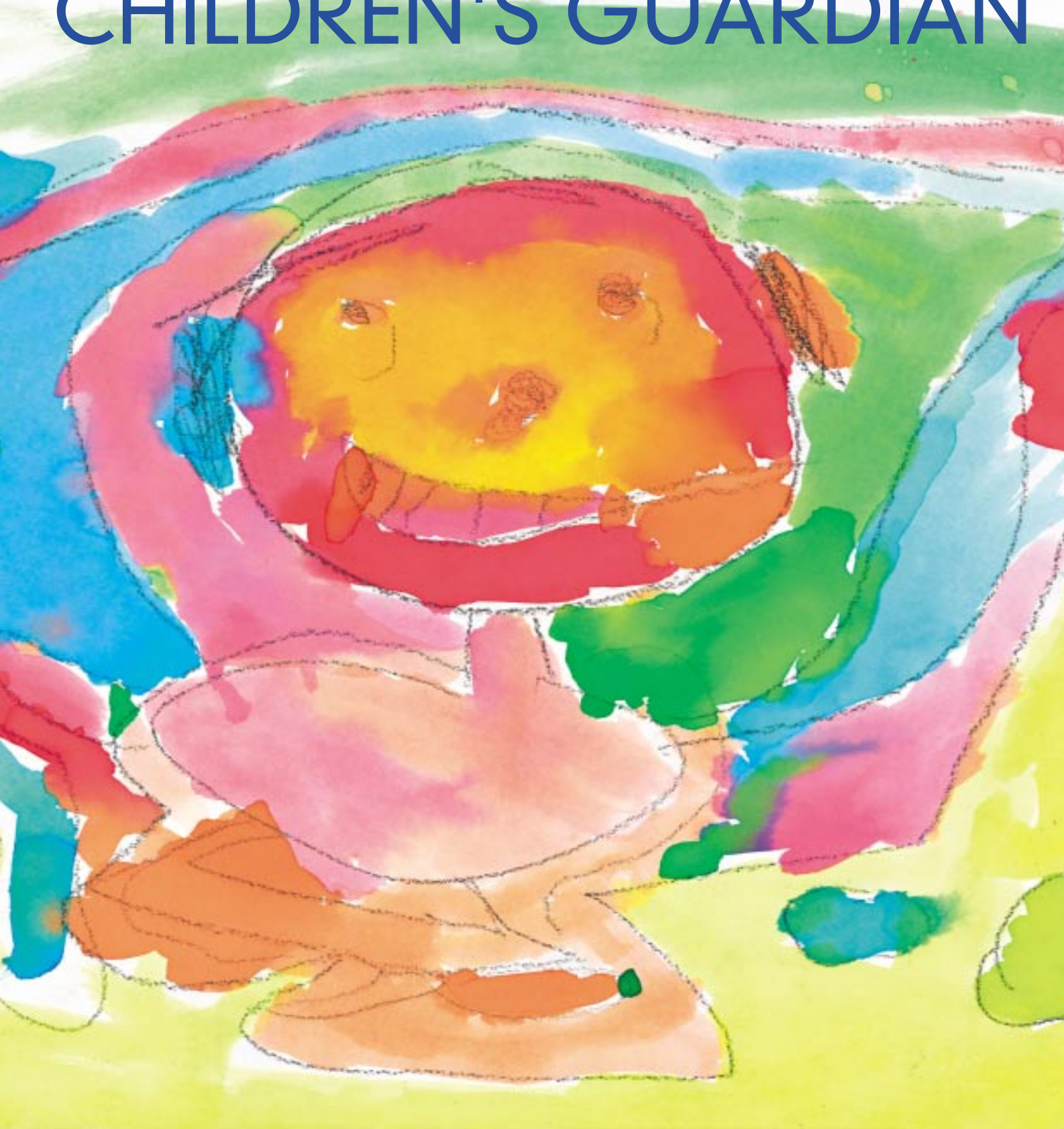




# NEW SOUTH WALES OFFICE OF THE CHILDREN'S GUARDIAN





The Hon Dr Meredith Burgmann MLC  
President  
Legislative Council  
Parliament House  
SYDNEY NSW 2000

The Hon John Aquilina MP  
Speaker  
Legislative Assembly  
Parliament House  
SYDNEY NSW 2000

Dear Madam President and Mr Speaker

In accordance with section 187, Chapter 10 of the *Children and Young Persons (Care and Protection) Act 1998*, I am pleased to present the Children's Guardian's annual report for the 2003-2004 financial year.

The annual report has been prepared in accordance with the *Annual Reports (Departments) Act 1985* (as modified by the *Children and Young Persons (Care and Protection) Act 1998*) and the *Public Finance and Audit Act 1983*.

As provided by section 190 of the *Children and Young Persons (Care and Protection) Act 1998*, I recommend that the report be made public forthwith.

Yours sincerely



Linda Mallett  
Children's Guardian



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## CHAPTER 1: OUR FOCUS, ACHIEVEMENTS AND PLANS

### Our five key focus areas

#### Promoting the best interests and rights of children and young people in out-of-home care

So that they are known to and upheld by carers, designated agencies, other service providers and the community of NSW.

#### Implementing accreditation and quality improvement

So that designated agencies deliver good quality services to kids and achieve better outcomes for kids.

#### Regulating children's employment

So that children work in safe environments and their well-being is promoted by the experience.

#### Communicating and educating

So that our stakeholders are clear about the role and functions of the Children's Guardian and their own roles and responsibilities.

#### Setting an example

So that we lead by example through the quality of our people, systems and corporate governance.

### Key activities and performance 2003-2004

#### Statutory guidelines

Published four guidelines to assist designated agencies and carers support children and young people in their care:

- Care responsibility
- Religious instruction
- Care reviews
- Behaviour management

#### Kids program @ 9th ACCAN – Speak up Speak out

66 children and young people from across Australia, aged between 6 and 17, were delegates to the Ninth Australasian Conference on Child Abuse and Neglect, Sydney, Australia.

#### Accreditation of first designated agency

Barnardos Australia was accredited as the first designated agency in NSW.

#### Quality improvement

35 of 71 designated agencies with interim accreditation have applied to participate in the OCG's Quality Improvement Program.

#### Alternative means of accreditation

Recognised four other organisations for purposes of an alternative means of accreditation to reduce duplication for agencies.

#### New responsibility

OCG commences regulation of children's employment in November 2003.

#### Regulation

Prepared a regulatory impact statement (RIS) for consultation with industry stakeholders.

#### Website

Published *A Guide to Child Employment in NSW – Regulations and Code of Practice*.

#### Training sessions

Conducted 19 training sessions across NSW for 558 carers and workers from 66 agencies.

#### Issues papers

- Published 3 issues papers covering:
- Permanency planning
  - Research
  - Parental & care responsibility

#### Website

Published the *NSW Out-of-Home Care Standards*, benchmark policies, and accreditation resources, after proclamation.

Published our fact sheet and *Caring for Kids in Care* brochure in Arabic and Vietnamese.

#### Financial reporting

Treasury congratulated the Office on the timely preparation and quality of its *Results and Services Plan*.

#### Kid's participation

OCG established its first traineeship in March 2004.

#### Quality assured

Recognised for compliance with the requirements of AS/NZS ISO 9001:2000, an international quality standard for Quality Management Systems – Requirements for our Accreditation and Quality Improvement Program.

#### Annual report

Received national recognition winning a Bronze Award at the 2004 Australasian Reporting Awards for excellence in annual reporting.

### Key future activities 2004 - 2005

#### Youth participation @ 15th ISPCAN Congress – Taking PARTicipation Seriously

29 children and young people from Australia and overseas, aged between 11 and 17 will be delegates to the ISPCAN 15th International Congress on Child Abuse and Neglect, Brisbane, Australia.

#### Case file audits

Commence case file audits of children and young people in out-of-home care.

#### Adoption accreditation

Establish a system of accreditation for adoption services providers in NSW.

#### Regulation review

Finalise a review of the regulation for children's employment in consultation with industry stakeholders.

#### Publications

Scope the need for information in languages other than English for children, parents and employers in Children's Employment.

#### Stakeholder feedback

Consult our stakeholders on our Accreditation and Quality Improvement Program.

#### Strategic plan

Develop a strategic plan for 2005 – 2008.





## Our purpose

To regulate the provision of out-of-home care and the employment of children under 15 in NSW.

## Our values

### Respect for children and young people and their diversity

We respect and value children and young people and value their diversity.

### Participation of children and young people

We involve children and young people in our activities and decisions.

### Cooperative partnerships

We consult with our partners to achieve shared outcomes.

### Staff contribution

We encourage innovation, teamwork, continual improvement and learning.

### Strong organisation foundation

We seek the best available information and efficiently undertake thorough analysis on which to base our decisions and provide timely, objective advice.

### Partnerships with Aboriginal people

We support and promote the principles of reconciliation and partnership when working with Aboriginal people.

## Our history

The NSW Office of the Children's Guardian (OCG) is an independent regulatory body set up in December 2000 to promote the best interests and rights of children and young people in out-of-home care. The Children's Guardian is a statutory position, established by the *Children and Young Persons (Care and Protection) Act 1998*, which reports to the Minister for Community Services. Linda Mallett was appointed as the first Children's Guardian.

A Children's Guardian was proposed in the report of the *Review of the Children (Care and Protection) Act 1987*. This followed on from a similar recommendation by the Wood Royal Commission into the NSW Police Service (1997) that there should be a special guardian for children.

In November 2003, the Office was given the additional responsibility of regulating children's employment in NSW. This is the employment of children under 15 years of age in the entertainment industry, door-to-door sales and still photography.

In 2003 – 2004, the Office:

- Employed an average of 16 full time equivalent staff.
- Total expenses equalled \$2.764 million, an increase of 18.7% from 2002-03.
- The increased expenditure was mainly due to increased staffing levels.

## Key achievements in 2003 – 2004

### Best interests and rights

The Office facilitated the participation of 66 children and young people from all across Australia, aged between 6 and 17, as delegates to the *Ninth Australasian Conference on Child Abuse and Neglect* held in Sydney in November 2003. This was 6.7% of total conference registrations. (see page 10)

### Accreditation and quality improvement

The Office commenced the Accreditation and Quality Improvement Program after proclamation of the function to accredit designated agencies on 15 July 2003 (see page 14). The Children's Guardian accredited the first designated agency in NSW. Barnardos Australia received 5 years accreditation. (see page 15)

### Guidelines and issues papers

The Office published a range of guidelines and issues papers for carers and designated agencies to assist them with their responsibilities in caring for children and young people in out-of-home care. (see pages 10 & 13)

### Communication and education

The Office trained 558 workers and carers in NSW about the Office's Accreditation and Quality Improvement Program and the role of the Children's Guardian. Sixty-six organisations were represented at 19 training sessions. (see page 20)

### Children's employment

The Office assumed responsibility for the regulation of children's employment in NSW on 12 November 2003. (see page 18)

## Legislative charter

The Children's Guardian's principal functions under the *Children and Young Persons (Care and Protection) Act 1998* are to:

- promote the best interests of all children and young persons in out-of-home care,
- ensure that the rights of all children and young persons in out-of-home care are safeguarded and promoted,
- accredit designated agencies and monitor their responsibilities under the legislation,
- authorise prescribed employers to employ children under 15 years.

The Children's Guardian is also required to make an annual report to Parliament and can make special reports to the Parliament and the Minister on matters relating to her functions.

## Our vision

**All children and young people in out-of-home care in NSW receive good quality care and that it keeps getting better.**

**Children under 15 employed in NSW work in safe environments that promote their best interests.**

## Our stakeholders

Our stakeholders in NSW are:

- children and young people in NSW in out-of-home care;
- children and young people in NSW, under 15 years of age, employed in the entertainment industry, door-to-door sales and still photography;
- carers and parents of children and young people in care and in employment;
- people who work in the interests of children and young people in out-of-home care and those in employment;
- organisations that provide services to children and young people in out-of-home care and that employ children under the age of 15;
- parliamentary committees, politicians, Ministers;
- employers, employees and unions;
- complaints/watchdog bodies;
- media; and
- office staff.







## Children's Guardian's overview

It has been an exciting and challenging year for the Office with the proclamation of the remaining sections of the legislation regarding out-of-home care and the transfer of responsibility for regulation of children's employment in NSW from the Department of Community Services (DoCS) to the Office of the Children's Guardian.

### Proclamation

Chapter 8 of the *Children and Young Persons (Care and Protection) Act 1998 Out-of-home care* was progressively proclaimed throughout 2003 – 2004. Critical dates for the sector were 15 July 2003, 12 December 2003 and 31 March 2004. Staged proclamation was necessary because of the range of new responsibilities that out-of-home care providers had to introduce, not only in their policies and procedures, but also in day-to-day practice with children and young people, carers and families. Successful implementation of these changes had to be supported with information, training and development for staff and carers. Staff of the Office conducted 19 training sessions across NSW for 558 carers and workers from 66 agencies to support the implementation of the legislation.

### The first stage

The first stage of proclamation, which took effect on 15 July 2003, allowed the Children's Guardian to accredit designated agencies and monitor their responsibilities under the legislation. On 5 March 2004, Barnardos Australia was the first organisation in NSW to be awarded five years accreditation by the Children's Guardian under the *NSW Out-of-Home Care Standards*. Five years is the maximum period of accreditation that can be awarded.

### The second stage

The second stage, which took effect on 12 December 2003 covered provisions related to the rights of children, young persons, carers and parents to participate in decisions and be provided with specific information about placements and carers. These sections form a natural grouping around the rights of all parties in out-of-home care. At the same time, the Office issued *Guidelines on the exercise of care responsibility and religious instruction for children and young persons in out-of-home care* to assist designated agencies and carers fulfil their responsibilities under these provisions.

### The third stage

The third stage, which took effect on 31 March 2004 provides for the review of case plans and the provision of care arrangements for children and young persons who are leaving care. At the same time, the Office issued *Guidelines for a review of a child or young person in out-of-home care pursuant to a court order*. This is a resource for designated agencies for conducting

annual and other reviews of children and young persons in court ordered care, which are required by the legislation.

A full list of the legislative changes and a brief explanation of each section can be found in Appendix 2.

### Voluntary care and information to parents

There are very few remaining sections of the legislation to be proclaimed in relation to out-of-home care. These sections are about providing information to parents about their child's placement and provisions regarding voluntary out-of-home care, which affect Aboriginal children and young people in voluntary care and those with a disability. The Office has provided advice to the Ministerial Advisory Committee regarding these matters as the current legislative provisions do not promote the best interests of children and young people.

The current sections of the legislation regarding other voluntary out-of-home care do not require the development of care plans and ongoing reviews by designated agencies for children and young people. They introduce a dual regulatory regime for service providers, with oversight by the Department of Ageing, Disability and Home Care (DADHC) and the Office of the Children's Guardian for meeting standards of care for children and young people with a disability. The implementation of the recommendations of the Ministerial Advisory Committee about voluntary out-of-home care will be a key priority for the Office in 2004 – 2005.

The Office has commenced work on *Guidelines for designated agencies for developing a policy on disclosing information about a child's placement to their parents*. These guidelines recognise that children and young people in care have a strong need to stay connected to key people in their family network and a need to be safe in their current placement. The Office will be conducting consultations about these guidelines.

### Case file audits

The Office will undertake the first phase of the case file audit program in 2004 – 2005, which will establish a baseline of practice in designated agencies. In preparation, material was reviewed from the USA, Canada and the UK, as there are no local precedents for undertaking an annual program of the nature proposed by the Office. Phase 1 focuses on children and young persons under the sole parental responsibility of the Minister who are in long term care and for whom permanency planning should be a priority.

As many of the reforms in the legislation have just recently commenced, it is anticipated that there will be significant room for improvement in practice. These improvements will need to be addressed by designated agencies in their quality improvement plans to be submitted to the Office on an annual basis.

Opinion leaders in the out-of-home care sector were asked for their views about the focus of future audits. No clear priorities were established from this consultation and it is anticipated that they will be developed from the results of phase one and further research and inquiries about what is happening in other jurisdictions.

As the NSW Ombudsman can conduct reviews of children and young persons in care, the Office has worked to develop a memorandum of understanding with the Ombudsman that minimises the duplication between our offices and maximises the coverage of review/audit processes for children and young people in care.

### Children's employment

Chapter 13 of the Act, Children's employment was proclaimed on 29 August 2003 and responsibility for the function was transferred to the Office on 12 November 2003. Staff relocated from Redfern to Parramatta on 12 January 2004. It is now our job to regulate the employment of children under 15 in NSW, in the entertainment industry, exhibitions, still photography and door-to-door sales.

We make sure that children work in an environment where their individual needs are met and there are no inappropriate or unreasonable demands of them. We consult with employers and parents if specific safety and welfare issues are identified. We investigate complaints and alleged breaches of the statutory provisions and educate people in the industry and the community about children's employment.

On 1 March 2004, the Office published a *Guide to child employment in NSW – Regulations and code of practice to assist parents and the industry*. The Office has also worked to develop a Regulatory Impact Statement (RIS) for consultation with the industry, parents and other stakeholders, as the current regulation expires on 1 February 2005.

The current structure of the Office has been able to incorporate and support this new function because it promotes flexibility and movement in the Office. With the expected addition of accreditation of adoption agencies, as proposed in the DoCS' draft strategy: *Intercountry Adoption: A Reform proposal for NSW* and an annual program of case file audits, it is anticipated that the Office structure will change to ensure that staff can work as effectively as possible and these functions are well supported.

My staff and I will continue to challenge ourselves, reflect on our strengths and not be afraid to use our authority in meeting our responsibilities under the legislation. These are to make NSW a better place for children and young people in out-of-home care and those children employed in the entertainment industry, exhibitions, still photography and door-to-door sales.

I am pleased to present my fourth annual report to Parliament and look forward to continuing the important work before us.

Linda Mallett  
Children's Guardian





NSW out-of-home care sector

The kids

There are more than 10,000 children and young people in out-of-home care in NSW. They are in care because they can't live with their own family, either for a short time or permanently. The NSW Department of Community Services (DoCS) has the responsibility for collecting data about children and young people in out-of-home care. This data is published on DoCS' website [www.community.nsw.gov.au](http://www.community.nsw.gov.au) and in its annual report.

The carers

The Office of the Children's Guardian recognises the invaluable contribution by foster carers in looking after the state's most vulnerable children. Foster care has always been the preferred care option in NSW. Over the years foster care has grown to cater for a wide range of care situations. For example, emergency care, temporary and short term care, and long term care.

The agencies

The out-of-home care sector is made up of a diverse range of care providers, including DoCS, a large government department, through to smaller agencies that have about five staff members. These agencies provide a range of foster care and residential care services. Some provide generic services while others have more specialised forms of care. They provide services that are culturally appropriate for children and young people from Aboriginal and Torres Strait Islander or other culturally and linguistically diverse backgrounds, while others cater for those with high support needs. The sector has further diversified in recent years with the entry of private for profit service providers.

On 15 July 2003, all those agencies that were providing or arranging the provision of out-of-home care in NSW for children and young people under a Children's Court order were given the status of designated agencies with interim accreditation. These organisations have until 1 July 2005 to lodge an application for accreditation certification or accreditation quality improvement with the Office. A list of these agencies and their status as at 30 June 2004 can be found in Appendix 1. The tables opposite show the number of agencies and their status.

STATUS OF AGENCIES

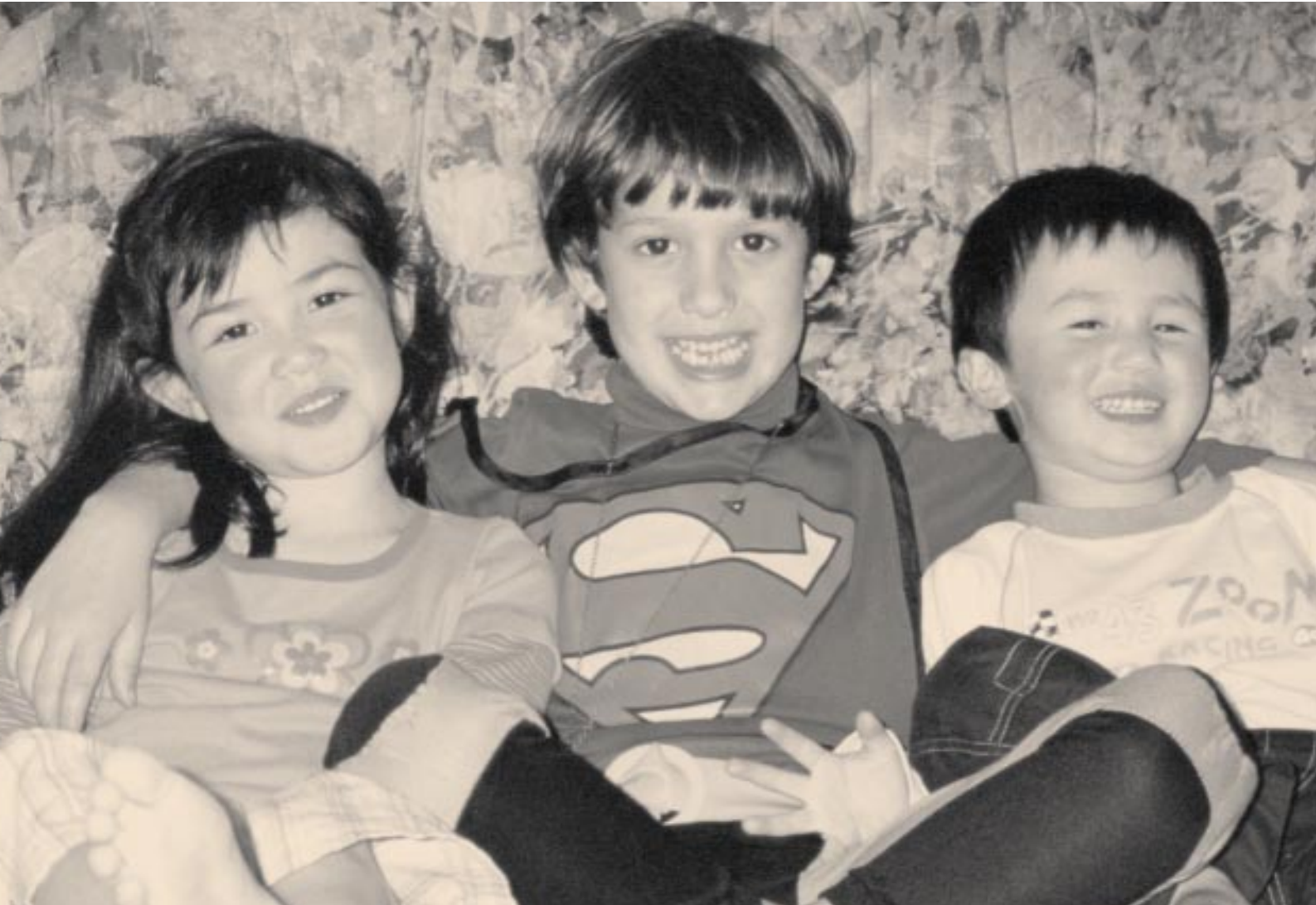
Designated agencies with interim accreditation @ 30 June 2004

AQI STATUS	GOVERNMENT	LOCAL GOVERNMENT	NON-GOVERNMENT	PRIVATE ORGANISATION	TOTALS	%
Agencies applying for accreditation certification	0	0	15	4	19	26.8%
Agencies participating in quality improvement program	2	0	22	12	36	50.7%
Agencies yet to choose accreditation or quality improvement	0	0	14	2	16	22.5%
Total	2	0	51	18	71	
%	2.8	0	71.8	25.4		100%

Organisations applying for accreditation @ 30 June 2004

STATUS	GOVERNMENT	LOCAL GOVERNMENT	NON-GOVERNMENT	PRIVATE ORGANISATION	TOTALS	%
Applications under consideration	0	0	2	3	5	100%

New service providers must be accredited by the Children's Guardian prior to arranging or providing out-of-home care.







## CHAPTER 2: PROMOTING BEST INTERESTS AND RIGHTS OF KIDS

The Office of the Children's Guardian undertook a range of activities throughout the year in order to promote the best interests and rights of children and young people in out-of-home care and to safeguard their rights.

### Guidelines for carers and designated agencies

The Children's Guardian is required by the *Children and Young Persons (Care and Protection) Act 1998* to prepare a range of guidelines to assist designated agencies and carers to fulfil their responsibilities to children and young people in out-of-home care.

In 2003 – 2004 the Office consulted with over 100 organisations including government departments, peak organisations, including the CREATE Foundation, which is the voice of children and young people in care, designated agencies with interim accreditation and applicants for accreditation to prepare these guidelines. They are published on the Office's website [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au).

### Guidelines on the exercise of care responsibility by authorised carers

Authorised carers have the authority to make day-to-day decisions associated with the provision of care to a child or young person in out-of-home care. This authority is subject to any directions given by their designated agency and the Children's Guardian.

### Guidelines on religious instruction for children and young persons in out-of-home care by authorised carers

Expands on the principles that inform the provision of religious instruction of children and young persons in out-of-home care.

### Guidelines for the review of a child or young person in out-of-home care pursuant to a court order

A resource for designated agencies for conducting annual and other reviews of children and young persons in court ordered care which are required by the legislation.

### Guidelines for designated agencies for developing a behaviour management policy

A resource for designated agencies and applicants for accreditation which must submit a behaviour management policy statement with an application for accreditation.

### Kids' participation in case planning

*Participation: Meeting Together—Deciding Together: Kids participating in case planning decisions that affect their lives* is a resource adults can use to help kids participate in meetings. It was developed through a joint project with the Commission for Children and Young People, NSW Department of Community Services, CREATE Foundation and seven young people in care.

*Meeting Together—Deciding Together* is a module of the *TAKING PARTICIPATION seriously* kit produced by the Commission for Children and Young People in 2001 to help organisations involve kids in decision-making. This module helps caseworkers involve children and young people more effectively in their own case planning and other important decisions about their lives. It provides practical ideas and tools which help children and young people participate effectively before, during and after a meeting.

The module was launched by the Commissioner for Children and Young People at the Ninth Australasian Conference for Child Abuse and Neglect in Sydney in November 2003. The seven young people, with a range of care experiences, who prepared most of the content, also presented a workshop at the conference called *Kids' Participation in Case Planning*. This followed a successful presentation at the Commission for Children and Young People in July 2003 called *Kids in Casework*.

The Meeting Together—Deciding Together resource is available on the Commission's website at [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

### Kids' Program Ninth Australasian Conference on Child Abuse and Neglect Many Voices Many Choices. Sydney, November 2003.

The Office collaborated with a number of organisations to coordinate the *Kids' Program* at the Ninth Australasian Conference on Child Abuse and Neglect (ACCAN) from 24 – 27 November 2003. These organisations included:

- Association of Childrens Welfare Agencies (ACWA);
- CREATE Foundation;
- NSW Commission for Children and Young People;
- NSW Department of Community Services;
- NSW Department of Education and Training;
- An independent early childhood specialist; and
- Two school students. One from the NSW Student Representative Council (SRC) and another from the NSW SRC Conference Working Party.

Thirty-three young people (13 boys and 20 girls) were sponsored by state and territory governments and non-government organisations to participate in the four day conference. Young people from NSW, ACT, Victoria, Queensland, Tasmania, South Australia, Northern Territory and Western Australia participated in the *Kids' Program*. 73% of the young delegates were in care.

In NSW, the Departments of Community Services and Ageing, Disability and Home Care and the Commission for Children and Young People, Office of the Children's Guardian, Anglicare, Wesley Mission Dalmar Child and Family Care and the



Aboriginal Child, Family and Community Care State Secretariat all sponsored young delegates.

Two young people, Kimberley Stuart from Campbelltown Performing Arts High School and Rouel Dayoan from Hurlstone Agricultural High School, helped organise the *Kids' Program*. They also facilitated young delegates' participation by coordinating an introductory workshop called *Having an IMPACT* with the CREATE Foundation.

The young delegates helped prepare and were involved in:

- a performance of the Participation Rap;
- workshops and presentations to other conference delegates;
- the opening and closing ceremonies of the conference;
- keynote speeches;
- introducing speakers;
- social events; and
- media interviews.

They were joined by another 33 young delegates on different days of the conference, taking the total number of young delegates to 66. This is the largest number of children and young people who have attended an Australasian Conference on Child Abuse and Neglect (6.7% of total registrations). The three youngest presenters at the conference were aged six years old and were accompanied by their teacher from Rozelle Public School. They were joined by older students from Tooleybuc Central, Gorokan Public and Gorokan High Schools.

The social program for the young delegates included the conference dinner, a complimentary visit to Wonderland, Sydney Aquarium and an evening BridgeClimb. A 'Chill Out' room, especially fitted out with audio-visual resources and bean bags, was available for young delegates to use throughout the conference.

### Feedback about the Kids' Program

*Please pass on my thanks to Christine and others in your office for all their work and organisation they did and particularly for the opportunities created for Danny and the other young people attending the conference. It was great and well appreciated. Thanks to your support, Danny has received experiences and made contacts that he would have otherwise missed out on.*

**Wayne Daly, Department of Communities, Mackay, Qld.**

*Thank you so much for allowing [my son] Mark to be part of the Kids' Delegation for the Conference last week. He enjoyed this experience immensely, and has gained an even greater understanding of the situations of kids in care and the related issues. We also thoroughly enjoyed the conference, and Mark's participation, and we are proud of his involvement, and thank you for allowing him this opportunity.*

**Astrid Hocking, parent and long-term carer, Foster Care Association.**



Feedback from the young delegates themselves was mostly positive. The main recommendations for change they made, were about more integration of the *Kids' Program* with the main conference program, more opportunities to 'have their say' and requests for adult delegates to 'take them seriously.'

*The kids' program has been so good. The organisers of this conference have been great. They have done a great job! I enjoyed meeting with different people that I wouldn't normally meet and they were from so many different backgrounds. Now that I know about different kids' backgrounds I know that I'm lucky with what I have.*

Rocky 16

*The case planning session was good for kids in out-of-home care. They were learning how they can be involved in their case plans. Some kids said 'Now that I know I can be involved I'm going to go back and ask if I can get involved.'*

Kimberley 15

*It was even better than I had imagined. It was great being able to interact with all the young delegates, to speak up and hear their opinions. Hearing the interaction between people has been a great experience. There definitely should be a kids' program at conferences like this one.*

Rouel 16

The Office is using what it learned at the conference to coordinate *Youth Participation* at the 15th International Congress on Child Abuse and Neglect in Brisbane in 2004.

#### **Youth Participation 15th International Society for the Prevention of Child Abuse and Neglect Congress (ISPCAN) Working Together for a Child Safe World, Brisbane, September 2004.**

Children and young people from all across Australia, and some from overseas, will join other congress delegates to exchange and discuss ideas and strategies for the prevention and reduction of child abuse and building resilient communities. Children and young people will discuss the kinds of things that are important to them and essential for workers and other decision makers to know about when working together with children and young people.

Eight abstracts have been accepted from children and young people, who will present:

- **Developing policy with indigenous young people: ideas that work**  
Three Indigenous young people.
- **Fair dinkum education for marginalised young people**  
Centre Education Program, QLD
- **Life in foster care: two young people share their stories**  
Two young people and a foster parent
- **Living in out-of-home care: helping young people take charge**  
Queensland Commission for Children and Young People
- **Present, pregnant and proud**  
Redbank Plains State High School, QLD
- **What about me? Which piece of the puzzle am I?**  
Southside Education Centre, QLD
- **Partners for success**  
Murgon State High School, QLD
- **Young delegates speak out**  
29 young delegates attending the congress from across Australia and overseas.

A Youth Participation Committee has been planning a program for young delegates at the congress since February 2003. The representatives are from the:

- Coffs Harbour Aboriginal Family Community Care Centre  
– Garry Matthews
- CREATE Foundation – Rory Jeffes
- Queensland Commission for Children and Young People  
– Samantha Keegan, Co-chair
- Inspire Foundation – Pippa Collin
- Kids Help Line – Lana Jankowiak and Wendy Reid
- National Association for the Prevention of Child Abuse (NAPCAN) Australia – Janice Bagot
- Youth Coalition of the ACT – Susan Pelligrino

Deborah Morris from the Northern Territory Department of Health and Community Services and two young people — Cassie Parker and Cathryn Cripps-Clark — who attended the Ninth Australasian Conference on Child Abuse and Neglect in 2003, are providing advice to the Children's Guardian about young delegates' participation at the congress.

Twenty-nine young delegates have been fully sponsored so far to attend the congress by:

- ACT Department of Education, Youth and Family Services.
- Kids Help Line, Queensland

National Association for the Prevention of Child Abuse and Neglect (NAPCAN)

NSW Commission for Children and Young People

NSW Office of the Children's Guardian

NSW Department of Community Services

NT Department of Health and Community Services

QLD Commission for Children and Young People

QLD Department of Families\*

QLD Department of Employment & Training, Office of Youth Affairs\*

VIC Department of Human Services

WA Department of Community Development

\* These two departments will become the QLD Department for Communities as of 1 July 2004.

A panel of committee members and a young person has chosen Pippa Collin to be the facilitator for the young delegates' program and help them develop a workshop for adult delegates on kids' participation.

#### **Issues papers for the sector**

The Office has published three issues papers to inform designated agencies and carers about current issues in out-of-home care:

##### ***Permanency planning***

Explores the importance of permanency planning in the lives of children and young people in out-of-home care.

##### ***An outline of the differences between parental responsibility and care responsibility under the Children and Young Persons (Care and Protection) Act 1998***

Outlines the differences between parental responsibility and care responsibility under the *Children and Young Persons (Care and Protection) Act 1998*.

##### ***Information about conducting research involving children and young people in out-of-home care***

Provides information and resources about good practice when undertaking research activity with children and young people in out-of-home care.

#### **Policy advice**

The Children's Guardian provided key policy advice to the Ministerial Advisory Committee (MAC). This committee was established by the Minister to progress the proclamation of the out-of-home care sections of the legislation, as its first priority in the Community Services portfolio. As a result of recommendations by the Ministerial Advisory Committee, significant sections of the *Children and Young Persons (Care and Protection) Act 1998* were proclaimed in 2003 – 2004. A list of the sections is contained in Appendix 2.

The Children's Guardian made a submission in June 2004 to the NSW Commission for Children and Young People regarding the review of the Commission's legislation, the *Commission for Children and Young People's Act 1998* and the *Child Protection (Prohibited Employment) Act 1998*.





## CHAPTER 3: IMPLEMENTING ACCREDITATION AND QUALITY IMPROVEMENT

### NSW Out-of-Home Care Standards

The Minister approved the replacement of the *Updated NSW Standards for Substitute Care Services* with the *NSW Out-of-Home Care Standards* on 24 September 2003. These standards form the basis for the Office's Accreditation and Quality Improvement Program.

The main difference between the standards is that the *NSW Out-of-Home Care Standards* specifies four new standards for services providing residential care. The original substitute care standards did not address the issues regarding residential care, focusing only on foster care.

Including standards about residential care services was considered important because the Community Services Commission had raised issues in several reports about these types of services. It has also been the model of care favoured by most new providers of out-of-home care for children and young people.

The *NSW Out-of-Home Care Standards* are included in Appendix 3. They are also available on the Office's website [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

### Voluntary accreditation

As at 15 July 2003, the date of proclamation of the legislation, 59 agencies had been identified as providing out-of-home care services that met the criteria for interim accreditation. 30 of these agencies had elected to participate in the Office's voluntary accreditation program. Subsequently a further 14 agencies were identified as meeting the requirements, giving a total of 73 agencies with interim accreditation.

Under the *Children and Young Persons (Savings and Transitional) Regulation 2000* the application for each agency participating in the pre-proclamation voluntary accreditation program was carried forward and treated as if it had been made under the *Children and Young Persons (Care and Protection) Act 1998*. This avoided the need for agencies to unnecessarily resubmit information.

### Statutory accreditation and quality improvement

The provisions of the *Children and Young Persons (Care and Protection) Act 1998*, which require organisations providing out-of-home care services to be accredited as designated agencies by the Children's Guardian, commenced on 15 July 2003.

Under the transitional provisions of the legislation, agencies, including the Departments of Community Services and Ageing, Disability and Home Care, which were providing or arranging the provision of out-of-home care services for children or young persons, immediately prior to proclamation on 15 July 2003, received interim accreditation for a period of up to two years. This period is provided to allow agencies to prepare for accreditation and enable them to schedule all the necessary reviews of policy, procedures and practice and to inform and train staff.

Agencies with interim accreditation need to decide whether to submit an application for accreditation as a designated agency, participate in the Accreditation Quality Improvement Program run by the Office or cease providing out-of-home care services by 1 July 2005. Agencies must comply with the existing conditions of their funding agreement, licence or a relevant set of standards, during this period.

As at 30 June 2004, there were 71 agencies with interim accreditation providing out-of-home care services in NSW. One agency, Barnardos Australia, has achieved accreditation; 19 agencies have chosen to pursue accreditation certification and 36 are participating in the Office's Quality Improvement Program. 16 agencies with interim accreditation are yet to decide which path they will follow.

Agencies seeking accreditation or participating in the Accreditation Quality Improvement Program have to demonstrate their capacity to or how they will work towards meeting the accreditation criteria of:

- Documented compliance with requirements as stipulated by the legislation, including information required by the Children's Guardian. These include:
  - Behaviour Management Policy Statement
  - Contemporary Out-of-Home Care Philosophy Statement
  - Philosophy of Care Statement, Program Objectives and Program Criteria
  - Principles of Care and Care Option Policy Statement
  - Aboriginal Policy Statement
  - Adapting Programs to Meet the Needs of Children and Young People from Culturally and Linguistically Diverse (CALD) Communities Policy Statement
  - Description of children & young persons who are not considered suitable for entry into the program(s).
- Documented compliance with the relevant *NSW Out-of-Home Care Standards*, for example policies and procedures.
- Evidence that the practices related to the standards and/or policies and procedures are being implemented.
- Mechanisms to demonstrate ongoing evaluation of the practices specified in the organisation's policies and procedures.

The *NSW Out-of-Home Care Standards* which form the basis of the accreditation criteria, are divided into three categories of core (30), critical (8) and significant (11).

- **Core standards** focus on children and young people, their direct experience of care and the carers that support them.
- **Critical standards** address interagency cooperation and partnerships, and the importance of casework.
- **Significant standards** deal with organisational management planning and evaluation and human resources management.

To achieve accreditation as a designated agency for one year, it is necessary to meet all the core standards. Accreditation for a period of three years requires an agency to meet both the core and critical standards. For the maximum five years of accreditation, an agency must demonstrate that they meet core, critical and at least five of the eleven significant standards.

The decision to award accreditation for a one, three or five year period or to refuse accreditation rests with the Children's Guardian. The Administrative Decisions Tribunal (ADT) can review this decision.



Organisations which choose the accreditation quality improvement path have to negotiate with the Office the time frames and strategies by which they will progressively meet the accreditation criteria. This is formalised in an Accreditation Quality Improvement Plan and Agreement.

Continued participation in Accreditation Quality Improvement is dependent upon the active participation of the agency and the provision of an Annual Progress Report. The Children's Guardian will use this report to assess the progress made against the agreed Quality Improvement Plan. This will determine if the organisation is actively participating in continuous improvement in accordance with the agreed timeframes.

The priorities for continuous improvement are:

1. Developing mandatory evidence as specified by the legislation.
2. Developing and implementing policies and procedures related to core, then critical and significant standards.
3. Introducing practices and/or completing tasks which demonstrate the organisation meets the core standards.
4. Introducing practices and/or completing tasks which demonstrate the organisation meets the critical standards.

After three years in the Quality Improvement Program, an agency needs to complete a new Gap Analysis and Quality Improvement Plan and negotiate the issues that need to be addressed during the next three year cycle. In some cases, organisations will have reached a standard whereby they can achieve three years accreditation and may opt to move to Accreditation Certification.

An organisation that does not comply with the conditions of the Accreditation Quality Improvement Program can be required to apply for accreditation through Accreditation Certification.

Barnardos Australia receiving its accreditation certificate (l to r) Linda Mallett, Children's Guardian; the Hon. Carmel Tebbutt MLC, Minister for Community Services; Angela Crammond, Chair, Barnardos Australia; and Louise Voigt, Chief Executive Officer, Barnardos Australia.

On 5 March 2004, Barnardos Australia became the first organisation, under the out-of-home care provisions of the *Children and Young Persons (Care and Protection) Act 1998*, to achieve accreditation as a designated agency for a period of five years.

In addition to the general conditions of accreditation as described in clause 39 of the *Children and Young Persons (Care and Protection) Regulation 2000* the following condition was imposed upon the accreditation of Barnardos:

- Residential care may only be provided to children and young persons aged 12 years and over.





## New out-of-home care service providers

New service providers must be accredited by the Children's Guardian prior to arranging or providing out-of-home care. As at 30 June 2004, 20 organisations had indicated an interest in seeking accreditation.

As these organisations have no history of providing out-of-home care, they may initially be accredited for a period of one year after producing satisfactory policies and procedures in relation to each of the core standards. This will be conditional upon a review of practice once the service has been operating for six months.

If an organisation meets these requirements and demonstrates compliance with the standards, they may be accredited for a further period of one year, with or without conditions. During this further period the service can seek accreditation for three or five years.

As at 30 June 2004, 5 organisations had applications for accreditation as an out-of-home care service provider under consideration. See Appendix 1.

Information is available on the Office's website for all applicants for accreditation to assist them to meet accreditation requirements. Each agency is also provided with a CD which contains information on all components of the process for accreditation certification and accreditation quality improvement. Office staff are also available to assist agencies.

As at 30 June 2004, Office staff have undertaken 178 visits to agencies with interim accreditation and these agencies have made 20 visits to the Office. Office staff have made 13 visits to the premises of organisations who have expressed an interest in applying to become accredited. These organisations have made 14 visits to our Office.

The Office distributed over 200 CDs, containing all the resources for the Accreditation and Quality Improvement Program, to designated agencies with interim accreditation, peak organisations and potential applicants for accreditation.

## What happens to DoCS?

The NSW Department of Community Services (DoCS) is subject to the same accreditation standards as all other out-of-home care service providers. DoCS has applied to participate in the Accreditation Quality Improvement Program. However it needs to be recognised that unlike other out-of-home care service providers, DoCS is the agency of last resort. This is recognised in section 140 of the Act which requires DoCS to assume supervisory responsibility for any child or young person in out-of-home care that any other designated agency is unable to support.

Should DoCS cease to actively participate in the Quality Improvement Program the options available to the Children's Guardian are different from other organisations. The Children's Guardian can require the Director-General of DoCS to provide a report on the issues of concern. In addition to this, the Children's Guardian can elect to provide the Minister with a report and/or provide Parliament with a special report. Specific

issues of concern can also be referred to the appropriate authority, such as the Ombudsman, for investigation. In all instances, the Minister will be advised of the actions proposed by the Children's Guardian.

## Alternative means of accreditation

Many organisations, which provide out-of-home care, also provide a range of other service types. As a result, they may need to meet the requirements of other standards or criteria established by other organisations or bodies. The Office recognised the administrative duplication this could entail, and in May 2004, implemented a process to recognise equivalent achievement, initially recognising four organisations and six associated systems:

1. National Childcare Accreditation Council Family Day Care Quality Assurance;
2. National Childcare Accreditation Council Outside School Hours Care Quality Assurance;
3. National Childcare Accreditation Council Long Day Care Quality Improvement & Accreditation System;
4. Quality Improvement Council/Quality Management Systems – Health & Community Services Core Module;
5. Aged Care Standards and Accreditation Agency; and
6. International Standards Organisation (ISO 9001-2000).

The Office reviewed the processes, outcomes and standards of each of these alternative accreditation systems. In general, it was found that standards relating to management practices were most compatible with the *NSW Out-of-Home Care Standards*. This means that an organisation could gain credit for standards in the following sections of the *NSW Out-of-Home Care Standards*:

- Section 4 Rights, confidentiality and complaints
- Section 7 Working with other agencies and liaison with the community
- Section 8 Organisational management
- Section 9 Planning, evaluation and service development
- Section 10 Human resource management.

Agencies who wish to gain recognition for their achievement will need to provide the Office with proof that their accreditation with these organisations is current.

When voluntary care is included in out-of-home care, it will be necessary to consider other standards and monitoring systems which apply to the disability sector including *Disability Standards in Action, Children's Standards in Action—a resource for service providers working with children and young people with a disability* and *Home and Community Care National Standards*, published by the Department of Ageing, Disability and Home Care.

The Office welcomes suggestions for consideration of further alternative accreditation systems.

## Aboriginal and Torres Strait Islander policy and procedure project

The Aboriginal and Torres Strait Islander policy and procedure project, which commenced in March 2003, is an initiative of the Office. It was developed in collaboration with the Aboriginal Child, Family and Community Care State Secretariat. The Office sought expressions of interest and awarded the project to the University of Newcastle, with work undertaken by staff from the School of Social Work and the Wollotuka School of Aboriginal Studies.

Under the *Children and Young Persons (Care and Protection) Act 1998* agencies providing out-of-home care services have to be accredited in accordance with the requirements of the Act and regulations. When applying for accreditation each agency is required to provide a range of 'direct' and 'indirect' evidence in order to demonstrate their compliance with the accreditation requirements.

As indicated in last year's annual report, this project began after the Office realised the impact of these requirements upon smaller agencies, and in particular, Aboriginal and Torres Strait Islander services. An evaluation found that agencies which rely solely upon government funding for their continuation, in only being funded to provide specific services, found it difficult to engage in quality improvement activities. It was also felt that the Accreditation and Quality Improvement Program was too 'Anglocentric' and did not sufficiently recognise Aboriginal and Torres Strait Islander cultures, values and practices.

The project involved the development of culturally appropriate generic policies and procedures for Aboriginal and Torres Strait Islander out-of-home care services. However, in recognition of the differences in culture and practice between Aboriginal and Torres Strait Islander people, and that there are no specific Torres Strait Islander out-of-home care agencies in NSW, Aboriginal specific policies and procedures were produced. These will also be more easily adapted to reflect Torres Strait Islander culture, values and practices, than the original non indigenous standards.

The project, which has been well received by Indigenous agencies, was overseen by a steering committee, chaired by the Children's Guardian. The members of the committee are listed in Appendix 4. The University of Newcastle also liaised and met with Indigenous organisations providing out-of-home care services, during the project.

However the real test of the project's success will be the extent to which Aboriginal agency staff can readily adapt this resource to reflect their agency. The Office proposes to help this process by running a number of information sessions during 2004 - 2005 to introduce the material to the staff of Aboriginal out-of-home care organisations. The policies and procedures produced are also to be evaluated for their application to other out-of-home care service providers.

## Case file audits

The Office will commence phase one of the Case File Audits Program on 1 July 2004, which will involve on-site reviews of children and young people's files. Office staff will use a standard audit tool to randomly review case files in all designated agencies, to ensure a consistent method of collecting information. The sector was consulted about the tool and feedback provided helped the Office to refine it.

The target group for the first round of case file audits is children and young people in out-of-home care:

- for whom the Minister for Community Services has sole parental responsibility;
- who are under final court orders; and
- who are in long-term care arrangements.

These are children and young people for whom permanency planning is a high priority and should be commenced if not already being undertaken.

The Case File Audit Program will compliment the Accreditation and Quality Improvement Program as a means of monitoring whether designated agencies are meeting their responsibility for providing good quality care to children and young people.

Findings from case file audits will help:

- monitor the extent to which practice is compliant with the legislation.
- designated agencies to demonstrate that they meet the relevant *NSW Out-of-Home Care Standards*.
- designated agencies identify where practice improvements can be made for better outcomes for children and young people in out-of-home care.
- provide information and advice to the Minister and Parliament and inform out-of-home care policy in NSW.
- identify areas which warrant research, as well as providing information about the training and development needs of staff.

The Office will report on the findings for phase one in the 2004 – 2005 annual report.

The Case File Audit Program aims to focus the out-of-home care sector on achieving better outcomes for children and young people in care, by providing frameworks to shape better practice.

## Memorandum of understanding

The Office is developing a Memorandum of Understanding with the NSW Ombudsman to help minimise duplication where the Ombudsman and the Children's Guardian would have reviewed the same cases. This will address areas where possible duplication might occur and promotes the Ombudsman as the complaints handling authority for the community and disability services sector.





## CHAPTER 4: REGULATING CHILDREN'S EMPLOYMENT

The *Children and Young Persons (Care and Protection) Act 1998* (like its predecessor, the *Children (Care and Protection) Act 1987*) provides that children under 15 years of age cannot be employed in the entertainment industry, for door-to-door selling and for still photography purposes, unless the employer is authorised to employ children for these purposes.

Authorities can be issued for a maximum period of 12 months or a lesser time. An application fee is charged for authorities. An application for an authority not exceeding one month and for up to five children has to be accompanied by a fee of \$550.00, including GST, while an application fee for an authority for 12 months costs \$1,100, including GST. A discretion exists to discount the fee by 10% for employers who, historically, demonstrate compliance with the Code of Conduct. At any one time there are approximately 200 employers authorised to employ children under 15 years of age in NSW.

The great majority of applications to employ children under 15 years of age comes from the entertainment industry. Increasingly, children under the age of 15 years are employed in the film, theatre, television and advertising industries in NSW. They often participate in a very sophisticated and highly technical environment. It can easily be overlooked that these children work in an adult domain covered by adult industrial awards and agreements that provide conditions for the adult workforce. Such awards and conditions do not recognise the differing circumstances and needs of children who may be employed under these provisions.

Employers have to give regard to the emotional, social, intellectual, physical and developmental needs of children who are employed. Children should be able to derive some satisfaction and enjoyment from their opportunities to appear in films, theatre, television shows or commercials.

The legislation which governs the employment of children in NSW ensures they are protected from exploitation, abuse or inappropriate and unreasonable demands being placed on them during the periods they are employed in these very competitive and commercially driven industries.

Responsibility for authorising employers was transferred from the Department of Community Services (DoCS) to the Office of the Children's Guardian on 12 November 2003. The Children's Employment Unit physically relocated from DoCS' offices at Redfern to those of the Children's Guardian at Parramatta on 12 January 2004.

Initially the Office's principal concern was to facilitate the transfer of responsibility with minimal impact upon existing authorised employers and those making applications to be authorised employers. The major activity associated with children's employment is the processing of applications for authorities and variations to existing authorities.

Authorities processed between 12 November 2003 and 30 June 2004.

ACTIVITY	TOTAL	%
Applications received	94	–
Application withdrawn	1	–
Total authorities issued	93	100%
Annual authorities issued	49	53%
Monthly authorities issued	35	37%
Upgrades issued	9	10%

For complete 2003–2004 data, figures for the period between 1 July 2003 and 12 November 2003 can be sought from the NSW Department of Community Services.

The data does not include requests for variations to the Code of Practice, which is a significant part of the work of Children's Employment. The Office plans to include this information in next year's report.

Office staff visited 24 site locations to observe children and young people working and to ensure their best interests are being upheld.

### Review of the regulation

The Office has initiated a review of the *Children (Care and Protection — Child Employment) Regulation 2001*. In accordance with the requirements of the *Children and Young Persons (Care and Protection — Child Employment) (Savings and Transitional) Regulation 2004*, the *Children (Care and Protection — Child Employment) Regulation 2001* ceases to have effect on 1 February 2005.

A review, in accordance with the requirements of the *Subordinate Legislation Act 1989*, has been initiated to determine if the regulation should be remade, and if so, any changes that are required.

Employers have to give regard to the emotional, social, intellectual, physical and developmental needs of children who are employed.







## CHAPTER 5: COMMUNICATING AND EDUCATING

### Training for carers and workers

The Office conducted 19 training and information sessions across NSW in 2003 - 2004 for 558 people. There was an increased emphasis this year on training in rural areas to ensure statewide coverage of the out-of-home care sector. The training focused on out-of-home care provisions of the Act and the requirements of the Children's Guardian.

403 people attended the training offered by the Office. Ten (70%) sessions were delivered in Sydney, Newcastle and Wollongong, most at the Office's premises in Parramatta. Four (30%) sessions were conducted in regional NSW including Armidale, Dubbo, Grafton and Wagga Wagga.

The Office was also asked to present at the Northern Beaches Child at Risk Committee Forum, the Official Community Visitor Conference organised by the NSW Ombudsman and DoCS staff training sessions in both Metropolitan North and Metropolitan South East Regions. As a result, a further 155 participants were able to access information.

Over 65% of participants completed evaluations, which largely indicated a high level of satisfaction with the training sessions. Over 90% indicated that the current training had helped them to develop greater knowledge and increase their skills. It was positive to note that a significant group of participants (60%) reported that there were few barriers in their workplace to prevent them from implementing this increased knowledge and using their skills.

Attendance patterns in regional areas indicate a strong endorsement for the continued provision of training in these locations.

### Caring for Kids in Care

Over 3,000 copies of our brochure, which explains the role of the Children's Guardian, were distributed to designated agencies, foster carers and children and young people in care. The brochure has been translated into the two community languages Arabic and Vietnamese and published on our website [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

### Information for foster carers

Each year the Office hosts an information stall at the Foster Care Week Picnic at Parramatta Park in September to raise the profile of fostering and acknowledge the essential contribution of foster carers. Over 1,000 people attended the picnic in 2003 and visited the stall to collect a fridge magnet produced by the Office, which contains ten helpful numbers for kids and carers and doubles as a photo frame.

The Children's Guardian appreciates the cooperation of the CREATE Foundation, Kids Help Line, Commission for Children and Young People, DoCS Helpline, DoCS Client Feedback and Assistance, Foster Care Association, Foster Parents Support Network, NSW Ombudsman and the Aboriginal Statewide Foster Carer Support Service with publishing their telephone numbers on the magnet.

### Information for conference delegates

The Office sponsored an information booth with the Commission for Children and Young People at the Ninth Australasian Conference on Child Abuse and Neglect (ACCAN) in Sydney in November 2003, to inform conference delegates about the Office's work.

### Information for agencies, interstate and overseas visitors

- Addressed 22 seminars, conferences and individual services about the role and functions of the Children's Guardian. See Appendix 5 for a list of the agencies addressed by Office staff.
- Updated and improved our website to assist state, national and international access to the Office of the Children's Guardian.
- Prepared a snapshot of the work achieved by the Office during the 2003-2004 year and sent it out to agencies.



Children's Guardian, Linda Mallett (2nd left) meeting with members of the Shiseido Foundation Child Welfare Study Tour, organised by the Association of Childrens Welfare Agencies (ACWA).

The Office provided information about its role and functions directly to a number of interstate and overseas visitors and addressed a range of seminars and conferences. The Children's Guardian represented the Office at the following functions:

**Kids in Casework, Commission for Children and Young People** — presented certificates.

**Campbelltown and Liverpool Student Representative Council Paired Conference, Narrabeen** — presented a workshop on 'protecting and supporting young people.'

**Foster Carers Awards Panel** — judge on awards panel and talk at presentation.

**Foster Parents Support Network, Foster Care Week Conference** — speech titled 'Where we are up to now.'

**Nigel Williams, Children's Commissioner Ireland** — provided advice at a meeting hosted by Commission for Children and Young People to discuss children's policy.

**Association of Childrens Welfare Agencies, Shiseido Foundation Child Welfare Study Tour** — talk about the role of the Children's Guardian and the principles of the *Children and Young Persons (Care and Protection) Act 1998*.

**ACT Standing Committee on Community Services and Social Equity** — participated in Committee's inquiry into the rights, interests, and well-being of children and young people in the ACT.

**ACT Community Advocate** — provided advice to acting Community Advocate, Alistair Roy about the functions of the Office.

**CREATE Young Consultants' Training** — information about the role and functions of the Children's Guardian.

**Disability Advisory Council** — presented information about the role and functions of the Children's Guardian.

**Youth Off The Streets Conference** — presented opening address 'A celebration of information on Australia's youth.'

**NCOSS Conference** — workshop on Quality Assurance Standards titled, '*Forging the future—the community sector in NSW*.'

**Children's Court Advisory Committee** — provided advice on a range of Children's Court matters.

**Commissioner for Children and Young People, Qld** — meeting to discuss role and functions of Office and Queensland's review of foster care.

**WA Shadow Minister for Children, Hon. Barbara Scott MLC** — discussed the role of the Children's Guardian, framework and legislation.

The Children's Guardian invited the Minister for Community Services, the Hon. Carmel Tebbutt MLC to visit the Office on 24 September 2003. It was an opportunity for staff to meet the Minister and brief her on the progress of the Office's Accreditation and Quality Improvement Program.





## CHAPTER 6: SETTING AN EXAMPLE

### Support for young people through traineeships

The Office created a traineeship position for young people in the area of administration. It is expected that experience will be gained in all aspects of the Office's work.

Traineeships ensure that young people are involved on a daily basis with the Office. They make a direct contribution to what we do and how we do it. A traineeship provides valuable workplace skills, experience and opportunities for young people. In addition, trainees are encouraged to undertake further studies at university or TAFE.

Ahllen Beadle joined the Office in March 2004 as our trainee Administration Assistant. Ahllen wrote the following account of his experiences while working at the Office.

*'My time working with the Children's Guardian as a Business Administration Trainee has given me the opportunity of various roles that can help my career into the right direction. This is my first job and it's been a great pick for me. On-the-job training is enjoyable and interesting, and from my point of view, practical work gives me a better understanding compared to doing just theory.'*

*Some of my tasks include accounts and finance, data entry and filing. It's unusual for someone to do practical work in accounts receivable and payable at a young age. It is less frustrating and difficult than learning the theory of accounts and finance at school. As a trainee I have had the opportunity to learn how to do accounts and finance using Masterpiece. This is far more enjoyable and gives me a better understanding.'*

*I was also given the opportunity of being on the interview panel to choose the OCG's new Project Officers. I have learned new skills and enjoyed this experience thoroughly. Being given a voice in selection processes is very encouraging and gives me a better understanding for my future career. It has given me confidence on how to commence interviews and resumes.'*

*I also got to go on a location visit in August with the Children's Employment staff. Interestingly our visit was to Cirque Du Soleil, a Canadian performance company, which we didn't have to pay for!*

*These were just some of my highlights while working with the OCG as a trainee, conversely the knowledge and my experience that I gained over this short period of time was exceptional. I look forward to my further studies and work with the OCG.'*

### Kids' art

The Office has co-sponsored 'Operation Art' for the third year in a row, to feature the artistic talents of children and young people in the Office. 'Operation Art' is an initiative of the NSW Department of Education and Training and the Children's Hospital at Westmead.

Thirty-six young artists have had their work on display at the Office. The Office has also used the artwork of some of these artists on the covers of our last two annual reports, our *Caring for Kids in Care* brochure, postcards and promotional items.

### Supporting organisations that work with or support children and young people

The Office has two meeting rooms that are available for the use of organisations that work with or support children and young people. During 2003–2004 the Participation and Best Interest rooms were used on 111 occasions, which is 43% of working days during the year. The following organisations made use of the Office's rooms.

Blacktown Youth Theatre Experience  
Centacare Adoption Services  
Children's Hospital Westmead – Child Protection Unit  
Department of Commerce – Central Corporate Services Unit  
Department of Community Services  
Foster Care Association (NSW) Inc  
Impact Youth Services  
Links Youth and Disability Services  
Trimevac  
Youth Action Policy Association

The rooms are also used extensively by Office staff for meetings and other work-related activities.

### Planning for results

The Office produced its first Results and Services Plan for the 2004 – 2005 budget process. NSW Treasury congratulated the Office on the timely preparation and quality of its Results and Services Plan.

The plan successfully articulates what the Office is trying to achieve as well as providing appropriate measures and indicators against which performance can be measured. Importantly, it has been judged to be one of the best RSPs received by Treasury. A diagram which summarises the Office's Results and Services Plan is on the inside rear cover of this report.

### Managing our finances

In 2003-04 the Office reported an operating deficit of \$137 thousand compared with a budgeted deficit of \$142 thousand. Total expenses rose by \$437 thousand (18.7%) to \$2.764 million from last year's actual total of \$2.327 million.

This increase is largely attributable to the transfer of Children's Employment from the Department of Community Services to the Office and the proclamation of the out-of-home care provisions of the *Children and Young Persons (Care and Protection) Act 1998*.

The total capital allocation during 2003–2004 was \$40,000. Expenditure of \$34,000 was for improvements to the physical layout of the Office and the purchase of computer equipment.

### Meeting Departmental Savings Taskforce requirements

The Office identified savings of \$70,000 for 2003-2004 in our report to the Departmental Savings Taskforce in November 2003. Our annual accounts show we have met this target.

### Paying our accounts on time

The Office produced a consistent performance for the payment of its accounts during 2003 – 2004. On average, the Office paid 99% of its accounts by the due date compared with 98% in 2002 – 2003.

There were no instances leading to payment of interest on overdue accounts under clause 18 of the *Public Finance and Audit Regulation 2000* and Treasurer's Direction TD 219.01.

The table on page 29 details the Office's performance for 2003 – 2004.

### Staff development activities

The Office continues to make staff training and development a priority during 2003 – 2004. Office staff undertook 605 hours of internal and external training, as well as participating in conferences and seminars. This is an average of 38 hours of training for each staff member.

### Up-to-date human resource policies

The Office introduced one new human resource policy during 2003 – 2004 called:

- Policy for the prevention of workplace bullying

The following policies were under review as at 30 June 2004:

- Code of conduct and ethics
- Grievance management policy and procedures
- Performance management and development policy guidelines

### Sharing corporate service arrangements

The Office continued to contract the Central Corporate Services Unit of the Department of Commerce to provide corporate service functions for financial, human resource and information technology activities.

### Meeting information security standards

As required by Premier's Circular 2001-46, the Office is working towards compliance with the Australian standard for Information Security Management, AS/NZS 7799.

The Office completed a Comprehensive Risk Assessment after providing evidence to a gap analysis during 2003 – 2004.

### Timely responses to written communications

The Office aims to respond to 85% of correspondence within two weeks of receiving it. During 2003 – 2004 the Office received 1181 matters requiring a reply and of these 1040 were completed by or on the due date. The Office achieved an 88% response rate.

### Timely and accessible annual reports

The Office's 2002 – 2003 Annual Report was tabled on 30 October 2003, within the legislative timeframe. The annual report was made available publicly on the Office's website [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

### E-business

The Office received 668 emails through the Office's email address [kids@kidsguardian.nsw.gov.au](mailto:kids@kidsguardian.nsw.gov.au).

■ 53% were from employers in the entertainment, still photography and door-to-door sales industries, who are required to notify the Office if they are employing children under the age of 15.

■ 15% of emails were received from designated agencies and accreditation applicants who submitted documents relating to accreditation and quality improvement.

■ 4% of emails involved information about individual children and young people in out-of-home care. Any complaints were referred to the appropriate authorities, including the Department of Community Services, the Department of Ageing, Disability and Home Care and the NSW Ombudsman.

The high percentage of emails (68%) received about children's employment and accreditation and quality improvement indicates the Office's success in promoting the use of electronic documents and email to efficiently conduct business.

### Website: [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

A total of 24,519 page hits were received on the Office's website during 2003 – 2004. A more comprehensive website counting system was implemented in December 2003 when the website hosting was transferred to the Central Corporate Services Unit at the Department of Commerce.

The website homepage has had 4,887 visits since the start of 2004. This six monthly figure compares favourably to the 6,664 hits on the homepage in 2002 – 2003. The increase is likely due to the proclamation of the Children's Guardian's functions on 15 July 2003.

Many agencies visited the website to access standards, benchmark policies and accreditation resources to help their preparation for accreditation and quality improvement.

### Our students

Terry-Ann Wallace, a social work student at Charles Sturt University, undertook her final placement with the Office of the Children's Guardian between July and October 2003. Her project was concerned with the impact of child protection discourse upon respite care services in NSW.

Terry-Ann researched the evolution of child protection services, how it has subsumed out-of-home care (OOHC), and the extent to which OOHC, is in turn subsuming respite care and also aspects of family support services.

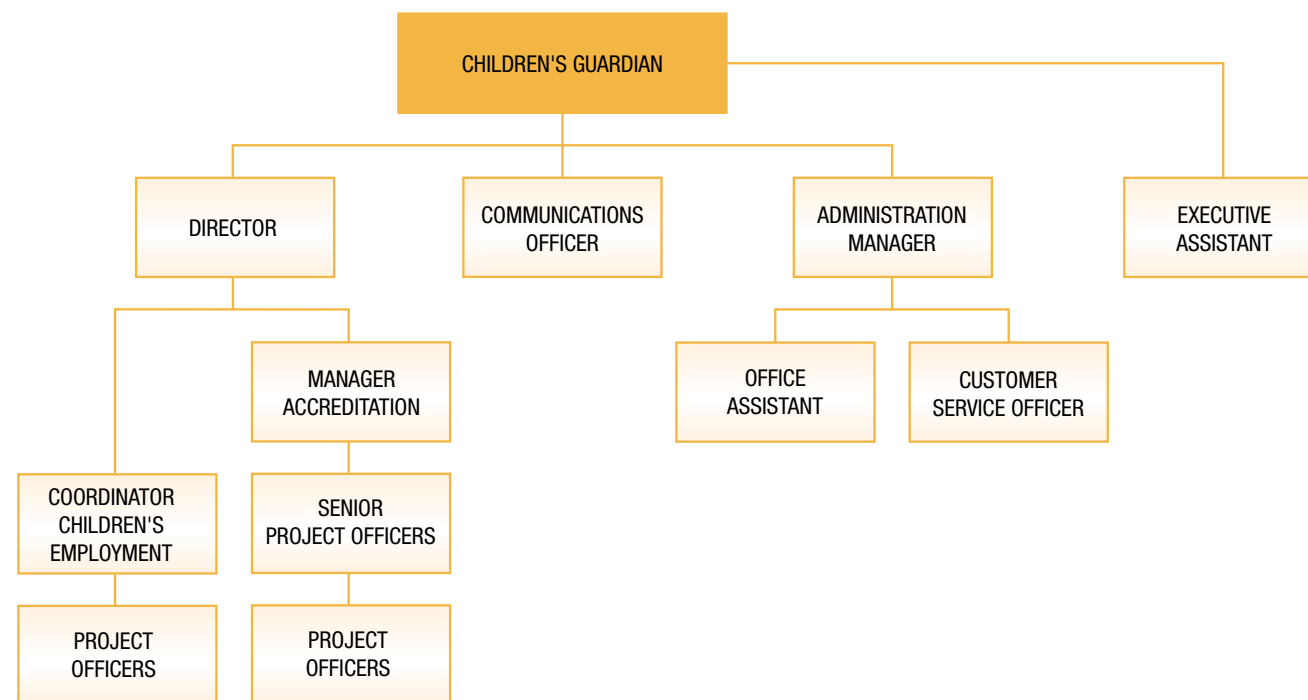
Upon completion of her placement Terry-Ann undertook further research in this field in pursuit of an Honours Degree in Social Work, which involved the Director as a co-supervisor. She was subsequently awarded first class honours.



## CHAPTER 7: OUR ORGANISATION

### Organisational structure

The Office's organisational structure which operated during 2003 - 2004 is outlined in the diagram below.



### The executive team

The role and profile of the executive team is as follows:



**Children's Guardian, Linda Mallett**

Bachelor of Social Work (Hons.)  
Master of Social Work  
Master of Business Administration  
Graduate Certificate in Dispute Resolution



**Manager Accreditation, Susan Nicolson**

Bachelor of Arts (Hons) Dip.Ed.  
Graduate Diploma in Educational Studies  
Studying Doctor of Philosophy degree



**Director, Bruce Valentine**

Bachelor of Social Work (1st class Hons.)  
Studying for Doctor of Philosophy degree



**Administration Manager, Sharon Cannard**

Diploma of Human Resource Management  
Justice of the Peace

## CHAPTER 8: ADDITIONAL STATUTORY REQUIREMENTS

In this chapter, we report our obligations under the *Children and Young Persons (Care and Protection) Act 1998*. We also report our obligations under the *Annual Reports Act 1985*.

These include:

1. Principal acts administered
2. Aims and objectives
3. Access
4. Ministerial advisory committees and statutory bodies
5. Office staff as members of significant statutory and interagency bodies
6. Funds granted to non-government community organisations
7. Legislative changes
8. Economic or other factors
9. Management and activities
10. Major assets
11. Research and development
12. Human resources
13. Equal Employment Opportunity (EEO)
14. Use of consultants
15. Disability Action Plan
16. Property and land disposals
17. Overseas visits
18. Consumer response
19. Guarantee of Service
20. Payment of accounts
21. Risk management and insurance activities
22. Disclosure of controlled entities
23. Code of Conduct and Ethics
24. Ethnic Affairs Priorities Statement
25. Occupational Health and Safety
26. Freedom of Information requirements
27. Recycling and energy management
28. Privacy and Personal Information Protection Act 1998
29. Performance of executive officers

Our obligations for reporting under the *Children and Young Persons (Care and Protection) Act 1998*:

### Chapter 10, Part 3 Reports

There is a statutory obligation under this part of the Act regarding annual reports to Parliament, special reports to Parliament and the Minister and furnishing of draft reports to the Minister.

Section 187 (2) indicates what must be included in the annual report. This is:

*A description of the activities of the Children's Guardian during that year in relation to the functions of the Children's Guardian.*

The Children's Guardian commenced exercising functions under section 181 in Chapter 10 on 15 July 2003. These functions are to:

- a) promote the best interests of children and young persons in out-of-home care;
- b) ensure their rights are safeguarded; and
- c) accredit designated agencies and to monitor their responsibilities under the Act and the Regulations.

Activities relating to these functions are described in the annual report.

*An evaluation of the response of relevant authorities to the recommendations of the Children's Guardian.*

There were no recommendations.

*Any recommendations for changes in the laws of the State, or for administrative action, that the Children's Guardian considers should be made as a result of the exercise of the functions of the Children's Guardian.*

There were no recommendations.

Section 190 (6) notes the *Annual Reports (Departments) Act 1985* is, in its application to the annual report of the Children's Guardian, modified to the extent necessary for the purposes of Chapter 10, Part 3. The Office of the Children's Guardian must meet its obligations under this Act and others as detailed below.







1. Principal acts administered

The Department of Community Services is responsible for administering the *Children and Young Persons (Care and Protection) Act 1998*. Chapter 10 is about the Children's Guardian.

2. Aims and objectives

The NSW Government established the Office of the Children's Guardian on 15 December 2000. Under the *Children and Young Persons (Care and Protection) Act 1998*, the Children's Guardian is responsible for:

- promoting the best interests of all children and young persons in out-of-home care and ensuring their rights are safeguarded and promoted; and
- accrediting designated agencies and monitoring their responsibilities under the Act and the Regulations.

In addition, responsibility for the regulation of Children's Employment was transferred to the Office of the Children's Guardian on 17 November 2003. Under the *Children and Young Persons (Care and Protection) Act 1998*, the Children's Guardian as a delegate of the Minister for Community Services, is responsible for:

- authorising prescribed employers to employ children under 15 years.

The Office of the Children's Guardian is an independent organisation that reports directly to the Minister for Community Services. Its aim is to work with others to improve out-of-home care in NSW and promote the welfare of children and young people who are employed.

3. Access

NSW Office of the Children's Guardian  
Level 6, 10 Smith Street, Parramatta NSW 2150  
Phone: 9025 4200 Fax: 9025 4299  
Email: [kids@kidsguardian.nsw.gov.au](mailto:kids@kidsguardian.nsw.gov.au)  
Website: [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)  
Service hours: Monday to Friday - 9am to 5pm

4. Ministerial advisory committees and statutory bodies

The Office of the Children's Guardian provided key policy advice to the Ministerial Advisory Committee established to progress the proclamation of the out-of-home care sections of the legislation, as its first priority in the Community Services portfolio.

5. Office staff as members of significant statutory and interagency bodies

**ACWA Research Reference Group**  
Susan Nicolson, Manager Accreditation

**Aboriginal and Torres Strait Islander Project**  
Linda Mallett, Children's Guardian  
Bruce Valentine, Director  
Toni Mulholland, Senior Project Officer  
Lynn Dickson, Aboriginal Project Officer

**Children's Court Advisory Committee**

Linda Mallett, Children's Guardian

**CCSU Advisory Board, Department of Commerce**

Sharon Cannard, Administration Manager

**DoCS Research Reference Group**

Susan Nicolson, Manager Accreditation

**Kids Participation in Case Planning Project Advisory Group (DoCS, CCYP, CREATE and OCG)**

Linda Mallett, Children's Guardian (Chairperson)

**NSW Committee on Adoption and Permanent Care Inc.**

Helen Orr, Senior Project Officer

**9th Australasian Conference on Child Abuse and Neglect, 2003, Organising Committee**

Linda Mallett, Children's Guardian

**9th Australasian Conference on Child Abuse and Neglect 2003, Kids Committee**

Linda Mallett, Children's Guardian (Chairperson)  
Christine Reynolds, Project Officer

**15th International Congress on Child Abuse and Neglect 2004, Organising Committee**

Linda Mallett, Children's Guardian

**15th International Congress on Child Abuse and Neglect 2004, Youth Participation Sub-Committee**

Linda Mallett, Children's Guardian (Co-chairperson)  
Christine Reynolds, Project Officer

6. Funds granted to non-government community organisations

Nil.

7. Legislative changes

Significant sections of the *Children and Young Persons (Care and Protection) Act 1998*, which impact on the work of the Office of the Children's Guardian, were proclaimed in 2003 –2004. The full list of legislative changes is in Appendix 2. Further information on the status of the legislation is available at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

8. Economic or other factors

There were no economic or other factors that affected the Office of the Children's Guardian in 2003 – 2004.

9. Management and activities

The Office of the Children's Guardian carried out no program evaluations during 2003 – 2004.

10. Major assets

The major assets held by the Office include, office equipment, computer hardware, office furniture and fittings.

11. Research and development

The Office of the Children's Guardian did not undertake any research and development in 2003 - 2004.

12. Human resources

The Office of the Children's Guardian recruited five permanent staff and five temporary staff during the financial year. One temporary staff member left the Office to take up a permanent position and the other temporary staff member left to have a baby. Three permanent staff were offered secondments to other government departments during the financial year and another was on maternity leave for part of the reporting period. The Office had 82% of its staff establishment filled at the end of June 2004.

Staff in the Children's Employment Unit in DoCS relocated to the Office on 12 January 2004. Responsibility for the regulation of Children's Employment was transferred to the Office of the Children's Guardian on 17 November 2003.

The Office recruited a trainee for the first time for a period of one year.

As of 1 June 2004, one officer was displaced due to a change in the Office's organisational structure last year. This officer was on secondment to another government department during 2003 – 2004.

Number of senior executive officers

Number of senior executive positions at each level

Bands	30/6/03	30/6/04
Level 3 or higher	0	0
Level 2	1	1
Level 1	0	0
Total	1	1

Number of female executives

CES/SES staff 30/6/03		CES/SES staff 30/6/04	
Total staff	Women	Total Staff	Women
1	100%	1	100%

Personnel policies and practices

The Office of the Children's Guardian introduced one new personnel policy and one new practice in 2003 – 2004.

- Policy for the prevention of workplace bullying.
- Implementation of salary sacrifice for non-SES staff.

Industrial relations policies and practices

The Office of the Children's Guardian introduced no new industrial relations policies or practices in 2003 - 2004.

Training and staff development

Staff and students attended the following training and development opportunities during the reporting period. \$24,265 was spent on these activities.

**In-house training and development\* (\$10,409)**

Executive Coaching (1)  
Certificate IV in Assessment and Workplace Training (8)

**External courses\* (\$13,856)**

8th Australian Adoption Conference (1)  
9th Australasian Conference on Child Abuse and Neglect (11)  
Advanced Website Search (1)  
Annual Report Workshop (1)  
CAFWAA Practice Symposium When Care Is Not Enough (1)  
CEO and Young Professional Breakfast (3)  
Critical Leadership Skills (1)  
DoCS Aboriginal Staff Conference (2)  
Engaging with the Ethnic Media (1)  
Foster Care Association State Conference (1)  
Immigration Law and Practice Training (1)  
Intensive Family Services 5th International Practice Symposium (1)  
Introduction to Project Management (1)  
IPAA Public Administration Today and Tomorrow (6)  
Managing Teams Effectively (1)  
Monitoring Outcomes in Children's Welfare (5)  
National Disability Abuse and Neglect Hotline (1)  
Senior First Aid Certification (1)  
Senior First Aid Recertification (1)  
Social Inclusion Conference (1)  
Women Managing in the Public Sector (1)  
Writing briefing material for Executives or Ministers (1)

\*Figures in brackets represent the number of staff who attended.

**Study leave**

The Office of the Children's Guardian encourages staff to undertake further study. 44% of the staff used study leave provisions in 2003 - 2004. The Office employed three doctor of philosophy candidates, two masters candidates, one graduate diploma candidate and one TAFE student:

Ana-Marija Ciko – Master of Business Administration,  
(University of Technology Sydney)  
Bao-Er – Doctor of Philosophy (Law) (Sydney University)  
Bruce Valentine – Doctor of Philosophy (Social Work)  
(Charles Sturt University)  
Katrina Poulsen – Master of Arts in Law and Legal Practice  
Nora Ling – Certificate IV in Information Technology  
(Website Management)  
Susan Nicolson – Doctor of Philosophy (Education)  
(University of Tasmania)  
Melinda Smith – Graduate Diploma in Criminology  
(Sydney University)





13. Equal Employment Opportunity (EEO)

EEO Action Plan achievements

The Office of the Children’s Guardian’s EEO Action Plan aims to promote workplace policies and practices that are fair and equitable. This creates an environment where all workers have opportunities to develop their full potential and pursue a career path of their choice.

Summary of 2003 - 2004 outcomes

- Access for all staff to training and development opportunities to ensure a skilled workforce and productivity.
- Three female managers acted in higher graded positions.
- Three staff on secondment to other government departments in equal or higher graded positions to expand their knowledge and skills.

Trends in the Representation of EEO Groups

EEO Group	% of Total Staff				
	Benchmark or Target	2001	2002	2003	2004
Women	50%	83%	84%	93%	90%
Aboriginal people and Torres Strait Islanders	2%	0%	6.6%	5%	5%
People whose first language was not English	20%	0%	0%	15%	5%
People with a disability	12%	20%	20%	25%	15%
People with a disability requiring work-related adjustment	7%	0%	0%	5%	5%
<b>Trends in the Distribution of EEO Groups</b>					
The Distribution Index is not calculated where EEO group or non-EEO group numbers are less than 20.					

14. Use of consultants

The following consultant was funded from operating expenses in 2003 – 2004.

Consultant: Hawkless Consulting Pty Ltd  
Project title: Preparation of a Regulatory Impact Statement for the proposed *Children and Young Persons (Care and Protection - Child Employment) Regulation 2001*.  
Total cost: \$26, 364

15. Disability Action Plan

Disability Action Plan achievements

The Office of the Children’s Guardian’s Disability Action Plan aims to create, respect and value people with disabilities to participate equally in community life.

Summary of 2003 – 2004 outcomes

- Policy advice to Ministerial Advisory Committee (MAC) on the inclusion of children and young people with a disability in the definition of other voluntary out-of-home care.
- EmployAble disability awareness and employment training package for recruiting people with a disability.
- People with disabilities have access to the Office premises.

- Creation of part-time opportunities for staff.
- Created first traineeship position.
- Introduction of Preventing Bullying in the Workplace policy.
- Children and young people continue to be educated in the importance of equality in employment and fairness in the selection process by including them on our panels.

Summary of EEO Action Plan priorities for 2004 – 2005

- Continue to implement our EEO Action Plan and explore new initiatives.
- Continue to explore ways to introduce more flexible working arrangements.

- Young people through their participation on staff selection panels are educated in the importance of equality in employment and fairness in the selection process.

Summary of Disability Action Plan priorities for 2004 – 2005

- Review of *Standards in Action* and *Children’s Standards in Action* for compatibility with *NSW Out-of-Home Care Standards* and consideration for recognition of an alternative means of accreditation.

16. Property and land disposals

The Office of the Children’s Guardian does not own any properties or land.

17. Overseas visits

There were no overseas visits undertaken by the Office of the Children’s Guardian in 2003 – 2004.

18. Consumer response

The Office of the Children’s Guardian received one complaint about its services in 2003 – 2004.

The Complaints Management System was reviewed following feedback from SAI Global Insurance Services. The Office

adopted the recommendation that positive feedback about its services and staff be captured and the system was adjusted accordingly.

The Children’s Guardian does not have the powers to examine individual complaints about unfair, illegal or improper conduct relating to individual children and young people in out-of-home care. Individual grievances by children and young people in care, carers or parents can be referred to other bodies such as the Ombudsman, Health Care Complaints Commission or the Independent Commission Against Corruption for investigation.

The Children’s Guardian does not have the power to examine complaints relating to the employment of children under 15 years of age beyond alleged breaches of the licensing requirements as set out in the legislation. Where the Office becomes aware that a child has been treated in such a way as to constitute their being at, or having been at, risk of harm a report is made to the Department of Community Services (DoCS) Help Line.

The failure by an employer to have due regard for the care and protection of an employed child, depending on the issue, could result in the involvement of the police and DoCS. Individual grievances, such as the failure of an employer to pay a child or a claim for damages, have to be addressed by way of civil action.

19. Guarantee of Service

A copy is available at [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

20. Payment of accounts

Aged analysis at the end of each quarter

Quarter	Current (i.e. within due date) \$	Less than 30 days overdue \$	Between 30 & 60 days overdue \$	Between 60 & 90 days overdue \$	More than 90 days overdue \$
September	1,626	0	0	0	0
December	223	0	0	0	0
March	-	0	0	0	0
June	74,229	0	0	0	0

Accounts paid on time within each quarter

Quarter	Total Accounts Paid on Time			Total Amount Paid (\$)
	Target	Actual	\$	
September	95%	99%	192,439	192,483
December	95%	100%	303,597	303,597
March	95%	99%	267,986	301,256
June	95%	99%	652,019	653,113

During 2003 – 2004 there were no instances where penalty interest was paid. There were no significant events that affected payment performance during the reporting period.

The Office used Smartbuy, an online procurement system, to reduce the cost of purchasing stores.

21. Risk management and insurance activities

There has been no report of any fraud or corrupt conduct in the Office of the Children’s Guardian made under the *Protected Disclosures Act 1994*.

Credit card usage in the Office of the Children’s Guardian has been in accordance with Premier’s Memoranda and Treasurer’s Directions.

The Office of the Children’s Guardian uses the services of the NSW Treasury Managed Fund to effect its insurance requirements. There were no claims on insurance during 2003 - 2004.

22. Disclosure of controlled entities

The Office of the Children’s Guardian has no controlled entities.

23. Code of Conduct and Ethics

A copy is available at [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

24. Ethnic Affairs Priorities Statement

The Office undertook a number of initiatives to promote the principles of multiculturalism and to meet the needs of children and young people in out-of-home care with different linguistic, religious, racial and ethnic backgrounds. They included:

- Publishing our fact sheet about the Office of the Children’s Guardian in Arabic and Vietnamese and distributing them to over 100 designated agencies.
- Publishing our brochure *Caring for Kids in Care* in Arabic and Vietnamese.
- Publishing a policy statement on *Adapting programs to meet the needs of children and young people from culturally and linguistically (CALD) diverse communities*. This policy will assist designated agencies with their application for accreditation and quality improvement. The Office consulted the Community Relations Commission about this policy.
- Including a question in the case file audit instrument regarding the ethnic, cultural and religious background of the child or young person.

In 2004 – 2005, the Office is planning three initiatives to promote the principles of multiculturalism under the *Community Relations Commission and Principles of Multiculturalism Act 2000*.

- Scoping the need for information in languages other than English for children, parents and employers involved in Children’s Employment.
- Monitoring the implementation of the Office’s CALD Policy Statement by designated agencies participating in the Accreditation and Quality Improvement Program.
- Conducting case file audits to ascertain recording of information about the ethnic, cultural and religious background of children and young people in out-of-home care.

25. Occupational Health and Safety

The Office of the Children’s Guardian was not prosecuted, fined or served an improvement notice under the *Occupational Health and Safety Act 1983* during 2003 – 2004.



## 2003–2004

**CHAPTER 9: OUR FINANCES****26. Freedom of Information (FOI) requirements****Statement of affairs**

The structure and functions of the Office of the Children's Guardian are outlined in Chapters 1 and 7 of this Annual Report.

**Arrangements for public participation**

The Office of the Children's Guardian is a regulatory body which oversees the provision of out-of-home care and children's employment in NSW. The arrangements that exist to enable children and young people to participate in the formulation of the Office's policy and exercise of its functions are outlined in the main body of this report.

**Categories of documents**

The following categories of documents are maintained by the Office of the Children's Guardian:

- Correspondence with designated agencies
- Correspondence with applicants for accreditation
- Correspondence with children's employers
- Correspondence with industry peaks and other government departments
- Correspondence with members of the public
- Directions and decisions of the Children's Guardian
- Internal working papers of the Office. eg: staff meeting minutes.

Documents relating to the internal administration of the Office of the Children's Guardian including recruitment, personnel files, accommodation, staff establishment, financial and expenditure matters, and internal audit are held at the Central Corporate Services Unit of the Department of Commerce.

Members of the public may contact the FOI Coordinator to ascertain which of these documents may be available under Freedom of Information legislation. In these cases application and processing fees may apply.

**Freedom of Information procedures**

Formal requests made under the *Freedom of Information Act 1989* for access to documents held by the Office of the Children's Guardian should be accompanied by a \$30 application fee and directed to:

The FOI Coordinator  
NSW Office of the Children's Guardian  
Level 6, 10 Smith Street  
PARRAMATTA NSW 2150

FOI application forms are available on the Office's website [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au). A 50% reduction in fees and charges is available in some circumstances. Children and young people (under 18) are granted FOI access free of charge.

The telephone number for all FOI inquiries is (02) 9025 4200. Documents are available for public inspection during office hours.

**Publications**

The Office has a number of publications available free of charge from the Office or on its website [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au). These are listed in Appendix 6.

**Freedom of Information requests in 2003 – 2004**

No requests for Freedom of Information were received in 2003 – 2004.

**27. Recycling and energy management**

The Office of the Children's Guardian has a Waste Reduction and Purchasing Policy (WRAPP) in accordance with Government requirements. The Office:

- Shreds and recycles all waste paper;
- Prints Office publications on recycled paper, where possible, and places them on the Office of the Children's Guardian's website to reduce the demand for hard copy;
- Uses copy paper with recycled content where possible; and
- Recycles used laser toner cartridges through a stationery supplier.

During 2003 – 2004, the Office of the Children's Guardian consumed:

- 48,176 kilowatt hours of electricity
- 2,785 litres of petrol

The Office also:

- Achieved power savings through the use of power stand-by on computer monitors, photocopiers, facsimiles and overhead projectors; and
- Limited its fleet to two cars.

**28. Privacy and Personal Information Protection Act 1998**

A Privacy Management Plan has been prepared in accordance with the *Privacy and Personal Information Protection Act 1998*. There have been no complaints or reviews under the Act in relation to the Office of the Children's Guardian.

**29. Performance of chief executive officer**

The Minister for Community Services expressed satisfaction with the performance of the Children's Guardian throughout 2003 – 2004.

NSW OFFICE OF

**the Children's Guardian.****STATEMENT BY THE CHILDREN'S GUARDIAN**

Pursuant to Section 45F of the *Public Finance and Audit Act 1983*, I state that to the best of my knowledge and belief:

(a) The financial statements, read in conjunction with the accompanying notes, exhibit a true and fair view of the financial position of the Office of the Children's Guardian as at 30 June 2004, and for operations for the year then ended;

(b) the statements have been prepared in accordance with the provisions of the *Public Finance and Audit Act, 1983*, the applicable clauses of the *Public Finance and Audit (Departments) Regulation 1986*, the Treasurer's Direction and the Financial Reporting Code under Accrual Accounting for Inner Budget Sector Entities;

(c) there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.

Linda Mallett  
Children's Guardian

15 October 2004

**FINANCIAL SUMMARY****REVENUE**

The principal source of revenue for the Office is \$2.822 million allocated from Treasury Consolidated Fund. A further \$64 thousand in revenue was received, of which \$46 thousand was generated by issuing authorities to children's employers.

**EXPENDITURE**

Expenses totalled \$2.764 million, which is an increase of \$437 thousand over the previous year. Employee related expenses accounted for \$1.614 million (58.4%), an increase of 23% on the previous year.

**ASSETS**

Cash balances increased by \$178 thousand over the previous year while non-current assets decreased by \$176 thousand (34.8%).

**LIABILITIES**

The 67.5% increase in liabilities over the previous year is due to a liability to consolidated fund of \$100 thousand.







GPO BOX 12  
SYDNEY NSW 2001

# 2003–2004

## INDEPENDENT AUDIT REPORT

### Office of the Children's Guardian

To Members of the New South Wales Parliament

#### Audit Opinion

In my opinion, the financial report of the Office of the Children's Guardian:

- (a) presents fairly the financial position of the Office of the Children's Guardian as at 30 June 2004 and its financial performance and cash flows for the year ended on that date, in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia, and
- (b) complies with section 45E of the *Public Finance and Audit Act 1983* (the Act).

My opinion should be read in conjunction with the rest of this report.

#### The Role of the Children's Guardian

The financial report is the responsibility of the Children's Guardian. It consists of the statement of financial position, the statement of financial performance, the statement of cash flows, the summary of compliance with financial directives and the accompanying notes.

#### The Auditor's Role and the Audit Scope

As required by the Act, I carried out an independent audit to enable me to express an opinion on the financial report. My audit provides *reasonable assurance* to members of the New South Wales Parliament that the financial report is free of *material* misstatement.

My audit accorded with Australian Auditing and Assurance Standards and statutory requirements, and I:

- evaluated the accounting policies and significant accounting estimates used by the Children's Guardian in preparing the financial report, and
- examined a sample of the evidence that supports the amounts and other disclosures in the financial report.

An audit does *not* guarantee that every amount and disclosure in the financial report is error free. The terms 'reasonable assurance' and 'material' recognise that an audit does not examine all evidence and transactions. However, the audit procedures used should identify errors or omissions significant enough to adversely affect decisions made by users of the financial report or indicate that the Children's Guardian had not fulfilled her reporting obligations.

My opinion does not provide assurance:

- about the future viability of the Office of the Children's Guardian,
- that the Office of the Children's Guardian has carried out its activities effectively, efficiently and economically,
- about the effectiveness of its internal controls, or
- on the assumptions used in formulating the budget figures disclosed in the financial report.

#### Audit Independence

The Audit Office complies with all applicable independence requirements of Australian professional ethical pronouncements. The Act further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General, and
- mandating the Auditor-General as auditor of public sector agencies but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office are not compromised in their role by the possibility of losing clients or income.

M T Spriggins, CA  
Director of Audit

SYDNEY  
18 October 2004





# 2003–2004

## Statement of Financial Performance

for the Year Ended 30 June 2004

	Notes	Actual 2004 \$'000	Budget 2004 \$'000	Actual 2003 \$'000
<b>Expenses</b>				
Operating expenses:				
Employee related	2(a)	1,614	1,749	1,313
Other operating expenses	2(b)	917	1,180	799
Maintenance		34	62	23
Depreciation	2(c)	199	190	192
<b>Total Expenses</b>		<b>2,764</b>	<b>3,181</b>	<b>2,327</b>
Less:				
<b>Retained Revenue</b>				
Sale of goods and services	3(a)	46	-	-
Investment income	3(b)	18	21	21
<b>Total Retained Revenue</b>		<b>64</b>	<b>21</b>	<b>21</b>
<b>Gain / (loss) on disposal of non-current assets</b>	4	<b>(11)</b>	<b>-</b>	<b>-</b>
<b>Net Cost of Services</b>	19	<b>2,711</b>	<b>3,160</b>	<b>2,306</b>
<b>Government Contributions:</b>				
Recurrent appropriation	5	2,320	2,822	1,780
Capital appropriation	5	34	40	11
Acceptance by the Crown Entity of employee benefits and other liabilities	6	220	156	219
<b>Total Government Contributions</b>		<b>2,574</b>	<b>3,018</b>	<b>2,010</b>
<b>SURPLUS / (DEFICIT) FOR THE YEAR FROM ORDINARY ACTIVITIES</b>		<b>(137)</b>	<b>(142)</b>	<b>(296)</b>
<b>TOTAL REVENUES, EXPENSES AND VALUATION ADJUSTMENTS RECOGNISED DIRECTLY IN EQUITY</b>		<b>-</b>	<b>-</b>	<b>-</b>
<b>TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH OWNERS AS OWNERS</b>	15	<b>(137)</b>	<b>(142)</b>	<b>(296)</b>

[The accompanying notes form part of these statements]

## Statement of Financial Position

as at 30 June 2004

	Notes	Actual 2004 \$'000	Budget 2004 \$'000	Actual 2003 \$'000
<b>ASSETS</b>				
<b>Current Assets</b>				
Cash	8	372	202	194
Receivables	9	37	50	49
Other	10	40	23	23
<b>Total Current Assets</b>		<b>449</b>	<b>275</b>	<b>266</b>
<b>Non Current Assets</b>				
Plant and Equipment	11	330	356	506
<b>Total Non-Current Assets</b>		<b>330</b>	<b>356</b>	<b>506</b>
<b>Total Assets</b>		<b>779</b>	<b>631</b>	<b>772</b>
<b>LIABILITIES</b>				
<b>Current Liabilities</b>				
Payables	12	118	90	98
Provisions	13	135	122	113
Other	14	100	-	-
<b>Total Current Liabilities</b>		<b>353</b>	<b>212</b>	<b>211</b>
<b>Non-Current Liabilities</b>				
Provisions	13	30	28	28
<b>Total Non-Current Liabilities</b>		<b>30</b>	<b>28</b>	<b>28</b>
<b>Total Liabilities</b>		<b>383</b>	<b>240</b>	<b>239</b>
<b>Net Assets</b>		<b>396</b>	<b>391</b>	<b>533</b>
<b>EQUITY</b>				
Accumulated Funds	15	396	391	533
<b>Total Equity</b>		<b>396</b>	<b>391</b>	<b>533</b>

[The accompanying notes form part of these statements]



# 2003–2004

## Statement of Cash Flows

for the Year Ended 30 June 2004

	Notes	Actual 2004 \$'000	Budget 2004 \$'000	Actual 2003 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
<b>Payments</b>				
Employee related		(1,419)	(1,626)	(1,091)
Other		(1,055)	(1,274)	(819)
<b>Total Payments</b>		<b>(2,474)</b>	<b>(2,900)</b>	<b>(1,910)</b>
<b>Receipts</b>				
Interest received		16	21	21
Other		167	23	200
<b>Total Receipts</b>		<b>183</b>	<b>44</b>	<b>221</b>
<b>Cash Flows from Government</b>				
Recurrent appropriation	5	2,420	2,822	1,780
Capital appropriation	5	34	40	11
Cash reimbursements from the Crown Entity		49	42	37
<b>Net Cash Flows From Government</b>		<b>2,503</b>	<b>2,904</b>	<b>1,828</b>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	19	<b>212</b>	<b>48</b>	<b>139</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Purchases of Plant and Equipment		(34)	(40)	(11)
<b>NET CASH FLOWS FROM INVESTING ACTIVITIES</b>		<b>(34)</b>	<b>(40)</b>	<b>(11)</b>
<b>NET INCREASE / (DECREASE) IN CASH</b>		<b>178</b>	<b>8</b>	<b>128</b>
Opening cash and cash equivalents		194	194	66
<b>CLOSING CASH AND CASH EQUIVALENTS</b>	8	<b>372</b>	<b>202</b>	<b>194</b>

## Summary of Compliance with Financial Directives

for the Year ended 30 June 2004

	2004			
	Recurrent Appropriation \$'000	Expenditure / Net Claim on Consolidated Fund \$'000	Capital Appropriation \$'000	Expenditure / Net Claim on Consolidated Fund \$'000
<b>Original Budget Appropriation/Expenditure</b>				
- Appropriation Act	2,667	2,165	40	34
- s 24 PF&AA - transfers of functions between departments	155	155	-	-
	<b>2,822</b>	<b>2,320</b>	<b>40</b>	<b>34</b>
<b>Other Appropriation/Expenditure</b>				
- Treasurer's Advance	-	-	-	-
	-	-	-	-
<b>Total Appropriations/Expenditure/ Net Claim on Consolidated Fund (includes transfer payments)</b>	<b>2,822</b>	<b>2,320</b>	<b>40</b>	<b>34</b>
<b>Amount drawn down against Appropriation</b>		<b>2,420</b>		<b>34</b>
<b>Liability to Consolidated Fund</b>		<b>100</b>		<b>-</b>

	2003			
	Recurrent Appropriation \$'000	Expenditure / Net Claim on Consolidated Fund \$'000	Capital Appropriation \$'000	Expenditure / Net Claim on Consolidated Fund \$'000
<b>Original Budget Appropriation/Expenditure</b>				
- Appropriation Act	2,576	1,780	40	11
- s 24 PF&AA - transfers of functions between departments	-	-	-	-
	<b>2,576</b>	<b>1,780</b>	<b>40</b>	<b>11</b>
<b>Other Appropriation/Expenditure</b>				
- Treasurer's Advance	-	-	-	-
	-	-	-	-
<b>Total Appropriations/Expenditure/ Net Claim on Consolidated Fund (includes transfer payments)</b>	<b>2,576</b>	<b>1,780</b>	<b>40</b>	<b>11</b>
<b>Amount drawn down against Appropriation</b>		<b>1,780</b>		<b>11</b>
<b>Liability to Consolidated Fund</b>		<b>-</b>		<b>-</b>

### Notes to Summary of Compliance with Financial Directives

- (a) The summary of compliance is based on the assumption that Consolidated Fund moneys are spent first (except where otherwise identified or prescribed).
- (b) The liability to Consolidated Fund represents the difference between the "Amount drawn down against Appropriation" and the "Total Expenditure / Net Claim on Consolidated Fund" (refer to notes 5 and 14).
- (c) Section 24 adjustment relates to the transfer of Children's Employment authorisations from the Department of Community Services to the Office of the Children's Guardian.

[The accompanying notes form part of these statements]



## 2003–2004

## NOTES ACCOMPANYING AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2004

## 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

## (a) Reporting Entity

The Office of the Children's Guardian (the Office) is a separate reporting entity. There are no other entities under its control.

As the Office is a single program entity, the financial operations disclosed in the Statement of Financial Performance and Statement of Financial Position are those of the Office Program. Accordingly, a separate supplementary program statement has not been prepared.

The reporting entity is consolidated as part of the NSW Total State Sector Accounts.

## (b) Basis of Accounting

The Office's financial statements are a general purpose financial report which has been prepared on an accrual basis and in accordance with:

- applicable Australian Accounting Standards;
- other authoritative pronouncements of the Australian Accounting Standards Board (AASB);
- Urgent Issues Group (UIG) Consensus Views;
- the requirements of the *Public Finance and Audit Act* and Regulations; and
- the Financial Reporting Directions published in the Financial Reporting Code for Budget Dependent General Government Sector Agencies or issued by the Treasurer under Section 9(2)(n) of the Act.

Where there are inconsistencies between the above requirements, the legislative provisions have prevailed.

In the absence of a specific Accounting Standard, other authoritative pronouncements of the AASB or UIG Consensus View, the hierarchy of other pronouncements as outlined in AAS 6 "Accounting Policies" are considered.

Except for long service leave expense, the financial statements are prepared in accordance with the historical cost convention. All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency. The accounting policies adopted are consistent with those of the previous year.

## (c) Administered Activities

The Office does not administer any activities on behalf of the Crown Entity.

## (d) Revenue Recognition

Revenue is recognised when the Office has control of the good or right to receive, it is probable that the economic benefit will flow to the Office and the amount of revenue can be measured reliably. Additional comments regarding the accounting policies for the recognition of revenue are discussed below.

## (i) Parliamentary Appropriations and Contributions from Other Bodies

Parliamentary appropriations and contributions from other bodies (including grants and donations) are generally recognised as revenues when the Office obtains control over the assets comprising the appropriations/contributions.

Control over appropriations and contributions is normally obtained upon the receipt of cash.

An exception to the above is when appropriations are unspent at year end. In this case, the authority to spend the money lapses and generally the unspent amount must be repaid to the Consolidated Fund in the following financial year. As a result, any unspent appropriations are accounted for as liabilities rather than revenue. In the case of the Office, there is a liability of \$100,000 for Recurrent Appropriation in 2003/04 (2002/03 \$Nil), and no liability for Capital Appropriation (2002/03 \$Nil).

## (iii) Sale of Goods and Services

Revenue from the sale of goods and services comprises revenue from the provision of products or services ie user charges. User charges are recognised as revenue when the agency obtains control of the assets that result from them.

## (iii) Investment Income

Interest income is recognised as it accrues.

## (e) Employee Benefits and other provisions

## (i) Salaries and Wages, Annual Leave, Sick Leave and On-Costs

Liabilities for salaries and wages, (including non-monetary benefits), annual leave and vesting sick leave are recognised and measured in respect of employees' services up to the reporting date at nominal amounts based on the amounts expected to be paid when the liabilities are settled.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

The outstanding amounts of payroll tax, workers' compensation insurance premiums and fringe benefits tax, which are consequential to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised.

## (ii) Long Service Leave and Superannuation

The Office's liabilities for long service leave and superannuation are assumed by the Crown Entity. The office accounts for the liability as having been extinguished resulting in the amount assumed being shown as part of the non-monetary revenue item described as "Acceptance by the Crown Entity of employee benefits and other liabilities."

Long service leave is measured on a present value basis. The present value method is based on remuneration rates at year end for all employees with five or more years of service, adjusted at the rates advised by NSW Treasury.

The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (i.e. State Authorities Superannuation Fund and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

## (iii) Other Provisions

Other provisions exist when the entity has a present legal, equitable or constructive obligation to make a future sacrifice of economic benefits to other entities as a result of past transactions or other past events. These provisions are recognised when it is probable that a future sacrifice of economic benefits will be required and the amount can be measured reliably.

Any provisions for restructuring are recognised either when a detailed formal plan has been developed or will be developed within prescribed time limits and where the entity has raised a valid expectation in those affected by the restructuring that it will carry out the restructuring.

## (f) Insurance

The Office's insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self insurance for Government agencies. The expense (premium) is determined by the Fund Manager based on past experience.

## (g) Accounting for the Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where:

- the amount of GST incurred by the office as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of the cost of acquisition of an asset or as part of an item of expense.
- receivables and payables are stated with the amount of GST included.

## (h) Acquisition of assets

The cost method of accounting is used for the initial recording of all acquisitions of assets controlled by the Office. Cost is determined as the fair value of the assets given as consideration plus the costs incidental to the acquisition.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and revenues at their fair value at the date of acquisition. Fair value means the amount for which an asset could be exchanged between a knowledgeable, willing buyer and a knowledgeable, willing seller in an arm's length transaction.

Where settlement of any part of cash consideration is deferred, the amounts payable in the future are discounted to their present value at the acquisition date. The discount rate used is the incremental borrowing rate, being the rate at which a similar borrowing could be obtained.

## (i) Plant and Equipment

Items of Plant and Equipment costing \$5,000 and above are individually capitalised.

## (j) Revaluation of Physical Non-Current Assets

Physical non-current assets are valued in accordance with the "Guidelines for the Valuation of Physical Non-Current Assets at Fair Value" (TPP 03-02). This policy adopts fair value in accordance with AASB 1041 from financial years beginning on or after 1 July 2002. There is no substantive difference between the fair value valuation methodology and the previous valuation methodology adopted in the NSW public sector.

Where available, fair value is determined having regard to the highest and best use of the asset on the basis of current market selling prices for the same or similar assets. Where market selling price is not available, the asset's fair value is measured as its market buying price i.e. the replacement cost of the asset's remaining future economic benefits.

The agency is a not for profit entity with no cash generating operations.

Non-specialised assets with short useful lives are measured at depreciated historical cost, as a surrogate for fair value.

## (k) Depreciation of Non-Current Physical Assets

Depreciation is provided for on a straight line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life to the Office.

Depreciation Rates	% Rate
Computer equipment	25.00
General plant and equipment	14.28

Leasehold improvements are depreciated over the lesser of the period of the lease or the useful life of the improvement.

## (l) Maintenance and Repairs

The costs of maintenance are charged as expenses as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated.

## (m) Leased Assets

A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of the leased assets, and operating leases under which the lessor effectively retains all such risks and benefits.

Office accommodation and motor vehicles are leased under operating leases. Operating lease payments are charged to the Statement of Financial Performance in the periods in which they are incurred.

## (n) Receivables

Receivables are recognised and carried at cost, based on the original invoice amount less (where necessary) a provision for any uncollectible debts. An estimate for doubtful debts is made when collection of the full amount is no longer probable. Bad debts are written off as incurred.

## (o) Other Assets

Other assets include prepayments that are recognised on a cost basis.

## (p) Payables

These amounts represent liabilities for goods and services provided to the Office and other amounts, including interest. Interest is accrued over the period it becomes due.

## (q) Budgeted Amounts

The budgeted amounts are drawn from the budgets as formulated at the beginning of the financial year and with any adjustments for the effect of additional appropriations, s21A, s24 and / or s26 of the *Public Finance and Audit Act 1983*.

The budgeted amounts in the Statement of Financial Performance and the Statement of Cash Flows are generally based on the amounts disclosed in the NSW Budget Papers (as adjusted above). However, in the Statement of Financial Position, the amounts vary from the Budget Papers, as the opening balances of the budgeted amounts are based on carried forward actual amounts as per the audited financial statements (rather than carried forward estimates).

## 2. EXPENSES

## (a) Employee related expenses

	2004 \$'000	2003 \$'000
Salaries and wages (including recreation leave)	1,298	1,012
Superannuation	140	135
Long service leave	71	77
Workers compensation insurance	8	13
Payroll tax and fringe benefits tax	97	76
	<b>1,614</b>	<b>1,313</b>

## (b) Other operating expenses

	2004 \$'000	2003 \$'000
Auditor's remuneration (audit or review of the financial reports)	24	19
Operating lease rental expense - minimum lease payments	235	219
Insurance	7	4
Administration expenses	141	138
Corporate services	197	151
Consultancies	26	-
Contractors	149	142
Training and development	28	24
Printing and publications	34	17
Travel expenses	26	22
EDP expenses	50	63
	<b>917</b>	<b>799</b>

## (c) Depreciation expense

	2004 \$'000	2003 \$'000
Office furniture and equipment	133	126
Computer hardware	66	66
	<b>199</b>	<b>192</b>

## 3. REVENUES

## (a) Sale of Goods and Services

	2004 \$'000	2003 \$'000
Rendering of services	46	-
	<b>46</b>	<b>-</b>

## (b) Investment income

	2004 \$'000	2003 \$'000
Interest	18	21
	<b>18</b>	<b>21</b>

## 4. GAIN / (LOSS) ON DISPOSAL OF NON-CURRENT ASSETS

	2004 \$'000	2003 \$'000
Proceeds from disposal	-	-
Written down value of assets disposed	(11)	-
	<b>(11)</b>	<b>-</b>

## 5. APPROPRIATIONS

	2004 \$'000	2003 \$'000
--	----------------	----------------

## Recurrent appropriations

Total recurrent drawdowns from Treasury (per Summary of Compliance)	2,420	1,780
Less: Liability to Consolidated Fund (per Summary of Compliance)	100	-
	<b>2,320</b>	<b>1,780</b>

Comprising:

Recurrent appropriations (per Statement of Financial Performance)	2,320	1,780
	<b>2,320</b>	<b>1,780</b>

## Capital appropriations

Total capital drawdowns from Treasury (per Summary of Compliance)	34	11
	<b>34</b>	<b>11</b>

Comprising:

Capital appropriations (per Statement of Financial Performance)	34	11
<b>Total</b>	<b>34</b>	<b>11</b>

## 6. ACCEPTANCE BY THE CROWN ENTITY OF EMPLOYEE BENEFITS AND OTHER LIABILITIES

The following liabilities and / or expenses have been assumed by the Crown Entity.

	2004 \$'000	2003 \$'000
Superannuation	140	135
Long service leave	71	77
Payroll tax (on superannuation)	9	7
	<b>220</b>	<b>219</b>



## 7. PROGRAMS / ACTIVITIES OF THE OFFICE OF THE CHILDREN'S GUARDIAN

### Program 1 - Office of the Children's Guardian

Objective: To promote the best interests of all children and young people in out-of-home care and ensure their rights are safeguarded and promoted. To promote the welfare of children employed in the entertainment industry, exhibitions, still photography and door-to-door sales.

### 8. CURRENT ASSETS - CASH

	2004 \$'000	2003 \$'000
Cash at bank and on hand	372	194
	<b>372</b>	<b>194</b>

Included in cash at bank is Consolidated Fund monies of \$100,000. These monies cannot be used by the Office in meeting it's obligations.

For the purposes of the Statement of Cash Flows, cash includes cash on hand, cash at bank and bank overdraft.

Cash assets recognised in the Statement of Financial Position are reconciled to cash at the end of the financial year as shown in the Statement of Cash Flows as follows:

Cash (per Statement of Financial Position)	372	194
Closing Cash and Cash Equivalents (per Statement of Cash Flows)	<b>372</b>	<b>194</b>

### 9. CURRENT ASSETS - RECEIVABLES

	2004 \$'000	2003 \$'000
Other debtors	25	33
GST recoverable from the ATO	12	16
	<b>37</b>	<b>49</b>

No provision has been made for doubtful debts as all amounts are considered to be collectable.

### 10. CURRENT ASSETS - OTHER

	2004 \$'000	2003 \$'000
Prepayments	40	23
	<b>40</b>	<b>23</b>

Prepayment of salaries, wages and related on-costs are included above. They have not been identified separately as they are considered immaterial.

### 11. NON-CURRENT ASSETS - PLANT AND EQUIPMENT

	2004 \$'000	2003 \$'000
<b>Plant and Equipment</b>		
At Cost	888	891
Less: Accumulated Depreciation	558	385
	<b>330</b>	<b>506</b>

#### Reconciliations

Reconciliations of the carrying amounts at the beginning and end of the current and previous financial years are set out below:

	2004 \$'000	2003 \$'000
Carrying amount at start of period	506	687
Additions	34	11
Disposals	(37)	-
Depreciation expense	(199)	(192)
Writeback on disposal	26	-
Carrying amount at end of year	<b>330</b>	<b>506</b>

### 12. CURRENT LIABILITIES - PAYABLES

	2004 \$'000	2003 \$'000
Accrued salaries, wages and on-costs	2	29
Creditors	99	37
Others	17	32
	<b>118</b>	<b>98</b>

### 13. CURRENT / NON-CURRENT LIABILITIES - PROVISIONS

	2004 \$'000	2003 \$'000
<b>Employee benefits and related on-costs</b>		
<b>Current</b>		
Recreation leave	114	112
Long service leave	21	1
	<b>135</b>	<b>113</b>

**Non-Current**  
Long Service Leave

	30	28
	<b>30</b>	<b>28</b>

<b>Total Provisions</b>	<b>165</b>	<b>141</b>
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<b>Aggregate employee benefits and related on-costs</b>		
Provisions - current	135	113
Provisions - non-current	30	28
Accrued Salaries, wages and on-costs (Note 12)	2	29
<b>Total</b>	<b>167</b>	<b>170</b>

	2004 \$'000	2003 \$'000
<b>14. CURRENT LIABILITIES - OTHER</b>		
Current		
- Liability to Consolidated Fund	100	-
	<b>100</b>	<b>-</b>

Liability to Consolidated Fund results from under expenditure against amounts drawn down against appropriation.

### 15. CHANGES IN EQUITY

	2004 \$'000	2003 \$'000
<b>Accumulated Funds</b>		
Balance at the beginning of the financial year	533	829
Changes in equity-other than transactions with owners as owners		
Surplus / (deficit) for the year	(137)	(296)
<b>Balance at the end of the financial year</b>	<b>396</b>	<b>533</b>

### 16. COMMITMENTS FOR EXPENDITURE

#### (a) Operating Lease Commitments

Future non-cancellable operating lease rentals not provided for and payable:

	2004 \$'000	2003 \$'000
Not later than one year	208	201
Later than one year and not later than five years	156	364
<b>Total (including GST)</b>	<b>364</b>	<b>565</b>

Commitments include GST of \$33,109 (\$51,401 in 2002-03) which is expected to be recovered from the Australian Taxation Office (ATO).

### 17. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Office is not aware of any contingent liabilities and / or contingent assets associated with its operations.

### 18. BUDGET REVIEW

#### Net Cost of Services

The actual net cost of services was lower than budget by \$449,000, this was primarily due to lower levels of expenditure in other operating expenses. Revenue was higher than budget by \$43,000, due to fees being collected to authorise the entertainment industry to employ children.

#### Assets and Liabilities

Current assets are above budget by \$174,000. Increase in cash is a result of lower levels of receivables and higher levels of payables. Non current assets are lower than budget by \$26,000 due to lower levels of equipment acquisitions combined with higher depreciation levels. Liabilities are higher than budget by \$143,000 due mainly to a higher level of payables and a liability to consolidated fund relating to recurrent allocation.

#### Cash Flows

Cash flows from operating activities are higher than budget by \$164,000 due primarily to lower than budgeted payments combined with higher levels of receipts.

### 19. RECONCILIATION OF NET CASH FLOWS FROM OPERATING ACTIVITIES TO NET COST OF SERVICES

Reconciliation of cash flows from operating activities to the net cost of services as reported in the Statement of Financial Performance

	2004 \$'000	2003 \$'000
<b>Net Cash used on operating activities</b>	212	139
Cash Flows from Government/Appropriations	(2,503)	(1,828)
Acceptance by the Crown Entity of employee benefits and other liabilities	(171)	(182)
Depreciation	(199)	(192)
Decrease/(increase) in provisions	(24)	(40)
Increase/(decrease) in prepayments and other assets	5	(176)
Decrease/(increase) in creditors	(20)	(27)
Net gain/loss) on sale of plant and equipment	(11)	-
<b>Net Cost of Services</b>	<b>(2,711)</b>	<b>(2,306)</b>

### 20. FINANCIAL INSTRUMENTS

#### Cash

Cash comprises cash on hand and bank balances within the Treasury Banking System. Interest is earned on daily bank balances at the monthly average NSW Treasury Corporation (TCorp) 11 am unofficial cash rate adjusted for a management fee to Treasury. The average rate over the period was 4.06% (3.75% in 2003) and the final rate was 4.25% (3.75% in 2003).

#### Receivables

All trade debtors are recognised as amounts receivable at balance date. Collectability of trade debtors is reviewed on an ongoing basis. Debts which are known to be uncollectable are written off. A provision for doubtful debt is raised when some doubt as to collection exists. The credit risk is the carrying amount (net of any provision for doubtful debts).

No interest is earned on trade debtors. The carrying amount approximates net fair value. Sales are made on 30 day terms.

#### Bank Overdraft

The Office does not have any bank overdraft facility.

#### Trade Creditors and Accruals

The liabilities are recognised for amounts due to be paid in the future for goods and services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in Treasurer's Direction 219.01. If trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received.

Treasurer's Direction 219.01 allows the Minister to award interest for late payments. No interest was paid during the period (\$ Nil 2003).

### 21. ADOPTING AASB 1047 DISCLOSURE

#### (a) Explanation of how the transition to AIFRS is being managed

The Office will apply the Australian Equivalents to International Financial Reporting Standards (AIFRS) from the reporting period beginning 1 July 2005.

The Office is managing the transition to the new standards by allocating internal resources and engaging Central Corporate Services Unit (CCSU) to analyse the pending standards and Urgent Issues Group Abstracts to identify key areas regarding policies, procedures, systems and financial impacts affected by the transition.

As a result of this exercise, the Office has taken the following steps to manage the transition to the new standards:

- The CCSU's Internal Audit Committee is oversighting the transition. The Office's representative is responsible for the project in their respective agencies and reports regularly to the Committee on progress against the plan.
- The following phases that need to be undertaken have been identified:
  - May / July 2004 - Reviewing the AIFRS.
  - August 2004 - Identifying the changes applicable for the Office and

disclose likely impacts of moving to AIFRS in 2004 financial statements.

- September 2004 - Major implementation decisions at high level in relation to system requirements, review procedures, develop communication plans and assess training requirements.

- October 2004 - Analyse NSW Treasury reporting policy, review position of individual agency, identify and convert to requirements and liaise with Audit Office.

- November 2004 - Prepare opening Balance Sheet as at 1 July 2004 for the NSW Treasury, identify target changes/analysis, develop check lists, review process, liaise with clients and external consultants to review the approach.

- December 2004 - Submit draft Balance Sheet as at 1 July 2004 prepared under AIFRS (in parallel with existing AGAAP financial information and financial statements) to the NSW Treasury and Audit Office.

- January / February 2005 - Finalise status for reporting to NSW Treasury and complete client requirements.

- March 2005 - Finalise audit by the Audit Office, record correct balances in agencies ledgers, run parallel data, reconcile both sets of figures and develop processes for on going recording and updating training program. Submit final Balance Sheet as at 1 July 2004 prepared under AIFRS (in parallel with existing AGAAP financial information and financial statements) to the NSW Treasury and Audit Office.

- April / June 2005 - Modify the systems used to produce year end financial statements.

- July / August 2005 - Prepare initial set of financial statements for 2004-05 financial year under AIFRS with 2003-04 comparative information and review.

To date, the known changes have been reviewed and some common ones identified. The target dates shown above are only estimates because the AIFRS are still being issued and mandatory provisions have not been finalised by the NSW Treasury.

#### (b) Key Differences in Accounting Policies

Based on current information, the following key differences in accounting policies are expected to arise from adopting AIFRS:

- AASB 1 First-time Adoption of Australian Equivalents to International Financial Reporting Standards requires retrospective application of the new AIFRS from 1 July 2004, with limited exemptions. Similarly, AASB 108 Accounting Policies, Changes in Accounting Estimates and Errors requires voluntary changes in accounting policy and correction of errors to be accounted for retrospectively by restating comparatives and adjusting the opening balance of accumulated funds. This differs from current Australian requirements, because such changes must be recognised in the current period through profit or loss, unless a new standard mandates otherwise.

- AASB 117 Leases requires operating lease contingent rentals to be recognised as an expense on a straight-line basis over the lease term rather than expensing in the financial year incurred.

- AASB 119 Employee Benefits requires the defined benefit obligation to be discounted using the government bond rate as at each reporting date rather than the long-term expected rate of return on plan assets. Where the unfunded superannuation liability is not assumed by the Crown, this will increase the amount and the future volatility of the unfunded superannuation liability and the volatility of the employee benefit expense.

- AASB 1004 Contributions applies to not-for-profit entities only. Entities will either continue to apply the current requirements in AASB 1004 where grants are normally recognised on receipt, or alternatively apply the proposals on grants included in ED 125 Financial Reporting by Local Governments. If the ED 125 approach is applied, revenue and/or expense recognition will be delayed until the agency supplies the related goods and services (where grants are in-substance agreements for the provision of goods and services) or until conditions are satisfied.

- AASB 136 Impairment of Assets requires an entity to assess at each reporting date whether there is any indication that an asset (or cash generating unit) is impaired and if such indication exists, the entity must estimate the recoverable amount. However, the effect of this Standard should be minimal because all the substantive principles in AASB 136 are already incorporated in Treasury's policy Valuation of Physical Non-Current Assets at Fair Value.

### 22. AFTER BALANCE DATE EVENTS

There are no events subsequent to balance date which affect the financial report.

[END OF AUDITED FINANCIAL STATEMENTS]





## APPENDICES

### APPENDIX 1: DESIGNATED AGENCIES AND THEIR STATUS @ 30 JUNE 2004

#### NON-GOVERNMENT ORGANISATIONS WITH ACCREDITATION (1)

##### Accredited (1)

Barnardos Australia – accredited for 5 years with conditions at 30 June 2004.\*\*

#### NON-GOVERNMENT ORGANISATIONS WITH INTERIM ACCREDITATION (51)

##### Applying for Accreditation Certification (15)

Baptist Community Services NSW & ACT  
Caretakers Cottage Inc  
Life Without Barriers Inc \*\*  
Mallee Family Care Inc \*  
Marist Youth Care Ltd  
Mission Australia  
Shoalcare \*\*  
Southern Youth Family Services  
Association Inc  
St Saviour's Neighbourhood Centre  
Stretch-A-Family Inc  
Sydney Anglican Home Mission Society  
Council NSW (Anglicare NSW)  
The Burdekin Association Inc  
The Uniting Church in Australia Property  
Trust (NSW) Wesley Dalmar Child and  
Family Care  
United Protestant Association of NSW Ltd  
UCA Burnside (Uniting Care Burnside)

##### Participating in Accreditation Quality Improvement (22)

Albury Wodonga Youth Emergency  
Services Ltd  
Allambi Youth Services Inc  
Boys Town Engadine NSW  
Burrundai Aboriginal Corporation Inc\*  
Catholic Family Welfare Services  
(Wollongong)  
Centacare (Newcastle)  
Centacare Catholic Family Services  
Diocese of Broken Bay  
Central Coast Emergency  
Accommodation Services Ltd  
Community Connections North Coast Inc  
Hunter Aboriginal Children's Services Inc\*

Lutanda Children's Services  
Ngunya Jarjum Aboriginal Corporation\*  
North Coast Childrens Home Inc  
Samaritans Foundation Diocese of  
Newcastle \*\*  
South Coast Medical Service Aboriginal  
Corporation \*  
St Josephs Cowper Inc  
Sydney Stepping Stone Inc  
Trustees of the Christian Brothers  
(Edmund Rice Community Services)  
Trustees of Missionary Sisters of Blessed  
Virgin Mary Queen of the World  
William Campbell College  
Y-Young Youth Services Inc  
Youth Off the Streets Inc

##### Undecided (14)

Aboriginal Children's Service Ltd \*  
Armidale Youth Refuge Inc  
Bankstown Handicapped Children's  
Centre Association Inc \*\*  
Biripi Aboriginal Corporation Medical  
Centre \*  
Caringa Enterprises Inc \*\*  
Centacare Catholic Community Services  
Archdiocese of Sydney \*\*  
Church of Christ Greenacre (Nick  
Kearns House)  
Clarence Valley Community Programs Inc  
Disability Enterprises Leura \*\*  
Jewish Care  
Kari Aboriginal Resources Inc \*  
Maitland Youth Crisis Service Inc  
Shire Community Initiatives Inc  
Wundarra Services Pty Ltd \*

#### PRIVATE ORGANISATIONS WITH INTERIM ACCREDITATION (18)

##### Applying for Accreditation Certification (4)

Careforce Support Services Pty Ltd  
De's Consultancy Pty Ltd  
Hunter Support Services Pty Ltd  
Sheach Consultancy Pty Ltd

##### Participating in Accreditation Quality Improvement (12)

Community Work Pty Ltd (Meeting Ever  
Changing Needs)  
For The Children Ltd  
Great Mates Ltd  
Havenwax Pty Ltd (SOS Visiting Nursing  
Service, Home Help and Cleaning  
Agency)\*\*

Impact Youth Services Pty Ltd  
Intensive Support Pty Ltd  
Links Youth and Disabilities  
Services Pty Ltd\*\*  
Phoenix Rising For Children Pty Ltd  
Premier Youthworks Pty Ltd  
Rainbow Home & Respite Service Pty Ltd\*\*  
Sydney Emergency Accommodation  
Service Pty Ltd  
Wendy's Home Service Pty Ltd

##### Undecided (2)

Macleay Kalipso Inc \*\*  
Neville Bush Holdings Pty Ltd (Complete  
Care Team)

#### GOVERNMENT ORGANISATIONS WITH INTERIM ACCREDITATION (2)

NSW Department of Ageing, Disability  
and Home Care \*\*  
NSW Department of Community  
Services \* \*\*

#### ORGANISATIONS WITH APPLICATION FOR ACCREDITATION UNDER CONSIDERATION @ 30 June 2004.

##### NON-GOVERNMENT (NEW - 2)

Gamilaraay Bagandi Aboriginal  
Corporation \*  
The Deaf Society of NSW \*\*

##### PRIVATE ORGANISATION (NEW - 3)

Alpha Support Services Pty Ltd  
Bridge Back to Life Foundation Ltd  
Cavort Consulting Pty Ltd

\* Agencies which provide Aboriginal specific  
services.

\*\* Agencies which provide disability services.

### APPENDIX 2: LIST OF SECTIONS PROCLAIMED

#### 15 July 2003

##### Chapter 8 – Out-of-home care

##### Part 1 – Introduction

##### *Section 134 – What are the objects of this chapter?*

Lists the objects of the chapter.

##### *Section 135 – What is out-of-home care?*

(1)(a), (b) & (c)(i); (2); (3)(a); (4) (a-c) (e)  
Defines out-of-home care.

##### *Section 136 – Who may provide out-of- home care?*

Defines who may provide out-of-home care.

##### *Section 137 – Who is an authorised carer?*

Defines authorised carer.

##### *Section 138 – Who may arrange for the provision of out-of-home care?*

(1)(a); (2)(a) & (b)

Allows designated agencies to arrange  
out-of-home care.

##### *Section 140 – Supervisory responsibility of designated agency*

Requires a designated agency to  
supervise the placement of a child or  
young person in out-of-home care.

##### *Section 141 – Inability of a designated agency to fulfil responsibilities*

Gives the Department of Community  
Services responsibility for supervising a  
placement if a designated agency can  
no longer continue.

##### Part 7 - Miscellaneous

##### *Section 171 – Removal of children and young persons from unauthorised out- of-home care*

Allows for the removal of children and  
young persons from unauthorised out-of-  
home care.

##### Chapter 10 – Children's Guardian

##### *Section 181(1) (b), (c) & (e) –*

##### *Functions relating to parental responsibility*

Confers functions on the Children's  
Guardian to (a) promote the best  
interests of children and young persons  
in out-of-home care, (b) ensure their  
rights are safeguarded and (c) accredit  
designated agencies and to monitor their  
responsibilities under the Act and the  
Regulations.

##### Chapter 16 – Administrative Review

##### *Section 245 – Decisions that are reviewable by Administrative Decisions Tribunal*

Allows for certain decisions of the  
Children's Guardian about accreditation  
and children's employment to be  
reviewed.

#### 29 August 2003

##### Chapter 13 – Children's Employment

##### *Section 221 – Definitions*

Defines who is a child and what is  
considered to be employment of children.

##### *Section 222 – Endangering children in employment*

Allows for prosecution of anyone who  
endangers children in employment.

##### *Section 223 – Certain employers of children to be authorised*

Requires employers to be authorised to  
employ children in entertainment,  
exhibitions, performances or door-to-  
door sales.

##### *Section 224 – Exemptions*

Outlines when a person who employs a  
child is not required to have an  
employer's authority.

##### *Section 225 – Employer's authorities*

Enables the Children's Guardian to issue  
employer's authorities or make exemptions  
in relation to the employment of children.

##### *Section 226 – Removal of child from place of unlawful employment*

Allows for the removal of a child if they  
are involved in unlawful employment.

##### Chapter 15 – Removal of persons and entry of premises and places

##### Part 2 – Entry of premises and places

##### *Section 236 – Entry without warrant into premises – places of employment*

Allows the Children's Guardian to enter  
premises without a warrant to ensure  
that employers of children hold an  
employer's authority and comply with  
any conditions relating to an exemption.

#### 12 December 2003

##### Chapter 8 – Out-of-home care

##### *Part 2 – Out-of-home care under order of Children's Court*

##### *Section 142 – Application of Part*

Applies if a child is placed in out-of-  
home care pursuant to an order of the  
Children's Court.

##### *Section 143 – Authorised carer's right to information for purpose of assessing placement*

Requires designated agencies to give  
authorised carers information that allows  
them to make an informed decision  
about whether to care for a child or  
young person. Also allows children and

young people to express their wishes  
about who will care for them.

##### *Section 144 – Authorised carer's right to information for purpose of medical care and safety*

Allows for an authorised carer to get  
information about the medical care and  
safety of a child or young person to  
determine if they can provide  
appropriate care and ensure the safety  
of the carer and their household.

##### *Section 145 – Child's or young person's right to information concerning authorised carer*

Allows a child or young person to get  
information about their proposed carer  
before being placed with them.

##### *Section 146 – Involvement of authorised carers in decision-making*

Enables an authorised carer to  
participate in decision-making about the  
safety, welfare and well-being of a child  
or young person, beyond daily care and  
control.

##### *Section 147 – Indemnity of authorised carers*

Entitles an authorised carer to indemnity  
by the Minister for any loss or damage  
suffered while caring for a child or  
young person.

##### Part 4 – Daily care and control

##### *Section 157 – Care responsibility*

Outlines the day-to-day responsibilities  
which authorised carers have the  
authority to carry out while caring for  
children and young people.

##### *Section 163 – Parents' right to information concerning progress and development of their children*

Requires designated agencies to provide  
information about the progress and  
development of children and young  
people to their parents.

#### 31 March 2004

##### Chapter 8 – Out-of-home care

##### Part 2 – Out-of-home care under order of Children's Court

##### *Section 150(1) – (4) Review of placements effected by order of Children's Court*

Outlines when designated agencies are  
required to carry out reviews of court  
ordered placements.





**Part 4 – Daily care and control**  
**Section 158 – Physical restraint of child or young person**

Permits carers to use physical restraint only if a child or young person is behaving in a manner in which they might seriously injure themselves or another person.

**Section 160 – Maintenance of records**  
Requires designated agencies to keep written, photographic and other records relating to the development, history and identity of a child or young person.

**Section 161 – Financial assistance for children and young persons in out-of-home care**

Allows for the Director-General to grant financial assistance to carers and in some cases to young persons aged 18 to 25 years.

**Section 165 – Provision of assistance after leaving out-of-home care**

Allows for the provision of assistance to young people after leaving care and up to the age of 25, including information about resources and services, financial assistance or help with accommodation, employment, education and training, etc.

**Section 166 – Leaving out-of-home care**

Requires designated agencies to prepare a plan for young people to be implemented when they leave care.

**Section 167 – Records concerning Aboriginal and Torres Strait Islander children and young persons**

Requires designated agencies to record details about the care of Aboriginal and Torres Strait Islander children and young persons in care.

**Section 168 – Access to personal information**

Entitles children and young people leaving or who have left care to have access to their personal information free of charge.

**Section 169 – Entitlement to certain documents**

Entitles children and young people leaving or who have left care to originals of their personal documents free of charge.

**APPENDIX 3:**  
**NSW OUT-OF-HOME CARE STANDARDS**

The NSW Out-of-Home Care Standards are used by the Office of the Children's Guardian for the accreditation and quality improvement of out-of-home care services in NSW.

The OCG has prepared benchmark policies for each of these standards. You can access the standards and benchmark policies at [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

Colour Key:

 **Core Standard**

 **Significant Standard**

 **Critical Standard**

**Section 1: Casework practice**

- 1.1** Initial assessment, access and referral
- 1.2** Case planning
- 1.3** Placement in care
- 1.4** Casework to support permanency
- 1.5** Relative placements
- 1.6** Monitoring placements and reviewing case plans
- 1.7** Participation in decision making
- 1.8** Work in relation to courts (DoCS ONLY)

**Section 2: Management of authorised (foster) carers**

- 2.1** Recruitment and selection of authorised carers
- 2.2** Carer training
- 2.3** Supervision and support
- 2.4** Carer participation and rights

**Section 2A: Management of residential care**

- 2A** Residential care is provided in a personalised environment

**Section 3: Meeting needs while in care**

- 3.1** Care environment
- 3.2** Identity and family relationships
- 3.3** Emotional and social development
- 3.4** Health
- 3.5** Education
- 3.6** Moving in care
- 3.7** Nutritional requirements for children and young people, particularly those with special needs

**Section 4: Rights, confidentiality and complaints**

- 4.1** Rights of children, young people and families
- 4.2** Confidentiality and privacy
- 4.3** Complaints and appeals

**Section 5: Care records**

- 5.1** Management of the care record system
- 5.2** Content of care records
- 5.3** Related records

**Section 6: Leaving care**

- 6.1** Planning for leaving care to live independently
- 6.2** After care support

**Section 7: Working with other agencies and liaison with the community**

- 7.1** Knowledge of community needs and resources
- 7.2** Liaison with other service providers
- 7.3** Service visibility and publicity

**Section 8: Organisational management**

- 8.1** Non-government organisational accountability
- 8.2** Government accountability (DoCS ONLY)
- 8.3** Teamwork and cooperation
- 8.4** Financial and administrative systems
- 8.5** Management information systems
- 8.6** Premises and equipment

**Section 9: Planning, evaluation and service development**

- 9.1** Planning processes
- 9.2** Evaluation

**Section 10: Human resource management**

- 10.1** Employment, recruitment, selection and appointment
- 10.2** Residential care worker employment, recruitment, selection and appointment
- 10.3** Supervision and support
- 10.4** Residential supervision and support
- 10.5** Training and development
- 10.6** Residential training and development
- 10.7** Work satisfaction
- 10.8** Personnel systems
- 10.9** Occupational health and safety
- 10.10** Student placements and volunteer management
- 10.11** Boards of management (NGOs ONLY)

**APPENDIX 4:**  
**ATSI PROJECT STEERING COMMITTEE**

**Linda Mallett** (Chair)  
Children's Guardian  
**Steve Larkins**  
Chief Executive Officer, Hunter Aboriginal Children's Services  
**Russell Freeburn**  
Chief Executive Officer, Aboriginal Child, Family and Community Care Secretariat  
**Minna Marlowe**  
Manager, Ngunya Jarjum Aboriginal Corporation  
**Harry Bell**  
Coordinator, Burrun Dalai Aboriginal Corporation  
**Bruce Valentine**  
Director, Office of the Children's Guardian  
**Toni Mulholland**  
Senior Project Officer, Office of the Children's Guardian  
**Lynn Dickson**  
Aboriginal Project Officer, Office of the Children's Guardian  
**Fiona Prince**  
Aboriginal Project Officer, Office of the Children's Guardian

**APPENDIX 5:**  
**LIST OF AGENCIES ADDRESSED**

Staff of the Office of the Children's Guardian attended the following meetings and functions to provide information about the Office during 2003 – 2004:

**2003 Campbelltown and Liverpool Student Representative Council Paired Conference, Narrabeen** – presented a workshop on 'protecting and supporting young people.'

**Millenium Youth Services, Annual General Meeting** – Office expectations about intake and assessment.

**NSW Department of Community Services, 2003 Aboriginal Staff Conference** – Role of the Office and the accreditation process.

**Shoalhaven Aboriginal Out-of-Home Care opening day** – Role of the Office and the accreditation process.

**Department of Community Services Metro South West Area, Out-of-Home Care Interagency meeting** – Information about the Accreditation and Quality Improvement Program.

**Association of Childrens Welfare Agencies & Aboriginal Child, Family and Community Care State Secretariat, Aboriginal Out-of-Home Care Training Conference, Coffs Harbour** – Workshop on accreditation issues.

**Association of Childrens Welfare Agencies Out-of-Home Care meeting** – Role and functions of the Office and our guidelines.

**NSW Department of Ageing, Disability and Home Care Metro South East Regional Executive meeting** – Role and functions of the Office and information about the Accreditation and Quality Improvement Program and case file audits.

- Annual reports
- Apology and message of commitment
- Code of conduct and ethics
- Guarantee of service

#### Accreditation and Quality Improvement

- NSW Out-of-Home Care Standards
- Benchmark policies
- Mandatory policies
- Accreditation and Quality Improvement Guide for Organisations
- Gap Analysis Tool
- Quality Improvement Plan
- Self-Study Record Book
- Stakeholder Feedback Resource

#### Book reviews

- Staff reviews of books and articles relevant to current practice in out-of-home care for children and young people.

#### Brochure

- Caring for Kids in Care Brochure (also available in Arabic and Vietnamese)

#### Children's Employment

- A Guide to Child Employment in NSW – Regulations and Code of Practice

#### Fact Sheets

- NSW Office of the Children's Guardian Fact Sheet (also available in Arabic and Vietnamese)
- OCG Snapshot – June 2004

#### Guidelines

- Guidelines on the exercise of care responsibility by authorised carers
- Guidelines on religious instruction for children and young persons in out-of-home care by authorised carers
- Guidelines for the review of a child or young person in out-of-home care pursuant to a court order

- Guidelines for designated agencies for developing a behaviour management policy

#### Issues papers

- An Outline of the Differences between Parental Responsibility and Care Responsibility under the *Children and Young Persons (Care and Protection) Act 1998*
- Information about Conducting Research involving Children and Young People in Out-of-Home Care
- Permanency Planning
- Aboriginal Policy Statement (May 2003)
- Is there a place for secure care in the provision of services for children and young people? (December 2002)

## GLOSSARY

**ABSEC** - Aboriginal Child, Family and Community Care State Secretariat

**ACCAN** - Australasian Conference on Child Abuse and Neglect

**ACWA** - Association for Childrens Welfare Agencies

**ADT** - Administrative Decisions Tribunal

**AQIP** - Accreditation and Quality Improvement Program

**CALD** - Culturally and Linguistically Diverse

**CCSU** - Central Corporate Services Unit of the Department of Commerce

**CCYP** - NSW Commission for Children and Young People

**CREATE Foundation** - an organisation which represents the interests of children and young people in care.

**DADHC** - NSW Department of Ageing, Disability and Home Care

**Designated agency** - an organisation which is accredited by the NSW Office of the Children's Guardian to place or arrange the placement of a child or young person in out-of-home care.

**DoCS** - NSW Department of Community Services

**EEO** - Equal Employment Opportunity

**FOI** - Freedom of Information

**ISPCAN** - International Society for the Prevention of Child Abuse and Neglect

**MAC** - Ministerial Advisory Committee

**NCOSS** - NSW Council on Social Services

**OCG** - NSW Office of the Children's Guardian

**OOHC** - out-of-home care

**RSP** - Results and Services Plan

**SES** - Senior Executive Service

**SRC** - Student Representative Council

**TAFE** - Tertiary and Further Education

**WRAPP** - Waste Reduction and Purchasing Policy

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## ACKNOWLEDGEMENTS

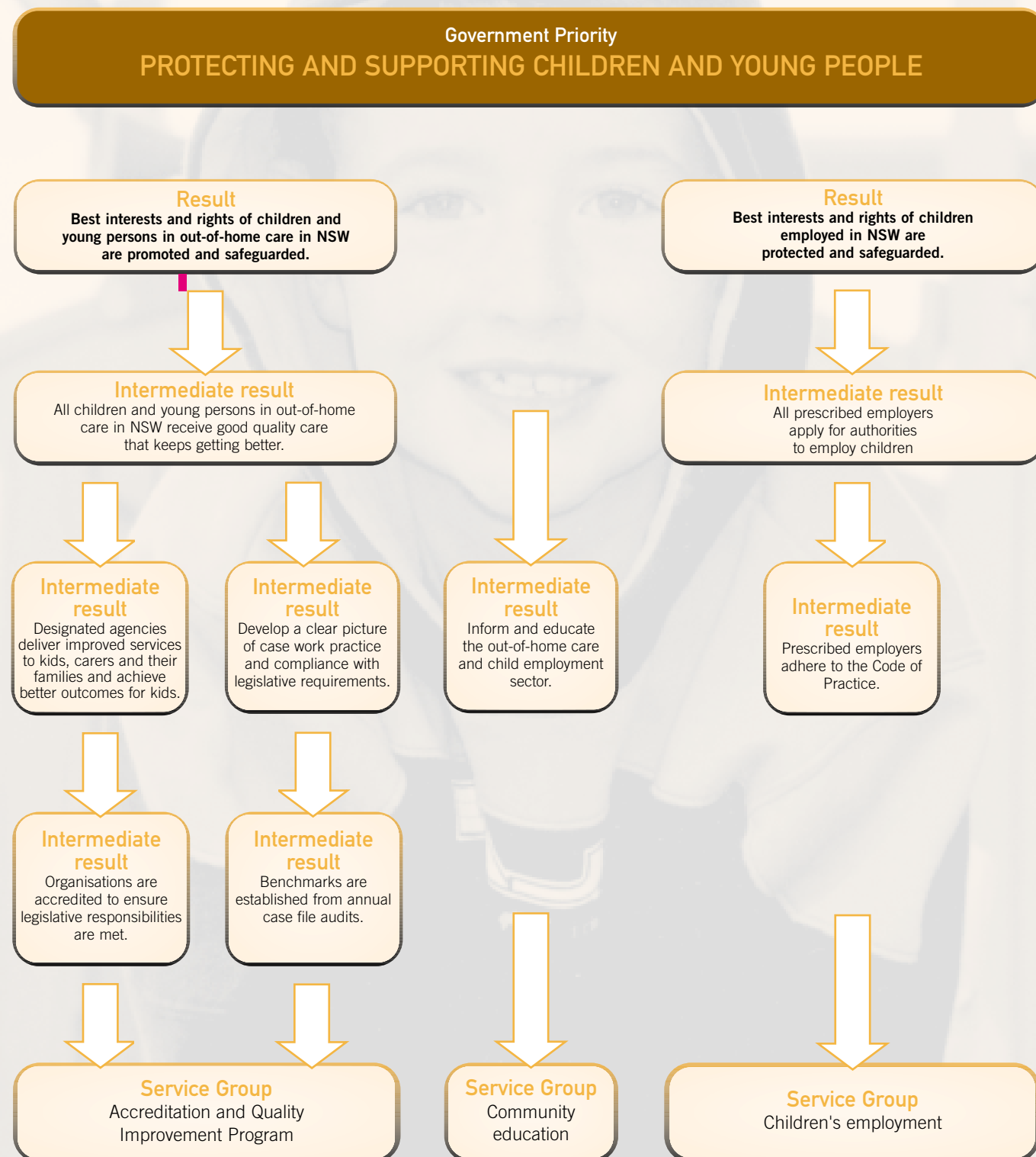
Most of the children who feature in this  
 annual report are family, relatives and  
 friends of staff who work at the Office of  
 the Children's Guardian. Thank you to  
 everyone who gave us permission to use  
 these photos that reflect the everyday  
 lives of children and young people.

Special thanks to Joshua Sinclair  
 aged 6 from the Clarence/Coffs district  
 for allowing us to use his artwork titled  
 'I love building things!' on the cover of  
 this report. Joshua's artwork was selected  
 from Operation Art and is displayed in  
 our Office.

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 Website: [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

The total external cost of producing  
 the NSW Office of the Children's  
 Guardian's 2003 – 2004 Annual Report  
 is \$17,400. The report is available in a  
 non-printed format on the NSW Office  
 of the Children's Guardian's website:  
[www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

## OCG Results and Services



THE MAIN PEOPLE WHO SUPPORT ME IN  
LIFE ARE BASICALLY MY CARERS. THEY  
SUPPORT AND ENCOURAGE ME TO DO  
THE THINGS THAT I WANT TO DO, EVEN  
TO MAKE MISTAKES. SO THAT I CAN  
BE THE PERSON THAT I WANT TO BE.

I WANT TO HAVE ADULTS IN MY  
LIFE, BUT I DON'T NEED THEM  
WATCHING ME LIKE A HAWK. I WANT  
TO BE WHO I AM AND NOT WHO THEY  
THINK I SHOULD BE.

I AM MY OWN PERSON. WHILE I  
KNOW I CAN'T ALWAYS GET WHAT I  
WANT, I NEED TO BE INVOLVED IN  
ALL THE DECISIONS THAT ARE ABOUT  
MY LIFE.

THEY DON'T LIVE IN THIS SKIN.  
AND WHILE I HOPE THEY REMEMBER  
WHAT IT'S LIKE TO BE A YOUNG  
PERSON, WE'RE NOT ALL THE SAME  
AND WE ALL HAVE THE RIGHT TO  
BE OURSELVES.

Thoughts from a young delegate at the  
9th Australasian Conference for Child Abuse and Neglect  
Sydney, November 2003