

Obj File Ref: A3414627

The Secretariat
Upper House Committees
Parliament of New South Wales
Email: gpscno2@parliament.nsw.gov.au

The Secretariat,

Thank you for the opportunity to review the uncorrected transcript of the Committee's hearing into child protection held on Tuesday 16 August 2016.

Please find attached:

Attachment A- Response to questions taken on notice

Attachment B- Response to supplementary questions

Attachment C- Additional clarification of a number of issues arising from the uncorrected transcript.

If you would like more information about any of the matters contained in our responses, please contact Ms Sharminie Niles, Director Legal Services on

Yours sincerely

Kerryn Boland
Children's Guardian
Date 13/9/16

ATTACHMENT C- General Purpose Standing Committee No 2: Issues for clarification arising from uncorrected transcript

At page	Statement made by	QUESTION OR STATEMENT	Clarification
42	Kerryn Boland	"NCAT is a Tribunal, a court"	This was intended to liken a Tribunal with elements of a court for a non-legal audience, however for accuracy the following should be inserted immediately after the word Tribunal " <i>with similarities to a court</i> ".
	Kerryn Boland	"the 'reasonable parent test as it is sometimes called in other jurisdictions'"	While this is correct, for clarification it should be noted that in this jurisdiction it is called "the reasonable person test".
43	Kerryn Boland	"They (NCAT decisions) are public, and certainly the decisions are made public"	Yes all are published in anonymised form at www.caseflow.nsw.gov.au
	Daniel Mookhey	"The people who are hearing otherwise presiding over the appeals, are they developing a particular expertise or is it general tribunal members who are allocated them on their lists in the course of the ordinary workings of the tribunal?"	NCAT sits two Members, one a legal Member of at least 7 years' standing and one a community Member, on these cases in order to ensure that a community perspective is part of the decision making process in the Tribunal.
		"Do they maintain a separate list for child protection claims or these types of claims or is it on the general list?"	There is a separate list called the Community Services list which includes these matters.
	David Shoebridge	"Or are they members who used to be in the GT who are now primarily hearing these?"	No although some members may be cross assigned to more than one Division.
		"The better question would be the percentage of cases where you refuse a WWCC certification"	In 2014/15 .07% (or 251) of all applications (357,241) were refused a WWCC clearance following risk assessment. .03% (or 102) were barred following risk assessment

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			<p>arising from a CCE. .08% (or 296) were automatically disqualified as a result of a relevant offence.</p>
44	<p>Kerryn Boland</p>	<p>"So we are running at about 50/50 (ie OOHC by FACS and NGOs)"</p>	<p>Based on FACS OOHC Transition Dashboard June 2016, there were 14,059 children and young people in OOHC at June 2016, 43% in FACS placements and 57% in OOHC.</p>