



8 May 2015

Australian Competition & Consumer Commission
23 Marcus Clarke Street
CANBERRA ACT 2601

By Email: adjudication@accc.gov.au

Dear Sir / Madam

CTM1585884 – Australian Childhood Foundation – Comment

1. We refer to your letter of 14 April 2015 regarding the application to register the 'Safeguarding Children' Certification Trade Mark (CTM) from the Australian Childhood Foundation (ACF).
2. As the peak body for NSW non-government community service organisations delivering services to vulnerable children, for the reasons set out below the Association of Children's Welfare Agencies (ACWA) respectfully expresses its opposition to the registration of the 'Safeguarding Children' CTM.

Background

3. ACWA has been representing the voice of NSW non-government community service organisations that deliver services to vulnerable children, young people and their families for almost 60 years. ACWA was founded in 1958 with the objectives of supporting non-government agencies and improving the quality of services to children and young people who need to live away from their families. Today, ACWA supports a membership base of more than 100 agencies and is a major contracted service provider to NSW Community Services. ACWA is a not for profit organisation and receives support funding from the NSW Government.

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4. In 1987, ACWA established the Centre for Community Welfare Training (CCWT) as its learning and development arm. The CCWT provides cost effective and accessible training opportunities for people working across the community welfare sector in NSW and with vulnerable children, young people and families in particular. ACWA's CCWT became a Registered Training Organisation in 1995 and is able to deliver vocational qualifications under the Australian Quality Training Framework.

Concerns with CTM application

5. As a peak body representing an extensive membership base, ACWA is committed to representing the interests of all organisations operating in the child services sector and the sustainability of the sector as a whole. ACWA does not feel that it is appropriate for a single organisation such as the ACF operating in this important sector to be permitted to certify the credentials of other organisations. Peak bodies such as ACWA have the interests of all organisations operating in the sector at heart, with all decisions and activities carried out with no personal agendas or interests.
6. Whilst ACWA appreciates any initiative aimed at providing positive outcomes for vulnerable children, ACWA would be concerned if a single organisation such as the ACF was permitted to accredit other organisations under its 'Safeguarding Children' program. This is particularly so given the ACF's relatively short history in the child safety training and development area.
7. By way of illustration, we note that the ACF was only incorporated in 1992 and became a Registered Training Organisation in 2009, meanwhile ACWA has been the peak body for NSW non-government community service organisations in this sector since 1958 and its CCWT learning and development arm became a Registered Training Organisation in 1995. ACWA has the history (spanning almost six decades) and membership support (of over 100 community service organisations) to be well placed to comment on this application.
8. Allowing ACF to register the CTM would facilitate a single organisation being able to profit from child safety training activities to the potential detriment of other providers and peak bodies in the industry. Child safety training activities benefit the community as a whole and, in ACWA's opinion, should be protected from exploitation by single providers in the manner that a CTM would enable.

9. We note the ACF Safeguarding Children Program covers the following seven standards:
 - a) commitments to safeguarding children;
 - b) personnel roles and conduct;
 - c) recruitment and screening practices;
 - d) personnel induction and training;
 - e) involving children and parents;
 - f) child abuse reports and allegations; and
 - g) supporting a child-safe culture.

10. If any organisation was to be entrusted with the responsibility of accrediting providers in the sector as meeting the above standards, it should only be an organisation that has the backing and support of the wider industry members and other key stakeholders (specifically, relevant NSW Government agencies including but not limited to Community Services, the NSW Ombudsman and the Office of the Children's Guardian). With respect to the important work of ACF, ACWA believes it would be inappropriate for the ACF to be allowed to set the 'standards' that organisations in this sector must adhere to.

11. The input of government in the relevant area sought in the ACF CTM is reinforced by the important work being undertaken by the Royal Commission into Institutional Responses to Child Sexual Abuse. Any CTM application in this subject matter needs very close involvement and support from key government stakeholders or it risks giving an impression of official validation in circumstances which the Royal Commission has already identified are extremely complex and which can be very controversial. No single non-government organisation should receive a CTM in this area without explicit relevant government agencies' support.

12. With funding at a premium in this important sector (with many organisations relying on the generous contributions of donors), ACWA would be concerned if our members or any other organisations felt compelled to undertake training activities through the ACF. These training activities would be an unnecessary expense for these organisations simply to obtain an arbitrary accreditation such as that which the CTM purports to provide. In ACWA's opinion, the CTM would simply increase the administrative burden and expense on providers in the sector rather than providing any real tangible benefits to the sector.

13. ACWA also strongly believes that a CTM such as this would be anti-competitive for the industry and would allow the ACF as a single operator to monopolise its training and development program as being the 'only' program that those operating in the industry must complete to attain industry recognition. Through our CCWT, ACWA has been providing training and development programs to industry organisations for almost 30 years – and has been the peak industry body in NSW for almost 60 years. ACWA has helped train hundreds of organisations during this time and should not be unfairly disadvantaged as a result of a CTM from a competing provider being accepted for registration.
14. The child services and protection sector is too important to the community and provides too great a community benefit for a single provider to be allowed to profiteer from its activities at the expense of others.

ACWA appreciates the opportunity to provide the above comments on the CTM application by ACF and would be pleased to provide any additional information that the Australian Competition & Consumer Commission may require.

If you have any queries regarding the above, please contact us.

Yours faithfully



Andrew McCallum
Chief Executive Officer
Association of Children's Welfare Agencies