

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the Commission for Children and Young People Act 1998 to give effect to a COAG decision to enable the exchange of information between the States and Territories about the criminal history of persons who work or wish to work with children, and for that purpose:

- (a) to enable the Commissioner of Police to disclose information relating to criminal histories to Commonwealth and interstate law enforcement agencies and employment screening agencies of other States and Territories, and
- (b) to make a consequential amendment to the Criminal Records Act 1991.

The Bill also makes statute law revision amendments.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

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Commission for Children and Young People Amendment Bill 2009

Explanatory note

Schedule 1 Amendment of Commission for Children and Young People Act 1998 No 146

Schedule 1 [6] inserts proposed section 38A into the Commission for Children and Young People Act 1998. The proposed section enables the Commissioner of Police to disclose information about the criminal history of persons for the purposes of child-related employment screening to CrimTrac, the police forces of the Commonwealth or other States or Territories and specified employment screening agencies of other States or Territories. Such information may then be disclosed to the employment screening agencies. The Commissioner of Police may also disclose, or arrange for the disclosure of, information about the circumstances of offences or alleged offences to be disclosed to the employment screening agencies. The power to provide this additional information will only have effect for a period of 12 months but may be extended by the regulations. Schedule 1 [5] makes a consequential amendment.

Schedule 1 [7] makes it clear that interstate child-related employment screening and related disclosures, as effected by proposed section 38A, may be carried out despite any other Act or law to the contrary.

Schedule 1 [1]–[4] and [8]–[10] update references to Government bodies and employees.

Schedule 1 [11] enables regulations providing for savings and transitional matters to be made consequent on the enactment of the proposed Act.

Schedule 2 Amendment of Criminal Records Act

1991 No 8

Schedule 2 makes it a defence to the offence of disclosing information about a spent conviction, quashed conviction or pardon if the disclosure was made in accordance with proposed section 38A of the Commission for Children and Young People Act 1998.