Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.03 a.m.]: I move:

That this bill be now agreed to in principle.

To protect children, the most vulnerable members of our communities, governments across Australia have established working with children checks. For these checks to be effective, we need access to complete and reliable criminal history information. Currently, the variations in legislative arrangements in Australian States and Territories mean that jurisdictions cannot release full criminal histories to other jurisdictions for their working with children checks. The bill implements the agreement made by the Council of Australian Governments [COAG] on 29 November 2008 to enable a full and consistent exchange of information between the States, Territories and Commonwealth about the criminal history of people working with children. COAG has agreed that legislative barriers to the release of full criminal history information for working with children checks will be removed by all jurisdictions. COAG agreed also that jurisdictions should provide to each other, on a one-year trial basis, background information about relevant criminal history information so that working with children check screening units can better assess the risk presented by a person with a criminal record.

New South Wales needs to make some minor amendments to the Commission for Children and Young People Act 1998 and the Criminal Records Act 1991 to make sure we can release criminal history information to all jurisdictions for the working with children check. The bill amends the Commission for Children and Young People Act 1998 to allow for the interjurisdictional exchange of the following criminal history information for working with children checks: convictions, including pardoned, quashed and spent convictions; pending charges and non-conviction charges, including acquittals and withdrawn charges; and, on a one-year trial basis, circumstances information, including details about all charges and convictions, that is held by police. Circumstances information may include information such as whether a child was the target of an offence or was otherwise impacted by an offence. Such information will help in assessing whether a person who wants to work with children will pose an unacceptable risk to the safety of children.

The consequent amendment to the Criminal Records Act 1991 proposed by the bill will facilitate this exchange of criminal history information for working with children checks. Because of the range of information being exchanged, the working with children check in all jurisdictions is subject to stringent safeguards to ensure that the information is dealt with appropriately and to limit any potential misuse of the information. Furthermore, participation in the information exchange will be governed by an intergovernmental agreement between the States, Territories and Commonwealth. Only screening agencies that meet stringent participation requirements can receive information through this exchange.

These participation requirements will ensure that the New South Wales Police Force will release only extended criminal history information to an interstate screening agency if that screening agency is authorised by the Government of the State or Territory in which they operate to conduct working with children checks; has a legislative basis for screening that prohibits further release or use of the information; complies with the relevant privacy, human rights and records management legislation; has policies that reflect principles of natural justice; and has evidence-based risk assessment frameworks and appropriately skilled staff to assess the risks to children. The bill is part of an information exchange between all jurisdictions. The participation of New South Wales in this exchange will strengthen our current working with children check system. This will mean that employers can make more informed decisions about employing the right person in child-related employment. I commend the bill to the House.