

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [4.26 p.m.], on behalf of the Hon. John Robertson: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

This bill implements the agreement made by the Council of Australian Governments (COAG) on 29 November 2008 to enable the exchange of information between all jurisdictions about the criminal history of people working with children.

To protect the most vulnerable members of our communities, Governments across Australia have established Working with Children Checks to screen people working in child-related employment.

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 one another for their Working with Children Checks.

COAG has agreed that all jurisdictions will remove legislative barriers to facilitate the release of full criminal history information for Working with Children Checks.

COAG also agreed 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 *Criminal Records Act 1991* to make sure we can release criminal history information to all jurisdictions for the Working with Children Checks.

This bill will amend the *Commission for Children and Young People Act 1998* to allow for the inter-jurisdictional 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pending charges and non-conviction charges, including acquittals and withdrawn charges; and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.

The consequent amendment to the Criminal Records Act 1991 proposed by this bill allows other jurisdictions to receive criminal history information from New South Wales for their Working With Children Checks.

Despite the range of information being exchanged, the Working with Children Checks in all jurisdictions are 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 the Commonwealth. Only screening agencies that meet these stringent participation requirements can receive information through this exchange.

These participation requirements will ensure that New South Wales Police can only release 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.

This 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 Checks 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.