

## Hon Jay Weatherill MP

Premier

## Hon John Rau MP

Deputy Premier

Minister for Child Protection Reform

Tuesday 23 August 2016

### **Measures to improve checks on people working with children**

SIGNIFICANT changes will be made to the way Working With Children Checks are conducted, creating a nation-leading system in line with recommendations from the Nyland Royal Commission.

The changes will make South Australia's already stringent system the most thorough in the country but also enables progress to be made towards a nationally consistent scheme.

Premier Jay Weatherill and Child Protection Reform Minister John Rau have released a draft Bill for public comment, with the intention of bringing legislation to Parliament next month.

Changes to make the system more effective and more consistent include:

- The introduction of a single working with children check that is portable and valid for five years;
- The creation of a centralised assessment unit that will be the sole agency in South Australia responsible for conducting checks on individuals.

The central assessment unit will be able to issue prohibition notices which ban a person from working or volunteering with children if, for example, they have been convicted of a serious crime against children.

It will be a criminal offence for an employer or community organisation to employ someone or let someone volunteer without ensuring the recruit has had a Working With Children Check and has not been issued with a prohibition notice.

The central assessment unit will have discretion to conduct additional checks at any time, to undertake continuous monitoring and may seek external advice such as medical, legal or other professional advice.

The unit will be able to continue to process a check on someone who makes but then withdraws an application for a check.

The draft bill is now open for consultation. Topics to be considered include exactly which activities should be defined as child-related work and whether to refine the exemptions from checks granted to parents volunteering for roles in activities involving their own child.

The draft *Child Safety (Prohibited Persons) Bill 2016* will be available on the Attorney-General's Department website and on YourSAy with consultation open until 13 September.

## Background

At present, there is a two-tiered system for screening checks, with employers, organisations and community groups able to rely on an assessment of a national criminal history check instead of a check undertaken through the Screening Unit within the Department of Communities and Social Inclusion.

These changes will remove this – and other – inconsistencies across the system, giving employers and community organisations greater confidence in the system and ensuring checks remain valid when a person changes jobs or volunteers.

New guidelines will be developed to spell out how a Working With Children Check is undertaken, how information is assessed and the weight given to different information, ensuring transparency.

Following the recommendations of Commissioner Nyland, a person will not be able to begin employment until the check is finalised.

The central assessment unit will issue an applicant with a unique identifier, so employers or community organisations can look up the status of the person's Working With Children Check.

Under the Bill a person would be banned from working with children if:

- they are the subject of a prohibition notice issued by the central assessment unit.
- they have been prohibited from working with children under a law of the Commonwealth, or of another State or Territory
- they have been found guilty of a *prescribed offence* committed as an adult. Prescribed offences include serious crimes such as murder of a child, rape or other sexual offences against a child.

On parental exemptions, SA has adopted the recommendations of the Commonwealth's Royal Commission into Institutional Responses to Child Sexual Abuse. These called for exemptions from checks for parents volunteering for activities including their own child (such as coaching their child's sport team or reading in their classroom) unless it involves an overnight excursion, or close personal contact with children with disabilities. Commissioner Nyland made no formal recommendation to change this but urged consideration of extending the "close personal contact" criterion to all children, not just those with a disability.

It should be remembered that a Working With Children Check is a useful assessment but only considers a person's prior conduct and cannot be relied on as proof of good character. Organisations and employers must still have in place comprehensive strategies to ensure child-safe environments.

The Government has today also published draft amendments to the Public Sector (Data Sharing) Bill 2016. The amendments expand the scope of data sharing so agreements can be made to share data with the Commonwealth, other states and territories, local government and non-government organisations.

The Data Bill also established an Office of Data Analytics to co-ordinate and research information.

A full and detailed response to the Royal Commission's 260 recommendations will be presented before the end of the year.

### **Quotes attributable to Premier Jay Weatherill**

The Child Protection Systems Royal Commission was established by the Government to help guide policy as we take a fresh start to creating the best possible system.

Working With Children Checks are a useful component in the armoury of measures which can be employed to guard against people with evil intent.

They are by no means a foolproof measure, but are an important consideration in clearing people working with our most vulnerable citizens.

However, we also need to keep a balance so that unnecessarily cumbersome regulations and barriers do not stop ordinary people – particularly parents – from playing their part in giving our children the opportunity to enjoy a range of activities.

The proposed changes achieve this balance.

### **Quotes attributable to Child Protection Reform Minister John Rau**

These changes are intended to streamline the application process, for employers, organisations and community groups.

They will also ensure South Australia's approach to working with children checks for people who work with children are consistent with - or better than - those in place in other states and territories.

The draft Bill is part of a package of legislative reforms to implement reforms recommended by Commissioner Margaret Nyland.

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