

DRAFT SECOND READING SPEECH

HON ELISE ARCHER MP

Registration to Work with Vulnerable People Amendment Bill 2018

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Madam Speaker, I move that the Bill now be read a second time.

This Bill delivers on the Government's commitment to align the current worker screening legislation with new requirements previously agreed at a national level.

It allows for the exchange of information between two new associated national registries. It addresses new requirements, streamlines process and clarifies existing legislative requirements in the *Registration to Work with Vulnerable People Act 2013* (the RWVP Act).

Madam Speaker, the Recent Royal Commission into Institutional Responses to Child Abuse made various recommendations into worker screening practices for people to be registered to work with children in Tasmania. Broadly speaking, the recommendations were to improve the protection afforded to children by:

- creating a standardised approach so that key aspects of all schemes across all jurisdictions in Australia are dealt with the same way.
- allowing checks to be portable across jurisdictions to avoid complexity, duplication and importantly 'forum shopping' (where perpetrators work in locations with less rigorous checking); and
- improving information sharing so that there is continuous monitoring of card holders' national criminal history records, and visibility of working with children check decisions across all jurisdictions.

These agreements are being enshrined in National Standards for Working with Children Checks (WWCC), and this Bill brings Tasmania in line with the agreed standards.

Consistent with the Government's response to the Royal Commission the Bill:

- allows for portability of interstate checks to Tasmania;
- reduces the number of exemptions from the requirement to register;
- allows for sharing of information with interstate registration bodies, including national databases;
- introduces disqualifying offences, which prevent a person being registered; and
- allows for extension of the registration period from 3 years to up to 5 years.

Madam Speaker, in December 2016 the Council of Australian Governments endorsed the National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework. As we are all aware, the NDIS represents a fundamental change to how supports for people with a disability are funded and delivered across Australia.

The Framework seeks to promote a safe and competent workforce, which includes consideration of worker screening, and as a consequence, Tasmania's endorsement of the Intergovernmental Agreement on Nationally Consistent Worker Screening for the National Disability Insurance Scheme (the IGA).

Both the National Standards for Working with Children Checks and NDIS IGA agreements aim to introduce 'disqualifying offences', which are offences that are prescribed within the legislation that deem a person unable to ever hold a registration to work with vulnerable people. These disqualifying offences will ensure consistency throughout all jurisdictions.

The Bill does not list the disqualifying offences, however it enables them to be listed in a Ministerial Order in the same way that the current Act provides for a Ministerial Order governing the risk assessment undertaken by the Registrar.

The Order is required to be published and available to the public once made.

Madam Speaker, as members would expect disqualifying offences will include serious sexual offences with child victims and serious violent offences such as murder.

The outcome of incorporating these national agreements into Tasmania's Registration to Work with Vulnerable People Act ensures alignment with the outcomes of the Royal Commission, and the protective integrity of the legislation. Moving into the vulnerable adult space, and particularly NDIS, is indicative of Tasmania's commitment, expressed in this Act, to protecting not only children but all vulnerable persons in our State.

By virtue of Tasmania endorsing both national agreements, two new databases will be established; namely the NDIS Commission National Clearance Database and the National Reference System for working with children checks established within the Australian Criminal Intelligence Commission.

When established, these databases will give jurisdictions the capacity to have immediate access to the status (and status history) of an applicant or registered person in real-time, at a national level. Each screening unit will know immediately if a person has had a refused, cancelled or suspended registration to work with children in another state.

Upon request from the inquiring jurisdiction, all relevant risk assessment documents, police files, court documents and other relevant information about an applicant or registered person will be disclosed from the screening unit in possession of that information.

The NDIS National Clearance Database will contain all information relevant to NDIS workers relating to registration status, internal complaints, criminal and civil matters, and will also accommodate the exchange of information about reportable behaviours between all signatory jurisdictions.

These databases provide for real time registration status and subsequent timely exchange of relevant information between jurisdictions, upon request. This will ensure that all individuals who are, or seek, registration to work with vulnerable persons in Tasmania have been subject to a more thorough and rigorous assessment.

The Bill includes a number of provisions to amend the Registration to Work with Vulnerable People Act so that the information gathered in our process can be shared with all other jurisdictions and create a national net to protect vulnerable persons.

Madam Speaker, the Registration to Work with Vulnerable People Act came into effect in December 2013 with acceptance of first applications commencing 1 July 2014. The requirement for registration to work in child related sectors was phased in gradually through to 1 January 2017.

The registration period currently lasts for three years. Since inception, the Department of Justice has registered over 130,000 applications for persons to work in child-related activities. During this time the Registrar has refused or cancelled 54 applicants, or registered persons, with transparent and defensible decisions which have been upheld when put to judicial review.

Since the legislation came into effect amendments have sought to provide for continuous monitoring of registered persons by integrating the ICT system with Tasmania Police and Child Protection services, and to establish provisions for other reportable bodies to provide relevant information in a timely manner.

Given we have now completed the rollout of the registration to the child-related regulated activities it is now timely, to begin regulating for people to work with vulnerable adults.

The roll out of the NDIS means that NDIS worker screening will commence on 1 July 2019; the Bill therefore both enables the switching on of worker screening for people working with vulnerable adults and for a specific subset of this category for NDIS workers.

To facilitate the national NDIS worker screening process, linked to specific NDIS endorsed employers, separate provisions are included for the purpose of NDIS – the risk assessment

process will be the same, but the application process will include an additional step to limit the sharing of the information with the NDIS Commission to only those applicants who are employed in the NDIS.

Many of the amendments in this Bill are to create categories of registration, including a definition of the various categories to be inserted by clause 6. These amendments will make it easier to administer the Act now that it will extend beyond the single category of working with children.

Madam Speaker the Bill also includes a new provision in Section 18, to require employers with an employee working for them in anticipation of registration to have a risk management plan in place for those employees.

To enhance the integrity of the risk assessment process the Bill includes provisions to enhance the process:

- to explicitly include the ability to interview applicants or registrants so as to gain additional information relevant to a risk assessment or additional risk assessment;
- to dismiss an application if the additional information is not supplied; and
- to require applicants to keep the Registrar updated on where they volunteer or are employed so that if a negative notice, suspension or cancellation occurs all relevant organisations can be advised.

The Registrar has become aware that applicants have, after the risk assessment process has begun, intentionally withdrawn their application in such times that they suspect they may be refused a registration to avoid their employer being notified. The Bill provides that in such specified circumstances the employer will be notified that the applicant has withdrawn their application.

The Bill also contains a small number of amendments to streamline processes, or provide clarification.

Madam Speaker, this Bill indicates that this Government has made a clear commitment to improving the safety of vulnerable persons in Tasmania

I commend this Bill to the House.