

DRAFT SECOND READING SPEECH

HON. JEREMY ROCKLIFF MP

Registration to Work with Vulnerable People Amendment Bill 2015

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Madam Speaker,

The objective of the *Registration to Work with Vulnerable People Amendment Bill 2015* is to improve the efficiency and effectiveness of the current legislation and at the same time reduce the risk of harm to our vulnerable children and adults.

As members will know, the community's desire to reduce the risk of harm to vulnerable people is as strong as it has ever been. The Department of Justice have been responsible for managing the roll out and promotion of Vulnerable People Registration. The Department reports that Tasmanians have been incredibly responsive to the improved screening regime.

Positive feedback about Vulnerable People Registration as well as suggestions on ways to improve the client experience and risk reduction outcomes has been constant over the past 18 months. This has resulted in a number of changes such as application improvements, online functionality such as self-assessing registration requirements, changing registration details and the development of sector guides specifically catered to the sector affected by registration requirements.

However, while these changes make the registration process easier to manage, some suggestions to improve the safety of children and vulnerable people cannot occur unless supported by the changes proposed in the amendment bill before you today.

As members would appreciate, the *Royal Commission into Institutional Responses to Child Sexual Abuse* has drawn significant community attention to the horrific events of the past in relation to children. The Royal Commission released a report into Working with Children Checks in August this year. The report contains 36 recommendations it considers will improve Working with Children Check regimes nationally. Some of these recommendations align with current Tasmanian policy; some are addressed by the proposed amendments; and some require further detail or national agreement before they can be implemented.

A number of the changes approved by Government earlier this year, and contained in the Bill, align with recommendations from the Royal Commission report. This has been viewed as an important validation of the proposals contained in this Bill.

The proposed amendments seek to improve on the current model in four ways:

- First, by proposing a more flexible approach to gathering information important to the assessment of the risk of harm an applicant may pose to vulnerable adults and children.

- Second, by adding audit and compliance powers to ensure the objectives of the legislation are being achieved.
- Third, by ensuring that individuals do not put at risk the subsidised fee for volunteers by undertaking paid work in regulated child related activities while only holding a volunteer class of registration. Volunteers converting to paid work will be required to change their status and pay a gap fee.
- Finally, by making other improvements identified through public consultation or operational experience necessary to ensure the objectives of the legislation are achieved.

Madam Speaker, allowing for a more flexible approach to obtaining information aligns with a number of Royal Commission recommendations concerning improving the flow of information between organisations that hold details relevant to the assessment of risk of harm to vulnerable people. These changes also provide administrative efficiency for those organisations that hold information. This is important because the community is being asked to pay for an improved screening regime; at the same time we do not want this important safety measure to come at the cost of services to the community through having staff wading through thousands of records looking for a needle in haystack. Instead, the legislation provides a practical solution to ensure that information supply is as cost effective as possible.

For example, as at 12 October 2015 nearly 37,000 applications had been received for Registration to Work with Vulnerable People. Under the current legislative arrangement the Registrar can only request information after a person has applied. The Royal Commission has recommended that multiple information sources should contribute to the assessment process including employer disciplinary information. With multiple information sources contributing information to the assessment process, the time taken to process an application could blow out significantly. Because applicants can commence work after they apply, this means that the risk window to vulnerable people could expand significantly. At the moment 95% of applications are processed within 6 weeks. This time period could blow out to months unless there is a more flexible approach to information supply.

Furthermore, to monitor registration, the Registrar would need to periodically send organisations a full list of registrant details and then those organisations would need to interrogate their information to identify if they held information about the people listed. Small changes to identity details such as married names, or deliberate use of alternative names would significantly increase the risk of information being missed.

As the number of people registering grows so the complexity and risk associated with this process grows.

Let me be clear here Madam Speaker, the process we have now is better than any other Tasmanian screening regime that preceded this process. But we are seeking to make the process better. To improve the safety outcomes for vulnerable people, to make information supply as efficient as possible for those supply it, and to allow for the quickest and most efficient application process possible for Tasmanians.

The proposal is that we have a flexible approach to supplying information that allows for some parties to send information about a person that poses a risk of harm to vulnerable people. For example, where Tasmania Police have information which would be relevant to the risk assessment criteria they will be able to flag the identity in a register maintained by the Registrar and if that flag matches with a current registered person or an applicant, the Registrar will then ask for the details so that the information can be part of a risk assessment process.

With current technology many organisations can supply information within hours, ensuring that the safety of vulnerable people improves significantly. In some cases the cost of providing information this way will be equivalent to sending ten emails per year. This is a massive efficiency gain when it is compared to an organisation trolling through thousands of records.

The Royal Commission has identified that the best practice approach to screening is through sourcing information from a number of relevant organisations to ensure the fullest picture is achieved as to whether a person poses a risk of harm to children. It is logical that the same argument applies whether the person works with children or vulnerable adults.

This approach aligns with the recommendations of the Royal Commission and is similar to the approach already in place in New South Wales.

Madam Speaker, in relation to audit and compliance powers there is currently no ability for the Registrar to undertake the work necessary to ensure the objectives of the legislation are being achieved. It is important that compliance with legislation of this type is subject to continuous monitoring in order to ensure the objectives are achieved. The powers proposed in the bill align with similar powers that already exist in legislation administered by the Department of Justice in the area of occupational licensing.

Madam speaker, in relation to protection of the subsidised fee for volunteers, Government is concerned that increasing the fee could have a significant impact on volunteering. The volunteer fee is highly subsidised by Government because we value the contribution of volunteers in our state.

At the moment there is evidence that some individuals are paying the volunteer fee that should be paying the employee fee. The current volunteer fee is less than \$20, whilst the fee for employees is just over \$103.

To protect against this, it is proposed to amend the legislation by introducing an offence where a person undertakes paid work in regulated child related activities while only holding a volunteer class of registration. In addition, a gap fee will be introduced by regulations equal to the difference between the volunteer fee and employment fee (around \$85). To ensure making the change is easy, Government will develop the capacity for online amendment and payment.

Madam speaker, Volunteering Tasmania has commended the Government for taking steps to safeguard the reduced fee and has advised that they support measures that ensure volunteers converting to a paid position meet the fees for a paid worker.

Finally, there are the other changes identified through public consultation or operational experience necessary to improve the operation of the Act.

These proposed changes make the purpose of the legislation clearer, reduce red tape, and improve efficiency.

I will highlight a few for the benefit of the members.

A new section 2A has been inserted to clarify that the Object of the Act is to protect vulnerable people from the risk of harm. This clause removes any ambiguity about the role of the Registrar and his staff in assessing registration suitability.

There is a minor amendment to section 15 that removes the exemption for Registered Health Practitioners and Legal Practitioners. The effect is that if a person in one of these professions is engaged in a regulated activity for greater than 7 days in a year they must gain registration. That is not to say that every practitioner will require registration. It is only those that are covered by the scope of the legislation. For instance, a Registered Health practitioner working in the child protection space would require registration. The proposed change has been made following consultation including identifying that Tasmania is one of the only states that exempts these practitioners.

The change aligns with recommendation 14(b) from the Royal Commission's Working with Children Checks Report. The Royal Commission bases its recommendation on a desire to use the most robust screening process available to protect children from harm. If Australian Governments agree to the full scope of recommendation 14, more of the current exemptions outlined in section 15 of the legislation will be recommended for removal in future.

The proposed amendment of Section 18 is to provide for special circumstances where a person must commence in a regulated activity but cannot comply with the very specific requirements of Section 18. For a person to be eligible to start in a regulated activity before gaining registration, Section 18 requires that a person must have applied, must not have previously been suspended or cancelled or have held a conditional registration and must be supervised.

In most circumstances the requirements are fair but there are situations where these criteria are not in the interests of keeping vulnerable people safe from harm. For instance, emergency kinship care appointments by Child Protection will, on most occasions, need to be prior to a person applying for registration. As a result, under Part 4, the Registration to Work with Vulnerable People Regulations 2014 are amended to provide for emergency appointments under the *Children, Young Persons and Their Families Act 1997* by the Secretary of the Department of Health and Human Services.

Suffice to say Madam Speaker that much thought has been given about how to make Tasmania's Vulnerable People screening regime at least equal to the best in Australia. These proposed improvements are made without increasing cost both to applicants or to organisations assisting with this important work through providing early warning advice about the risk some people pose to our vulnerable children and adults.

I commend the Bill to the House.