



25 September 2009

Peter Hallahan
Committee Secretary
Standing Committee on Legal and Constitutional Affairs
Parliament House
Canberra ACT 2600

Dear Mr Hallahan

**Inquiry into the Crimes Amendment (Working With Children – Criminal History)
Bill 2009**

Thank you for your letter of 14 September 2009 inviting The Salvation Army (Eastern Territory) to make a submission in respect to the above parliamentary inquiry. The Salvation Army welcomes the opportunity to make a contribution.

About The Salvation Army

The Salvation Army is a worldwide evangelical Christian church with its own distinctive governance and practice. The Army's doctrine follows the mainstream of Christian belief and its articles of faith emphasise God's saving purposes. Founded in London, England, in 1865 it commenced its work in Australia in 1880. It now operates worldwide in 116 countries. The work of The Salvation Army in Australia is organised into Eastern and Southern Territories. This submission is presented on behalf of the Australia Eastern Territory based in Sydney.

The Salvation Army Eastern Territory operates services for children and youth through 180 plus churches where unpaid ministry workers provide the main staffing for youth and children's programmes such as mid-week kids' clubs, youth groups, sports clinics, holiday activity programmes, uniformed life skills programmes similar to scouts, preschool activities, and so on. There are 168 community services centres providing support for families with children and 196 charity shops/thrift stores where people of all ages come for affordable goods and practical assistance. Specialist centres cater for youth, women and families in crisis situations. There are various addiction recovery programmes around the Eastern Territory as well as extensive services for the aged. The Salvation Army also provides chaplaincy for prisoners and recovery programmes and support for ex-prisoners and indeed it was this aspect of the Army's work that was integral to its beginnings in Australia.

It is important to recognise that The Salvation Army provides a variety of services to children, youth and other vulnerable persons from diverse backgrounds – staffed by paid workers, unpaid workers, community volunteers and Salvation Army officers (ministers of religion).

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The tension issue

There is a tension in balancing the safety, care and protection side of The Salvation Army's mission and work with the Christian principle of genuine forgiveness and restoration that leads to a change of behaviour for any person so that their past wrongdoings are not held over them in the future. Many a hardened alcoholic or drug addict can testify to God's saving power in their life and the changes that occurred within their personhood such that they no longer give in to their previous addictive behaviours. Forgiveness however does not mean that consequences for past crimes are negated. The Christian church continually strives to reach a balance with this tension and The Salvation Army is involved in this case by case management issue.

Inter-jurisdictional exchange of criminal history information

The Salvation Army affirms the intent of inter-jurisdictional exchange of criminal history information for people working with children, youth and other vulnerable persons so that there is a integrated approach between the States and Territories. For organisations like The Salvation Army who operate across jurisdictions, it is timely to have one legislation that covers all States and Territories. The Australia Eastern Territory covers three jurisdictions – NSW, the ACT and Queensland – with all the variations in screening legislation that this implies for paid and unpaid workers in child related employment. Funding requirements for some programmes that require both Criminal History Records Checks and Working With Children Checks for workers do not always consider the differences in legislation between jurisdictions.

The possibility for lives to be changed

The Salvation Army maintains a strong belief in the possibility of change for all offenders regardless of the nature of the offence, and is opposed to any form of unnecessary discrimination against them. However we feel that the disclosure of spent, pardoned and quashed convictions across jurisdictions for people working or seeking to work with children, youth and other vulnerable persons is necessary for the protection of children.

In taking this position we are mindful of the fact that it may disadvantage people who have been convicted of offences against children in the past. However it is estimated that around 70% of prison inmates themselves report having experienced abuse as children, highlighting the devastating and long-term effects of childhood abuse. The damage done to them should be acknowledged, and every effort made to prevent similar effects on future generations.

Informed risk management

It is important to emphasise that disclosure is intended to allow this information to be known and taken into account for risk management rather than to automatically preclude employment, particularly when the conviction was many years in the past with no subsequent convictions and the applicant has shown evidence of positive change. However disclosure can give the prospective employer opportunity to make a more accurately informed decision and to ensure that appropriate risk management strategies are in place where necessary. Where a previous conviction is disclosed it is important to have good guidelines and support available to the prospective manager in making decisions and in considering management strategies that are non-judgemental, fair and safe.

Other resources to assist implementation of the amendment

It would also be of benefit to provide effective education regarding the legislation and its implications to both the public and to offenders. The Salvation Army believes it is particularly important for offenders and ex-offenders to be informed of the legislation and how it may affect them, including their right to appeal if the legislation is wrongly used, and that they are assisted to develop strategies to deal with the disclosure in as positive a way as possible.

Juvenile offenders who want to make a new start

The possibility that disclosure of offences when the person was a juvenile will affect that person's capacity to move on in life in a positive way must be not only considered in the proposed amendment, but also resources identified to support these persons.

Cost

The proposed amendment to this Bill will have little financial impact on The Salvation Army. The Salvation Army has secured a contract with Crimtrac to provide criminal checking services at a cost of \$28.33 inclusive of GST per employee and \$5.66 inclusive of GST for volunteers. The checks last for three years, therefore the cost over a three year period to our organisation is minimal.

Rejected criminal history outcomes

As an organisation The Salvation Army has a proven track record in supporting rehabilitation and valuing human dignity and justice. The Australia Eastern Territory has performed approximately 2600 criminal history record checks on employees and volunteers to date and has only terminated one employee based on their criminal history result. All other employees and volunteers with convictions have been risk assessed and allowed to stay in our employ, with some being closely monitored.

Main issue is to minimise the risk of harm to children

The Salvation Army is committed to providing safe places for all persons and especially any child or other vulnerable person who comes within its care. Where the tension exists between protecting children, youth and other vulnerable persons and the effect of disclosing criminal history information to prospective child related services, the well being of the child must remain the focus of this amendment. The Salvation Army supports such an approach.

Summary

The Salvation Army Australia Eastern Territory supports the amendment of the Bill so that convictions of persons who work, or who seek to work, with children are disclosed and taken into account by Commonwealth, State and Territory screening agencies in determining whether the person is suitable to work with children. Where children are the focus of safety, care and protection in an organisation, where there is informed risk management for those whose convictions have been disclosed then there is an integrated approach to reducing the tension for further abuse to occur.

We would be happy to provide further assistance and to be consulted again in reference to the work being done on this Bill.

Yours sincerely

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The Salvation Army Australia Eastern Territory

Contributors

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