

# The Commission for Children and Young People and Child Guardian

promoting and protecting the rights, interests and wellbeing of all Queenslanders under 18

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**Advice to:** The Standing Committee on Legal and Constitutional Affairs

**Topic:** Crimes Amendment (Working with Children – Criminal History) Bill 2009

**Date due:** 28 September 2009

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Thank you for inviting comment from the Commission for Children and Young People and Child Guardian (the Commission) in relation to the Crimes Amendment (Working with Children – Criminal History) Bill 2009 (the Bill).

The Commission supports the COAG agreement and purpose of this Bill to improve the safety and protection of children from sexual, physical and emotional harm by enabling the inter-jurisdictional exchange of consistent and expanded criminal history information (CHI) for people working with children (the Exchange). The removal of legislative barriers is a crucial part of the enabling process to provide consistent access of CHI across jurisdictions by child-related employment screening units. As a result of the Bill, the Commission will have access to expanded Commonwealth CHI for its blue card screening to improve safeguards for children, by accessing a broader range of information including, spent convictions, pending charges, non-conviction charges and circumstances information.

All screening agencies participating in the Exchange must meet strict participation requirements that recognise the sensitivity and confidentiality of the information provided. The Commission meets these requirements and has legislation, policies and procedures in place to preserve natural justice, which is afforded to individuals:

- at the application decision-making stage
- through an appeals process, and
- through other review mechanisms.

In Queensland, the Commission and the Queensland College of Teachers will participate in the Exchange. To enable their participation, legislative amendments will be made to the *Police Services Administration Act 1990* and *Education (Queensland College of Teachers) Act 2005* via amending legislation, which was introduced to the Queensland Parliament on 16 September 2009.

In the Commission's view the Exchange will improve the safety and protection of children nationally and contribute to improved consistency across jurisdictions which have different legislative screening frameworks. On this basis the Commission supports the proposed amendments Bill.

Please do not hesitate to contact Yvette Norris, Principal Policy Officer, Strategic Policy and Research, ph: 3211 6960 (16960); e-mail: [yvette.norris@ccypcq.qld.gov.au](mailto:yvette.norris@ccypcq.qld.gov.au) should any aspects of this advice require clarification.