



"Protecting children against sexual assault"

Friday, 25 September 2009

Committee Secretary
Senate Legal and Constitutional Committee
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Parliament House
Canberra, ACT 2600
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Submission re:
Crimes Amendment (Working with Children – Criminal History) Bill 2009

To Whom It May Concern:

Bravehearts Inc is a not for profit organisation specialising in child sexual assault. Bravehearts has been operating for over 12 years providing child focused healing and preventative strategies including comprehensive therapeutic, support and education programs. In addition, we are heavily involved in legislative reform and research. Based in Queensland, Bravehearts has branches in Brisbane, the Gold Coast, Cairns, Shepparton and Sydney.

As an agency that is focussed on advocating for appropriate and effective responses to child sexual assault, Bravehearts is encouraged by the agreement by COAG to facilitate the inter-jurisdictional exchange of information relating to criminal histories and supports any move to increase the effectiveness of working with children checks across the country.

Information sharing is our best 'weapon' for protecting our children. Sharing powers would allow the Federal, State and Territory bodies to better assess the suitability of those seeking to work in areas that involve significant contact with children. Bravehearts thoroughly supports the *Crimes Amendment (Working with Children – Criminal History) Bill 2009* allowing for information to be shared on pardons, quashed and spent offences.

Bravehearts would also like to see consideration given to extending background checks to include (for example) disciplinary hearings, diversionary programs, employment history and overseas checks.

There needs to be consistent requirements for employer organisations to notify of work-related disciplinary matters as part of legislated screening systems. The inclusion of employment history in the checks overcomes one of the major limitations of criminal history checks – the fact that relevant matters which do not result in prosecution or a finding of guilt, or which are dealt with by internal disciplinary hearings, can be missed through the criminal history check process.

It addition the feasibility of requesting criminal history checks from overseas needs further exploration. It would secure higher levels of child protection if the Federal, State and Territory authorities were able to extend the criminal record check beyond a national to an international process. Related to this, for all individuals undergoing working with children checks, it should be mandatory that offences committed overseas be reported as part of the process. Suitable penalties should apply to those who do not notify of such criminal histories.

The limitations of a system based on criminal history checks have been succinctly outlined in Queensland's Project Axis Report:

Criminal history checks, while necessary, are far from sufficient. Reliance on criminal history checks alone is not only inadequate, it may well be dangerous. It may give employers undue confidence that all offenders have been detected, whereas only a small percentage of offenders are likely to be charged with, or convicted of, an offence (Project Axis, Volume 2, November 2000, p.80)

Any suitability for working with children scheme needs to be complemented by the adoption of safe practices and policies and a cohesive approach by the all Governments, employers, voluntary organisations and other groups that involve working with children. Sound recruitment and selection procedures alongside systems supporting children will still be needed by all organisations. For example, it is also important that procedures are in place to ensure the transparency of how any complaints are dealt with by an organisation.

Ongoing monitoring, training and supervision of employees who have access to children are critical to minimising the incidence of child sexual assault. It is essential to achieve the best possible child protection measures, that there is a comprehensive approach that combines both effective screening and safe government and organisational practices and policies

We thank you for the opportunity to provide this submission and look forward to hearing the outcome of this process. Please contact us if further information or clarification is required. Bravehearts would be happy to consult further around these issues if requested.

Warm Regards



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