



THE LAW SOCIETY
OF NEW SOUTH WALES

Our Ref: RBGMM1297119

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23 September 2009
Mr Peter Hallahan
Committee Secretary
Standing Committee on Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 600



By email: Leg.Con.Sen@aph.gov.au

Dear Mr Hallahan,

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

Thank you for the invitation to make a submission to the inquiry into the *Crimes Amendment (Working With Children - Criminal History) Bill 2009* (Bill).

The Law Society's Criminal Law and Juvenile Justice Committees have reviewed the Bill that seeks to amend Part VIIC of the *Crimes Act 1914*. Part VIIC provides that a person whose conviction is spent, pardoned or quashed does not have to disclose the fact of the conviction, and prohibits others from disclosing the conviction without the person's consent and from taking it into account. The amendments would create an exception for convictions of persons who work, or seek to work, with children so that those convictions can be disclosed to and taken into account by Commonwealth, State and Territory screening agencies in determining whether the person is suitable to work with children.

The Committee notes that in New South Wales s 12 of the *Criminal Records Act 1991* provides that if a person's conviction is spent, the person is not required to disclose to any other person for any purpose information concerning the spent conviction. Section 15 provides an exception where the employment is child-related.

The Committees have no objection to the provisions of the Bill. If the Senate Committee is interested in considering broader issues around the impact of working with children checks on children in the criminal justice system, the Committees would be happy to provide more information.

Yours sincerely,


Joseph Catanzariti
President

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