

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 3

Program 1.6

Question No. 66

Senator Wright asked the following question at the hearing on 30 May 2013:

1. In 2010, the government amended the *Crimes Act 1914*, with the effect that information about Commonwealth pardoned, quashed or spent convictions can be disclosed to, and considered by, prescribed bodies, to assess whether a person is suitable to work with children. It did so by inserting a new Subdivision A.

The new provisions included a requirement for two reviews: one during 2011, and another to commence by 30 June 2013. The first review concluded that because the amendments came into effect the previous year, there was limited information available about their operation. It noted the 2013 review would yield a more detailed picture.

Can you provide an indication of when the Department expects to initiate this review of the Crimes Amendment legislation, required by the Crimes Act?

2. Will the issues identified in the 2011 review be specifically flagged for investigation in the 2013 review, on the basis that submitters raised them but there was insufficient data in the 2011 review to make a conclusion?
3. The 2011 review did not amend Subdivision A in accordance with any issue raised. As the Department noted it to be a 'preliminary' review, that may have been reasonable in the circumstances.

How does the Department intend to implement any changes suggested by the 2013 review, given it has been designated as a more comprehensive assessment of the amendments?

The answer to the honourable senator's question is as follows:

1. The Attorney-General's Department has commenced the 2013 Review of the operation of Subdivision A of Division 6 of Part VIIC of the *Crimes Act 1914*, as required by section 85ZZGG.
2. The 2013 Review will address issues raised by the 2011 Review. As a result of the 2011 Review, screening agencies were requested to collect and record statistical information on working with children checks involving Commonwealth offences to inform the 2013 Review. Consultation with relevant bodies for the 2013 Review seeks feedback on a range of issues including those raised in the 2011 Review.
3. The need for legislative amendments will be considered once the 2013 Review is completed.