



Speech by  
**Simon Finn**

**MEMBER FOR YEERONGPILLY**

Hansard Wednesday, 11 November 2009

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## **STATE PENALTIES ENFORCEMENT AND OTHER LEGISLATION AMENDMENT BILL**

**Mr FINN** (Yeerongpilly—ALP) (2.41 pm): I rise to speak on the State Penalties Enforcement and Other Legislation Amendment Bill and particularly to address the amendments contained in chapter 3 of the bill. At the outset, I acknowledge the contribution just made by the member for Gladstone in relation to the amendments in this chapter to the Education (Queensland College of Teachers) Act 2005, the Police Service Administration Act 1990 and the Police Service Administration Regulation 1990.

The amendments to the Education (Queensland College of Teachers) Act allow for the national exchange of criminal history information. In November 2008, the Council of Australian Governments agreed to facilitate the interjurisdictional exchange of criminal history information for people working with children. This bill ensures that the Queensland College of Teachers complies with this agreement. Under the act, the College of Teachers, in considering whether a person is a suitable person to teach, must also consider whether the person is suitable to work in a child related field. This bill provides that, when considering this question, the college must consider the expanded interstate criminal history information sourced from interstate under the exchange, as well as any other information relating to that expanded interstate criminal history information as provided by the Commissioner of Police or an interstate commissioner.

The purpose of this consideration is to determine whether the person being assessed poses a risk of harm to children. In this regard, the college must consider when the offence was committed, is alleged to have been committed or may possibly have been committed, the nature of the offence and its relevance to the duties of a teacher. The material which is provided under the COAG agreement can only be considered when determining whether the person poses a risk to the safety of children and not for any other matter.

Because a criminal history of itself may not include sufficient information for the college to make an informed decision, the college is also able to request from the relevant commissioner a brief description of the circumstances of a conviction or charge that is mentioned in a person's interstate criminal history. The college is further required to advise an applicant of the criminal history received, including information on the expanded information received. The bill also applies to teachers who are already approved to enable the college to determine whether a teacher is or continues to be suitable to teach. It allows the college to obtain the interjurisdictional criminal history check and further information that may also be requested.

The Police Service Administration Act is also amended by this bill. This act provides the circumstances in which the Police Service is entitled to disclose criminal history information. Due to the increased powers given to the College of Teachers to access information under this bill, some provisions of the act require amendment to allow it.

The child related employment screening units which have been established in accordance with the COAG agreement are tasked with the responsibility of obtaining expanded criminal history information from the participating state, territory and Commonwealth police services. The purpose of this is to enable

those making decisions about the suitability of persons to work with children to make the best informed decisions about their safety and wellbeing.

But, importantly, these amendments make possible significant infringements of the rights of individuals, so it has been essential that a number of safeguards be included in the legislation to ensure that these rights are protected as far as possible. COAG has insisted that child related employment screening units must comply with a number of requirements before they can receive expanded criminal history information. These include: that the information be used only for the purposes of child related employment screening; that the screening unit be prohibited from disclosing the information beyond the screening unit, except for child safety exceptions; that staff be appropriately skilled; that they receive the written consent of the individual and that consent makes it clear that an expanded interstate criminal history will be sought; that the scheme reflects the principles of natural justice; that the scheme complies with privacy and human rights legislation; and that it complies with record management legislation within the jurisdiction.

The Police Service Administration Regulation 1990 is amended for the purposes of identifying those entities that constitute an interstate screening unit for the purposes of the act. These amendments will further strengthen and enhance the protection provided by the government for the children of the state by ensuring the College of Teachers has access to all relevant information when considering whether people who work with children pose a risk to the safety of those children. I commend the bill to the House.