

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
BUDGET ESTIMATES  
24 May 2017**

**Home Affairs Portfolio**

**Question number and title: BE17/178 - Royal Commission into Institutional Responses to Child Sexual Abuse**

Senator Louise Pratt asked:

The Royal Commission released a report in July 2015 which outlined a series of recommendations in relation to working with Childrens Checks. Many were directed at state and territories, but there were specific recommendations that were made for the Commonwealth to implement within 12 months. Has ACIC (formerly CrimTrac) delivered on any of the interim recommendations asked of it by the Royal Commission into Institutional Child Sexual Abuse in their report on Working With Children's Checks (WWCC)? If so, which ones, and what work has been done to date, and what work is being planned? If not, why not, and is there any work being planned in this area?

Specifically, has the Australian Crime Commission delivered on the following recommendations:

1. Completed recording into CrimTrac's system historical criminal records that are in paper form or on microfilm and which are not currently identified by CrimTrac's initial database search? Have you received these records from the states? Have you sought them?
2. Have all WWCC holders been checked against historical criminal history records?
3. What progress have you made in exploring avenues to make international records more accessible for the purpose of Working with Children Checks? (WWCC)
4. Do all Commonwealth Government personnel, including contractors, undertaking child-related work, as defined by the child related work standards set out in this report, to obtain WWCCs as also recommended by the commission?
5. The commission said in their WWCC report from 2015 that these recommendations should be implemented within 12 months – and that was two years ago. Why hasn't progress been quicker?
6. Do we have a functioning system to share Working with Children's Check information between jurisdictions? Why or why not? Is any progress being made on this?
7. How are flags raised currently across jurisdictions? For example, if someone has a record that prevents them from receiving a WWCC in one state, or has been rejected in

one state, is this information shared with other states and how?

8. Is ACIC involved in the working group with relevant state and territory officials to work on WWCC's – when did the group start meeting? Can you give us an update on the work of this group?

9. The budget cuts to ACIC are substantial – (see previous questions) what impact is this having on being able to keep our nation's children safe from sexual offenders?

*Answer:*

### **Question 1 and 2**

Arrangements are in place to ensure that a national criminal history check, conducted by the Australia Criminal Intelligence Commission (ACIC), captures historical criminal records.

Between 1984 and 1988, all pre 1986 paper based criminal records were microfilmed and details of the microfilm noted on the electronic record system managed by the ACIC. When a name match occurs an officer will retrieve the old record and then electronically upload the record into the National Police Reference System (NPRS) database, which is used by the National Police Checking Service Support System (NSS) to facilitate matching and vetting activities. This ensures a criminal history check will identify that these records exist and that the information is made available to relevant authorities. This method of progressive uploading, as needed, negates the need to digitise all records.

As this process has been in place for many years, the assessment of all current WWCC cardholders will have included the assessment of any pre-1986 records.

### **Question 3**

The sharing of international criminal history with another country involves significant and complex legal, policy and practical issues. These issues apply to all criminal records, not just records which would be relevant for the purposes of WWCCs.

The Commonwealth is exploring avenues to make international records more accessible for the purpose of WWCCs.

### **Question 4**

Recommendation 3(c) of the WWCC Report provides that the Commonwealth should identify and require all Commonwealth Government personnel undertaking child-related work to obtain a WWCC. On 2 March 2017, the Secretary of the Department of the Prime Minister and Cabinet, Dr Martin Parkinson AC PSM, wrote to all Commonwealth chief executives expressing an expectation of compliance with this recommendation and requesting an update on measures being taken to achieve this. All Australian Public Service Secretaries responded to Dr Parkinson and have confirmed that they have processes in place to meet recommendation 3(c) of the WWCC Report.

### **Question 5**

The recommendations raise a range of complex legal, technical and resourcing issues, especially for states and territories with whom statutory responsibility for child protection matters resides. Significant steps have been taken since this time. An Interjurisdictional Working Group has been established which consists of relevant Commonwealth stakeholders and state and territory representatives responsible for the policy and operational aspects of WWCC.

### **Question 6**

A key recommendation of the Report calls for the Commonwealth to develop an ICT capability to make WWCC outcome decisions available to all jurisdictions. The Commonwealth supports this important initiative and has conducted a scoping study, in consultation with States and Territories, to determine the most effective approach to sharing WWCC decisions, including scoping information to be shared, costs, technical and legislative requirements.

On 20 December 2017, the former Attorney-General wrote to responsible state and territory ministers offering to fund the development of the database within the Australian Criminal Intelligence Commission. The Attorney also requested the jurisdictions provide in principle support to meet the costs incurred in connecting their respective systems to the national system and the sustainment costs of the national system.

### **Question 7**

Each state and territory WWCC screening process involves the checking of national criminal history. The ACIC facilitates this process by providing screening units with access to national check information through the National Police Checking Service. A national criminal history check allows the requesting screening agency to see any relevant criminal records, including charges, in relation to a particular person that may be held by another jurisdiction. There is currently no formal mechanism for sharing outcome decisions of WWCCs between jurisdictions.

### **Question 8**

The Commonwealth has established a working group with relevant state and territory officials to facilitate governments working together to resolve these issues. Several Commonwealth partners also participate in this group including the ACIC.

The Interjurisdictional Working Group on WWCCs first met in February 2017 and met on two other occasions prior to 28 August 2017, and five additional times since that date.

In addition to the work referred to in question 6, to assist states and territories to achieve greater national consistency, the Commonwealth has adopted a leadership role for the development of national minimum standards for WWCC schemes across a range of issues outlined in the recommendations. Discussions have commenced and progress is being made. The agreed standards will be provided to responsible Commonwealth, state and territory ministers for endorsement in 2018.

## **Question 9**

This answer is provided by the Australian Criminal Intelligence Commission.

The ACIC's investigative, research and information delivery services work with law enforcement partners to stop criminals exploiting emerging opportunities and perceived gaps in law enforcement information.

Initiatives administered by the ACIC with the aim to keep children safe include:

- the National Child Offender System
- the Child Exploitation Material Management System
- providing Working with Children screening units with access to information through the National Police Checking System, and
- participation in Joint Anti Child Exploitation Teams working to identify online sexual predators