

**2019**

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**WORKING WITH VULNERABLE PEOPLE (BACKGROUND CHECKING)  
AMENDMENT BILL 2019**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

**Presented by  
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Minister for Community Services and Facilities**

**WORKING WITH VULNERABLE PEOPLE (BACKGROUND CHECKING)**  
**AMENDMENT BILL 2018**

**Clause 26A Offences—applicant fail to disclose charge, conviction or finding of guilt for relevant offence**  
**Section 21**

This clause updates the heading for the section to include disqualifying offences in addition to relevant offences where a person fails to disclose information in relation to their application for registration.

**Clause 26B Offences—applicant fail to disclose charge, conviction or finding of guilt for relevant offence**  
**Section 21 (1) (c) and (2) (c)**

This clause includes disqualifying offences in addition to relevant offences where a person fails to disclose information in relation to their application for registration.

**Clause 27 definition of *relevant information***  
**New section 21A (3)**

The clause updates the definition of relevant information to include in the failure to disclose offence information a person is required to self-disclose during an application for registration to participate in a regulated NDIS activity.

**Clause 30A Meaning of non-conviction information**  
**Section 25**

This clause amends the definition of non-conviction information to allow the Commissioner to consider non-conviction information as it relates to disqualifying offences. Non-conviction information includes evidence that a person's charge is not finalised, the person has been acquitted, a conviction has been spent or other information that will impact on whether a person becomes subject to a disqualifying offence.

**Clause 31 Meaning of *disqualifying offences***  
**Section 26A**

This clause states that offences will be noted as a Class A or Class B disqualifying offence in a schedule to the Act (schedule 3, part 3.2, column 2; and schedule 3, part 3.3, column 2). This clause removes an amendment to prescribe a disqualifying offence through regulation.

The Bill has been introduced at this time to meet a government commitment to the national approach to consistent worker screening for the National Disability Insurance Scheme. However, the Government also understands that other national discussions are occurring in this space and future amendments will be required to further align our scheme with national agreements. Future changes to the Schedule of Disqualifying Offences will be achieved through amendment of the Act.

The current provisions include offences only relating to registration for an NDIS activity. Further work will be undertaken in the future to finalise those offences that will apply more broadly to WWVP registrations as a result of recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

**Clause 31A Risk assessment guidelines—content**

**Section 28 (2) (a) and Section 28 (2) (b), notes**

This clause includes an amendment to note that the risk assessment guidelines must make provisions for the consideration of disqualifying offences information as well as information relating to relevant offences in relation to both a person's criminal history and non-conviction information.

**Clause 52A & 52B Offences—registered person fail to disclose charge, conviction or finding of guilt for relevant offence**

**Section 55 (1) (b) and (2) (b)**

Clause 52 A updates the heading for the section to include disqualifying offences in addition to relevant offences where a person fails to disclose information after the person has been registered.

Clause 52B includes disqualifying offences in addition to relevant offences where a person fails to disclose information after the person has been registered.

**Clause 71 Dictionary, new definitions**

This clause refines the definitions for Class A disqualifying offences, Class B disqualifying offences and disqualifying offences.