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20 February, 2001

The Hon F F F Whelan MP
Minister for Police
Level 20, Avery Building
14-24 College Street
DARLINGHURST NSW 2010

Dear Minister,

PROVISION OF CRIMINAL RECORD CHECKS TO SCOUTS AUSTRALIA (NSW)

I write on behalf of Scouts Australia (NSW) to seek your assistance on a matter of great concern to this organisation and all its members.

For some years, dating back to the 1960's, we have had an arrangement in place with the NSW Police Service which allows for the checking of the Criminal Records of all applicants for adult membership of this organisation. Our membership application form includes an agreement from the member to allow their record to be checked and, at regular intervals, we have submitted lists of applicants' names, dates of birth and other identifying information to the Police Service. We have then received a returned list "flagging" those with a Criminal Record and were provided with brief details of that record upon enquiry.

Late last year we were advised that such information would no longer be provided to us as a consequence of the application of the provisions of the Child Protection (Prohibited Employment) Act 1998. The information now being received flags only child-related criminal offences, rather than the broad range of offences previously advised.

It is the position of Scouts Australia (NSW) that this severely lessens the level of protection we are able to offer to our youth members. In the lengthy period for which the previous system was in place, our records show that no applicants were flagged for child-related convictions, as it would appear that those interested in joining Scouting were deterred from doing so by the requirement for a Criminal Record check.

Conversely, applicants were regularly flagged with offences such as assault, common assault, possess prohibited drug, high range PCA, AVO, stealing, unlicensed driving, use of unregistered firearm and malicious damage to property. In these cases, a judgement was made on a case-by-case basis as to the applicant's suitability to be entrusted with the care of our youth members. It is our firm belief that the high level of safety within Scouting is largely attributable to this checking regime.

Scouting in NSW has supported both publicly and privately the objectives of the Child Protection (Prohibited Employment) Act 1998, to improve the safety and security of children in any form of outside care. We certainly recognise that, for many organisations, the new Act provides far higher levels of care than their previous systems. Indeed, we have been working with the Commission for Children and Young People and the Department of Sport and Recreation to ensure our own full compliance with the Act.

We do not believe that the Act was designed to lessen the protection afforded to any child in NSW, but this is precisely the effect on our organisation and its members.

Our request is that the NSW Police Service resume the provision of full Criminal Record checks to Scouts Australia (NSW). We believe that we have demonstrated our ability over many years to deal with this information sensitively and confidentially. Moreover, we have shown that the information has maximised the protection offered to the members of the largest youth organisation in NSW. Finally, our record of cooperation with the Police, Department of Community Services and other agencies to strengthen child protection in NSW is second to none.

I have written in similar terms to the Premier and Police Commissioner, and would seek your urgent assistance in this matter.

Yours sincerely



Peter Olah
Chief Executive