

CASE STUDY 51

QUESTIONS ON NOTICE – TASMANIAN GOVERNMENT

2 April 2017

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26 MS WHITE: Yes, there are provisions in the Children and
27 Community Services Act and the Working With Children Act
28 that enables that sharing.

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30 MS FURNESS: Notwithstanding or overcoming privacy
31 concerns?

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33 MS WHITE: Correct.

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35 MS FURNESS: Is that the same with you, Mr Overland?

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37 MR OVERLAND: I believe so, but I will absolutely confirm
38 that for you.

The *Registration to Work with Vulnerable People Act 2013*, section 54B allows cross-jurisdictional information-sharing as follows:

Section 54B. Registrar may disclose certain information

(1) In this section –

divulge includes –

(a) communicate; and

(b) publish;

registering authority means –

(a) a person or body having functions similar to those of the Registrar under a corresponding law in relation to any regulated activity; or

(b) any person or body (other than the Registrar) that is responsible, under an Act, for the registration, licensing or other authorisation of persons enabling them to work, whether or not for financial or other material benefit or reward, in an activity that is a regulated activity; or

(c) any other entity, or body, prescribed by the regulations to be a registering authority.

(2) The Registrar may divulge to a registering authority any of the following information:

(a) the result of a risk assessment;

(b) that the registration of a person has been suspended or cancelled;

(c) any other information relating to the registration of a person.

(3) The Registrar, if he or she considers it appropriate to protect vulnerable persons or a class of vulnerable persons from a risk of harm, may divulge to a prescribed entity or other prescribed person or body the following information:

(a) that a person has received a negative risk assessment;

(b) that the registration of a person has been suspended or cancelled;

(c) any other information relating to the registration of a person.

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42 MS FURNESS: Just leaving aside out-of-home care for the
43 moment, the principles you described in the *Children, Young
44 Persons and Their Families Act 1997*, have they been amended
45 since the Act was enacted, do you know?

46

47 MR OVERLAND: I can't answer that; I would have to take

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I that on notice.

The principles Mr Overland referred to are contained in Part 1A of the *Children, Young Persons and Their Families Act 1997* and were inserted by the *Children, Young Persons and Their Families Amendment Act 2013*. Those principles have not been amended since commencement on 1 July 2016.

<Page 26405> line 1-22 in relation to mandatory reporting statistics the number of mandatory reports received from psychologists (Transcript page 26404, line 25-27).

Mr Pervan indicated in his evidence that mandatory reporting statistics in relation to psychologists is collected in Tasmania. He specifically was not asked about those in religious organisations.

While there are fields in the Child Protection Information System for the notifier's organisation and their relationship to the organisation, the latter of which includes 'psychologist', further examination reveals that these fields are recorded for less than half of all notifications from mandatory reporters. As such, this information is not considered reliable.

Tasmania notes that the following information in relation to notification source is available on the Authoritative information and statistics to promote better health and wellbeing website at <http://www.aihw.gov.au/publication-detail/?id=60129558626&tab=3>.

Table S6: Number of investigations, by source of notification, states and territories, 2015–16

Source of notification	NSW ^(a)	Vic	Qld	WA	SA	Tas ^(b)	ACT	NT	Total
Police	13,878	9,676	4,417	3,864	1,090	470	530	2,393	36,318
School personnel	16,690	5,246	4,133	1,792	691	328	612	1,369	30,861
Medical/health personnel ^(c)	8,603	2,773	3,972	1,301	932	132	436	1,537	19,686
Family ^(d)	8,954	2,653	3,602	1,559	315	116	263	476	17,938
Friend/neighbour	3,228	634	1,227	182	167	57	134	143	5,772
Social worker	16,713	1,078	0	1,484	850	297	18	151	20,591
Non-government organisation personnel	4,625	2,847	1,862	0	384	3	280	549	10,550
Departmental officer	3,123	0	756	887	198	8	336	658	5,966
Child care personnel	1,065	158	264	46	61	16	15	16	1,641
Other ^(e)	7,223	807	2,175	836	161	77	197	557	12,033
Subject child	150	0	151	73	10	4	22	13	423
Not stated	0	2,554	22	631	0	1	0	0	3,208
Total	84,252	28,426	22,581	12,655	4,859	1,509	2,843	7,862	164,987

(a) New South Wales figures are not comparable with those of other jurisdictions. New South Wales has a differential investigation response whereby an investigation can be undertaken over two stages (stage 1—information gathering; stage 2—assessment).

(b) Data reported for Tas aligns with the AIHW technical specifications except in the case of notifications received from departmental officers, which could also be classified in another category (for example, social worker). Notifications from departmental officers were assigned to the category of 'departmental officer' regardless of whether the source of notification could be classified in other categories.

(c) 'Medical/health personnel' includes medical practitioners, hospital and other health personnel.

(d) 'Family' includes parent/guardian, sibling and other relative.

(e) 'Other' category includes where the source of notification was anonymous and may include the person responsible.

Note: Investigations include 'investigations finalised', 'investigations in process' and 'investigations closed—no outcome possible'.

Source: AIHW Child Protection Collection 2016.