

30 October 2025

Secretary
Department of Justice
GPO Box 825
Hobart TAS 7001

By email to: haveyoursay@justice.tas.gov.au

Dear Secretary,

Re: Submission - Registration to Work with Vulnerable People Amendment Bill 2025

Thank you for the opportunity to provide feedback on the Registration to Work with Vulnerable People Amendment Bill 2025 (the Bill). I note that the Bill proposes to amend the *Registration to Work with Vulnerable People Act 2013* (RWVP Act) following an agreement by the Standing Council of Attorneys-General (SCAG) on 15 August 2025 to urgently progress mutual national recognition of negative notices regarding a person's registration to work with children or other vulnerable people.¹

While I strongly support legislative and systems reforms to progress a nationally consistent approach to registration, including full implementation of the National Continuous Checking Capability, I note that the Royal Commission into Institutional Responses to Child Sexual Abuse recommended a national approach ten years ago to address issues related to 'forum shopping'.² Since then some progress has been made, including through the National Standards for Working with Children Checks³ and amendments to the RWVP Act and corresponding interstate legislation.⁴ However, full implementation of the necessary changes has, as the Federal Minister for Education recently conceded, 'taken too long'.⁵ It should not take a litany of horrific allegations of child abuse by workers in early childhood

¹ [SCAG \(15 August 2025\), Communiqué.](#)

² [Royal Commission into Institutional Responses to Child Sexual Abuse \(2015\), Working with Children Checks Report.](#)

³ [National Standards for Working with Children Checks.](#)

⁴ For example, through the [Registration to Work with Vulnerable People Amendment Act 2019 \(Tas\)](#) and the [Justice Miscellaneous \(Commission of Inquiry\) Act 2024 \(Tas\)](#).

⁵ [Kathryn Bermingham \(3 July 2025\), Federal Education Minister Jason Clare Says Working with Children Check Reforms 'Can't Happen Soon Enough', ABC News.](#)



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education and care (childcare) settings to find the political will to address legislative loopholes and systemic issues that place children at risk.

During recent consultations with Tasmanian children and young people, they emphasised the importance of ensuring safe environments at home, and in their schools and broader communities, highlighting the need for strong systems to protect their safety and wellbeing.⁶ Listening to these views and taking them seriously means that addressing issues related to mutual national recognition, as well as other outstanding issues with the RWVP system, must be one of the Tasmanian Government's highest priorities.⁷

Role of the Commissioner for Children and Young People

As the Interim Commissioner for Children and Young People, it is my role under the *Commissioner for Children and Young People Act 2016* to provide independent, child-centred feedback and advice on law reform relevant to Tasmanian children and young people, and to assist in ensuring Tasmania satisfies its national and international child rights obligations.

In performing these functions, I am required to:

- adhere to the principle that the wellbeing and best interests of children and young people are paramount;
- observe any relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC); and
- give special regard to the needs of children and young people who are vulnerable or disadvantaged.

Legislative reform in this area should be informed by a human rights approach, taking into account the rights of children under the UNCRC and protections under other instruments like the Convention on the Rights of Persons with Disability. Particularly relevant in the present case are the UNCRC requirements to:

- ensure that children's best interests are the primary consideration (article 3);
- protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation (article 19); and
- protect children from sexual abuse and exploitation (article 34).

My feedback is informed by these principles and focuses on five key issues, including:

- Responses to refusals, cancellations and suspensions under corresponding law
- Notification requirements where registration is refused, cancelled or suspended

⁶ [CCYP \(2025\), 'Letting Them Have a Say': Children and Young People's Views on the Proposed Commission for Children and Young People.](#)

⁷ [Department of Justice, RWVP Expansion Project.](#) I note that work continues to be progressed under the RWVP Expansion Project.



- Applying for registration following a negative notice under a corresponding law
- Risk assessments under Part 5 of the RWVP Act and disqualifying offences
- Right to review of decisions regarding automatic cancellation.

Responses to refusals, cancellations and suspensions under corresponding law

I note that through clause 6 of the Bill, the proposed s 51(1B) of the RWVP Act would require the Registrar to cancel a person's current registration in a category of registration if satisfied that the person has been *refused* registration in an equivalent category under a corresponding law or the person's registration in an equivalent category has been *cancelled*.

While this technically meets the requirements of the SCAG agreement,⁸ I note that in New South Wales (NSW) recent amendments to their legislation require that a person's current registration to work with children be cancelled, not only when their application under a corresponding law is *refused* or their current equivalent registration is *cancelled*, but also where a person is subject to an 'interim bar' under a corresponding law.⁹ Victoria seems to take a similar approach, such that where a person is 'excluded from child-related work under a corresponding working with children law' – a phrase which is defined in s 3 of the *Worker Screening Act 2020* (Vic)(WSA) to include not only where their registration has been refused or cancelled but also where they have been 'otherwise prohibited' from engaging in child-related work – the Secretary must conduct a re-assessment and must revoke the person's clearance.¹⁰

A slightly different approach appears to have been adopted in Queensland, where the Chief Executive must *suspend* a person's Queensland registration if they receive a suspension or interim bar in another state,¹¹ with the effect that the person cannot start regulated employment, perform work that is regulated employment or start or continue to carry on a regulated business in Queensland until the suspension ends.¹²

I recommend that the Department gives further consideration to the approaches in NSW, Victoria and Queensland to suspensions and interim bars under corresponding law, and include provisions in the Bill to cover these situations. Where a person is subject to a suspension or interim bar elsewhere, appropriate protections should be in place to mitigate risks to children and/or other vulnerable people in Tasmania.

⁸ [SCAG \(15 August 2025\), Communiqué.](#)

⁹ [Child Protection \(Working with Children\) and Other Legislation Amendment Act 2025 \(NSW\) ss 25A\(1\)\(c\) and 25A\(3\)\(c\).](#) 'Interim bar' is defined in section 17 of the [Child Protection \(Working with Children\) Act 2012 \(NSW\).](#)

¹⁰ [Worker Screening Act 2020 \(Vic\) ss 3, 82\(1\)\(e\) and 83.](#) Noting that Victoria's legislation deals with Working with Children (WWC) clearances and National Disability Insurance Scheme (NDIS) clearances separately, this submission focuses on Victoria's WWC clearance requirements in line the remit of this Office.

¹¹ [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\) ss 295\(1\)\(c\)-\(d\) and 296\(1\).](#)

¹² [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\) ss 298-302.](#)



It appears that further consideration may also be warranted in relation to the most appropriate approach to be adopted for persons aged 16 or 17. I would welcome further discussion on this issue.

Notification requirements where registration is refused, cancelled or suspended

Clause 5 in the Bill proposes to amend s 20(1) of the RWVP Act to require a person who is applying for registration to proactively disclose if they have ever had a registration under a corresponding law refused, suspended or cancelled. However, it is unclear whether a person currently registered in Tasmania, who receives a negative notice under a corresponding law, is required to proactively disclose this to the Registrar. This obligation is quite clear in NSW's amendments, which require a person whose application in another jurisdiction is refused, or whose registration in another jurisdiction is cancelled or suspended, to notify the NSW Children's Guardian as soon as practicable after they receive a 'negative notice'.¹³

I note that certain disclosure requirements apply to people currently registered in Tasmania under s 47 of the RWVP Act, which makes it an offence to:¹⁴

- (a) fail to take all reasonable steps to inform the Registrar if they have been charged with a relevant offence; or
- (b) fail to notify the Registrar when they have been found guilty or convicted of a relevant offence.

However, people may have their registration refused, cancelled or suspended under a corresponding law without being charged, convicted or found guilty of an offence. While information-sharing arrangements are in place between inter-state registration bodies, and the Federal Government has committed to implementing the National Continuous Checking Capability,¹⁵ I recommend that consideration be given to whether proactive disclosure requirements regarding negative notices under corresponding law should not only apply to applicants for registration in Tasmania but also to people who are currently registered.

Applying for registration following a negative notice under a corresponding law

The current s 19(4) of the RWVP Act prohibits a person from applying for registration in a category of registration in Tasmania if their registration in an equivalent category under a corresponding law has been refused or cancelled, unless it has either been five years since the refusal or cancellation or the Registrar is satisfied that there has been a significant and exceptional change in the person's circumstances since the refusal or cancellation.

The amendments to s 19(4) proposed by clause 4 of the Bill would add one alternative situation in which such a person could apply – that is, where the person is 'eligible to apply

¹³ [Child Protection \(Working with Children\) and Other Legislation Amendment Act 2025 \(NSW\) s 25A\(2\).](#)

¹⁴ 'Relevant offence' is defined in [s 3 of the RWVP Act](#) and includes various specified offences committed 'in Tasmania, another jurisdiction or elsewhere'.

¹⁵ [SCAG \(15 August 2025\), Communiqué.](#)



for registration under the corresponding law in the equivalent category that had been refused or cancelled'. In my view, this new alternative ground should instead be a threshold requirement, such that if the applicant is not eligible to apply under the corresponding law, they may not apply for registration in Tasmania. Where a person meets this threshold, it would then be appropriate that they satisfy an *additional* requirement from the two current options – either five years have passed since their registration was refused or cancelled or there has been a significant and exceptional change of circumstances. The current formulation of the proposed amendment does not result in any substantive change, as a person could still apply for registration if they meet one of the two requirements under the current s 19(4). Given that the purpose of the SCAG agreement is to promote national consistency to better protect children and vulnerable adults, a person should not be able to apply for registration in Tasmania where they are not eligible to apply under the corresponding law pursuant to which their registration was originally refused or cancelled.

I note that this stricter approach appears to have been adopted in Victoria. Under the WSA, any person who has been excluded from child-related work under a corresponding law will be treated as a 'WWC Category A' application (the strictest category) for the purposes of any application or re-assessment, regardless of the circumstances of the exclusion.¹⁶ Section 77 of the WSA outlines restrictions on a person's right to make a further application for a WWC clearance where they have been issued a 'WWC exclusion', including those who were at one time refused a WWC Category A clearance because of a negative notice in another jurisdiction.¹⁷ Such a person may only make a further application for a WWC clearance if they meet two requirements – firstly, five years must have passed since the exclusion was issued and, secondly, the person must no longer be excluded from 'child-related work under a corresponding working with children law'.¹⁸

Risk assessments under Part 5 of the RWVP Act and disqualifying offences

It is worth noting that the eligibility requirements in the proposed s 19(4) are relevant at the application stage and do not impact the risk assessment process required under s 28 of the RWVP Act. The only amendment in the Bill that seems to impact the risk assessment is the disclosure requirement in the proposed s 20(1)(ea), noting that the current risk assessment process requires the Registrar to consider refusals, cancellations and

¹⁶ [Worker Screening Act 2020 \(Vic\) s 60\(1\)\(e\)](#); [Explanatory Memorandum Worker Screening Amendment \(Strengthening the Working with Children Check\) Bill 2025](#), see comments on clauses 1 and 4. Pursuant to s 61 of the *Worker Screening Act 2020* (Vic), the Secretary must generally refuse any WWC Category A application, unless very limited circumstances apply as outlined in s 61(2). Apart from people excluded under a corresponding law, WWC Category A applications include applications related to people who, among other things, are subject to reporting obligations imposed by the *Sex Offenders Registration Act 2004* (Vic) or are subject to a supervision order, a detention order or an emergency detention order.

¹⁷ A 'WWC exclusion' is defined in [s 3 of the Worker Screening Act 2020 \(Vic\)](#) and captures people who have been given an exclusion under s 68(2), which includes people who have been refused a Category A, B or C WWC clearance. Noting that a person excluded from child-related work under a corresponding law would receive a WWC Category A refusal such persons are, therefore, among those subject to a 'WWC exclusion'.

¹⁸ [Worker Screening Act 2020 \(Vic\) ss 77\(1\) and 77\(2\)\(c\)](#); [Explanatory Memorandum Worker Screening Amendment \(Strengthening the Working with Children Check\) Bill 2025](#), see comments on clause 10.



suspensions under corresponding law if the Registrar considers it relevant to determining the level of risk.¹⁹ Further, under s 32(2A) of the RWVP Act, the Registrar must refuse to register a person if satisfied that the person has been convicted of a ‘disqualifying offence’.

The Bill proposes no change to the relevant ‘disqualifying offences’ as these are currently defined in an Order made pursuant to s 54D.²⁰ However, the list of disqualifying offences in the current Order is quite limited compared to some other jurisdictions – the Order captures offences like murder, serious assault of a child, sexual assault of a child, child-pornography offences, kidnapping and bestiality (under Tasmanian law or a corresponding law).

In my view, there is an opportunity to improve national consistency and better protect children and vulnerable adults in Tasmania by amending the current Order to capture a broader range of offences as ‘disqualifying offences’. In Queensland, for example, a ‘disqualified person’ includes, but is not limited to, someone convicted of a wide range of offences listed in Schedules 4 and 5 of Queensland’s Act,²¹ which not only captures offences like murder, rape and sexual assault against a child, but also includes offences such as:

- coercive control of a child if the offence exposed the child to domestic violence;
- cruelty to children under 16;
- grooming a child under 16 or the parent/carer of a child under 16;
- slavery and servitude offences against a child; and
- choking, suffocation or strangulation in a domestic setting.

A similarly broad range of disqualifying offences are listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012* (NSW). In addition to the nature and scope of disqualifying offences, in the interests of supporting public access to, and parliamentary scrutiny of, the list of disqualifying offences, there may also be merit in listing these offences in a schedule to the RWVP Act rather than a separate Order.

Right to review of decisions regarding automatic cancellation

Finally, I note that there is no provision in the Bill to include the proposed s 51(1B) as a ‘reviewable decision’ under s 53 of the RWVP Act. As such, a decision to cancel a registration in Tasmania following a refusal or cancellation under a corresponding law will not be reviewable. This is appropriate since refusals or cancellations under corresponding law should generally only be reviewable in the original jurisdiction, as per the approach in Queensland.²² However, I recommend that consideration be given to including a limited right of review for decisions made under the proposed s 51(1B), in line with Victoria’s approach, which allows a review solely on the grounds of mistaken identity.²³

¹⁹ [RWVP Act s 28\(1A\)\(e\)-\(f\)](#).

²⁰ [Registration to Work with Vulnerable People \(NDIS Disqualifying Offences\) Order 2020](#).

²¹ [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\) ss 16, 17](#).

²² [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\) s 304B\(3\)\(c\)](#).

²³ [Worker Screening Act 2020 \(Vic\) s 105\(2\)](#).



Concluding comments

While my comments in this submission are mainly confined to matters relevant to the Bill, I take this opportunity to advocate for further changes to ensure a rigorous, effective and nationally consistent system.

In particular, the current exemption for correctional officers in rule 11(f) of the Registration to Work with Vulnerable People Regulations 2024 should be revoked. As recently highlighted by Tasmania's Custodial Inspector, this exemption fails to align with Standard 5 of the Child and Youth Safe Standards and places highly vulnerable children and young people detained in prison watch-houses at risk.²⁴

Thank you again for the opportunity to provide feedback on the Bill. Should any clarification be required, I would be happy to engage in further discussion.

Yours sincerely,

Isabelle Crompton

Interim Commissioner for Children and Young People

cc The Hon Guy Barnett MP, Attorney-General

cc The Hon Jo Palmer MP, Minister for Education, Minister for Children and Youth

²⁴ [Office of the Custodial Inspector Tasmania \(2025\), Children in Tasmania's Prisons: Review Report 2025.](#)