1. The Disability Services (Criminal History) Amendment Bill 2009 was introduced into Parliament as a Private Member’s Bill in October 2009. The Bill would amend the *Disability Services Act 2006* (DSA).
2. The DSA is one of a number of pieces of legislation that provides for the criminal history screening of persons who provide services for vulnerable people. The DSA also provided that if a funded non-government service provider proposed to engage a person at a service outlet, the service provider must apply for criminal history screening of the person. The chief executive would then consider whether the person should be issued with a positive notice (Yellow Card) or negative notice. If a person was issued with a negative notice, the person could not be engaged at a place where disability services are provided.
3. The Private Member’s Bill proposed to further amend the DSA to provide for the issue of a ‘carer prohibition notice’ about a person who has a violent criminal history. Under the Bill, a person who has a conviction for a violent offence committed within the previous seven years who sought engagement as a carer by a departmental provider or funded service provider and about whom the chief executive does not propose to issue a negative notice, or who sought engagement by a non-funded service provider, must be issued with a carer prohibition notice.
4. A person who had a charge for a violent offence alleged to have been committed within the previous seven years must be issued with a carer prohibition notice unless there is an exceptional case in which it would not harm the interests of people with a disability if the person was engaged as a carer. If a ‘carer prohibition notice’ is issued about a person, the person cannot be engaged as a carer by either a funded or non-funded service provider.
5. In December 2009, Cabinet approved the introduction of the Criminal History Screening Legislation Amendment Bill 2009 (CHSLAB). One of the purposes of the CHSLAB was to streamline criminal history screening by reducing duplication and linking existing screening regimes. The CHSLAB proposed to amend various legislation containing criminal history screening provisions, including the DSA to increase the consistency between the various screening regimes.
6. Cabinet decided to oppose the Disability Services (Criminal History) Amendment Bill 2009 but consider the extension of safeguards, including criminal history screening, to the non-funded sector when the DSA is reviewed in 2010–2011.
7. *Attachments*
* [Disability Services (Criminal History) Amendment Bill 2009](Attachments/Bill.pdf)
* [Explanatory Notes](Attachments/Exp_P%5B1%5D.pdf)