

Poor record-keeping holds back pursuits of justice

by Barney Zwartz - The Age, April 6, 2013. [Story Link](#)

Incompetent record keeping is depriving thousands of Victorians of life-changing information, but the Department of Human Services has "a profound conflict of interest" because fixing the problem would allow a rush of lawsuits, a parliamentary inquiry was told on Friday.

Some 90 per cent of DHS records are not properly managed, and the increasing amount of electronic data is making the problem worse, the Victorian inquiry into how the churches have handled sex abuse heard.

Debbie Prout of the Records and Information Management Professionals of Australasia said by law the department had to ensure records were accessible and discoverable, but the more it did the higher the chance of lawsuits would be.

She said she was concerned that records pertaining to abuse would be destroyed. Nongovernment agencies, including churches, faced the same conflict.

In other evidence, child protection expert Bernie Geary said that exempting parents from working-with-children checks was "ridiculous". He said the Department of Justice should carry out spot checks, and that it must be a crime for priests not to report suspected child abuse, even if they learned of it through the confessional.

Ms Prout said the record deficit particularly impacted on the most vulnerable, such as former wards of state, who could not find out information such as surviving relatives or material they could use in seeking compensation.

She said Ombudsman and Auditor-General's reports showed that record-keeping compliance breaches were "prolific, recurring and have high risk implications".

"There is no agency monitoring, no agency compliance reporting, no defined community complaints process, and the penalties for destruction are woeful."

Ms Prout said the move from entirely paper files made the problem worse, as electronic data such as emails might be stored in many different places.

Mr Geary, chief commissioner of the new Commission for Children and Young People said more than 1300 people have been denied working-with-children checks after investigation through the Department of Justice. "That's 1300 people with a relevant criminal history who wanted to work with children. When the checks were introduced in 2005, I felt it was hitting an ant with a sledgehammer, but I have changed my mind."

He said parents who acted as volunteers, for example as sports coaches, with their own children were not necessarily suitable. Predators often sought to work with the peers of their own children and had regular, direct and unsupervised access - "the three key factors".

He said no one followed up working-with-children checks at present, but it should be done by the Department of Justice, which should also carry out spot checks on the 600 children in state-run residential care.