

## CRIMINAL HISTORY SCREENING LEGISLATION AMENDMENT BILL

### First Reading

**Hon. KL STRUTHERS** (Algeria—ALP) (Minister for Community Services and Housing and Minister for Women) (3.01 pm): I present a bill for an act to amend the Child Care Act 2002, the Child Protection Act 1999, the Child Protection (Offender Prohibition Order) Act 2008, the Commission for Children and Young People and Child Guardian Act 2000, the Community Services Act 2007, the Disability Services Act 2006, the Education (Accreditation of Non-State Schools) Act 2001, the Education (Queensland College of Teachers) Act 2005, the Evidence Act 1977, the Family Services Act 1987, the Guardianship and Administration Act 2000, the Health Practitioners (Professional Standards) Act 1999, the Nursing Act 1992, the Police Powers and Responsibilities Act 2000, the Public Service Act 2008, the Youth Justice Act 1992, the Juvenile Justice and Other Acts Amendment Act 2009 and the acts mentioned in schedule 3, for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

*Tabled paper:* Criminal History Screening Legislation Amendment Bill.

*Tabled paper:* Criminal History Screening Legislation Amendment Bill, explanatory notes.

### Second Reading

**Hon. KL STRUTHERS** (Algeria—ALP) (Minister for Community Services and Housing and Minister for Women) (3.01 pm): I move—

That the bill be now read a second time

The Bligh government is committed to providing safe service environments for children as well as adults with a disability through effective and robust employment screening systems. We are also committed to ensuring that such frameworks are not unduly onerous for those seeking to work in such environments.

The Queensland government prioritises safeguards for vulnerable groups, such as children and people with a disability, by authorising legislative systems to enable the screening of criminal histories of individuals who provide services to them. The intention of these safeguards is to exclude people with relevant serious criminal histories from working with vulnerable groups.

Queensland's blue card system is regarded as one of the most effective and accountable screening systems in Australia and to date has prevented over 3,500 high-risk individuals from working with children. The Commission for Children and Young People and Child Guardian monitors over 475,000 blue card holders on a daily basis. The commission's target time frame for processing blue card applications, where there is no criminal history and where the application has been completed correctly, is 28 days. Currently, the average for processing these applications is 14 business days, with 91 per cent being processed within the 28-day period.

To further improve and streamline the screening process, the Queensland government has identified opportunities to reduce the duplication in criminal history checks and increase the consistency of criminal history screening processes. The bill that I am introducing today will improve the cohesion of the existing systems while improving essential safeguards for children as well as people with a disability.

I now turn to the key amendments proposed by the bill. In Queensland there are multiple criminal history screening regimes in place, including the blue card system which requires a person in child-regulated employment to undergo criminal history screening; criminal history screening of teachers seeking registration; the yellow card system which requires all persons engaged at service outlets of funded non-government disability service providers to undergo criminal history screening; and criminal history screening for public servants. In summary, where persons provide services across different environments, duplicate screening can occur. The bill reduces duplication of screening by allowing for police officers and registered teachers to apply for an exemption from holding a blue card when providing child-regulated services which fall outside their professional duties; blue card holders seeking engagement by a government provided or funded disability service to apply for an exemption from holding a yellow card; and registered health practitioners to be automatically exempt from requiring a blue card or yellow card when providing services to children as well as adults with a disability as part of their professional duties.

The bill also increases consistency in criminal history screening by amalgamating into the blue card system the screening of all persons providing services to children with a disability, except health practitioners when performing regulated duties and teachers and police officers; all employees and volunteers of state government entities who are engaged in child-related roles; health students

undertaking placements that involve service delivery to children within private or public facilities; and all employees and volunteers of local government undertaking child-related roles.

The proposals contained in the bill are considered to substantially reduce duplication and improve efficiencies for registered teachers and those seeking to become registered teachers. A reduction in duplication will occur for teachers who provide child-regulated duties outside their professional duties. Similarly, duplicate checks will be reduced through the recognition of a current blue card as part of an application for teacher registration.

The need to streamline Queensland's criminal history screening processes have been raised by key stakeholders, including community organisations and individuals. I acknowledge that duplicate screening can be costly and inconvenient. I also acknowledge the ongoing need for distinct screening systems because of the diverse purposes, client groups and environments that each regime applies to.

In September 2009 we released the Criminal History Screening Bill Consultation Paper to seek stakeholder views on the impacts of the bill's proposals. Responses to the paper were received from the various organisations impacted by the proposals, namely the children and youth, disability, education, health, state government and local government sectors. Thirty-nine per cent of responses came from the children and youth sector with 24 per cent from both the disability and education sectors. I am pleased to advise that respondents largely support the proposals to reduce duplication and increase consistency in criminal history screening.

Almost all respondents agreed that the proposed changes would maintain safeguards for children as well as adults with a disability; achieve consistent and streamlined criminal history screening systems across the blue card, yellow card and teacher registration systems; simplify and streamline administrative processes for organisations and individuals; and reduce costs for applicants for teacher registration who hold a blue card.

My thanks go to all of those individuals and groups who took the opportunity to have their say about the proposals contained within the bill. I am pleased to advise that the bill addresses matters raised by stakeholders during consultation. In all cases, these exemptions apply to persons who have already undergone equivalent screening checks and who retain a current approval to work under their respective screening system.

The Queensland government has also looked at ways to align the existing screening frameworks so that screening agencies will—as far as is practicable—have access to a consistent range of police information.

026 The bill also strengthens the existing exclusionary frameworks in several ways to ensure that individuals convicted of certain serious sexual offences are effectively banned from working in child related employment or government provided or funded disability services. Each system will automatically exclude certain individuals from being able to apply for a blue card, yellow card or teacher registration if subject to reporting obligations under the Child Protection (Offender Reporting) Act 2004, or orders under the Child Protection (Offender Prohibition Order) Act 2008 or the Dangerous Prisoners (Sexual Offenders) Act 2003.

In addition, the bill strengthens the existing frameworks by enabling screening agency access to additional information relevant to a person's criminal history or alleged criminal history, such as certain information from the Director of Public Prosecutions, Mental Health Court and Mental Health Review Tribunal. These changes will allow screening agencies to make full and informed decisions about whether a person should be eligible to work with children as well as adults with a disability. In recognition of one of the key issues raised during stakeholder consultation, the blue card and yellow card renewal period will be extended from two to three years. Further consistency will be achieved through the introduction of a fee for yellow card applications, similar to the fee for blue card applications for paid employees. It is anticipated that the changes made through the bill will realise administrative efficiencies through reducing the number of criminal history checks undertaken by approximately 100,000 in the first three years of implementation.

Through this bill, amendments are also made to the Disability Services Act 2006 and Guardianship and Administration Act 2000 to extend the maximum period for short-term approvals for restrictive practices. Disability service providers may use restrictive practices at times to manage the behaviour of an adult with an intellectual disability or cognitive impairment to prevent risk of harm to the adult or someone else. The restrictive practices legislative scheme commenced in 2008 and implements recommendations 20 and 21 of the report by the Hon. WJ Carter QC, *Challenging behaviour and disability: A targeted response*. The proposed amendments are required to give disability service providers sufficient time to prepare an assessment for the adult, develop a positive behaviour support plan and obtain authorisation under the full scheme. Importantly, the current safeguards for the individual, available under the existing provisions, will remain. A technical amendment is also made to clarify a further circumstance when the transitional period for restrictive practices ends.

The bill achieves more simplified and consistent criminal history screening to reduce duplication and to enable individuals working with children and people with a disability to move readily from one

organisation to another without multiple checks. The reductions in duplicate checks will also improve efficiencies, which will no doubt benefit organisations, individuals and stakeholders. This represents a significant improvement to the existing criminal history screening systems in Queensland while, importantly, ensuring that necessary safeguards are not compromised.

I thank all those who contributed to and informed the development of the bill. I commend the bill to the House.

Debate, on motion of Mrs Menkens, adjourned.

## ~~TRANSPORT (RAIL SAFETY) BILL~~

### ~~First Reading~~

~~Hon. RG NOLAN (Ipswich ALP) (Minister for Transport) (3.13 pm): I present a bill for an act to provide for rail safety, and for related purposes, and to amend this act, the Transport Infrastructure Act 1994, the Workplace Health and Safety Act 1995, and the acts mentioned in schedule 1, for particular purposes. I present the explanatory notes, and I move~~

~~That the bill be now read a first time.~~

~~Question put That the bill be now read a first time.~~

~~Motion agreed to.~~

~~Bill read a first time.~~

~~Tabled paper: Transport (Rail Safety) Bill.~~

~~Tabled paper: Transport (Rail Safety) Bill, explanatory notes.~~

### ~~Second Reading~~

~~Hon. RG NOLAN (Ipswich ALP) (Minister for Transport) (3.13 pm): I move~~

~~That the bill be now read a second time.~~

~~The Queensland government is committed to further improving the safety performance of the state's diverse and growing rail operations across 9,800 kilometres of rail corridor. That is what the Transport (Rail Safety) Bill 2010 is about. It is worth noting the diversity of the rail industry in Queensland. There are 38 accredited railways operating in the state, ranging from large commercial organisations such as Queensland Rail and Pacific National to various smaller tourist and heritage rail operations. This new bill, based on a national model bill developed by the National Transport Commission, was prepared in consultation with rail safety regulators, industry, rail unions and other stakeholders.~~

~~This bill forms part of a system of nationally consistent rail safety laws which are intended to improve rail safety performance in Australia by implementing best practice approaches to rail safety regulation and to deliver a higher degree of regulatory consistency across Australian states and territories.~~

~~To date Victoria, New South Wales, South Australia and Tasmania have implemented legislation based on the national model bill. West Australia and the Northern Territory are currently progressing bills through parliament. The co-regulatory approach used in the bill is based on principles of shared responsibility.~~

~~Under the Transport (Rail Safety) Bill, rail transport operators will continue to require accreditation before they can operate. Accreditation as an operator will demonstrate that an organisation has demonstrated the competence and capacity to manage risks to safety associated with its railway operation. This is a significant improvement on the existing requirement to demonstrate competence and capacity to comply with certain administrative standards.~~

~~The bill details the requirements for safe operation of a railway in Queensland including specific plans and programs for security management, emergency management, health and fitness management, and alcohol and drug management as well as fatigue management.~~

~~Rail transport operators will now be required to consult with any person who works on or at their railway premises and their representatives before establishing, reviewing or varying a safety management system.~~

~~The bill will also provide for related compliance codes and associated national guidelines, which will guide rail safety regulators' requirements and behaviour and provide rail transport operators with a nationally consistent set of expectations regarding the processes to be followed.~~

~~An important highlight of the bill is the inclusion of 'general safety duties' that requires all rail transport operators and contractors who undertake rail safety work, for specific prescribed railway operations, to ensure the safety of their railway operations 'so far as is reasonably practicable'.~~