



Speech by

Hon. ANNA BLIGH

MEMBER FOR SOUTH BRISBANE

Hansard 4 August 1998

MINISTERIAL STATEMENT

Child Abuse

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (9.47 a.m.), by leave: I earlier tabled for the information of honourable members the Children's Commission's preliminary report on allegations of abuse of former residents of St Joseph's Orphanage at Neerkol, Rockhampton, in the 1940s, 1950s and 1960s. This report is an important first step into a full examination of allegations of child abuse at Neerkol and other Queensland institutions.

I take pleasure this morning in congratulating the Children's Commission upon the report. I say it is an important first step because, as the Children's Commissioner himself has acknowledged within the report, substantial findings have not been possible because of the lack of available information. There has been much public comment about the inability of the Children's Commission to access files from the Department of Families, Youth and Community Care. Unfortunately, much of this comment has been ill informed, falsely alleged deliberate cover-ups and impugned the personal reputation of officers of the department.

Unfortunately, some statements in this report could be misconstrued in such a way as to continue these popular misconceptions. I therefore welcome the opportunity in presenting the report to outline the truth of these matters because they go to the very heart of why the Children's Commission legislation must be overhauled.

The reality is that the officers of my department have no legal authority to provide personal records to the Children's Commission because of their legal obligations under the Children's Services Act 1965. In fact, to do so could expose these officers to criminal proceedings and possible imprisonment. Members may be unaware that officers of my department are required to swear an oath of secrecy on employment to protect the privacy and confidentiality of the clients of the department and the deeply personal information collected about them. Far from a desire to obstruct the commissioner, officers of my department sought to assist in the face of this legal impediment. They proposed an alternative method which would give the commissioner and others legal access to the documents. Former residents could access their records from the department through freedom of information and then provide this information to the Children's Commissioner should they choose to do so.

A total of 176 FOI requests were made by former Neerkol residents, and these have been given priority by my department. Generally speaking, the only material to which former residents were not given access was private information relating to people other than the applicants themselves. All applicants were advised of their appeal rights and, in sharp contrast to public claims regarding a lack of access to documents, only one application for internal review of departmental decisions and no applications for external review were made over a five-year period. Undoubtedly, however, this process is understandably frustrating for those involved and unsatisfactory as a means to go forward into the future. However, it has been the only legal avenue available to all involved.

Both the Children's Commissioner and the former Government were well aware of this fundamental flaw within the Children's Commission legislation. They were briefed upon it by the Crown Solicitor as early as 13 June 1997. The former Minister, the member for Beaudesert, took no action to rectify these legal difficulties for 10 months. Some 10 months later, and a new Minister later, an amendment Bill was produced, but it was still flawed and was abandoned by the former Government.

It is clear that this legislation must be reviewed properly—and not in the piecemeal way that has occurred to date. At the same time, the policies, practices and training within my department must also be reviewed so that the Children's Commission and its associated tribunals can properly fulfil their primary role as an external review mechanism. None of these basic procedural measures were undertaken by the former Government. I can assure the House that this review of the Children's Commission legislation will proceed as a priority—reflecting my strong commitment and that of the Government to the important role of the commission in ensuring high-quality children's services in Queensland.

I am absolutely committed to a professional internal and external review and appeal mechanism which is both accountable and transparent. This is critical to ensure quality decision making on the delicate issues involved in child protection activities. In the meantime, honourable members will be aware that Cabinet has moved to establish an inquiry into these matters and other allegations of child abuse in Queensland institutions. I look forward to providing more details of this inquiry to the House as they are finalised in the coming weeks.

At this point I would like to conclude by reinforcing my intention that the independent inquiry will allow former residents to tell their stories, that it will examine broad systemic issues with an eye to the future, but most importantly, that this will occur in a way which is consistent with the very sensitive nature of the matters under investigation.
