



Speech by

Hon. ANNA BLIGH

MEMBER FOR SOUTH BRISBANE

Hansard 24 November 1999

PERSONS CONVICTED OF OFFENCES AGAINST CHILDREN

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (6.20 p.m.): Like other speakers in this debate, I am very pleased to see that the sentiments expressed in this motion will enjoy bipartisan support tonight. The motion seeks to achieve precisely the objects that I am seeking to achieve through the powers being proposed in the new Children's Commissioner legislation. The motion also confirms the undertaking that I gave on 11 November during debate on the Family Services Amendment Bill. I am very happy to repeat that undertaking as part of this debate here this evening. I have already put in place research, and a number of weeks ago I gave instructions to officers to investigate the implementation of such a scheme in Queensland and to begin to undertake consultation in that area.

As has already been outlined, this is a relatively new area of law. On our investigations, there are only two jurisdictions in any common law country in the world that have either contemplated a move or have moved in this direction. As the shadow Minister outlined, the United Kingdom has contemplated this and has agreed to support it in principle but has yet to bring any legislation to the Parliament that we might be able to use as a precedent or draw upon for guidance. The New South Wales Government has passed legislation but is yet to proclaim it. I understand that it is still working through some of the implementation details.

The thing that members will notice about both of these Governments—I was very pleased to see the member for Warwick acknowledge it—is that they are Labor Governments. The idea before us this evening is in fact not a new one. It is the idea and policy brainchild of two Labor Governments. I am very pleased to see the member for Warwick promoting with such vigour the policy of Labor Governments. If he seeks to continue to be the vessel through which Labor policy passes, we on this side of the House will only applaud.

As is always the case with many good ideas, the devil is in the detail. When one is seeking to protect children, a fine line always has to be walked to balance the protection of children with the rights of our citizens and the need to afford citizens natural justice. The New South Wales scheme has very extensive appeal rights available to people who are affected by the legislation. Appeals for existing employees affected by the legislation are available through the Industrial Relations Commission. For prospective employees affected, appeals are available through the New South Wales Administrative Appeals Tribunal. Of course, Queensland does not have an Administrative Appeals Tribunal, and I suggest that we will have to look very carefully at how we achieve a similar balance of natural justice.

Both the New South Wales and UK systems have in place an interlocking and comprehensive system of employment screening. In many respects they are quite different from our existing employment screening. As we go down this path, I think that we have to remember our objective. It is very clear: our objective is to keep unsuitable people out of certain kinds of workplaces and out of environments where children are regularly present.

The objective of this legislation is not to impose new sentences on people who have already been sentenced by the courts and who have served their sentences. Therefore, in my view the onus cannot ever be rested entirely on the shoulders of offenders. Firstly, they are not trustworthy. I am not prepared to leave this solely in the hands of people who have committed these kinds of offences.

In the past 12 months we have seen a revolution in the protection of children in Queensland. We have seen the completion of the Forde inquiry, the passage of new child protection legislation, the passage of the family services amendment legislation and the most significant single funding increase to child protection in the history of this department.

I am happy to assure the House that the revolution is set to continue with the Children's Commission legislation. This new legislation will increase the powers of the commission to investigate complaints, it will expand the monitoring mandate of the commission and, of course, it will give it a new role in relation to employment screening. As I said, both the Blair Government and the New South Wales Government incorporate in their employment screening and workplace protection schemes a comprehensive interlocking system that imposes an obligation on employers to undertake screening.

I trust that the coalition support for this motion tonight signals an intent on its part to reverse its previous opposition to this aspect of the proposed powers for the Children's Commission. The obligation on employers in certain child-related employment areas to undertake very vigorous and rigorous criminal history checking for both paid and unpaid employees and volunteers is already in place in New South Wales and has already been passed by the UK Parliament as part of this very same system.

It is my view that there is no point trying to shut the gate after the horse has bolted. As I said, I do not believe that we can trust these sorts of offenders in these situations. We are trying to put as many hurdles at the gate of the workplace as we possibly can. I am very happy to take on board these policies from other Labor Governments and I am very happy to see the Opposition supporting them. As I said, I hope the Opposition supports the comprehensive plan that we bring forward.

Time expired.
