



Speech by

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MEMBER FOR CABOOLTURE

Hansard 10 November 1999

FAMILY SERVICES AMENDMENT BILL

Mr FELDMAN (Caboolture—ONP) (5.37 p.m.): It is with pleasure that I rise to speak on the Family Services Amendment Bill 1999. It is good to put in perspective the ethos behind the Bill—that is, to strengthen criminal history checks to include the convictions and charges applicable to employees of and persons being considered for engagement in any capacity within the Department of Families, Youth and Community Care.

I agree with the Minister for Family Services that it is essential that staff employed within the Department of Families, Youth and Community Care are honest and professional workers. In common with speakers before me, I firmly believe that the great percentage of these employees are honest, trustworthy and highly professional people. However, records have confirmed that in the past client abuse has occurred by staff employed by the department. Although this may not be common, the fact remains that it does happen. Indeed, the department services children and people with intellectual and other disabilities—individuals who certainly require protection from harm, especially from those who are employed to care for them and who enjoy a position of trust.

As we are well aware, it is difficult to identify people in our society who possess immoral motives—individuals who pursue the vulnerable as easy targets to satisfy their criminal cravings. One Nation has always had and adopted from the very beginning a strong stance against the defilement occurring within Government institutions and services, and it was largely due to our persistence in seeking out the truth, especially about the Heiner document shredding, that this Government was shamed into setting up the Forde inquiry. The Forde inquiry has not addressed all those concerns, but it certainly highlighted the abuse that occurred in the John Oxley Youth Detention Centre and the fallout over that matter. I assure the Government that the concerns about those matters will not go away.

These inquiries, along with other discussions on the issue, have emphasised that the problem of client abuse is evident within some Government institutions and services. Therefore, it is essential that the department employ the strongest of strategies to safeguard its clients from harm sooner rather than later. These strategies must be fair yet send a strong message to persons contemplating work with and around children and the physically and mentally challenged. The strategy of enforcing stringent checking procedures on current and potential staff of the department would be a reliable way of verifying that staff are indeed honest, trustworthy and have a sound character and nature. By allowing the department to have increased interaction with the Queensland Police Service to gain information in relation to convictions, charges and background to these charges and current investigations relating to serious offences applicable to staff and potential staff, the department will be able to fully scrutinise any potential risks. It is, in fact, not just a reality of a risk but a potential risk that is the essence of these checks.

The concept of requiring prosecuting authorities to disclose to the chief executive criminal information pertaining to an individual whom they know is engaged by the department would also be achieved by this objective. Some, however, may argue that not all staff employed by the department should be subject to these criminal checks. I note that the honourable member for Indooroopilly raised this matter and included these categories in his speech: work experience students, trainees and university students. However, I disagree. For example, public servants employed in areas of finance

and administration would not normally have any direct contact with departmental clients; therefore, one could question the reason for their being subject to the disclosure requirements.

This is a debatable issue. However, in my view, staff employed under this category still can have access to departmental records detailing client particulars. We must remember that most deviant people use the weaknesses of others as a control mechanism over them. Just recently, we have heard about a paedophile in north Queensland who has been abusing disadvantaged street children who themselves have criminal histories—using their very criminal histories as a weapon against them. Offenders make statements such as: "No-one will believe you when you tell them what I did." "I will make a complaint about you concerning your criminal history." "They will believe me before you because of the position of trust that I occupy." "It is you that is the criminal." These people trade on the weaknesses, the low self-esteem, the intellectual incapacity or the age of their victims.

As a further example, someone working within information technology services may be asked to configure a database containing confidential client details. This person would have access to sensitive information that could be misused to the detriment of a client, especially should that worker be someone with an unsavoury background. Another example could be—as was highlighted before—cleaning staff who work in institutions. These employees generally work outside hours—for example, early mornings and late at night—and normally have no direct contact with clients as part of their job responsibilities. However, these employees work in the vicinity of clients, hence posing a possible threat to the clients residing in institutions. Therefore, I believe that it is necessary for all departmental staff to be subject to the disclosure of any criminal history, as those two examples clearly demonstrate that staff do not necessarily need to have direct contact with clients in order for those clients to be open to abuse.

Let me also reiterate the fact that similar criminal history checks currently apply to individuals such as teachers or staff employed under the Education (Teacher Registration) Act 1988, casino staff hired under the Casino Control Act 1982 and staff working under the Transport Operations (Passenger Transport) Act 1994. These checks are in place for obvious reasons, and it only makes sense that the Department of Families, Youth and Community Care should adopt the same standards.

In closing, I commend the Minister for the safeguards and the confidentiality provisions implemented in the Bill to protect the rights and liberties of departmental staff and potential staff. I also thank the Minister and her staff for the comprehensive briefing in relation to this Bill and for helping to alleviate some of our initial concerns, which were hammered out during those briefings.

The disclosure of criminal history particulars in private and sensitive information must be respected accordingly, and no staff members should be penalised for their honesty. In addition, I note that additional costs of obtaining these criminal history checks will be met within current departmental budget allocations. One Nation supports this action, as we believe that no additional cost should be imposed on any individual or departmental staff.

However, the Government does need to allay some of the fears created by some of the rumours circulating out in the community in relation to local sporting clubs and the like, as there is considerable concern that those community organisations will not be able to fund any checks on some of their officials—and perhaps some dozens of officials. I firmly believe that the Government must go head on and not back down when it comes to the safety of children, especially children in care and in care facilities. I do not believe that mandatory checks, especially those called for under this Bill, are over the top or an extension of the Big Brother philosophy or point of view. These checks are necessary and, I believe, will result in many who are in care now and in the future being saved from sexual exploitation and unwanted sexual attention. I support the Bill.
