



Speech by

**Hon. J. FOURAS**

**MEMBER FOR ASHGROVE**

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Hansard 24 November 1999

### **PERSONS CONVICTED OF OFFENCES AGAINST CHILDREN**

**Hon. J. FOURAS** (Ashgrove—ALP) (6.50 p.m.): It is very easy for members of this House to say that all children have the fundamental right to a safe, caring and nurturing environment in which to grow up. Unfortunately, providing that environment is not as easy as talking about it. The record of State and Federal Governments of all parties has been less than noteworthy in this area.

When I was shadow Minister for Family Services in 1977 and again in 1986, we argued about the need for better child protection legislation. It never came. We argued about the fact that something like seven out of 10 young people who ended up in institutions were abused in those institutions. Nothing happened. We argued about the need for more resources to make sure that we could meet our statutory obligations to protect children. It never happened. I remember very well a report to the Parliament in which the director-general of the Department of Children's Services stated that he could not meet his statutory obligation to protect children. He was sacked. Let us not beat about the bush. Let us not talk about how good we have been and what we have done. Let us not pat each on the back in relation to this issue.

The Beattie Labor Government and Minister Bligh should be commended. The Forde inquiry highlighted child abuse in institutions. The Child Protection Act affords excellent protection measures, as do the amendments to the Family Services Act. More resources are being made available, although they are still not adequate.

Tonight we are debating whether the proposals in the Child Protection Act and the Family Services Amendment Act are adequate. My first impression of the motion was that it was not about child protection, but punishment. I agree with the member for Kurwongbah on that point, particularly when we look at the record of this Government in introducing the Child Protection Bill and the Family Services Amendment Bill. I join others in welcoming the bipartisanship of the debate on this motion, which allows the matter to be referred to the Minister for Family Services for further investigation, rather than, as the original motion stated, outlining what the Parliament must do. This allows for a fair analysis. At all times we must test the practicality of principles. We must always see if they are workable and fair.

There is nothing new in this motion. On 11 November in this House, Minister Bligh gave an undertaking to look further at this matter as part of the pending changes to the Children's Commission. She stated that proposals for employment screening would be forthcoming. I emphasise that we need to consider natural justice. We must not make hasty decisions.

Minister Bligh said something very instructive during the debate on 11 November. She said that although it was the intention of the Government to keep people who are likely to offend against children out of institutions and away from children; it was not the Government's intention to repunish people who had already served their sentences. As the shadow Minister for Education said, it is obvious that, following the passage of legislation, criminal checks are undertaken and people's employment records do show their criminal histories. However, people must have the right to move on. They must have the right to put their past behind them.

For two years I travelled around Australia with the Burdekin inquiry into homeless children. I met many people who had committed criminal acts but had then rehabilitated themselves and did the most wonderful work with children. As the member for Archerfield said, take a person who committed carnal knowledge when they were young—it might have been 20 or 30 years ago—and has since put that

behind them. Perhaps they should not be prohibited from submitting an application to the department. Certainly I have some concerns about such an application then becoming a crime punishable by five years' imprisonment. There may be alternative responses to this proposal and I ask Minister Bligh to look at them.

One alternative would be to allow the sentencing court a discretion to make an order against a specific person prohibiting them from seeking child-related employment. I could not argue against that if it was the decision of the court. Unless the person obtained the leave of the court to seek such employment in the interim period, they would be committing an offence if they did so because they would be well and truly aware that they were prohibited from doing so. We should be very careful to ensure that natural justice is maintained, so that things will work—

Time expired.

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