



Speech by

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MEMBER FOR MUNDINGBURRA

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FAMILY SERVICES AMENDMENT BILL

Ms NELSON-CARR (Mundingburra—ALP) (5.45 p.m.): I also rise in support of the Family Services Amendment Bill 1999. The reasons for the Bill are simple—child protection. The Forde inquiry into the abuse of children reflects the growing community concern and awareness of issues surrounding child abuse and the care of children by the State. The findings of abuse of persons with an intellectual disability highlighted these same community concerns. Children in care and people with intellectual disabilities should not be subject to abuse by the criminal activities of staff who are employed to protect them. This Government is making sure that its duty of care ensures the safety and protection of its children and adult persons with an intellectual disability receiving residential care services from the Department of Families, Youth and Community Care.

The CJC report into the Brisbane Basil Stafford Centre said that some staff had physically and sexually abused patients. This duty of care means a strengthening of the ability of the Department of Families, Youth and Community Care to access information held by the Queensland Police Service on employees or potential employees of the department. There are already provisions for mandatory checks of the criminal history of all persons being considered for employment in any capacity with the Department of Families, Youth and Community Care. However, there are no provisions providing the department with access to information in relation to charges or current investigations of serious offences. The current legislation provides no authority for the department to confirm with the Queensland Police Service whether or not a prospective or current employee is under investigation for a serious offence. No information is available regarding the complaint. This is what this Bill is about, with the introduction of laws that will ensure that departmental employees will have their past criminal records thoroughly vetted.

Despite the complaints expressed by some regarding an invasion of privacy and innocence unless proven guilty, as has already been said today there are already in place a range of disclosures required from people wanting employment in other parts of the Public Service, including the Police Service, schools and, most appropriately, the Department of Families, Youth and Community Care. Broadly, this means that the Minister's present proposals amount to a small extension of the requirements for disclosure in the existing law.

As a teacher and the mother of five children, I believe first and foremost in the protection of children in my care. I am aware that simply because a person was not convicted as a paedophile does not mean that that same person is suitable for employment in sensitive areas in the Department of Families, Youth and Community Care, including the welfare of children or intellectually disabled people. It is a fact that some convictions are notoriously difficult to obtain. Indeed, I believe that some lawyers have published guides showing how sex offenders can best escape conviction. Some sex abuse cases can also be thrown out because of the unreliable testimony of child witnesses. Our Minister is demanding that those seeking employment in her department must have the highest qualifications, not merely that they have not been convicted of various offences.

This Bill represents the State's responsibility for children in its care and is doing its utmost to protect them. In its most basic form, this means protecting the vulnerable from sexual predators at all costs. While this new system may not stop all undesirables from slipping through the net, it will certainly

make it tougher for them. Comprehensive checks like these have been operating in Education Queensland, making all new teachers subject to criminal investigation.

These checks cover all charges and convictions, both minor and indictable, regardless of how long ago the charges were laid. Where the Criminal Law (Rehabilitation of Offenders) Act does not allow an offence to be traced after a certain time period, the Board of Teacher Registration legislation overrides that and encompasses all offences, no matter how old. The Board of Teacher Registration legislation requires all schools and authorities from State and non-State sectors to notify the board if a teacher is dismissed for serious misconduct.

We are not talking about traffic offences here; we are talking about indecent dealings with a minor and relevance to the profession. Why is this the case? It is the case because the duty of care, once again, is to provide protection for our most vulnerable. It is simple. Tuckshop workers, sports day helpers, contract cleaners, regular delivery and tradespeople and administrative staff all have to declare that they have no criminal convictions before setting foot in Queensland schools. Those who provide false information will face a \$7,500 fine, termination and dismissal. Why is this so? It is so because the priority is overwhelmingly to protect children.

This mandatory checking will close some of the gaps that exist and will be the same as checks carried out on employees in other areas such as croupiers, child-care workers and public transport drivers, including taxi, bus and limousine drivers. This tightening of the existing procedures will provide further safety for the vulnerable in the care of the State, and it is also balanced with safeguards to protect departmental staff and potential staff. I recommend the Bill to the House.
