



Speech by

Hon. M. FOLEY

MEMBER FOR YERONGA

Hansard 24 November 1999

PERSONS CONVICTED OF OFFENCES AGAINST CHILDREN

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (6.10 p.m.): I am pleased to second the motion moved by the member for Warwick in the spirit of bipartisanship. The community expects members of Parliament to work together where possible to tackle the big issues of our day. The Beattie Labor Government stands ready, willing and able to adopt a cooperative, bipartisan approach on the great issues of the day where that is reasonably possible. Our action today is evidence of that commitment. People are sick and tired of unnecessary acrimony and point scoring. They expect higher standards from the Parliament. We are determined to work with all people of goodwill to tackle the big social issues of our day.

I am pleased that the honourable member for Warwick has not proceeded with the motion of which he gave notice this morning, for it is incumbent upon the Parliament to proceed with care whenever it seeks to create a new criminal offence as contemplated in the motion. In particular, the criminal offence which was proposed to be supported in that motion was, in some respects, ambiguous with regard to the scope of the offence and ambiguous in the extent of its application.

What is important in this debate is that there be a holistic approach to the care and to the protection of children. It is important that measures be looked at such as the duty of employers to adequately screen their staff. That is why in this Parliament on 11 November this year the Minister for Families, Youth and Community Care gave an assurance that she was willing to consider proposed changes to the Children's Commission legislation in relation to employment screening and was willing to address the issues set out in this motion—namely, the question of whether it should be an offence for persons in certain categories to apply for employment in child related areas.

It is relevant to note that throughout the common law world the creation of criminal offences in this area is virtually unprecedented. It is true that the Blair Government in the United Kingdom has looked at the prospect of so doing. What it has done to date has been to introduce and pass the Protection of Children Act 1999. That arose from the recommendations of a working group, in particular involving the creation of a one-stop shop to enable agencies to identify unsuitable persons by using the Police Criminal Records Bureau as a central access point for checking the records of people working with children.

The further proposal of creating a criminal offence relating to attempting to or actually working with children while banned remains unimplemented in legislation. In New South Wales, however, the Child Protection (Prohibited Employment) Act 1998 has been passed but as yet remains unproclaimed. It is expected to be proclaimed about the middle of 2000 to coincide with the anticipated commencement date of a Statewide screening process for all people involved with children being developed under the Commission for Children and Young People Act 1998. It is important that this be approached with care, for the creation of a criminal offence must be done with precision and with the goal in mind of protecting children. Broad phrases such as "environment involving children" contemplated in the original motion clearly need to be given greater particularity if justice is to be done and the objects of protecting children are to be properly assured.

This Government remains strongly committed to ensuring that children are properly protected and that unsuitable persons do not work in child related activities. The protection of those children demands, however, that this area be approached with care and sensitivity in a thoughtful way, with the benefit of consultation with the community. That is the basis upon which the Honourable Minister for Families, Youth and Community Care will be approaching it.