



Speech by  
**Mr TERRY SULLIVAN**  
**MEMBER FOR CHERMSIDE**

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Hansard 10 November 1999

**FAMILY SERVICES AMENDMENT BILL**

**Mr SULLIVAN** (ChermSIDE—ALP) (5.51 p.m.): I rise to support the Family Services Amendment Bill. Previous speakers have alerted us to community concerns over issues surrounding child abuse and the protection of children and people with intellectual disabilities in the care of the State. We understand that the Government must fulfil its duty of care in the protection of the most vulnerable members of our community.

The Family Services Amendment Bill 1999 seeks to balance the rights of clients to confidential, safe and quality services from the Department of Families, Youth and Community Care with the rights of employees to natural justice and consistent, thorough guidelines for use by the department. The Bill addresses the public and governmental concern over gaps in criminal history checks of potential employees who are charged with the care and protection of children and people with a disability.

In response to concerns from Family Services officers and others, the Bill legislates for mandatory checking of Queensland Police Service records of investigations, charges and convictions of any potential employee of the department. Mandatory checking to this degree already exists for croupiers, teachers, child-care workers and public transport drivers, including taxi, bus and limousine drivers.

I know from my six years on the Board of Teacher Registration that care has to be taken to ensure that teachers on the register are fit and proper persons to teach. It is difficult to develop processes which protect children, yet which respect an applicant's right to natural justice. I believe that this legislation achieves those ends.

Natural justice is enshrined with the invitation for applicants to detail charges and convictions together with information which should be considered in conjunction with criminal history. As well, applicants will be advised that, as part of the selection process, a criminal history search will be conducted. Criminal history searches will only be conducted on the preferred applicants. This should not result in an overly heavily burden being placed on the Queensland Police Service or the department.

Records are to be stored in a confidential and secure location, with limited access and in accordance with guidelines which meet the provisions of the Library and Archives Act 1988. Records will not be accessible under freedom of information. Instead, they will be exempt under section 44 of the Freedom of Information Act 1992. Exempt information can only be released after consultation with each person to whom disclosure may reasonably be expected to be of substantial concern.

All of these protections are built into the legislation and they are welcomed by people within the industry. Among other requirements, the Family Services Amendment Bill 1999 will ensure that charges, as well as convictions, are raised in criminal history checks of potential employees sought by the department. Departmental employees will be required to provide written notice of any charges brought against them and any convictions imposed. The department will need to formulate policy and establish guidelines for the use of this information and for the protection of its confidential status by prohibiting disclosure.

I note the comments of an earlier speaker in this debate, the uninformed member for Clayfield, who said that there was no public consultation in this matter. What the honourable member has neglected to tell the House in his parody of half-truths is that this legislation resulted from inquiries which formed part of the most detailed consultation with victims and with people in this industry.

The honourable member's refusal to acknowledge that community consultation, which occurred over a period, shows that he is not prepared to tell the truth. I hold up a copy of what was tabled by the Minister on 24 March 1999. This consists of guidelines and procedures in a draft form relating to criminal history checks and was developed by the Minister's department. These 10 or so pages have

been lying around for seven or eight months. The public, and people within the industry, have been able to look at the types of guidelines that the Minister and the department were planning to implement. To say that there has been no community consultation is an absolute fabrication.

As well, the member for Clayfield dishonestly tried to say that this Bill's position on the Notice Paper indicated a lack of concern on the part of this Government. Again, the member for Clayfield is misleading the House and tells only half the truth—if not a complete lie. He knows only too well why the Notice Paper is in its present state. The Leader of Opposition Business would be able to confirm that. When I say that, I make it clear that I am not referring to the Sugar Industry Bill. Although the debate on that Bill took a lot of time, members who are involved in the industry put forward the viewpoints of people in the industry in a legitimate, reasonable and rational way. The problem lies with Bills which were debated three or four months ago. We had 10, 20 and 30 members opposite reading 20-minute speeches on Bills, about which they knew nothing, merely to filibuster.

If the member for Clayfield wants to talk about this Bill not being debated sooner, he should speak to the member for Indooroopilly. He should also consult his own conscience and ask himself why it has taken so long for this Bill to be debated. Members who are new to the Chamber should realise that there is usually a build-up of legislation towards the end of the year. In May and June of this year we could see what was going to occur.

Day after day we saw large numbers of Opposition members reading 20-minute speeches. I have no complaint about the debate on the Sugar Industry Bill, even though it took many hours. Mr Rowell, Mr Cooper and Mr Knuth raised legitimate concerns about important issues. Members have seen how, in May and June of this year, the Notice Paper became cluttered because of numerous lengthy speeches, which had no relevance to the matter being debated, being made by Opposition members.

The hypocrisy of the member for Clayfield is there for all to see. I contrast the attitude of the member for Clayfield with the can-do attitude of the Minister for Families, Youth and Community Care and Minister for Disability Services. This is an extremely difficult area.

The member for Mundingburra and I have two things in common: we are parents of five children and we have both been teachers. We recognise the delicate balance involved in trying to preserve the rights of parents, the rights of teachers and the protection of children. I believe that this Minister, through her consultation process and through the excellent work of her department, has come up with legislation which will achieve those goals. I support the legislation.

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