



Speech by

Hon. ANNA BLIGH

MEMBER FOR SOUTH BRISBANE

Hansard 12 April 2000

CHILD CARE AMENDMENT BILL

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (11.47 a.m.): I move—

"That the Bill be now read a second time."

The Beattie Government wants to ensure that Queensland children are protected at a time in their lives when they are at their most vulnerable. I am therefore pleased to introduce this amendment Bill, which will introduce standards to ensure the safety of children in what is commonly called "backyard" care.

"Backyard" care occurs where children are cared for on a regular basis in the carer's home, for fee or reward. This Government is concerned with the increased incidence of this type of care in Queensland. The withdrawal of Commonwealth operational funding, closures of child-care centres and fee increases have resulted in some families leaving formal child care to use cheaper, informal arrangements, which are outside any legislative framework. In most cases, "backyard" carers are operating alone and in some instances are caring for large numbers of children in home environments. Safety of children in these care situations is a major concern.

The Child Care Amendment Bill 2000 will amend the Child Care Act 1991 to bring the legislative framework for child care in Queensland into line with other States. Backyard care will be formally known as independent home-based care. In using this term, the Bill makes it clear that these carers are not part of a licensed family day care scheme or other network. The Bill defines "independent home-based care" as care provided on a regular basis in the carer's home for fee or reward. The Bill does not extend to care by relatives, care in a child's own home by a nanny or babysitter or licensed care under the Child Protection Act 1999. Also, an operation principally conducted for instruction, for example, in music or sport, is not affected by this amendment.

This amendment does not prohibit independent home-based care. The Bill strikes a balance between the appropriate use of Government resources and intrusion of Government into care arrangements in a person's home. Independent home-based care will not be licensed or registered. However, this type of care will be required to meet the standards inserted into the Child Care Act 1991 by this Bill. This Bill is a positive step in ensuring the safety of children in this type of care and it sets four important standards that independent home-based carers must meet.

Firstly, the Bill sets a limit on the number of children that may be cared for by an independent home-based carer. No more than six children under the age of 12, of whom only four may be under six years of age, are to be cared for in independent home-based care. This is an appropriate number of children for a person to provide care for in their home. When counting under school-age children, the carer's own children are included. For example, if a carer has two children of their own who are under four years old, the carer may only care for two extra children under six years of age.

Secondly, to provide independent home-based care, a carer must not have a criminal history which would impact upon their suitability to provide this type of care. The Bill provides that a person with a specified criminal history is prohibited from providing independent home-based care. The category of disqualifying offences includes sexual and violent offences under the Criminal Code and offences under the now repealed Children's Services Act 1965. My department will be authorised to obtain information

about convictions and charges for this category of offences. This will ensure the safety of children being provided independent home-based care by implementing important screening procedures.

The Bill provides that persons with a disqualifying offence in their criminal history are disqualified from providing care. Disqualifying offences are offences of violence and sexual offences which are offences against Parts 4 and 5 of the Criminal Code and offences against the now repealed Children's Services Act 1965. The Bill also provides further protection for children being provided care in a home-based setting by providing that, if an adult who ordinarily resides with the carer has a specified criminal history, the carer may not provide care at those premises.

Thirdly, the Bill requires that carers take out and maintain public liability insurance of \$5m. Under the present child-care legislation, providers of licensed child care are required to demonstrate that they have taken out and maintained public liability insurance of not less than \$5m. The Bill provides that independent home-based carers also be required to meet this standard. This will provide a financial safety net and create comparable standards across home-based care environments. Finally, the Bill provides that carers must be at least 18 years of age.

Currently, there may be situations where large numbers of children are cared for in a home-based setting by a single carer. The Government is currently unable to prevent or prohibit this situation from occurring. This amendment Bill will prevent such pseudo child-care centres from operating in unsafe home-based environments. The Child Care Act 1991 prescribes strict standards for the physical environment where care will be provided for large numbers of children. This amendment will keep numbers low where care is provided in a home-based setting. Children's safety is a major concern of this Government and will be promoted by the amendment.

More families are relying on informal care outside of licensed centres and family day care schemes. Recently, there has been a growth in the number of Queenslanders registering as care providers through the Commonwealth Health Insurance Commission. This registration enables families using a registered carer to access the child-care cash rebate. This Bill will require carers to comply with Queensland standards to be registered as care providers with the Commonwealth Health Insurance Commission. All other States and Territories in Australia regulate this type of care in some way. This amendment Bill will bring Queensland into line with the other States by establishing legislative standards for this type of care.

These standards for independent home-based care maintain parents' rights to choose from a broad range of child-care services. In fact, these standards enhance that right by ensuring that, if parents do choose independent home-based care, this care meets the minimum requirements. This strikes a balance between quality and affordable care. As I mentioned, an increasing number of Queensland families are turning to these sorts of arrangements for their children. The amendment Bill establishes legislative standards so that the choice is still available to parents and requirements are in place to ensure that the care provided protects the interests of infants, children and their parents.

The Department of Families, Youth and Community Care Queensland will monitor the standards for independent home-based care. Departmental officers will investigate complaints and have the power to enter premises and view certain documentation, obtain consent to criminal history checks and issue prohibition notices. Upon receipt of a complaint, there is provision for departmental officers to investigate complaints in relation to independent home-based care. The department will have the power to prohibit ongoing care for children if the provider is not meeting the minimum requirements. The Bill allows departmental officers to seek consent from carers and adults residing with carers to perform a criminal history check. The amendment Bill gives power to departmental officers to prohibit a person from providing care if they do not consent to a criminal history check. This will ensure that my department is able to obtain relevant criminal history information about carers.

The need to regulate backyard child care was raised by many people involved in consultations for the Queensland Government's strategic plan 2000-05. The Government's intention to regulate backyard care was announced in October last year and an information sheet outlining the proposed amendment was sent to all stakeholders, peak associations and child-care services in January of this year. The proposals were also placed on the department's website in January of this year. Consultations on an exposure draft of the Bill have been conducted by the department with a range of organisations in the child-care sector. The Child Care Forum, Family Day Care, the Queensland Professional Child Care Centres Association, the Child Care Industry Association of Queensland, the Local Government Association of Queensland, the Child Care National Association, Diversity in Child Care Queensland and Child Care Queensland were also consulted. In particular, the child-care forum established in February 1999 has played an important part in informing the development and implementation of the Queensland Child Care Strategic Plan 2000-2005.

As honourable members would be aware, on 28 October 1999 this Government launched the Queensland Child Care Strategic Plan 2000—2005. The plan signals the Government's intention to introduce a new regulatory framework for child care and to regulate what is commonly called backyard

care as a matter of priority. The Bill for the new regulatory framework is planned for introduction into this House in late 2000. The Government intends to conduct a communication campaign as part of the implementation of these amendments to ensure that parents and carers are aware that changes are being made. This communication campaign will allow parents and carers to make alternative arrangements for suitable care for children before the amendments are in force.

I intend to target proclamation three months after enactment to ensure parents, the child-care industry and carers are given an opportunity to properly plan for the introduction of these important changes. This Government is committed to safe, quality child care and will give priority to the implementation of these additional safeguards for independent home-based care. I commend the Bill to the House.
