



Speech by

**CHRISTINE SMITH**

**MEMBER FOR BURLEIGH**

---

Hansard 23 October 2002

#### **CHILD CARE BILL**

**Mrs SMITH** (Burleigh—ALP) (5.15 p.m.): I rise in support of the Child Care Bill 2002. There is nothing more important in terms of the responsibilities of this Labor government than protecting children. With a dynamic and changing work force, child care must be flexible and innovative and allow for families to achieve that balance between work and family life. No longer is the working week Monday to Friday, 9 to 5. In many industries with shift work it is seven days a week, 24 hours a day, making child care issues all the more important. The purpose of this bill is to change the current legislation to provide flexibility for child care while strengthening the screening procedures which protect the safety of our children. Extensive consultation has provided the framework for this bill. Consultation was undertaken with many interested parties, including all sectors of the child care industry. This included TAFEs, indigenous groups and church and school organisations. A draft proposal of this legislation has also been available for public comment for some months.

One significant amendment is that the screening process which applicants must go through in order to be granted a suitability notice has been expanded. Currently, a criminal record check is standard practice. Under this legislation it will now be possible for the Commissioner for Children and Young People to take into consideration complaints and charges that have not resulted in a conviction. This amendment underlines the fact that this government considers the interests of the child as paramount while still allowing for the protection of workers in the industry. There are factors built into the legislation which protect those individuals from receiving unfair treatment. It is necessary for the commissioner to consider the exact circumstances surrounding each individual's criminal history. The right to privacy of each person is treated with respect. There is a delicate balance between protecting the rights of children and upholding the rights of carers. This legislation strikes that balance.

The bill contains significant safeguards which protect the interests of affected individuals. Any person who is prohibited by this process from providing care to children has a right of appeal to the Children's Services Tribunal. The bill represents a toughening of enforcement powers and recognises the importance of ensuring children's safety. I am pleased to say that the proposed legislation also serves to clarify specific areas which have proved problematic under the current legislation and provides key mechanisms to close loopholes and ensure that children's safety is paramount when making licensing decisions.

The current Child Care Act 1991 and subordinate regulations prescribe the duties and responsibilities of licensees with regard to the delivery of child care services. Therefore, the onus of responsibility for service delivery resides with the service provider. The current child care legislation in Queensland is widely regarded as the most prescriptive in Australia. I think it should be recognised that the majority of child care licensees are diligent in observing legislative requirements and are willing to cooperate with the Department of Families in ensuring that they have a clear understanding of the requirements of the act and regulations. The penalties on conviction for most offences against the Child Care Act range from the imposition of a fine to the revocation of a licence. However, prosecution is not the only solution. We must ensure there are effective and efficient support and monitoring services and that complaints are dealt with effectively. The strategic plan supports the development of a compliance monitoring mechanism that provides incentive for compliance as well as a regime of fines commensurate with non-compliance and frequency of non-compliance.

The bill therefore contains all of the inspectorial powers necessary to ensure that departmental officers have the power to monitor child care services, including the power of entry. The licensing of school-age care services is timely recognition that this sector has expanded and should be required to meet certain requirements. The school-age care sector has been working towards these standards for some time and broadening of the licensing framework provides benefits for children and families in terms of helping to ensure that we have quality and safety. More staff will be required to hold qualifications or to be studying towards an appropriate qualification. This will lead to higher quality child care services across the state. This government's \$4.2 million Child Care Statewide Training Strategy will greatly assist workers in obtaining these qualifications.

I believe that this bill contributes significantly to the protection of our children and to improving the lives of working families. I am happy to commend it to the House.

---