



Speech by

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EDUCATION AND OTHER LEGISLATION [STUDENT PROTECTION] AMENDMENT BILL

Mr FENLON (Greenslopes—ALP) (4.26 p.m.): I rise to speak in support of the Education and Other Legislation (Student Protection) Amendment Bill 2003 and particularly to join in debate on a bill that has been unanimously and passionately supported by both sides of this House. It is a great compliment to this House to see such strong support across the board for such a bill.

As a registered teacher, over the past week I have received the voting papers for the Board of Teacher Registration, which has reminded of the onerous duty of those people on that board, including the teacher representatives. Teacher registration boards throughout Australia have quite a significant history. On the whole, they have performed extremely well in terms of ensuring appropriate professional standards, exercising a wide range of functions such as assessing international standards of education and ensuring the maintenance of standards in our education system.

It is very important to appreciate in this debate the circumstances in which teachers work in schools. As one who has had some recent match practice, as it were, in teaching in a secondary school environment—as recently as the period between 1996 and 1998—I can give members some insight into that work. Certainly, the teaching environment today is very different from the one that I am sure many of us experienced when we went to school. I think the environment is a far more tense environment. That has been brought about particularly by the continuous assessment arrangements. Students and teachers are frequently at a point of close assessment of each other's performance and perhaps verging on conflicts in relation to the aggravation that sometimes is caused over the assessment of students' marks on such a continuous basis. Also, from my own experience of being a teacher and having to speak to a senior member of the teaching staff because I believed that a student may be affected by drugs in a school classroom situation, it is a very distressing for all concerned. That was quite a shock to me, starting as a classroom teacher in my forties.

As I say, the teaching environment today is very difficult, but I say that to compliment the teachers who are at the 'chalkface' at both a primary and secondary level, who face a range of circumstances in the classroom and who have great expectations placed upon them. Foremost among those expectations is that very fundamental issue of trust that we place in teachers. That trust, which many members have mentioned already in this debate, is enormous. Essentially, as parents we give the schools our babies. Anyone who has taken their child to school on their first day of year 1—or, as we will see more frequently in future, prep school—would know that our children are our babies and under the charge of the school system right through until their late adolescence.

The school system has our children for a good proportion of their childhood. So the trust in terms of the relationship between an individual family and the school and the relationship between society as a whole and our school system is enormous. We hand over our children in this way, and I know that every parent in my community feels exactly the same. We must be guaranteed absolute protection for our children. Whilst the word 'absolute' is strong, we can only rely on the veracity of the relevant legislation. I am very confident that this legislation before the House is voracious in its approach, in going as far as we can to having a comprehensive result in protecting our children every day of the year, every day of their school lives.

It is indeed a very important issue to protect our children but also, as other members have indicated today, it is important to strike a balance between protecting our children and protecting teachers and other members of staff from malicious complaints made either by another person or by

children. That is a difficult balance to strike, but I am sure that the intent of this legislation is to clearly establish that balance and to protect all parties concerned.

The issue of the bill being comprehensive and universal in its protection is very important. I trust that there are no holes in the net, as it were, so that persons who should be addressed by this legislation might escape the force of this legislation. I refer to question on notice No. 969 that I asked the Premier on 5 June 2003. I asked this question of the Premier at the request of a senior educator in my community who had concerns about the Towards Healing process that was instituted in the Catholic Church whereby victims of abuse may receive compensation, as I understand it, from the Catholic Church. In particular I asked the Premier what mechanisms were in place to communicate information in relation to persons who have been the subject of allegations resulting in compensation payments to the authority currently issuing suitability cards. I also asked about other impacts upon professional registration, et cetera. I am very grateful that the Premier provided me later with a very comprehensive answer. The Premier also made mention of the process that has been under way to draft this legislation. He referred in particular to the review of part 6 of the Commission for Children and Young People Act 2000 and to the ministerial task force on sexual abuse in schools which at that time was chaired by the Hon. Anna Bligh, the Minister for Education.

As a result of that answer from the Premier, I would ask the minister to give some attention in her response to what consideration was given to the Towards Healing process. In particular, the concern of my constituent who raised these matters with me was whether a person might have gone through the Towards Healing process, been the subject of significant allegations, received a payment of compensation that was the intention of all concerned to have resolved the matter, but perhaps been left somewhere within the system. I would ask the minister to give some consideration to whether this legislation adequately and comprehensively closes the net on the prospect of persons who may have received compensation payments or who have other unresolved serious allegations through the Towards Healing process slipping through the system and not being covered by this legislation.

This is comprehensive legislation in terms of addressing current issues of abuse of children. In particular, I refer to the use of the word 'harm'. I am very pleased that this word has been used in the context of requiring notifications, et cetera. I note the concept of harm is located within section 9 of the Child Protection Act 1999. It is a very comprehensive and satisfactory definition in that it refers to a detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing being caused by physical, psychological or emotional abuse or neglect or sexual abuse or exploitation. It is very sad to recollect our history and the history of the generation in which other members and I in this House grew up and to note that practices that clearly fell within that definition were common. I, like many of my generation, was obviously subjected to harm in that widest context. I am very pleased that we can stand in this place and vote for legislation that will ensure that such harm will not occur in future to our children.