



Speech by

Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

Hansard Tuesday, 4 September 2007

MINISTERIAL STATEMENT

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (3.38 pm), in reply: I would like to thank all members for their contribution to and support for the Commission for Children and Young People and Child Guardian Amendment Bill. I want to reply to the issues that have been raised by individual members. The member for Currumbin and the member for Burnett noted that this bill has come before the House with a degree of urgency, and that is true. Accordingly, the member for Currumbin feels the opportunity for broader consultation has been lost. I make no apologies for moving quickly in developing this bill to maintain safe environments for children to receive essential and developmental focused services.

The commission receives regular feedback from stakeholders through its community engagement activities. I reported those at length during the estimates process. If anyone wants to see that, I refer them to the *Hansard* record. The commission does spend a lot of time on community engagement activities. That then allows us to move quickly to make the necessary changes when issues arise. Additionally, I point out that the operational impact of the amendments is likely to be minimal given the interpretation applied by the commissioner to date. Accordingly, the priority here is focusing on communicating the clarification that this bill brings so there can be no confusion in the future. I am informed that the commission will provide information to stakeholders through existing communication channels administered by the commission—for example, briefings to industry leaders, the commission's web site, as well as a targeted mail-outs with an accompanying information sheet about the amendments and their effect.

I note that the member for Currumbin believes that the government is passing the onus for protecting children on to businesses. I say to the member for Currumbin that the government cannot be at every scout meeting, every remedial massage centre or in every counselling session that a child receives. I just remind her that this is a partnership with the community. Everyone has an obligation to get involved. I think her attitude reflects too much the perception in some tiny sections of the community that the government should do this and the government should do that. At the end of the day the government can only do what the community will allow us to do, and we have to do that in partnership.

Everyone has a sense of responsibility. I strongly believe in personal responsibility in these matters. Everybody has to play a role, and we should not ever abrogate our personal responsibility. I think we should all agree that the best way to safeguard children is to engage those who have the capacity to identify and manage the risks. The more aware and focused service providers are on reducing risks the less chance there is of a child slipping through the cracks, as the member for Currumbin fears. The best way for government to safeguard children in service environments is to ensure that parents and service providers identify and manage risks in a diligent and appropriate manner. As was pointed out by the member for Toowoomba South, many stakeholders rather than viewing the risk management obligations as a shift of responsibility from government view them as a tool to assist them to not only safeguard children but also better identify and manage their own existing legal liabilities. I agree with the member for Toowoomba South.

In response to the member for Currumbin's question about who was responsible for monitoring service provider compliance with the blue card system, I confirm that this is the commission's

responsibility. It is self-evident but true. The commission has, since the introduction of the legislation, focused its efforts on educating stakeholders and building community capacity to comply with the requirements of the act. I think the commission and the commissioner have done an excellent job on that, and I said that at estimates. While this will always remain an essential component of the blue card system, it is also timely that the commission, as it has over the last 12 months, focuses increasingly on enforcing compliance with the act.

As the minister responsible for administering the Commission for Children and Young People and Child Guardian Act 2000, I have approved a review of the operation of part 6 of the act. As part of the review of the operation of part 6 of the act, a comprehensive legislative framework further strengthening the monitoring and enforcement capabilities of the commission will be developed.

The member for Currumbin, the member for Gregory, the member for Toowoomba South and other members also raised the issue of whether the blue card should include a photograph. I note that the member for Clayfield also raised that issue at the end of the debate. Blue cards currently contain a number of security measures—for example, the card contains a unique hologram image to minimise the likelihood that fraudulent blue cards can be produced. Additionally, the card contains an electronic copy of the applicant's signature which is provided at the time of application. Bearing in mind this is an employee and that person should be known, the employer verifies the signature at the time of verifying the identity of the applicant.

I think the question we really need to be asking is why an organisation would not be independently verifying the identity of a blue card holder as part of their broader recruitment practices. Obviously that is at the heart of this—that is, when an organisation actually employs someone they would do that verification anyway. As I have said many times in the past, and as the member for Currumbin, the member for Cunningham and other members acknowledged here in the chamber today, the blue card is one tool in an overall assessment of a person's suitability to engage with children. It is only one. If we ever move away from personal responsibility—and I come back to that again—then more children will be abused because the blue card only refers to existing convictions.

There are many people out there—unfortunately too many—who have not yet received the attention of the courts or been convicted who will seek to prey on children. If we get to a stage—and this is a very important point—where the community thinks the blue card is a fail-safe system and is perfect then there will be more children abused. The blue card is an important tool, but it is absolutely essential that we encourage the community to remain vigilant because the blue card will not deal with anyone who has not already had a conviction.

Parents and employers should independently verify the identity of the bearer of a blue card at the time they engage the services of an individual. I am hesitant to do anything which would discourage organisations from taking the necessary steps to make sure they know who the people are who are providing services within their organisations and to actively consider the suitability of that person, beyond whether or not they hold a blue card, to engage with children.

Whilst I do not disagree that a photograph may be a useful tool as part of the blue card, I think we also need to think about the practicalities of imposing an additional administrative step in the process. There will be implications and impacts on costs, and it may potentially be difficult for people living in rural and remote areas. Before we take these steps we need to be very sure that the benefits justify the action. However, I have never ruled out including a photo on the blue card. In fact, my recollection is that the last time I was asked about this issue I committed to considering the issue further as part of the current review of the operational workability of the provisions of part 6. So I reiterate that commitment, particularly in light of the development of technology, as pointed out by the member for Callide.

I note that the member for Currumbin asked for clarification about the extent to which the blue card system includes international criminal history checks. In short the answer is that it does not. Again, I think this is one of those things we need to be sensible about. We need to consider the impact that this would have on timeliness and efficiency against the overall benefit that we would gain. I note that at one point—and I am not trying to be churlish about this—those opposite were actually asking questions about the time line involved in issuing blue cards. If we go to the next stage on this, we may have so many checks that it may take 20 years to get a card. I think we have to be sensible and practical about how this system works.

A media release from the Prime Minister's office on 8 July 2007 noted that work is being undertaken to strengthen the border control system for Australia, and so it should. It also noted that security checking arrangements already cover such matters as criminal history and terrorist connections. I say to the member for Currumbin that that should in fact be done by the Commonwealth as part of its normal entry requirements into this country. If that is the requirement and that is met, we should then look at national security checks or criminal record checks.

I note that the member for Currumbin was also concerned that this bill does not go far enough and allows exemptions for registered teachers and health practitioners. I want to be clear that this bill is about fixing the discrete issue raised in the Magistrates Court; it is not about reviewing the blue card system entirely. That is why this bill was brought here under such time lines: I wanted to fix this problem. Additionally, there are very good reasons we have exemptions for registered health practitioners and registered teachers. I note that the member for Toowoomba South also sought clarification about the application of the exemption for registered health practitioners.

I confirm that registered teachers and registered health practitioners are exempt from the blue card system under specified categories because they are regulated by a separate legislative framework which governs their professional registration in those environments. Registered health practitioners are exempt under the proposed category of 'health, counselling and support'. Accordingly, a registered health practitioner does not require a blue card to provide health services. Generally, a registration body is able to consider a number of factors in determining whether someone should become a registered teacher or a registered health practitioner including the criminal history of the person concerned.

I say to the member for Bundaberg, because he raised this issue, that there are appropriate checks in Transport, there are appropriate checks in Health and there are appropriate checks in Education to check out whether someone has a criminal record. If they do, they do not get registration—end of story. Hence, we do not need to duplicate the system. When we brought in the blue card we said that if there are appropriate checks and balances in other agencies that are equivalent, if you like, to the blue card checks then we do not need to duplicate it.

Ms Keech interjected.

Mr BEATTIE: The minister is right; in some cases they are in fact tougher. So we just need to be sensible about how we do it, and that is why we have done it. This was to cover categories of people who were not caught by those other checks; the blue card system was to fill that gap. It would be silly if we took the measure to fill the gap to then go back to the system or to those professions that were already covered by existing requirements. Excluding registered teachers and health practitioners means that duplicitous processes can be avoided, and I make that point again. Teachers and health practitioners are, however, screened like anyone else when providing services to sports clubs, churches or other associations where they are not providing services connected in their registration. The legislative framework governing the registration and discipline of teachers was reviewed and strengthened by my government only recently. Accordingly, we can be confident that people providing essential services to children are effectively screened whether they are under the blue card system or the teacher registration system.

I note the member for Currumbin's comment about the exemption of members of this House from the blue card system. I would like to clarify that members of this House are not exempt simply because they are members of parliament. If they are regularly providing services to children in environments like schools, then it may well be the case that they require a blue card and I invite the member to follow this issue up further with the commissioner if she considers it so necessary. I should make the point that under certain levels of conviction a member actually gets thrown out of here. They cannot actually be a member of parliament. I note the member for Currumbin's concerns regarding shared facilities. The member for Burnett also raised concerns regarding the colocation of adult and child patients. In this regard I simply reiterate my previous statements that the blue card is one tool and that risk management strategies must be utilised here. The blue card is not about regulating every environment where a child may go and that parents and service providers need to remain vigilant. I would not like to see the blue card system's integrity compromised by extending so far it becomes impractical and unwieldy, and this is a real problem for this system. We need to be careful that it is actually workable.

In terms of self-responsibility, something that I strongly believe in with regard to accepting responsibility for people's behaviour, we have to reinforce the role of parents in all of this. Parents are absolutely pivotal. We just cannot get anybody—parents or anyone else—in a state of mind where they think the blue card is like a security check. It is not. It is simply a tool to assist. We have to say to parents, 'You are and always will be the first line of defence for the protection of our children.' If that does not work, then all sorts of agencies come into place, and that includes child protection, that includes police and it includes everybody.

I note the member for Currumbin also raised concerns about the regulation of carers in the child safety system. In this regard I would encourage her to raise any concerns of this nature with the children's commission, which has a statutory role for oversight in relation to the child protection system. I know that the member for Gladstone and the member for Cunningham raised concerns regarding the time frames associated with blue cards. This is an area which the commission is continually striving to improve in order to ensure that blue card applications are processed in the most efficient manner possible. However, I think we also need to remember that it is important that we do not let concerns about timeliness impact on the

integrity of the blue card system. It is the balance issue. I think it is a valid point to make, member for Gladstone, but it is the balance issue as well.

It is important that we take the time to access all relevant information to make sure that we make the right decision. I note the commission has made a significant effort to improve the time frames for processing blue cards and has reduced the time it takes to process a blue card. In fact, I say to the member for Gladstone that in the 2006-07 financial year on average it took 21 days to process a blue card application where there was no criminal history. I think that is not unreasonable, to be honest, in terms of the volume of work that it has. I remain committed to continuing to monitor the operation of the legislation and taking whatever steps are necessary to make sure that the blue card system remains an effective contributor to the creation of safe service environments for children to receive services that are critical to their lives or which directly contribute to their health and wellbeing within safe environments so they can reach their full potential.

As I indicated earlier, in keeping with this commitment, as the minister responsible for administering the Commission for Children and Young People and Child Guardian Act 2000—we have to get a shorter title for that act I reckon—I have approved the review of part 6 of the act. The aim of the review will not be necessarily further expanding the blue card system but to refine the provision to allow for improved administration and operation of the scheme. A point made by the member for Currumbin and the member for Mirani about ongoing monitoring and review of the legislative framework is essential to ensure that the legislation acts as an effective risk management tool in the dynamic and changing context in which the blue card system operates.

As new services emerge and technology develops, it is important that we continue to position the blue card system as an effective mechanism to safeguard children receiving essential and developmentally focused services. It is fitting that these amendments to the Commission for Children and Young People and Child Guardian Act 2000—otherwise known as the act from here on in—are being debated this week being Child Protection Week when we are reminded of the value of our children and young people and focused on how we can best contribute to the prevention of child abuse and neglect.

This bill demonstrates the commitment of my government to protecting the children and young people of Queensland by clarifying the legislative framework which we have put in place to regulate providers of essential and developmentally focused services. In conclusion, I just highlight that the fact that I have maintained responsibility for this legislation as the Premier is a clear indication of how seriously we regard this legislation. I do want to thank all members for their contributions, and I commend the bill to the House.