



Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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CRIMINAL HISTORY SCREENING LEGISLATION AMENDMENT BILL; DISABILITY SERVICES (CRIMINAL HISTORY) AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—LNP) (11.32 am), continuing in reply: Yesterday evening when this cognate debate was adjourned I was about to provide to the House some examples of distressing incidents of when breaches of trust occur between a carer and a person with a disability. I take no satisfaction from canvassing these incidents, but I think it is important that I underline and demonstrate the fact that these scenarios are real.

I refer firstly to an article that appeared in the *Courier-Mail* in September of last year titled 'Carer in abuse of boys'. I will read from the article to underline the circumstances. It states—

A former carer who tied a severe autistic six-year-old boy to a toilet was yesterday sentenced to 150 hours of community service after she was found guilty of deprivation of liberty and assault against two boys at a Bribie Island care home.

The article goes on—

The person was found guilty of one count of deprivation of liberty and two of common assault for which she was sentenced to 150 hours of community service and not guilty on six similar charges. The individual involved was found guilty of depriving the liberty of a boy when she tied him to a toilet with a bedsheet and was assaulting him on another occasion by hitting him on the head and back with a fly swatter.

The judge involved told the court that the person who was convicted abused the trust of residents and their families with her level of maliciousness in dealing with severely disabled children who could not help how they were born. What was done was totally inappropriate, the judge said, and it seems that there was a culture in this place that permeated from the top down.

I take the opportunity to illustrate this point further in relation to an article that appeared in the Toowoomba *Chronicle* on 2 February this year which reported that an individual was found guilty of assaulting an intellectually disabled man in his care. The person had been employed to care for a man with a disability at the complainant's home in Toowoomba for about six months in 2008. The prosecutor involved told the court that while the man was on the floor the convicted individual had rubbed his face into the carpet causing abrasions and bruising to various parts of his face. The judge in this instance accepted the fact that the man was difficult to care for and known to be violent on occasions and by the facts put before the court the struggle was instigated by the complainant. However, the judge said carers such as the man convicted, charged with caring for the most vulnerable of the community, were expected to show patience and restraint.

I pause to draw those matters to the attention of the House because I think it is important that we underline that these terrible and unfortunate scenarios do occur in our community. I know that all members of this House would find these examples appalling and would join with me in condemning these criminals in the strongest possible terms. I am not saying by any means that there is widespread abuse of people with disabilities by carers. I would reject in the strongest possible terms the proposition that I am trying to mount some sort of scare campaign or that I am unduly alarming the community. I would never try to do that. What I am saying is that, while they are exceptions, these scenarios do occur and they must be dealt with.

Being a carer for a person with a disability is such an important role that we ought do everything we reasonably can to try to minimise these exceptions. That is what I am about and that is what I am trying to do by introducing this bill. This bill proposes to introduce a standard: that a person with a violent criminal history is not a person that we should be entrusting with the care of a person with a disability. The current legislation does not prevent someone with a violent criminal history from being a carer and, as a result, people with a disability are at risk of relying on someone who has a history of becoming abusive or violent.

The amendments in the government's Criminal History Screening Legislation Amendment Bill will not make any improvements in this regard. The LNP opposition's bill would change that and prohibit someone who has been convicted of a violent offence from occupying the paid position of a carer for a person with a disability. This amendment bill also proposes to allow the chief executive of the Department of Communities to decide whether a person who has a history of violent charges but who has not been convicted should be allowed to take a job as a carer. These provisions are considered important to ensure the highest level of protection for people with disabilities. While a prohibition notice in that situation would not be issued automatically, as would occur with those with convictions, those with charges relating to violence would be automatically referred to the chief executive for their consideration.

Considering that it is relatively common for domestic violence charges to be dropped in certain circumstances, it is imperative that a potential carer's history is reviewed and that a violent history is not discounted when a person's wellbeing is at stake, especially when that person is as vulnerable as a person with a disability. This bill will introduce a new level of protection that will ensure carers who are doing a good job can continue in their work, service providers can continue to make a difference in people's lives and all people with a disability can have confidence in their paid carer.

I think what is being proposed in this bill by the LNP opposition is fair and reasonable considering the vulnerable Queenslanders we are trying to protect. I am rather disappointed that the government cannot see its way clear to support the bill.

I turn now to respond to the contribution by the Minister for Disability Services and Multicultural Affairs. The minister claimed that the LNP opposition's bill could potentially cover private arrangements involving families and individuals. I can only reiterate that the intention of the LNP opposition's bill is clear and that this is for the provisions in our bill to extend to carers who are employed. That is the case and it is spelt out clearly in the definitions provided for in the bill. I draw the minister's attention to the definition, which states—

carer means a person engaged by a service provider to care for another person who needs ongoing support because of a disability.

That is clear and it cannot be misinterpreted. It does not relate to family members or private arrangements. What the minister is suggesting is nonsense. This bill is clearly aimed at setting a higher benchmark for carers engaged and employed by a disability service provider to care for a person with a disability. In addition, it does not extend to volunteers who are unpaid for their efforts. What it does seek to do is make every possible effort to reasonably ensure vulnerable people are protected.

I want to also address the comments by the Minister for Disability Services and Multicultural Affairs in relation to the amendment extending short-term approvals for the use of restrictive practices from three to six months. When I addressed this issue, I made it clear that I sympathised with the challenges faced by disability service providers to develop behaviour management plans within the existing three-month time frame, particularly given the scarce resources they have at their disposal to assist with the implementation of the Carter report recommendations. I made the point that disability service providers have been left without adequate financial support from the government to implement the recommendations of the Carter report. I also wondered whether an extension of the short-term approval time frames for restrictive practices would be necessary if disability service providers were provided with adequate resources by the government to implement the Carter report recommendations within their individual organisations.

The minister appears to be content that, even when the transition period for the implementation of the Carter report recommendations has been completed—and indeed we ought to keep in mind that it has been extended—disability service providers will still have up to six months to develop a behaviour management plan for a person with a disability exhibiting challenging behaviours. Would it not be more appropriate to provide for an extended short-term approval period to be in place until the transition period for the implementation of the Carter report recommendations expires? Wasn't the whole point of implementing recommendations from the Carter report designed to provide a platform that would deliver a more efficient disability services sector that provides care to people with disabilities exhibiting challenging behaviour? I am sure that that is what Justice Carter intended and I am concerned that it is being diminished in this regard.

I thank the LNP members who made a contribution to this debate and made an effort to address both bills—the government bill and the private member's bill—before the House during this cognate debate. Unfortunately, government members during the debate largely failed to address the private member's bill put forward by the LNP opposition. I regret that—save for the Minister for Disability Services and Multicultural Affairs, who invented reasons to oppose the bill—Labor members could not be bothered to address this important issue regarding the safety and welfare of people with disabilities in Queensland.

I want to reiterate what the Deputy Leader of the Opposition, the member for Southern Downs, said yesterday about it being a great pity that the sanctimonious and sometimes self-serving calls for bipartisanship that are made by members of the opposite side are nowhere to be seen when it comes to supporting non-government bills in this place. I commend the Disability Services (Criminal History) Amendment Bill to the House.