



Speech By  
**Hon. Craig Crawford**

**MEMBER FOR BARRON RIVER**

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Record of Proceedings, 4 December 2020

**DISABILITY SERVICES AND OTHER LEGISLATION (WORKER SCREENING)  
AMENDMENT BILL**

 **Hon. CD CRAWFORD** (Barron River—ALP) (Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait Islander Partnerships) (2.38 pm), in reply: I would like to thank all members for their contribution to the debate on the Disability Services and Other Legislation (Worker Screening) Amendment Bill 2020. I thank in particular members of the former committee for their examination of the bill and again thank the stakeholders who made submissions to that inquiry. One of my highest priorities as the new Minister for Seniors and Disability Services is to ensure the safety and wellbeing of people with disability. This bill is an important part of that.

This bill is important as it will enhance safeguards for people with disability, including a strengthened identity checking process, a stronger framework for disqualifying people convicted of concerning offences and a stronger decision-making framework that focuses on risk and considers a broader range of information.

There were a number of issues raised during the debate that I will briefly address now. The members for Moggill and Surfers Paradise raised the issue that the new disability screening framework may be a barrier to employment in some Aboriginal and Torres Strait Islander communities. I acknowledge that pre-employment screening may have a particular impact for Aboriginal and Torres Strait Islander people. Those concerns are well known and were well canvassed in the report by the Queensland Family and Child Commission in relation to the blue card system. That is why we are developing an Aboriginal and Torres Strait Islander strategy and action plan similar to the one designed by Blue Card Services.

That strategy and action plan is being designed to build the engagement of Aboriginal and Torres Strait Islander people to ensure clear communication about screening requirements and how to participate in the process. The development of the strategy will include communication material specifically for Aboriginal and Torres Strait Islander people. It will reach into remote Aboriginal and Torres Strait Islander communities and assist people to complete their applications. It will have enhanced collection of data about Aboriginal and Torres Strait Islander applicants so that we can monitor and take necessary steps to adjust our strategy to increase engagement by Aboriginal and Torres Strait Islander people. It will have strategies to attract and retain Aboriginal and Torres Strait Islander people to inform our decision-making.

My department is working closely with Blue Card Services to develop consistent and targeted messaging across both screening programs, including education, culturally considered communication material and on-the-ground partnerships with peak community organisations. My department is also designing supports for Aboriginal and Torres Strait Islander people to ensure that, from application to outcome, there is ongoing assistance and consideration, with a cultural lens.

There is also a lot of work being undertaken more generally under the NDIS to build the capacity of both Aboriginal and Torres Strait Islander people to participate in the NDIS and to build the capacity of service providers to participate in the NDIS market, particularly for those in Aboriginal and Torres

Strait Islander communities and in rural and remote communities. For example, there are particular projects focused on thin markets being undertaken at a Commonwealth level, with trials to occur in Queensland with a particular focus on Aboriginal and Torres Strait Islander communities. In addition, as part of the negotiation on the full scheme bilateral agreement for Queensland, the Commonwealth government agreed to provide Queensland with \$1.5 million over two years to build the capacity of Aboriginal and Torres Strait Islander organisations to provide services under the NDIS. That work is being led by my department.

Members also raised issues around the dual system of disability screening and blue card checks and that they may create barriers to entry into the sector, again particularly for Aboriginal and Torres Strait Islander people. I will take a moment to address that. There has been a significant focus on achieving greater national consistency under both checks which has guided reform. The focus of this bill is on ensuring a nationally consistent approach for screening of people with disability, including children, under the NDIS. It is important that children with disability are afforded the highest protections and safeguards. As a result, the bill provides that people who work with children with disability require both a disability clearance and a blue card.

The bill recognises the need for both the disability worker screening and the blue card systems to interact and to ensure processes are as streamlined and as efficient as possible if a person requires two checks. The bill provides the ability for a joint application process. People who require both a disability clearance and a blue card will be able to apply for both at the same time. A joint application process will be available with one online form to ensure the least burden on individuals applying for both checks. A person who wishes to apply through this joint application process will pay a combined fee. The usual blue card fee will not apply.

Blue cards issued as part of the joint application process will be issued for a period of up to five years to align with the NDIS clearance period. This will continue to reduce the duplication of screening. Also, under the new information sharing framework, Disability Services and Blue Card Services will have the ability to share information between the two screening systems. This is intended to streamline the process of sharing information, given that both systems will use the same types of information to assess an applicant.

Members discussed the importance of the fees for applications. Stakeholders also raised this issue during the committee's consideration of the bill. The setting of fees is a matter for the Queensland government through the usual approval processes. The bill provides for fees to be set by regulation, which will require Executive Council approval. Under the intergovernmental agreement Queensland has agreed that fee structures should support a cost-recovery approach. I can advise that volunteers will continue to be processed free of charge. There is also an opportunity, in moving to a five-year validity period, to reduce the fees when considering them on an annualised basis. A five-year period means that people need to renew their clearances less frequently and, therefore, will potentially pay less overall.

As mentioned earlier, there will be a combined application fee for an NDIS check and a blue card so that an individual does not need to pay two separate fees. Fees for the state disability worker screening check will be consistent with current fees, subject, of course, to the ongoing application of the government fees and charges policies as the validity period will continue to be three years.

The members for Moggill and Surfers Paradise are correct in noting that stakeholders raised concerns over the bill's impact on privacy and confidentiality, particularly in relation to the information sharing framework. Officers of my department responded to those concerns throughout the committee process. I will take a moment to address those issues now.

Information sharing plays an important part in informing the risk assessment process. The revised information-sharing framework in the bill builds on the current information-sharing abilities and ensures consistency of information across both the disability screening and working with children checks, and supports national commitments. The purpose of these provisions is to enable the most current, relevant and comprehensive information to be considered in order to determine if a person poses an unacceptable risk of harm to a person with disability.

The bill enhances the need for information sharing with the need to maintain confidentiality and privacy around an individual's information. The bill does this by placing clear limits on when information can be obtained, how information can be used and limiting the information that can be shared, the purposes and circumstances in which information can be shared and the parties with whom it can be shared. Employers can be notified of key outcomes, for example, the issue of a clearance or exclusion or an interim bar or suspension being issued. However, the bill does not enable any other information to be shared with employers. The bill includes strong offences and penalties if these information protections are breached.

Other protections within the bill maximise transparency and enable affected persons to respond to adverse decisions. The bill requires the person to be given a show-cause notice prior to an adverse decision being made. Applicants will be asked to consent to the obtaining, use and sharing of their information as part of the approved application form. Supporting information will be published on the department's website so that individuals clearly understand how information is collected and used. Under the intergovernmental agreement, interstate screening units must have appropriate information protections in place. The bill works alongside the Commonwealth and state information privacy legislation, such as Queensland's Information Privacy Act, and NDIS and other Commonwealth legislation that restricts the collection, use and disclosure of confidential information.

Members opposite raised issues around the development of ICT systems to support the implementation of NDIS worker screening in Queensland. The ICT system ensures confidentiality and security are maintained by implementing a range of security controls and measures in accordance with Queensland government standards. These include undertaking independent testing to test the solution against external attack and ensure it is configured according to industry best practice, employing data encryption protocols, deploying web application firewalls and external user authentication. The Queensland government's Digital Projects Dashboard, which is available online, confirms that this project is tracking on time and on budget.

I note comments in the House about the need to support as many Queenslanders as possible in accessing the important support and services offered through the NDIS. That is why, as part of the government's full scheme bilateral agreement with the Commonwealth, Queensland negotiated \$20 million of Commonwealth government investment to further support NDIS participation across the state in acknowledgement of the slower than anticipated transition of new participants in Queensland.

In January 2020, the former department of communities, disability services and seniors established the multidisciplinary assessment and referral team in Queensland locations where NDIS uptake has been below predicted levels. An assessment and referral team is comprised of specialist clinicians and case managers to provide proactive outreach and support through intensive case management to support Queenslanders to navigate NDIS access processes. Teams are focused on cohorts transitioning more slowly. As of June 2020, these teams had received 1,059 referrals for assistance to access the NDIS. Some 91 per cent of participants who had received an access decision after submitting an NDIS access request with support from an assessment and referral team have been successful, with over 70 per cent of those previously on a negative pathway.

In conclusion, yesterday was International Day of People with Disability. It provides an opportunity for all Queenslanders to think about how they can make their communities and businesses more inclusive for people with disability. While International Day of People with Disability looks a bit different this year due to COVID-19, it is important for us to recognise and celebrate the achievements and contributions that Queenslanders with disabilities make to their communities.

I am very proud to be the Minister for Seniors and Disability Services. This bill is another important step that delivers on government's commitment to implementing the NDIS and, more importantly, to strengthen the safeguards and prioritise people with disability. I commend the bill to the House.