

Question on Notice

No. 287

Asked on Thursday, 10 March 2005

MR KNUTH asked the Minister for Communities, Disability Services and Seniors (MR PITT) –

QUESTION:

“With reference to criminal history checks for departmental employees, for each of the last two financial years and for the financial year to date (reported separately) –

- (1) What numbers of employees have had a criminal history check undertaken by the Queensland Police Service at the request of the chief executive, and how many of these returned a negative notice?
- (2) What number of employees have failed to disclose information relating to their criminal history prior to being engaged by the department?
- (3) What number of employees have volunteered information to the department relating to a change in their criminal history?”

ANSWER:

I thank the member for his question. Section 22 of the *Family Services Act 1987* gives authority to the Chief Executive to ask the Commissioner of the Police Service for a written report about a person's criminal history, who is either engaged by, or seeking to be engaged by the department (and has given the chief executive a disclosure).

A criminal history is defined in part as meaning every conviction of the person for an offence in Queensland or elsewhere, including a finding of guilt by a court, or the acceptance of a plea of guilt by the court, whether a conviction is recorded or not.

For Disability Services Queensland and the Department of Communities the overriding consideration in determining a person's suitability for employment is the safety and well being of the departments' clients and employees. Criminal history checks are mandatory for all persons being considered for employment by the department.

It should be noted that a negative notice does not automatically disqualify someone from employment. The criminal history is examined against 9 applied criteria and the type and recency of offence before a decision is made regarding employment. A previous conviction for a driving offence, for example, may not necessarily disqualify someone from employment.

It should also be noted that employees and candidates for employment can inadvertently fail to disclose information due to misunderstanding what actually constituted “criminal history” as opposed to a deliberate attempt to mislead. Examples include a prospective employee being fined for an offence and having no conviction recorded.

The Policies and Procedures include four principles. Criminal history checks are to be conducted:

- on prospective employees before they are appointed to any job;
- before an existing employee is permanently appointed to a new job, permanently transferred to a job within the department or seconded to a sensitive area of the department;
- when an existing employee discloses a change in their criminal history; or
- when information is received to suggest that an existing employee should have made a disclosure regarding a change in their criminal history.

All applicants for employment are required to complete a criminal history declaration. The Queensland Police Service provides a report to the department for action. Employees identified with a criminal history are provided with an opportunity to provide any information they believe is relevant to the Director-General's decision regarding the approval of permanent employment. In emergent or extraordinary circumstances, a Senior Officer may approve the temporary engagement of an applicant pending the outcome of the criminal history check.

There are three categories of persons upon whom criminal history checks are undertaken. They are: 1. Persons seeking employment, and awaiting notification of outcome of criminal history prior to engagement. 2. Persons seeking employment where there is an emergent or extraordinary circumstances. These people are engaged temporarily, awaiting notification of the outcome of their criminal history check. 3. Persons who have changed roles within the department, prior to confirmation of engagement in the new role, awaiting the outcome of their criminal history check.

Disability Services Queensland

Question 1

For the financial year to 30 June 2003, the chief executive officer requested 1002 criminal history checks from the Queensland Police Service. Of these, 91 persons were identified by the Queensland Police Service as having a criminal history.

For the financial year to 30 June 2004, the chief executive officer requested 879 criminal history checks from the Queensland Police Service. Of these, 89 persons were identified by the Queensland Police Service as having a criminal history.

For the period 1 July 2004 to 28 February 2005, the chief executive requested 666 criminal history checks from the Queensland Police Service. Of these, 74 persons were identified by the Queensland Police Service as having a criminal history.

Question 2

For the financial year to 30 June 2003, 6 persons failed to disclose information relating to their criminal history prior to being engaged by the department.

For the financial year to 30 June 2004, 7 persons failed to disclose information relating to their criminal history prior to being engaged by the department.

For the period 1 July 2004 to 28 February 2005, 30 persons failed to disclose information relating to their criminal history prior to being engaged by the department.

Department Of Communities

The Department of Communities was created by Machinery of Government changes and became a separate department on 20 September 2004.

Question 1

For the period 20 September 2004 to 28 February 2005, the chief executive requested 345 criminal history checks from the Queensland Police Service. Of these, 43 persons were identified by the Queensland Police Service as having a criminal history.

Question 2

For the period 20 September 2004 to 28 February 2005, 30 persons failed to disclose information relating to their criminal history prior to being engaged by the department.

Disability Services Queensland and Department of Communities

Question 3

The Departments do not maintain separate statistical records detailing the number of employees who voluntarily provide information in relation to a change in their criminal history. Where an employee makes such a disclosure, relevant documentation would be held on the individual employee's personnel file.

The Departments' Code of Conduct and relevant Policy include the provision for employee to disclose a change in their criminal history. Employees are reminded of their obligations during On-Line Induction and Code of Conduct Training sessions.

PLEASE NOTE

This answer replaces the answer to Question on Notice 287 tabled on Tuesday, 12 April 2005.