



Speech by

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MEMBER FOR CURRUMBIN

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

Mrs STUCKEY (Currumbin—LNP) (7.59 pm): May I add my welcome. The Disability Services (Criminal History) Amendment Bill 2009 was introduced into the House by the shadow minister for disability services and multicultural affairs, the honourable member for Hinchinbrook, on 7 October 2009. The honourable Minister for Community Services and Housing introduced the government's Criminal History Screening Legislation Amendment Bill on 9 February 2009, the first sitting day of this year.

In rising to speak in this cognate debate on the Criminal History Screening Legislation Amendment Bill and the private member's bill from the LNP, the Disability Services (Criminal History) Amendment Bill, it would be remiss of me not to mention that the government's bill is yet another example of Labor playing catch-up to the opposition. Mind you, if that means we get better laws to protect vulnerable Queenslanders then we are happy to have prompted the creation of this bill. Frequently in this place we witness Labor exposed by the LNP for its laziness as it scrambles to rejig and improve upon our policy and bills with legislation of its own. As honourable members have heard, the LNP will be supporting the government's bill, along with our own, albeit with some reservations.

Positive aspects aside, to bring this bill forward on the *Notice Paper* with less than 24 hours warning and then squeezing in a briefing before parliament sat yesterday morning is something of a slap in the face to those affected by the legislation, not to mention the non-government members of parliament. However, I would like to thank the staff from the various departments for attending the rushed briefing and for answering questions to the best of their capabilities.

The Criminal History Screening Legislation Amendment Bill, which runs to some 500-plus pages, makes changes to some 17 acts and others which are found in schedule 3. I turn first to the Disability Services (Criminal History) Amendment Bill 2009 and congratulate the shadow minister on bringing this bill before us. We on this side of the House respect and understand the need for people with disabilities to maintain as much independence as they possibly can, with or without carers. People with disabilities are among the most vulnerable and isolated members of our community, which is why the position of a carer is one that should exemplify absolute trust. The proposed amendments seek to help protect people with a disability from being put in the care of someone who has a history of violence or abuse and be free from maltreatment or cruelty. As the shadow minister so clearly opined in his second reading speech—

There should be no question marks over the safety of the relationship between a carer and a person receiving that care.

Therefore, people with a background of violence and abusive behaviour should be disqualified from providing care to a vulnerable person, such as a person with a disability. Disabilities can be permanent or temporary and affect the young and the old. Australian Bureau of Statistics figures show that about one in five Australians is affected by some form of disability. Notably, the Australian population is changing, with older age groups making up an increasing proportion of the population. Maturing baby boomers have been signalled as a major financial challenge for the federal government, which is no doubt behind federal

Labor's decision to raise the working age to 67. Older populations and increasing life expectancies will create more people with disabilities and an associated increased demand for carers to look after them. Many unpaid family carers will simply become too worn out to adequately manage the care of their loved ones without assistance.

The Australian Institute of Health and Welfare in its 2009 report found that the number of people with the highest level of disability is projected to increase from 1.2 million to 2.3 million within the next two decades. It would follow that the number of carers will also need to rise to accommodate this doubling in the number of people with special needs. Disabilities also occur in varying degrees. Many people with disabilities require intensive ongoing care and support from others because they cannot meet their own basic daily needs. For that reason a carer is required to help those people to survive on a daily basis and maintain their dignity and their respect.

In the main, carers are people with noble intentions who give much of themselves to improve the lives of people with disabilities. However, there are exceptions, and this bill would prohibit someone convicted of a violent offence from being engaged in a paid position as a carer for a person with a disability. People with a history of committing violent offences would be referred to the chief executive of the Department of Communities for consideration as to their suitability to be a carer.

Organisations such as Teenage Adventure Camps—Queensland, TAC-Q, are a prime example of the wonderful and exceptional people in our community who offer their time and services to care for and support people with disabilities. TAC-Q is a charity that runs an annual camp in Currumbin for teenagers suffering from life-threatening illnesses. The generosity of all involved in this adventure filled week—from theme park operators to people offering Harley rides, the Rocks Resort and the kind, big hearted volunteers—is to be commended. Tales are recounted at the farewell dinner on the last Sunday night of the camp and there is not a dry eye in the place—lots of laughter, happy moments, challenges overcome and, above all, love. Camps and carers provide these teenagers with the experience of living with their peers, establishing friendships and the realisation that they are not alone with their misfortunes. Teenagers are challenged, inspired and motivated to participate in a range of unforgettable activities and leave with a new-found confidence and outlook on life. Of course, that is made possible only through the dedication of the volunteer carers who devote themselves to this worthy cause.

Initiatives such as the LNP's carer's charter were designed to ensure that the value of carers is recognised in our legislation. Unfortunately, this charter of rights has not been transformed into legislation by the current government. Undoubtedly, the majority of carers perform their duties with great dedication and compassion. Unfortunately, there is a minority who violate the implicit terms of this relationship and it is those people who prey on the vulnerabilities of people with disabilities. That is why it is so necessary for the state government to provide the necessary protection and to support this bill.

History reveals that the Queensland government has failed to protect the vulnerabilities of people with disabilities in recent years. The Bribie Island Care Independent Living Association facility is one prime example, where a federal parliamentary committee in 2004 was told that residents were forced to have cold showers, have chillies put into their mouths, were deprived of sleep and food, were hit with broom handles, had head lice infestations treated with flyspray and were tied to chairs and toilet seats. The Adult Guardian in Queensland also investigated the Bribie Island facility. Their findings tell of a staff culture within the facility where disabled people were blamed for their behaviour and unfair punishment was doled out. Despite the fact that both of these findings occurred in 2004, it is only quite recently that several former carers at that facility have been brought to justice and I understand that others are still awaiting trial. In addition to those instances, police were called to investigate claims that people with disabilities were being abused and neglected by staff at a community support service at several day-care and accommodation facilities in South-East Queensland.

When looking at the latest statistics provided by the Department of Communities we see that, while infrequent, abuse by carers is a real issue in the community. The report shows that there were 27 complaints of alleged official misconduct by departmental workers servicing people with disabilities in Queensland. Of those matters, seven related to assault, six related to criminal misconduct, 12 were for inappropriate behaviour and two related to mismanagement. These figures relate to government service providers alone. Figures that will include non-government service providers would push these sad statistics even higher.

Additional findings from a report conducted by the National People with Disabilities and Carer Council titled *Shut out: the experience of people with disabilities and their families in Australia*, a national disabilities strategy consultation report, show us that one of the main areas of concern voiced among people with disabilities, their carers, family members and service providers was the abuse of children with disabilities in institutional settings, including respite services. This bill adds a much-needed layer of protection for all people with disabilities who require paid care.

I move now to the Criminal History Screening Legislation Amendment Bill which, as I mentioned before, makes amendments to some 17 acts and several others in schedule 3. The explanatory notes inform us that the policy objectives are to effectively reduce duplication and increase consistency across criminal history screening systems. Currently in Queensland there are multiple criminal history screening regimes in place. These include the blue card system, which requires a person in child regulated employment to undergo a criminal history screening, and the yellow card system, which requires all persons engaged at service outlets of funded non-government disability service providers to undergo criminal history screening.

The provisions of this bill will allow for police officers and registered teachers to apply for an exemption from holding a blue card when they are providing child regulated services that fall outside their professional duties. Blue card holders will be able to apply for exemptions from holding a yellow card and registered health practitioners, including nurses and midwives, will be automatically exempt from requiring either of these cards whilst providing services to children and also when providing services to adults with a disability as part of their professional duties. Different legislative systems of the blue card, yellow card and teacher registration will be retained but will need to be aligned in order to examine the same types of police information. The only way to achieve that is through amended legislation.

Yellow cards will now attract the new fee of some \$70. Departmental staff told us that the money is to be allocated to reimburse the NGOs which will have to apply and purchase cards for staff. As this is earmarked for the 2010-11 budget, concerns have been raised that this could place added stress on already stretched NGOs to come up with the money for their staff should there be an interim period between when provisions in the bill are enacted and the budget allocation becomes available. Perhaps the minister could address this in her reply or in consideration. Volunteers will remain exempt from paying a fee under both systems.

The minister boasts that Queensland's blue card system is regarded as one of the most effective and accountable screening systems in Australia, yet this government refuses to make it even better. It voted down the opposition's 2008 amendment that would have added photo ID to new and renewed cards stating it was too costly. While cost effectiveness is an important consideration, one cannot place too high a price on the personal safety of society's most vulnerable group: children.

As the new processes go through the installation phases, various computer systems will have to be linked together. Yesterday's briefing informed us that duplications will be removed or erased in this manner. A number of agencies are involved here. There is Police, Education, Disabilities, Child Safety, Health and Communities, if not more. This Bligh government has a shocking track record of successfully linking computer systems. Deadlines have not been met in the past and many millions of dollars have been wasted. The task of interfacing existing systems with other agencies is guaranteed to be difficult and I am keen to know what time lines the minister is working towards. Will it be this year or the next or the one after?

I would also like to know how long before the streamlining and linkage to other agencies is complete and what guarantee can be given that information will be correctly processed. How many unfortunate glitches that see vulnerable children and adults fall through the cracks will there be, such as we saw in the transition of the ICMS child safety system?

At yesterday's briefing the member for Gladstone asked whether people wishing to enter into surrogacy arrangements would have any criminal screening. The reply to this was no, they would not. COAG currently has an agreement with regard to children for a greater sharing of information between states. Living on the border of New South Wales and Queensland, I can attest to the benefits for those of us living in this region to have more cross-border friendly laws. This legislation also makes changes to restrictive practices which are required at times to manage testing behaviours. As a result of the 2006 Carter report, *Challenging behaviour and disability: A targeted response*, legislation was brought in to introduce a scheme on 1 July 2008 that was aimed at reducing restrictive practices. There is currently a period of three months for short-term approvals to be able to be given. To date, these could only be extended in exceptional circumstances. This legislation will extend the maximum period for short-term approvals for a further three months. Apparently it has been difficult for some disability service providers to have enough time to prepare a proper assessment for the adult and to develop the positive behaviour support plan that is a central part of this scheme. The shadow minister has already outlined his concerns with this amendment and I look forward to hearing the minister's reply.

The Scrutiny of Legislation Committee's report No. 2 of 2010 found that a large number of clauses may affect the rights and liberties of individuals and, in particular, employment related rights and information privacy. The government does not see any significant costs with this legislation. However, as I have said, the government's past record with computer systems, especially when attempting to link agencies, has been very poor. In short, the legislation has significant merit. It aims to reduce duplication and increase consistency across criminal history screening systems. However, it does not offer the level of protection to people with disabilities that the LNP's bill does.

I would like to place on record my enormous respect and gratitude to all of those who have chosen to care for another, whether in a paid or an unpaid capacity. We should all spend a day, or three, walking in their shoes.