



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) (9.09 pm), in reply: From the outset I would like to thank all members for their contributions to the debate on the bill that I introduced, the Disability Services (Criminal History) Amendment Bill, which was debated in cognate with the government bill, the Criminal History Screening Legislation Amendment Bill. I do not intend to take up a deal of the time of the House in reply to the debate on the LNP's bill, save to do three things: firstly, to respond to the concerns of the Scrutiny of Legislation Committee; secondly, to reiterate the principles, values and objectives contained in the bill put forward by the LNP; and, thirdly, to respond to the contribution of the Minister for Disability Services and Multicultural Affairs to this bill.

With respect to the report of the Scrutiny of Legislation Committee on the bill that I introduced, I thank the Scrutiny of Legislation Committee for its constructive and reasonable comments in respect of the Disability Services (Criminal History) Amendment Bill. The committee raised the issue of whether the bill has sufficient regard to the rights and liberties of individuals. The committee drew the attention of members to clause 4 of the bill, which, it is suggested, may affect the rights and liberties of individuals engaged or seeking to be engaged as a disability support carer. Although I acknowledge that point of view—and it was a view that was raised, I think, by the member for Toowoomba North in respect of the government's bill—I would argue that priority consideration has to be given to the rights of vulnerable people with disabilities who must trust in their carers implicitly. A breach of this trust has devastating effects on the person with a disability, often extending beyond physical wellbeing to social interaction and emotional development. It is a choice to work in the field of disability support services. It is not a choice to have a disability. The role of the government is to protect the most vulnerable people in our society. In this case, people with disabilities need more legislative protection and enshrinement of liberties and rights than do carers with criminal histories.

In addition, I would point out that similar, although not identical, concerns are raised in respect of the government's bill, the Criminal History Screening Legislation Amendment Bill, by the Scrutiny of Legislation Committee. The explanatory notes accompanying the bill seek to justify concerns in respect of a potential breach of privacy rights by arguing that the risk of such a breach is necessary to effectively protect the best interests and safety of children as well as persons with a disability and to ensure that adequate safeguards have been put in place where appropriate. I think it is important, as part of this summing-up process, that I reiterate some of the important principles that are being pursued by the LNP opposition by introducing this bill.

The LNP feels that there needs to be legislative effort to try to enhance the confidence not only that people with disabilities can have but also that families and the wider community can have in the integrity of the important relationship between a carer and the people for whom they care. The bill that I introduced in October last year is designed to help protect people with a disability from being put in the care of someone who has a history of violence or abuse. The bill will allow people with disabilities to have confidence in their carer and it will also allow disability service providers to employ carers with confidence. I regret the advice

from the Minister for Disability Services and Multicultural Affairs that the Bligh government will not support the LNP in attempting to achieve this important goal.

The overwhelming majority of carers in our community are exemplary people who give so much of themselves to improve the lives of people with disabilities. As I said when I introduced this bill, the contribution of carers is very often of a value well in excess of the remuneration they receive. They are essential service providers. They do their work with sincerity and, unfortunately, sometimes they provide the only genuine connection between their clients and the outside world. Indeed, in many cases carers enhance the quality of life of their clients.

However, as I said when I made a contribution to the debate on the government's bill, tragically there will be the odd occasion when the trust between a person with a disability and a carer is breached. This is an unfortunate reality that we have to face up to. Let me share with honourable members two distressing examples of when these breaches of trust occur.