



Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

Hansard Wednesday, 7 October 2009

DISABILITY SERVICES (CRIMINAL HISTORY) AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—LNP) (11.36 am): I move—

That the bill be now read a second time.

People with disabilities are among the most vulnerable in our community. With some disabilities requiring people to have intensive, around-the-clock and in-home care, the position of a carer is one that should embody implicit trust. There should be no question marks over the safety of the relationship between a carer and a person receiving that care. When a person with a disability uses services, be they provided by the government or by a community based organisation, they are entering into more than a business transaction.

It is not a simple matter of purchasing a service. The provision of services—on the part of both the carer and the person with a disability—transcends a business relationship and becomes about enabling a greater quality of life. A carer who enters a person's house is stepping over a threshold of trust, and a carer who works at a facility is equally in the home of a person with a disability. When this relationship is abused through violence, it is not only physical harm which results. The social abilities of some people with disabilities, the trust levels and their interaction with other people can all be damaged severely by an act of violence perpetrated against them by a carer. Unfortunately, these incidents have happened and do happen. In view of the time constraints involved, I seek leave for the remainder of my second reading speech to be incorporated in *Hansard*.

Leave granted.

As such, the LNP feels there needs to be a legislative effort to try and enhance the confidence, not only that people with disabilities can have, but that families and the wider community can have in the integrity of that important relationship between a carer and the people they care for. To ignore the problem is not an option for the LNP. The Bill I am introducing today 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 the confidence in their carer that they need, and it will also allow our service providers to employ carers with confidence.

Carers are exemplary people who give so much of themselves to improve the lives of people with disabilities. Their contribution 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.

Like anything though, there are exceptions. And caring for a person with a disability is such an important role, because they are often very vulnerable, that there should be no exceptions. This Bill introduces a standard—a person with a violent criminal history is not a person we should be entrusting with the care of another person.

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. This bill would change that and prohibit someone who has been convicted of a violent offence from occupying the paid position of a carer to a person with a disability.

This amendment bill also proposes to allow the Chief Executive of the Department of Communities to decide if 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. While a prohibition notice will not be issued automatically, as will occur with those with convictions, those with charges relating to violence will be automatically referred to the Chief Executive for their consideration.

Considering that it's relatively common for domestic violence charges to be dropped, it is imperative that a potential carer's history is properly 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 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.

The bill will affect people currently employed in a paid position, as a carer for a person with a disability, with a history of violent or abusive behaviour. The LNP understands that sometimes it can be difficult to secure the services of a person with relevant qualifications and experience to be carers. There may be a perception that this bill may make it even harder to find people willing to do the job, but the LNP argues that a history of violence and abusive behaviour should disqualify someone from providing care to a vulnerable person, such as a person with a disability.

The Queensland community has accepted the need to put in place a system to protect another group of vulnerable people in our society, namely children, with the development and implementation of the Blue Card system. This initiative implemented a screening requirement for those wishing to work with children to ensure they did not have any criminal histories relating to children—in other words, they were appropriate people to be working with children. The LNP considers that the same consideration should be given to people with disabilities, who can be just as vulnerable in care as children.

While the bill proposes to prevent people with violent or abusive histories from working in a paid position as a carer for a person with a disability, it does not prevent from working in other areas of the disability support sector, such as an administrative position. I commend the bill to the House.