

Legislative Council

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HEALTH AND COMMUNITY SERVICES COMPLAINTS (MISCELLANEOUS) AMENDMENT BILL

The Hon. A. BRESSINGTON (17:34):

I also rise to briefly indicate my support for the bill. This bill in part gives effect to the recommendations of the Social Development Committee report into bogus, unregistered and deregistered health practitioners, an inquiry which heard of charlatans preying on the vulnerable by claiming to be able to cure cancer and other such illnesses. While any measure that will protect vulnerable consumers from shonky operators is most welcome, I do hold some reservations that, in our attempts to target these, we may place undue restrictions on legitimate professionals, such as naturopaths and homoeopaths.

However, it will not be until the code of conduct is released that we will have any indication as to whether or not my concerns are valid. I was assured in my briefing yesterday that there would be extensive consultation on the draft code of conduct, and it is my hope that the end result will be reasonable and reflect the intent expressed by the minister when introducing this bill. Of course, if it is not, we can always move to disallow the regulation.

Another concern I have about the bill is that this places additional responsibilities with the Health and Community Services Complaints Commissioner who, from media reporting and my constituents' experiences, is clearly overstretched by her current responsibilities. I am not sure whether that is budgetary or whether it is actually due to the wide scope of complaints that that office is required to deal with. Probably the most trying of all are the complaints that have been received against our most dysfunctional child protection agency, Families SA.

I have long held the position that complaints against agencies such as Families SA should be heard by a commissioner or tribunal dedicated to hearing such complaints. There can be no disputing that the complex issues involved in complaints to do with child protection require a specialised skill set not entirely compatible with that required of investigations into complaints against various health practitioners.

I also hold the view that, unlike the ombudsman model, complainants should be given the opportunity to make verbal representations and in a controlled setting directly question decision-makers, for only then will complainants see the process as just and fair. In the many referrals that my office has made to the commissioner in relation to child protection, the responses that have been received by complainants have been inadequate, to say the least.

One of the letters that I have in my office refers to a complaint made relating to a breach of professional conduct, and the letter received by my office about that complaint indicated that, 'Well, this hasn't been an ideal situation. These social workers do have sets of guidelines laid down for them, but they're not really bound by those guidelines.'

That is hardly a response that is going to bring anybody any closure in a case where their children have been removed based on what are said to be false allegations and where a social worker has acted in an unprofessional manner. It is certainly not going to bring about any level of confidence among constituents who are caught up in that system that there is actually a decent road of appeal that is going to yield any sort of outcome for them or see any changes made to the system.

While I am in no position to advocate one particular model over another, I have heard positive things about Queensland's model of allowing complaints about certain decisions of its child protection agency to be reviewed by the Queensland Civil and Administrative Tribunal with other complaints being heard by a specific children's protection commissioner, the Commission for Children and Young People and Child Guardian.

As it is a court action, it would indeed come at a greater expense than our current commissioner. However, as the Hon. Tammy Franks pointed out in her speech, when we actually solve problems we save money, rather than having institutions or offices in place where these problems just go round and round in circles indefinitely.

It was my hope that the Statutory Authority Review Committee would inquire into the office of the commissioner, and that was proposed by the Hon. Robert Brokenshire. I am not quite sure where that is up to or whether or not that is still going to go ahead, but I do believe that would have been a perfect opportunity for that committee to look into the functions, responsibilities and budgetary restrictions, if any, of this office and perhaps offer some recommendations to the parliament to remedy some of those issues. As I said, I support the second reading of the bill, and look forward to seeing the code of conduct that is being proposed.