Speech by

Hon. ANNA BLIGH

MEMBER FOR SOUTH BRISBANE

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COMMISSIONS OF INQUIRY (FORDE INQUIRY—EVIDENCE) REGULATION 1998

Disallowance of Statutory Instrument

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (12.56 p.m.): One has to hand it to the member for Indooroopilly; he continues to come into this House and lead with his chin. He has come in here today and used an opportunity to once again rail pompously about the dignity of the Parliament. I have to say that, in my view, listening to the member for Indooroopilly promoting respect for the dignity of Parliament is worse than listening to Henry VIII promoting the virtue of long marriages or, to take a leaf out of the member's own book, listening to Henry V talking about better relations with Europe.

On what ground does the member opposite come in here to seek to do this? He seeks to disallow a regulation that will have the effect of ensuring the release of information which is vital to the work of the Forde inquiry into the abuse and neglect of children. He suggests instead that we should amend two pieces of primary legislation: the Children's Services Act of 1965 and the Juvenile Justice Act of 1992. Both the member for Indooroopilly and the shadow Attorney-General have promoted the view here this morning that in the next two days we could amend those primary pieces of legislation, that we should—in what in my view would be an unseemly rush—rush into amending that legislation, as they did with their own failed attempt earlier this year to amend the Children's Commissioner Act. Not only would this involve a suspension of Standing Orders; it would give us no opportunity to consult with any of the affected departments or non-Government organisations which would be affected by such moves. Talk about a contempt for the Parliament! Let us suspend the Standing Orders, give nobody an opportunity to look at the proposed amendments and rush them through!

Given the parliamentary timetable and the Standing Orders, this could only have been achieved by 10 November at the earliest. Would that have been good enough? Not in my view! If, like the member for Indooroopilly, this Government was in the business of establishing long-term, grand-scale inquiries with limitless budgets, then we too might have pursued the course that he is suggesting by putting forward these two pieces of amending legislation. But we are not in that business. We are in the business of ensuring that an adequate inquiry is held—one which will ensure that the taxpayers' money is protected while getting to the heart of what are very serious matters in our community.

I make no apologies, and nor does this Government, for using the simplest and most straightforward way of guaranteeing that files in the custody of my department were made available to the Forde inquiry as soon as possible. It was not good enough, in my view, to wait another four weeks—what would have been one-sixth of the time allotted to the inquiry to do its work. The member for Indooroopilly knows that the practical effect of the disallowance would mean that this inquiry would grind to a halt; it would stop in its tracks. One has to wonder: who would this help? How would such a halt come to the assistance of the many people who are now adults and who lived their lives as children in these institutions? It would have the effect of ensuring that no further information would be available to the inquiry.

I should point out that, in the intervening period between the passage of the regulation and today, my department has, as of this morning, cooperated fully with the Forde inquiry's request for information. My department has handed over 150,000 individual folios to the inquiry, and this is only the tip of the iceberg. Earlier this week my department received a 22-page request from the inquiry for more information and, as I speak, it is in the process of compiling that information. Nothing will stand in

the way of that information going forward—certainly not the political cheap shots of the member for Indooroopilly, who accuses me this morning of not making provision for this to occur. To the contrary, I say to him that we did make provision; we used the provisions that are available to us. This Government has given a perfectly lawful remedy to achieve the necessary outcome, which was justified given the timing of the inquiry and the speed with which that inquiry is required to report to Government on the important issues before it. The report of the Scrutiny of Legislation Committee, tabled here this morning, confirms this view.

It is important in this debate to make the distinction between the creation of a Henry VIII clause and the use of a Henry VIII clause. The member for Indooroopilly and the coalition as a whole seem to have a great interest now in paying homage to the importance of Henry VIII clauses and in promoting them at the expense of and over and above the importance of children. This concern has only been evident while the coalition has been in Opposition, because the Henry VIII enabling clause in the Commissions of Inquiry Act which gives the Executive Council the power to make regulations such as that which the member for Indooroopilly is now moving to disallow was inserted into that Act by a coalition Government in 1988. Who was a member of the Parliament at the time it was moved? Who was a member of the Parliament that voted for the inclusion of the Henry VIII clause? The member for Indooroopilly! The then Attorney-General, Mr Paul Clauson, said when moving the amendment——

Sitting suspended from 1.01 p.m. to 2.30 p.m.

Ms BLIGH: I quote the then Attorney-General, Paul Clauson, when he introduced the regulation-making power into the Commissions of Inquiry Act. In his second-reading speech he stated—

> "Accordingly, the Bill provides for an amendment to the principal Act which establishes a procedure whereby a summons or writing of a chairman of an inquiry will take precedence over any oath taken, affirmation made or provision of an Act relating to secrecy where, by Order in Council, the Governor in Council declares that the secrecy provisions in a particular statute will not apply. The procedure which has been developed will ensure that decisions are made on a case-by-case basis"—

such as has been done here—

> "and will also ensure that the views of the Minister of the Crown responsible for the administration of each relevant statute are sought and obtained prior to its being recommended to the Governor in Council ... The provision has been drafted so as to apply to all commissions of inquiry which are held under the Act and, as such, has a general application."

In other words, the Parliament in fact intended the regulation-making power to be used for the very purpose for which it has been used by this Government in relation to the information to go to the Forde inquiry. As I said, the member for Indooroopilly was part of the Parliament that voted for that regulation-making power to be introduced.

In January 1997, the Scrutiny of Legislation Committee tabled a report entitled The use of 'Henry VIII Clauses' in Queensland Legislation. The member for Indooroopilly now relies on that report in his opposition to this regulation. Is he as offended by the use of Henry VIII clauses as he claims to be? It must be remembered that he was the Attorney-General of this State in January 1997, when the Scrutiny of Legislation Committee handed down its report. He was the Minister who had administration of the Commissions of Inquiry Act. If he believes that the Henry VIII clause is such an offensive instrument and that it creates such a problem, why did he not remove it when he could have? Why did he not take the opportunity to remove this offending clause from the Bill that he administered in January 1997—18 months before he left office? He now carries on about Henry VIII clauses for political purposes. He used his time in Government and his energy while a Minister for more destructive and wasteful pursuits, such as the discredited and failed $14m waste that was the Connolly/Ryan inquiry into the CJC and the slashing of criminal compensation payments to victims of criminal violence and sexual assault.

Let us face it: here we are seeing grandstanding from the failed former Attorney-General. He is playing petty politics with a very important inquiry. Just as he did in his disgraceful attack on one of the commissioners, he is seeking to turn this inquiry into a political football. Unfortunately for him, I and, I believe, all members on this side of the House, and in fact the majority of the public of Queensland, are more interested in the welfare of our children than in the welfare of Henry VIII.

Who are the architects of this attack on the Forde inquiry? It is none other than the very same architects of the Connolly/Ryan inquiry, of the failed Heiner inquiry and of the flawed Children's Commissioner legislation, which was put in place to avoid a commission of inquiry in the first place. It is the very same people who, during their time in Government, refused to establish an inquiry into these matters. It is time for the Opposition to support what it says it does. It continues to say that it supports the inquiry. Does it support this inquiry—yes or no? We constantly hear "yes, but"—"Yes, but we do not support one of the commissioners"; "Yes, but we do not support the information going from the Families Department". It is not good enough.

Members should remember that the effect of this disallowance motion being passed is that all information will stop being given by my department to the inquiry. Every vote for this disallowance motion is a vote for secrecy. It is a vote to hinder the work of the Forde inquiry. If the motion succeeds, nothing can go forward. Without the suspension of Standing Orders, Bills cannot proceed this week and other important legislation will be delayed. If this regulation does not proceed this week, it will have to come in next year, when the inquiry will be one week away from reporting.

The member for Indooroopilly accuses me of having scant regard for the institution of the Parliament. That is about the most ridiculous thing I have ever heard. The member for Indooroopilly is no-one to stand and talk about a lack of respect for the institution of this Parliament. He is the only Minister we are aware of in any western democracy in the world who has refused to stand aside when a vote of no confidence has been passed by a Parliament.