Speech by

Mr DENVER BEANLAND

MEMBER FOR INDOOROOPILLY

Hansard 17 November 1998

COMMISSIONS OF INQUIRY (FORDE INQUIRY—EVIDENCE) REGULATION 1998

Disallowance of Statutory Instrument

Mr BEANLAND (Indooroopilly—LP) (12.30 p.m.): I move—

> "That the Commissions of Inquiry (Forde Inquiry—Evidence) Regulation 1998 (Subordinate Legislation No. 278 of 1998) tabled in the Parliament on 20 October 1998 be disallowed."

At the outset, I reiterate the support expressed by the coalition for the Forde commission of inquiry. We have been very clear in our desire to seek justice for the victims of child abuse. We have always believed that Mrs Forde is an appropriate and most suitably qualified person to serve as commissioner. There can be no doubt that the inquiry presents a very real opportunity to deal with a matter that has long been ignored. We must never condone abuse of any nature within our society. Child abuse is a most reprehensible crime and, as parliamentarians, we must do everything within our power to protect the innocent and weed out the perpetrators. For those reasons, the former National/Liberal coalition Government toughened up the penalties for a range of offences involving children in the Criminal Code. Of course, those offences are not just of a sexual nature but include offences involving violence, such as torture, and the offence of paedophilia. For this reason, the legal standing of the Forde inquiry should not be left to chance.

This motion seeks to disallow a regulation introduced by the Government on the recommendation of the Attorney-General. The Commissions of Inquiry (Forde Inquiry—Evidence) Regulation 1998 essentially amends the provisions of the Children's Services Act 1965 and the Juvenile Justice Act 1992. This Henry VIII style amendment was necessary to facilitate access by the Forde commission of inquiry to documents held by the Department of Families, Youth and Community Care under confidentiality provisions contained within the Children's Services Act and the Juvenile Justice Act. The regulation affects the meaning of the secrecy provisions in the Juvenile Justice Act and the Children's Services Act, such that those provisions are subject to a summons or request to produce documents and certain other things in writing from the chairperson of the inquiry. Importantly, the Scrutiny of Legislation Committee has stated—

> "In the committee's view, this provision that a particular order 'takes precedence' over a provision of an Act constitutes 'amending' that Act. Accordingly, the committee concludes that the regulation does not 'amend statutory instruments only'."

The Opposition opposes the introduction of this regulation because we believe that the matter could have been dealt with quickly and expeditiously through legislation introduced into the Parliament that the Opposition would have been pleased to support. The matter could have been handled very quickly. Indeed, it could have been handled within 24 hours. We do not oppose providing the commission with access to the documents under amending legislation that could have been passed easily by this Parliament, but we oppose the provision of access by the method provided in this regulation—a method that is totally inappropriate.

While Rome burns, the Government and particularly the Minister for Families, Youth and Community Care and the Attorney-General have merely fiddled. They fiddled with a Henry VIII clause because they were too incompetent and lazy to ensure that appropriate legislative provisions were made to provide the commission with access to documents. In fact, the Minister for Families, Youth and

Community Care has been so busy screeching and screaming that the issue was not addressed when the commission of inquiry was first established. At that time it was widely acknowledged that, should this inquiry be successful, access to the documents would be required. The problem should have been rectified when the commission was established. Why it was not is a sixty-four dollar question that has never been answered by the Minister. Anyone who had anything to do with the issue would have appreciated fully the problems that were going to occur under the Acts of the Parliament when the commission of inquiry wanted access to the documents that were held by the department. Therefore, the Government's behaviour is totally inexcusable. What is more, the sleight of hand was performed when the Parliament was sitting.

I need not restate the fact that the proceedings of the Forde commission of inquiry are of great importance to many victims of child abuse. The former Government established the Children's Commission, which ultimately led to this inquiry being established. Any attempt to sweep this matter under the carpet is clearly unacceptable. The victims of child abuse deserve better and Commissioner Forde offers a very important opportunity for victims to seek justice. Unfortunately, Mrs Forde's ability to fully access important documentation held by the Department of Families, Youth and Community Care has been limited by the Minister's own incompetence and her failure to introduce proper and appropriate legislation into the Parliament when there was adequate time to do so.

For good reasons, not the least of which is the strict legislative requirements, the department keeps a tight rein on access to some of the information it has collected. This commitment to maintaining privacy and protecting the interests of many Queensland families and individuals ought to be commended. Nonetheless, amongst the very good people who have been protected by this commitment to privacy, there are some people and records that should and need to be exposed in the pursuit of justice. For this reason, the coalition supports the right of the Forde inquiry to access all the documents and information necessary to complete its investigations.

There are right ways and wrong ways to provide this information. I thank the Attorney-General for contacting me prior to bringing in this regulation. However, that does not get away from the fact that the House was sitting during this period and, over several weeks, there was ample opportunity for the Minister or the Attorney-General to bring in appropriate legislation. It is little wonder that in 1997 the Scrutiny of Legislation Committee reported on a Henry VIII clause and highlighted the problems that the former Goss Government had with this legislation. Of course, those problems continue under this Government, because it cannot get it right. It fails to get it right every time and the Attorney-General has to sail to the rescue of the Minister for Families, Youth and Community Care because, despite her screaming and screeching, she is too lazy to get on with the job. It is terrible that, despite having so many sitting weeks, she was too lazy to bring in a small Bill that could have been passed expeditiously by the Parliament. The Attorney-General has to do that with another Act that is before the House at the moment, but the Minister for Families, Youth and Community Care is too lazy to do so, even though the Government knew about the matter. Perhaps the Minister had something to hide in her department. That might explain why she failed to introduce a Bill to fix up this problem. She failed to do that, she is guilty of it and she knows it.

That is highlighted in the Scrutiny of Legislation Committee report tabled in the Parliament today. It highlights the fact that the Government had an opportunity to bring in a Bill. However, the Attorney-General pleads urgency. Conveniently, he does not mention the sitting days of the Parliament during this period when an amendment could have been brought in and the Opposition would have agreed to expedite its passage through the House, as we did in respect of the Bills that the Government introduced last week that will be going through the Parliament this week; the Government needs to get those Bills through this Parliament for good and proper reasons.

Government members like to joke about these serious issues and laugh them off. They try to laugh away the issues. However, they know that they are guilty of trying to usurp the role of the Scrutiny of Legislation Committee in respect of the Henry VIII clause. That certainly changes the legislation, as was pointed out by the Scrutiny of Legislation Committee. We want to get the Government to bring in a proper Bill. There is still sufficient time this week to do that. However, it is too lazy to fix up its problems. It cannot be bothered doing the right and proper thing in this regard.

Not only was this an issue in relation to this commission of inquiry; it was raised also during the time after the Children's Commission was put in place. The matter was brought to the attention of the former Government, and legislation was brought into the Chamber to rectify the problem to allow him to gain access to these records. This is something that has been known for a while. In respect of the investigation of paedophilia and the abuse of children, there would need to be legislation to allow that to occur. There can be no excuse for the Minister's not making provision for access to these documents at the outset; furthermore, there was ample opportunity to ensure that the Parliament considered this matter and granted its approval to amend the legislation protecting the confidentiality of these documents.

The inquiry was established on 13 August. There were a number of sitting days after that date when legislation to rectify this matter could have been introduced. However, the Minister is too busy trying to become the Deputy Premier to be concerned about the processes of the Forde inquiry. Today the Minister said again, "Let's not worry about the detail, let's just get on with it." However, it is important to know these details so as to make sure that the processes are proper.

One can only wonder what sort of advice the Minister is receiving. Perhaps it is the sort of advice that the Minister received in relation to the appointment of Hans Heilpern as an assistant commissioner. Mr Heilpern, one of the commissioners of this inquiry, was sacked as the Director-General of the New South Wales Department of Youth and Community Services. He was an absolute failure when he served previously under the Queensland Government as the Registrar of the Queensland Building Services Authority. I understand from information supplied by the Minister that Mr Heilpern is on the commission of inquiry and is earning some $1,100 a day to investigate matters similar to those that he was criticised for not investigating in the 1997 report into paedophilia by the royal commission into the New South Wales Police Service. That is the fact of life. Presumably the same thinking and attitude that applied then now applies in relation to these documents. That is alarming to say the least. I am sure that whenever the Minister presents a submission to Cabinet these days her colleagues are asking questions about the matter.

It is wrong for the Government to invoke an archaic Henry VIII legislative clause in relation to this matter. Members would be well aware of the Scrutiny of Legislation Committee's attitude towards the use of these clauses. Again, that is set out in the Alert Digest tabled today. In January 1997 the Scrutiny of Legislation Committee set out to deliver a report on the use of these clauses. The report stated that the committee "urges Ministers to be vigilant and to maintain a firm stance against the use of Henry VIII clauses in Queensland legislation." It is clear that in introducing this regulation the Attorney-General has defied the wishes of that committee and has acted more out of political desperation than in the interests of good government. There is no doubt that the Attorney-General was forced to introduce the regulation because of the gross political incompetence of his colleague the Minister for Families, Youth and Community Care. The Minister does not appear to be willing or able to do the homework that is required in relation to this matter. I wonder what Mr Sullivan, the former deputy chairman of that committee— were he here now—the Minister for Education, the member for Nudgee and the member for Lytton would think of this course of action. The use of these types of clauses formed part of the deliberations of the former Scrutiny of Legislation Committee. That has now been followed up by the current Scrutiny of Legislation Committee in the Parliament today. I am also sure that deep down those members do not support the Minister's action in relation to this matter.

The Premier has spoken a great deal about lifting parliamentary standards and the dignity of this House. At the very first opportunity the Minister and the Attorney-General have to do something about it they have demonstrated that they are not prepared to come into this House, in the long-accepted fashion, and introduce a Bill to amend a piece of legislation, as is the normal and proper process. They have to be dragged in kicking and screaming.

What does that say about the dignity of the Parliament and parliamentary standards? What does it say to the people of Queensland, who expect good government and responsible Ministers? The coalition has stated that it will support any legislation necessary to provide the commissioner with access to any other necessary Government-held documents. It is clear that this would ensure speedy access to those documents. That is an offer that makes this regulation totally inappropriate. The sensitivity and importance of this inquiry makes it absolutely imperative for the Government to put beyond any doubt any legal questions surrounding access to these documents. As the Office of Parliamentary Counsel highlights, this legislation is outside the guidelines set down in the Cabinet Handbook. It is also——

Time expired.

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