



Speech by

Hon. J. FOURAS

MEMBER FOR ASHGROVE

Hansard 17 November 1998

COMMISSIONS OF INQUIRY (FORDE INQUIRY—EVIDENCE) REGULATION 1998
Disallowance of Statutory Instrument

Hon. J. FOURAS (Ashgrove—ALP) (2.43 p.m.): In introducing this legislation, the member for Indooroopilly, in very cynical tones and in a rather pathetic speech, indicated to the House that he supported the Forde inquiry into child abuse. He said that he was very concerned about the dignity of the Parliament and that it was inexcusable for the Parliament to behave in this way. He quoted very selectively from the report of the Scrutiny of Legislation Committee. In fact, he should be told unequivocally that the committee gave a unanimous report which, in the end, justified the making of this regulation under these circumstances.

Before I discuss that aspect, I would like to comment on the contribution of the member for Warwick. I do not believe that his heart was in it when he supported the member for Indooroopilly. It is very sad that the member for Warwick, who is a very reasonable person, had to pretend that he would have supported us if we had suspended Standing Orders and rushed through the House in five minutes these two amendments—one on the Children's Services Act and the other on the Juvenile Justice Act—without discussion or debate. He, too, supports the Forde inquiry and is against child abuse.

As a member of the Scrutiny of Legislation Committee, and for Mr Beanland's edification, I point out that this regulation was enacted with the authority provided under an Act, namely, the Commissions of Inquiry Act, which was enacted by Mr Beanland when he was a member of the governing parties. The committee stated that it was satisfied that the regulation is within the authority provided by that Act. Section 5.4 of the committee's report states—

"However, the committee notes that the regulation falls clearly within the category discussed in s.5(2A) of the Commissions of Inquiry Act. On this basis it would appear that it was Parliament's intention that matters such as this could be incorporated into regulation."

That point was very well made by the member for South Brisbane. It was the Parliament's intention that that would happen. But what we have had is a pious debate on Henry VIII clauses.

I was a member of the original Scrutiny of Legislation Committee when it was the only committee of this Parliament. We certainly did not agree that we should have Henry VIII clauses in those days. Of course, matters such as those contained in Henry VIII clauses should be brought before the Parliament. But in a report to this Parliament in relation to Henry VIII clauses, there was a justification for their use if it was identified by the committee that it was to "facilitate immediate Executive action". In this report, the committee indicates quite clearly that that was the situation. It quotes Mrs Forde, who advocated the promulgation of this regulation. She said—

"In order to enable the Inquiry to carry out its terms of reference fully and faithfully, I consider it appropriate and necessary for the Inquiry to have access to all relevant information which is subject to the secrecy and confidentiality provisions.

Any hindrance in the timely provision of information necessary to the performance of the Inquiry's task, will severely curtail the ability of the Inquiry to comply with its terms of reference."

The member for South Brisbane very eloquently said what an expensive process it would be—not just in terms of resources but in terms of time—if we were to put the inquiry back five or six

weeks. It is a very important inquiry, and timeliness is an important aspect that was considered by the committee. The committee agreed that, as there was a need to facilitate immediate Executive action, "Yes, it is a proper function of Henry VIII clauses." Of course, we would like to see that removed from the original Act when it is amended in the future. I do not believe that Acts should provide that sort of power.

I give very strong support for this inquiry—an inquiry which, from the first days, the member for Indooroopilly attempted to scuttle. I believe that the member now realises that he cannot roll that barrel across the electorate, because people will not accept that. Therefore, he is piously talking about supporting the dignity and authority of the Parliament. The committee says unequivocally that, in its view, under the circumstances the Parliament's authority was not at all diminished by this regulation being made.

I now wish to quote from the Burdekin report into homeless children, which I had something to do with. It states—

"The failure of the states ... both to provide appropriate nurture and support to children committed to, and leaving their care, is a serious indictment on the willingness and capacity of those authorities to properly discharge their legal and social responsibilities. Children between 12 and 15 or 16 years of age are particularly ill-served. The states are ill-equipped or unwilling to offer appropriate services and the Commonwealth regards the matter as a state responsibility."

In the early eighties, the then Director of Children's Services said in a report to this Parliament that the State could not meet its statutory obligations to protect children from neglect and exploitation. States all over Australia—not just in Queensland—have been resourcing their family services departments so badly that they should be charged under their own legislation with neglecting and exploiting young children. In a submission to the homeless children's inquiry, the Queensland Government said that coming into the care of the State led to homelessness. So it is ludicrous to suggest that such an inquiry cannot look at what State Governments are doing and have access to the necessary files—looking at circumstances in which there have been documented failures.

In documenting the failures of the lack of resourcing of our State departments around Australia, particularly in Queensland, we will hopefully find that we will do something about meeting our responsibility as a Parliament for ensuring that we do not allow the continuation of sexual abuse, neglect and exploitation of our children. I believe it is about time we did that. Under our State departments, young people go from placement to placement and nobody seems to be giving a damn at all about what happens to them. They are like flotsam and jetsam. Young social workers leave departments because they are stressed, overworked, overloaded and unable to do their job.

The Commonwealth Government is a signatory to the convention on the rights of the child. In relation to abuse and exploitation, the convention states—

"The state shall protect children from all forms of physical and sexual abuse, neglect and exploitation, including child prostitution and participation in child pornography, and all other forms of exploitation prejudicial to the child's welfare."

We need a national policy to protect children. We need national standards. We have national standards in regard to child care. We make sure those who run child-care centres meet certain standards of accreditation in relation to their facilities and staff. We do not do that in relation to institutions that look after children.

It is a shame that the member for Indooroopilly brought this disallowance motion before the House. I believe he is playing crass politics. He should be ashamed of himself. From the moment that the Forde inquiry was brought forward, he has wanted an excuse to scuttle it. He seems to me to be very hollow in the expression of his concerns. If we accepted his disallowance motion, a vital, important inquiry would be stymied and problems would arise in relation to the information that has already been made public. This motion is disgraceful. It is totally untenable for any sensible and thinking member of this Parliament to vote "Yes" to this motion. If that is the case, why are we debating it? Why would the member for Indooroopilly want that totally untenable situation, which is not in the interests of the inquiry, this State or the young people we are trying to protect? In this House he has said piously that he is concerned about the dignity of this Parliament. This Parliament acted on legislation that he was responsible for bringing before this House. It has acted in the only way it could because of the speed that was required. It has acted with the support of a committee of this Parliament that said, "Yes, we don't like Henry VIII clauses; but, in these circumstances, we will unanimously give you a tick." That committee said that it was all right to bring in the regulation in order to have the inquiry and to enable it to do what it needs to do in the interests of protecting our children. I ask all members, irrespective of their parties, to support the Forde inquiry and to reject this shocking motion.

Time expired.
