



Speech by

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MEMBER FOR SURFERS PARADISE

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CHILD EMPLOYMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (3.30 pm): I rise to support in part the Child Employment Bill 2005, a well overdue piece of legislation. Safeguarding our children has always been a top priority for those on this side of the House. I am a firm believer that we should encourage our young people to get involved in the workplace from an early age. As a parent, I believe employment for young people is an important stage in their development, but no child should be working in an unsafe workplace. It is about time that safeguards for our children are put in place.

I support the view that work should not interfere with children's schooling. I also support any legislation preventing children from performing work that may be harmful to their health or safety or to their physical, mental, moral or social development. I commend the common-sense approach to prescribing the minimum ages and type of work in which school-age and young children can work.

I appreciate the introduction of limitations on the number of hours and times at which work may be performed by school-age and young children. I support the proposed regulations about work conditions for children in particular types of businesses such as the entertainment industry. These reforms gain our support because—and I point this out because the Australian Labor Party will fail to acknowledge this—many of these initiatives have been plucked directly from the Industrial Relations (Minimum Employment Age) Amendment Bill 2004, a private member's bill introduced by the member for Moggill, Dr Bruce Flegg. I am glad to see those opposite have finally seen sense. In fact, the all-party Scrutiny of Legislation Committee acknowledge this at points 5, 6, 9 and 10. Point 5 states—

Insofar as it deals with child employment, the current bill bears significant similarities to the Industrial Relations (Minimum Employment Age) Amendment Bill 2004, a private member's bill introduced by the Member for Moggill, Dr B Flegg ...

Point 6 states—

The two bills differ in that whilst the earlier bill incorporated most of the detail about the employment restrictions in the bill itself, cl.9 of the current bill essentially leaves that process to regulations.

It seems to question whether this bill is actually as good as the bill that the government failed to support. Point 8 states that most of the detail of the restrictions will be set by regulations rather than being stipulated in the bill itself. Point 10 states—

The committee refers to Parliament the question of whether committing such a large part of the operative provisions of cl.9 to regulations is, in all the circumstances, an appropriate delegation of legislative power.

Back in November 2004 my learned colleague the shadow minister for health, Dr Flegg, introduced a bill to provide protection for Queensland children in the workforce. We suggested this back in 2004 because Queensland had not seen any legislation specifically aimed at the protection of the rights of children in the workplace since 1999. The bill we sought to introduce back in 2004 aimed at bringing the state of Queensland in line with the rest of Australia, if not many other countries mentioned by my colleague the member for Moggill, by introducing a minimum work age and basic protections for children's rights in the workplace. The opposition has wanted to introduce these safeguards for some time now. But because we, the opposition, suggested it, the current Labor government did not care to support these initiatives. Because those opposite wanted to take the credit, these safeguards have been sitting on the

Australian Labor Party drawing board rather than in the workplace, protecting our children. This shameful delay was caused by the Beattie government, which also maintained that the election in 2004 was about children, child safety and their welfare. However, when given a chance to actually do something for children instead of just words, it squibbed it. This is the government that has delayed any measures being introduced to restrict the number of hours a child works during the school term. This is the government that has delayed any measures being introduced to prevent the sexual exploitation of underage workers in adult entertainment venues. This is the government that could not recognise the need to safeguard our children in the workplace until it had our material to plagiarise.

Despite the time—the seven years since the 1999 review—it has taken Labor to act on safeguarding our children in the workplace, the drafting of this bill is not without flaws. I would like to flag several concerns I have with the bill—the reasons why the current bill is not receiving my unequivocal support. I share the concerns of the shadow minister for health that there are no blue card provisions for employers under this bill when so many other people in contact with children have to have blue cards. I support a range of restrictions being placed on employers in relation to the employment of children, but I question whether it is appropriate for those restrictions to be set out in regulation and not in this bill itself. Until the contents of the regulations are examined it is difficult to reach a complete opinion as to the appropriateness of the scheme introduced by this bill. This sentiment is also echoed again by the Scrutiny of Legislation Committee at points 36 and 38 in its report. Point 36 states—

To the extent to which it actually governs the subject, the same could be said for the current bill. However, that is subject to the significant caveat that until the details of the restrictions envisaged in the bill are actually determined by regulation, no final assessment can be made in that regard.

Point 38 states—

The contents of that regulation will need to be examined before a final view can be reached on the appropriateness of the overall legislative scheme introduced by the bill.

I also want to quote from the explanatory notes. The member for Moggill mentioned that he had concerns about the codes of practice taking 12 months to develop. I thought the minister took issue with him. The minister's own explanatory notes state—

The Bill and proposed Regulation will be supported by two new mandatory Codes of Practice which will be developed in the 12 months following the introduction of the Act. These relate to the employment of young people in the entertainment industry (including a prohibition on minors working in adult entertainment) and a specific workplace health and safety code for young workers.

That obviously means that for the next 12 months minors will still be able to work in the adult entertainment industry with no protection provided by this government.

Furthermore, I would like to reiterate the concern noted by the Scrutiny of Legislation Committee relating to clauses 33 and 34. The bill, in its drafting, effectively provides for the reversal of the onus of proof. I have concerns whenever there is a reversal of this important legal principle. Once again, this bill will gain my reserved support subject to the concerns I have raised. Our children deserve the basic protections this bill affords them. Furthermore, let it be known that members on this side of the House have their priorities right and will continue to support reform in areas that need it, no matter who introduces it.