



Speech by

**Hon. Kevin Lingard**

**MEMBER FOR BEAUDESERT**

Hansard Wednesday, 22 August 2007

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## **STATUTE LAW MISCELLANEOUS PROVISIONS BILL**

**Hon. KR LINGARD** (Beaudesert—NPA) (12.44 pm): The opposition will support the bill. The purpose of this bill is to make amendments to various Queensland acts through one omnibus bill. I think there are more than 50 pieces of legislation to be amended. Obviously, the only thing that we need to do is make sure that this is a true omnibus bill and that it does not contain major changes to legislation. Quite honestly, we believe that these amendments have arisen only through changes to legislative drafting practice, updated cross-referencing and the need to correct minor errors or the need to provide greater clarity.

We appreciate the report of the Scrutiny of Legislation Committee. The committee had concerns about three amendments in particular. I note the minister's proposed amendments Nos 1 to 3 to remove a number of sections of the Survey and Mapping Infrastructure Act. The removal of those amendments ensures that the making of survey standards will continue to be notified by gazette notice. We appreciate the concern that was raised in that regard.

The opposition has some concerns about the proposed amendments to the Commission for Children and Young People and Child Guardian Act 2000 simply because some of the amendments made to that act are considered to be a little bit more than mere technical changes. We are concerned about amendment No. 2 to that act, because it seeks to affect section 102B of the act by no longer requiring the commissioner to notify a person of their review rights if a negative notice of their application for a blue card has been made under section 102(6)(a). The opposition is very concerned that the blue card remains. Certainly, we have to support the integrity of the blue card.

In this regard, under the current act the commissioner is required to issue a negative notice under section 102(6)(a) if the commissioner is aware that the person who applied for a blue card has been convicted of an excluding offence, that is a serious child related sex offence under section 99E, and the court has either sentenced the person to a period of imprisonment for that offence or made a disqualification order under section 126C, that is, that they never hold a blue card again.

In his second reading speech to this bill the Leader of the House stated that this amendment was necessary as—

It is considered illogical for the commissioner to be required to provide these applicants, who are automatically issued with a negative notice for their blue card application, with details of any appeal rights as there are no appeal rights that apply.

I initially had concerns about this amendment but, after reading that statement that no appeal rights applied in that particular circumstance, I would say that whilst I express concern, the opposition will not be moving any amendments against that clause.

Amendment No. 5 amends subsections 122B(1)(a) and (b) and amendment No. 6 amends section 122B of the Commission for Children and Young People and Child Guardian Act 2000 by extending the operation of section 122B to applicants for a blue card. Specifically, amendment No. 5 provides that section 122B applies if the police commissioner, an employee or another person gives notice to the commissioner that police information about the employee has changed or if the commissioner otherwise becomes aware of changes to the employee's police information. Amendment No. 6 also clarifies that an

employee now includes an applicant for a blue card. The effect of these amendments is that the commissioner considers that the change in the employee's police information may be relevant to child related employment. The commissioner must give written notice to the employer bringing this change and information to their attention.

I notice that in his second reading speech the Leader of the House summarised these amendments as follows—

... to allow the commissioner to issue a notification under the section to an employer where a blue card applicant may be working with children pending assessment of his or her application and has had a change in his or her police information. This enables the employer to implement appropriate risk management strategies while the application is assessed.

I also notice that the Leader of the House stated further—

The commissioner currently has the power to issue a notification under section 122B to an employer in relation to a blue card holder who has a change in his or her police information but not in relation to a blue card applicant.

As I just said, some people believed that we should oppose this amendment but, as I say, when I read the second reading speech of the Leader of the House I believe that we are maintaining the blue card's integrity. It is very important to maintain the blue card's integrity. Therefore, I am prepared to agree that this amendment be included in this omnibus bill. We recommend that the bill be supported.