Speech by

Annastacia Palaszczuk

MEMBER FOR INALA

Hansard Thursday, 14 February 2013

CLASSIFICATION OF COMPUTER GAMES AND IMAGES AND OTHER LEGISLATION AMENDMENT BILL

Ms PALASZCZUK (Inala—ALP) (Leader of the Opposition) (11.22 am): The opposition will be supporting the majority of the Classification of Computer Games and Images and Other Legislation Amendment Bill. I wish to place on record the opposition's particular support for the R18+ classification of computer games as it offers families better guidance with respect to determining their children's computer and console game usage. It is worth noting that the process to introduce an R18+ classification for computer games began in 2009 when the then federal Attorney-General released a discussion paper. The paper received more than 58,000 responses, with the overwhelming majority supporting the R18+ classification regime. At the time Labor was in government in Queensland and gave in-principle support for the introduction of this particular classification. During the past couple of years a period of consultation between the states and the federal government has followed, resulting in the federal parliament passing legislation to classify computer games as R18+. This law came into effect on 1 January 2013.

As part of the consultation process, the states agreed to also introduce complementary legislation to enable enforcement of an R18+ classification for games. The agreement meant this was to take effect on 1 January 2013. I am aware that most of the states have met the 1 January timeline. However, we are debating it today at the first opportunity in the sitting and I think members would agree that we do thoroughly support the intent of what the federal government has done and we do want to make sure that we are in line with it.

I acknowledge that there have been concerns expressed about the content of computer games likely to be classified as R18+. The former South Australian Attorney-General Michael Atkinson has said—

I am concerned about the level of violence in society and the widespread acceptance of simulated violence as a form of entertainment. I am particularly concerned about the impact of this extreme content on children and vulnerable adults.

The main areas of concern for the groups opposed to the R18+ classification are the protection of young people from violent content, difficulties for parents preventing their children from accessing inappropriate material, violent video games promoting violent behaviour and damaging depictions of women in video games. The main objections to an R18+ classification relate to the protection of children and the impact of media violence on the young. Many submissions to the discussion paper released by the Attorney-General cited research that video games can promote aggressive and antisocial behaviour in game players. Almost a year after the discussion paper was released, the department released a literature review into whether there is a link between playing violent computer games and aggressive behaviour. The overall conclusion of this 50-page publication was that research into the effect of violent video games on aggression is contested and inconclusive. The games that are of concern are very few in number and we should keep it in perspective. In 2011-12 the Classification Board made 827 commercial computer game classification decisions. The number of classification decisions was highest in the G and PG categories, with 395 and 229 decisions respectively. In contrast, decisions in the M and MA15+ categories were substantially lower: 109 and 91 decisions respectively. Only three commercial computer games were

refused classification, rated RC, in 2011-12. Each of these three computer games received the RC classification because, under the National Classification Code, the games were deemed unsuitable for a minor to see or play.

Protection of children from unsuitable material is an important aspect of the classification scheme. Governments from all jurisdictions need to remain vigilant that the guidelines we are putting in place provide that protection. Under the National Classification Scheme the states and territories are responsible for the enforcement of classification decisions. The responsibility of the Queensland government in this context is to ensure that adequate resources are available to carry out that enforcement responsibility. I would like to ask the Attorney-General to please give his guarantee to this parliament and to all the members of this House that there will be no reduction in funding to the inspectors to carry out this important work.

While there are elements of this bill that will be supported by the opposition, there is one particular section that we will not support. I inform the House that the opposition will be opposing Part 8 of this bill, the section that enables the outsourcing of court recording and transcription services. The opposition has a number of very serious concerns about the outsourcing of court reporting services. We have previously raised concerns about the protection and integrity of confidential information and have sought assurances in relation to the timeliness and accuracy of court transcriptions in Queensland. Unfortunately, when I raised these issues at estimates last year the Attorney-General simply dismissed me and stated, 'The member ought not be concerned about those issues.' The Attorney-General fails to acknowledge that these valid concerns are real and are shared by large sections of our community.

To illustrate I would like to bring to the attention of the House a letter written to the Attorney-General by Spark & Cannon Australasia Pty Ltd. The letter was written to inform the Attorney-General that Spark & Cannon would not be submitting a response to the invitation to tender for the outsourcing of court transcription services. Viewing the website of Spark & Cannon one can see that they have been supplying court recording and transcription services for 47 years and supply state and federal governments with recording and transcription services. Clearly this is a company that has a long history in providing these types of services and has detailed knowledge of the industry. When a company with so much experience writes to the Attorney-General to tell him, 'We feel the ITO does not represent an achievable request with its rigid timelines for any company currently in the industry,' alarm bells should be ringing.

To be fair, at estimates the Attorney-General did make mention of seeing 'Peter from Auscript' when he was shadow Attorney-General and subsequently met with him when he was the minister, I believe on 13 June 2012. I do not know—and perhaps the Attorney can clarify—whether it was during one of those discussions that the Attorney-General formed the view that outsourcing Queensland court reporting was achievable.

During estimates, the Attorney-General also indicated he received complaints about the transcription services provided by the State Reporting Bureau. Presumably, this was one of the justifications for embarking on this program of outsourcing. After taking on notice the question of how many written complaints he received, the Attorney was able to indicate that the number of written complaints was three. The opposition submitted a right of information request for any documents relating to Queensland's court reporting and transcription services and/or the possible outsourcing of those sources. The time period was 3 April to the present. One can imagine the opposition's surprise when the RTI was returned stating that any documents, including these mysterious letters, were either non-existent or unlocatable. We can confirm that at least one letter has now been sent to the Attorney-General, the letter from Spark & Cannon. To receive such a detailed letter of complaint from such a senior member of the industry, which points out the many shortcomings of the Attorney's plan before the tender has been awarded, must ring alarm bells for those opposite who have actual business experience.

The first thing that the Attorney-General needs to understand is that, despite his comments at estimates that I 'ought not be concerned about those issues', I am concerned and I am quite sure that others are just as concerned. The Attorney-General needs to let the House know if a probity advisor was appointed to this project from the outset to oversee the process. The Attorney needs to inform the House how many businesses submitted a response to the invitation to offer. He then needs to let the House know how many of those tenders were deemed compliant. Queenslanders needs to be assured that the plan put forward by the Attorney-General at least represents value for money and was awarded on a competitive basis, otherwise the LNP is just outsourcing court reporting services to a private monopoly, which will see costs blow out into the future. In the interests of transparency and accountability, the former employees of the State Reporting Bureau deserve to understand how the tender was awarded.

The letter sent to the Attorney-General raises some of the potential issues with the tender process and the plan to outsource court recording and transcription services in Queensland. The letter states—

There are too many unanswered questions resulting in the respondent make assumptions and accordingly costs in these assumptions. The risks involved with this is unacceptable to Spark & Cannon and we feel should be a serious concern to all users covered by the ITO.

If there are limited companies submitting compliant bids, how is this cost being controlled and managed? The ITO looks like a rush job. I understand that the companies responding to the ITO had, effectively, 13 working days to investigate the opportunity and respond to the ITO following the briefing session due to the Christmas break. If a company had a head start, it might have been able to submit a concise and fully costed bid. However, Spark & Cannon believe that—

Due to the Christmas period we are limited to only 13 working days to accumulate all pricing information and transition information from third parties and in our opinion this significantly increases risk with rushed and potentially incomplete decisions. Spark & Cannon was not prepared to either inflate our prices, to estimate the costs, or alternatively accept the risk to underestimate rates in any proposal.

I can only hope that the other companies submitting bids had that much integrity.

With over 40 years in the industry, Spark & Cannon has 'not experienced a more rigid timeframe, both from the respondent's point of view and that of the panel responsible for assessing the tender'. The letter indicates that this is 'by far the biggest single contract to be let in the industry' and that the 'contract will be provided to only one company' and a panel of providers would not be considered which, as members would be aware, is considered normal business practice for other large government contracts.

I understand the notice given to set up the technical demonstration was just two days when the industry expects five days notice. This makes it very difficult to assess the companies, unless they were prepared in advance of the notice. While we are talking about the technical demonstration, I must inform the House that the 'respondent is required to supply all the hardware, software, networks and personnel to provide the services'. Given the very strict time line to have the court reporting system operational, I am sure that the Attorney would be aware that—

There is no current contract in the industry which requires services over such a wide expanse to be delivered in such a rigid transition period. There is significant risk involved to both the respondent and the Department of Justice and Attorney-General with this approach.

The risk is exacerbated when 'detailed court plans or cable diagrams are not available' when requested by Spark & Cannon. Spark & Cannon believes there is a greater risk to the companies involved and also to the Queensland courts. They repeatedly spell out, in chapter and verse, as well as provide detailed examples of other projects and clearly state why the timeframe associated with the technical infrastructure build and information technology requirements pose such a risk. The Attorney-General needs to outline who provided the advice in relation to the information technology requirements of this ITO.

At the 2012 estimates, in response to question on notice No. 11, the Attorney-General indicated that 750 jobs in the Department of Justice and Attorney-General had been abolished. Further risks identified included the geographical expanse of Queensland, the lack of detailed information relating to 130 courthouses, including basic information such as cabling plans, and the lack of information relating to the heritage listed buildings across the state that house many of our courtrooms. The risks, as assessed by Spark & Cannon, also include 'not achieving the time frames and the imposition of liquidated damages was considered unacceptable'.

Strangely, 'The ITO details that current equipment infrastructure and accommodation will not be available for the successful respondent to use.' What is happening to all of the equipment that the department has already in place? Spark & Cannon believes that these issues would add 'significant costs to our hourly recording and transcription services, to the extent that value for money to the Department of Justice and Attorney-General was a concern'. They 'estimate that this would have added between 30 and 50 per cent to our fees'. The fact a company would have to increase its price by 30 to 50 per cent because of a rushed and ill-thought-out process has its own problems associated with it. Both the Bar Association of Queensland and the Queensland Law Society have provided warnings in relation to rising costs associated with this plan, which will be passed on to the clients. I doubt that any client, including businesses in Queensland, would be prepared to pay an extra 30 to 50 per cent because all of these issues have not been thoroughly considered and thought through as part of the tender.

Some of these rights and protections in the context of court reporting and transcription services have potentially life-threatening consequences and breaches of trust have the potential to derail significant criminal investigations, especially in the context of closed hearings that deal with confidential or sensitive matters. I raised these concerns at estimates and voiced concern about the tender process in New South Wales where people with convictions for serious criminal offences and who are under investigation by ICAC were awarded contracts. The Attorney's response to me simply was, 'The member ought not be concerned about those issues.' I am afraid that the Queensland Law Society is also worried. It states 'that courts and the government will not have the same level of assurance of confidentiality of control over transcript management as it did when transcript services were managed by the State Reporting Bureau'. I

ask the Attorney-General to give his assurance during his address in reply and not just dismiss my question that the confidentiality in court transcription services will be upheld and maintained.

In light of the concerns raised about the process, I would like the Attorney-General to explain the inspection regime and the enforcement mechanisms available to him should the rollout not go to the strict time line or, on a worst-case scenario, the integrity of the process is questioned. We should bear in mind that, in serious criminal matters or those involving protected witnesses or covert operations, lives could be put at risk. Some of the members opposite, especially those more qualified in both the legal and business areas, must be beginning to have similar concerns.

I now draw the attention of the House to the concerns of Spark & Cannon in relation to the requirements of the Fair Work Amendment Act. Spark & Cannon has sought advice and believes that it could not recruit current employees of the State Reporting Bureau until three months after their employment is terminated. That means the company that wins the bid will have to provide or train its own workforce, while a well trained, competent and experienced workforce sits by the sidelines.

The vice-president of the Australasian Court Reporting Industry Association states—

The timeframe to undertake this recruiting process is beyond the ability of any company in the industry without jeopardising quality and delivery of service to the Department of Justice and Attorney-General.

I question whether the staff can be adequately trained in time to provide the same level of service that the courts and other stakeholders have previously been able to rely on, with the service expertly provided by the State Reporting Bureau.

Given the fact that staff who have been sacked by this government should be able to have a legitimate expectation of being able to work in the area in which they are trained and have considerable experience and expertise, why would this expertise not be able to be utilised by the successful tenderer? The Attorney-General must outline how he will ensure the winning bidder complies with every requirement of the Fair Work Amendment Act and if he agrees with Spark & Cannon that this will add significant cost to the tender and add additional recruiting risks.

The successful respondent will be able to sell transcripts it transcribes during civil hearings. The ITO has no control over the price of these transcripts. The recommendations of the Legal Affairs and Community Safety Committee's report highlight concerns over these costs—concerns that have also been raised by Spark & Cannon, the Queensland Law Society and the Bar Association of Queensland. Some control over the price is needed to ensure that members of the community are not priced out of the justice system which, I have been informed, has been the complaint of other states that have already gone down this path.

We should also be concerned about a process that sets up a private company to operate a monopoly business in Queensland. That is one of the chief criticisms, that:

The ITO, once decided, will effectively create a monopoly in Queensland. At the end of the contract period, the infrastructure costs required by the new supplier would be prohibitive and add significantly to any offer. The incumbent would not have to provide for these in their prices in future tenders. It has the potential to increase costs accordingly to all users of the services.

The opposition supports the part of the bill relating to the introduction of an R18+ classification system. However, as far as the court transcription services are concerned, we do not believe that they should have been put out to tender and there have been insufficient guarantees and safeguards around the process to permit the opposition to support just this part of the bill. We are not convinced that the outsourcing of these services is warranted nor that it will provide better services or better value for money for the government and consumers of these services.

The only other matter I wanted to raise is that the Attorney-General foreshadowed that he would be moving a number of amendments. It would be helpful if the Attorney would give consideration to giving my office a briefing on those amendments over the lunch break. From what he outlined, I did not see any real problems with them. I seek his guidance in relation to that matter.