




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 24 May 2016

PENALTIES AND SENTENCES (QUEENSLAND SENTENCING ADVISORY COUNCIL) AMENDMENT BILL

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (9.28 pm), in reply: I thank members for their contribution. I thank the member for Cook for his contribution and the important issues he has just raised in relation to Indigenous disadvantage and overrepresentation in the justice system and in our corrective services both in our adult prisons and in our youth detention centres. It is certainly something that I am very mindful of, as I know the Minister for Police and Minister for Corrective Services is. It is an issue we must address absolutely. It is the reason why the only position that is mandated in this bill is to ensure Aboriginal and Torres Strait Islander representation on this council. We are ensuring that it is mandated. No other positions are mandated.

I certainly appreciate the position of the government members and some of those who put submissions before the parliamentary committee who said that we should be doing the same in terms of women and ensuring there is at least one female member as well. We have declined to mandate that in the actual bill. As far as having Aboriginal and Torres Strait Islander representation, I believe it was absolutely imperative to mandate it because we do recognise that there is overrepresentation in our justice system. If we are to make any difference we do need to make sure that we have got that representation. I absolutely agree that it needs to go further—a lot further. We need a lot of our appointments to reflect that broader diversity in representation including in our judicial appointments. We need to have that diversity in all of our appointments. We need to make sure that our appointments at any level are reflective of the broader community. I certainly welcome the points that the member made.

In relation to the member's amendment—and I will speak to it when we get to it in consideration in detail—the government would have difficulties at this time mandating at least four because we have not actually prescribed that it must be 12 members; we have said up to 12 members. Based on the applications that come forward and the expressions of interest, if we decide that this committee is made up of only six people, then according to the member's amendment, potentially at least four of the six must be Aboriginal or Torres Strait Islander. It may be difficult to find that expertise and the diversity in skills and experience we are looking for to make up that quota. That is the reason I flag at this stage that mandating four would be difficult. I certainly hope that the member for Cook appreciates and acknowledges why we chose to prescribe this in the bill in the first place: to ensure there is that representation.

I thank those members on this side for their contribution and their comments in relation to the Sentencing Advisory Council and about the importance of the amendment being moved in consideration in detail. Despite the hyperbole from the other side, that amendment is simply seeking to extend the delay in implementation of the licensing changes that came out of the Newman government's legislation. I heard all of the arguments that we are stopping this and unwinding this. However, we

cannot stop something that never started in the first place. Let us be clear on that. We heard the carry-on that this is such short notice, no-one knew this was coming and why did we not bring this in earlier? Let us be clear that when—

Mr Walker: You haven't got an answer to that. What's the answer to that?

Mrs D'ATH: There is definitely an answer. The member opposite might want to look at his own record. When those opposite come in here and make statements and accusations against this side, they fail to look back at history. They might want to do that from time to time because they might be surprised to see that when the former attorney-general came in and introduced a regulation to delay the commencement of the changes to the Electrical Safety Act, the Queensland Building and Construction Commission Act and the Work Health and Safety Act that were due to commence by proclamation on 1 July 2014 and it was deferred until 1 July 2015, that was actually done 18 days before those changes were due to commence.

Mr Walker: That is not an answer for your position.

Mrs D'ATH: I take that interjection. It is okay for the opposition to do it 18 days before it is due to commence, but I am doing this in May for the 1 July date and it is too short a notice? The reason given at that time was to allow time for the government to consider the outcomes of the federal government's Royal Commission into Trade Union Governance and Corruption except that royal commission was announced in February 2014, so it did not sneak up on them. They knew that was happening.

In terms of the carry-on about the timing of this, the fact is that when the Treasurer moved an amendment to postpone the commencement of these provisions last year he did so and specifically stated that it was to give the government the opportunity to consider the task force, any recommendations coming out of that and their implications. He also indicated the significant implications on jobs in this state if this were to go ahead. I do take offence at the comments of the member for Everton that these people should go and get a legitimate job.

Members opposite take no responsibility for the fact that 100,000-plus people in this state who hold licences and permits as tradies would have had to suddenly go through a big licence check and a police check to see whether they could still hold their licence to do their job. That is what was required under their scheme. They take no responsibility for that, for how that was going to work in practice or what that was going to do in terms of creating uncertainty for all of those jobs.

We heard time after time those on the opposition side saying that there was nothing done by the Sentencing Advisory Council, nothing at all. However, the reality is that since the council started in 2010, they reported on two terms of reference that had been issued by the then attorneys-general; they commenced work on a third terms of reference; they undertook specialist research and statistical analysis on sentencing outcomes; they published a range of information documents, including sentencing fact sheets and research papers; they hosted the first sentencing seminar series as well as the national gathering of Australian sentencing advisory bodies—before they were scrapped in 2012. That is not bad for the two years in which they had the opportunity to operate.

We have heard the arguments that this can be done by the Department of Justice and Attorney-General. I can guarantee that if it were the Department of Justice and Attorney-General that was putting this information out about sentencing and those on the other side did not like what was being reported, the first thing they would say is that it is biased; it is coming from within a department; it is not independent. However, if we try to set up an independent body, they criticise that and say no, it should be done by a department.

I take the comments of the member for Beaudesert who said that we do not need these sorts of advisory councils; it can all be done by government agencies. Does that mean that we should do away with the disability advisory council, the Multicultural Queensland Advisory Council, the Queensland Carers Advisory Council, the family and child advisory council, the Veterans' Advisory Council or maybe the small business council? We should just get rid of those because we do not need them; apparently these things are a waste of money. They do serve an important purpose. Certainly there are those out in the community who acknowledge that, even if those on the other side do not.

I wish to make one last point about those on the other side, and I will wait and see if a point of relevance is brought up because I have never heard an argument that the debate is just so diverse. We did get on to community legal centres, the amount of \$1.8 million and what we could get for \$1.8 million. We could do a lot of things with \$1.8 million. I have answered the questions numerous times of those on the other side in relation to Robina Community Legal Centre, and I support what they do. At the end of the day there is a triennial funding arrangement and that money has already been allocated. Those on the other side are worried about funding. However, that centre was started in February 2014 and I did not see the Newman government funding them under that triennial funding arrangement. If they are worried about CLC funding, why do they not stand up and call on the federal government, who plans on cutting \$2 million from community legal centres next year, to stop that cut?

Let us be genuine. If they really want to criticise these sorts of funding initiatives, let us talk about what the \$2.6 million that was spent on the Commission of Audit for Peter Costello would actually get us. Let us talk about what the \$100 million that was spent on Strong Choices would get us in terms of jobs. If members opposite want to carry on about \$1.8 million and what a waste of money it is and what that could have done for their communities, I can tell them what \$100 million would have done for the community of Redcliffe, what it would do for CLCs and Legal Aid—more money for our courts and justice system. That would have gone a long way, instead of wasting it on a Strong Choices campaign and funding agencies to spend \$30 million in preparation for asset sales before you are even endorsed by the voters to do it, so do not come in here complaining about where \$1.8 million is going when you just threw it out the window. You talk about a waste of taxpayers' dollars!

It is my pleasure and my honour to commend this bill to the House. It is an election commitment that we promised the people of Queensland, and once again we are delivering on our election commitment.