




Speech By
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WORKING WITH CHILDREN (RISK MANAGEMENT AND SCREENING) AND OTHER LEGISLATION AMENDMENT BILL

 **Mr JANETZKI** (Toowoomba South—LNP) (3.37 pm): I rise to make a contribution to the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2018 and to confirm that the opposition will support the bill and the government's amendments. It is extraordinary that here we are again, 20 years after the introduction of the first blue card bill. At that time it was known as the Commission for Children and Young People Act 2000. It has now been renamed. For 20 years we have had a series of papering the cracks, plugging the holes, responding to crises and crisis management—and here we are again. Even in the last three weeks when the opposition put forward its amendments the government wrote its own amendments which pretty much mimic the opposition's. Here we are again. Over 20 years this act has been amended by over 70 amending bills as Labor governments throughout that time sought to paper over the cracks, plug the holes and manage the crisis.

I decided to do a little bit of research ahead of today's debate and I uncovered a litany of media releases by Labor governments over the last 20 years that highlight their complete mismanagement of not just the blue card system but also the child safety system right throughout Queensland. There have been a whole bunch of media releases. I will quickly run through some of the things that they realised over the last 20 years they had to fix—bus drivers, foster carers, taxidivers, mature age students, family day care, school camps, lollipop people—

Mrs D'ATH: Madam Deputy Speaker, I rise to a point of order. I appreciate the history lesson—and I am sure we will avoid the time when the LNP were in government—but this is not relevant to the bill. These reforms occurred in previous bills before the parliament and do not go to the bill currently before the House. I ask that the member be brought back to the bill.

Madam DEPUTY SPEAKER (Ms McMillan): Member for Toowoomba South, I would ask that you return to the bill we are currently debating. If you would not mind tabling those, as you suggested, we will move on.

Mr JANETZKI: With pleasure, Madam Deputy Speaker. I table those now.

Tabled paper: Bundle of Queensland government media releases, undated, regarding working with children and blue cards [773].

I note the comment from the Attorney-General about the record of the Newman government with respect to child safety and the protection of children in Queensland. The Carmody inquiry saw some of the most far-reaching and transformative reforms introduced into Queensland law. The Carmody inquiry led to a change of culture around child safety in Queensland.

The history lesson that is necessary when considering this bill goes precisely to the bill before the House. Over time we have seen the plugging of holes and the papering over of cracks. What we have seen over the past couple of years that has necessitated this bill are problems that have been

talked about by many stakeholders for years and in consideration of over 70 amending acts over the years. I go back to the contribution of Denver Beanland, the then member for Indooroopilly, when this act was first introduced in 2000. He said—

I have major concerns about the availability of adequate resources to enable implementation of provisions contained in the legislation.

Today we are still talking about a lack of resources. We are talking about a manual system. The Attorney-General has finally got together no-card no-start. No-card no-start is finally being talked about. I think the Attorney-General said in her contribution that implementation would occur in early 2020. We know the Labor government's record on implementing IT projects, so let us see how that stacks up in early 2020.

In 2004 the then member for Southern Downs and then opposition leader talked about some of the issues we are now debating. He said—

It depends upon the government's capacity to be able to properly administer the system to ensure that those people who have convictions or matters of concern that would stop them from getting a blue card are actually detected and stopped from getting a blue card ...

These are precisely the questions we are considering again here today as over 20 years the Labor government has not addressed them properly. The then shadow minister for child safety and member for Burdekin, Rosemary Menkens, in 2006 talked about university students and said—

They have shown me documents that indicate that their blue card applications have been delayed by almost six months.

She went on to say—

But a huge amount of red tape ... has been set up that is causing a great deal of difficulty.

The blue card system has been mired in bureaucracy, indecision and crisis. I will reflect on one of the media statements I tabled. Then premier Beattie, in one of the most self-congratulatory media releases of all time, talked about 110 ticks for child safety in Queensland.

Mrs D'ATH: Madam Deputy Speaker, I rise to a point of order.

Madam DEPUTY SPEAKER: Thank you, Attorney. I can predict the point of order. I return the member to the bill we are currently debating.

Mr JANETZKI: The bill before the House is an attempt to finally catch up with what the Liberal and National parties, and the LNP since it merged, have been saying for 20 years.

I note the presence in the House of the member for Currumbin, who was child safety minister at the time. In 2008 she made a contribution to the House in debate of one of these 70 amending bills over two decades. The member for Currumbin raised the prospect of photographic identification. She also raised the prospect of even politicians having blue cards, given our day-to-day interaction with young people around Queensland. Again, we are making suggestions. We have been leading the argument with the government to do something to address the problems in the blue card system. Here we are after 20 years, still talking about the same issues.

The then member for Hinchinbrook when he was shadow minister for disability services and multicultural affairs said that the LNP throughout two decades had always supported what the government had proposed in relation to blue card regulation.

As I have said, the member for Currumbin had a number of excellent amendments that would have seen enhancements to the blue card system had they been listened to and acted on. The then member for Hinchinbrook rightly said—

The system has merit and is supported by the opposition—

as it will be again here today. He went on—

The system, while not as transparent or enforced as it could be, does provide a familiar framework for Queenslanders and they have some confidence in it. Why, then, has this bill not expanded the blue card system? Why has the government not taken the opportunity to provide an integrated, transparent, strong system which is tailored to the individual sectors of applicants affected by this bill?

Those comments were made in 2010. On it goes, over two decades. The Labor government has been in permanent crisis management mode.

Mr Boyce: Well, it is the Labor Party.

Mr JANETZKI: I take the interjection of the member for Callide. It is the Labor government's way to manage things. Only when a crisis reaches boiling point will it finally act. That is the case with this bill. I will turn to the particular moment of crisis shortly. I will highlight one last contribution from the past, when the Liberal National Party was seeking to improve the system but the Labor government of course had its way. In 2016 the member for Mudgeeraba said—

Although the opposition will not oppose this legislation in its entirety, it will oppose changes that refer the blue card services to the Department of Justice and Attorney-General from the Queensland Police Service as that would undo a recommendation of the Carmody inquiry. We on this side of the House recognise the importance of the Carmody inquiry to child safety in this state.

Those opposite may not want to hear it, but it was the Carmody inquiry that led to many of the wonderful reforms and the protections afforded to children around Queensland that we see implemented today. The member for Mudgeeraba went on to say—

I want to ensure that the implementation of the inquiry's recommendations is not undone under this government.

Mrs D'ATH: Madam Deputy Speaker, I rise to a point of order. The inquiry that the shadow Attorney-General is now referring to made no recommendations about blue cards, so it is not relevant to this bill.

Madam DEPUTY SPEAKER: I accept your point of order; however, the Carmody inquiry did relate to child protection. Member, I ask you to come back to the bill we are debating here today.

Mr JANETZKI: I am more than happy to pick up where the Carmody inquiry left off. It was then that the Labor government took power again in Queensland and we started to see many of the problems resurface. I table a series of media articles in respect of some of the issues relating to blue cards right throughout Queensland.

Tabled paper: Bundle of media articles, various dates, regarding working with children laws [774].

I will run through a couple of the issues that have arisen under the blue card system that have forced the Attorney-General and the Labor government to finally step up and act. Again, it has taken far too long and a moment of crisis. I note that in 2016 the Sunday paper revealed that migrants' overseas criminal histories were not being checked. It was revealed that blue cards were being handed to migrants to work with children in Queensland without any checks on their overseas criminal history. The *Sunday Mail* revealed that in one case a refugee was handed a blue card just four years after he arrived in Australia with no passport or any other identification documents. He was later charged with a string of child sexual abuse offences.

In 2016 the *Courier-Mail* ran an editorial that said that blue card loopholes are playing right into sick criminals' hands. This story highlighted how criminals were exploiting legal loopholes to obtain a blue card and went on to say that they, too, know how to use weaknesses in the law to their own advantage. In 2016 the *Courier-Mail* ran an article titled 'Blue cards still not on Santa's list' which stated that shopping centre Santas did not need a blue card despite coming into contact with hundreds of children each year and concerns were being raised about that loophole as well.

In 2017 the *Townsville Bulletin* revealed that parents were seeking urgent action from the Labor government to close a blue card loophole linked to Townsville students allegedly being shown naked pictures by a teacher's aide. A German national, 25, was accused of showing three grade 4 boys a naked photo of himself at a Townsville primary school. He did not hold a blue card. In 2017 an international student charged with the rape of a woman was cleared to receive a blue card, allowing him to work with children. The reason the accused sex offender was allowed to work with children was that his victim was not a child. That decision shocked child advocate groups, as one would expect, and of course the opposition.

It took these moments of crises—and, as I have said in the past, Labor governments have pretty much just acted when there has been a crisis, and this government has done exactly the same thing here again. There is no foresight and no planning. It has acted in a moment of crisis. This was its opportunity to close these loopholes and ensure the safety and protection of Queensland children. Instead, in the bill before the House—and I note that the Attorney-General will be moving amendments, as we will also—as it stands, the loopholes are wide enough to drive the proverbial truck through.

Under Labor's bill, violent child killers will not be automatically disqualified from applying for a blue card. A person convicted of the manslaughter of a child in cases where the offender engaged in acts of violence which caused the death of the child will be eligible to apply for a blue card. It is extraordinary. Other instances are where there is torture of a child or someone commits an act of cruelty against a child, kidnaps a child, chokes or suffocates in the domestic setting, child stealing, abduction of a child under 16, incest of an adult, attempt to commit rape of an adult, and the list goes on. These are all disqualifying offences in New South Wales.

Over a period of time there have been a range of questions on notice that have been asked. Some of them have been avoided, let us say, by the Attorney-General or by members of her department. Others have been answered satisfactorily, but there are a number of questions on notice that were very revealing and I want to put some of that before the House today. In 2017-18, 21 offenders convicted of disqualifying offences who should not have been working with children were working with children. Since Labor has been in government, between 2015-16 and 2017-18, 66 offenders convicted of disqualifying offences who should not have been working with children were working with children. These disqualified offenders had worked with children for an average of one to two working weeks before their blue card was cancelled or withdrawn.

In November 2018 there were 2,917 blue card applicants working with children without their criminal history having been checked. Of these offences that I have mentioned, I cannot think of one plausible reason why a person who commits any of these crimes should be eligible to work with a child and I do not understand why it has taken a litany of newspaper headlines and of shocking stories right throughout Queensland to make this government take some action, to do something—anything. It has taken all of that to finally get this Labor government to act in the best interests of children in Queensland.

Returning to the bill, under Labor's bill offenders convicted of disqualifying offences can apply for an eligibility declaration to enable them to work with children despite Labor's own review conducted by the Queensland Family and Child Commission recommending that the eligibility declaration be removed, although I note what the Attorney-General has said in that regard. The blue card review report revealed that the vast majority of applications approved have been for historical unlawful carnal knowledge convictions or similar. Under Labor's bill, rapists and murderers convicted overseas will be allowed to work with Queensland children. Does the Labor government believe that a conviction overseas is not as serious as a conviction in Australia?

Labor is ignoring the recommendation made by the Queensland Family and Child Commission for laws to be changed to require applicants to disclose their international criminal history and for Blue Card Services to then obtain an international criminal history check. Applicants do not have to disclose whether they have a criminal history overseas, and the disclosure of criminal history and criminal history checks should be expanded to ensure international criminal histories are considered in accordance with recommendations 30 and 31 of the blue card review by the Queensland Family and Child Commission.

Sometimes I wonder why the Labor government would not want to implement all of the Queensland Family and Child Commission review recommendations, but then I realised that the Labor government opposed the creation of the Queensland Family and Child Commission when the LNP was in government. The Attorney-General herself opposed the creation of the Queensland Family and Child Commission, and that should not be forgotten.

Mrs Wilson: Disgraceful!

Mr JANETZKI: I take the interjection from the member for Pumicestone. It is a disgrace and it should not surprise us that it would then seek to ignore the recommendations of the Queensland Family and Child Commission when it does not even believe in it in the first place. I am not surprised that the recommendations of the commission, which does an outstanding job, would be ignored by the Labor government. The blue card review had 81 recommendations and the government did offer its broad support but, as I have said, it is not surprising that it has ignored some of the recommendations and it only came in the most tragic circumstances with the death of Tiahleigh Palmer. Again, our children in Queensland—and we have seen it this week with watch houses—are being let down by this Labor government. We know that children are being let down. Children who have been killed have been let down by this Labor government in Queensland. Youth crime is out of control and the Queensland people have been let down by the Labor government in Queensland. Child Safety, with instances such as Mason Jett Lee, has been let down by this Labor government in Queensland over and over again.

Labor has now promised to implement a no-card no-start policy, which again is supported by the opposition. In fact, some aspects of that were recommended in contributions made by the member for Currumbin 10 years ago, so finally we have a Labor government that is catching up. It is only 10 years behind the time.

Mr Boyce: They're a bit slow; that's all!

Mr JANETZKI: It is a little bit slow on the uptake. The advice from the Attorney-General in her contribution today was that the no-card no-start project would be completed by early 2020 with \$17 million over three years. Frankly, the opposition will be watching the implementation of that project like a hawk. I do not trust the Labor government to deliver an IT project on time or on budget. We only need look at the Health payroll. We only need look at the projects—

An opposition member interjected.

Mr JANETZKI: I take that interjection; we should not look at that. With regard to this no-card no-start project, we know that Blue Card Services is working with a heavily manual system such as records kept in filing cabinets and under desks. This is a necessary system. The opposition supports it. It needs to be completed and it needs to start protecting Queensland children as soon as possible. However, this means that we are still at least a year away and we will continue to see convicted sex offenders unlawfully obtaining a blue card to work with children. That risk will still prevail. While the Attorney-General refused to answer in a further question on notice what the disqualifying offences were, a quick search of schedule 4 of the act reveals disqualifying offences, as we know, to include the rape of a child and making child exploitation material.

These people should never have received a blue card in the first place. Until no-card no-start is implemented, the government will continue to run the risk of those people who have committed the most heinous crimes receiving a blue card in Queensland. I want to raise a side point in respect of the implementation of the no-card no-start project. Under section 23(1)(e) of the Legislative Standards Act, which applies to legislation introduced into this House, the government of the day is obliged to give an assessment of the administrative cost to the government's implementation of a bill before the House, including staffing and program costs. I draw the attention of the House to the explanatory notes associated with the bill under the heading 'Estimated cost for government implementation'. All that the government has included under that heading is—

As part of the 2018-19 Budget, the Government allocated \$17 million over the next three years to implement the 'No Card, No Start' laws and an online blue card application system.

I would hazard a guess that, in the past three weeks since the Labor government took away our amendments and copied them, there would have been some administrative costs incurred and that would have blown out that estimation. There has been no estimation of the administrative and staffing costs associated with the implementation of this bill in the explanatory notes. There is just a bland reference to \$17 million for this online system that we know is still a year away. Convicted rapists and other offenders will still be getting a blue card for another year and the Attorney-General will not know anything about it. All we get in the explanatory notes is a glib reference to \$17 million over three years when we know that, for the past three weeks, a raft of officials and departmental officers have been busily trying to work out which of our amendments to copy and bring into the House. I want to draw attention to this matter, because I think there is a vast underestimation of the costs associated with this bill.

We should not be surprised that this Labor government is incapable of implementing an IT project on time and on budget. We should not be surprised that, despite the extraordinary community outcry and headlines relating to shocking cases throughout Queensland for a number of years, this Labor government has taken so long to act. The opposition will be supporting the amendments, as it has done over 20 years and as every shadow minister has supported over 20 years. What a sad indictment on this government that it takes a crisis, whether that is a crisis in a watch house, a crisis in Child Safety, children dying, or children being neglected, for it to act. Why does it take this Labor government, and Labor governments over generations, so long to act in the interests of Queensland children? It will only ever be the opposition that will deliver a safe environment for our precious children and our most vulnerable Queenslanders.