




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 16 May 2019

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

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice) (4.53 pm), in reply: In rising to reply to the debate on this bill, I thank all members for their contributions on what is an important piece of legislation. I am disappointed that a number of members on the other side have falsely referred to offences, stating that people will still be able to continue to work with children on the basis that they are not disqualifying offences when in fact they are. Some of the offences that have been referred to are already in this bill or are already in the act as disqualifying offences. I will be going back and looking at all of those speeches because they have been misleading. If there is any indication that members have deliberately misled this parliament in making those statements, then I will be writing to the Speaker on that.

In responding to some of the issues that have been raised, I do take issue with the member for Toowoomba South and others who followed his lead in referring to the history of this legislation and the piecemeal way that things have been added on over the years. Conveniently, the member for Toowoomba South went back many years—I think about 20 years—but skipped over a certain period, strangely enough from 2012 to 2015. He went straight over that when it came to—

Mr Janetzki: I talked about Carmody.

Mrs D'ATH: I take that interjection; the member did refer to Carmody. However, he did not in any way indicate whether the LNP when in government had made any substantive changes to the blue card system because of, in their own words, the serious loopholes that exist in this legislation that urgently need to be addressed. In fact, as we heard from the member for Bulimba and the minister, the amendments made by those opposite to blue cards were very minor—I know they changed the name of the act—and, yes, they increased the disqualifying offences to mirror what was being done in the Commonwealth.

I have no problem with that. In fact, that is the right way to do this—that is, lining yourself up with what is happening at a Commonwealth level and what is happening around this country, and that is what this government is doing. We have worked through these issues very methodically with states, territories and the Commonwealth as a consequence of the royal commission into institutional child sex abuse and also the QFCC reports. We have listened to its advice. We have included the disqualifying offences that it recommended and we are also putting forward additional ones in amendments, and I acknowledge that we are moving amendments that, in part, mirror the offences that are referred to in the proposed LNP amendments. However, we do so on the basis that they were amendments to be brought forward in the near future once we finalised the negotiations at a national level because they are in line with the national standards that are currently being discussed. It is appropriate to bring them forward now on the basis that we know that we would have been bringing them forward in the near future anyway.

I am very disappointed that very few—the exception being the member for Chatsworth—members opposite acknowledged that this is a very good system, but many on the other side talked this system down. They kept saying that it was flawed with major failures. They said that there were loopholes and they were talking about all of these criminals working with kids. It is astonishing that those opposite would refer to a question on notice and use the stats in that question on notice but fail to actually tell this chamber all of the stats that were in that question on notice from 2012 through to now. No, they started at 2015 conveniently. I want to say this, particularly in relation to the speech by the Leader of the Opposition: it is very easy to be outraged in opposition and it is what you do in government that counts, and this government time and time again has stepped up and made sure that we have strong laws in this state to protect children. When in government, those opposite did not see a problem with this system—did not ever say it was a failure, did not say it had major loopholes that urgently needed addressing.

In fact, yesterday during this debate the member for Mudgeeraba interjected when those on this side called out and said, 'You didn't do anything in government on blue cards.' The interjection from the member for Mudgeeraba was something along the lines of, 'We were busy fixing Child Safety.' If I get their interjection right, they are saying that they were too busy fixing Child Safety and they could not change the blue card system to make children safer. That was the great contribution yesterday in the interjections. It is important that we acknowledge that, when it comes to the figures that those opposite have talked about, those people who commenced work while their application was pending and were, when the criminal history report was received, identified as having disqualifying offences that meant that they must immediately cease working with children was 48 while the LNP was in government.

I am not criticising them for that; I am just asking them to be honest and not to come in here completely outraged and say how awful it is and that we must stop this immediately when it happened when they were in government because it is the system that exists. That is why we are introducing no-card no-start—to stop this happening. The members opposite should not complain about our delays when they never even contemplated it while in government.

The member for Toowoomba South specifically referred to the explanatory notes of the bill and, to summarise his words, said that they did not adequately address the issue of estimated costs; they merely said that the government had allocated \$17 million in the budget to implement this bill. Apparently, \$17 million is not adequate to say that we are properly funding this—

Mr Janetzki: It is a question of accuracy.

Mrs D'ATH: I take that interjection. I absolutely agree with the shadow Attorney-General that it is a matter of accuracy. In relation to the estimated costs for the government, the amendments circulated by the opposition state—

It is expected that there will be an increase in cost in relation to international criminal history checks, however it is not possible at this stage to estimate the exact financial implication.

That is the second version of the explanatory notes to the amendments. According to the bottom of the page, it is actually version 3, but we never got to see version 2. Version 1 of the explanatory notes to the amendments says that there are no additional costs for the amendments and that included the cost of the international criminal histories. Someone went away and said, 'Seeing we are changing our explanatory notes anyway, maybe we should try to be a little bit more accurate about this in terms of costs.'

I will help the member out. He is not sure of the costs. He says he picked up the recommendation of the QFCC for international criminal histories out of its report. If the member had turned the page in that report, he would have seen the cost of the system in relation to New Zealand criminal history checks. This cost is purely based on the cost of applying for a criminal history check. It does not include the additional resources, processing time and all of those costs. If only 15 per cent of our 740,000 card holders, or over 260,000 applicants a year, are from New Zealand, the costs would go from \$67.6 million under the current paper based system to \$75.7 million. When we go to a full online application process, the costs will go from \$40.6 million to \$60.3 million. That is \$20 million extra over 15 years, which does not include all of the other on-costs that come with establishing a whole new process. The other issue is that those opposite have not done any research. They have done no consultation whatsoever. I know that because we consulted with all the key stakeholders about the opposition's amendments. There were real concerns about the international criminal history check and how it would occur.

In relation to the comments that have been made about the New Zealand criminal history checks, those opposite failed to mention that there are a number of issues that have to be worked through. Every application for a paid employee costs NZ\$23 or NZ\$8.50 for volunteers. Currently, our volunteers, or the community organisations, do not pay for blue cards. That cost is going to have to be borne by

someone. New Zealand has a clean slate scheme. That means that, after seven years, people have a clean slate on their criminal history apart from certain offences. Sexual offences against children and young people or mentally impaired people will still show up on a person's criminal history. However, the clean slate scheme will apply to other serious offences, such as the possession of child exploitation material. If someone had been charged and convicted of possession child exploitation material and that had occurred more than seven years ago, it would not show up on the criminal history check anyway. There are a lot of things to work through that those opposite have failed to even look at.

Our amendments are evidence based. We have looked at this issue based on the discussions at a national level, the royal commission's recommendations, the QFCC's report and all the feedback that we have had from stakeholders. We have taken all of that and brought forward the bill and the amendments that I will be moving in consideration in detail.

There will be questions to the shadow Attorney-General about some of the statements that have been made, such as, 'How on earth could you let people convicted of child homicide work with children?' Those opposite sat through the whole debate on child homicide that we had. They know the range of offences that come under the offence of manslaughter of a child and why there needs to be a discretion. They heard it. They have seen it in the Queensland Sentencing Advisory Council's report. Once again, they ignored it. Time and time again the members opposite continue to ignore the evidence. They ignored the QFCC when it said that there needs to be a discretion when it comes to disqualifying offences. The members opposite ignored the advice of stakeholders, including legal stakeholders, who say that it is important to keep that discretion. The members opposite ignored the QFCC's report on costings in relation to the international criminal history check. The members opposite never, ever come in here to explain any of those facts or circumstances, or even explain why they have chosen not to follow any of that advice.

We will not be supporting the amendments being put forward by the opposition, because they are not considered and they are not evidence based. It is cheap politics—a race to the bottom—just trying to get a headline and not thinking through the unintended consequences of those amendments. Time and time again we see legislation or amendments being brought before this parliament by those opposite that have unintended consequences that they never, ever answer to. I welcome the opportunity to ask questions of the shadow Attorney-General today, because I believe that questions should be answered about why the members opposite have not taken into account those unintended consequences. I commend the bill to the House.