




Speech By  
**Michael Berkman**

**MEMBER FOR MAIWAR**

---

Record of Proceedings, 23 August 2023

**CHILD PROTECTION (OFFENDER REPORTING AND OFFENDER PROHIBITION ORDER) AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr BERKMAN** (Maiwar—Grn) (4.34 pm): I rise to make my contribution on the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill. I am going to table a copy of the speech I had planned for this debate at the outset because I have a strong suspicion I will not get to it given the number and the significance of the amendments that have been dropped on this House just now. The member for Burdekin and I do not have a great deal to agree about, but to call this disgraceful is an understatement. It is an absolute dog act for this government to introduce amendments like this with no prior warning.

**Mr DEPUTY SPEAKER** (Mr Krause): Pause the clock. Member for Maiwar, you have used some language that, according to the advice I have taken, is unparliamentary. I would ask you to withdraw and refrain from using unparliamentary language.

**Mr BERKMAN:** I will withdraw. I will table that speech and turn my attention to the amendments.

*Tabled paper:* Document, undated, titled 'Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022—MP Second Reading Speech' [1180](#).

For a little bit more context here, as a House we have agreed to a business program motion that affords us 45 whole minutes to debate the amendments and the bill in its entirety in consideration in detail. Sure, we will have a little window to properly understand the amendments—again, without the benefit of committee scrutiny. As the member for Burnett and the member for Burdekin have already indicated, we are supposed to give a contribution to the second reading debate on this bill with less than 45 minutes notice of what is in here. Let us consider the breadth and magnitude of these amendments.

In terms of the public space offences, sure, the Community Support and Services Committee, my committee, looked into these public space offences and we made, what I think, are good but very broad recommendations about the repeal of certain offences, including public drunkenness and begging. That is all well and good. I still cannot condone for a second the practice of putting amendments like this up without them going through a committee because we require that kind of scrutiny and input from stakeholders who know what they are on about and who know what the detail of these amendments is going to mean in practice. But we do not have the benefit of that.

What are the implications of the additional detention powers that these amendments propose? Sure, we are going to remove the offences to an extent but then create new police powers to what effect? What about the interaction of these offences—those that are being repealed and the new powers that are being introduced—as they interact with public nuisance offences, which we heard plenty about in the inquiry? The committee knows that. The chair might have chosen not to address it in her contribution just now, but she knows full well that these are complex provisions and their application in practice is going to matter. It is going to make a difference to people who will be detained.

The repeal of covert police powers and move-on powers around sex work is fine. Notionally that is all well and good, but the devil is in the detail. Why are these amendments happening in isolation? The broader question of decriminalisation of sex work has been to the Queensland Law Reform Commission. They have done a detailed inquiry. They have provided a detailed report back. Why is it that these particular amendments will not be put before a committee for scrutiny to pay respect at the very least to the work of the Law Reform Commission, to the work of those organisations and submitters who participated in that inquiry? It is disgraceful disrespect to all of those organisations, to the processes in general and to democracy in this state for these amendments to be dropped like this—and I have not even made it to the worst bit yet!

Let me ask a rhetorical question. How many times have we had to suspend the Human Rights Act in the state? It was a point of great pride for the government to introduce the Human Rights Act and it has so far been suspended once. What was the purpose of that suspension? It was to make sure that we could lock up more kids. They had to suspend the Human Rights Act to make sure that this government's agenda of locking up more kids could be put in place. What is the consequence of that? We have more kids in watch houses. We have more kids in detention. Now, the flow-on effect is that they are proposing to suspend the application of the Human Rights Act again in respect of all of those children being detained in watch houses.

**Mr Harper:** Criminals.

**Mr BERKMAN:** 'Criminals', they say. No, they are not. We are talking about kids who are being remanded, kids who have not been found guilty, kids who have been picked up—we have just been talking about powers that are given to police to pick up someone for drunkenness and detain them in watch houses if they see fit. The member for Thuringowa can sit there and say that all of these kids are criminals and we can lock them up and throw away the key. That appears to be the attitude of this government. What we are actually going to see is some of the most vulnerable people in our community stripped of their rights under the Human Rights Act!

This law reform—I hesitate to even call it that: it is just bad law that was passed recently—is a consequence of the government being embarrassed a few weeks back by a court case where YETI successfully made a case of habeas corpus against the government. The government was unlawfully detaining these children. They are embarrassed about it, and their response is to strip those kids of their human rights. It is not just disgraceful; it is sad. It is actually really, really sad that there is so little regard for such vulnerable young people. The Human Rights Act is there to protect vulnerable people. These are some of the most vulnerable people in our society. Watch houses as a place for children? I do not know how many folks here have been to watch houses. There are a whole bunch of cops in the place. Does any one of you think that a watch house is a place to detain a kid?

Let's consider this as well. This is the entire application of the Human Rights Act that has been suspended here. We are not just talking about their rights under the Human Rights Act as they relate to being detained separately from adults. We are not just talking about their rights under the Human Rights Act to be treated in a way that is appropriate for the child's age. We are also talking about their deprivation of liberty. We are talking about their right to be treated with humanity and respect for the inherent dignity of a human. We are talking about their right to education. We are talking about their right to health care. We are talking the cultural rights of Indigenous children.

All of those rights are being stripped away by amendments that the government introduced at the eleventh hour—at 30 seconds to midnight—with no committee scrutiny, with no community consultation. They have done all of this so that the Premier and the police minister can stand in front of a press pack and tell everyone in Queensland how tough on crime they are. To say they should be ashamed is an understatement. The constraints on parliamentary language do not allow me to describe this move as I should. I have already been pulled up once. Let me say that if I had more latitude there is plenty more I could say about it.

The mind-boggling thing about this is that they keep stepping further and further to the right. They keep pulling out more and more conservative moves—and for what? Is it in the hope that the *Courier-Mail* or the LNP will leave them alone? Is that what this is about? Do they really think that if they just keep locking up more kids—fill up the new detention centres they are going to build, fill up all the watch houses in the state and strip away their human rights so that they can continue to do that without being embarrassed—that is going to make the issue go away? They know as well as anyone else that the solutions to this problem are about providing supports to disadvantaged children, to meeting those needs in their lives that are unmet. These are children who have extraordinarily high rates of cognitive impairment, of disadvantage, of trauma.

The observation has been made all too many times that these problems are not going to be solved overnight. That is true enough. In the meantime, if we spend all of our efforts and all of these resources and suspend the Human Rights Act to lock up more children, the problem is only going to compound. That is why we are in this situation now because of busted, useless policies that have put us in a position where more and more and more children are being criminalised and locked up. That is the only outcome of these amendments. It is insanity for the government to keep pushing down this line and think it is not going to make any difference.

*(Time expired)*