




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

Record of Proceedings, 24 August 2023

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

 **Mr NICHOLLS** (Clayfield—LNP) (11.58 am): We heard a litany of excuses from the Attorney-General as to why they are failing to comply with their own legislation—the Human Rights Act. It was said on 26 February about this piece of legislation that the member for Toohey was keen on and that the Attorney-General introduced—although they guillotined the debate on their own Human Rights Act—

The intention of this bill is to put human rights at the centre of public sector decision-making and to establish a mechanism whereby individuals aggrieved by decisions ... may have their issues resolved in a way that is accessible and focused on practical outcomes.

Here they are with one of the biggest overrides of the Human Rights Act that we have seen in this place since their own ill-fated legislation came in.

You can imagine the howls of protest from the left-wing of the Labor Party if this was something that the LNP had done. You can imagine all the left-wing members would have been jumping up and down screaming—the health minister, the Attorney-General, the member for Toohey, the member for Cooper and the rest of them. Where are they all jumping up and down in relation to this move by a chaotic and crisis ridden Palaszczuk Labor government? That is why everyone who has any concern about democracy or about proper process should support the motion moved by the Manager of Opposition Business. If anyone is in any doubt that this Labor government is a government in chaos and crisis, yesterday's actions by the police minister removed the last vestiges of doubt. As I say, there would have been howls of protest if this had been done by anyone else.

We do not let the Greens off the hook because they are there riding shotgun for this Labor government. They are locked in hand in hand every step of the way. The Greens political movement and the Labor semi-Greens political movement are standing there side by side every day of the week. We do not need to be lectured to by the Greens coming in here and complaining about human rights abuses because we know that given every opportunity they will pass their preferences on. We know that a dozen members over there hold their seats by virtue of the Greens political party. They may say one thing but their actions belie their words. They are all over there—the member for McConnel, the member for Cooper. We know who is sitting there on the basis of Greens political party preferences. They are in lock-step every step of the way.

This is a 57-page grab bag of unheralded changes and amendments released without consultation and of very great significance. This amendment package is 10 pages bigger than the actual bill itself. It reminds us of the racing minister and her 200 pages of amendments to the Racing Act. She would have been better withdrawing the whole bill and dropping a new one in—but no. In a face-saving exercise because she had landed this prize plum role from the member for Rockhampton—Bill Byrne at the time—in the minister came and said, 'Here's 200 pages of amendments to a 100-section act.' That was one of the greatest embarrassments of all time by the racing minister, and when it comes to

this minister there are a lot of embarrassments. Who can remember when as employment minister she said, 'Youth unemployment will always be with us'? That was the member for McConnel's great contribution to reducing the unemployment rate.

These are significant changes—changes to the criminal law, changes to the Summary Offences Act, changes to the prostitution act, changes to the Youth Justice Act, changes to the Supreme Court of Queensland Act, changes to police banning notices. These are all changes effected by this package of amendments moved by this incompetent government because they lack the wit and wisdom to be able to plan, prepare and legislate properly for the state of Queensland.

The explanatory notes package for the amendments is larger than the original explanatory notes package for the bill itself. They are amendments of such significance to so many people and to the rule of law that they should not be waved through this place without proper scrutiny and the opportunity for submitters and interested parties to make comments. For example, what would the Human Rights Commissioner, Mr Scott McDougall, say? He might say, as he said on ABC 612 radio this morning, that the Premier, and by extension the youth justice minister, is wrong when they claim keeping kids in watch houses for weeks and weeks at a time is a practice that has been happening for the last 30 years. It is not. That is a blatant misstatement of the reality of the circumstances.

He might point out, as he also did this morning on radio, that this problem of kids in watch houses has only been a problem since 2018 under this chaotic and crisis ridden Palaszczuk Labor government. He would no doubt point out his view that the government are completely wrong in making an exceptional circumstances declaration, as they have for these amendments, overriding their own Human Rights Act from applying to children. This does not apply to adult criminals. This does not even apply to younger offenders in their early 20s. This human rights override applies to children on remand or detained in police watch houses. It covers declarations that watch houses will now become prisons. Watch houses will now become prisons under the Palaszczuk Labor government.

What they have not spoken about is that the declaration also covers parts of a corrective services facility. What does that mean? They are moving 17-year-olds back into prisons because they do not have enough space. They never planned for it and they never prepared for it. The human rights declaration now covers decisions made by the chief executive of youth detention centres or the chief executive of the department not only to keep kids in watch houses for longer—we have had reports of kids being kept for 500 days—but for moving kids back into prisons. That is what this declaration does.

Mrs D'ATH: Mr Acting Speaker, I rise to a point of order on relevance. I believe that the member is now debating the substance of the amendments as opposed to the motion now before the House.

Mr ACTING SPEAKER: I have been seeking advice in relation to that. I caution all members that you need to relate all debate back to the motion. While that may involve some reference to the bill, it does have to be directly linked to the motion in some substantive form.

Mr NICHOLLS: Thank you, Mr Acting Speaker, and of course I take that guidance.

Mr ACTING SPEAKER: I just wish to clarify that I am not suggesting that you have not done that. We have been taking other advice and have not followed carefully enough, but we will be following carefully from this point forward.

Mr NICHOLLS: The need for review of this legislation, which is why the motion has been moved by the Manager of Opposition Business, is because there are so many people with such a great interest in what is going on including people like the Human Rights Commissioner. One can only imagine what other people like Sisters Inside might say about it. I am not known for agreeing with Debbie Kilroy much, but I am absolutely in agreement with the proposition that this legislation needs proper scrutiny—proper scrutiny that comes from having submitters and others appear before a committee to ask questions of and to point out the failures.

This legislation covers not just youth detention centres, not just moving things through. This covers the decision of the Supreme Court which issued a writ of habeas corpus against this government. How often is a prerogative writ issued against a government for the unlawful detention of three children? It was eight but they were caught out and moved five out before they got down to the final three. The Human Rights Commissioner intervened in that court case about the government's action. These amendments involve important things.

Does this minister say that this is an exceptional circumstance, because the example in the legislation is a war, a state of emergency or an exceptional crisis situation creating a threat to public safety, health, and law and order? Kids in watch house are creating a threat to law and order? Kids in detention centres are creating a threat to law and order? It is the kids outside of them that are the threat. It is not the ones inside. You already have them. They do not have guns. They do not have knives. They have a smock and are sitting in a locked up room. What a ridiculous override. It does not stand up to scrutiny.

What do other Labor Party members in this place think? Did they even know this was coming? Does the member for Cooper agree with it? Does the member for Toohey agree with it? Do all those members agree with it or are they just going to sit there and for the sake of their comfortable seats and positions just suck it up or are they going to have any of the principles that they spoke about when the Human Rights Act was introduced?

Who thinks changes to the public urination laws should go through without proper debate? It is unhygienic and unsanitary. People urinating and defecating in public in shopfronts on the way home from events—that should be discussed. Changes to the prostitution laws—that should be discussed. There are many. This bill should be properly examined before it is discussed.