



Speech by

**Jann Stuckey**

**MEMBER FOR CURRUMBIN**

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## **JUSTICE AND OTHER LEGISLATION AMENDMENT BILL**

**Mrs STUCKEY** (Currumbin—LNP) (9.02 pm): I rise to contribute to the Justice and Other Legislation Amendment Bill 2008. As members have already heard from the honourable member for Toowoomba South and the shadow Attorney, the LNP will be supporting this bill but does have some reservations regarding a couple of the amendments. The Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland introduced this omnibus bill, which contains some 29 acts and codes, into the Queensland parliament on 9 September this year. The explanatory notes state that the primary objective of this bill is to make minor or technical amendments to acts administered by his department. In effect, some of these amendments make significant changes and have been well highlighted by the honourable member for Toowoomba South. My comments pertain to three sections of the amendment bill which relate to my role as the shadow minister for child safety as well as the member for Currumbin.

I turn first to the amendments to the Children Services Tribunal Act 2000. The amendments to this act are a welcome move, as the tribunal plays a vital role in cases of child safety. In simple terms, the proposed amendments will give additional powers to the tribunal. One of the amendments relates to the tribunal's ability to dismiss matters where no reasonable basis for the application is disclosed. This does, however, raise the question that if the tribunal is able to dismiss such cases where else is the case to go? The tribunal act has provisions to allow for assessment of individual cases in a fair and just manner. This amendment makes the recommendation that should cases presented to the tribunal be frivolous or vexatious then dismissal is allowed.

I ask the Attorney if he would be able to inform the House what happens to aggrieved parties after such a decision. Moreover, what right of appeal do they have should the tribunal dismiss a matter that it deems to be either frivolous or vexatious, or perhaps both? Honourable members are well aware of the highly sensitive and emotionally charged atmosphere that accompanies the majority of child protection issues and there is little doubt that tempers will flare further between affected parties with the enactment of these provisions. As I have already stated, the LNP supports amendments to the Children Services Tribunal Act 2000. However, we are keen to hear from the Attorney what processes will be in place in these situations.

The second amendment concerning this act gives power to the tribunal to release information that is deemed to be in the public interest and does not conflict with the best interests of the child. I ask the Attorney to address in his summation just how this information will be released, particularly if the information is critical of the actions and the practices of the Department of Child Safety. It is the opinion of the LNP that the amendment is a positive move and one heading towards a more open and accountable system—something that has been sadly lacking from this government lately. We only have to look at the number of reports and findings from within the Department of Child Safety itself and the Premier's department to learn that a growing number of these documents that are very important have been withheld due to their damning revelations. For example, the inaugural ICPP—Indigenous child placement principle—report, which I am told has been in the Premier's clutches for most of this year, is one such document. The copy I tabled in the parliament heavily criticised the department's failure in every one of the

101 selected files chosen to comply with section 86 of the Child Protection Act. I truly hope that the information approved by this tribunal is not stifled in the same manner and would seek some assurance from the Attorney in this regard.

I move now to concerns relating to the amendments to the Civil Liability Act 2003 in relation to protection from liability provided to food donors. The Minister for Justice and Attorney referred to these amendments as assurance that intermediary organisations that collect food from donors and redistribute it to charitable organisations will be protected under the act. Charitable organisations include food distribution organisations, refuges and similar community organisations that dedicate their time to help hungry, needy or homeless people. I want to place on the parliamentary record my admiration to these organisations and individuals who operate as not-for-profit entities, often relying on unpaid help from volunteers. They should be commended for their contribution to helping people with such basic provisions that many of us take for granted. Without them, the situation for a great number of individuals and families would be dire.

Driving around the electorate of Currumbin, where I have lived for over 20 years, I am frequently reminded of the fruits of philanthropy and hard work by innumerable community groups—park shelters, picnic facilities, playgrounds, community halls, vehicles and sporting grounds that abound. These wonderful, lasting contributions that provide invaluable benefit to thousands of local citizens as well as visitors were invariably made possible by donations of food that ended up on one of the countless sausage sizzles cooked by our Lions, Rotarians and other community-minded groups. I recognise that these organisations do not necessarily fall under the provisions contained herein. However, they are more than worthy of mention here.

Whilst these amendments protect food donors, I must point out that the Bligh government could be accused of promoting double standards when one looks at small business providers struggling with copious regulations and bureaucratic red tape just to get approval for food sales—regulations that do not have to be followed by charitable organisations. I am aware of several cases where small businesses are stopped short by red tape involved in the checks and standards of food sales. They ask why there are such protections for donors of leftover food when small business food outlets have to comply with a host of reporting mechanisms just to get approval. I am not for a moment suggesting that we lower standards for the handling of food in businesses. Safe hygienic standards for food handling, preparation and storage are essential, particularly in Queensland's tropical climate.

When speaking to this amendment, episodes of food tampering come to mind—the most recent case, of course, being the alleged faecal matter in the desserts served at the Coogee Bay Hotel in New South Wales. The family involved in the food tampering at that hotel is supposedly set to receive \$50,000. However this waste came to be in the dessert, it will cost the premises dearly.

Over the past couple of years in Queensland, Sizzler and Top Taste Cakes have also suffered negative public attention over their food-tampering scares. During the debate on the Food Amendment Bill on 7 June 2006 I spoke about my concerns regarding these two scenarios. On 2 March 2006 the Minister for Health stated that the situation involving Sizzler restaurants could have been handled better had Sizzler been required to inform authorities immediately after the first incident on 20 January. Again, in relation to the Top Taste Cakes incidents, Top Taste knew of the objects in its cakes five months before a customer bit into a sewing needle, but it took Top Taste another week to tell officials. Bad publicity on this scale is bad business, costing millions in lost revenue. The legislation that was introduced in 2006 addressed these issues, but in this bill before us today there is still no guarantee that food tampering will be eradicated completely and some donated food may still contain contaminants.

It is very interesting to note the Bligh government's wishes to double the number of volunteers throughout Queensland—volunteers whom I have already commended in this speech. Clause 15 provides protection and immunity from civil liability to an entity that donates or distributes food. I ask whether that immunity extends to individual volunteers. It is interesting to note that the Bligh government emphasises the need to double the number of volunteers but is not willing to provide protection to them. I also remind the parliament of the comments of the Scrutiny of Legislation Committee as to whether the immunity provided by clause 15 is justified in this case, which would pose a fairly hypocritical question about this amendment.

In my role as shadow minister for child safety, I feel strongly compelled to raise concerns about the amendments to the Classification of Films Act 1991. I agree wholeheartedly with the member for Toowoomba South and the honourable member for Gregory in noting that this move sounds genuine warning bells. The purpose of the amendments is to allow for unclassified films to be shown in Queensland if they have Commonwealth approval. Screening of an unclassified film will be approved by the director of the Commonwealth Classification Board and the Queensland classification officer. Perhaps the Attorney-General will be able to allay some of the opposition's concerns by explaining how you put a classification on an unclassified film.

Given what is already on view on television and via the internet, which present highly inappropriate behaviours unfit for a child's inquisitive and vulnerable mind, there is indeed cause for great concern. Much debate on the filtering of internet sites has taken place these past few weeks and as I speak the jury of public debate is undecided. Not only am I disturbed about the violent and explicit language that may be in the screening of these unclassified films, my main fear is the early sexualisation of our vulnerable children. This amendment could be seen as encouraging this behaviour which, as notably dominant in local newspaper articles throughout Queensland, leads to the acting out of sexual acts by children upon other children. It is a deeply alarming issue that deserves immediate attention and quantifiable research. Inappropriate activities that may be portrayed in these unclassified films are not for the impressionable eyes of children.

I take a moment to acknowledge the controversy of the Bill Henson photographs of a naked child. Although photography is a different medium, the exhibition not only raised my concern; thousands of people responded to the photos as being too explicit. Parents have every right to be concerned about what their child is exposed to, especially as Mr Henson had a school principal scouting his students for potential models. The acting out of sexual inappropriateness in schools has been on the increase recently. The fact is that these children are under the age of 10, at a very impressionable stage of their lives and would have had to see these acts somewhere for them to have knowledge of them. I hold grave fears that these unclassified films may be viewed by children, further corrupting the innocence of childhood and spreading unacceptable behaviours to a larger audience of children. Of course, parents must accept the main responsibility for their children's viewing and also for their general wellbeing, but members of parliament, those on the other side in particular, have a responsibility to protect children.

I ask the Attorney-General to detail what safeguards his government is implementing to ensure children will not be susceptible to these films and their content. Will they include strict guidelines according to the advertising restrictions and age barriers? I further raise my concerns as to the long-term effects on children who view these unclassified films, which may have a permanent damaging result. As members of parliament and as members of society, we should ensure children remain uppermost in our minds as a priority whenever we consider new legislation. I commend the bill to the House.