

Education, Employment and Small Business Committee

Report No. 26, 56th Parliament

Matter Involving Committee Proceedings

Potential Breach of Standing Order 117

Introduction and background

1. The Education, Employment and Small Business Committee (the committee) is a portfolio committee of the Legislative Assembly which commenced on 15 February 2018 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly (the Standing Orders). The committee's main areas of responsibility under section 92 of the *Parliament of Queensland Act 2001* concern examination of legislation including Appropriation Bills, public works and public accounts and the conduct of inquiries in the committee's portfolio areas. The portfolio areas are education, industrial relations, employment and small business and training and skills development.
2. This report concerns allegations that, during the committee's Estimates hearing on 1 August 2019, the Member for Kawana, Mr Jarrod Bleijie MP, breached Standing Order 117 which restricts naming at-risk children.
3. The committee's proceedings in considering the complaint were, to the extent they are relevant, consistent with the procedures adopted by the Ethics Committee and set out in chapters 44 and 45 of the Standing Orders.

The complaint

4. The Minister for Education and Minister for Industrial Relations (Minister for Education) complained to the committee on 26 August 2019, ([Attachment 1](#)) about a potential breach of Standing Order 117 and asked the committee to consider whether:
 - a. to refer the Member for Kawana to the Ethics Committee under Standing Order 268 about a potential breach of Standing Order 117 in relation to providing identifying information about a child during the committee's Estimates hearing on 1 August 2019
 - b. the transcript of the committee's Estimates proceedings should be amended to remove information that may identify the students referred to during the hearing.
5. The Minister for Education stated:

Although the Member did not identify the children by name, I am concerned that the demographic information provided (age, gender and school) would allow an interested person to make a reasonable attempt at identifying the students. Such an identification could have disastrous impacts on those students.

6. In light of the serious nature of the complaint, the committee decided on 16 September 2019 to redact the information which might lead to identifying a child from the Estimates hearing transcript while it considered the matter. The transcript was amended the following morning. For this reason, the age, sex and school have been redacted from quotations in this report.
7. On 1 August 2019 the Member for Kawana began a line of questioning to the Director-General, Department of Education (see [Attachment 2](#)):

Director-General, are you aware of an alleged rape of [REDACTED]-year-old [REDACTED] recently at [REDACTED] State School?

Mr Cook: I thank the member for the question. I am aware of an incident at [REDACTED] State School.

Mr BLEIJIE: Why is it that the alleged perpetrator is still at the school? ¹

8. During the hearing the Minister for Education and the Director-General raised concerns about the nature of the question and the sensitivity of the information sought. During the hearing the chair warned the Member for Kawana that the topic was one 'on which we would tread very carefully and lightly.' ²
9. The Member for Kawana sought leave to table a document about the matter. The committee considered this in a private meeting and the chair later advised those present at the hearing:

.. the committee has resolved not to grant leave for the document to be tabled as there were concerns that it might identify either children under a protection order or a potential legal process, so we will not be accepting the tabling of that document. ³

10. Subsequent to the complaint of 26 August 2019, the Minister for Education raised in a letter dated 9 October 2019 ([Attachment 3](#)) the issue of mandatory reporting by a teacher of a child in need of protection. The Minister sought the committee's guidance on whether Standing Order 117 was breached by the provision of information that would likely lead to the identification of a child who, due to mandatory reporting by teachers under section 13E of the *Child Protection Act 1999* (Child Protection Act) was subject to the Act, which, in turn, would likely lead to the identity of the notifier (that is, a teacher).

Procedure to consider the complaint - Standing Orders 268 and 269

11. Standing Order 268 provides:

(1) A committee of the House may report that a matter involving its proceedings has arisen and recommend that the matter be referred to the ethics committee, in which case the matter stands referred to the ethics committee.

12. Standing Order 268 does not provide specific guidance on the process for a committee to consider a matter involving its proceedings. In these circumstances the committee may be guided by Standing Order 269, which applies to requests made to the Speaker to refer a matter to the Ethics Committee, and by the procedures that apply to the Ethics Committee under the Standing Orders.

¹ Queensland Parliament, Record of Proceedings: Estimates – Education and Industrial Relations, 1 August 2019, p 14.

² Record of Proceedings: Estimates – Education and Industrial Relations, 1 August 2019, p 14.

³ Record of Proceedings, 1 August 2019, p 22.

Standing Order 117. Restrictions on naming at-risk children

13. Standing Order 117 sets out restrictions on naming or identifying at-risk children when Members ask questions with or without notice. Standing order 117(5) is of particular relevance to the matter which is the subject of this report.

Standing Order 117. Restrictions on naming at-risk children

(1) A member may ask any question without or on notice of a Minister concerning a child subject to the Child Protection Act 1999 or the Youth Justice Act 1992 so long as the question complies with these Standing Orders.

(2) A member should ensure that any question concerning a child subject to the Child Protection Act 1999 or the Youth Justice Act 1992 is asked in a non-identifying manner such as by replacing any identifying features likely to lead to the identification of the child with a cipher such as “[name withheld]”.

(3) A member choosing to replace an identifying feature with a cipher when asking a question shall provide the Clerk with the “key” to the full identifying features relating to the question.

(4) Any member may request from the Clerk access to the “key” to the full identifying features relating to the question and the Clerk shall provide access.

(5) For the purpose of these Standing Orders, the term “non-identifying manner” refers to information which if published would identify, or would be likely to lead to the identification of, a child the subject of either the Child Protection Act 1999 or the Youth Justice Act 1992.

14. Standing Order 117(2) requires a member to ‘ensure that any question concerning a child subject to the *Child Protection Act 1992* is asked in a non-identifying manner ...’. The Standing Order applies only to identifying a child who is subject to the *Child Protection Act 1999* or the *Youth Justice Act 1992*.

Committee proceedings

15. After deciding to proceed with inquiring into the complaint, the committee wrote to the Member for Kawana, inviting a response to the complaint which addressed the issues to be established in considering whether to refer the matter to the Ethics Committee for further examination. The Member sought and was granted an extension of time to respond, and provided the committee a response on 15 October 2019 ([Attachment 4](#)) and a supplementary response on 16 October 2019 ([Attachment 5](#)).
16. The committee also wrote to both the Minister for Education and the Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence (Minister for Child Safety) to seek information about the issues in the complaint. Responses were received from both Ministers dated 9 October 2019 ([Attachments 3 and 6](#)), along with a supplementary response from the Minister for Child Safety dated 4 November 2019 ([Attachment 7](#)).
17. The committee determined that there was no potential for any of the children to be subject to the *Youth Justice Act 1992*, due to their age.

18. The committee considered the elements of Standing Order 117 that would need to be established to determine whether there was a breach of the Standing Order:
- was the Member's question asked in a 'non-identifying manner', that is, would the information if published:
 - identify the child?
 - be likely to lead to the identification of the child?
 - was the child subject to the Child Protection Act?

Identification of a child

19. The Member for Kawana's question did not name any children. In accordance with SO 117(5) (paragraph 13 above) the committee therefore considered whether the information in the Member's question 'would be likely to lead to' identification of a child. This was initially considered separately to the other element of Standing Order 117, the question of whether a child was subject to the Child Protection Act.
20. The Member for Kawana's letter dated 15 October 2019 ([Attachment 4](#)) advised the express permission of the parents of the victim of an alleged rape was sought and received before raising the issue at the committee's Estimates hearing. The Member stated his question referred only to the child's gender, age and school, to deliberately not identify the child.
21. The Member advised the school has over 600 students, making it 'impractical' to identify the victim by age and gender, and to the best of the Member's knowledge, the child has not been identified.

Conclusion - identification of a child

22. While none of the children involved in the incident were named, it is conceivable that a person who had access to the information in the Member for Kawana's question, and other relevant information, could identify the child who was the subject of the question (irrespective of whether the child was subject to the Child Protection Act). For example, it is conceivable that if a journalist pursued a story about the incident using the information in the question, it 'would be likely to lead to the identification of' a child.
23. The element of the complaint, that the information, if published 'would be likely to lead to the identification of a child ...' is therefore made out. However, a breach of Standing Order 117 would also require that a child was 'subject to the Child Protection Act'.

Were the children 'subject to the Child Protection Act'?

24. It should be noted that the terminology in Standing Order 117 – 'subject to the *Child Protection Act 1999*' – differs from the language used in that Act.

Member for Kawana's response

25. The Member for Kawana's letter dated 15 October 2019 ([Attachment 4](#)) in response to the committee's questions advised that, to the best of the Member's knowledge, the alleged victim is not subject to the Child Protection Act, and there is no evidence to that effect.
26. The Member advised that the alleged victim's parents were not contacted by the Department of Child Safety in relation to this matter, and the Member for Theodore was advised by the office of the Minister for Child Safety that the matter had been referred to the Minister for Education. The Member stated 'it would seem odd', if the child was subject to the Child Protection Act, for the matter to be referred from the Minister for Child Safety to the Minister for Education.

27. The Member for Kawana provided a supplementary response dated 16 October 2019 ([Attachment 4](#)). The Member drew the committee's attention to a statement he made in the House on 22 August 2019, to correct the record of proceedings on 21 August 2019 regarding what identifying information about a child he provided during the committee's Estimates hearing on 1 August 2019.

Minister for Education's response

28. In response to the committee's request for information, the Minister for Education's letter of 9 October 2019 ([Attachment 3](#)) advised the Department of Education made two reports relating to the same student on 23 and 24 July 2019.
29. The Minister noted the requirements of section 13E of the Child Protection Act, which require teachers (and others) to give a written report when they reasonably suspect a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect the child from harm.
30. The Minister's view was that mandatory reporting of the child meant the child was subject to the Child Protection Act:

By naming the school involved in this matter, along with the age and gender of the child, I seek the Committee's guidance on whether the Member for Kawana breached section 117 of the Standing Orders by providing information that would likely lead to the identification of a child who, by the mandatory reporting requirement of the CP Act, was therefore subject to the CP Act. In addition, the information provided would have likely led to the identity of the notifier.

Minister for Child Safety's response

31. In the Minister for Child Safety's response of 9 October 2019 ([Attachment 6](#)) to the committee's request for information advised the Child Protection Act places restrictions on naming 'at-risk' children. The Minister further stated she:

... was advised that it would not be possible to identify the child referred to in the Member for Kawana's question, because although some potentially identifying features were included in the question, they were not sufficient to identify the child, nor are they likely to lead to identification of the child.

32. The Minister's supplementary response dated 4 November 2019, ([Attachment 7](#)) advised that under the Child Protection Act:

Where a child is in the care of the department, or other information has been obtained by the department as part of the administration of the Act, that information is protected by the Act's confidentiality provisions. The information can only be disclosed if a legislated exception to those provisions can be validly exercised to do so. Most commonly, information will be released where the release is for purposes related to the child's protection or wellbeing, where it is necessary to release it in order to perform functions under or in relation to the Act, or where the release is required because of a law compelling it.

33. The Minister also advised the legislation:

... does not prohibit revealing that a child is not known to the department. No identifying information is disclosed in that circumstance, as there has been no information obtained by the department as part of administering the Act.

34. The Minister for Child Safety advised on 4 November 2019 that the prohibition on disclosing identifying or other personal information 'does not prohibit revealing that a child is not known to the department'.

35. The committee noted the Minister for Child Safety's advice on the confidentiality provisions in the Child Protection Act, and constraints on providing information about whether or not a child is subject to that Act.

Is a child who is the subject of a mandatory report of a reasonable suspicion of significant harm 'subject to the Child Protection Act'?

36. The Child Protection Act enables anyone to notify the Department of Child Safety of a reasonable suspicion that a child is in need of protection. People engaged in particular work, including teachers, are required to report a 'reportable suspicion' a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse, and may not have a parent able and willing to protect the child from the harm.
37. The Department of Child Safety investigates allegations a child is in need of protection, whether harm or a risk of harm can be substantiated and assesses the child's protective needs. Not all notifications result in the assessment that a child is 'in need of protection'.
38. As noted above, the Minister for Education advised (9 October 2019, [Attachment 3](#)) that the Department of Education made two reports, relating to the same student, to the Department of Child Safety. The Minister for Education stated that a child:

... by the mandatory reporting requirement of the [Child Protection] Act, was therefore subject to the [Child Protection] Act.

39. Advice from the Minister for Child Safety (4 November 2019, [Attachment 7](#)) indicates a different interpretation. The Minister's supplementary response states:

A report from Education Queensland, or other notifiers, does not necessarily bring a child within the ambit of the Act. Pursuant to the Act, a report to the department will be assessed to determine whether the circumstances of a child raise an awareness of alleged harm or alleged risk of harm to a child and also lead to a reasonable suspicion the child is in need of protection.

Conclusion – is a child subject to the Child Protection Act?

40. Within the constraints of information that the Minister for Child Safety could provide to the committee under the Child Protection Act, the committee was not able to conclude whether the child who was the subject of the Member for Kawana's question, is 'subject to the Child Protection Act'.

Conclusion – was there a breach of Standing Order 117

41. As a consequence of its inability to determine whether the child was subject to the Child Protection Act, the committee is unable to determine whether the Member for Kawana breached Standing Order 117.

Consideration of seriousness and public interest

42. As all elements of a breach of Standing Order 117 were not made out, the committee was not subsequently required to consider the seriousness of the matter and whether there was a public interest in the matter being further considered by the Ethics Committee as a potential contempt.
43. However, the complexities of assessing whether a child is subject to the Child Protection Act in this case raises the broader issue of how a committee could definitively ascertain whether a child was subject to the Child Protection. It follows that a committee may have difficulty in other cases,

assessing whether a child is subject to the Child Protection Act, and whether there has been a breach of Standing Order 117.

44. During the course of its proceedings it was noted that Members may not have a thorough understanding of the potential for information contained in a question about an at-risk child to be information which under Standing Order 117(5):

... if published would identify, or would be likely to lead to the identification of, a child the subject of either the Child Protection act 1999 or the Youth Justice Act 1992.

45. In addition, the issues in this incident and complaint of a breach of Standing Order 117 raise the issue of protection of the identity and privacy of children as a vulnerable population group, whether or not they are subject to the Child Protection Act or Youth Justice Act.
46. The committee considers there may be merit in the Committee of the Legislative Assembly examining both issues, including whether additional guidance should be provided to Members about compliance with Standing Order 117, with particular reference to Standing Order 117(5).
47. The committee considers ensuring the privacy and confidentiality of children as a population group is important to protecting children's interests. While a breach of Standing Order 117 is not able to be made in this circumstance, the issues raised in the Minister for Education's complaint are important in the welfare of children.

Recommendations

Recommendation 1: The committee does not recommend referral of the Member for Kawana to the Ethics Committee about the matter involving its proceedings and an alleged breach of Standing Order 117, for the reasons outlined above.

Recommendation 2: The committee recommends the Committee of the Legislative Assembly consider this report and whether:

- there would be merit in providing further advice to all Members about compliance with Standing Order 117, with particular reference to the definition in Standing Order 117(5)
- the Standing Orders or the Code of Ethical Standards and its associated Guide could provide additional guidance for Members' questions in protecting the identity and privacy of all children as a vulnerable population group.



Leanne Linard MP

Chair

November 2019

Attachments

1. Minister for Education, letter dated 26 August 2019
2. Queensland Parliament, Record of Proceedings, Estimates – Education and Industrial Relations, 1 August 2019, pp 14-16.
3. Minister for Education, letter dated 9 October 2019
4. Member for Kawana, letter dated 15 October 2019
5. Member for Kawana, letter dated 16 October 2019
6. Minister for Child Safety, letter dated 9 October 2019
7. Minister for Child Safety, letter dated 4 November 2019.

Education, Employment and Small Business Committee

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26 AUG 2019

Ms Leanne Linard MP
Chair
Education, Employment and Small Business Committee
Parliament House
Email: eesbc@parliament.qld.gov.au

Dear Ms Linard *Leanne*,

I wish to draw to your attention questions and remarks made by Mr Jarrod Bleijie MP, Member for Kawana, during the Estimates Hearing of the Education, Employment and Small Business Committee (Committee) on 1 August 2019.

I ask the Committee to consider whether to refer this matter involving its proceedings to the Ethics Committee of the 56th Parliament. Under Standing Order 268 of the *Standing Orders of the Legislative Assembly*, a committee of the House may report that a matter involving its proceedings has arisen and recommend that the matter be referred to the Ethics Committee, in which case the matter stands referred to the Ethics Committee.

In the course of the Committee's proceedings, the Member for Kawana commenced a line of questioning to Mr Tony Cook, Director-General, Department of Education:

Director-General, are you aware of an alleged rape of [REDACTED] year-old [REDACTED] recently at [REDACTED] State School?

Throughout the exchanges which followed, both the Director-General and I expressed concern about discussing the details of individual cases. Although the Member did not identify the children by name, I am concerned that the demographic information provided (age, gender and school) would allow an interested person to make a reasonable attempt at identifying the students. Such an identification could have disastrous impacts on those students. I am particularly concerned about the potential impact on the mental health of the students and their families. I am also concerned that the Member for Kawana may have breached Standing Order 117(2), by providing identifying information about a child.

In subsequent debate in the House on 21 August 2019, the Member for Kawana stated:

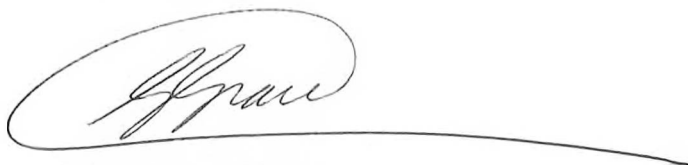
I did not mention the age or gender of anyone involved.

In light of the extract above, this would appear to be an inaccurate statement. Hansard shows that I drew the Member's attention to this inaccuracy, however, he continued to deny mentioning the age or gender of anyone involved. It would seem proper for the Member to consider whether he stands by his denial, or whether he wishes to clarify his remarks for the benefit of the Committee and the House.

I would ask that the Committee take this into account when considering whether to refer this matter to the Ethics Committee, and whether the Committee should direct that the transcript of the Committee's proceedings be amended to remove information that may identify the students.

If you require additional information or would like to discuss this matter further, please contact me directly or alternatively your staff can contact Ms Sharon Durham, Chief of Staff of my office, on (07) 3719 7110.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Grace', with a long, sweeping horizontal line extending to the right.

GRACE GRACE MP
Minister for Education and
Minister for Industrial Relations

Ref: 19/CLLO

CHAIR: Member for Kawana, did you have more questions for the minister?

Mr BLEIJIE: Plenty, but not enough time to do it. Director-General, are you aware of an alleged rape of [REDACTED] recently at [REDACTED] State School?

Mr Cook: I thank the member for the question. I am aware of an incident at [REDACTED] State School.

Mr BLEIJIE: Why is it that the alleged perpetrator is still at the school?

Mr Cook: My understanding is that that is not correct.

Mr BLEIJIE: When was the perpetrator taken away from the school?

Mr Cook: Taken away from the school? I ask you to clarify that.

Mr BLEIJIE: I will rephrase. Why is the alleged perpetrator still at the school? You said that is not correct. When was the person told not to attend school?

Mr Cook: My understanding is that the particular student in question has not been at school this week. My understanding is that a suspension was issued this week—I understand in the last 24 hours.

Mr BLEIJIE: In the last 24 hours? Director-General, the alleged victim's parents rightly contacted their local member, the member for Theodore, who referred the matter to the Minister for Child Safety. On 22 July 2019, the member for Theodore received a phone call from the Minister for Child Safety's office advising that they had referred it to the Minister for Education. We are advised by the family that they had not heard anything and then on 29 July wrote to the Premier. On 30 July they received a response from the Premier, referring the matter to the Minister for Police and the Minister for Education. When was the department first made aware of the alleged rape at [REDACTED] State School?

Mr Cook: Chair, I wish to answer these questions carefully. These questions are dealing with individual students and their families.

Ms GRACE: And they are [REDACTED] years old.

Mr Cook: I do not think it is appropriate for me to discuss the detail of a particular case, as I would not normally do.

Ms GRACE: Point of order, Chair. Can I reiterate that these are grade [REDACTED]. I do not know whether the terminology of rape—

Mr BLEIJIE: I am using the terminology from the parents.

Ms GRACE: It is a very sensitive issue. I think you need to frame it in that way—using that when we are talking about vulnerable children in schools—to put it into context.

CHAIR: Thank you, Minister. Your point is taken and it is a good point. I warn the member for Kawana, as I am sure he is more than aware, that this is a topic on which we would tread very carefully and lightly.

Mr BLEIJIE: Indeed, and I have not identified anybody.

CHAIR: Director-General, I appreciate that you would not provide details of a particular incident. Member for Kawana, I understand that you are asking for a particular date?

Mr BLEIJIE: I am after the date that the department first became aware of the alleged incident that I referred to.

Mr Cook: The awareness of the date in relation to the incident was when the school was made aware of it. I do not have that information to hand. What I can say is that both the school and staff from the relevant regional office are working closely with the families involved. School staff are required to report any incident of allegation of harm or suspected harm to relevant authorities as a matter of urgency. My understanding is that the school undertook that immediately when that information came to hand to the school. Students and families have been offered guidance, counselling and ongoing support from the school, from the guidance officers involved and from the regional office.

Mr BLEIJIE: The date, Director-General?

Mr Cook: Immediately that it happened, absolutely. Again, I am cautious around dealing with a particular incident that you are raising for a range of reasons. I do not want any issues impacting on any further information that needs to come to hand with the authorities.

Mr BLEIJIE: Director-General, the question I am asking is because the family believe that the Department of Education has not sufficiently dealt with the issues they have raised. You say to the committee that you immediately found out about it. I am asking: when was the immediacy? What date are we talking about? When did the incident happen?

Mr Cook: My understanding is that it was in June. In regard to a budget committee, I am not sure what my references are to the committee.

Mr BLEIJIE: I seek leave to table documents. I have copies for the committee.

CHAIR: Are they related to the same matter?

Mr BLEIJIE: Correct.

CHAIR: We will have a look.

Mr BLEIJIE: The documents, I can confirm, have been deidentified.

Ms GRACE: Chair, can I raise a point of order while you are reviewing that? I think we have to really look at this—about how this is relating to the budget, whether the documents relate to the budget and, obviously, the sensitivity of those documents when dealing with grade [REDACTED] children.

Mr BLEIJIE: Madam Chair, point of order.

CHAIR: Sorry, member for Kawana and Minister, again, hearing your point of order. I think it is relevant inasmuch as—and the director-general has spoken to this—the processes that are used within the department to deal with these sorts of matters when they are raised. Director-General, I believe, in my view as chair, that you have spoken directly to that and appropriately to that. As for trying to raise a very specific matter—and you have given an email, thank you; I will not have the chance to read through the detail but I am very happy to do so at the break—I would like to defer consideration of the email that you sent, which outlines quite a bit of information in regard to a very specific matter, and we will deal with it thereafter. Could you move to a new line of questioning? Certainly I will advise you about the ruling when we have had time to adequately consider that.

Mr BLEIJIE: Thank you. I will await the ruling on that.

CHAIR: Absolutely.

Mr BLEIJIE: With respect to the point of order raised by the minister, the SDS talks about student welfare and wellbeing. This is exactly what I am asking about.

CHAIR: I truly do not need clarification because, as I said to the minister in response to her point of order, it is relevant to the appropriation inasmuch as it speaks to the processes engaged and used by the department to deliver the education services that they are required to and the director-general has spoken to that. I appreciate that you are seeking to be more specific in regard to this matter, but we will deal with that after the break.

Mr BLEIJIE: That is fine. I am happy for that document to be dealt with after the break. Minister, as I indicated to you on this issue, the Minister for Child Safety advised the member for Theodore that they had referred the matter on 22 July to your office. When did you first become aware of this matter? Was it 22 July? Why did the family not receive anything from your office or the department until after 30 July?

Ms GRACE: Obviously we receive information in relation to many incidents that happen at school. I know that the department acts immediately and, as the director-general has said, the school reported and took all necessary action in relation to this matter. We are dealing with very young children. These are [REDACTED] and in [REDACTED]. When I became aware of this—the first time that I became aware of it with the department in looking at this matter and ensuring everything had been done—I met immediately with the director-general and other senior members of my staff. Immediately the opportunity was there to ensure that this matter was thoroughly investigated, that we were providing all of the support to everybody involved.

These are [REDACTED] children. They have to be handled sensitively and delicately and the school is doing that. The area office is involved in this as well. They have instructions from me that anything that we need to do to assist this family must be done—any counselling services, any assistance, any outside help—and they responded to me that already those issues have been looked at in this very sensitive and delicate situation. I met with them immediately that I became aware of it. I became aware of it on Tuesday and I met on Tuesday afternoon.

Mr BLEIJIE: Minister, the Tuesday being—

Ms GRACE: 30 July.

Mr BLEIJIE: The Minister for Child Safety said that she referred it to you on 22 July. Why did your office not do anything for eight days?

Ms GRACE: My understanding is that this was referred directly to the Department of Education and then from the education department to my office is my understanding, although I can check that for you. It was handled immediately by the department. When the referral came and it was drawn to my attention I acted immediately on the day that I was notified, straight away. I do not even think time went past where this was not handled absolutely immediately for me to make sure that every t was crossed and every i was dotted as far as any support and investigation into this matter. Remember, member for Kawana, we are talking about children who are [REDACTED] so, please, sensitivity around those children needs to be paramount. Their welfare and wellbeing is paramount in my mind as, too, of course, are the family, the carers and the teachers who are facing this very difficult situation.

Mr BLEIJIE: I do have them in my mind. The family came to us because they believed the education department did nothing for a period of over two weeks and they heard nothing.

Ms GRACE: I think the terminology 'do nothing' is a little bit combative.

CHAIR: It is, yes.

Ms GRACE: That is not the information that has been given to me and I think it is an insult to the department, the teachers—

Mr BLEIJIE: The family believe the department's response was inadequate.

Ms GRACE: I understand and I feel for the family but, quite clearly, to suggest, after how the director-general answered this question and the work that has been done—remember these are minors. I think you have to be 10 years old for the police to even take action. These are [REDACTED].

Mr BLEIJIE: They are [REDACTED], but these are serious allegations.

Ms GRACE: These are very serious and I feel for the family.

CHAIR: Minister and member for Kawana, I am going to call the hearing to order and ask you to follow a new line of questioning. I have already indicated that I would like to seek advice from the Clerk, or whomever is appropriate, in regard to this matter to protect the family and children. You have already given enough information that could assist in identifying them and I think that that is inappropriate. I appreciate that the minister and director-general have been very circumspect in that regard, as I appreciate you are raising a matter that was brought to you, but for safety sake could you please pursue a new line of questioning until I can seek that advice.

Mr BLEIJIE: Before I proceed, the minister said she is happy to look into those dates so I would like the minister to take that on notice in terms of when she was told.

Ms GRACE: I think I have given you the dates. I am not sure what dates you are referring to.

CHAIR: I do not think the minister made any such comment.

Mr BLEIJIE: The date the child safety minister referred it to your office.

CHAIR: I have indicated twice, I will not indicate a third time, that we are moving on. I will seek advice. Minister, if I have misheard you—

Mr BLEIJIE: Madam Chair, point of order.

CHAIR: I am giving a ruling. I do not interrupt you. Minister, was I wrong? Did you say you were taking something on notice? I do not recall that.

Ms GRACE: If the member for Kawana wants me to clarify some dates I am happy to do that.

Mr BLEIJIE: Point of order. I require your guidance as to how these questions offend the standing orders.

CHAIR: I am happy to give you guidance. What I have indicated is that I am seeking guidance to ensure that what you have tabled and are seeking to distribute and then ask more questions on is okay, because as we table documents obviously they then become public. I will be doing that at the break as I am rightfully able to do and then will advise you accordingly thereafter. You have until approximately 25 past 10 to ask any questions. Could you move to a new line of questioning.

Mr BLEIJIE: Director-general, I refer to a Facebook post from Labor member for Mansfield—

CHAIR: Please do not use props. Just ask the question. That is the second prop you have used.

Mr BLEIJIE: I refer to the Facebook post from the member for Mansfield where she said her constituents had expressed alarm at the recent and poorly publicised changes to the catchment area of the Mansfield State High School and these changes are being made without community consultation. Why did the Labor member have to go public on this issue?



Minister for Education and Minister for Industrial Relations

9 October 2019

Ms Leanne Linard MP
Chair
Education, Employment and Small Business Committee
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Dear Ms Linard

Thank you for your letter dated 20 September 2019 regarding the possible breach of Standing Order 117 by the Member for Kawana.

As you would be aware, under section 13E of the *Child Protection Act 1999* (CP Act), it is mandatory for a teacher to give a written report when they reasonably suspect a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect the child from harm.

I am advised that subject to the CP Act, the Department of Education made two reports, both relating to the same student, to the Department of Child Safety, Youth and Women on 23 and 24 July 2019.

Under section 117(2) of the Standing Rules and Orders of the Legislative Assembly, a member asking questions concerning a child subject to the CP Act should ensure any questions are asked in a non-identifying manner. Section 117(5) of the Standing Orders clearly articulates that "the term 'non-identifying manner' refers to information which if published would identify, or would be likely to lead to the identification of, a child the subject of either the *Child Protection Act 1999* or the *Youth Justice Act 1992*."

In addition, in Queensland, all notifiers are protected under sections 186 and 197A of the CP Act. The 2017 Department of Communities, Child Safety and Disability Services Practice resource: Notifiers and mandatory reporting, states that *protecting the identity of a notifier includes not providing information that can lead to the identity of the notifier or allowing the identity of the notifier to be deduced, such as, naming the agency for which they work.*

By naming the school involved in this matter, along with the age and gender of the child, I seek the Committee's guidance on whether the Member for Kawana breached section 117 of the Standing Orders by providing information that would likely lead to the identification of a child who, by the mandatory reporting requirement of the CP Act, was therefore subject to the CP Act. In addition, the information provided would have likely led to the identity of the notifier.

Should you require any additional information or wish to discuss this matter further, please contact me directly or alternatively your staff can contact Ms Sharon Durham, Chief of Staff of my office, on (07) 3719 7110.

Yours sincerely

GRACE GRACE MP
Minister for Education and
Minister for Industrial Relations



15 October 2019

Ms Leanne Linard MP
Chair
Education, Employment and Small Business Committee
Parliament House
Email: eesbc@parliament.qld.gov.au

Dear Ms Linard,

I refer to your letter of 20 September 2019 regarding a complaint from the Minister for Education regarding an alleged breach of Standing Order 117.

You have invited me to provide the Education, Employment and Small Business Committee (the Committee) with responses to two questions which I am pleased to do.

1. What steps, if any, you took to ensure your question concerning children was asked in a non-identifying manner?

As I advised the Committee during the Estimates hearing of 1 August 2019, I raised the serious issue that [REDACTED] was allegedly raped in a Queensland Government State School after the Member for Theodore received a complaint from the victim's parents. Before raising the matter in the Estimates hearing I sought and received the express permission of the parents of the victim, after the parents failed to receive a response from the Minister for Education and had only received a token response from the Premier who merely referred the matter to the Minister for Police and the Minister for Education.

I have included an extract from the hearing transcript below:

"On 22 July 2019, the member for Theodore received a phone call from the Minister for Child Safety's office advising that they had referred it to the Minister for Education. We are advised by the family that they had not heard anything and then on 29 July wrote to the Premier. On 30 July they received a response from the Premier, referring the matter to the Minister for Police and the Minister for Education."

In asking the question I only referenced the child's gender, age and school to deliberately not identify the child. I did not include his:

- first or last name
- grade

- date of birth
- parents name

There are over 600 students at the [REDACTED] State School making it impractical to identify the victim based only on their age and gender. Additionally, to the best of my knowledge the child has not been identified in response to my questioning.

However, I note the Director General Mr Cook identified the alleged perpetrator as another student at the [REDACTED] State School and it was the Minister for Education who advised the alleged perpetrator was a fellow [REDACTED] year-old [REDACTED]

I submit that I did not share any more identifying features of the victim than the Minister for Education and Director General Mr Cook disclosed to the Committee about the alleged perpetrator.

2. Whether you were aware if any of the children involved in the incident, the subject of your question, were subject to the Child Protection Act 1999, and if you took any steps to ascertain whether that was the case?

In accordance with my response to the previous question, I only raised this serious issue after receiving the express permission of the victim's parents to do so.

I am advised the victim's parents were not contacted by Child Safety in relation to this matter and the Member for Theodore received advice from the Minister for Child Safety's office that they had referred the matter to the Minister for Education.

If the alleged victim was subject to the Child Protection Act 1999 it would seem odd, then that the Minister for Child Safety would have referred the matter from her office to the office of the Minister for Education.

Consequently, to the best of my knowledge, the alleged victim is not the subject of the *Child Protection Act 1999* and there is no evidence to suggest that the child is the subject of the *Child Protection Act 1999*. Further, it is unreasonable for the Committee to suggest that I would be aware that a child was the subject of the *Child Protection Act 1999* as I do not have access to that Departmental record.

If the Minister was aware at the time of the questioning that the alleged victim and or perpetrator were subject to the *Child Protection Act 1999* then it was incumbent on the Minister to make that disclosure to the Committee at the time.

As I advised above, I did not refer to the alleged perpetrator, but the Director General, Mr Cook identified the alleged perpetrator as another student at the [REDACTED] State School and it was the Minister for Education who advised the alleged perpetrator was [REDACTED] year-old [REDACTED]. If the perpetrator is the subject of the *Child Protection Act 1999*, then the Committee should make enquiries with the Education Minister being that she identified the age and gender of the alleged perpetrator.

I trust this response fully addresses the complaint made by the Minister for Education and I submit that this matter does not warrant further investigation of the Ethics Committee. However, if the Committee does decide to refer this matter to the Ethics Committee for consideration than the

Minister for Education should also be referred given, she disclosed the equivalent details of the alleged perpetrator presumably without the consent of [REDACTED] parents.

Yours sincerely



JARROD BLEIJIE MP

Member for Kawana

Shadow Minister for Education

Shadow Minister for Industrial Relations

Manager of Opposition Business

Jarrood BLEIJIE MP

Member for **Kawana**

Shadow Minister for Education and Shadow Minister for Industrial Relations
Manager of Opposition Business



16 October 2019

Ms Leanne Linard MP
Chair
Education, Employment and Small Business Committee
Parliament House
Email: eesbc@parliament.qld.gov.au

Dear Ms Linard

Further to my letter to the Committee dated 15 October 2019 I wish to draw your attention to the enclosed statement I made in the House on 22 August 2019.

This statement was responding to debate that occurred in the House, the day prior on 21 August 2019.

As per Mr Speaker's statement on 20 August 2019 when I realised that I had inadvertently made an error in my speech responding to interjections from the Minister for Education I corrected the record.

Although not specifically noted in your letter to me dated 15 October 2019, I do note that it was contained in the Minister's letter to the Committee dated 26 August 2019. The Minister failed to advise the Committee that I had in fact corrected the record in House on 22 August 2019.

Yours sincerely

Jarrood Bleijie MP
Member for Kawana
Shadow Minister for Education and Shadow Minister for Industrial Relations
Manager of Opposition Business

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Private Members' Statements

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That came out in the last financial year, but not because the government put it out. There is still no information on how much. This is completely unacceptable!

We believe that at least \$50 million has been flushed down the drain with no accountability from this government. Their dashboard ICT is a joke because they do not report what they do not want the public to know about. That money should be going into skills and training rather than being wasted by this inept government. This weak Premier and her government takes taxpayers' money and flushes it down the drain. I support the LNP's proposal to bring in strict monitoring and accountability around ICT projects to get back on track, stop the waste and put in frontline services so that Queensland can truly be the leading state again.

Port of Mackay


 **Mrs GILBERT** (Mackay—ALP) (2.54 pm): The port of Mackay is Queensland's fourth largest multicommodity port. It is a leading service centre for the Bowen and Galilee basins and the Mackay, Whitsunday and Central Highlands regions of Queensland. Its position within the region makes it an ideal transport supply chain for the mining industry, agriculture and METs sector at Paget. The port boasts more than three million tonnes of throughput. The port is diverse and developing each year in its capabilities with varying cargo and the quantum of its throughput.

Major imports and exports through the port include fuel, raw and refined sugar, grain, magnetite, fertiliser, scrap metal, ethanol, tallow and break bulk cargo. In recent years \$22.13 million in upgrades have increased the capacity for different types of trade, including the rebuilding of fenders on wharves 4 and 5 for roll-on roll-off trade and a federally accredited NSS quarantine wash-down facility to provide shippers with the capability to cleanse imported cargo and meet biosecurity requirements in a controlled environment. Improvements to roadways into the port and the installation of improved lighting have also added to the upgrades.

The Palaszczuk government is committed to the development of the port. The recently completed \$28 million rebuild of the Vines Creek bridge has opened up access to the port for higher mass levels of freight. We are also committed to the joint state and federally funded Mackay Ring Road stages 1 and 2 and the Walkerston bypass. This will also improve port access. As a result of these upgrades the largest cargo ship in the world, *Hoegh Trapper*, now regularly docks in Mackay. This ship has 14 levels, an area of 100 football fields and can carry up to 8,500 cars.

In other good news, the community of Mackay will celebrate 80 years of the operation of our port at the Mackay harbour. Our first port was opened at the Pioneer River in 1863 when Mackay was just one year old. Our first harbourmaster was Captain John T Baker. Our new port at the harbour was declared open on 26 August 1939 by William Forgan Smith, the then member for Mackay. He was also the premier of Queensland. Mackay just keeps growing and growing.

Correction to *Record of Proceedings*, Apology; Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships

 **Mr BLEIJIE** (Kawana—LNP) (2.57 pm): Before I get to my friends in the CFMMEU who were protesting out front today, can I correct the *Record of Proceedings*. On page 2405 of *Hansard* during the committee debate yesterday I said—

I did not mention the age or gender of anyone involved.

...

No, I did not.

I want to correct the record. I have checked *Hansard* of estimates. That is not correct. I would point out that in the estimates transcript the honourable Minister for Education in fact gave an indication of age and gender of both individuals in that particular case, so I would raise that. I wanted to apologise to the House and correct the record.

For weeks the LNP has been calling out the Deputy Premier and the integrity crisis surrounding the Palaszczuk Labor government. Three separate polls of Queenslanders have all said that the Deputy Premier should be sacked for her conduct. Today the CFMMEU have raged at these gates, calling on the Deputy Premier to fall on her sword for the good of the workers of Queensland. The CFMMEU says that the Deputy Premier, who lives in an inner-city mansion with millions of dollars worth of investment

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properties held in family trusts, is no friend of the worker and completely out of touch. You know it is bad when even your union overlords say that you are out of touch. Today the CFMMEU issued a press release—and I will table it in a minute—which says—

Deputy Premier Jackie Trad needs to resign, and the Cross River Rail Delivery Authority be scrapped, if the government wants to salvage the fiasco that Brisbane's \$5.4 billion Cross River Rail risks becoming. If the Palaszczuk government has any regard for the interests of Queensland—

workers—

and still aspires to retain government at the next election—Ms Trad must resign as Treasurer and Deputy Premier.

That was from the construction union that fund the Labor government. Their own union are calling out the Deputy Premier. In this press release, they also say—

Right now we have more energy and political capital being spent on Jackie Trad's \$700,000 investment property than we do on the largest infrastructure project in Queensland.

So says Michael Raybar, the CFMMEU president. Let us not forget that, when the government recently appointed the Queensland industrial relations commissioners, Michael Raybar also put out a press release which was detailed in the *Australian* under the heading 'Michael Raybar blasts Queensland Labor for giving plum IR positions to senior union figures'. He said—


For the first time in years, the QIRC will have scant representation from blue-collar and trade workers in Queensland—exactly the sort of workers Ms Palaszczuk and her Ministers love to pose with in high-vis and a hard hat at every available photo opportunity.

The CFMMEU is calling for the Deputy Premier, Jackie Trad, to be sacked. The government should listen. Earlier today we tried to seek leave so I could move a motion of no confidence in the Treasurer. One would think they would stand up and defend the Deputy Premier. They could not. They did not even want the debate. Not one minister could utter the words, 'We support the Deputy Premier.' What a shambles.

Tabled paper: Media release, dated 22 August 2019, from the CFMEU titled 'Trad must go to prevent Cross River Rail debacle' [1341].

Tabled paper: Article from the *Australian*, dated 5 July 2019, titled 'Michael Raybar blasts Qld Labor for giving plum IR positions to senior union figures' [1342].

State Schools, Infrastructure

 **Mr POWER** (Logan—ALP) (3.00 pm): It is remarkable that we have such a great advocate for the CFMMEU here—

Ms Richards: Their newest member.

Mr POWER: That is exactly right. The member for Kawana is their newest member. What I saw out there was that there were a reasonable number of burly guys in fluoro, but if you look very carefully—and I think the TV cameras will show this—you will see a particular smaller guy in fluoro who was yelling out, 'Hey, hey, ho, ho, Jackie Trad has got to go.' That is what he was yelling out. What helped to identify him was that not only was he wearing a beautiful fluoro jacket but he also had an accompanying fluoro pocket square. We know exactly who was out there leading the chants. It is really important that we have it on the record that a particular member of the opposition has said clearly that if the CFMMEU calls upon him to resign then he will resign instantly. It is on the record because he is their chief advocate in this place.

Opposition members interjected.

Mr POWER: More importantly, let me talk about the real matter before the House. It was a great day for Logan when the three greatest champions of education in this House came out to Logan to champion—

Opposition members interjected.

Mr DEPUTY SPEAKER (Mr Stewart): Order! Pause the clock. Members to my left, I am having difficulties hearing the member for Logan.

Mr POWER: They love that little fluoro pocket square.

Mrs Frecklington interjected.

Mr DEPUTY SPEAKER: Order! Pause the clock.

Mr POWER: The three greatest champions of education in Queensland—

Mr DEPUTY SPEAKER: Order! Member for Logan, put the brakes on.



Minister for Child Safety, Youth and Women
Minister for the Prevention of Domestic and Family Violence

Attachment 6

Rec'd 10/10/19

Our reference: CSYW 06604-2019

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09 OCT 2019

Ms Leanne Linard MP
Chair
Education, Employment and Small Business Committee
Parliament House
George Street
BRISBANE QLD 4000

CONFIDENTIAL

Dear Ms Linard

Thank you for your letter regarding a complaint about an alleged breach of Standing Order 117 during an Education, Employment and Small Business Committee Estimates Hearing on 1 August 2019.

As you are aware, Standing Order 117 places restrictions on naming 'at-risk' children.

The safety, wellbeing and best interests of children are paramount, with confidentiality provisions in the *Child Protection Act 1999* limiting the information I can provide in my response.

However, I am advised that it would not be possible to identify the child referred to in the Member for Kawana's question, because although some potentially identifying features were included in the question, they were not sufficient to identify the child, nor are they likely to lead to the identification of the child.

If you require any further information or assistance in relation to this matter, please contact Mr Mike Smith, Chief of Staff in my office on 3719 7330.

Yours sincerely

Di Farmer MP
Minister for Child Safety, Youth and Women and
Minister for the Prevention of Domestic and Family Violence



Minister for Child Safety, Youth and Women
Minister for the Prevention of Domestic and Family Violence

Our reference: CSYW 07212-2019

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4 NOV 2019

Ms Leanne Linard MP
Chair
Education, Employment and Small Business Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Ms Linard

Further to my recent letter in relation to your complaint about an alleged breach of Standing Order 117 during an Education, Employment and Small Business Committee Estimates Hearing on 1 August 2019, as requested, I am writing to provide further information to you.

It may assist you with your deliberations as to how the prohibition on revealing identifying information extends to being unable to identify whether any particular individual is or is not in the care of the department.

The legislated prohibitions on the disclosure of identifying or other personal information, contained within the *Child Protection Act 1999* (the Act), does not prohibit revealing that a child is not known to the department. No identifying information is disclosed in that circumstance, as there has been no information obtained by the department as part of administering the Act.

Where a child is in the care of the department, or other information has been obtained by the department about people as part of the administration of the Act, that information is protected by the Act's confidentiality provisions. The information can only be disclosed if a legislated exception to those provisions can be validly exercised to do so. Most commonly, information will be released where the release is for purposes related to the child's protection or wellbeing, where it is necessary to release it in order to perform functions under or in relation to the Act, or where the release is required because of a law compelling it.

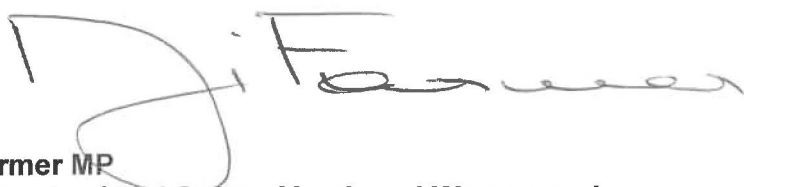
A report from Education Queensland, or other notifiers, does not necessarily bring a child within the ambit of the Act. Pursuant to the Act, a report to the department will be assessed to determine whether the circumstances of a child raise an awareness of alleged harm or alleged risk of harm to a child and also lead to a reasonable suspicion the child is in need of protection. It could be that circumstances identify that a child may be at risk of harm. However, the child may not be a child who is in need of protection because it might be determined the child is not or has not suffered significant harm and is not at unacceptable risk of suffering significant harm. Even if the child is, for instance, at unacceptable risk of suffering significant harm, the child may nevertheless have a parent both able and willing to protect the child from the harm.

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If both limbs of this cumulative test to identify whether a child is in need of protection (as stated in section 10 of the Act) are not satisfied, there is no basis to further apply the child protection legislation to the child.

If you require any further information or assistance in relation to this matter, please contact Mr Mike Smith, Chief of Staff in my office on 3719 7330.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Di Farmer', with a large, stylized initial 'D'.

Di Farmer MP
Minister for Child Safety, Youth and Women and
Minister for the Prevention of Domestic and Family Violence

