

**Queensland Catholic Education Commission**

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Working with Children Legislation (Indigenous Communities) Amendment Bill 2018

Response from the Queensland Catholic Education Commission

November 2018

Queensland Catholic Education Commission

The Queensland Catholic Education Commission (QCEC) welcomes the opportunity to provide feedback on the Working with Children Legislation (Indigenous Communities) Amendment Bill 2018 (the Bill).

QCEC is the peak strategic body with state-wide responsibilities for Catholic education in Queensland. This submission is provided on behalf of five Diocesan Catholic School Authorities and 17 Religious Institutes/Public Juridic Person and other incorporated bodies which, between them, operate a total of 304 Catholic schools that educate more than 147,000 students in Queensland.

Proposed Amendments

The purpose of the Bill is to amend the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* and the *Working with Children (Risk Management and Screening) Act 2000* to allow for particular persons to provide services involving children in particular Indigenous communities.

The Bill would enable a Community Justice Group, as defined by the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, to make a binding recommendation that a positive Blue Card notice be issued to an individual to work with children in a situation where a negative notice would have been issued due to previous criminal offences. None of the criminal offences that could lead to this outcome would be sexually based offences. The type of offences that could be considered and still lead to a positive notice are limited to stealing with violence, burglary, unlawful entry of a vehicle and drug offences. A positive Blue Card notice issued in this way would only be able to be used in a specified Indigenous community.

Blue Card Review

The matters dealt with in the Bill were considered by the *Keeping Queensland's Children More Than Safe: Review of the Blue Card System* (the Blue Card Review). Some stakeholders did identify issues with the operation of the Blue Card arrangements in relation to Aboriginal and Torres Strait Islander peoples. These issues included a lack of support in making Blue Card applications, lack of culturally appropriate information and resources, inability to practically access the appeal mechanism and resultant barriers to employment and kinship care arrangements.

While these matters were taken into consideration, the Blue Card Review concluded that conditional Blue Cards, as would be allowed for under the Bill, should not be issued as this would allow people to work with children in circumstances where they would not otherwise be given a Blue Card. The Blue Card Review noted that the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) did not support the issuing of conditional cards as it would create challenges for monitoring and enforcing compliance and impose barriers to the transferability of Blue Cards across different child-related services and activities.

QCEC's Position

In line with the Blue Card Review and the Royal Commission, QCEC does not support the proposed modifications to the Blue Card arrangements contained in the Bill. While the specific difficulties associated with the operation of the Blue Card system in Indigenous communities are recognised, a dual system should not be created where particular individuals are issued with a Blue Card in circumstances where they would not otherwise be given a Blue Card.

QCEC instead supports the recommendation made by the Blue Card Review that the Department of Justice and Attorney-General develop and implement a specific strategy and action plan to provide more support for Aboriginal and Torres Strait Islander peoples and build cultural capability in the Blue Card system. Such a plan should work to address the difficulties currently being experienced by Indigenous communities in their interactions with the Blue Card system. The broader changes currently being progressed to the overall Blue Card arrangements, such as a new automated system, changes to the decision-making framework and more targeted support for applicants, should also assist in addressing some of these issues.

Thank you for consideration of this submission. For any further information or clarification, please contact Mr Chris Woolley, Director – Governance Strategy and Corporate Services, by phone [REDACTED] or email [REDACTED]

A handwritten signature in black ink, appearing to read 'Lee-Anne Perry', with a large, stylized flourish at the end.

Dr Lee-Anne Perry AM
Executive Director