



LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Members present:

Mr PS Russo MP (Chair)
Mr JP Lister MP
Mr SSJ Andrew MP
Mr JJ McDonald MP
Mrs MF McMahon MP
Ms CP McMillan MP

Staff present:

Ms R Easten (Committee Secretary)
Ms K Longworth (Assistant Committee Secretary)
Ms M Westcott (Assistant Committee Secretary)

PUBLIC BRIEFING—INQUIRY INTO THE WORKING WITH CHILDREN LEGISLATION (INDIGENOUS COMMUNITIES) AMENDMENT BILL 2018

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 14 NOVEMBER 2018

Brisbane

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The committee met at 8.27 am.

CHAIR: Good morning. I declare open this public briefing for the committee's inquiry into the Working with Children Legislation (Indigenous Communities) Amendment Bill 2018. My name is Peter Russo. I am the member for Toohey and chair of the committee. With me here today are: James Lister, the member for Southern Downs and deputy chair; Stephen Andrew, the member for Mirani, via teleconference; James McDonald, the member for Lockyer; Melissa McMahon, the member for Macalister; and Corrine McMillan, the member for Mansfield.

On 17 October 2018 Mr Robbie Katter MP, the member for Traeger, introduced the Working with Children Legislation (Indigenous Communities) Amendment Bill 2018 into the parliament. The parliament referred the bill to the committee for examination, with a reporting date of 17 April 2019. The purpose of the briefing today is to assist the committee with its examination of the bill. The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. The proceedings are being recorded by Hansard and broadcast live on the parliament's website.

Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you might be filmed or photographed during the proceedings. These images may be posted on the parliament's website or social media sites.

Only the committee and invited witnesses may participate in the proceedings. As parliamentary proceedings, any person may be excluded from the hearing at my discretion or by order of the committee. I ask everyone present to turn mobile phones off or to silent mode.

KATTER, Mr Robbie, Member for Traeger, Parliament of Queensland

CHAIR: I welcome Mr Robbie Katter MP, the member for Traeger, who has been invited to brief the committee on the bill. Good morning, Mr Katter. I invite you to make a brief statement, after which the committee will have some questions.

Mr Katter: Thank you, Mr Chair. This bill that I have presented is a reiteration of the bill introduced in the previous parliament. It attempts to address unemployment in Indigenous communities, which is a chronic problem. Mornington Island and Doomadgee are two Indigenous communities in the Traeger electorate that I have a lot of dealings with. It tries to deal with two shortfalls in the blue card system—that is, timing and accessibility.

The genesis of this bill was a stream of complaints. Early in my term as an MP mostly non-Indigenous workers and officers in Mount Isa were saying to me, 'Can you please do something about the blue card system? Perhaps we can do something which gives them a community permit to work in Doomadgee. We are getting a stream of capable people. We have engaged them. They have got off the grog or got off the drugs and they have turned up for work. We think they would do a terrific job in this community, but they cannot access a blue card.'

There is an appeal process with regard to the blue card system, but even two or three weeks delay is a long time. When you have someone engaged for the first time and you have a chance of getting them to turn up to work and engage in the workforce, the worst thing you can do in the first few weeks is say, 'Go home for a couple of months while we sort out some paperwork. You are not fit to work here at the moment because you cannot get a blue card.'

There was a distinct problem and there was a solution presented. The original idea came from the local justice group on Mornington Island. They were trying to get a local card that would perform a number of functions, including address the issues around alcohol management plans. They said it would be good if the local justice groups could take over the blue card approval process in their community which would allow them to operate in their community. That is what we have tried to build on.

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I canvassed the views of Aboriginal communities around the state, police, magistrates, schools—anyone I could talk to, actually. I found that the more I talked about it the more pleas for help I got from people who have been constrained by this process. It grew as a principle for me. I saw how deeply this problem ran in terms of keeping people out of employment.

In a place like Mornington Island where there are alcohol bans, you have hundreds of people a quarter—I do not have the numbers to hand—being charged with home-brew offences which count against their blue card application. The reason is that they are not allowed any alcohol on Mornington Island. I think it is ironic that the blue card system is trying to get them off alcohol but their alcohol offences are keeping them from getting back into the workforce, which is a way of engaging them and getting them off the alcohol. It is a vicious cycle.

It is not the same in Doomadgee. The problem is that bad in Doomadgee and on Mornington Island that it is constraining people from engaging in the workforce. Whilst the intent of the blue card is to protect children, I think it is causing damage to the children in those communities. Parents are not accessing work, which keeps them on the alcohol or the drugs or in a dysfunctional state, and the kids are at risk anyway. If we are sitting here as a government trying to provide better outcomes for these kids, I would argue that the system as it is at the moment is possibly counterproductive.

As I said, there are two problems: timing and access. The appeal process can take anywhere from six to 12 months, even when they are trying to rush them through. Try to imagine a scenario where someone wants to engage in the workforce. It is a big leap for them because they have been disengaged for a long time. They turn up to the school in Doomadgee for work and the first communication they get is, 'Go home for a few weeks or a month and we will try to get through this.' Usually it is a few months before they can get anything back. The system did not even tell them that before. They were just told they could not work and that was the end of it. It has improved a little bit. They are now motivated to try to work through the appeals process for them.

People come to me in Mount Isa and say, 'What are you going to do about these kids running around town?' There are a lot of Indigenous kids whose parents are not looking after them. One of the first places I would start is by trying to fix the blue card situation in Doomadgee and on Mornington. If you can get parents engaged back in the workforce, that is the best way to get families functioning and bringing their kids under control.

The more I canvassed this idea—on Palm Island with Mayor Alf Lacey, in Yarrabah and in areas of the cape—the more I found that it is an issue in all of these communities. I think it was best said during the last parliament when the previous committee travelled to Doomadgee. We had Clarence Walden, who has a rap sheet which is four inches thick, who got off the dope and the grog and turned up to the school as the student attendance officer. Everyone in town, including the officer in charge of the police station, thought he was doing a magnificent job. It had cleaned Clarrie up. I would have thought that is exactly what the government would want—that is, getting people re-engaged. Everyone in town thought he was doing a good job. He cleaned himself up, but he lost his job. Still to this day he has never got a blue card.

There is no question that he has offences on his rap sheet. Clarrie appealed to the committee. He said, 'Clarrie Walden has a bad past. You can have that Clarrie back if you want and I will go back to that, but I am trying to move forward.' He said, 'The best thing at my age is to try to help these kids and engage them, but you are putting road blocks in front of me.'

At that same committee hearing in Doomadgee we had a young bloke who has a partner and kids. He could not get a job at Doomadgee. It is not just jobs in schools that require a blue card. If you want a job with QBAS in Doomadgee you need one. Just about any job requires one. If you want to be a builder in Doomadgee, most of your work would be in the hospital and the schools so then you need a blue card. They are mostly government jobs in Doomadgee and most people cannot qualify for a blue card.

Some of the criticism of this bill last time was that we are going to put more pressure on the local people to make that decision—that is, families will put pressure on someone to give someone a blue card. I think that is a really paternalistic and condescending attitude. I think they should be allowed to make that decision. One comment was made that there was a lady who had four or five kids from various families in her house that she was looking after, but when she went to the school where the same kids were going to school she could not get a job there because she did not have a blue card. The lady is burdened with the job of looking after these kids.

I make the point that when talking to the department down here that deals with blue cards I said, 'If you have an application from someone in Doomadgee I hope you err on the side of caution when you see their rap sheet. I hope you do because that is what we would expect you to do.' They said, 'I guess we do.' The problem lies therein. When those judgement calls need to be made, you need someone back in the community to assist.

It is important to note that the bill encourages engagement with the local magistrate and police. That is the circuit-breaker for them to off-load some of that responsibility. That has been welcomed in discussions with the police and magistrate in the north-west. They are in a much better position to make judgement calls about whether those people should work with their kids. Bear in mind that in most of the areas where this legislation would apply the population is rarely not much more than 2,000 or 3,000 people. In those sorts of towns everyone knows the risks or has a pretty good idea of the risks to their kids. There is usually a better understanding about these things in the communities, rather than someone in Brisbane ticking off on those things—sorting the wheat from the chaff.

I think this legislation is terribly important. I get very emotional sometimes hearing stories about this because you are talking about people who, in some cases, have been disengaged for 10 or 20 years and are trying to make good and trying to get back into the community. Our system at the moment is saying, 'No, you have no chance.' In places like Doomadgee and Mornington Island there are not many opportunities for work. Some 90 per cent of those opportunities require a blue card.

This is a terribly significant constraint. All the effort and talk about trying to lift Indigenous people up is being undermined by the blue card system at the moment. It is being done with the best of intentions and everyone involved in the system is trying to do their best, but the system is not flexible enough to meet the diverse needs of the communities.

In one of the discussions I had when acting as a witness for someone seeking a blue card the guy from QCAT said, 'Do you think there should be two rules?' He said, 'There cannot be two rules for Queenslanders—one for Indigenous and one for non-Indigenous Queenslanders.' My response was, 'You are already doing that. You have AMPs on Mornington.' I thought it was an invalid point to make. I definitely think there should be different rules because different rules apply there. In that same discussion that person said, 'Look at this rap sheet and look at the severity of some of these assault charges.' I said, 'Unfortunately, Doomadgee is a violent place. While that is abhorrent to you and me, that sort of thing is not uncommon in Doomadgee so, yes, I do think this person is ready to move on.'

That is where we are at. There was thorough consultation done by the previous committee in the last parliament. I cannot endorse this bill strongly enough. If nothing else, I hope it makes a significant change to the system which is constraining terribly people's access to work in these communities.

CHAIR: Thank you, Mr Katter.

Mr LISTER: Thank you for your briefing, Mr Katter. The community justice groups are not something I am particularly familiar with. I am the member for Southern Downs and I do not have these things in my electorate. I was wondering if you could talk to us about how a community justice group works and any proclivities it might have to put more emphasis on matters aside from the best interests of the kids—just playing devil's advocate here?

Mr Katter: No, it is important.

Mr LISTER: It says at 231C(4) (d)—(d) whether, in the group's reasonable opinion, withholding the recommendation would have a negative impact on the social or economic wellbeing of the community area's inhabitants;

Is it possible that the strong family and personal relationships you have in small communities may lead the community justice group to put too much emphasis on the economic benefits of having someone given a blue card or perhaps more nefarious considerations like 'he is a mate of mine' or 'he is family' and put aside things they should be considering regarding the safety issues for kids?

Mr Katter: That is a very good question. I am the first person to admit that this is not a perfect solution. It is the best that has been thrashed around by a number of people. It would lend itself to that in the same way there are large shortcomings in the current system. I am ill equipped to give you a good idea of how the local justice groups are formed. In my view they are a terrific reference point for me in Doomadgee and on Mornington Island.

For instance, on Mornington Island it is a collection of the older traditional owners. They are all ladies in the justice group on Mornington Island. It would lend itself to that sort of thing. At the end of the day, it is their kids in the community. I think they should have the right to be making those judgement
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calls. The alternative is that we set a standard from down here and apply it to them in a fairly rigid framework. That is not a perfect system because it only catches people who have registered offences, whereas you are handing it over to a body of people. As you pointed out, there are some risks with that, but I would say that is overcome by the positive benefit of having a group of, say, five ladies who intimately know those people in the community and they know the people who do not have offences. They would have the ability to capture people who do not have offences.

They could say, 'We just want to give this person a job, even if he is a bit of a risk,' but there is the other side of it where they could say, 'These are our grandkids and we know that guy. He is a risk. We are not comfortable with him being with our kids.' Whilst there are limitations, there are also added benefits. It is not a perfect system, but I think it is better than what is there. It is a good question, I believe.

Ms McMILLAN: Thanks for joining us, Mr Katter. Do you think it is acceptable for a person who has been convicted of trafficking ice in a local Indigenous community to be working with vulnerable children in that same community?

Mr Katter: I would say yes, all things being considered. I go back to the example of Clarrie Walden. A lot of people in these communities have some pretty serious offences against their name. The question is: do we want to try to bring these communities forward or not? The statistics are pretty grim when we look at the nature of some of those offences—some of the assaults, for example. The bigger concern is: how do we get these families functional and how do we get these kids looked after better? That is the bigger priority for me. As ugly as that response may sound, I would be more prepared to try to lift these people out and incentivise them into some functional family arrangement. I think that outweighs the nature of some of these offences. It is unfortunate that I have to answer it that way, but it is an acute problem. I think it is so bad that we should be looking at this because that is the only way forward.

Ms McMILLAN: Just to clarify, you are suggesting that our Indigenous kids should be at greater risk than our non-Indigenous kids who live in the south-east?

Mr Katter: You are pulling one little aspect of it out that is a risk. There is some validity to what you are saying, but you would be ignoring the enormous benefit of trying to re-engage these people in the workforce, which to me is a much greater issue. These kids are already at enormous risk. You have kids wandering the streets in Mount Isa—a lot of them from the gulf communities—because the parents are disengaged from work, drinking alcohol and taking drugs. The main way to try to re-engage them—when I go to those communities, not many people come and say, 'Hey, Rob, I want more money. Get me more money.' However, I can honestly say that a lot of people say, 'Can you get me a job? I want to get back into the workforce.'

Most of the time it is due to a blue card. They might have had some ice-trafficking offences and you might say that puts the child more at risk, but in the grander scheme of things I sit back and say, 'I would prefer to try to re-engage these people.' There may be higher risks associated with those communities, but the better outcome is to try to get people re-engaged. Do not forget that in the case of these people in the justice group it is their kids and their community. I think they would care about them a lot more than you or I would. Again, I think it is pretty condescending to think that they are just going to turn around and give these people a blue card just because they are under pressure.

Ms McMILLAN: Do you think that is a huge responsibility for those members who work as the social group?

Mr Katter: Yes, I sure do. There is a lot of pressure on them. I think they are capable, though.

CHAIR: Pardon my ignorance with this question. In those communities of Hope Vale and Mornington Island that you mentioned in your opening statement, what type of employment is available to people?

Mr Katter: There are really only government jobs. There is very little private industry there. It is a good question, again. That is the feedback from most of the government departments, whether you are talking about education or community services. In Mount Isa, pretty much all the jobs up there require a blue card these days. It surprises me that all the builders in Doomadgee need blue cards because all the work is at the school and the hospital. Jobs are usually at the hospital, the school, QBAS and things associated with local council. Council is one you can sometimes get away with, but outside of council I would say there are hardly any. There is the odd other little business. I would say the majority of the jobs in town require a blue card.

CHAIR: I hope you do not find this offensive, but are there police stations at both those locations?

Mr Katter: Yes.

CHAIR: Are they one-officer stations?

Mr Katter: Not one officer, no. There would be five at Doomadgee and probably a similar number at Mornington.

CHAIR: How do the police view this?

Mr Katter: I can say that from everyone on the ground in the north-west, from the highest level to the lowest, there has been zero pushback; everyone has felt this is a great initiative. Everyone can see as clear as day that that system is not working at the moment. I have had phone calls from Townsville. A bloke from a soccer club in town said they had this great bloke there who lost his blue card. I think they were aware of the nature of those offences, which were assault type offences and they were from 10 years ago. It is fair enough that there should be a system that picks up some of these things, but it has very far-reaching consequences. When you take into account that there is a lot of violence, it is a different way of life there. When we are applying the same metrics as someone living in Brisbane, it just does not make sense. The inadvertent negatives are terribly consequential.

CHAIR: If someone applies for a blue card and is rejected, where does that hearing take place? Where does the appeal process occur? Is it through QCAT here?

Mr Katter: The one I attended was over the phone and I believe the other attendees were also by phone, and that was one that had been stretching over 12 months. I think initially it is done by correspondence—the initial paperwork if it is a negative notice. I did not really explain that much in the opening, but the process would be that the application is made and it is sent down to Brisbane. They have three weeks to do all the research on the criminal records. That is sent back to the local justice group within three weeks. They have to say if it is going to be a negative notice. Provided there are no disqualifying offences in there, it has the opportunity to go back to the community and those local justice groups to make the decision. That means it will be a judgement call.

We are not trying to challenge the disqualifying offences. In the absence of disqualifying offences, it goes back to them for the call. That is about the timing. We have tried to shorten that as well. They have to do that within three weeks and I think you give three months to the local justice group. Obviously I would be encouraging them to do that as fast as possible. I think you would probably get the support for that if the school wanted someone. They would be liaising with the local justice group and saying, 'Can you hurry this up because we really need to start so-and-so as soon as possible before they lose interest in this?'

Mr McDONALD: I can see a problem that you have outlined to us in the example you gave of the woman looking after family and then going to school to try to get work but not getting work because she could not get a blue card. That was pretty glaringly obvious to us. I recognise the problem. I know when somebody applies for a blue card they can start work so long as they have applied for the blue card, even if they have committed serious offences, and obviously there would be a determination of those things. Perception sometimes gets in the way—

Mr Katter: Good point.

Mr McDONALD:—of issues. I am wondering how many blue card applications have been made and refused. There might be some people up there who have the perception that some of the related offences—not disqualifying offences, and they may not be testing the system. Do you have a quantum of people who have applied for the blue card and have been knocked back?

Mr Katter: No, I do not. It is a good point; there could be perceptions. I would argue that, again, that is a good argument for what I am proposing here. If people have a vague understanding that there is a blue card that can prohibit their access to work, I think they would be a lot more engaging if they understood that there was a local body that was starting to manage that rather than it being sent down to Brisbane or sent away to be done by the government, per se. I am sure that perception does play a big part, but it has been there a long time. There have been attempts to make it more culturally sensitive, but to me that is tinkering at the edges. It is a huge problem and it is causing really big problems in that community. I would say that such an important part of fixing up those communities is getting people reemployed. That should be a high priority.

Mr McDONALD: I wonder if Mr Katter could take that question on notice about how many applications from the communities up there have been made and knocked back so we could build a bit of a profile of that.

Mr Katter: Sure.

Mr McDONALD: I am a bit concerned about having different rules or a different layer over a process. I can give you examples of where the blue card system has failed people in my community in not being able to get employment due to some of the related offences, so I think that issue needs to be fixed. I think there are some opportunities there, but I do not have the exact solution.

Mr Katter: At a glance, you will not pick up everything because there will be people who might have thought to apply and did not bother. I can certainly attempt to get that for you.

CHAIR: Is there a way that the community can be educated on how the current blue card system works? I can understand the frustration that people may experience. These are small communities. People might think their mate has applied but got knocked back and so they look at it and say, 'Why bother? My rap sheet is pretty similar.' The blue card system can be quite complex. It is easy to put in the application; it is easy to fill in the form, but the next step is really understanding the process. Is it, again, that issue of remoteness that they do not have the access to the type of information we have in the bigger—

Mr Katter: That is not bad; that would be good. You could educate so that people are a bit more savvy about the process. I think the fundamental problem is that the metrics are all out of whack in that the standards we are applying in saying that we feel comfortable with an ice trafficker—it is a different standard there. You have to ask the question: at what point do we feel this is inadvertently doing more damage than the good we are setting out to do? That is where this needs to be challenged and the question needs to be asked. I go back to Clarrie Walden. That would be three or four years—maybe five years—he just cannot get a blue card. However, I cannot find anyone in the community who says, 'I don't want him working around my kids.' That is not a matter of him being educated about the system.

CHAIR: No, that is a different issue.

Mr Katter: Vernon Ned, another councillor there, has been trying for two years. He cannot get his blue card. The list goes on. It is not the education; it is just that they cannot get it.

CHAIR: He is on the local council?

Mr Katter: Yes, he is a councillor.

Mrs McMAHON: The framework that we are looking at tries to balance employment prospects and the child safety aspect of it. Essentially, the whole blue card framework is there for the safety of children; that is paramount. If we have a continuum between employment prospects for people in the community versus the child safety and child protection aspects, this bill that you are proposing would tend to tip it more in favour of employment prospects of people in communities over child safety. I am trying to find the balance that you are trying to strike here between the objectives of the blue card system.

Mr Katter: Using that analogy, I would say at the moment the child protection thing is up here and the consideration of employment opportunities is down here. I am trying to bring it back to here.

Mrs McMAHON: In doing that, you are lowering the level of child protection.

Mr Katter: I would say no. You saying that means that you have less faith in those local justice groups applying their discretion to these applications. I would much prefer them making the decision than someone in Brisbane. I think they are going to feel a lot more strongly about who is mixing with the kids in their 2,000 population community when they have a pretty intimate knowledge of most people in the community. I would disagree with that.

Mrs McMAHON: It probably shows I have had very little interaction with community justice groups. For those of us who do not have community justice groups in our area, how often would a community justice group meet? Is it a regular thing? Do they have scheduled meetings? Would this framework actually be increasing the workload of community justice group representatives? What would be the flow-on practical aspects of them now having a role within this framework?

Mr Katter: That is an excellent question. As I was saying to the member for Southern Downs earlier, I am ill equipped to give you a detailed brief on how the local justice groups work. I know how the Mornington Island one works, which is probably the most functional one out there. They are the ones promoting it, so clearly they feel they have the capacity. You would only be looking at one or two applications per month, I would imagine. You are not going to get a flood of those. Like I said, they are communities of only 2,000 or 3,000 people. It is pretty functional. They have an office on Mornington Island and every time I visit the office is attended. I could not tell you their meeting schedules, but I do not think it would be that big a burden.

Mrs McMAHON: Is there a stakeholder group or a regulatory body that oversees the community justice groups that we could potentially talk to about the legal implications of these community justice groups now having a regulatory say in child safety?

Mr Katter: Again, I go back to the principle of the bill. If that is the barrier, fix it. To me that is a minor thing to deal with. It is a good question to ask because it does have practical implications. I think Prime Minister and Cabinet usually have a person floating around those communities who seems to fill that sort of role. That would be the appropriate sort of person if you want to talk to them.

Mr McDONALD: I was thinking about my other question about the perception of blue cards. That is at one end—getting the blue card. I am sure there are some policy opportunities in the communities. If the school is not letting anybody on the site without a blue card, I think that is probably a questionable policy position. If you are the principal contractor and you have a blue card and you have two workers with you who do not have blue cards, I think there might be some opportunity for policy change there.

Mr ANDREW: That is what I was going to say.

Mr McDONALD: That is certainly a practical solution, as opposed to bringing in new legislation.

Mr Katter: It could. I still strongly believe in that autonomy going back to them, acknowledging the pressure that puts on that justice group. I am much more in favour of getting that back to the local level where they understand and have a much better idea of what is an appropriate standard for them to be safe with those kids.

CHAIR: In relation to the questions taken on notice, Mr Katter, are you able to supply answers to the secretariat by Friday, 23 November so they can be included in our deliberations?

Mr Katter: Yes.

CHAIR: That concludes this briefing. Thank you for appearing this morning. Thank you to the secretariat staff and Hansard. A transcript of these proceedings will be available on the committee's parliamentary web page in due course. I declare this public briefing for the committee's inquiry into the Working with Children Legislation (Indigenous Communities) Amendment Bill 2018 closed.

The committee adjourned at 9.04 am.