

Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024

Submission No: 2
Submitted by: Kenneth Thorpe
Publication:
Attachments:
Submitter Comments:

To the Committee Secretary
Education, Employment, Training and Skills Committee
Parliament House
George Street
Brisbane Qld 4000

08/07/2024

Submitters name as an Individual, Kenneth John Thorpe.

And Submission is also made on behalf of

The, Blue Card Negative Notice Support Group of which Kenneth Thorpe the Submission applicant is the Moderator/Chairperson of QLD as the group moderator I have permission to make submission on behalf of the support group found at <https://www.facebook.com/groups/7099841106721852/>

Mailing address of submission applicant

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

Submission

Hello as mentioned my name is Kenneth Thorpe. I run a support group online for people who have been denied a Blue Card and "NEVER HARMED A CHILD". Yes, that is correct. There is a support group for Queenslanders named and shamed by the Blue Card department as "Potential Risks to Children" who have "Never harmed Children". Quire an Oxymoron is not it that people who have never harmed children are harmed by a Government Department with the role of protecting Queenslanders. In fact, it is ridiculous that people are being harmed simply for putting an application into Blue Card with good intentions and coming out labelled potential child abusers for the rest of their lives even though they have never harmed a child. What sort of system is that. And why would there need to be a support group for people coming out of that vile, accusatory, vilifying and finger pointing system. The reason there is a support group is because I saw a need for it after talking to survivors of the Blue Card application system. I am a survivor of the vile, disgusting and cruel Blue Card application system. People have told me that as a direct result of having simply applied for a Blue Card in good faith to further a career, get a job, aid the community

in welfare, or volunteer they have come out labelled, vilified, dragged through a Court process, named and shamed and left with feelings of fear, shame and anger. Some have told me the process has left them with feelings of depression and despair so great that they have contemplated suicide. I still fear for one gentleman I spoke to who I thought was on the verge of taking his own life over the Blue Card decision making process. I did the right thing and gave him the number to lifeline, and I went to local Police and gave them his number and I have heard no more since and that was some months ago. I often wonder if he took his own life after Blue Card labelled him a risk to children having had no history of ever having harmed a child. As you can see this is a very poor system. People who have never harmed children are being labelled and forced through a hearing system at QCAT and beyond just to clear their names. You see once you have the Negative Notice label (TAG) from Blue Card, you have it for life even though you have never harmed a child. Some people are getting these tags of potential child abusers (because that is what the tag implies) for things as small as smoking or possession of Pot 30 years ago, traffic offending and things that should never be considered in the first place.


Blue Card has become a vile persecutory attack dog nipping at the heels of pot smokers, shop lifters, and in my case they pursued me over a speeding fine where I was 10k over the speed limit mind you the only offence they found in a career of driving Trucks professionally since I was 23 years old. And they also chased me over a former vexatious and fictitious protection order a former partner took out on me that she has since recanted in a statement. Blue Card will use any underhanded and sly attack dog style Nazi Jack Boot wearing tactic they can muster to simply prove they are right. Once you go from the application stage and having been denied at Blue Card, you then apply to QCAT to have the matter heard and that's when Blue Card gets nasty. They employ a Solicitor to attack you at QCAT knowing you have no means of defence or money to defend yourself and you do not know the law of course. The Solicitor as in my case then goes on a dirt digging mission in ASIO type spy investigation to get every piece of dirt they can get on you because it no longer becomes a case of right and wrong for Blue Card it becomes a case of "WE HAVE TO PROVE WE ARE RIGHT". It is confrontational and abusive, attacking and cruel. I am a person with a registered disability, and I asked QCAT to assist with representation against Blue Card. QCAT is not allowing it and the Qld Government will not supply it. QCAT is allowing Blue Card to use its entire legal department against individuals with a disability. But the worst part is QCAT and BLUE CARD both know the person before them has "NEVER HARMED A CHILD OR SHOWN INTENT TO" yet they must defend themselves against an army of legal representatives from Blue Card to try and prove something that the Government already knows. It is stupidity in the extreme. It shows a government that has no idea. When you allow Public Servants scope to make decisions that require rationality and common sense outside of the scope of

legislation meaning (HUMANNESS) it never works. Blue Card has simply become an attack dog and vile in the extreme. I have made approach after approach as both an individual with an issue with Blue Card and a representative of a support group to help Blue Card victims to speak with Blue Card and they constantly refuse. They have no heart or feeling for the applicants they abuse (AGAIN WHO HAVE NEVER HARMED A CHILD)?????????.....

Let us talk about the toll.

I spoke earlier that some who have been denied a Blue Card have spoken of a will to take their own lives. Surely this should ring alarm bells for the Government QFCC, BLUE CARD but for some reason it does not? So much for a government investing in mental health, I guess. So much for a Blue Card department who is job it is to "Protect Queenslanders"? It is insane to run about saying you are protecting kids while tossing innocent people (WHO HAVE NEVER HARMED KIDS) on the scrap heap with no support contemplating suicide. It is an outrageous outcome and Blue Card does not want to know about it... When I put fliers outside the Blue Card department for the support group, they removed them and sent a Queensland Government Security officer to infiltrate the online group to have a look at it. Likely he took names etc and reported back to the head of Blue Card. This really needs investigating further that is typical of Blue Card the attack dog style. I kid you not Blue Card has become insular, protectionist, unapproachable, and a vile accusatory attack dog that must prove it is right. Even to the point of dirt digging and muck raking, spending tax payer dollars chasing pot smokers and fine defaulters or in my case looking up and old relationship and a speeding fine for doing 10k over the limit when I missed the change in speed, my only offence in 40 years as a professional truck driver. And let me be fair to Blue Card that is not my only offending. But it highlights how savage and petty they are. They will go to any length to be right; it is not about the children anymore at Blue Card it is about smearing applicant who dare to challenge them. Applicants mind you who are already smeared with the tag of potential child offender having never harmed a child in their lives??????

I tell people that it is like 1930s Nazi Germany when people were singled out as a "RISK TO SOCIETY", Jews, the Disabled, Communists, Gays etc... Why not add potential child offenders.... I mean for goodness' sake what is a "POTENTIAL CHILD OFFENDER ANYWAY"



[REDACTED]

You cannot just tar people with a brush for the rest of their lives when they have not committed the offence. What has happened to the premise of law? Innocent until proven guilty? The damage Blue Card is doing to innocent applicants is astonishing. And let us talk more about this.

So, then you have your negative notice and you have never harmed a child what now? The fun and games really start. In a couple of weeks, I finally get to QCAT more than 2 years two and ½ years after my negative notice. There have been several submissions, preparations, 3 pre hearings, on hearing cancelled when I had a back injury, another cancelled because Blue Card hadn't supplied all the information, and other cancelled so I could seek more legal advice On and On and On and ON...!!! for 30 months and I have never harmed a child in my life, and they know it. Imagine the cost to the taxpayer, what for to prove I have not harmed a child? The outcome in QCAT if it is against me will be going to the Supreme Court anyway at more cost to the Taxpayer, what for... to again prove I have never harmed a child something they already know. It is insane!!!... And I am not backing down. I am prepared to go to the High Court of Aust. If you label me a risk to children, then you show me where I ever harmed one or ever intended to? [REDACTED] When I fight on a point of injustice I do not stop. How about that toll not just on me but the taxpayer, and others who must do the same to clear their names.

Does it get any better well no

My story

Growing up I was in a dysfunctional home; I will keep it short. [REDACTED] told I was not good enough over and over by a father who drank to much and who was a chronic perfectionist. So, I went on to have no self-esteem and I was a screw up. It was child abuse the worst kind because it is relentless, and you never know when the next attack is coming but you know it is. You try to please, but all your efforts amount to nothing, because nothing is ever good enough. For example, straight as at school were not good enough so I gave up on that. Why try there is no point right, you are a failure anyway. When I found alcohol, it was like I had found magic. I did not have to feel a failure in fact I did not have to feel at all. I drank alcoholically from the first day if was able to. It medicated how I felt about me. I did not have to hurt anymore; I did not have to meet unrealistic expectations. The cycle of abuse had begun, and I had no idea what was to come. I drank anything I could get my hands on from my early 20s and ended up

on the streets of Kings Cross at a very bad time during the later stages of underbelly and the Wood RC into crime and corruption. I began getting into police trouble. I was never a big-time criminal it was always drunken stupidity. All my life my Police trouble was drunken stupidity. OK criminal offending but hardly a criminal a sick man with a serious problem alcoholism and trauma from childhood. The trauma got worse of course I saw good people die. I once went to police having believed I knew of a murder only to be told by two detectives, quote "if you do not want what he got [REDACTED] I bounced around the country getting into bits and pieces of trouble, I was never a criminal I was unwell, and magistrates told me so. I eventually got sober it took me years of hard work. Today I am near 8 years sober. I have repaired my life with a lot of hard work.

Naturally I wanted to work in Drug and Alcohol and trained to do so as part of that work I required a Blue Card. I applied thinking ok I have never harmed a child I should be fine. And to add insult to my already awful life after having put it completely back together, Blue Card comes along and says I am a risk to children (Having never done anything of the sort), I was crushed, all that hard work in my life ruined in an instant, 2 years of study in Drug and Alcohol to help others gone. I have since gone on and sat on the board of Alcoholics Anonymous and I help people recover from addiction by visiting in detox and attending recovery sessions and AA meetings, I sponsor people in AA. I am highly respected, and I have started two recovery groups. But to Blue Card I am just a potential risk to children having never done anything to a child in my life. Not only that they tag me with that and place me on a "Restricted Persons list which is what a Negative Notice carries" for the rest of my life. Or as I put it to my friends, "THE TERM OF HIS NATURAL LIFE" to coin an old-world phrase of sentencing, bound by the chains of being a "POTENTIAL CHILD ABUSER" having never done anything of the sort... The hardest part is explaining it to people. When people hear you cannot get a Blue Card, they automatically think you must have harmed children [REDACTED] You must justify yourself all the time when you, mention it. There is a cruel stigma attached to being a Negative Notice holder. Blue Card gets away with a lot because many people fear coming forward because of that stigma. They do not want to appeal they tell me in case someone thinks [REDACTED] they have done something to children when in fact it is not the case.

Blue Card hates me because I continually take it up to them and I can tell you for a fact they have got nasty with me many times, they are a protectorate, insular and cowardly. They fear people taking the challenge up to them because we are supposed to cop it sweet. We are supposed to just accept the lifelong tag of potential risk to children and the restrictions that come with it for simply having applied for a Blue Card.... Well, No.... I did come off those hard streets, I did fight my

way back to life. I worked [REDACTED] hard on my life and I will be stuffed (I changed toned that word down), if some pen pushing insular public servant who has their head in their paperwork (I toned that down too) is going to label me something I am not and penalise me for something I am not for the rest of my life. I have never harmed a child; I am offended at the suggestion that I might even consider it and so I should be.

I stand with the people in our support group as well that is growing larger by the day of people who have been attacked and harmed by this pig-headed stupidity and nanny state blind sightedness Blue Card and the QFCC is destroying lives and the support group I have started proves it. People are hurting at being accused of being potential child risks having never harmed a child and so they should be hurting, what Blue Card and the QFCC does is careless and reckless.

The QFCC is so out of touch the last time it had an enquiry and made submissions it never invited or asked anyone who had suffered at the hands of this cruelty to make submissions in person, because it was deliberately engineered by the QFCC and Blue Card to give the Minister what the Minister wanted to hear not the truth. And the truth is what the Blue Card department is doing to Queenslanders is disgusting. People are applying for Blue Cards in good faith and coming out the other end with legal turmoil, hearings and labelled nothing short of a potential child molester or child beater, it must change... Bring back the premise of law, innocent until proven guilty... The Sky is Falling the Sky Is falling... [REDACTED] ... No, they are not I know for a fact I am not... I was just a hurt child myself who went on to medicate it with alcohol and got in trouble as an adult because I was not well. I never went near a child in my life.

Blue Card is a farce anyway, if a person wants to harm a child they will do it anyway. Does drink driving laws stop drink drivers, no. Does abusing people who have never harmed children stop child abuse? Well first you are targeting people who have never done it and 2nd of all the statistics supplied by QPS in 2022 showed child abuse reporting has gone up. So, what is it Blue Card does anyway. And Blue Card is a constant failure... [REDACTED]

[REDACTED] Why hasn't the head of Blue Card been sacked? I guess as long as Blue Card is chasing me, "someone who has never harmed a child in his life" and others through QCAT the kids are safe then? [REDACTED]



It is a failure. Abject failure. The whole idea that you

open a bank then add securi

I guess it might be easier for Blue Card if those who have not harmed children, but they deem a potential risk to children wore a Yellow Star on their chests sewn into their clothing. It would make us easier to identify as a risk to the state. Blue Card could wear Brown Shirts? And of course, Blue Card could say they were doing us and society a favour. It worked out in 1930s Germany, didn't it? They were able to identify what they thought were "POTENTIAL RISKS". It might sound a bit farfetched.... It is not that far off the mark, people singled out as "POTENTIAL RISKS" under the Blue Card system? What is a "POTENTIAL RISK" anyway? Aren't we all? Are not you a potential risk every time you double park or speed 3k over the limit of killing someone. You should all be put on a list of POTENTIAL RISKS. Why stop at Blue Card?

I insist as a representative of a support group for victims of the Blue Card Negative Notice System that I be given opportunity to address the Committee. Victims of this cruel and accusatory system have never been heard because outcomes have always been "Engineered" by the QFCC and Ministers. It is time the voiceless had a voice on this issue.

Honestly what does it say about Blue Card when there is a support group for the victims of Blue Card's Negative Notice for people who have never harmed a child. So, do we protect kids "MAYBE" with heaps of failures at Blue Card while harming innocent applicants? A bit odd.... Robbing Peter to Pay Paul there.

Thank You

Kenneth Thorpe

Submitters name as an Individual, Kenneth John Thorpe.

And Submission is also made on behalf of

The, Blue Card Negative Notice Support Group of which Kenneth Thorpe the Submission applicant is the Moderator/Chairperson of QLD as the group moderator I have permission to make submission on behalf of the support group found at <https://www.facebook.com/groups/7099841106721852/>

[REDACTED]

To the Committee Secretary
08/07/2024
Education, Employment, Training and Skills Committee
Parliament House
George Street
Brisbane Qld 4000

Submitters name as an Individual, Kenneth John Thorpe.

**WORKING WITH CHILDREN (RISK MANAGEMENT AND SCREENING) AND
OTHER LEGISLATION AMENDMENT BILL 2024**

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

Submission

Blue Card is the vilest, disgusting underhanded, accusatory, muck raking, insular, unfriendly, impersonable, cruel, vilificationist finger pointing department in the whole of Queensland Government. It destroys lives, jobs, careers, ruins people's mental health, drags people through the court system for years, labels people for life and singles them out for exclusion for life. They peruse applicants as if they were about to offend with children even though most applicants have not been near a child like me. I have not even had children of my own so I cannot even be accused of smacking a child on the hand gently for touching something hot or even feeding a child sugary cereal instead of something nutritious.

Blue Card assumes that because I had a serious problem which was Alcoholism in my past and I offended during that time several times which is par for the course as an alcoholic I must somehow now that I

am sober many years and a respected member of the Alcohol recovery community be a risk to children. How they calculate that is beyond me. Not only am I free of Alcohol many years, I sat as one of the Chairs of Alcoholics Anonymous in all of Brisbane, I studied Alcohol and Drugs, I started two recovery groups in Brisbane, I sponsor (help) others to recover and I am invited to speak on the topic around Queensland. I have never in my life raised a hand to a child.

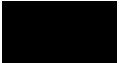
Blue Card in its Neo Nazi style, set about a character assassination of me by public servants with no medical training in alcoholism and recovery. A bunch of pen pushing legal eagles who never once sat down and spoke with me. All they did was dirt dig; read my files and conclude I was a risk to children based on past alcohol abuse and prior offending.

There are a number of issues here.

1, Where is the Premise of Innocent until Proven Guilty? I have never harmed a child, yet I am labelled someone with the propensity to do so by someone with no greater judicial ability than a clerical officer in the Public Service, a (pen pusher), and labelled as a Negative Notice holder for life with restrictions (or penalties) also for life purely for having applied for a Blue Card to work in the areas as a career path with the best of intentions sometimes charitable intentions. I cannot work in Drug and Alcohol for most organisations because to obtain funding most NGOs now want a Blue Card. I am the perfect person to be working in Drug and Alcohol. I came from the streets of Kings Cross at the time of the Wood Royal Commission. I am lucky to be alive at all let alone a recovered alcoholic of many years. I drank Metho and aftershave anything I could get my hands on, cleaning fluid, cooking essence and I am here to tell the tale. One thing I do not need in my life is the tag of a probable child offender when there is no proof at all I am anything like that. I've been hurt enough in my life I don't need some idiot with a pen who has had no real life in the Public Service telling me I'm something I

am not and then penalising me for the rest of my life for it and labelling me some sort of potential child offender it is obscene and cruel. Blue Card is heartless, and they never ever sit down and discuss the decision with you they just cut you off cold as filth, as a nobody. We have never harmed children we do not deserve that we at least deserve to be sat down and spoken with. Not left to be penalised and accused as child abusers with no proof for simply putting in an application for a Blue Card. It is disgusting, I hate the Blue Card Department with a passion. And I have vowed to fight them at whatever cost to the taxpayer it takes. I am looking at early withdrawal of Super to sue the Qld Government and take Blue Card to the High Court of Australia. I am that angry. I HAVE NEVER HARMED A CHILD IN MY LIFE> I AM HIGHLY OFFENDED AT THE SUGGESTION THAT I MIGHT HARM A CHILD BY SOME PEN PUSHING UNDERQUALIFIED CLERICAL PROCESS THAT HAS NO JUDICIAL INCLINATION OR UNDERSTANDING. FURTHERMORE, I AM HIGHLY UPSET THAT FOR SIMPLY WANTING TO BECOME A DRUG AND ALCOHOL WORKER AND PUTTING PAPERWORK IN TO GET A BLUE CARD. I CAME OUT OF THAT PROCESS LABELLED SOMEONE WHO "MIGHT" HARM A CHILD EVEN THOUGH I NEVER HAVE (WHAT BULLSHIT IS THAT?) AND RUBBING SALT INTO THE WOUND PENALISED FOR LIFE BY HAVING RESTRICTIONS PLACED ON ME FOR THE TERM OF MY NATURAL LIFE... Who ever heard of a more disgustingly vile way to treat people in an application process? And it does not get any better.

If by mistake or oversight or whatever reason a person who is a Negative Notice holder applies for a Blue Card within the 2 year restriction period for reapplying (those who haven't harmed children 2 years), you can be jailed for putting your paperwork in early for FIVE, (YES FIVE YEARS), it carries a penalty in the legislation of 500 points or up to 5 years jail for just putting paperwork into a government department and that's for people who "HAVEN'T HARMED KIDS"... Surely that tells you what a cruel and nasty system the Blue Card system is. Jail for putting paperwork into a government department who ever heard of such rubbish. Where are we living Nth Korea?

2, The appeals process at QCAT is a Farce... I have been at this since 2017 this is the second time I have been denied a Blue Card. You are left with no other option but to appeal if you want to clear your name. And then you ask yourself why do I have to clear my name at all? They already know I am not a child offender yet i have to clear my name because some public servant with no formal Judicial background, no Medical background and having never heard any case material in a Court room has determined without any proof of any harm to a child that I am a risk to a child. It is preposterous, offensive, incorrect, and open to the abuse of personal interpretation by the public servant or glorified clerical officer making the decision. Take a read over the QCAT decisions on Blue Card the inconsistencies are rife. QCAT Members make it up as they go along. One person can come into QCAT claiming a marijuana possession charge 20 years ago does not make him a risk to children and got a Blue Card and the next person claiming the very same thing does not get one. The Members for QCAT have no guidelines on Blue Card decisions it is a  joke. Read over the decisions I have. QCAT is purely luck of the draw depending on who the Member happens to be on the day. And it gets far worse. Blue Card takes deliberate advantage of the fact that most people who appeal to QCAT are unrepresented because they cannot afford it. Of course, they cannot BLUE CARD HAS JUST RUINED THEIR JOB OPTIONS or Made sure any job they had is lost. Blue Card the underhanded cowards take advantage of this by sending legal teams to QCAT to attack people who seek the overturning of the decisions, knowing most people simply cannot defend themselves. Does it get worse... YOU BET YA !!... I have a documented disability I argued at QCAT Pre Hearings that I should be given legal representation by the Crown as I had no means to provide it and exhausted all options of Pro Bono and I have a disability. Blue Card argued the hearing must go on. They are not interested in justice at all. And QCATs hands tied have let the hearing go forward abusing someone with a disability. QCAT is spineless when it comes to Blue Card. Blue Card is not about fairness anyway, QCAT is only there to decide if the administrative process was correct by Blue Card, a whitewash if you like. I am aware of this, so I am going through the

motions of QCAT because I must first before taking Blue Card to the Supreme Court and on to the High Court of Australia. QCAT and the Blue Card process is a farce.

3 THE TRUTH

BLUE CARD OBJECTIVELY FAILS THE RULE OF LAW.

In Australia we work in the justice system on what is known as the "Rule of Law"

QUOTE, The Hon Sir Gerard Brennan AC, "Role of the Legal Profession in the Rule of Law," Supreme Court, Brisbane, 31 August 2007.

One of the Law Council's key objectives is to maintain and promote the rule of law through the analysis of federal legislation and federal executive action based on its compliance with the "Rule of Law Principles".

These key principles include:

- **The law must be both readily known and available, and certain and clear.**

People applying for the Blue Card are not clear that a possible outcome of a negative notice is to be placed on a restricted persons list and disqualified from certain activities because it is unclear exactly what determines getting a negative notice if you have not offended with children. The determination is purely subjective and not judicial or even officially legislative. The end decision is made in the office of Blue Card by Clerical staff mostly. And given that no two determinations are the same it is not clear at Blue Card who is going to be a negative notice holder and who is. In the same frame when a matter is appealed at QCAT it is not

clear which case will be upheld and which not upheld. If you are someone who has not harmed a child and you have any past it is simply a lottery as to if you will be given a Blue Card or become a Negative Notice holder and penalised for life> Therefore the law is not readily known certain and clear in the matter of Blue Card applications where a person has not harmed a child in his/her lifetime.

- **The law should be applied to all people equally and should not discriminate between people on arbitrary or irrational grounds.**

Irrational grounds the old Chicken Little or for those who know the story by another name Henny Penny. The sky is falling rule. Blue Card has been given the task of determining the impossible. Who is likely to harm a child? Somehow someone sitting in an office in the Blue Card Department looking over peoples records from driving fines to domestic disputes, shoplifting to fights is supposed to determine from that someone is a risk to a child, how absurd! So someone who resisted arrest 20 years ago, punched a cop in a bar fight, and had enough pot on them for a couple of joints is now likely to be named and shamed as a risk to children some 20 years on, that's how the system works at Blue Card it is insane... Henny Penny Henny Penny every one is a child risk, Everyone is a child risk, Everyone is a child beater etc. Seriously is a shop lifter a Bank Robber? Well.... No. Is a Traffic Offender a car thief???? Well.... No. So why is it that anyone who has not harmed a child now a potential child offender according to Blue Card?

- **All people are entitled to the presumption of innocence and to a fair and public trial.**

Well, where do we start here with Blue Card. Lets keep this one simple because it is simple. Blue Card takes people who have never harmed children and simply assumes they might harm children, then issues that person with a Negative notice which comes with some penalties where the person cannot engage in certain child

related activities or jobs. No trial was held to determine if the person was fit to be around children. Just some Public Servant with a pen and a laptop looking over a Blue Card application determines that someone is a potential risk to a child and penalises the person without trial, over and beyond any previous penalty for any conviction prior. This Public Servant Pen Pusher simply decides a person's fate and the penalty for that fate. Where is the justice system there? Where is the fair trial? The person is not even consulted or met with it is just some Pen Pushing Public servant who decides you could be a risk to a child which is a vile accusation for someone who has never harmed a child. And it should be evaluated as such in a court of law.

- **Everyone should have access to competent and independent legal advice.**

I am a person with a recognised disability. Blue Card, QCAT and the Qld Government have allowed me to go through the Blue Card, and appeals process without legal representation even though I have objected continually to both Blue Card and QCAT. Both Blue Card and QCAT are allowing a discriminatory playing field by giving Blue Card the upper hand and allowing Blue Card to badger and bully people with disability in QCAT. Blue Card demanded of QCAT a full day of questioning a disabled person. Clearly intended to wear down someone with a disability and QCAT is allowing it.

- **The Judiciary should be independent of the Executive and Legislature.**

N/A

- **The Executive should be subject to the law and any action undertaken by the Executive should be authorised by law.**

N/A

- **No person should be subject to treatment or punishment which is inconsistent with respect for the inherent dignity of every human being; and**

If a person has never harmed a child, never looked like harming a child, never directly placed a child at risk then to punish that person by placing them on a regime of restricted movements and job opportunity assuming that person is a risk to children and labelling them a Negative Notice holder which entails a level of stigma, self-flagellation, suspicion and ridicule is clearly punishment which is inconsistent with respect for the inherent dignity of every human being. You are singling people out as something they are not and punishing them for it. Blue Cards Negative notice for people who have never harmed children is inherently cruel treatment and vilifying.

- **States must comply with their international legal obligations whether created by treaty or arising under customary international law.**

BLUE CARD OBJECTIVELY FAILS BASIC HUMAN RIGHTS

Section 17 of the Qld Human Rights Act 2019. Section 17 is based on Article 7 of the International Covenant on Civil and Political Rights. Australia ratified treaty in 1980

The Human Rights Act states that a person must not be tortured or treated in a way that is cruel, inhuman, or degrading. This includes not being subjected to medical or scientific treatment unless the person has given their full, free, and informed consent. To take someone who has simply applied for a Blue Card in good faith for a job application, wish to volunteer, or whatever reason and then without any proof of ever having harmed a child humiliate them and label them a potential risk to children with no evidence of any harm to children is clearly degrading treatment and certainly to attach restrictions and a label to that person of "Negative Notice Holder" is also degrading treatment. I would argue under the

Human Rights act that the Blue Card department and QCAT in endorsing Blue Cards decisions are both acting contrary to the Human Rights act of Qld 2019 (section 17) and international conventions to which Australia is a signatory. YOU SIMPLY CANNOT CLAIM SOMEONE TO BE A RISK TO CHILDREN AND PENALISE THEM AND SEGROGATE THEM WITHOUT PROOF THEY HAVE ENGAGED IN AN ACT THAT PLACED A CHILD AT RISK OR HARMED A CHILD DIRECTLY. It is inhumane treatment and to come along and do it decades after some unrelated event is even more cruel. To humiliate people who unwittingly applied for a Blue Card not knowing that unrelated matters to children might have them persecuted, ostracised, humiliated, labelled, and tortured. It is unsavoury and an act of bastardry to come along years after some unrelated crime and state somehow this makes someone a risk to children and penalise them is in direct contravention of this part of the Human Rights act. It is cruel and inhuman treatment. The person simply wanted to apply for a Blue Card. And what is worse, if they apply again within a 2-year period they can be jailed for 5 years for simply filing paperwork in a government department. Tell me that is not inhuman.

Section 25 of the *Human Rights Act 2019* says that:

A person has the right –

- a. **not to have the person's privacy, family, home, or correspondence unlawfully or arbitrarily interfered with; and**
- b. **not to have the person's reputation unlawfully attacked.**

Blue Card Qld sought out information from the Queensland Courts about an application from a former partner of mine for a Protection Order. Whilst this might not be unusual in the

circumstances if the order were contested, and the allegations ratified. However Blue Card has sought and is seeking to use the information in an underhanded way to attack my reputation at QCAT. The order was made in agreement without admissions. Meaning that any allegation made against me had no finding we simply agreed to an order. Blue Card is so underhanded and so vile in its muckraking endeavours that it has been attempting and even made mention of the allegations on one occasion that were unfounded as part of a campaign of besmurchment and reputation attack. This is how Blue Card operates. Even Court orders where there are no admissions and no findings in agreement, they will use to slander at QCAT. It is my belief that Blue Card even plans to continue to attempt to use the allegations to ruin my reputation knowing my former partner has recanted on her accusations in a formal signed letter. This is how [REDACTED] Blue Card is, they are not about the truth, they are about proving themselves right. Even if it means breaching the Human Rights act and deliberately and knowingly ruining reputation when they are wrong.

Section 34 of the Human Rights Act 2019 says that:

A person must not be tried or punished more than once for an offence in relation to which the person has already been finally convicted or acquitted in accordance with law.

Is not a hearing at QCAT a second hearing of offences some of decade's past and some in other state authorities? I would argue that as the Human Rights act states a person cannot be tried or convicted more than once for an offence and certainly a person cannot be punished a second time. So, if QCAT is basing its determinations about my future restrictions (PUNISHMENTS) as a Negative Notice holder then the simple question is what do the RESTRICTIONS/PUSISHMENTS relate to. Because if they relate to matters already heard and tried in a court of law then further restrictions based on the previous matters would be unlawful under the Human Rights act. Had a Magistrate for example wanted

someone who shoplifted in 1996 to be restricted from working with children he would have imposed that penalty as course of fair justice. For Blue Cards Pen Pushing Public servants to come along 20 years later with no judicial experience and place a restriction on the person would and should certainly be unlawful and to also claim that the "SHOPLIFTER" was a risk to children is also insane. You simply cannot come along years after an event criminal or not and re penalise people and that is what Blue Card is doing and they say it is to protect children, but the funny part is they are doing it to people who have not harmed children like me. It is unfair in the extreme.

Thank You

Kenneth Thorpe

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]