

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

**Submission No:** 20  
**Submitted by:** Local Government Association of Queensland  
**Publication:**  
**Attachments:**  
**Submitter Comments:**



Every Queensland  
community deserves  
to be a liveable one

10 July 2024

Hon. Mark Bailey MP  
Chair  
Education, Employment, Training and Skills Committee  
Member for Miller

Sent via email: [EETSC@parliament.qld.gov.au](mailto:EETSC@parliament.qld.gov.au)

Dear Chair,

**RE: The Local Government Association of Queensland (LGAQ) Submission to Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024**

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association established solely to serve councils and their needs. The LGAQ has been advising, supporting, and representing local councils since 1896, enabling them to improve their operations and strengthen relationships with their communities. The LGAQ is a not-for-profit association representing all 77 local governments across Queensland as the state-wide peak body for our sector.

We sincerely thank the Education, Employment, Training and Skills Committee (the Committee) for undertaking this Inquiry into the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024 (the Bill).

Overview

The LGAQ notes the Bill implements a number of key policy objectives including several recommendations arising from the Queensland Family and Child Commission (QFCC) report, *Keeping Queensland's children more than safe: review of the blue card system* and the first stage of the Government's response to the QFCC Kinship Care report, *A thematic analysis of provisionally approved kinship carers who receive a subsequent blue card negative notice*.

The delivery of Working with Children checks, known as Blue Cards in Queensland, have been examined in detail through reviews since 2016. This includes the examination of the Working with Children (Indigenous Communities) Amendment Bill 2021 (the 2021 Bill).

Each of these reviews, including submissions made from individuals and organisations, have repeatedly highlighted the challenges and inequity of the Blue Card system for Aboriginal and Torres Strait Islander peoples.

As the explanatory notes on the 2021 Bill outline:

*"The health, safety and wellbeing of all children is paramount and must continue to be the number one priority of the community however, the "one size fits all" approach to the Blue Card system is having a negative impact on Indigenous communities within Queensland where unemployment is chronically high and work opportunities are statistically low.*

*The current Blue Card system contains significant limitations in the way it applies to the unique circumstances of Indigenous communities, which is resulting in missed opportunities for social and economic development."*



Our First Nations member councils would agree with those sentiments, and they have the support of the local government sector to see the system changed to address these negative impacts.

#### QFCC Report

The Bill implements a further 12 of the 71 recommendations contained in the QFCC Report that was released in 2017.

#### QFCC Kinship Care Report

As the explanatory notes to the Bill outline, the QFCC Kinship Care Report was released in October 2023 and included 11 specific case studies which outlined failures in the correlation of blue card screening and kinship care applications.

The QFCC Kinship Care Report made two recommendations, which have been accepted in-principle by the State Government:

- 1) remove the requirement for Aboriginal and Torres Strait Islander kinship carers, as defined in the Child Protection Act 1999 (CP Act), to hold a blue card if they are caring for children in their family; and
- 2) retain the existing departmental assessment and approval process, in relation to Aboriginal and Torres Strait Islander kinship carers, removing the provisional status period in the absence of the blue card condition.

#### LGAQ advocacy

At the 2023 LGAQ Annual Conference, Queensland councils from across the state supported a resolution moved by Pormpuraaw Aboriginal Shire Council that called on the State Government to review the blue card framework so historical offences of a non-serious nature and not involving children are not taken into account. This issue was also discussed in a specific session that was featured in the Indigenous Leaders Forum (ILF), held adjacent to the 2023 LGAQ Annual Conference. It was also identified as a reform priority at the most recent ILF held in Yarrabah and Cairns in June this year.

On behalf of our member councils, the LGAQ is seeking further changes to the Blue Card system to not preclude people who have historic offences that would not endanger children or put anyone at risk. This would allow people to take up jobs at council, volunteer for emergency services, or take on mentoring roles in their community.

Without a system that has the capacity to take into account rehabilitation, blue cards have the potential to impose 'life sentences' on individuals who have already been punished for their prior crimes.

The LGAQ welcomes changes in the Bill that implements QFCC Kinship Care Report recommendations and is hopeful that it will contribute to reducing the over representation of Aboriginal and Torres Strait Islander children in the child protection system. However, the Bill does not go far enough in removing impractical barriers on Aboriginal and Torres Strait Islander peoples seeking employment.

Our First Nations leaders stand ready to partner with and support youth justice on-country programs, however some willing participants will be precluded due to historical non-violent crimes. In Cook Shire, Rural Fire Brigades (RFB) have been disadvantaged, in communities such as Laura, Marton and Poison Creek. We have also become aware that the discrete indigenous community of Hope Vale is entirely without a local State Emergency Service because of these barriers, leaving the community vulnerable and limited in its response capacity in the event of a natural disaster.

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The Laura RFB, in particular, has not been able to use indigenous volunteers because they are reluctant to apply for a Blue Card or are ineligible. Volunteer RFB members are operational staff and, unlike police and paramedics, are not exempt from needing a Blue Card. Some rural firefighters are offended by this requirement and have chosen not to apply for a Blue Card even after 25-plus years of service. A suggested means of addressing their needs would be to moderate the legislation so that a Blue Card is only required for administrative and office bearers who undertake community engagement activities while also making it optional for operational firefighters.

Concerns have also been raised with the LGAQ regarding the potential barriers to participation in the Remote Jobs and Economic Development Program recently announced by the Federal Government and expected to commence in the second half of 2024.

We contend that the risk of having poorly staffed volunteer RFBs, and the subsequent danger that places entire communities in, outweighs the extremely low risk of a brigade member interacting with a minor in the normal course of their volunteer role. This risk is accepted in almost every other business; otherwise there would be a universal requirement for all workers to hold Blue Cards.

### Conclusion

On behalf of our member councils, the LGAQ supports the Bill, particularly with respect to the regulation of kinship carers in Indigenous communities.

However, the current legislation does not adequately recognise the broader range of issues and circumstances of remote Indigenous communities. Accordingly, our members are also seeking system changes that better reflect the real-life practicalities in these communities and removes existing barriers to employment and volunteerism whilst still protecting the interests of children.

Without a system that has the capacity to take into account rehabilitation, blue cards have the potential to impose 'life sentences' on individuals who have already been punished for their prior crimes.

This Bill comes after years of repeated calls for reforms to address the unintended outcomes that are creating inequities and challenges in Indigenous communities in relation to Blue Cards. This Bill presents an important opportunity to finally have this situation resolved. But, as per our submission, the current Bill needs to go further if it is to achieve this outcome.

We would be more than happy to speak to the Committee at any scheduled public hearings and also encourage the Committee to undertake regional hearings, particularly in First Nations communities with their representatives.

For any further information in relation to this submission, please contact [REDACTED]

Yours sincerely,

Alison Smith  
CHIEF EXECUTIVE OFFICER