



26 September 2016

Inquiry Secretary  
 Legal Affairs and Community Safety Committee  
 Parliament House  
 George Street  
 BRISBANE Q 4000  
 Email: [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

Dear Sir/Madam

**Re: Serious and Organised Crime Legislation Amendment Bill 2016**

We refer to the letter dated 16 September 2016 seeking Submissions on the above legislation by 6 October 2016. We would like to commend the Queensland Government for their efforts in enhancing the protection of vulnerable Queenslanders.

Protect All Children Today Inc. (PACT) is a non-profit community organisation established in 1986 as a service provider of court support as well as advocating for vulnerable children, young people and their families. PACT's Child Witness Support Program provides support for children and young people who are required to give evidence in criminal court matters, either as victims of, or witnesses to, a crime. PACT recruits Child Witness Support Volunteers to provide child victims and witnesses with support and information about the Criminal Justice System. It is through our experience that we offer the following comments.

**Amendments to the Criminal Code**

We are extremely supportive of following amendments to the Criminal Code in response to the proliferation of child exploitation material over the internet, the increased use of technology to promote and distribute offending materia, as well as to conceal offending.

The creation of new offences that will target persons who:

- Administer websites used to distribute child exploitation material;
- Encourage the use of, promote, or advertise websites used to distribute child exploitation material; and
- Distribute information about how to avoid detection of, or prosecution for, an offence involving child exploitation materials.

We support the introduction of increased penalties to dissuade this abhorrent behaviour and the creation of new circumstances to address where a person uses a hidden network or an anonymous service to commit child exploitation offences.

We appreciate that these amendments pose potential infringements of the fundamental legislative principle, but agree that they are justified to address legislative gaps and deter perpetrators, leading to the better protection of vulnerable children and young people.

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***Vice Regal Patron: His Excellency the Honourable Paul de Jersey AC, Governor of Queensland***

### **Part 2 – Amendment of *Bail Act 1980***

PACT support any intervention to enhance bail conditions to better protect the safety and wellbeing of vulnerable children and young people. One of the biggest fears of child victims is that they will have further contact with the accused, so steps to minimise this from occurring are greatly appreciated.

### **Part 3 – Amendment of *Child Protection (Offender Reporting) Act 2004***

The addition of Clause 10 to include the above-mentioned offences are supported by PACT as they enhance the protection of children and young people.

### **Part 4 – Amendment of *Corrective Services Act 2006***

PACT does not have the expertise to comment on many of the proposed inclusions. However, we support the introduction of Clause 29 to include the additional child related offences.

### **Part 5 – Amendment of *Crime and Corruption Act 2001***

PACT does not have the expertise to comment on many of the proposed inclusions. However, we support Section 1's inclusion of the definitions 'anonymising service', 'distribute', 'hidden network', 'information' and 'network' given they relate to existing and new child exploitation material offences. Therefore, we express appreciation for the amendments and inclusions identified across Clauses 76 to 95.

### **Part 10 – Amendment of *Disability Services Act 2006***

Again, we support the introduction of the three new offences to the Criminal Code in Clause 159.

### **Part 11 – Amendment of *District Court of Queensland Act 1967***

Whilst we strongly believe that judicial discretion is paramount in considerations of sentencing, we support the introduction of the three new child exploitation material offences identified in Subclause (2).

### **Part 32 – Amendment of *Transport Operations (Passenger Transport) Act 1994***

Once again, we support the introduction of the three new offences to the Criminal Code in Clause 470.

### **Part 34 – Amendment of *Working with Children (Risk Management and Screening) Act 2000***

We support the introduction of the three new offences to the Criminal Code in Clauses 490 and 491.

Further, we wish to take the opportunity to raise some deficiencies in relation to the current Queensland Blue Card System.

### **Background**

In September 2015 several PACT Child Witness Support Volunteers referred to their involvement providing support to young people who had been physically or sexually abused by their supervisors in a work setting.

### **The PACT Chief Executive Officer (CEO) emailed Blue Card Services with the below query:**

*Protect All Children Today Inc. (PACT) is a non-profit community agency that supports child victims and witnesses of crime, who are required to give evidence in criminal court matters.*

*This support is provided by carefully screened and trained Child Witness Support Volunteers who teach children about the court process and prepare them to give evidence. They accompany children when they meet with their Prosecutor and when they give their evidence. All PACT Volunteers must hold a current Blue Card.*

*At a Volunteer Conference last week, a number of the Volunteers expressed concern about recent sexual assault cases involving staff members from fast food outlets. We are wanting to advocate on behalf of vulnerable children suggesting that it should be a requirement for adults working in this area to hold a current Blue Card when supervising children and young people.*

*I contacted the Blue Card office and was instructed to provide an email that would be forwarded to the most appropriate person. We would appreciate the opportunity to further discuss this issue.*

*Thanks very much for your assistance in this important matter.*

### **Response from Blue Card Services**

Dear PACT CEO

Thank you for your enquiry to Blue Card Services.

The blue card system is regulated by specific categories of employment or business which are outlined in the *Working with Children (Risk Management and Screening) Act 2000* (the Act). We confirm that an individual is not required to obtain a blue card if the individual is merely giving help or guidance to a child as part of the child's employment. Therefore, staff members of fast food outlets are currently not required to obtain blue cards. However, organisations are encouraged to implement child and youth risk management strategies which assist in identifying and minimising the risk of harm to children and young people.

Further, we can confirm that the Blue Card Services maintains a policy issues register to record matters for potential consideration as part of any future policy and legislative review. Accordingly, Blue Card Services will forward your suggestions to the team responsible for reviewing and actioning policy proposals within our Agency.

We hope this information is of assistance. If you require further information please telephone Blue Card Services on **1800 113 611** or **07 3211 6999** between **8am – 5pm** on **Monday to Thursday** and between **9am-5pm** on **Friday**. Alternatively, please access our website at [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au) for general information and application forms.

Yours sincerely

Blue Card Services  
Operations Division  
Public Safety Business Agency

PACT then wrote to the Premier and relevant Ministers outlining our concerns. However, a response has not been received from the Minister for Police and Minister for Corrective Services so a further letter was provided in August 2016.

### **Key Issues**

Until the legislation is reviewed and amended young people will remain at risk of being abused and violated in the workplace by people in positions of trust and authority. These young people often do not possess the level of maturity to protect themselves adequately or to question the situation they are being put in, particularly when asked to do the closing shifts late at night.

We appreciate that organisations, such as many fast food and store chains, are encouraged to implement child and youth risk management strategies and to identify and minimise the risk of harm to children and young people. However, this is not enforced in any sense and does not otherwise apply to a large range of smaller employers; such as cafes, fish and chip shops, retail, petrol stations etc. PACT is aware of a number of matters that have involved physical and sexual abuse of young people by supervisors in these smaller types of workplaces.

This is an unnecessary and unacceptable risk and one that should be managed consistently with other areas recognised by the Blue Card requirements as exposing young children to vulnerability and risk of harm by persons in positions of authority. This matter needs to be rectified as a matter of priority.

We understand that in some other Australia States, Blue Cards contain photo identification which makes them more meaningful and ensures they cannot be used by someone who hasn't undergone the necessary screening and Police checks. We believe this practice should be introduced into Queensland.

The relevant legislation needs to be reviewed and amended to ensure that any agency employing young people be required to have their staff obtain a Working With Children Blue Card.

Thank you for the opportunity to provide comment on this piece of legislation and trust that our input has been of value.

Yours sincerely



Alexandra Marks  
**Chairperson**



Jo Bryant  
**Chief Executive Officer**