



LEGAL AFFAIRS AND SAFETY COMMITTEE

Members present:

Mr PS Russo MP—Chair
Mrs LJ Gerber MP
Ms SL Bolton MP (virtual)
Ms JM Bush MP
Mr JE Hunt MP (virtual)
Mr JM Krause MP (virtual)

Visiting Members:

Ms AJ Camm MP
Mr RI Katter MP (virtual)

Staff present:

Ms K O'Sullivan—Committee Secretary
Ms M Telford—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE WORKING WITH CHILDREN (INDIGENOUS COMMUNITIES) AMENDMENT BILL 2021

TRANSCRIPT OF PROCEEDINGS

MONDAY, 12 SEPTEMBER 2022

Brisbane

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The committee met at 10.14 am.

CHAIR: Good morning. I declare open the public hearing for the committee's inquiry into the Working with Children (Indigenous Communities) Amendment Bill 2021. My name is Peter Russo, the member for Toohey and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share. With me here today are: Laura Gerber MP, the member for Currumbin and deputy chair; and Jonty Bush, the member for Cooper. Appearing via video link are: Sandy Bolton MP, the member for Noosa; Jason Hunt MP, the member for Caloundra; Jon Krause MP, the member for Scenic Rim; and Robbie Katter, the member for Traeger. Amanda Camm MP, the member for Whitsunday and shadow minister for child protection, shadow minister for prevention of domestic, family and sexual violence and shadow minister for women's economic security, is here and will be asking some questions.

Mr Robbie Katter introduced the bill into the Queensland parliament on 1 September 2021 and it was referred to the committee for detailed consideration. This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and my direction at all times. You may be filmed or photographed during proceedings and images may also appear on the parliament's website or social media pages. I ask that you either turn your mobile phone off or to silent mode.

YANNER, Mr Kyle, Mayor, Mornington Shire Council

CHAIR: Welcome. You can either make an opening statement or just have a chat, and after that committee members will have some questions. You have the floor.

Mr Yanner: Good morning, everyone. I too would like to recognise the traditional owners of land on which we meet today, who I believe are the Turrbal mob. While I am at it, I would like to recognise my own mob back home, the Yankaal, Kaiadilt and Lardil people.

As we know, the blue card has failed us, like most other systems in communities. They are not fit for purpose in our communities. At the end of the day, not just individuals but the whole community loses. We also lose. We sometimes get employees, young families from cities like Brisbane or Cairns, who want to come and work here, who want to come and help us, who want to come and make a difference and help us change the struggles that we face, but we lose them mainly because our preschool is normally understaffed. It is not running efficiently because our mob cannot get blue cards to work in this place. It is hard to get family orientated people across to our island to work in the preschool also. Not only do we lose with that; we have young families who lose also. They want to get ahead. They want to build a better life but they cannot because our blue card system restrains our other mob being able to work there to cater for these families who have young families. Not only do we lose that but we lose our culture. We lose our pride. We lose our songs. We lose our stories. We lose our dances.

My brother in particular is 60 and he is an elder. He has taught culture for a very long time. He is one of the last living people on Mornington who can teach it and hand it down. Now Blue Card tells him that he is not allowed to come to the school and do culture lessons. We lose our youth. Our youth are being destructive now because Blue Card tells us that men who know the wrong path from the right path cannot work or engage with these youths. We cannot even have a man who can make a difference on the ground work on night patrol with Mission Australia. In fact, most of the mob on night patrol are bloody strangers. I would not want to jump in the bus with them. I would not listen to them either.

Another one is QFES. I do not know if you have ever heard of QFES. Volunteer Marine Rescue now falls under QFES, and QFES makes it mandatory that you need to hold a blue card. Now I am going to lose volunteers. It is getting beyond a joke now because not only can we not get a job but now we cannot even volunteer to save our mob. It gets me! Why is someone down here in Brisbane flicking through a piece of paper and ticking off who is worthy of working with a child or not? How do we know? How do we trust that the people they do send down are not—sorry—[REDACTED] themselves? Do you know what I mean? Why can't we trust our own? Who better to judge our own people than the elders who once were the authority figures in our communities?

Once these boats come across you gave someone a blue uniform and told them, 'You are now the authority.' You make our rules. You make our laws. They took that away from us and it hurts my feelings greatly. Like I said, who better to judge us than someone who has watched us grow from a toddler? They have seen us through all our phases of life. We go through our little mongrel teenage years. Then you hit your late teens where you start getting a bit crazy. That elder: he is the best person to judge. He will know if old mate is worthy of it or not. Do you know what I am saying? They have watched us. Old people are wise. You read people. You have 50, 60 years of reading people. You know people better than a little 21-year-old sitting in an office ticking a box.

Without doubt I do support the bill. I support it 100 per cent. Other services have failed us. All of the services have failed us. That is why we are putting together an independent audit on Mornington Island. That is going ahead very shortly. You need to work with the communities. You need to meet our needs. We are not asking that everyone gets a blue card. Yes, there are still restrictions if someone has committed a major crime against children. Yes, lock them up in jail. Send them away forever. Give them the noose, if you ask me. That is what they should get.

When you think about it, this falls down to economic exploitation also. It stops us from getting jobs. It stops us from building our knowledge, building our skills, building our capacity to live out our dream, to run this island—from the CEO to the cleaner, from the principal down to their cleaners. We want black sergeants, black doctors and black nurses. I guess Blue Card is saying it might be a bit too late, but it is not too late. Anyone can become a doctor. You can start uni at any age. Like I said, it holds us down. We cannot get a job. It knocks the fire out of our bellies when you get knocked back like that; it really does.

That leaves us on Centrelink. What does Centrelink do? It is a lousy little fortnightly wage that hardly pays for rent and food. It even knocks you more when you have a young family of five. I will tell you about my story and what the blue card system has done to me and how it affected me—not just me but the community in general. When I went back to Mornington Island—I think it was in 2019—my partner and I saw that the youth were struggling. We went back with good intentions—great intentions. We held a couple of youth camps for about a month. We taught the kids well. That is why I am so adamant. I have been down the wrong path. I have been to jail and I know what it is all about. I will tell you now: it is not a hard time; it is just a waste of time. The prison system needs a change. The Cleveland system needs a change also to meet our needs. We have people going to jail and coming out worse. They go to Cleveland and they learn how to hot-wire cars. Why isn't Cleveland making it mandatory for these kids to come out with basic literacy and numeracy skills? Why isn't the prison system making it mandatory that, when people go in there, they have to come out with a skill? In fact, all you do in jail is just sit on your [REDACTED] and do whatever you want. You can choose to go and do a little course if you want.

Back to where I was: we were making a little bit of leeway with the youth. We started with seven of the kids that required the most attention over the holidays—seven of the naughtiest kids, I would say. We whipped them into line in no time at all. Do you know what? From that we ended up with at least 30 kids at that youth camp and people were complaining, 'Oh, it didn't have a blue card. We're not going to give them any more funding.' Over that period I can easily say that I kept in close regular contact with the QPS. Every time the QPS come into town for fuel supplies or anything—I lived out bush—they would tell me, 'Your boys still haven't been in trouble.' They were giving us that sort of stuff. 'Your boys have stayed out of trouble,' and they stayed out of trouble for months at a time—like, two months before they fell back down into the slums they [REDACTED] roll around in. Not only did we teach those youth; it was realistic. I did not learn from a book how you relate to youth. I did not learn from a book or a piece of paper. I got real-life experience.

This is where Blue Card stops our own mob from being able to work with our kids. Here we have strangers coming in and working with them. They are strangers. Our kids do not open up to strangers. I am not going to open up to a stranger. That is why we need support services like a men's shed back on Mornington with men who know the struggles, have pulled themselves out of that struggle and have made a better life. That is what needs to happen with the blue card system.

Who is better to work with someone than someone who has been on that destructive path, who knows what it is about? We are not experts. I still struggle a lot too, but I know where that left track takes you. Blue Card cost me seven months in wages. They did not respond to me. I had to get a lawyer to ring them up for seven months. It was quite embarrassing, getting kicked out of the school. I was making progress with them kids. You can ring the principal at the time, Ms Terri Byrne. She burst out crying when I got sacked. She did not sack me. She did not want me to go. She saw that I was passionate with my little fellas. Not only did I take them out; I was a young engagement officer. I was taking them out. It was wet season at the time. I would teach them everything I knew: how to make a healthy feed, how to cook, how to bloody do the dishes. I do not give a shit about seven months wages, to be honest. I am a capable man. I did a few odd jobs for people and I got by. The community lost, not me. The community lost; the youth lost. That is what I have to say this morning. If you have any further questions, please hit me with them.

CHAIR: We will not be hitting you with questions but we may ask you a couple.

Mrs GERBER: Thanks, Mr Mayor. That was very passionate and very valuable for the committee to hear firsthand. I really appreciate you making the time to come and appear in person before us. It is really valuable. There is a subject we have not touched on that I wanted to hear from you about, and it has to do with the impact of blue cards on kinship care in your communities. Other remote Aboriginal and Indigenous communities have spoken about how blue cards have meant that kids have been on the cusp of being taken out of their kinship care arrangement because the whole family is required to have a blue card. Kinship carers are having to choose between their own children and taking over the kinship care of an Aboriginal child or another family member. Do you have any experience with that? Can you talk the committee through the impact of blue cards on kinship care in your community?

Mr Yanner: I do not have any experience with it, to be honest, but I do know that taking a kid off their family is not going to do them any favours. They lose their identity through that process. They are taken away. They are then frowned upon and they then do not like their parents because their parents or their families are not looking after them, not protecting them, not making them feel safe. This goes back. Some of our parents do not have the skills themselves. This has been passed down from generation to generation. All this stems back to the missionary days, when they took the kids off us for a 30- to 40-year period. Then they handed our kids back. They sent their wives and kids—the slaves back. We had a whole run of bad priests come through Mornington Island. The last one saw that what they were doing was wrong, so he abolished the schools and abolished the dormitories and sent them all back, and then he said—I have some diaries there. I have the old missionary ration book from home where we got tobacco, flour and teabags, and we got to borrow a shovel. That all originates from then.

Taking a kid away from their community, sending them away or putting them under whitefella just does not work. We live two different lives. Look at me today. You come to Mornington and I am not dressed like this, I tell you now. Some of us are fortunate enough to be able to walk two worlds, but some of us have never been off the island. When you are taking them off the island and you are putting them under the care of someone else, like I said, not only do they resent their parents and their families but also they develop a bit of destruction inside and they rebel. That is what I can speak to on it.

Ms BOLTON: Mayor, welcome and good morning. Regarding the Mornington Shire Council, would you know how many in the last year were refused a blue card or could not be employed because of the length of time it took for that blue card to be issued?

Mr Yanner: I cannot speak on that because we do not require blue cards to work for council, but what I can tell you is that we tried to transition into a job hub for our kids on the holidays, but because none of our staff had blue cards we could not continue or do that so our kids once again lost and our community once again lost. I have had meetings with all the PCYC mob, and we are trying to get it so that we can borrow one of their staff with a blue card to make this successful. In all honesty, the blue card is quite a restrictor, I tell you that now, yes.

Ms BOLTON: The reason I ask the question is that there is some confusion around what is a disqualifying offence and we have heard where people just do not apply. Could you at least give an example? You spoke about a relative and one of the elders. Was there an application made for a blue card for him?

Mr Yanner: Oh, mate, if we had this when the blue card amendment started, I had stats, figures and data of everything. Off the top of my head, I am not going to lie, but there were a lot. I am not going to give false information. When I was going through my blue card application, there had been people who had not heard from Blue Card for about 18 months. Like I said, it took me seven months. I like a challenge, so I took it to the lawyer there and went through him. He had to push for an answer and ask

for an answer. Then I sat down and then I had to tell them my story and tell them exactly what happened. I told the events and what happened. You know what? Like I said, my charges—I did it to protect my community and that is what they have to realise. Anyway, did I answer your question then?

Ms BOLTON: Yes, you did. Thank you, Mayor.

CHAIR: Mayor, you said you had some stats from way back. Do you still have that type of information available to you or has it gone?

Mr Yanner: I can ring up and find out from the old lawyer, see if he still has them, because he was helping a number of people with blue cards at that time.

CHAIR: The way it works is that the secretariat will reach out to you. If you can get the material then that is fine. If you cannot, we will move on.

Mr Yanner: He has left the island now.

CHAIR: Did you have a lawyer actually on the island?

Mr Yanner: Yes, Jeffrey Byrne. He worked with the justice mob. He saw it as a problem back then, like a restrictor. Like I said, it stops us from—

CHAIR: Is Jeffrey still a lawyer somewhere or has he seen the light and gone fishing?

Mr Yanner: He has retired now. He is on a big sailing boat, that fella—oh, it would not say it is a big sailing boat; it does not like that nice.

CHAIR: Big enough to get around.

Mr Yanner: Big enough to live in.

Ms CAMM: Thank you, Mayor. I really appreciate your passion and your raw honesty. It is really helpful in this process. You referred to the young people who are missing out on being able to get those skills and have that support. How many young people across your community roughly do you think that would be? What are they then doing when they do not have your elders, yourself and other people who can be there, connecting with them on those programs that you have talked passionately about? What are they left to do with their time?

Mr Yanner: The DATSIP snapshot says roughly 11 roaming youth, which is about right. I would say there are at least 20, or probably a bit more. What are they left to do? That is what I was saying. They are left to self-destruct. They are affecting the community. They are running amok. They are breaking in. They are stealing cars. Like I said, they learned from Cleveland how to hot-wire a car. That is why I do not agree with this Cleveland [REDACTED]. They need to mandate some real things in Cleveland. They are hurting themselves. Like I said, they are not just hurting themselves; they are hurting the whole community. I kind of blame myself, too. I think I should be down here lobbying harder and maybe criticising more people down here who are not hearing our calls for help with the needs to change service delivery to meet our needs.

It is not just them; they have nothing there. They have nothing to do. They are bored. They are neglected by their parents because their parents cannot get work. They look down upon their parents for being a drunk, but sometimes it is not the parents' fault. It is not always Blue Card Services' fault either, I will say. They do a bit, but they are already in the slums. They are keen and eager to get a job, to get ahead; they want to work with the youth and they want to work at the school, but then they get turned around. They come in with a bit of fire and passion like I did today and that little fire just gets put out straightaway when they say, 'No, you cannot get a job because of what you did six years ago. You are going to have to go do this, this and this—jump through all these hurdles.' Then after six, seven months or 18 months of waiting, what do you think? Boom! We just hit the drink again.

I was fortunate enough that I had a solid wife-to-be behind me who kept driving me and kept me on that right path, and I have been fortunate I did have someone to keep me on the right path. These young fellas do not have anyone on the right path. We get youth workers from Brisbane, Cairns and Townsville working with them who work with city kids, but they have to realise that community and city life is so much different. You know what? Sometimes I could not even relate to these young fellas. They have some serious problems. I have advice for most things, but when they come to me and I say, 'What's going on, buddy? Why are you doing this?' and I am like, 'Whoa!' They are 14 and they have done more than me and I am 25. It just leads to a chaotic community, I would say, because we cannot control them. The police cannot control them. I ring the bosses of the police on a regular basis for the last month. Yes, I have to take matters into my own hands sometimes and mediate and then take the youth under my own wing. I get youth coming to my house every so often just for a piece of fruit. They are hungry and they are destructive.

Ms BUSH: To confirm, do I get one question or two, Chair?

Mr Yanner: One at a time. I have to think a bit for two.

Ms BUSH: I have four, but I will not be able to ask them all, so I will start with the most important one for me. Is Mornington Island still under an alcohol management plan?

Mr Yanner: We are not completely dry now. We now have a carriage limit of 12 cans per person per day. You know what that means? It means you can have 12 cans on you at a time, which has changed the dynamics of the community a bit; it has slowed it down a bit. However, the home-brew is still prevailing. The whole manner of it was to get a bit back to normalisation.

Ms BUSH: That is okay. Why I put it to you is that it was put to me that people were losing blue cards because they were getting pinged on breaches of alcohol management plans. I wanted to give you the floor to see if that was an issue that you are finding.

Mr Yanner: I cannot answer that one, I am sorry. Depending on what blue card rules you have, I cannot answer that because I do not know.

Ms BUSH: That is fine. Thank you. You have a community justice group?

Mr Yanner: Yes.

Ms BUSH: Can you tell us about the composition of that—how many and how old?

Mr Yanner: Since Jeffrey Byrne left the justice group, I do not have much more to do with them. I believe they are not—I will just keep my comments to myself if that is alright.

Ms BUSH: That is okay. The bill is structured in a way that they would be the decision-makers of who would get a blue card. I heard you mentioned elders. I was wondering if the elders were actually the community justice group or if they are two different things?

Mr Yanner: The management in the justice group—we do not get along, I will just be clear.

Ms BUSH: Thank you. I appreciate your honesty.

CHAIR: Robbie, we are coming to the end of the hearing and I have not given you an opportunity to ask a question. Would you like to ask a question of the mayor?

Mr KATTER: The mayor has covered it all pretty well. I will ask the same one I normally do. It comes up, Mayor, that this change in laws could make kids less safe, having the community make the decision about who gets to work with their kids. Do you have any comment on that? You have sort of already addressed it, but there may be more.

Mr Yanner: Mate, would you feel safe with a stranger? That is all I could say. We know each other. Half of us are family. I am related to everyone on the island. Two families, but I am related to them through marriage—in-laws anyway. Would you feel safe with your family, or would you feel safe with a stranger with a big goatee from Brisbane?

Mr KATTER: Understood. Good answer.

Mrs GERBER: One of the solutions that this bill proposes in terms of blue card is to utilise the community justice groups to bridge perhaps the time gap it takes and also the decision-making of Blue Card in relation to whether or not someone gets a blue card. In your view, do you think the community justice groups are the solution to that problem?

Mr Yanner: Honestly, it needs to be a couple of the stakeholders. I would like to be involved in assessing, too, because some of the elders may have a conflict with family. Ask my nephew. I will give him a blue card. At least I am a bit young and I can point that out sometimes. However, I do think, like I said, who better to judge us than someone who has watched us from walking to talking to running and going through those little mongrel ages to now? I think the justice group needs to play a big part in it, but I would also like our elected members to be able to have some say in there, too. We aren't elected because we are not trusted; we are trusted, and they trust us to make the right decisions for the community and for the people, I believe.

CHAIR: That concludes this part of the hearing. Mayor, you are welcome to hang around if you want to listen to what happens next, but if you have other business to attend to I understand.

Mr Yanner: I will stay as long as I do not have to sit in view of the camera. I will sit back and watch.

CHAIR: The secretariat will contact you to see if you can find the stats that you referred to. Don't worry too much. They will reach out to you about that. If you cannot get them, don't worry.

Mr Yanner: If you do not mind, I will step outside and try to make a call. I will see if I can get them to you.

CHAIR: You do not need to do it today. You can do it when you get home.

Mr Yanner: If I do not do it now, I will forget.

CHAIR: Thank you. That concludes this part of the hearing.

Proceedings suspended from 10.45 am to 10.57 am.

APLIN, Mr Henry, Elder, Doomadgee Community Justice Group (via teleconference)

DOUGLAS, Mr Elijah, Councillor, Doomadgee Aboriginal Shire Council (via teleconference)

GEORGE, Ms Charlotte, Elder, Doomadgee Community Justice Group (via teleconference)

JOHNNY, Ms Pauline, Elder, Doomadgee Community Justice Group (via teleconference)

McNAMEE, Mr Stephen, Elder, Doomadgee Community Justice Group (via teleconference)

NED, Mr Jason, Mayor, Doomadgee Aboriginal Shire Council (via teleconference)

O'LOUGHLIN, Ms Cynthia, Coordinator, Doomadgee Community Justice Group (via teleconference)

OXLADE, Mr Craig, Community Development Officer, Doomadgee Aboriginal Shire Council (via teleconference)

WALDEN, Mr Athol, Councillor, Doomadgee Aboriginal Shire Council (via teleconference)

WALDEN, Ms Veronica, Elder, Doomadgee Community Justice Group (via teleconference)

CHAIR: I now welcome representatives from the Doomadgee Community Justice Group and the Doomadgee Aboriginal Shire Council via teleconference. I invite each organisation to make an opening statement, after which we will have some questions. For the benefit of Hansard, before you speak could you please say your name because we cannot see you. That will be helpful to all concerned. Instead of having opening statements, we might go straight to questions.

Mrs GERBER: Thank you so much for coming and appearing via audio. Can you tell the committee how blue card is affecting your communities? Talk us through some of the barriers that blue card is imposing on your community for your people?

Mr Walden: The blue card issue in our community is devastating towards this community. There are a lot of people here who are capable of doing work in one of these organisations, but the blue card is in the road, more or less. It has damaged some people and what they can do. From my point of view personally, it has to come to an end for us in the community. I know Robbie is sitting there in the meeting. He was battling hard to get things done for us without any answer back on how we can go about it.

Our organisation—the council—changes every four years. A new policy comes in and then we get tossed around from side to side by government about all this stuff. The people in our community are the people who put us here and we cop a lot about jobs and all this sort of stuff. We have had enough of it. Somebody should at least give us a good straight line instead of bending around corners most of the time. All they want is our people to get a job instead of imprisonment all the time—most of our young people anyway, even elderly people. It has gone beyond a joke. I think everybody sitting around the table the other today, if you have any input, we need an answer today. It is very important for our community. The mayor is here, and a lot of the people around this table really need a definite outcome before we leave this table. You people are supposed to be highly qualified people that run this organisation with blue card. It has gone beyond a joke, how it has been set up. Thank you.

Ms BOLTON: Good morning and thank you for joining us. Over the last year, has there been any data collected on the number of refusals and the reasons or has it been an issue of the length of time?

Mr Walden: No, none at all.

CHAIR: I am not sure that that addressed it, Sandy.

Ms BOLTON: Unfortunately, I still cannot hear. There is a lot of static.

CHAIR: I do not know what I can do to fix that.

Ms BOLTON: That is fine. I will get the answer when *Hansard* comes out.

Ms CAMM: Thank you very much. My name is Amanda Camm and I am the shadow minister for child protection. I wanted to ask a question about how the current system is impacting families and children in particular around kinship care across your community and if you see that this bill would improve those outcomes for children, young people and families in your community.

Mr Ned: Can you say that again, please?

Ms CAMM: My question is about children in particular and young people in the community. When the current system with the blue card is inhibiting family members, kinship carers, uncles and aunties from being able to care for children because of the current system, is that having an impact on families and children in your community? Do you see that this current bill would improve families being able to connect with and care for their own children?

Mr Ned: We have a major problem with blue card here, educating our young children through our culture. If any of us do not have a blue card, we cannot control our own children from the community, to take them out and work with them. It is a big problem here. They have to have children and now they have gone crazy because we do not have the right to them anymore. We need our blue card right back so that family can take any other family children out on country or anywhere for the weekend or during the week when we have sorry business and that sort of stuff. It is very hard at the moment for us to go without having a blue card.

Back in the day, before these laws came across us, we only had our elders to control our rights. A lot of people my age grew up under the elders act where we were controlled, and that is why we are still respectable today: because we had our elderly people with us. Our people never had a licence to look after the younger generation. We definitely need to get all this sort of stuff before we can give them more opportunity on country and give them help to get jobs around here too. We are finding it very hard here in the community. Mornington Island is the same. We are always taking about how we can come across and get all this important stuff sorted, this blue card issue. Families today, and everyone who is watching the meeting, will want an achievement today—what we are going to get out of this for our mob, you know. It is very painful.

Ms BUSH: Thank you and good morning. What types of offences are mostly problematic for getting blue cards for your community? What types of offences have been the issue?

Mr Ned: I don't know the right company to your body, to the blue card system. I don't know if they become a magistrate or what, but we walk free like we are criminal because in the days we had rights and other people had rights and were educated on the land and whatever else was around us to put us on the right track. If we start to do something there and we get caught out and we haven't got a blue card and we are trying to take our family out on country, we end up in trouble.

Ms BUSH: Can I clarify that we are actually not from Blue Card; we are the parliamentary committee looking at the blue card. We have heard from other submitters that the types of offences might be domestic violence or a common assault or a breach of an alcohol management plan offence. Are they the types of offences that are the problems for you?

Ms O'Loughlin: I am the coordinator of the community justice group. To your question I would answer yes, that is a common factor in the issuing of blue cards. For example, there were two young girls that were charged with assault two years ago; however, they had no conviction. Still today they cannot obtain a blue card, simply because of that criminal history of assault with no conviction. They still cannot get those cards today and they are in their twenties and they are wanting to work in child related work.

Ms BUSH: That brings me to the next question. You have a school there which is P-10. What grades do your schools go to?

Ms O'Loughlin: Preschool up to year 10.

Ms BUSH: How many locals are working at that school, would you say? Is it mostly people flying in to do a couple of years and then flying out, or is it local people employed at the school, for example?

Ms O'Loughlin: A majority of the teachers—are you referring to the teachers?

Ms BUSH: Yes.

Ms O'Loughlin: Yes, some are fly-in and some stay for a four-year period.

Ms BUSH: If more in your community could get blue cards, they would be able to do some of the after-school care, child care or disability work in your community; is that right?

Ms O'Loughlin: That is right—if they had that opportunity to obtain that blue card. Maybe there is a way around that simply with these young girls. There was no conviction. That put a mark against them for not being able to obtain that blue card. That would be a majority of applicants here in Doomadgee.

CHAIR: Is there any way you could check with those two young ladies to see if on a confidential basis their names could be passed over to the secretariat?

Ms O'Loughlin: I have checked with one of them this morning. She has confirmed, but I will check with the other later on and then perhaps I can email those names to you.

CHAIR: We will not use them in any of our public reports.

Ms O'Loughlin: There are a few more young people who have approached me as well.

CHAIR: Could you give me as many names as you can get on a confidential basis? Can you ensure that you tell them that the only people who will have access to those names are the committee?

Ms O'Loughlin: Yes, no worries.

CHAIR: We will not publish those names to protect their confidentiality. Thank you.

Mr Walden: I have a question. We are going to get (inaudible) if we have to. Is this blue card issue in non-Indigenous communities as well?

CHAIR: The bill—

Mr Walden: I want a yes or no.

CHAIR: I cannot give you a yes or no.

Mr Walden (Inaudible) not in non-Indigenous communities but in Indigenous communities only. This is the sort of stuff that we need to get straight. When you can get a blue card in the community and they go outside to work, they will tell them to chuck it in the bin. We are no different to anybody else around the world. We are qualified for whatever (inaudible) your job as well. This is where the government made a mistake. They drew a line in the sand with Indigenous communities left, right and centre. This is what we really need to know. As community leaders here, this is the feedback we can give our community when they come to us with these sorts of problems. We don't know until we get it from you firsthand.

CHAIR: Can I just explain what the committee is doing? Maybe that will help. Our inquiry is in relation to the bill that Robbie introduced. That bill is specifically titled Working with Children (Indigenous Communities) Amendment Bill. We have to deal with that. I take on board what you are saying. If you get a blue card in community, you should be able to work anywhere in Queensland that requires a blue card.

Mr Walden: It should be done like that.

CHAIR: I do not think you will get too many people—I cannot express my own personal opinion because this is a committee, but I think what you are raising has merit.

Mrs GERBER: Cynthia, I want to use the example you provided of the two young girls who had a criminal history and now cannot get a blue card. One of the solutions the bill proposes to deal with that is to allow community justice groups to provide either a recommendation or a binding recommendation to the chief executive officer—that is, Blue Card Services—around whether or not those girls would be suitable for a blue card. Do you think the community justice groups will be able to be the solution to that problem?

Ms O'Loughlin: I think the community justice group as well as the council should be involved in making those decisions—just to take the pressure off. Being in a community environment as such, we could be ostracised for making a particular decision about someone who may feel that they are entitled to that card but when we have looked into their situation the justice group may say, 'We will not be able to say yes to that particular person.' Therefore, in order to take the pressure off the community justice group, I believe that the Doomadgee council should also be involved in that decision-making.

Mrs GERBER: I am not saying that it is the case, but some of the risks that have been raised with the committee around community justice groups being able to provide a binding recommendation are along the lines of there being perhaps a conflict of interest or perhaps community pressure or perhaps family pressure. In your view, is there anything that could be done—any amendment that could

be made to the bill—to mitigate any of those risks? I am not saying that they are risks; I am just saying that it is one of the risks that has been presented to the committee in relation to the proposed solution of community justice groups.

Ms O'Loughlin: That was my suggestion: bringing in more than just the community justice group itself but bringing in the council on the decision-making as well. In that way it would be a broader decision, a broader point of view.

Mrs GERBER: One of the other issues that has been raised with that is around timing. At the moment the problem with the blue card system that communities have raised with us is that it is taking far too long for Blue Card to make an assessment, so community justice groups are proposed to be able to help with that timing issue. Would you be able to meet regularly? What kinds of resources would you need? Can you talk us through what your community justice group and perhaps your shire council would need in order to be the solution to the problem?

Ms O'Loughlin: Like you are saying, if we need to meet on a regular basis with regard to review—whatever the person requires in determining their ability to obtain a blue card—then that is something we will find time to do.

Mrs GERBER: What about resources? We have heard from other community justice groups that at the moment there is only one funded position in their group and that in order for them to be able to get through the workload that might be required of them they would need some more funding. I am keen to hear from you on the resources issue as well in terms of what you might need.

Ms O'Loughlin: In terms of the funding, yes, that would be helpful. Yes, we could possibly open that up to having someone in that position on a part-time basis if that is required.

CHAIR: I understand it may be difficult for some people to hear. Does anyone else have a question who I have not invited to ask a question?

Ms Johnny: I work with the community justice group and with Youth Justice as well. Some of the men were complaining about being in prison for so long but then when they get out of prison and come back into the community they look for jobs but cannot get a job because they have no blue card. Being in prison for such a long time without good pay—they get a little amount of money doing a little work in prison—when they come out they like to have a good job to support their family. They cannot get a job because they do not have a blue card. They get nothing. They cannot get a job because they say they do not have a blue card, yet they have been out of trouble for a long time.

CHAIR: Thank you, Pauline. Robbie, do you have a question?

Mr KATTER: That was a good question before about the pressure on the local justice group. I will probably put this question to the Doomadgee council, although anyone is entitled to answer. The problem that has been put by the government in the past is that they said—and I do not agree with them—that they feel there is too much risk and that the system where the community gets to make the decision, rather than someone from Blue Card, makes the kids less safe. Does anyone have a comment on that?

CHAIR: I will repeat the question so the witnesses can hear it. Robbie, can you keep an ear out to make sure I do not misinterpret your question? Where community makes the decision in relation to a person's suitability for a blue card, does that place the children in community more at risk?

Mr Walden: I don't see how.

CHAIR: Robbie, was that an accurate reflection of your question?

Mr KATTER: Not really, because I want them to know that I do not hold that view. That is not my view. That has been the government's view towards it. It is not my view.

CHAIR: We are over time. We have five minutes if anyone wants to make a statement.

Mr Ned: It is very hard. We have been asking Robbie. We know Robbie has been working on this for a very long time—for the last few years. In our community we have people waiting for a judgement for a blue card when family have never been in trouble for a long time. You have to go right back through government policy. We should have a policy in place where elders here and people in the community decide. We know our mob. No-one knows our mob like we do. They (inaudible) criminal history act (inaudible) failing to get a blue card. We need someone to monitor the blue card system in our community and (inaudible). When this blue card first came out, nobody ever came to us and gave our community (inaudible). People are getting into trouble and they are picking up every mistake. This is one of the problems in the system. They should have been in front of people in the first place, when it first went to parliament.

CHAIR: Thank you for participating. Unfortunately, we have run out of time. Thank you, everyone.

EVANS, Ms Marina, Community Justice Group, Junkuri Laka Wellesley Islands Aboriginal Law Justice & Governance Association Inc, Mornington Island (via teleconference)

KURUDUADUA, Mr Nasa, Community Justice Group, Junkuri Laka Wellesley Islands Aboriginal Law Justice & Governance Association Inc, Mornington Island (via teleconference)

ROGERS, Ms Lorna, Community Justice Group, Junkuri Laka Wellesley Islands Aboriginal Law Justice & Governance Association Inc, Mornington Island (via teleconference)

ROUGHSEY, Ms Louisa, Deputy Chair, Community Justice Group, Junkuri Laka Wellesley Islands Aboriginal Law Justice & Governance Association Inc, Mornington Island (via teleconference)

SELLIN, Ms Nikita, Chief Executive Officer, Junkuri Laka Wellesley Islands Aboriginal Law Justice & Governance Association Inc, Mornington Island (via teleconference)

WILLIAMS, Mr Johnny, Community Justice Group, Junkuri Laka Wellesley Islands Aboriginal Law Justice & Governance Association Inc, Mornington Island (via teleconference)

CHAIR: Good morning and thank you for being here. Would someone like to make an opening statement?

Ms Sellin: Firstly, I would like to acknowledge the traditional owners of the lands that the parliamentary committee is situated on, elders past, present and emerging, and the Indigenous leaders that are present. I will be speaking on behalf of the Mornington Island Community Justice Group. Secondly, the community justice group supports Katter's bill, the Working with Children (Indigenous Communities) Amendment Bill 2021.

Mornington Island is an Indigenous community in the Gulf of Carpentaria with a population of roughly 1,200. The island is situated in the sea, enclosed on three sides by Northern Australia and banded on the north by the eastern Arafura Sea, the body of water that lies between Australia and New Guinea. The employment opportunities are limited if you do not hold a blue card. The employers on the island are the school, the shire council, Health, PCYC, Queensland police, Mission Australia, 54 Reasons—previously known as Save the Children—Bynoe, CDP and Junkuri Laka.

The employer on the island requires a working with children blue card. Since the Working with Children (Risk Management and Screening) Act 2000, you must hold a blue card before you start work. Most of the locals living on the island have a criminal conviction. This leaves them disqualified to obtain a blue card. To even start work and go through the process takes time. Employment lies at the heart of the socio-economic benefits to Mornington Island people and their families, including financial security, increased social mobility and access to higher standards of living.

By obtaining a blue card, on Mornington Island you gain the benefit of working. Working is associated with having good mental health, good physical wellbeing and social inclusion. It is demonstrated that a working-class family with two incomes on Mornington Island who hold a blue card has a lower level of stress in meeting the basic living costs and has greater choices in food quality, housing, physical exercise, social participation and better health care.

In terms of the national Closing the Gap implementation plan, the Commonwealth, states and territories share accountability of the agreement and are jointly accountable for the outcomes and targets under the Closing the Gap agreement. The National Agreement on Closing the Gap employment related target, target 7, states—

By 2031, increase the proportion of Aboriginal and Torres Strait Islander youth (15-24 years) who are in employment, education or training to 67 per cent—

compared with a 2016 baseline level of 57 per cent. Target 8 states—

By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged 25-64 who are employed to 62 per cent—compared with a 2016 baseline level of 51 per cent.

The Closing the Gap agreement is a commitment from all parties to set out a future where policymaking that impacts on the lives of Aboriginal and Torres Strait Islander peoples is done in full and genuine partnership. Aboriginal and Torres Strait Islander people have been saying for a long time that (a) they need to have a much greater say in how programs and services are delivered to the people in their own place and on their own country and (b) government agencies and institutions need to address systemic daily racism and promote cultural safety and transfer power and resources to the community. Transferring the power and resources back to the community of Mornington Island in the example of the blue card will assist Closing the Gap by giving the community the power to make decisions around the policies set out by law to hold and obtain a blue card for the people who cannot meet the eligibility to obtain one. The community people are the ones who live in the community of Mornington Island and know the people very well. In closing, the Mornington Island Community Justice Group would love to be a part of the decision-making for their community regarding blue card.

CHAIR: Nikita, were you recognised recently by the Queensland Law Society?

Ms Sellin: Yes.

CHAIR: Congratulations. I was there. You may not remember me, but that is okay.

Ms Sellin: Okay, thank you.

CHAIR: In relation to the interpretation of the act in relation to disqualifying, are you able to offer any input into the interpretation that you see being placed on serious offences in the community? I know that disqualifying matters are in the schedule, but we have heard from some of the communities that, for example, if you are in breach of the alcohol management plans that is a barrier. I have a second limb to my question. We have heard that people are being knocked back because of the nature of the charge, even though no conviction was recorded against them. Are you able to comment on either of those scenarios?

Ms Sellin: In relation to disqualification, I guess the most serious offence is act towards kids. We do not have a problem against that; that is in place to protect young children. The other offences relate to domestic and family violence, common assault and assault occasioning bodily harm. The serious ones, I guess, would be torture with children or rape or incest. Those offences are the ones that need to be in place and we do not have an issue against that. The other disqualifying offence, from memory, I think is to do with grievous bodily harm and so forth. In relation to those offences, the justice group would be able to give feedback on the character of the person applying for the blue card.

Secondly, the AMP barrier does go towards their criminal record if there is a conviction. That does come up on their criminal record when they apply for a blue card. If the courts have recorded a conviction or if no conviction is recorded, that still appears on their criminal record and that goes to Blue Card.

CHAIR: If a person is charged with, say, common assault, they go to court and they get a penalty but have no conviction recorded, do you know of any cases where those people are not granted a blue card?

Ms Sellin: Off the top of my head, I do not have any examples of that.

CHAIR: We heard some examples of that from other communities.

Mrs GERBER: I would like to delve into a bit of detail around how community justice groups might be able to operate in order to fulfil the intent of the bill—that is, provide a recommendation to Blue Card around people's eligibility for a blue card. How often does your community justice group meet? How are your community justice group members appointed? Can you talk me through any of the practical ways that your community justice group would be able to be the solution to that problem? There are three questions there.

Ms Sellin: There are a few questions there. The community justice group meets quite regularly—two or three times a week at Mornington Island and also prior to the monthly circuit court. To become a community justice group member you have to meet strict criteria. You have to hold a blue card. You have to be a member of the community and be well respected. There is an age requirement: you have to be over 60 to be appointed to the community justice group. You have to have no criminal record. You have to be an elder of good standing in the community.

Secondly, to answer your question around how we would see the community justice group being involved in the blue card system, I guess there will be criteria set out. The members of the community justice group would meet regularly to assess the applications of people who are applying for blue cards. That is where we would come together and talk about their criminal record, their family, whether they are a citizen of good standing in the community, what they have done in the community, whether they are known to be a drunk or they are a reoffender. That would all be discussed with the community justice group.

Mrs GERBER: That leads me to my next question. One of the risks that has been raised with the committee around utilising community justice groups for this purpose—and I am not saying it is a risk; I am just saying that this is what has been raised with the committee—is that community justice groups might be susceptible to pressure from family members or there may be some conflict of interest. One of the solutions that has been proposed throughout this process is to involve local councils—so elected members within the community that you represent—in the process. I am interested in your view on that. Do you have a view on how any of the perceived risks might be mitigated? What is your view on involving your elected representatives in the process?

Ms Sellin: My view is that to eliminate the risk it would definitely require people from other services on the island. It could be elected councillors; it could be the Queensland police; it could be someone from Mission Australia. That could mitigate the risk on the panel reviewing the decisions. In relation to conflict of interest, oversight could come from me as CEO or somebody else who has the understanding and qualifications sitting on the panel. They could say, 'There is a conflict of interest so you cannot be a part of the decision-making process.' Someone with qualifications could oversee those risks, especially when it comes to conflict of interest.

Ms BOLTON: Nikita, has the community justice group been assisting applicants with references or with appeals processes?

Ms Sellin: Yes. We have had quite a few we have assisted in the last several years. I started back in 2020 and, on behalf of the community justice group, I have assisted a few people with references. We are currently assisting a few people in providing a reference from the community justice group. That is ongoing.

Ms BOLTON: Have they all been successful? Do they all have blue cards now or do you have specific cases that you could provide where they were not successful?

Ms Sellin: With this process they can apply through the PCYC or a school. If they apply through the school and they receive a negative letter that says they have to explain this, they will come and see the community justice group to get us to write a reference letter. That is where we get involved. We provide a reference letter. Apart from that process, there is another form that they need to fill out to give authority to the justice group or me to call on their behalf to find out what is happening in regard to their blue card application.

There are a few cases where I have included my name on the authority form to find out where the application is at. Unfortunately, when it gets to that, people have lost track of the time or they have given up waiting for their application and they are no longer interested in the job. Apart from providing the justice group letter and applying for the authority, we do not follow up. There is no process for us to follow up. It is quite hard for us to find that out. The people on the island move on and look for work elsewhere because the blue card takes too long.

CHAIR: Can you give any examples of the length of time?

Ms Sellin: It takes about six to eight months. I have an example of a fellow in his 30s. I helped him apply for his blue card. Sometimes we put them as volunteers at Junkuri Laka. It takes a whole month or even longer for the negative notice to come through. They either receive it in the post or if I sign the authority they send it to me. It can take up to five or six months to receive the negative notice. The case of the fellow who was in his 30s was two years ago. It took nearly a whole year for him to apply for the blue card and unfortunately he gave up and applied for other work. He is now working on a cattle station.

CHAIR: You said that was about two years ago. I understand Blue Card Services employs an Indigenous representative to come out to the community. Have you ever met that person?

Ms Sellin: Yes, we have. They visited the island last month and they have seen my colleague, Nasa. They met with my work colleague and discussed their next visit to the island. I have not had any other conversations. I will put you on to Nasa to speak to you about meeting with Blue Card Services.

Mr Kuruduadua: We met with the blue card team from Brisbane to discuss certain things like the barriers preventing the people of Mornington Island accessing blue cards. One of the things is generally their criminal record or their police records. I am just talking from the cultural point of view and how Indigenous people react at different stages of life. When we take into account their education and social and environmental factors, most of those incidents could have been avoided but they happened so they end up with a police record. That is one barrier that is preventing most people here from getting a blue card. We discussed with the team what can be done. They said that the community justice group members can provide a supporting letter and a reference to support them with their application. We have been doing that.

Just last week I called back because I needed to refresh that information with the Blue Card Services team, but unfortunately the lady who came to us was not working that day so I was passed to a senior manager who explained to us that, whatever the reason for a negative notice, it is still a negative notice so there is nothing much we can do as a community justice group. I said, 'What can be done?' There should be some kind of cultural consideration when we are talking about Aboriginal and Torres Strait Islander people having access to this kind of work. Something happened that could have been avoided so they have a criminal record. What is the step that we need to take so that these people can still find meaningful employment in the child sector?

CHAIR: Was the visit of the Indigenous liaison officer, for want of a better description, helpful to people on the ground?

Mr Kuruduadua: I received a call just last week that we will have another Indigenous liaison officer visit the island next month and this is what I told her: 'If you are going to come here with the same message as the last team that came in here then it will be no use. But if you are coming here to find some way in which blue cards can be granted to these people then that is a step forward.'

CHAIR: What was the message that they gave you during their last visit? Are you able to tell me that or was it in confidence?

Mr Kuruduadua: They told me what we can do at the community justice group to support these people in applying for their blue card.

CHAIR: For example, did they talk to any of the people in the community who had received a negative notice to help them work through the process?

Mr Kuruduadua: They must have but they did not discuss the details with me.

CHAIR: Do you think it is possible for you or Nikita to be present for some of those interviews as the representative of the community?

Mr Kuruduadua: I think we should be there first of all like a mediator between the parties—it is not that you are trying to resolve a conflict; it is about how information is received when we consider the education level of people on this island and how much they can process that kind of information. I think we should be sitting there during those meetings.

CHAIR: Can you request that, Nikita or Nasa?

Mr Kuruduadua: We will definitely do that.

CHAIR: Nasa, I asked Nikita this question—I hope Nikita does not regard it as disrespectful me asking you the same question: are you aware of anyone who, for example, has appeared in court and had no conviction handed down by the magistrate or judge but who is then not able to get a blue card?

Mr Kuruduadua: Not to my recollection at the moment, but I have helped out someone apply for a blue card who then got a negative notice. I was waiting for the girl to come back so that we could go through some kind of appeal to QCAT or another avenue so she could have a blue card. Unfortunately, as Nikita must have mentioned, she gave up. They do not want to come back.

CHAIR: Is QCAT handled here in Brisbane or in Cairns or somewhere else?

Mr Kuruduadua: I believe it is in Brisbane, yes.

CHAIR: Do you know how many applications you have before QCAT that are outstanding?

Mr Kuruduadua: At the moment, as I have said, most people just walk away when they have a negative notice so our chance of appealing is none because they did not come back and allow us to appeal their case.

CHAIR: Nasa or Nikita, do you have matters before QCAT in relation to appealing blue card decisions?

Mr Kuruduadua: No, none at all.

CHAIR: I should make a declaration. My wife is the president of QCAT. Robbie, do you have a question?

Mr KATTER: I think you had questions before about the extra pressure from community. I will give you the opportunity to respond to the same question I asked those appearing earlier. With the proposed changes, do you think there is more risk to kids if the decisions are made locally within the local justice group rather than in Brisbane?

Mr Kuruduadua: I could not hear that clearly.

CHAIR: Is there an increased risk to children in community if the community justice group are the people making the decision about getting blue card?

Mr Kuruduadua: We do not think it should be. There should not be a risk at all. How we run our program is: we believe in the rehabilitation of people and we hope to continue with their development so that we see a decrease in people with criminal records and we increase accountability for everyone and especially our community justice group.

CHAIR: Jon, do you have a question? I have not given you an opportunity today.

Mr KRAUSE: I think I am covered today by Laura and Amanda, but I am keenly listening in.

Mrs GERBER: I have a question around the decision-making process. The bill proposes that community justice groups make a binding recommendation to the chief executive officer—essentially Blue Card. What I have heard from you today is that you are currently already making recommendations to Blue Card and that is not solving the problem. Do you think a binding recommendation as proposed in the bill will work?

Mr Kuruduadua: We believe it should. We are the people on the ground and these are the leaders of the community and they have their cultural perspective on what is happening to their own people and if there are going to be any repercussions it is our elders who should go after these people to remind them of the responsibility—why they are having a blue card and the responsibility of looking after their children when we consider it from a cultural perspective. We believe it should, yes.

Ms BUSH: Good afternoon. How often do blue card issues come up for you as a community justice group? Would you say you would be dealing with negative notices on a monthly basis? Twice a year? Every week? Roughly how often is it happening for you?

Mr Kuruduadua: Our data at the moment, roughly from what I recollect, within this year we have done about four. Those are the people that got negative notices, but otherwise there are other people who we know of that just got theirs renewed because they have a good standing with the law.

Ms BUSH: Do most people initiate a blue card application only when employment opportunities come up? It takes an organisation to sponsor their application; is that correct?

Mr Kuruduadua: Kind of, and we also have people who would like to apply because they have children under their care.

Ms BUSH: You mentioned Blue Card came up last month and they have made contact to come up against next month. Were they up the month before that? How often would you say they visit?

Mr Kuruduadua: Last year I think was the last time they visited.

Ms BUSH: We have heard from some other communities about some problems around connectivity, access to internet and wi-fi, access to a computer, some people having issues with levels of literature, reading and writing, and the system generally. Can you speak to what you are seeing in your community with regard to that?

Mr Kuruduadua: Yes, definitely. That is the one area most people come to us for help with. They need help with the blue card because they do not have computer literacy skills—even some basic literacy skills and the internet.

Ms BUSH: When you are working with clients who have made an application for a blue card, they have had a proposal to refuse and they come to you for help with providing more contextual information, do you have someone you can reach out to in Blue Card to work that through? Do you have a regular contact?

Mr Kuruduadua: Yes, I do.

Ms BUSH: Do they generally give you advice about the process or do they help you troubleshoot some of the issues?

Mr Kuruduadua: Just troubleshooting would be the best answer for now because mostly they will just tell me, 'Okay, I'll give you the number of my superior to call,' and that is usually where the buck stops. I cannot get past those.

Ms BUSH: I understand. It sounds fairly rigid.

Mr Kuruduadua: Yes.

Mrs GERBER: I want to touch on an issue that I have raised consistently with other communities but we have not touched with your organisation and that is around kinship care. We have heard from other Aboriginal communities and the remote islands, including Palm Island, that kids have been on the cusp of being removed from their kinship care because the blue card system requires all family members to have a blue card in order for that care to continue. We have heard evidence that families have had to make a decision about whether they kick their own kids out or lose the child that they have taken in via kinship care. I want to understand whether your organisation has any comment on that or any experience of that happening around Mornington Island.

Ms Sellin: I can make comments on that. Currently on the island there is Mission Australia. There is a residential care facility where the workers will look after those kids. At the moment I think there are only two young people staying at the residential care facility and that is the only kids who are actually on the island. The families cannot get blue cards due to their criminal record which makes it harder. The department of child safety will remove the kids off the island due to kinship carers not being able to hold or obtain a blue card, which makes it harder for the families, so the kids have to be relocated off the island, in particular to Mount Isa or Brisbane. There are still kids that are off-island currently living in Mount Isa due to the fact that families and kinship carers cannot obtain a blue card.

In relation to that, I guess the department of child safety have their criteria for obtaining a blue card, but one of the issues that affects kinship carers not being able to bring the kids back into their care is the housing issue. On the island you have about 10 to 15 people living in one household; some are over the age of 18. Well, everyone in the household must obtain a blue card, which makes it really hard because the majority of the people on the island have criminal records and convictions. One household will have about 10 adults staying in the house and the kids cannot come back because one of them cannot get a blue card.

Unfortunately, we have just had some sad news this morning that a 15-year-old girl who was removed off the island because families could not care for her due to the blue card situation—they moved her to Mount Isa and unfortunately she committed suicide last night. That is really devastating to the family members on Mornington Island. I had one of the old fellas in the office this morning who was quite upset. His name is Roger Kelly and he was one of our previous community justice group members. He was saying this morning, 'Why did they remove her off the island? She should have been in the care of families. There are so many families on the island who could have looked after her.' That is a clear example of where families cannot get blue cards and send the kids off the island who then are traumatised—removed from their culture, removed from their families, a big cultural shock living on mainland—and they cannot face the cultural shock and the reality of living off the island. Unfortunately this girl—I do not understand why, but that is an example—committed suicide when she should have been back on the island with family.

Mrs GERBER: I am so sorry, Nikita. That is awful.

Ms Sellin: Yes.

Ms BUSH: We are not here to discuss the child protection system, but tell me how it works there. You have police on the island; is that correct?

Ms Sellin: Yes, we do. They do not work 24 hours; they just work the normal hours.

Ms BUSH: You would not have a child safety office there?

Ms Sellin: No, we currently do not. There are a lot of FIFO services that come to the island and Child Safety is one of them. They fly in and off the island most regularly. They do come to the island. It is a FIFO. They come for two days and they are off again for three.

Ms BUSH: Speaking frankly, if people know there is a child who maybe is not going so well at home, people can make informal arrangements to move that child into the care of someone else. I am interested then: at what point does it come to the notice of Child Safety? When does Child Safety become aware of these cases? Are people reporting them? What is happening there?

Ms Sellin: I guess the mandatory report is at school, the health clinic. Because we do not do a lot on the island or with families, I cannot really comment on that, but I do know that there are people in the community who do report the families to the department of child safety if they believe that the kids are not well looked after. A lot of times a lot of the families do not actually call Child Safety; they take the kids in and look after them themselves without advising Child Safety.

Ms BUSH: Mandatory reporting is probably what is driving some of the referrals in to Child Safety?

Ms Sellin: That is correct.

CHAIR: Thank you for giving your evidence today. That brings to a conclusion this part of the hearing. I extend the committee's sympathy to the family of the young lady.

Ms Sellin: Thank you very much.

PAGE, Mr Calvin, Private capacity (via teleconference)

CHAIR: Good afternoon. Calvin, would you like to make an opening statement of about five minutes? Then committee members will have some questions for you. This session is due to conclude at about 12.30. You have the floor, Calvin.

Mr Page: Thank you. My name is Calvin Page. I was born and raised in the Isa. I am living up in the Gulf of Carpentaria—Doomadgee—at the moment. Talking about the blue card situation here, I will cut things short. I had to go to court a couple of years ago about my blue card because I was working at the school. I did not agree to community service—I was actually a coordinator foreman on the Bourke Shire Council—because I was working outside of town, so the magistrate entered a criminal conviction against my name. It sort of cut back my work at the school with the kids because I was a teacher aide at Doomadgee State School. It has been going on four years now but there is still no response to my blue card. It should have been two years that I can reapply for it, but every time I reapply for it down in Brisbane they say, 'You've got to wait until next year.' The person I was dealing with was John. I forgot his last name. John came up and did a big statement with me, did up a report and everything. Then, to make the case longer he left Doomadgee, went back to Brisbane on two weeks leave, and did not pass my report on, so I had to wait another month before my report was seen again.

CHAIR: Calvin, do you mind if I just interrupt? Can I just understand the sequence of events that happened to you? You were working.

Mr Page: Yes, at the time I was working at Doomadgee State School as a teacher aide.

CHAIR: Did you get a negative notice?

Mr Page: I still had my blue card. Then the principal at the time said, 'Look, your card is up for renewal. We'll renew it for you.' Then a negative notice came back saying, 'He's got a criminal conviction. We can't give his blue card back.'

CHAIR: Some of these next questions are a bit personal, and if you cannot answer them or do not want to answer them I respect that. Did you go to court after you got your first blue card?

Mr Page: I already had my blue card. My blue card was still current. When I went to court I was living in Burketown at the time. I left Burketown and come out to Doomadgee to live. I was at the school for about three months. The principal knew that my blue card was about to expire and they were going to renew it, and when they did it they put a negative notice against me.

CHAIR: Calvin, without delving into the actual offence, what was the penalty that the magistrate imposed?

Mr Page: The penalty was if I could agree on doing community service. I could not agree on doing community service because I was out of town all the time. I was doing 10 and four or five and two, so I was always on the road.

CHAIR: Was a conviction recorded, Calvin?

Mr Page: Yes. Because I did not agree on the community service they put a conviction against me and a fine.

CHAIR: That was nearly four years ago?

Mr Page: Yes, 3½—nearly four.

CHAIR: Have you appealed that decision?

Mr Page: Yes, I have appealed plenty of times. I have sent all of the reports I have received back through to Robbie Katter to see if he can have a look at it. They were telling him that if they deemed it could be appealed again I would have to go to court and then they could send me to prison.

CHAIR: Is this appealing the original conviction?

Mr Page: Yes.

CHAIR: Have you gone to QCAT for them to review the negative notice?

Mr Page: He went right up. Robbie Katter put through to the minister and everyone to see why it is so wrong.

CHAIR: Calvin, do you know what I mean when I say QCAT?

Mr Page: No, not quite.

CHAIR: It is a court where you can go to appeal the blue card decision. From the sounds of it, you have not done that. This is not a criticism.

Mr Page: Yes.

CHAIR: You have never been to QCAT?

Mr Page: No.

CHAIR: That is okay. I am just trying to get the time line. If you could get your blue card sorted out, would you be able to go back and work as the teacher aide, or is that job gone?

Mr Page: Yes, I could go back to the school. But even now for 90 per cent of the jobs up in community you need to have a blue card.

CHAIR: Yes, I appreciate that. I was wondering whether the job was still available to you.

Mr Page: Yes, the position is always going to be there. The school is always screaming for teacher aides or assistance with the kids.

CHAIR: Calvin, who gave you the advice that if you appealed the decision they would send you to jail?

Mr Page: The blue card.

CHAIR: The blue card people?

Mr Page: Yes, they sent me a letter and an email. I have sent it all through to Robbie Katter.

CHAIR: It looks like Robbie and I need to have a chat. That is all right: he still talks to me. I am sorry, Calvin, I have been hogging the show. I will hand over to Laura.

Mrs GERBER: I am happy to hand over to Robbie for a question.

Mr KATTER: I think it would be enlightening, Calvin, if you told the committee what sort of impact that has had on your psychological wellbeing—

Mr Page: I am sorry, Robbie, I cannot hear you.

CHAIR: He is a bit far away, but we can repeat the question.

Mrs GERBER: Robbie's question, Calvin, was: it would be helpful for the committee if you told us what sort of an impact that has on your psyche and your wellbeing. Is that about right, Robbie?

Mr KATTER: Yes.

Mr Page: It was a big impact because it put me out of a job and it took me eight months to get a job. I went and worked on the Doomadgee Aboriginal shire council and I only had a 12-month contract there because I was in the workshop. Then I applied at the Doomadgee Hospital, and because of the criminal conviction it took me 12 months to get here because I had to write to the board in Mount Isa to HR and pretty much explain to them, 'I won't do it again. It was just the wrong thing I done and pretty much my life's changed.' To write something up like that sort of made me feel like I was a real criminal, trying to explain to someone that I have never been in trouble by the law. Everyone makes mistakes, but it is like I have been to prison. I have never been to prison in my life. To try and explain to someone that I have never been to prison sort of made me feel well out of my pace. Like, why am I writing something up like this when I have never been to prison?

Mr KATTER: Can you give us your thoughts when you see other people impacted by the same thing, and do you think applying earlier is going to make any difference?

CHAIR: Did you pick that up, Calvin?

Mr Page: No. A little bit.

Mrs GERBER: I will repeat it, Calvin. I have written it down. Could you give your observations of what you see other people are affected by when they are impacted by this, and do you think applying for it early would make any difference?

Mr Page: Yes, it does impact a lot of people, but it does not matter if you apply for it early or later. The motion of going through the criminal history checks: you still have to wait 28 days, up to six months, before you even get a notice back now. The system has changed. Now they say, 'We'll send you an email to say you have it or you don't have it.' Not a lot of people have access to email. It makes it hard out here. If people are sitting back for six or seven months waiting for a letter when they could have worked six months ago or an email saying, 'Yes, you've got this number. This is your card number. Can you start work?' it does affect everyone because not everyone is up-to-date with technology.

CHAIR: Thank you, Calvin. Jonty, do you have any questions?

Ms BUSH: No, I do not. What we have heard has helped to confirm a few things, so thank you, Calvin. I am sorry that you have gone through that. Thanks for sharing something with us that would be very deeply personal.

Mr Page: It does make it hard for a lot of people who want to change. Everyone makes mistakes in their life growing up, coming up as a young man or whatever, but everyone deserves a second chance. I think where it hurts the most is because in a small community 99 per cent of the time you need a blue card and 100 per cent of the time you need a car licence. The conviction took my blue card away from me, and if I get a fine and I do not pay the fine—100 per cent of the time if you cannot pay the fine SPER takes your licence or suspends your licence. Where AM I going to get the money from to pay my fine? It makes it really hard.

CHAIR: Sandy, I will hand over to you.

Ms BOLTON: I just want to say thank you to Calvin. It has been invaluable to have a whole story. It is also invaluable that Robbie has it.

CHAIR: Calvin, thank you for your contribution. It has been very helpful to the committee. I hope your luck changes soon.

GARVIE, Mr Grant, Recovery Mission (via videoconference)

CHAIR: Welcome. Grant, I invite you to make an opening statement if you wish and then there will be questions from the committee. If you do not want to make an opening statement, we can go straight to questions. We will give you the opportunity to set out what your experience has been.

Mr Garvie: That is fine. I would like to make an opening statement, thank you. Firstly, I would like to thank the committee for the opportunity to be here today. My name is Grant Garvie and I run a community organisation in Townsville called Recovery Mission. Recovery Mission deals with supporting, mentoring and advocating for people with substance abuse issues as well as their families. We hope to empower people to make a better life for themselves.

First and foremost, Recovery Mission believes that the safety of children should be paramount. We also think there is a definite way forward for this nation's First Peoples and any legislation should support this. In discussions with Indigenous associates, I have heard many issues related to kinship care and the blue card system.

I support giving community justice groups or advocacy groups such as ours input into issuing blue cards or working with children checks to applicants per the proposed amendment to the legislation—for example, those in remote communities and those with low-level criminal convictions. Not only has the current working with children check system been shown to be detrimental to many First Nations people; it has also caused anyone with a criminal history applying for a blue card to be severely marginalised. These are people trying to get their lives back together and become contributing members of society. Purposeful employment has been shown to reduce recidivist behaviour greatly.

In the last 10 months I have been interviewing people regarding their experiences with applying for blue cards and I have heard numerous stories about the struggles of people with even low-level criminal convictions. They have no convictions for offences other than those that the Working with Children (Risk Management and Screening) Act 2000 deems to be serious offences. On this basis they have received a negative notice. They then face a wait of nearly two years for a verdict on their appeal for review. Therein lies the first issue with the working with children system. Most people then find the job they have applied for will no longer be available.

Two members of our group, Recovery Mission, have been unable to even complete their studies for employment in education and nursing because they need a blue card for placement. They were enrolled in a Certificate III in Educational Support and a Diploma of Nursing. Neither of these women have been convicted of serious charges—theft in one case and the other had two counts of possession of dangerous drugs with no conviction recorded. Under the system in effect before the 2017-18 amendments to the act, both would have been able to possess a provisional blue card while the executive of Blue Card Services made a decision on their applications.

People without serious charges can still be issued with a probationary card which could be retracted if any reoffending occurred. This would mean people with criminal history or those applying for kinship care but with no charges relating to children or crimes such as murder could gain purposeful employment pending the chief executive's decision. Serious offences are listed in section 15 of the act.

Ideally, alongside any probationary approval, there should be a framework to work towards to shift the burden of proof away from spent criminal convictions and onto the path of proving that the applicant deserved to keep their blue card. The average wait for a review of an application for someone with a criminal record is nearly two years. I would challenge anyone who does not agree that it is in the best interests of children for someone who spends that amount of time working at improving their suitability whilst also having zero criminal convictions to possess a blue card.

Overall the no-card no-job amendments stop people with lived experience from working alongside people with drug dependencies, alcoholism sufferers and their families as well as in other industries with shortages such as nursing, care work and child care. Alongside these serious issues, the system poses definite roadblocks to First Nations people regarding kinship care.

Lastly, I would like to refer to a couple of stories that have stood out in interviews with people over the last 10 months.

CHAIR: I am sorry to interrupt. Can the committee please indicate whether members are still on the screen for quorum purposes? Thank you, Sandy. Sorry, Grant. The committee needs a quorum and a couple of the guys had dropped off the screen. I am sorry to interrupt.

Mr Garvie: No worries at all. We live in a COVID world so telecommunications need to be the way they are and there are always issues.

I have spoken to a couple of who have kinship care of a relative. This couple had their son and daughter-in-law ask to live with them because we are experiencing a housing crisis in Queensland and they were facing homelessness. Because of the kinship care situation, both the son and daughter-in-law
Brisbane

law were required to get blue cards. The son was unable to because of a spent criminal conviction from years ago. This meant that the family with kinship care faced a choice between continuing kinship care or helping their children avoid homelessness.

The second story is of a young woman who had previously held a blue card but was issued with a negative notice because of a charge of possession, which is fair because it is legislated for that to happen—criminal charges. A negative notice is issued if someone is charged with an offence whilst holding a blue card. She was then able to reapply after the negative notice period of two years. She then had to wait another two years for the chief executive to make a decision. The decision was made to issue another negative notice. Part of the issue lies in the considerable work that was done by the young woman to prove that she was suitable to hold a blue card and yet her offending was deemed to be an exceptional case by the chief executive.

I will quote directly from Blue Card Services judgements—

The Act does not define *exceptional case*. Whether a case is *exceptional* is a matter of discretion, to be determined by looking at the circumstances of each individual case, and having regard to the legislative intention of the Act.

What constitutes an *exceptional case* is a question of fact and degree.

In assessing whether a case is exceptional, the chief executive must have regard to factors required to be considered under the act. Possession of, in this case, 0.2 of a gram of a class A substance was deemed to be exceptional. I would highly disagree. The ACT is looking at decriminalising 7.5 times that amount as a useable amount of drugs. There needs to be a concrete definition of 'exceptional case' in the act because, as it stands, too much hinges on the discretion of the chief executive; their power to make a judgement call is so great and the bounds of 'exceptional case' far too broad. Thank you for hearing me this morning.

CHAIR: Grant, I know you have been reading from a document. Is it possible—

Mr Garvie: I am sorry.

CHAIR: It is not a criticism. Is it possible for you to email that document to the secretariat?

Mr Garvie: Absolutely.

CHAIR: There is one formal thing I need to do. Does the committee accept the document that Grant was reading from to be submitted to the committee? The mover is Jonty. All those in favour? It is carried. You have the email address of the secretariat?

Mr Garvie: I do.

CHAIR: Deputy Chair, do you have a question for Grant?

Mrs GERBER: Thank you, Grant. That was really informative. I think it touched on an issue that we have not really touched on in relation to serious offences and Blue Card Services' ability to make decisions. One of the solutions this bill proposes is to empower local communities with that decision through using community justice groups to make a binding recommendation to the chief executive around who is suitable or not for a blue card only in relation to serious offences—so disqualifying offences are completely carved off. I am interested in your view on that. How do you see that working? Do you see that as a solution? Can you speak to any checks and balances you would like to see in place to ensure that process works in the way it might be intended in the bill?

Mr Garvie: There are two considerations with regard to that. The first would be that any extra level of bureaucracy is always going to take up an extra amount of time. Due to the fact that decisions regarding anyone with charges are taking up to two years to get a response, I would question at what point the community organisation step in? Are Blue Card Services still going through the process of making a decision and then a community organisation steps in? If so, you are looking at a period of two years before a community organisation can step in. Most decisions can then be disputed and taken to QCAT, the Queensland court of arbitration. The process with that takes approximately three months.

I would be curious to see what a community organisation would be able to provide outside of what QCAT can provide anyway. If the process is that you make your application and then Blue Card Services makes a decision, you are still taking two years and you may be cutting off six months at the end. Alternatively, if it was a case that the community organisation makes a decision as soon as you make an application and they get the response—what happens at the moment is you will make an application with Blue Card Services. Somebody who has a criminal conviction gets a response within 21 days. From the end of that 21-day period they have 14 days to get back the reasons they should get a blue card. This is if they have any convictions other than serious offences. If that is the point where a community organisation steps in, great. If it is at the end of the period when Blue Card make their decision, I feel it is still too much time.

Mrs GERBER: My reading of the bill—and Robbie has Zoomed in, so he can obviously have some input as well—is that the binding nomination would be made by community at the time of the application and it is binding on the chief executive in relation to that decision-making process. That is one solution by which the bill is proposing to expedite that time and empower local communities with that decision-making process. One of the risks that has been identified to the committee is around those community justice groups or community organisations having a conflict of interest or being susceptible to family pressure. I am interested in your views as to how you perceive that might be mitigated.

Mr Garvie: You are always going to have some issue. At the moment you have the issue with the chief executive at Blue Card Services being able to make a line judgement on charges. In that there is the same question: do we give community groups as much power? I think the way forward in that instance is the same as if they were issued with a probationary card. Give people a framework to work towards. You have had charges and so a community group steps in and advocates for you. However, on the back of that there are checks and balances because you do courses with regard to taking care of children; you do courses with regard to having what is called scope. Anybody with scope is proved to not be as likely to reoffend. I think, 'Great. We are saving a lot of time. We're having somebody advocate for us,' but there need to be checks and balances on the end of that as well, if that makes any sense.

Mrs GERBER: It does. Thank you. It is very helpful.

Mr KRAUSE: Thank you for your submission. You spoke about an issue where there was a kinship care scenario where a couple were being asked to look after—was it a grandchild?

Mr Garvie: Yes.

Mr KRAUSE: They also wanted to have their son and daughter-in-law move in due to not being able to find a house. What was the disqualifying factor there? I missed that bit.

Mr Garvie: The disqualifying factor was the son. Anybody living in that house has to have a blue card because kinship care is part of the system. It is like an adoption system, which is great and fantastic. However, because the young gentleman had a spent criminal conviction—and I cannot remember exactly what it was, but I am going to say that it was a light conviction—he was not able to get a blue card. Even if he was able to get a blue card eventually—

Mr KRAUSE: Was it a drug conviction or something like that?

Mr Garvie: No, not a drug conviction. The ones that I found particularly that have affected our First Nations people are a lot to do with alcohol convictions. There were a couple of gentlemen who went across to Palm Island, which is a dry community. They went in a car on the ferry and they had a carton of light beer each, which is fine. However, when they got off the ferry the police charged them and said, 'It's only one carton per car.' It is one carton per person, but they did not know that you could dispute that. They have one charge each and one of those gentlemen tried to enact kinship care with the relative and was not able to.

Mr KRAUSE: It is not much good if it takes two years to resolve the uncertainty.

Mr Garvie: That is exactly right—absolutely.

Mr KRAUSE: Thank you for clarifying.

Ms BOLTON: Grant, what you have been sharing with us has been absolutely fantastic. Going back to you where you said you spoke to a lot of people in that 10-month period, do you have any idea what proportion were actually refused a card based on a serious offence versus that they just could not wait any longer and gave up because it was taking so long?

Mr Garvie: That is a great question, Sandy. I should have put this in my statement. I had one person who applied and had to dispute their matter. Out of the 80 or so that I interviewed, only one person got a blue card in the end of all that. Everybody else was issued with a negative notice—every single person. That one person who was able to get through had crimes for theft and theft at work, which are trust crimes. In general, trust crimes are viewed as being particularly bad because you are in a position of trust and you dispute that. Blue Card Services were able to deem that somebody who had committed trust crimes—they had taken advantage of somebody where they had a position of trust, be that a fiduciary relationship or any other—was acceptable to go and get a blue card, whereas everybody else who had numerous charges was unacceptable. None that I interviewed pulled out, unless it was at the end when they received a negative notice.

Ms BOLTON: Do you know of those how many may have appealed that negative notice and were successful or not successful?

Mr Garvie: It seems that that is where people fall off in the process. The issue for people is that you have to appear at QCAT yourself most of the time—Queensland Civil and Administrative Tribunal. For people that is a terrifying proposition. For the ones that I have seen, I think six or seven went through the process of QCAT and one of them was allowed to get a blue card. However, that was before the no-card no-work policy came in. It seems that QCAT have tightened even the bonds of that after the no-card no-work.

Ms BOLTON: For anyone you have spoken to, who has been helping them either in the process to submit an application or in the appeals? Is there an organisation or do you give that assistance?

Mr Garvie: That is part of what we do. I have a couple of matters going before QCAT in the next few months. Even then, that has only been on the back of doing these investigations that I have been able to find a space or find the ability to advocate for people. Other than that, the only person that I know who has done any sort of advocacy is Sisters Inside. I know that Sisters Inside particularly employed somebody to help women through this process.

Ms BUSH: I am struggling to find a digital footprint for Recovery Mission. Is that the name of the organisation or are you under the auspices of something I cannot find?

Mr Garvie: It is, yes.

Ms BUSH: So it is Recovery Mission. Do you have a website or something? I cannot find anything for you personally or for the organisation.

Mr Garvie: We have a Facebook group, if that helps. Anonymity is a principle of any sort of recovery organisation.

Ms BUSH: Thank you. Is it alcohol and other drugs that you deal with?

Mr Garvie: We deal mostly with advocacy. Most of what we do is personal connection with people who are recovering, so we—

Ms BUSH: Recovering from what, sorry?

Mr Garvie: Sorry, I said that in my statement. That was people recovering from drug and alcohol addiction—substance abuse.

Ms BUSH: ATOD, thank you. Sorry, I missed that. How big an issue is possession when it comes to blue cards, particularly for women?

Mr Garvie: I cannot be exact, but I will say that it makes up over 80 per cent of the matters—possession, particularly. When I spoke to Shannon Fentiman—and this was in a personal conversation with her—I mentioned a lady who had two. The person I was talking about who had conviction for possession had no conviction recorded. The court deemed that it was not necessary information for any employer to have, and Shannon said, 'Look, this should not be attached to drugs charges.' Obviously that was a personal suggestion that she made, so that is not something that I will quote as gospel.

Ms BUSH: Even the minor schedules, possession is an issue for Blue Card?

Mr Garvie: Definitely, absolutely—possession of anything, and any sort of alcohol convictions.

CHAIR: That brings to a conclusion this part of the hearing. Thank you, Grant, for your attendance and thank you for reaching out. I apologise for taking so long to connect. Can you please remember to send your written submission over to the secretariat when you get an opportunity this afternoon?

Mr Garvie: Definitely, and I would love the opportunity, if there is one, to connect with the members of the committee with regard to a lot of other matters that I have heard from people who have had spent convictions.

Ms BUSH: Thank you.

CHAIR: Thank you, Grant. Thank you, Hansard. Thank you to the secretariat. This concludes the hearing. Thank you to everyone who has participated today and all those who helped organise this hearing. A transcript of these proceedings will be available on the committee's webpage in due course. I declare the public hearing closed.

The committee adjourned at 12.51 pm.