



LEGAL AFFAIRS AND SAFETY COMMITTEE

Members present:

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

Staff present:

Ms R Easten—Committee Secretary
Ms M Telford—Assistant Committee Secretary

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

TRANSCRIPT OF PROCEEDINGS

MONDAY, 25 OCTOBER 2021

Brisbane

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The committee met at 8.59 am.

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

CHAIR: Good morning. I now declare open the public briefing for the Legal Affairs and Safety Committee's inquiry into the Working with Children (Indigenous Communities) Amendment Bill 2021. 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.

My name is Peter Russo, the member for Toohey and chair of the committee. On behalf of the committee, I welcome Mr Robbie Katter MP, the member for Traeger, who will be briefing us this morning on the bill. Robbie, you know everyone here. These proceedings are similar to parliament and subject to the Legislative Assembly's standing rules and orders. In this regard, under the standing orders the public may be excluded from the hearing at the discretion of the committee. Only the committee members and Mr Katter may participate in the proceedings. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Any media present are subject to my direction at all times. Persons in the room may be filmed or photographed by media and images may appear on the parliament's website or social media pages. Robbie, I invite you to make an opening statement, after which committee members will have some questions for you.

Mr Katter: Can you just refresh my memory: is it five minutes for an opening statement?

CHAIR: Yes, but we are pretty flexible, Robbie. We have until 9.30.

Mr Katter: Yes, so I will try not to drag on too much. Thank you very much, Mr Chair and committee, for the opportunity to address you on this bill. This is the third time I have brought this to the parliament and I consider it that important to the advancement of First Australians, with a particular focus on those in my electorate. With the issue of blue cards the focus is always on the safety of children, as it should be, and I understand that. However, the focus also needs to remain on providing dignity in work and hope for these people—that is, having dignity in work.

I want to start with this, and I think this gives a good picture of where I am coming from. My wife recently commented to me about Dr Marjad Page. He is one of the lead figures—I forget the exact title—in the hospital in Mount Isa, an Indigenous bloke born and raised in Mount Isa. We were looking through his family and Ron Page is a good mate of my dad's and he worked his way up in Cloncurry in Main Roads to being the supervisor of a crew. That may have played a strong role in the development of Dr Marjad Page, who is a rural medical doctor and one of the lead figures in the hospital in Mount Isa, on the board of Gidgee and a number of roles—a very impressive fellow. That tells the story of where we want to be—that is, the grandfather has had the dignity of work all his life and raised a good, stable family from that, but that is the opposite direction of where we are heading in a lot of these communities now. People are denied that dignity in work and it is having some terrible outcomes on youth crime in our communities.

I would add at this point in the early part of this presentation that a lot of people come to my office and say, 'What are you doing about youth crime?' I say, 'I'm working on blue cards.' My view would be that the biggest reason the kids are out on the street is because they do not have a stable family life. If you go back and revisit the home, why is the problem there? You have chronic alcoholism and substance abuse. I would argue that one of the greatest contributors to that is the lack of access to work or the lack of meaningful work. If you track that back, particularly into the communities, one of the big barriers—you can talk to any agency, whether it be the council, the hospital, Queensland education—is blue cards.

I am sure throughout the course of debate on this bill you will hear a lot of people say, 'We've done this and this and this to try and improve accessibility to the blue card,' and I think we all remain highly cognisant of the value of having some checks in place to restricting access of people to kids. The burning question for me here is: what is the inadvertent damage of being overcautious and overreaching based on that principle of keeping the child safe? It is akin to the aviation industry where

generally aviation is dying a slow, choking death because everyone says that safety is paramount. You have to think to yourself that that has been very successful in grounding a lot of planes and pilots and aviation mechanics now that the whole industry is just collapsing because of an overreach with safety. They are great virtues to have, but what is the point of these if they are inadvertently creating so much damage?

My point there is if mum and dad are denied that access to work, the alcoholism and substance abuse is so closely linked to the unsafe conditions for the child. If you are enhancing the alcohol abuse and the substance abuse and that violence in the home, you are making the child more unsafe. How do we address that? I think it is by going back to the blue card system and saying, 'Let's not throw the baby out with the bathwater. Let's leave the primary intent in place,' in that those disqualifying offences are left untouched—we are not going to debate those—but for those non-disqualifying offences let us take those decisions back to the community.

I have had direct discussions with the people making those decisions before in the blue card system and said, 'You don't know the person personally and you're making a decision on someone who lives 2,000 kilometres away in a remote community of whether they can go back and work on the hospital site for QBAS,' because most QBAS builders in Doomadgee all have to work on the school and the hospital and you cannot get a job in QBAS unless you have a blue card. I do not think anyone in this room could conceive of a job in Doomadgee that does not require a blue card, because you inevitably end up working on the hospital site or the school site for most of the activities or on the child-care facilities. If you cannot get access to that card, you cannot get a job and there is very limited private business. There is a roadhouse in Doomadgee and a bakery. They are the other two operational entities that I am aware of in town where you might score a job. That alone underscores—and I am not just talking about Doomadgee—the snapshot of approvals. People who identify as Aboriginal and Torres Strait Islander account for five per cent of total blue card applicants but make up 22 per cent of rejected applicants. I think that is even a really skinny number because once word travels around Doomadgee that someone could not get their blue card people stop applying. They will know that uncle or cousin could not get it, so what is the point of them even going for a job now because they cannot get it without a blue card?

If you all travel out to Doomadgee tomorrow and ask what their problems are there, they do not say, 'Blue cards are a big problem,' but if you mention blue cards they say, 'Yes, I couldn't get that.' Watch how many people come out of the woodwork saying, 'Yes, I applied for that but I couldn't get it.' I could labour you with story after story—frustrating stories—of people coming to my office. I will give you another quick one. In Normanton last year a young bloke had a job at the Christian school as a yardsman. The mayor rang me up and said, 'Can you please help me? They've had to stand this guy down because he can't get his blue card.' I rang the minister's office. They were very helpful. We tried to push things along to get this guy processed, even just to get a decision. After a number of discussions with the minister's office, the school and back and forth with the mayor, it took well over six months to get a response back. It ended up being positive, but the guy had since lost his job and went back to unemployment in Normanton, and I guess the cycle continues. That is a tragic example of story after story, and I can load them up as an outcome of the blue card, and we ask, 'How many kids has it saved?'

An interesting thing that we need to reflect on, working off the Bravehearts data, is that something like 85 per cent of the abuse of children is happening by people in the home or neighbours, friends, relatives. They are terrible statistics and terrible things to reflect on, but that leaves you with the 15 per cent left over that could be exposed to children through institutions such as schools and hospitals where the blue card does nothing because 85 per cent of it is getting done in other places, so you are putting in all of this effort and you are closing off all of these options to people in terms of employment. A lot of times the biggest issue in Mornington Island was the home-brew offences. Home-brew offences by far and away were the biggest thing clogging up the courts, and ironically that is one of the criticisms that is made at this legislation change that I have been proposing—that is, you cannot have two rules in Queensland. We already do, and that is the irony. The alcohol management plans are two sets of rules that you have that impose most of these offences in Mornington Island.

Everyone in the public and media think that this is about allowing paedophiles access to kids. Most of it is assault charges, home-brew offences, traffic fines or someone swatted a police officer 10 years ago. There are these offences that do not relate to kids at all, but it is denying them access to work. There is no allowance then in the system—which is what we want to address—for people who reform and demonstrate that they have. I have followed cases through with regard to people getting their blue card where they say that they had to present to a psychologist but they did not attend and try to get any help. That is a bit of a joke really. In Doomadgee you have a visiting psychologist every Brisbane

quarter and you are supposed to book in and turn up and come in from out bush to attend that hearing to reform yourself to demonstrate that then you are eligible for work. Some of these conditions may be good if you are in Brisbane where you have access to these services but are just completely unrealistic out in these communities.

Even if there are behavioural improvements within their community and that is demonstrated and picked up by groups in the community, that is not really going to get picked up in the forms that get handed in and assessed by someone here in Brisbane who is going to tick off whether or not this person can have access to work. We aim to address that. What the bill seeks to achieve is to have the decision-making turned over to the local justice groups if there is going to be a negative notice given in terms of a blue card, so long as there are no disqualifying offences. It gets handed back to the local justice group in that community and it then becomes a conditional card that only allows them to operate in that community where they are approved by the local justice group.

We picked the local justice group. This originally came as an idea from Mornington Island. They had a good, functional local justice group. As I understand, it still is. I accept that some communities do not have those operating, but they already perform functions similar to this in that they liaise with court magistrates and have quasi-roles in effecting decision-making in the community that they are in, so it is not that big a reach or big a step. I acknowledge that this does put pressure on the communities. I think that is a fair criticism to make. It could also be viewed as a paternalistic type attitude, because if they are not prepared to make decisions in the best interests of their kids they had better step up and learn how to at some point, and that is part of any leaders in a community maturing.

Yes, I accept that that is a threat, but it is our recommendation that the decision should be made in consultation with the local police and magistrate. That in some way is a bit of a safety valve for when dealing with different families in communities, but that is part and parcel of any leadership group in a community such as the local justice group in terms of what they have to deal with. As I said, they already deal with those sorts of problems and issues now. The bill seeks to address access to meaningful work for people in those communities, and that I think is a huge gap and a huge contributor to a lot of these social problems coming out of these communities at the moment. With regard to the evidence that I have in terms of interactions and inquiries about the blue card system, it is very emotional for me because there are people pleading for a way out of the lifestyle that they are trying to break out of and it is society saying, 'We don't think you're good enough.' That is pretty tough to hear when you know that people are trying to turn their lives around.

I acknowledge at the same time there is a huge public perception that this lowers the bar or somehow makes things unsafe for the kids. I do not believe it does. I believe this puts autonomy back into the hands of those people closest to the kids. Most of these communities, you will find, do not have a population over 2,000 or 3,000 people. If you have lived in a small community, you know that everyone knows just about everything about everyone. Unfortunately, some people do already know who the predators are and what the risks are in the community, or you might say fortunately in the case of this legislation because that, in some way, can make this legislation stronger than the current system we have because if local justice groups know better, then you want them making decisions around who are the real risks in that community. It might be that they will follow through, or accept a lot of decisions made down here with the blue card that that person should not get it.

To finish off, Mr Chair, I believe there is not a strong, but a very strong need for this. We have tipped the scales far too much in the name of safety to create unintended consequences that I would argue have made things less safe in the home through increased violence, alcohol and substance abuse because of lack of access to work through these blue cards, and this bill seeks to change that. I am happy to take any questions on that.

Mrs GERBER: You spoke about how you do not think this bill lowers the bar for safety reasons. Can you just talk us through some of the safeguards that are under the new proposed framework that ensure children would not be at risk?

Mr Katter: I can do that by taking you through a working example. If there was someone who came back through the local justice group, where there was not necessarily some things flagged with the people ticking it off in Brisbane but the local justice group knew—I hope I do a reasonable job explaining this—it is only going to get referred to them if it was going to be a negative notice. Granted they were going to give it a negative notice in the first place, but there are ways where, if it goes back to the local justice group, they would say, 'Well, with this guy, we are definitely going to make sure there is no chance of appeal.' They sever any chance they have if they cannot even get the conditional blue card in the community. That can enhance the security of it that way in that if it goes back and there are things that are unknown that are not on the record but which are locally known about that person, there is a good likelihood of severing any chance of them getting it in the future. I think it works that way.

What I am talking about there is the inadvertent consequences of denying people access to work that creates this greater tranche of unemployed people who are frustrated, angry and do more harm to the kids because of that effect than they would otherwise if they have a blue card. I am probably reiterating things, but I do not see when it is acknowledged that 85 per cent of that damage is done through relationships outside of the school or the hospital or those institutional things, I am not sure it is that great a compromise on safety that waving around a blue card—

Mrs GERBER: But you are only talking about that statistic in relation to sexual assault or sexual damage?

Mr Katter: Yes.

Mrs GERBER: In terms of any other risk that children might be at in relation to—

Mr Katter: Well, I think that is a stronger argument from me because if you can reduce alcoholism and substance abuse, you are going to reduce risks. Yes, I was really referring to sexual predation. It is a pretty strong argument that you are going to reduce risk if you are creating access to meaningful work. Go and talk to Mislam, the Mayor of Palm Island, or go and talk to Doomadgee. I should have added before that Wayne Butcher, Col Yanner, Jason Ned—all of Doomadgee Shire Council—I am pretty sure they all had issues with getting their blue card. They are mayors of these communities. By virtue of mayors, they are more upstanding people in the community. Countless councillors and mayors have trouble, so if they are having trouble, what hope have you got of trying to employ someone and get them into the school or get them into ATODS, working with the disadvantage, working with QBAS? It is a hopeless situation, I would argue at the moment, with where it is.

Ms BUSH: Following on from the member's question, and it has been a while since I looked at the current blue card, but it appears that some of the issues that you have are in the scale of the disqualifying offences being they are not always about children's safety, they might be about broader issues that could be dealt with in another way.

Mr Katter: Yes.

Ms BUSH: With regard to the length of time, is it your statement that the charge and prosecution may have been 10 years ago, but it is still affecting the current disqualification? Have I heard you right?

Mr Katter: Good point. Yes, to confirm, they sit there forever. I have heard reference to 10, 20 years. I had a young, non-Indigenous bloke in Mount Isa who was about to take kids away on a footy trip and said, 'I was in a fight 15 years ago. I had forgotten it even happened,' and it disqualified him from taking the kids away for footy when we are desperate for volunteers. It seems to sit there forever. Unfortunately those communities are riddled with violence. Everyone says, 'Well, it should be the same rule for everyone.' That is not really a mature way to address the problem because it sounds good on paper and makes people feel good about themselves here, but it is doing more harm than good, I would argue, up there.

Ms BUSH: Under your proposals, would you still have some disqualifying offences, which again goes to the member's question, that it would simply not be considered by the community justice groups?

Mr Katter: Precisely. We are not touching disqualifying events; they remain as they are. If you wanted to have a go at me, a criticism I would make is that these do allow people who are trafficking in drugs, dangerous drugs, stealing, violence, burglary to remain outside of disqualifying offences. That might make people's skin crawl, but that is what you are talking about here: those people could have committed those offences and be eligible for a blue card under this.

Ms BUSH: I am interested in knowing how much you have worked with the community justice groups in developing this and spoken to them about whether they have the willingness and also the capacity? I know they are under a lot of time pressures as well to take on this type of role.

Mr Katter: I am sure you will find some that will be reluctant to. This whole concept was given to me by Junkuri Laka at Mornington Island in the first place. They were trying to create a community card that performed a number of roles; that could demonstrate that they were a genuine bona fide local to get access to discounts on airfares and perform a number of different roles, but also that they could have access to work. I believe the ochre card in the Northern Territory achieves what I am trying to achieve in a similar way. I do not know a lot about it yet, but they do not seem to have the same problems in the Northern Territory as we do in our communities.

Ms BUSH: What was the name of the group that you mentioned?

Mr Katter: Junkuri Laka—the local justice group on Mornington Island. They have always been pretty good. I think it has been a bit dysfunctional in Doomadgee, but you have to pick something. I had to pick some group that could feasibly take this. Councils could be an option, but I think it sits better
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with the local justice groups. It is a good question; there will be some that probably will be reluctant to do it—it is another responsibility that they may not want—but I would argue that the communities better grow up and start trying to advance themselves and help their own people because there are some big problems there.

CHAIR: Robbie, you mentioned the ochre card in the Northern Territory.

Mr Katter: Unfortunately, I do not have a lot of information on the ochre card yet. I have made three inquiries now across the border where people, from politicians to managers of programs, over there said, 'We just do not seem to have the same problems you have in Queensland.' We have the ochre card that provides eligibility for work over here, and really that is what we are talking about—a conditional type approval to work with people—and they do not seem to have the same barriers in facilitating people getting into jobs.

Ms BOLTON: We spoke about those who would sit outside the disqualifying offences. You mentioned drugs—obviously the production of. You would not consider that a risk around children, including dealing?

Mr Katter: Yes, there is a risk, but you would hope that local justice groups would say, 'Well, these are our kids in this community.' I think that we should be giving the responsibility back to them to say, 'Well, they are our kids. We care about them more than you do. I do not want a drug dealer near my kids.' By virtue of the laws that we vote for coming down through the blue card, that is effectively how it operates now, saying, 'We are not happy with that.' I would hope that they would apply the same metrics and standards in those communities. I think that should be their right to apply, and knowing that, 'Look, this person did deal in drugs 10 years ago, but they were a different person. This person today is a completely different person. They have cleaned themselves up. We have seen them participate in community events. They take their kids to rodeos. This is a new man. Despite how bad it looks on paper, we are their community now; we know that person. He will be looking after my grandkids there. I am happy to tick it off.' That is how I think the system should work.

Yes, there is a risk. It is a risk for the government accepting any of these changes because there will undeniably be some things that will happen in the future that you do not see or will create risk, but I would still argue what is the greater damage that is being done here? I certainly have front-row tickets to the misery that is happening with people not getting access to work or losing their jobs when they are trying to turn their lives around. That is just as tragic, I can tell you, when you have to face it.

Ms BOLTON: The member just previously mentioned the capacity of the local justice groups. From my understanding, they are normally in a supportive role and they have a fantastic reputation. If this risk did go wrong, would it be not putting pressure on them because they are suddenly in a different sphere? Could they not achieve something similar by putting submissions in on behalf of that person when before the reviewer or applying for a blue card?

Mr Katter: Good suggestion in theory, but in practicality it is pretty hard to get. Some of these things are not that functional or proactive in getting these things, so how do they know if Joe Bloggs at the school applied last week? The school, I would argue, is sitting out there pretty under-resourced, trying to hold the whole thing together, and he does not have time to chase this up for that bloke and then you are saying that the local justice group has to be proactive in seeing who is out there.

With the last two bills we have had enhanced effort from the government to get on the front foot. We had some people out there a month or two ago in Doomadgee trying to promote blue cards and getting people to sign up. There is effort being made, but all I can say is that it has not made the difference that I believe is required to try to turn things around in those communities. Moving outside blue cards, there are some big problems in these communities and you need some big tools to start fixing them and I think this is one of them. Yes, it comes with risks. It is not perfect, but it is a hell of a lot better than, I would argue, what you have there now.

Ms BOLTON: Say these changes were to happen, given what we have seen in our own communities that suddenly being able to access a job does not mean that you will apply for a job anyway and it often does not change the status quo with alcohol and drugs, would there not be another way, for example, projects that could employ people who do not have a blue card as a starting point? Is there any opportunity there?

Mr Katter: No, I do not think there is. I disagree with that point. You might be right so far as your interactions are concerned. However, in my experience the only time this comes up is when people go for a job, usually at the school. This all started for me when someone from education in Mount Isa rang and said, 'Rob can you fix the blue card? We have a good mother. She has four foster kids at home that she is caring for.' She is perhaps not on the books as being the carer, but she is the carer at home

and she cannot get a job as a library assistant at the school because she cannot get a blue card. That is usually when I receive the calls, when they have gone for the job and they have had to be turned away. It is not people going for a blue card in the case they might get a job. I think that cuts to the heart of the problem here.

CHAIR: Excuse me, I do not mean to interrupt. Basically the nub of what you are saying is you can be a kinship carer, you can be approved to do that, but then you cannot get a blue card—

Mr Katter: Sorry, I probably misrepresented the facts there in that she was looking after kids. I am not sure she was authorised to look after the kids, but she had the kids. It was a bit misleading the way I put it. They were the facts anyway. She had a number of kids at home.

CHAIR: I have actually heard of matters—I should not be giving my evidence of that. I just wanted you to clarify that. Sorry for interrupting.

Mr Katter: It is a good thing to highlight because it seems to be contradictory. Basically, it only ever comes up for me when people are applying. I could almost count in the hundreds now the number of inquiries I have had saying, 'Can you help me? I went to get the job,' or, 'I've just been kicked off my job because I could not get the blue card.' This has come up at just about every inquiry. There was the youth justice one when you came to Mount Isa and, much to my surprise because I certainly was not talking to them, half the presenters at that inquiry mentioned blue cards. Again, the other day the other committee travelled there and the subject of blue cards was raised by 70 to 80 per cent of the people, so I am not making this up. This is just what is happening there. I do not see this as a perfect solution, but I think it is a hell of a lot better than what is there. I think morally it is a bit better in that it is as it should be, where local people are making decisions about their own kids. It is only restricted to small Indigenous communities. We are not talking about a great part of the state; we are talking about these communities. I do think we need to recognise there are exceptional circumstances there in terms of violence.

I could tell another story to provide some context of what we consider normal. I was sitting witness for someone who had applied for a blue card about seven or eight years ago. They said that a guy did not book himself into a psychologist out in Doomadgee. He took himself out bush for two or three weeks to clean up, to get off the dope and the grog and they said he had assaulted someone multiple times. They said, 'Do you think he could handle himself in a violent or challenging situation?' I said, 'That's a relative term, isn't it? What you and I call a challenging situation is a leaf falling over the fence or someone cutting us off in traffic whereas there it can be someone coming to beat them to death with a club and they are fighting back.' Then we stand back and say, 'That's a terribly violent man.' Unfortunately, that is part of the community. We can sit back and say it is abhorrent, but the real question is: how do you pull people forward? I have not met anyone yet in any of the communities who has said anything but, 'Please give us help with these blue cards. They hold us back so much.' Perhaps this is not the best solution, but there has to be something and no-one else has come up with anything better. I have been in parliament for eight years trying to push for some changes. It is not like there are any other solutions knocking on the door.

Ms BOLTON: It could be the ochre card.

Mr Katter: Maybe.

CHAIR: Thank you. That concludes this briefing. Thank you, Mr Katter, for your participation today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. I declare the public briefing for the committee's inquiry into the Working with Children (Indigenous Communities) Amendment Bill 2021 closed.

The committee adjourned at 9.35 am.