



22 November 2021

Legal Affairs and Safety Committee
Parliament House
George Street
Brisbane QLD 4000
By email: lasc@parliament.qld.gov.au

Dear LASC Committee,

Re: Working with Children (Indigenous Communities) Amendment Bill 2021 ('the Bill')

Thank you for the opportunity to provide feedback on this Private Member's Bill introduced by the Member for Traeger, Mr Robbie Katter MP, on behalf of the Katter Australia Party.

HUB Community Legal is a community legal centre that provides services in Inala and surrounding suburbs. Our vision is to promote a society where all people are valued and supported by providing access to justice and opportunities to connect and participate in community life.

HUB Community Legal's position

Hub Community Legal supports the Bill's objective to improve the Blue Card framework to better serve the interests of Indigenous communities in relation to employment and child protection although we note that the Bill is limited in its application.

The Bill proposes a solution for remote, discrete communities and the Bill's focus is on employment outcomes, however many of the issues raised by our clients relate to the way in which the Blue Card system impedes kinship care arrangements under the *Child Protection Act 1999 (Qld)*. These impacts affect Aboriginal and Torres Strait Islander people throughout the State.

We propose that in response to the Bill there should be a broader review of the Blue Card system using a human rights framework.

Applying a human rights framework

HUB COMMUNITY LEGAL

ABN 57 857 061 648

Phone: 07 3372 7677

79 Poinsettia Street, Inala 4077. PO Box 122 Inala Qld 4077

legal@hubcommunity.org.au www.hubcommunity.org.au

EMPOWERING THE COMMUNITIES OF INALA AND SURROUNDING AREAS

The current Blue Card system poses a significant barrier to Aboriginal and Torres Strait Islander people in formalising kinship care arrangements in the child protection system.

As has been highlighted in a range of reports and enquiries over many years¹, being connected to culture and community is a protective factor for Aboriginal and Torres Strait Islander children. 'Connection to culture enhances an Aboriginal and/or Torres Strait Islander child's safety and resilience and, therefore, it should be a key component when developing and communicating policies and practices, regardless of the activity or setting'².

Kinship care involves the exercise of cultural rights that are now protected under s28 of the *Human Rights Act 2019* (Qld). For kinship care arrangements to be approved, the primary carer and any other adult in the household must hold a blue card. Regular adult visitors to the household may also be required to hold a blue card. Given the large extended family and kin networks of Aboriginal and Torres Strait Islander peoples and the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system, the blue card requirements can significantly limit the cultural rights of kinship carers and the children in their care.

Another issue for our clients is the exercise of the decision-maker's discretion under section 221(2) *Working with Children (Risk Management and Screening) Act 2000 (WWCA)* to issue negative blue card notices in exceptional circumstances, despite the relevant offence/s not being characterised as disqualifying offences for the purposes of the WWCA. It is our view that the exercise of discretion disproportionately impacts Aboriginal and Torres Strait Islander peoples given issues of overpolicing and overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system.

Conclusion

HUB Community Legal supports the Bill for its human rights-promoting effect it will have on local communities. The Bill will also have a positive impact on employment in discrete communities, contributing to the attainment of targets in the Queensland government's Closing the Gap Implementation Plan. We recognise the Member for Traeger's leadership and dedication to the issue of self-determination of our state's First Nations peoples.


¹ Royal Commission into Aboriginal Deaths in Custody; Bringing Them Home Report; Carmody Inquiry; Royal Commission into Institutional Responses to Child Sexual Abuse
<https://www.childabuseroyalcommission.gov.au/final-report> accessed 22 November 2021.

² *Keeping our Kids Safe: Cultural Safety and the National Principles for Child Safe Organisations*, SNAICC 2021

While we support the Bill, we consider that there needs to be a broader review of the Blue Card system that includes a human rights analysis.

Thank you again for the opportunity to provide our submission.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Jonathan Ward', written over the text 'Yours faithfully,'.

Jonathan Ward

Director/Lawyer

HUB Community Legal