




Speech By
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MEMBER FOR MOUNT ISA

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WORKING WITH CHILDREN LEGISLATION (INDIGENOUS COMMUNITIES) AMENDMENT BILL

Introduction

 **Mr KATTER** (Mount Isa—KAP) (4.55 pm): I present a bill for an act to amend the Working with Children (Risk Management and Screening) Act 2000, and the acts mentioned in schedule 1, to allow for particular persons to provide services involving children in particular Indigenous communities. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Working with Children Legislation (Indigenous Communities) Amendment Bill 2017 [972].

Tabled paper: Working with Children Legislation (Indigenous Communities) Amendment Bill 2017, explanatory notes [973].

I am very proud to introduce this bill into the House today. It has been a long time coming and is long overdue. This blue card bill will make a huge difference to the lives of people in our first Australians communities while still keeping the children safe. I would argue that it is a safer system than the one in place now.

I will relate to members a story that triggered the discussion for this bill so they can understand the very real ways in which the current legislation is affecting the people in discrete Indigenous communities. A couple of years ago I was at a funeral in Camooweal at which I bumped into a former mayor of Doomadgee, Clarry Waldon. Clarry had a fair history and a rap sheet, and I heard he had been doing it tough for a while, but he looked in really good condition: he was very tidily dressed and had combed hair. I said, 'Clarry, you look a million bucks. What happened?' He said, 'I've cleaned myself up. I got off the grog and I've got this job as student attendance officer at the school. It's really picked me up. I'm working for the future now. We want to get the kids to school. That is where the future is for my people and we want to get them to school so that is where I see my role.'

I ran into Clarry's brother the next week and he said, 'Clarry's got a new lease on life. He is a new man. This job has done wonders for him. He's getting really high attendance rates at the school because he is doing such a good job.' I was later talking to the then officer in charge at Doomadgee, Senior Sergeant Matt Campbell. Matt had said what a terrific job Clarry was doing. They had had their fair share of run-ins in the past, but he said, 'This job's been great for Clarry.'

Some weeks later I was talking to someone in the education department and they grimly told me that Clarry was going to lose his job because he could not get the blue card. To cut the longer part of the story short, there were many appeals—it went through all the processes—but Clarry never got the blue card and he lost the job. I was really upset about that at the time. I got a chance to appeal against the decision. Some of the discussion in that appeal hearing was what drove me to this point. When I was acting as a witness for Clarry I was asked, 'Do you expect there to be separate laws in Indigenous communities compared to the rest of the state?' I said, 'You've already got separate laws. You've got alcohol management plans. There are heaps of different laws already, so you cannot use that as an excuse not to help this bloke out.' I was asked, 'Do you think Clarry can handle what you and I would call a confrontational situation?' I said, 'He does have those skills. The fact is that he lives in Doomadgee

and next week he might have 10 people going around to bash him up—that can happen in the community—and he reacts in kind. You and I reading a bit of paper or a rap sheet might interpret that badly, but you have to understand what it can be like.'

That led to looking at the blue card system. The blue card system was done with the best of intentions—with honourable intentions—to keep children safe and I do not question the motivations of the people who put it in place, but the fact is that it is too robust and too strict and is denying people work in these discrete communities. It has been about three years since I started to talk to people in these communities and those people have started asking me, 'Rob, when are you going to do this because we're waiting for you to do it? When are you going to do it? We need this. There's so many people who can't get blue cards.' Officers in departments in Mount Isa are saying, 'Rob, can you please do something about this?', because there are great people and everyone in the community wants them to have that job, and they know better than anyone in Queensland whether or not that person is safe to work with kids. They are all saying that they want them for the job but someone in Brisbane is ticking off on them saying, 'No, they're not eligible for that job because they can't get a blue card.' That is really unfair and it is stopping all of these good, decent people from getting jobs in these communities. That needs to change.

One of the suggestions that has been put to me is why can they not have a blue card that is approved from someone in Doomadgee? The local sergeant, the local magistrate and the local justice group—the people in the community—get the opportunity to say, 'We see the rap sheet. We see what's happened in the past, but we are happy for this person to work with kids.' That person would only be eligible to work in that community. They are only approved to work in that community. That is the basis of this bill—that is, to give those people the right for the people in the community to have that say. With regard to the legwork in terms of putting together the documents and in terms of the research about any indiscretions with the law in the past, that would be done as it is now down here with the department. That is then sent to the community justice groups that operate in those communities and they get together with the local police and the local judicial representatives. They have a month after they get the initial information to approve whether or not that person gets a positive response.

The other issue that we have to consider is that there have been no time limits on any of this, and that is a really important issue. How this works on the ground is that you get someone from the community off the grog and ready to work, and then they present at the school or the hospital or somewhere else for the first time in many years and the first message they get within a couple of weeks is, 'Sorry, mate. We can't get your blue card, but stay with it. We can appeal. There's a process.' There is a process, but the first message that person gets is, 'No, you just have to go home for a while and we can't give you a job.' Those people would be disappointed, and I know that I would be disappointed and I would not want to go back. The real tragedy is that a lot of people do not go back and front up for work again after being knocked back when they have made that big attempt to get back into a working sense. I strongly believe, as I think most people in this House who have spent some time in those communities would believe, that most of those people just want some meaningful work. There are some meaningful jobs in those communities that are accessible to only a small percentage of the population. There can be all of this effort from this parliament to create some work in Aboriginal communities, but it is to no avail and does not stop the cycle because we are not giving access to the people who need it.

I am sure there will be questions raised that we cannot compromise the safety of children. Who wants to do that? None of us wants to do that, but who is in a better position to make that judgement at the end of the day with all the same information that the decision-makers have now? The community justice group in the community. They have the added benefit of knowing things, even if that person has no prior offences. They could say, 'We know this person doesn't have any prior offences, but there's no way they should have a blue card.' In that way this can be a safer system than what is already in place. That community justice group has the right to give a positive or negative notice. That community justice group is in a much stronger position to make a decision on whether that person should be eligible.

It is important to point out that offences under the existing framework, including sexual offences—those harsh offences that no-one would want to consider—still remain solid. No-one is testing those areas. Those disqualification offences remain valid, and so they should. No-one would argue that point. However, there are cases where people have had judgements against them. We have to ask the question: what is the statute of limitations on some of these offences? Let us say that someone had an assault charge from 15 or 20 years ago, but they are a different person now. The community knows they are a different person, the local magistrate knows they are a different person and the local QPS representative knows they are a different person. Are they not in the best position to say that they should have a job? Is it worth keeping in place a system that is denying so many of these people meaningful work in these communities?

As I said at the start, I know the blue card system was done with the best of intentions. However, we could say that it is contributing to the cycle of dysfunction in these communities in that if people cannot get work they are going to drink and partake in those sorts of activities. If we are denying them work, we are just making it worse and possibly making it worse for the kids in that if dad does not have a job he is going to be in a bad place and we do not have the best chance of keeping those kids safe. This bill will amend the blue card system so, effectively, there is a community blue card system in that people get approved by the local justice groups with representatives from elders, the local magistrate and the local QPS officer. The current disqualifying offences will remain, and this legislation also introduces time frames. From the point of application, there are three weeks for the blue card operations in Brisbane to refer it back to the community justice groups with all of the information they need, including a comprehensive list of the historical offences for that person. That is given to the community justice groups and they have four weeks to report back, and in most cases they will be seeking to resolve those issues as soon as possible because they want to keep the people in their communities in those jobs if they can.

This is a terrific way for this House to help people in Indigenous communities. This issue has been a big thorn in my side because it has been glaringly obvious to me for a number of years now and we have been unsuccessful in talking to successive ministers about getting this across the line. We are introducing this bill into the parliament for people to vote for or against it, and we would be more than happy to talk with members on either side of the House if they believe there are ways we can make this better. I very sincerely believe that this really needs to be done because there are some desperate situations in those communities of first Australians. Anyone with a conscience in this House, which most of us have, would like to help those situations. This is a really good way we can help them. In that regard, I believe this is a very effective bill in order to lift employment levels in those communities. I commend the bill to the House.

First Reading

Mr KATTER (Mount Isa—KAP) (5.05 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Ms Linard): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.