



Speech By  
**Robbie Katter**


**MEMBER FOR TRAEGER**

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Record of Proceedings, 17 October 2018

**WORKING WITH CHILDREN LEGISLATION (INDIGENOUS COMMUNITIES)  
AMENDMENT BILL**

**Introduction**

 **Mr KATTER** (Traeger—KAP) (12.29 pm): I present a bill for an act to amend the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 and the Working with Children (Risk Management and Screening) Act 2000 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 2018 [1661](#).

*Tabled paper:* Working with Children Legislation (Indigenous Communities) Amendment Bill 2018, explanatory notes [1662](#).

The objective of this bill is to provide a new blue card framework that empowers Indigenous communities to make decisions that best serve their interests in relation to child protection and the employment of community members.

The health, safety and wellbeing of all children is paramount and must continue to be the No. 1 priority of the community; however, the one-size-fits-all approach to the blue card system is having a negative impact on our first Australians within Indigenous communities in Queensland. The current blue card system contains significant limitations in the way it applies to the unique circumstances of Indigenous communities. This is resulting in missed opportunities for social and economic development.

There have been many instances of individuals being denied access to work due to the inflexibility of the current system. In a number of cases the local community, through community leaders, law enforcement and judicial representatives, has determined that the person poses no risk to children and that their employment would have broader positive community impacts. Feedback from community leaders, law enforcement and judicial representatives indicates that handing more decision-making power to the communities themselves will assist in opening up employment opportunities whilst maintaining child safety standards.

Specifically, the current blue card system contains the following limitations. There is no mechanism to allow the local community to have input into the issuing of blue cards for employment in that community, unless of course they have some appearance in an appeal process. No mechanism exists that recognises behavioural improvements and the positive impact the employment of an individual may have on the community. The current application process has no set time frame for the issuing of blue cards for individuals in Indigenous communities. This creates a significant barrier to accessing employment. The current application process does not allow an applicant to undertake work during the application process, even if it can be determined that the individual poses no threat to the safety of children. This can often result in the loss of long-term employment opportunities.

This bill creates a framework that overcomes these limitations by enabling the community justice group, as defined in the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other

Matters) Act 1984, to make a binding recommendation to the chief executive to issue a positive notice to an individual for work within that community, even if the individual would be issued a negative notice by the chief executive due to previous criminal offences. That gives them the ability to override what otherwise would be a negative notice.

A community justice group typically includes elders, traditional owners, respected persons and community members of good standing. There are currently close to 50 community justice groups operating around the state. It is our expectation that they would also involve primarily the local police and, in circumstances, the local magistrate. That not only protects the community justice group itself but also gives input from other institutions into whether that would be approved. Additionally, the bill creates a time limit of three weeks for the chief executive to notify the community justice group of the proposed decision in relation to a community area application.

The policy objectives are achieved through the development of a new blue card assessment framework. The framework enables a community justice group to use its judgement, based on its knowledge of specific circumstances and the individual involved, to issue a binding recommendation to the chief executive to issue a restricted positive notice—it is not a notice forever; it is restricted to that community—where a negative notice would have been issued under the current system by the chief executive due to previous serious offences being committed by the applicant. A positive notice issued in this way can be used only in the specific community areas defined by the Aboriginal and Torres Strait Islander communities act.

I will outline the proposed new regime. An application is made to the chief executive and the applicant indicates that the application is for a restricted positive notice in a community area. A restricted positive notice allows the person to undertake employment only in the community in which the community justice group has jurisdiction. Where a community area application is made, the treatment of a narrow range of offences that would be classed as serious offences under a normal application is augmented to enable the application to be determined by the community justice group. These offences relate to stealing, burglary and unlawful entry of a vehicle and drug related offences. Upon receipt of the application, the chief executive has five business days in which to notify the community justice group that a community area application has been made. The notice must be in writing and include a copy of the application. Once the community justice group has been notified of the application, it may make a binding recommendation to the chief executive that an interim restricted positive notice is issued. That is an important point that I will come back to. This enables the applicant to undertake the regulated employment while the application is being considered.

When deciding to issue such a recommendation the community justice group will have regard to the following: any police information, investigative information or disciplinary information about the person that the group is aware of; whether, and in what capacity, the person has previously worked with children; the person's social standing and participation within the community area; whether, in the group's reasonable opinion, withholding the recommendation would have a negative impact on the social or economic wellbeing of the community area's inhabitants; and anything else the group reasonably considers relevant to the decision.

An important point is that, once a community area application is made, the chief executive has 21 days in which to decide whether to issue a positive or negative notice to the applicant. That is an important point to acknowledge. To put that in practical terms, if you are a schoolteacher, a principal or an education officer in Doomadgee and you finally have someone who has turned over a new leaf and is off the grog, off the drugs and turning up for work—often these people lack education in other areas and do not understand the system—the first thing you have to say is, 'Just stand aside for a while because we are going to have to review this. Just go home and stay on an even keel. We'll have you back.' That just does not work. A lot of these people are in a very vulnerable position. It is excruciatingly frustrating for people. If you talk to many people in the Mount Isa area who are seeing what is happening from afar, they will tell you that they have a good person turn up but they lose them because in that critical time they have had this negative feedback: 'You're not eligible, but come back when you are.' That is why the timing is crucial. We can say, 'Let's speed up the process.' That is good and that is welcomed, but unless you can keep them in that period you are really offsetting any good work you do in trying to recruit those people in the first place.

I would like to give members a bit of background to this bill. This bill was introduced during the last parliament, so I will be recycling some of the points I made when I introduced the bill then, but I think they are really important to make. The first time I became aware of this issue was when a bloke by the name of Clarence Waldron came to my attention after he got the job as the student attendance officer in Doomadgee. Clarence had a rap sheet probably three inches thick, to which he admits. He had an assault that was maybe four to six years old. When he got the job, the local police officer in

charge said, 'This is a terrific outcome. Clarry's in great shape. He's turned up to school. Everyone in town thinks he is doing a wonderful job going and getting these kids to school.' Clarry was as proud as punch. He was looking as healthy and fit as I had ever seen him, because he had this job. He said, 'I've turned over a new leaf and I want to give something back to these kids.' People around town, who were not friends of Clarry, were saying, 'Clarry's going terrific in this job. He is doing a good job.' Everyone in Doomadgee—it was their kids he would be working with—wanted him to work there, but even on appeal—I was a witness at that appeal—he was rejected. To this day he still does not have a blue card. This bill is not about Clarry Waldron; this bill is about a lot of people like him in very similar positions in those communities.

Another example came to light when the committee went to the area during the last parliament. A young bloke came in and said, 'I can't get a blue card. I lost my job with BAS. We've got to do work at the schools and the hospital. Most of the work in Doomadgee requires me to go into the hospital and schools. I need a blue card or else I can't get work.' He was trying to put his life together for his wife and kids but he cannot now.

Some of those people will have disqualifying offences against their name, and we are not challenging that. If they have a disqualifying offence, fair enough. I would challenge it down the track but not in this bill, because there needs to be a point in time where we say, 'That might have been a serious offence 20 years ago, but at what point do we give this person another chance?' I estimate that 90 per cent of jobs would require a blue card in Doomadgee and most people in Doomadgee are having trouble getting a blue card. If we are trying to really help empower people to get work and take them off drugs and alcohol in these areas, this is something that we have to seriously look at. The longer I canvass this issue around Indigenous communities the stronger the feedback I get and the more people become aware how big a problem this is.

We are trying to attempt to address this problem. I am sure that everything here is being done with the best of intentions. Everyone wants to keep these kids safe. If we stand back and look, the blue card is trying to keep kids safe. If we are trying to keep kids safe in Doomadgee, one of the priorities should be getting mum back into work and giving people meaningful employment so that they can get off drugs and alcohol and get out of that cycle. If they are prevented from doing that, I would argue that we are putting just as much risk on the kid in that house because their parents cannot get a blue card. There needs to be an acknowledgement of the cost of trying to protect kids through the blue card system and the benefit there would be if we amended it so that it empowered the communities to make that decision.

Let us not forget that most of these communities we are talking about—in my area Doomadgee and Mornington are the discrete communities—only have about 2,000 people in them and in a community of 2,000 people everyone knows everyone. Everyone knows who the risks are with the kids. If they have consultation with the police, that can take the pressure off the local justice groups. It is really crazy at the moment where mums will be looking after kids at home and the same mum cannot get a job at the school to look after some of the same kids because she does not have a blue card. The kids will be living with the mum in the home, but when they walk two blocks to the school she cannot look after the same kids because someone signing off on blue cards down in Brisbane said, 'No, I don't want them there.'

I want to make another point on that in terms of one of my discussions with the officers, and I say this with the greatest respect to the officers. They have a job to do to keep kids safe under this legislation, but we were teasing out the issue. I said, 'If you've got a fifty-fifty, there's some subjectivity to this. If you've got a rap sheet for someone and you're saying, "Do we give this person a blue card in Doomadgee? Do we give Clarry Waldron one?"', there must be some subjectivity,' to which the answer was, 'Yes, there is. There are some fifty-fifty calls on this.' I said, 'If they're fifty-fifty calls I hope you're putting a cross next to their name because we don't want to give you the latitude down here. You don't know if that person's going to put the child at risk,' to which the response was, 'Yes, we'd be likely to give it a cross.' That to me really cuts to the heart of this issue. There are people in Brisbane who have no idea who these people are. They just have pieces of paper giving them this information and they have little idea of the background or the circumstances of these offences and it is causing really big problems back in the communities because we need people in work.

This is such a big issue for me because if I have people in Mount Isa coming into my electorate office asking, 'Rob, what are you doing about these kids on the street? They're running around the street. A lot of these Indigenous kids are around the street. What are you doing about them?,' I say, 'How long have you got, because I will tell you one thing I am trying to do is fix the blue cards in Doomadgee and some of these communities, because the reason some of these kids are running around in the street is that mum and dad are in a cycle of drinking alcohol.' They ask, 'Why are they doing that?' I say, 'Because they haven't got a job.' They ask, 'Why haven't they got a job?' I say, 'In

many cases it's because of a blue card.' If we want to try to help these people—we can talk about tokenism and things that do not affect something—here is something that really affects them. Blue cards are one area where we can help them.

This might not be the greatest solution. It is the best thing I could come up with. I know there have been attempts to try to tighten it up, but it falls well short of what is needed. There are still people up there—we went up there for committee hearings—who have applied, applied and applied but are told that, no, they are not going to get it, and I refer back to Clarry Waldron who still cannot get it. I think Clarry said it best in Doomadgee in that committee hearing. When he was asked, 'What do you want?', he said, 'Clarry Waldron can go back to the Clarry we knew back then. I can go back, but at what stage do I get an opportunity to go forward? Because going forward for me is trying to help kids in the town and be a positive influence, but I can't get a blue card, end of story.' I am sure there are hundreds of Clarry Waldrons up there who we should be trying to help go forward and we are not. We are putting the brakes on.

We have been nice about this issue. We have been politely trying to push it, but it is time to act on it. I get stirred up about it because we know of the hardship and all of the adversity that people face in these communities and then we get the ones who are trying to have a go and we are knocking them down with these blue cards. Some people still will not get through the system, but there are a lot of people out there who deserve a go and deserve a break. With this bill we can help empower them and the local communities to have more decision-making powers, and that is how it should be. I am sure everyone would agree that that is how the system should be—that is, giving them more autonomy at the local level and not us making decisions on their behalf down here.

I speak with a bit of emotion here because so many social issues that we are experiencing in the north come back to this issue. This is not a silver bullet. It is not going to solve everything, but it is something staring us in the face that has not been addressed. This is the second time I have put this bill before the parliament, but it is five years too late. People really need to look at this and, if they have problems with it, I ask them to please talk to us. We are happy to look at amendments, but the issue is there. It is real and we need to get these people into employment. We need to make blue cards localised, which was never my idea. It was brought to me jointly by the local justice group in Mornington Island that was trying to figure out ways around this issue and also people in government jobs in Mount Isa asking, 'Rob, can you do something about this blue card? We've got great people. We've finally got someone in Doomadgee to fill that position. They're great, but we can't get them the blue card, or the first message we're giving them is to go home.'

I know people are going to have problems with the fact that they will be preapproved before they have gone through that analysis by the local justice group for a period—that is, one month or two months. One might think, 'That's a huge risk,' but I always come back to the fact that it is a much greater risk to sit here and do nothing. Those people deserve a right to get back into and engage in society. Everyone formulated the blue card system with the best of intentions, but it is an issue that is boiling away and getting worse out there. It has to be put back in front of this parliament. I will not accept talk about helping these communities without addressing this issue, because I think this is a very big issue that is confronting them, which needs to be addressed.

### **First Reading**

**Mr KATTER** (Traeger—KAP) (12.47 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 Legal Affairs and Community Safety Committee**

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