




Speech By  
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**MEMBER FOR MACALISTER**

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**WORKING WITH CHILDREN (RISK MANAGEMENT AND SCREENING) AND  
OTHER LEGISLATION AMENDMENT BILL**

 **Mrs McMAHON** (Macalister—ALP) (4.42 pm): I rise to contribute to the debate today with respect to the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2018. I thank the work of the Education, Employment and Small Business Committee under the able stewardship of the member for Nudgee. This amendment bill seeks to amend the Working with Children (Risk Management and Screening) Act 2000, the Disability Services Act 2006 and the Public Service Act 2008.

This amendment bill is largely the result of a series of reports authored by the Queensland Family and Child Commission, primarily the *Keeping Queensland's children more than safe: review of the blue card system*. The review of the blue card system was directed by the Premier and tasked to the Queensland Family and Child Commission with the assistance of an appointed expert panel. Additionally, the *When a child is missing: remembering Tiahleigh—a report into Queensland's children missing from out-of-home care* has provided additional guidance on this amendment bill, particularly with respect to information-sharing provisions. These two reports, in conjunction with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, provide a solid body of evidence and collective knowledge behind this amendment bill.

In speaking to this amendment bill today I will focus on the recommendations, as seen in this amendment bill, from the QFCC's blue card review report. Whilst my committee, the Legal Affairs and Community Safety Committee, did not inquire into this amendment bill, our committee does have oversight of the QFCC and, in the opportunities that the committee has had with the QFCC commissioner before it, the blue card review has been mentioned a number of times across a range of contexts, foreshadowing portions of this bill.

The blue card system was first introduced almost 20 years ago and I have held blue cards of different varieties in that time for a number of reasons. I note the comment by the commissioner in releasing the report that Queensland has led the way in providing a safe environment for children. The blue card system in Queensland has grown to the point that one in every five Queenslanders holds or has applied for a blue card. As at June 2016, over 680,000 Queenslanders had held or applied for a blue card. This is a significant number. A largely paper based system with these numbers is not sustainable. It was certainly timely in 2016 that the Premier commissioned a review, not just a review of eligibility and starting time frames but a whole-of-system review.

This is certainly a weighty amendment bill, although apparently not as weighty as the last one on the *Notice Paper*. It is reflective that the amendments that we consider today are not merely window-dressing or bandaid solutions. What we have in front of us is comprehensive and it reaches into just about every element of administration of the blue card system. This is not something that we should take away and read as a broken system but one that is merely evolving, not only changing with

workplaces and community organisations but changing with the information that is now available to us—sometimes through hard lessons learned, sometimes tragically through loss of life. Let us consider these amendments with the respect with which they have been developed.

The blue card review report considered, as part of its systemic review, a complete overhaul that seeks to make the processes more accessible and faster, but more fundamentally places the welfare of children at the forefront of all decision-making. The major recommendations of the blue card review report surround widening the scope of the blue card system, reforms to the requirements for working with children checks, reforms to decisions on working with children checks, reforms to capacity building and compliance, reforms to information-sharing provisions, reforms to the application process, reforms to the risk assessment processes, reforms to the outcomes of working with children checks and reforms surrounding the engagement of community members, groups and organisations.

Recommendations 19 and 20 of the blue card review report work in tandem and represent the Palaszczuk government's 2017 election commitment to the no-card no-start policy. This is articulated throughout clause 17. Currently an employee can apply for work without having a blue card and commence employment, submitting a working with children check through their employer. Some weeks later the employer will receive notification about whether the working with children check was clear or otherwise. The concern about this is that employees—some who may have concerning or otherwise disqualifying history—may have a number of weeks work in the company of children before the check is completed.

Recommendation 20 states that the organisation is required to make sure that their employees and volunteers do not start work without the working with children check. Recommendation 19 enables this by allowing potential workers to apply for a blue card prior to seeking work. Previously the application had to be supported by an employer or organisation. Now, prospective workers can make an individual application and present their blue card bona fides when applying for jobs. This makes them job ready.

Further recommendations were around expanding the offences which are considered disqualifying offences and identifying particular offences, and this has been incorporated in clause 70. The Attorney-General has identified those additional offences in the schedule. These are in line with the recommendations from the blue card review. I understand that further amendments by the Attorney-General will strengthen these even further.

The large bulk of the amendment bill is as a result of recommendation 71—the development of an organisational portal. This is where the work that goes into ensuring a functioning system that is responsive but also flexible to respond to individual cases is supported and delivered. This is good news for applicants where the paper based application process will become the exception rather than the rule and this is good news for organisations managing a workforce or team of volunteers in terms of providing up-to-date registers and automated notification systems.

The implementation of this recommendation, due to the scope of the changes this will have on the current system, is no simple feat. It needs to be understood that developing IT systems around a system integral to child safety is not something that can be rushed. I understand the changes are due to commence in 2020. This will grant the necessary time, provided the changes are properly socialised, to allow the many organisations which are volunteer based to update and revise their systems so that their business processes and staff are able to adapt. One does not have to look too far back to see what happens when you make changes of this scale but rush to backend the IT work.

We can add and remove disqualifying offences with relative ease in this House—an amendment here, an amendment there—but to assume that you can wish a whole new interface into being without taking the necessary amount of time to analyse, develop and test is foolhardy. We are creating something that has not been done before in this space. We need to take the time to get it right. The development of so many business systems has failed—both in government and private—due to rushed implementations. It is not acceptable to take this risk in the child safety domain. In line with the blue card review report, it will be done with the appropriate stakeholder engagement and testing.

For those inferring that this amendment bill is a failure because it does not extend to include a regime of international criminal history checks, I implore them to go back and read the blue card review report. Read the work behind recommendation 30, which stated—

It is recommended that the Department of Justice and Attorney-General consults with the Australian Department of Immigration and Border Protection on opportunities for sharing information about international criminal histories.

The lack of inclusion of international criminal history checks in this regime is not because there is a lack of will or understanding of the risks. It is the acknowledgement that, as a state, there is a limited ability to carry this off with any form of consistency. To convey to the public otherwise is a fallacy.

Perhaps the federal government could come to the table because they are the conduit between the state and international law enforcement for these checks. I have spent many long days in Canberra working with the ACIC and other states on national crime databases, and this is no simple thing—let alone attempting to include an international aspect to it.

If I could conclude on something, it would be for all members in this House and the public more broadly to understand the role of the blue card in the child safety space and also, more importantly, to understand the inherent limitations of the blue card system. Public education was certainly an important aspect of the blue card review report. I applaud the government's response to the blue card review report, but we also must acknowledge that it is only one aspect of the child safety system. It is not the panacea, it will not be the silver bullet, but it provides a structural framework for employees, employers and organisations to work with.

I will include a word of caution directly from the QFCC blue card review report. It said that working with children checks—

... cannot predict whether people will offend against children in the future. They do not guarantee that children will be safe from harm when interacting with people who hold blue cards. In fact, over-reliance on the WWCC may create risks for children, as parents and carers may assume their children are safe when left with people holding blue cards.

There is more to be done. We acknowledge that, but we are by no means done. I commend the bill to the House.