




Speech By  
**David Janetzki**

**MEMBER FOR TOOWOOMBA SOUTH**

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

 **Mr JANETZKI** (Toowoomba South—LNP) (6.10 pm): On 17 October 2018 the member for Traeger introduced the Working with Children Legislation (Indigenous Communities) Amendment Bill aimed at providing 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. On 14 February 2019, the Education, Employment and Small Business Committee recommended that the bill not be passed.

While the policy intent of the bill of addressing employment challenges within Indigenous communities is worthy of serious consideration, there are significant flaws with the policy that will likely inadvertently subject children to the risk of harm. The opposition will not be supporting the bill for that reason and for the reasons I will now outline.

A community justice group is a group dedicated to supporting Aboriginal and Torres Strait Islander people who have come into contact with the criminal justice system. The number of members required for each community varies and each community justice group is designated to a specific community area.

The bill has the effect of granting more decision-making power to the communities themselves to assist in increasing employment opportunities. Specifically, the bill grants a community justice group the ability to issue an interim restricted positive notice to an applicant while Blue Card Services are evaluating the application. The interim restricted positive notice will apply until the chief executive decides whether to approve or refuse the application. The chief executive then has 21 days to write to the community justice group detailing all the information the chief executive considers relevant. Despite the chief executive's recommendation, the community justice group can in fact issue a positive notice if it believes it is appropriate.

Given the close connection between persons a part of a community justice group and an applicant, it is likely to raise the risk, real or perceived, of bias. The risk of a community justice group turning a blind eye to an applicant's criminal history to allow that applicant to work will be heightened under the bill. This policy will also potentially conflict with Labor's no-card no-start policy which is likely to commence later this year.

The bill limits the range of criminal charges and convictions that would be considered as part of a working with children check for a person who applies for a blue card for use in a discrete Aboriginal or Torres Strait Islander community. The effect of the bill is that a community justice group would consider a community area application only if the person had not been convicted of a serious offence as defined in the Working with Children (Risk Management and Screening) Act 2000 such as a sexual offence, kidnapping or pornography offences. A restricted positive notice can be issued to offenders convicted of trafficking dangerous drugs, supplying dangerous drugs, producing dangerous drugs and trafficking in relevant substances or things, robbery, burglary and unlawful entry of a vehicle.

The bill provides that the chief executive must give the community justice group for each community area to which the application relates a written notice containing all information the chief executive considers is relevant in deciding the application. This is an unreasonable time frame, especially if an applicant has a criminal history, as it takes on average four months for Blue Card Services to conduct a thorough check.

The committee was not satisfied that the bill has sufficient regard to a child's rights by allowing certain applicants to receive a positive notice when they otherwise would not be eligible. The committee was of the view that the bill would provide a different standard of applicant assessment and of protection for children in specified communities.

The bill requires that an applicant give consent to the chief executive giving documents and information about them to the community justice group for the community area to which their application relates. This has the effect of increasing the likelihood of breaching an applicant's privacy and confidentiality, which is concerning given the close relationship between community justice groups and applicants. For example, the Australian Association of Social Workers Queensland branch submitted that there needs to be further consideration of how conflicts of interest will be managed, how much personal information is shared, how information is stored and the implications for breaches of confidentiality.

Six stakeholders made a submission on the bill. Most stakeholders recognised the challenges posed by the blue card system for people in Aboriginal and Torres Strait Islander communities and supported changes to improve access. However, stakeholders raised many reservations about the bill and have provided their own views on how the system could be improved. The most common theme amongst stakeholders was to increase support services and increase the access to those services rather than have a separate blue card policy for Indigenous communities. Many stakeholders agreed with the committee's comments that more support services ought to be made available to Indigenous communities, including the Queensland Catholic Education Commission.

The Queensland Family and Child Commission report into the blue card system recommended a number of reforms to support Aboriginal and Torres Strait Islander people and build cultural capability in the working with children system. I note the second recommendation of the committee was that the Attorney-General and Minister for Justice and Leader of the House provide the committee with a progress report on the implementation of the Queensland Family and Child Commission blue card review recommendation for reform to how the Aboriginal and Torres Strait Islander applicants are supported. I note the Attorney-General has provided an update in that regard this evening. I look forward to further updates in the months ahead.

The Attorney-General and I have had a number of disagreements with regard to the blue card system in this term of parliament. What I had not realised is the sheer complexity of the blue card system, the unintended consequences and the unforeseen loopholes. I join with the Attorney-General in commending the member for Traeger for his determination to try to address some of the inconsistencies and challenges facing communities in his electorate. As I said, I had not realised the extraordinary complexity of this legislation. The potential unintended consequences of this bill are serious in nature. That is why the opposition is unable to support the bill on this occasion.

The protection of our children—our most vulnerable—is always a high priority in this House. We all talk about it. We have disagreements about how that is best achieved, but, at the end of the day, each one of us here takes very seriously our responsibility to protect our children and our most vulnerable. I know the member for Traeger takes that extremely seriously as well. That is why it is unfortunate that on this occasion it is not possible to support this private member's bill.

I look forward to seeing the implementation of the government's no-card no-start policy this year. I look forward to seeing the update on the recommendations coming out of the QFCC reports. I hope they are given in a timely and efficient fashion. The blue card system has proven to be extremely problematic over the last 20 years. I look forward to the recommendations.

Again, I commend the member for Traeger for his determination, for the proposal of this bill and for the ideas contained in it. It was seriously worthy of our most considered analysis. Unfortunately, the opposition will not be supporting the bill here tonight for the reasons that I have outlined during my contribution.