




Speech By
Leanne Linard

MEMBER FOR NUDGE

Record of Proceedings, 18 February 2020

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

 **Ms LINARD** (Nudgee—ALP) (6.19 pm): I rise to speak to the Working with Children Legislation (Indigenous Communities) Amendment Bill 2018 introduced by the member for Traeger and subsequently referred to the Education, Employment and Small Business Committee, of which I am chair, for examination. The bill is similar to a 2017 bill introduced by the member for Traeger which lapsed on dissolution of the parliament prior to the election. The Legal Affairs and Community Safety Committee kindly provided our committee with access to documents received by it during the conduct of its 2017 and subsequent 2018 inquiry into the Working with Children Legislation (Indigenous Communities) Amendment Bill and I thank it, particularly the chair, the member for Stretton, for that assistance.

The bill at its crux proposes a two-tiered system for the issuing of blue cards in Queensland. It proposes a new framework that would limit 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 bill enables a statutory community justice group for a discrete community to make a binding recommendation about a community member's application for a blue card. In effect, such a binding recommendation to the chief executive of Blue Card Services would be to issue a restricted positive notice to an applicant who would otherwise have been issued a negative notice under the existing blue card framework. A restricted positive notice would enable that person to be employed in child related employment or to carry on a child related business in a defined community area.

The bill is, however, silent on what liability would be attached to members of community justice groups and also how the issuing of blue cards in specific geographical areas would be policed, hence my earlier comment that the bill proposes a two-tier system, because the framework I have just spoken of is only proposed to operate in specific geographical areas—namely, discrete First Nation communities in North Queensland and not across all of Queensland.

I want to say from the outset that I believe the bill to be well intentioned and the member for Traeger's motivations in introducing it honourable. The member for Traeger said in his introductory speech—

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.

As I said, that is an honourable objective, but I do not think the interests of any community are served by having a lower standard of protections in place for that community's children than applies to others. A blue card issued in the circumstances outlined in the bill would enable a person to work in child related employment in circumstances where they would not normally be able to. This essentially means that a lower standard of child protection is applicable in those communities under the proposal contained in the private member's bill.

During our committee inquiry, in written submissions and public hearings, stakeholders argued that people living in Aboriginal and Torres Strait Islander communities often had a criminal history of offences which had prevented them obtaining a blue card, based on old or low-level offences, and that their recent rehabilitation was not taken into account. Four submissions broadly supported the approach proposed by the bill, particularly the potential to involve community members in decision-making, improve employment in discrete communities and the resultant potential to improve economic, health and family circumstances. However, the proposed creation of a restricted or conditional card was not supported by some of those same stakeholders in line with the Royal Commission into Institutional Responses to Child Sexual Abuse and the Queensland Family and Child Commission blue card review, both of which did not support the introduction of conditional licences.

After examination of the bill, including consideration of the policy objectives to be implemented, stakeholders' views, the Queensland Family and Child Commission review of the blue card system and information provided by the member for Traeger and the department, the committee recommended that the bill not be passed. While sympathetic to the issues the bill seeks to address, the committee placed weight on the recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse that nationally there should be no conditional or different types of working with children clearances and the QFCC blue card review endorsement of that recommendation. The bill in this regard is contrary to both the royal commission's and QFCC's recommendations.

Further, the committee did not consider 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 bill would provide a different standard of applicant assessment and of protection for children in specified communities.

The committee did, however, consider whether there may be alternative ways to achieve the intent of the bill to address some of the difficulties experienced by people in Aboriginal and Torres Strait Islander communities with the blue card system. Given the importance of systematic implementation of the broad-ranging and significant recommendations of the blue card review, the committee made a further recommendation that the Attorney-General and Minister for Justice provide the committee with a progress report on implementation of the Queensland Family and Child Commission blue card review recommendation for reform to how Aboriginal and Torres Strait Islander applicants are supported—recommendation 73—by 31 July 2020.

The Attorney-General outlined in her contribution here tonight additional specific initiatives being undertaken by the Department of Justice and Attorney-General in addition to the development of a specific strategy that has resulted in a reduction in the percentage of withdrawn applications in discrete communities from 17.8 per cent in 2015-16 to 4.4 per cent in 2018-19. These are significant results.

I thank the Attorney-General for her action and that of her department to date and for this interim update. The statistics provided clearly indicate that support and education measures being put in place to support applicants to not prematurely drop out of the application process are having a positive impact, and they are doing so without compromising in respect of the 'best interests of the child' test. It is for the reasons outlined that I cannot support the bill.