




Speech By
Melissa McMahon

MEMBER FOR MACALISTER

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

 **Mrs McMAHON** (Macalister—ALP) (5.47 pm): I rise to speak against the Working with Children Legislation (Indigenous Communities) Amendment Bill currently before the House. I would like to thank the Education, Employment and Small Business Committee, which completed and tabled report No. 13 into this bill after it was initially considered by the Legal Affairs and Community Safety Committee.

The bill proposes to amend the Working with Children (Risk Management and Screening) Act 2000 by creating a new category of blue card—a restricted positive notice based on input from community justice groups. The proposals in this bill seek to address the difficulty experienced in Indigenous communities in gaining employment in cases where blue cards are required. The explanatory notes outline that the blue card system is having a negative impact on Indigenous communities within Queensland and that this bill proposes to short-circuit the approval process when people with serious criminal history are denied a working with children blue card.

I do note that some of the concerns raised in the explanatory notes had been addressed in the most recent Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill, but at the heart of this bill is finding a delicate balance in Queensland's Indigenous communities—between the employment prospects of residents in these communities and the safety of children in these communities. Let us be clear about where this bill sees that balance fall, and it is not in favour of protecting our children. The member for Traeger said as much during his public briefing, and I quote—

They might have had some ice-trafficking offences and you might say that puts the child more at risk, but in the grander scheme of things I sit back and say, 'I would prefer to try to re-engage these people.' There may be higher risks associated with those communities ...

When more directly asked whether it was acceptable for a person who has been convicted of trafficking ice in local Indigenous communities to be working with vulnerable children in that same community, the member for Traeger said yes. So there we have it. The bill that the member has drafted places possible employment opportunities over the safety of children in that community.

I understand the member's concern and that the issue he seeks to highlight is instances where there has been a significant passage of time since the relevant offences and there has been significant behavioural reform of the individual in the intervening period. This bill seeks to circumvent the standard vetting process by allowing a community justice group to approve a new category of blue card and limit the scope of the applicant's criminal history that would be considered by the community justice group.

There are a couple of reasons why the committee—as do I—has concerns about this proposed measure. Firstly, I was interested in understanding the work of community justice groups as there are none operating in my community. I thought it was important in the context of this bill that I understand the composition and the remit of these groups. I would have thought that in drafting the bill the member for Traeger would have a good working knowledge of these groups to which he proposes to provide

additional responsibility. However, the public briefing proved this wrong. The member for Traeger stated he was ill equipped to give the committee a good idea of how local groups are formed or how these groups even work. Considering the explanatory notes indicate that consultation occurred in the drafting of this bill, it is unfortunate that the role of these groups is not known and their administrative bodies were not consulted.

Secondly, there is either a careless or wilful misunderstanding of the process of approving blue cards for people with criminal histories. It is not as clear cut as the member for Traeger would have us believe. Firstly, the mere existence of a serious offence in a person's criminal history does not mean the applicant will be denied a blue card outright. The existence of a drug offence, such as that nominated by the member for Traeger, on an applicant's history means that they will be given the opportunity to provide evidence—or put forward a case—of an exceptional case in which it would not harm the best interests of children to issue a blue card. An example of an exceptional case is the time that has elapsed since the offence was committed, such as the example provided by the member for Traeger.

The problem with these cases is the public perception that they are precluded from even applying for a blue card when they have a criminal history. The reality is very different. Applicants who have questionable eligibility are given the opportunity to state their case, but at the end of the day the decision will be made in the best interests of children who may come under the care of the applicant. I back a framework that will always back the safety and wellbeing of children, particularly in areas of high vulnerability.

Finally, the outcomes proposed by this bill are in direct opposition to the recommendations of both the Royal Commission into Institutional Responses to Child Sexual Abuse and the Queensland Family and Child Commission blue card review. Specifically, the royal commission recommended that the outcomes of these checks be either that the blue cards are issued or that they are not; there should be no conditional or different types of clearances. The Queensland Family and Child Commission blue card review did not support conditional working with children clearances but did support further community education about the application process. Woe betide any government that would counter these recommendations when the safety of our children is at risk. It will not be this government. I support the committee's recommendation that the bill not be passed.