




Speech By
Peter Russo
MEMBER FOR TOOHEY

Record of Proceedings, 19 May 2020

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

 **Mr RUSSO** (Toohey—ALP) (5.36 pm): I rise in the House to oppose the passing of the bill. The private member's bill, if passed, 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 would enable the community justice group for the community to make a binding recommendation about a community member's application for a blue card.

While one has to be sympathetic to the issues the bill seeks to address, one has to place weight on the recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse, which found that nationally there should be no conditional or different types of working with children clearances. The bill is both contrary to the royal commission's findings and the Queensland Family and Child Commission's findings during its review into blue cards. The bill does not have sufficient regard to a child's rights by allowing certain applicants to receive a positive notice when they otherwise would not be eligible. This would provide a different standard of an applicant's assessment and protection for children in specified communities.

The committee considered whether there may be alternative ways to achieve the intent of the bill and 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 the systematic implementation of the broad-ranging and significant recommendations of the blue card review, one of the recommendations the committee made was that the Attorney-General and Minister for Justice provide the committee with a progress report on the implementation of the Queensland Family and Child Commission blue card review recommendation to reform how Aboriginal and Torres Strait Islander applicants are supported.

The Working with Children Legislation (Indigenous Communities) Amendment Bill 2018 was introduced into the Legislative Assembly by Mr Katter MP on 17 October 2018 and initially referred to the Legal Affairs and Community Safety Committee. The bill is similar to a 2017 bill introduced by Mr Katter MP which lapsed on dissolution of the parliament in October 2017 prior to a general election. The Legal Affairs and Community Safety Committee provided the committee with access to documents received by it during the conduct of its 2017 and 2018 inquiries into the Working with Children Legislation (Indigenous Communities) Amendment Bill.

The Committee of the Legislative Assembly determined that the bill would be considered by the education committee, and the private member's bill was transferred to that committee on 15 November. Concurrent with its inquiry into the Working with Children Legislation (Indigenous Communities) Amendment Bill 2018, the Education, Employment and Small Business Committee inquired into a government bill, the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2018. The explanatory notes state that the current blue card system—

... has significant limitations in the way it applies to the unique circumstances of Indigenous communities and this is resulting in missed opportunities for social and economic development.

The explanatory notes went on to say that the current blue card system—

... whilst well-meaning in its intention, is not practical in its application to remote indigenous communities. Numerous examples exist where individuals who have made significant progress reforming their behaviour are faced with no hope of accessing employment due to the Blue Card system. Feedback from community leaders, law enforcement and judicial representatives indicates that handing more decision-making power to the communities themselves will assist in opening employment opportunities whilst maintaining child safety standards.

The working with children act provides the framework for working with children checks, commonly referred to as blue cards. Section 6 of the Working with Children (Risk Management and Screening) Act states that it is to be administered under two principles: that the welfare and best interests of a child are paramount and that every child is entitled to be cared for in a way that protects the child from harm and promotes the child's wellbeing.

The Queensland Family and Child Commission review considered feedback from stakeholders about the impact of the blue card system on remote communities. Concerns raised included that the system was a barrier to employment. The Queensland Family and Child Commission summarised the feedback about their concerns, including that current Blue Card Services processes and systems are not culturally appropriate and that there is a lack of community education and culturally appropriate information.

The blue card review report noted there were no culturally appropriate community education strategies and a lack of culturally appropriate information and resources. In its submission, the Australian Association of Social Workers recommended that the private member's bill not be passed and said, in line with the Royal Commission into Institutional Responses to Child Sexual Abuse and the blue card review, that it does not support the use of conditional cards or different types of clearances. I oppose the passing of this private member's bill.