



Speech By  
**Robbie Katter**


**MEMBER FOR TRAEGER**

---

Record of Proceedings, 1 September 2021

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

### **Introduction**

 **Mr KATTER** (Traeger—KAP) (12.30 pm): I present a bill for an act to amend the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 and the Working with Children (Risk Management and Screening) Act 2000 to allow for particular persons to provide services involving children in particular indigenous communities. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Legal Affairs and Safety Committee to consider the bill.

*Tabled paper:* Working with Children (Indigenous Communities) Amendment Bill 2021 [1309](#).

*Tabled paper:* Working with Children (Indigenous Communities) Amendment Bill 2021, explanatory notes [1310](#).

*Tabled paper:* Working with Children (Indigenous Communities) Amendment Bill 2021, statement of compatibility with human rights [1311](#).

This is now the third time we have offered this bill to the House. I stand here proudly with my colleagues today after we have discussed issues around this bill. We have received so many complaints, probably like many in this House, about the impact of blue cards in communities. I believe I have had a pretty strong exposure to the unintended consequences of blue cards since their introduction and as they apply in the communities of our First Australians.

This bill is about providing a pathway of prosperity for these communities. It certainly involves the safety and security of the children. With the benefit of hindsight and looking back on the impact of this, I think we are really talking just as much about the prosperity of people in these communities. By that I mean that the unintended consequence of this has been an overreach so that too many people are getting captured in this net and it is raising the bar too high for fragile people with a fragile demeanour who are trying to re-engage.

At the outset, we need to acknowledge that the first thought about this is that it is about child sex offenders, but the blue card's reach gets anyone with a drink-driving fine, a home-brew offence in Mornington Island, DVs and assault charges. That makes it much more complex when considering the impact of this bill. It is very easy to dumb this debate down to its lowest common denominator and say, 'We've got to keep the children safe.' Of course we do—who would not think that—but we need to acknowledge the unintended consequences and I would argue that the situation is a lot more complicated than that.

I would like to go through the application of the bill and what we are trying to achieve. The bill is limited to Indigenous communities around the state. It is not every town and it is not every city; it is Indigenous communities. The genesis of this bill for me was when a friend contacted me through Education and said, 'Rob, can you do something about the blue card?' They had a lady in the community with four or five foster kids at home but she had to be sacked from her job at the school because she could not get a blue card. That really seems ridiculous. We do not know all the ins and outs of that case so it is difficult to judge, but I have heard that story over and over again.

I can scarcely touch foot inside any of those communities—and it is not even discrete communities; I am talking about Normanton and Burketown as well—without someone approaching me and saying, ‘Can you help me out? I’m trying to get back in the workforce and move ahead, but my wife and I can’t get a job.’ They are trying to get jobs as a groundsman at the school or as a builder with the state government to go in those areas but they cannot get jobs.

This came up also in Mornington Island. They were looking to do a locals card to get more focus and more local autonomy in some of the decision-making. Mornington Island has a prohibition so there is an alcohol ban, and they wanted to manage it more locally and bring some autonomy in. That is where it grew for me. I could not have been a lightning rod for this issue; like I said, I think most people must get touched by it. I cannot imagine how you cannot if you are involved with Indigenous communities because it seems so pervasive. I have had three mayors say they have had problems with blue cards. They have had councillors who cannot get blue cards. There are so many people in those communities who cannot get blue cards but the majority of the jobs in those areas are government jobs that require a blue card.

The fundamental principle of the bill is about the decision-making for the judgement calls. This does not apply to all of the calls as we are not challenging the disqualifying offences on the blue cards. This is about the judgement calls. They should not be made by someone in Brisbane who does not know them, does not know their history, does not know their journey and does not know where they are at the moment. They need to go back to the local justice groups in the community. If those local justice groups do not have the maturity to make those decisions, then they had better learn.

I think it is quite paternalistic and condescending to think they cannot make those decisions because it is their kids we are trying to protect, not ours. I think it is very condescending to think that an officer in Brisbane would make a better judgement call on who should be allowed to work with their kids. They should be given the right and power to make those decisions. We also think that should be done in consultation with the local police and magistrate who can help navigate through some of those family problems when making those decisions.

That is the main principle of the bill. I know throughout the course of the debate and the committee hearings we will hear the same argument—that we are compromising the safety of the kids—but I disagree with that. I disagree that it will compromise the safety of the kids and I will tell the House why I think that. Firstly, most of the issues we face in the communities are alcohol related and in some cases drug related. Alcoholism prevails where there is an absence of meaningful work, hope and prosperity in their life. That is where we have the bad outcomes in the home. The best way to make that home safer is to get mum and dad into meaningful work. These people are probably the biggest risk of bringing harm to their kids, but when they want to turn their life around and try to move ahead, we are increasing the barriers for them to get into the workforce. I acknowledge that the government has attempted to improve the process, but I have to say it is really just tinkering at the edges. It is way off the mark in terms of a practical and meaningful change that makes some difference to the way these people can access work.

Another practical thing that needs to be acknowledged is the timing on blue cards. An example would be when someone has taken themselves off the drink and said to their family that they are going to turn their life around and go for a job as a teacher aide or a student attendance officer at a school. When they present there, the first thing they are told is, ‘Mate, you haven’t got a blue card. We’re going to have trouble with this but just hold on. We can appeal and we’ll try to rush through the appeal process.’ I have literally had this happen to me a number of times. We have gone into bat for them and we keep ringing down here, but it takes six months and they have floated by that stage. People lose heart; I would lose heart. They are trying to break out of this cycle so the timing needs to be made shorter.

Again, honourable members could say that puts the kids at risk. It might, but the only chance of these kids being safer in the long term is fixing the family unit and fixing these communities. That means access to meaningful work; that has to be a focus as well. If the parents are engaged in the workforce, they will be pulled out of that low point in their life. That must run hand in hand with keeping the kids safe. I know of people’s fears; I would fear it as well if I was the decision-maker or if I was the minister presiding over this issue in government. The fear is the risk that the media will go after them as soon as there is a problem with the kids. I get that, but honourable members must load up their conscience on this with the fact that they are making this impractical and so difficult.

Like I said, there would now be hundreds of comments, conversations and stories of people who have been bitterly disappointed with the way that the blue card has impacted their life. For me, this legislation does not go anywhere near far enough. This legislation is only applying to Indigenous communities, but I am sure we all have similar stories of people in our communities. There was a young bloke in Mount Isa who was involved in a fight 10 or 15 years ago and he did not even know it was

recorded. He went to take the kids away. We were ecstatic that we had someone to take the kids away to the footy carnival in Townsville. However, he could not go. The trip was off because he could not get his blue card. People might say, 'Yeah, but it saved heaps of kids.' Has it? Has it saved a lot of kids? I will come back to that point. The point is that that story can be multiplied a thousand times, and what is the negative outcome of this?

Again, this is well-intentioned policy, but we have worked out, especially in the Traeger electorate, that it does not work. It is doing more harm than good in the way it has been rolled out. We need to modify it—not throw it out; you do not throw the baby out with the bathwater. I am not proposing to throw it out but to modify the policy so it is purpose-built for different communities. Who is going to sit in this House and argue that dealing with these laws on Mornington Island is the same as dealing with them in Brisbane? That is what was said last time, 'You cannot have two sets of laws.' That is garbage. There are two sets of laws. Mornington Island has a prohibition now. That is a separate law. People there cannot walk around the streets having a beer or walk into a house on Mornington Island and have a beer; but you can in Mount Isa and you can in Brisbane. So people should not say there cannot be two sets of laws; there already are.

Kyle Yanner, the Mayor of Mornington Island, has come to Brisbane for this. It meant so much to him and his community, and I have to acknowledge that this journey started on Mornington Island. Personally, he has dealt with it himself and with friends. One of the comments that rings true for me was when Kyle was saying, 'The elders in our community'—and we thought this is best captured by the local justice group—'they will know. They have watched us grow from this to this. They know what our challenges have been and they can put that decision in context so when there is an element of subjectivity to the decision making it goes to the people who have known us and they know the risks.' Like I said, that can create a safer outcome for the kids because they will know whether or not that person really is a risk despite their record. I would say in all cases they are in a much better position to make that decision. In most cases, that will mean those people who do deserve a pathway to go forward will have that opportunity.

The statement from Mayor Yanner from Mornington Island that really impressed me was, 'Robbie, it takes the fire out of their bellies.' That must rest on the conscience of people. There are people who are struggling. They are crying out for help. To be honest, they have given up waiting for help from someone in government. Perhaps I am part of that problem; I am not saying it is all the government's fault. I am the local member of parliament for that area. I think they think, 'We can't change this. It is just how it is now.' However, there is nothing worse than destroying people's hope when they are trying to turn their life around. They might have done some time. They might have made some silly decisions. Some of these offences we are talking about could be related to home-brew or drink driving.

There are some pretty high rates of violence and criminal activity in these communities. If that were the case in most other communities, people might think, 'That is abhorrent,' but we have to put things in context. There are people who want to break out of that cycle and are trying to make life better, but this just seems to be making it harder and harder for them to break out of that cycle. That is exactly the opposite of what they need. I think most people want to do that. Obviously, the barrier is being called out as being soft on crime, 'We must save the kids.' Again, that is just too simplistic an argument to deal with this issue and all the inadvertent effects of this policy.

What we are trying to propose is for people to consider their prior criminal history and be up-front with that. That can include stealing, violence, burglary, unlawful entry of a vehicle—they are sections in the Criminal Code—as well as offences under the Drugs Misuse Act such as trafficking and supplying dangerous drugs. The disqualifying offences are the ones that are sacrosanct; they cannot be touched. Again, someone might say the alarm bells are raised when it comes to drugs. They might say, 'If that person had something to do with drugs we can never give them a blue card, they should never be near kids.' Where is the threshold on redemption? When do these people get to turn their life around? We have all done silly things in our life, but at some point we need to start trying to enable them. People could say that there are mechanisms in this act that do that or there should be consideration of that, but I can assure them whatever is in place already is not working; I can say that with some certainty.

There are questions that have to be asked during consideration of this bill. Obtaining a blue card is a formal process for people who go to the schools to coach the kids at footy, who are active at the PCYC, who are a builder going onsite to do work for the government at the hospital or at the school, or who work in the council because most of the jobs in these communities require some exposure to kids. Bravehearts identified the fact that in 70 to 90 per cent of cases the offender is someone the child knows personally. Furthermore, the Australian Bureau of Statistics safety survey indicated that for participants who had experienced sexual abuse before the age of 15, 13.5 per cent identified the abuse came from their father or stepfather, 30 per cent another male relative, 16.9 per cent a family friend, 15.6 per cent an acquaintance or neighbour and 15.3 per cent by other known persons. That is saying that the vast

majority—85 per cent—of people are known to the children and their family in similar connections. They are people who never needed a blue card to get access to kids. Obviously there is still 15 per cent of people for whom the system would work in preventing them access to kids if they were a risk to kids. I am not saying the blue card system is completely useless. However, the blue card is not a fail-safe system. It becomes more relevant in the remote communities where interaction with the family has proven to be a much bigger risk than going to the school or the PCYC, which is where the blue card comes into effect, and I gave that example earlier of the lady who had foster kids at home but could not get a job as a teacher aide at the school.

There needs to be some practicality. It is going to take some courage from the government. I am aware of the risks of the government being labelled as not doing a good job of protecting the kids. I expect we will hear ad nauseam as counterpoints to what I am saying that child safety is paramount. All I can say is that is a gross oversimplification of the problem. The problem is much deeper and more complicated than that. If we are all here to try to improve on policy that has real outcomes for people, I think this is what we should be focused on.

I would like to talk about how this policy change can work on youth crime. Anyone in North Queensland—certainly my colleagues are—would be patently aware of the impact on the community of the rise in crime and the unbridled activity that seems to be going on at the moment. We are deeply concerned about that. It seems to be getting worse and worse.

I think I say this rather bravely, but when constituents come to my office and ask, 'What are you doing about youth crime?' one of the first things I say is 'blue cards'. They say, 'What the hell does that have to do with blue cards?' I say, 'The kids are on the streets because it is not safe in the home. Ninety per cent of the time it is a dysfunctional family situation. The best way to make the family more functional is to give them something purposeful in life.' Ninety-nine per cent of the time, that is meaningful work. Most of those people who go to get meaningful work invariably cannot get a blue card. If we are trying to improve the family unit so it is safer at home so the kid can get off the street, that is how we attack it. We must start there. It might get a bit ugly. It is not a perfect solution. There will always be gaps in any legislation and parts of it will be bad, but there is way too much bad with this policy. It is doing so much damage through good intentions. We have to suck it up, take a look at it and modify it to make it more purpose-built for the different types of communities around Queensland.

We as a state are so diversified. It is now a bit of a KAP catchcry that Queensland is way too big for one set of rules. We have to be a bit more mature in the way we apply these policies. I am sure that a lot of officers working in this space will be feeding information to the government—and perhaps the opposition—that this makes their life hard. I acknowledge that judgement calls are hard and that this whole space is fraught with risk, but the government is paid the big bucks to make those decisions.

I want to talk about Mornington Island. I am probably labouring the point, but I think it is highly valid: there are two sets of rules. The policy may have the best intent, but we have to sit back and say, 'Okay, that did not work.' Alcohol management on Mornington Island is the perfect example. When I was first elected, QPS and the hospitals would say, 'Oh no, Rob. You can't touch the AMPs up there. You have to keep the alcohol ban on Mornington Island. It has done a great job.' Within a couple of years they were begging me to try to get the rules and policy changed, but nothing has been changed. There has been a slight change, but it is a real blight on the government that nothing substantial is changing, because home-brew and drugs got on the island and it made the situation infinitely worse. I would not have foreseen that. I would have thought it was probably a good thing to try at the time, but we have to step back and say, 'All right, that did not work'—it certainly did not work on Mornington Island—'so let's try something else.' The bitter irony is that one of the greatest offences up there relates to home-brew. Magistrates, lawyers and even locals say that court hearing days are full of people appearing for home-brew offences. Subsequently, a lot of people cannot get blue cards for work because we have applied this law. You can see how people up there must be so frustrated.

I will give a real-life, working example. Someone rang me from one of the small gulf towns in my electorate about a gardener at the local school. They said, 'He's a good fella. He's turned the corner. Everyone in town likes this guy.' We tried. It took six to 12 months. The minister's office was very helpful in trying to push things along. It was not through lack of effort, but the system let this bloke down. He actually got the blue card but the school could not hold the position any longer and employed someone else, so that bloke is unemployed. That is just a revolving-door situation. Unfortunately, because the offence did not happen in an Indigenous community that bloke would not have been captured by this legislation. Like I said, I would like this legislation to go much further, but we need to take small steps. We need to try to give something back to these communities.

We have created these situations for people and we need to look very deeply at some solutions, because there are some pretty confronting statistics and stories in these communities. There are some good people trying to break out of those cycles, and we need to think of meaningful ways to get that

going. Saying that we will just put in a cultural program to help people get more comfortable doing the blue card process or send some people up there to pre-empt people's entry back into the workforce in terms of a blue card is nice, but it falls well short of any practical outcome that will really work.

I will always default back to the principle—I think it is true and trumps anything else that will come up in this debate—that the empowerment must go back to those communities. If we really care about the welfare of those kids in the long term and the short term, those judgement calls, outside the disqualifying offences, are much better made by elders in the community than by someone in the Public Service down here. That must create a better outcome. A lot is said in state and federal parliaments about closing the gap and millions of dollars are thrown everywhere to try to fix things, but here is something very practical and real that really does mean something to people up there. People know what it means to get into meaningful work and they know whether you are serious or not. If you are giving them a six-month contract to do something, they know you are not serious. If you are really invested in giving them some autonomy and empowering decision-making, that is when people are grateful and believe you are there to help them.

I ask members to consider that in the way that this bill is approached. We have discussed it. We are always open to looking at amendments and at better ways it can be done. The KAP is not here to try and own this issue; we just want an outcome. It is desperately needed. This is a cry for help from people in communities who are desperate for some beacon to draw them out of unemployment, the cycle of violence and alcoholism. I assure members that those problems just keep getting worse. It is quite safe to say that the worse they get, the worse it will get in Mount Isa, Townsville and Cairns. If people are playing up in a community, they will go down to Mount Isa. If they are playing up in Mount Isa, they will go to Townsville. It plays a very big part in the whole process. We have to really think about going back to the heart of these problems and how to resolve them.

Despite this being the third time this bill has come before the House, I hope that the government and the opposition can think about making some meaningful change in these communities by doing something that will deliver some hope. We need to give them a bit of a leg-up in terms of a right to prosperity and a right to empowerment—something that can at least set us back on the path, because at the moment it is getting worse. They are desperate for help.

**An opposition member:** Not closing the gap.

**Mr KATTER:** We are not closing the gap; it is getting worse. We have to look for solutions. I ask members to go and talk to people in the communities, not just one person. I ask members to go up there and make their inquiries. I have never found anyone on the cape or in the gulf who says that this is a bad idea or that this is not a big problem. Most of those people have been touched by this issue, whether it is they themselves, a family member or a friend. I ask members to please do some consultation. I know this is the third time around, but I am really asking that the bill gets good airtime and that members go to the communities and talk to people. I do not need to be a part of that conversation. I am confident that members will get the required response. Please, let us get an outcome from this.

### **First Reading**

**Mr KATTER** (Traeger—KAP) (12.59 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to Legal Affairs and Safety Committee**

**Mr DEPUTY SPEAKER** (Mr Krause): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Safety Committee.

Sitting suspended from 12.59 pm to 2.00 pm.