




Speech By  
**Hon. Shannon Fentiman**

**MEMBER FOR WATERFORD**

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Record of Proceedings, 10 May 2022

### **CHILD PROTECTION REFORM AND OTHER LEGISLATION AMENDMENT BILL**

 **Hon. SM FENTIMAN** (Waterford—ALP) (Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence) (4.45 pm): I rise to speak in support of the Child Protection Reform and Other Legislation Amendment Bill 2021. I will limit my contribution today to those issues which relate to my portfolio responsibilities—the proposed changes to the blue card system. At the outset, I thank the Community Support and Services Committee for its work in considering the bill as well as the stakeholders who provided submissions to the committee. I note the committee's recommendations and, as indicated in the government's response to the committee's report and noted by the Minister for Children and Youth Justice in her second reading speech, the government fully supports recommendation 3.

Blue Card Services is committed to continuing its work to reduce barriers experienced by First Nations Queenslanders and provide a more supportive system at each step of the blue card process. I note the statements of reservation from the non-government members of the committee and the statements made in the House today and I will address these matters throughout my contribution. The amendments to the Working with Children (Risk Management and Screening) Act 2000 are designed to ensure the blue card system continues to provide the strongest possible safeguards for Queensland's children. As Dr Lee-Anne Perry from the Queensland Catholic Education Commission acknowledged as part of her oral submissions to the committee—

Blue cards give ... privileged access to young people. Blue cards play a critical role from the perspective of ensuring adults who are given that privileged access are screened as effectively as possible because it is a key part of the protection of the young people who are entrusted to schools.

That same sentiment can be extended across all of the child related industries that the blue card system regulates and aligns with section 6 of the working with children act which provides that the act is to be administered on the basis that the welfare and best interests of the child are paramount. We must always remember this core principle in actions we take as a government and, collectively, as a parliament.

Turning to the amendments which relate to domestic violence information, the bill amends the working with children act to enable the chief executive to obtain and consider domestic violence information as part of a blue card assessment. These amendments will implement recommendation 39 from the Queensland Family and Child Commission report *Keeping Queensland's children more than safe: review of the foster care system*. Whilst I note that stakeholders did indicate consideration of domestic violence information adds complexity to the blue card system and they did express some caution, the majority of submitters ultimately supported the intent of the amendments, which is to improve protections for children.

I want to take this opportunity to respond to some of the concerns raised by stakeholders and non-government members of the committee about the potential impacts of these amendments. The changes in the bill are made with an awareness and an acknowledgement that the dynamics of domestic and family violence are challenging and complex. Access to domestic violence information

allows for a more informed decision to be made about a person's eligibility to engage with children and it is critical in ensuring that any risks a person may pose to children are considered in the screening process. A number of safeguards have been incorporated to ensure that access to and consideration of domestic violence information in the blue card assessment process are appropriate. Domestic violence information will be carefully considered as part of an holistic approach to address assessing a person's eligibility, including any information provided by applicants themselves regarding the circumstances of that domestic violence information.

Specific amendments have been made to guide the chief executive on factors to consider when considering the information. Domestic violence information will not be automatically requested for all blue card applicants. Rather, it will only be requested where there is information that raises a reasonable belief that a domestic violence order or police protection notice may have been made against the applicant. A reasonable belief could be formed in many ways. In most instances a reasonable belief will be formed by information already before the chief executive. Information about the existence of domestic violence orders, including where more than one order has been issued or there are different complainants, is relevant to a blue card assessment. It may suggest a repeated pattern of behaviour. Conversely, the existence of a single order may also be highly relevant to an assessment, such as where the order is current and/or names a child as a protected person.

Some stakeholders, including the member for Maiwar, highlighted the need for specialist training within Blue Card Services to undertake the unique nature and dynamics of domestic violence. I am pleased to advise the House that in addition to the existing training already undertaken, Blue Card Services has added extensive training to the continuing professional development program of their assessment officers. This ensures that assessment officers remain up to date on the law and legal processes relating to domestic violence, maintain knowledge of current research in the area and understand the more subtle impacts of power and control and how that information should be considered as part of a blue card assessment. Assessment officers received training from the Centre for Women and Co late last year. Strong Women Talking, Marigurim Mubi Yangu, Aboriginal and Torres Strait Islander Corporation also delivered further training in April this year. That training focused on the drivers of violence impacting First Nations women and children and the impact of ongoing gendered violence.

I now turn to concerns expressed by stakeholders and others about the disproportionate impact the amendments and the blue card system more broadly have on First Nations people as a consequence of their overrepresentation in the criminal justice system. The government's response to recommendation 3 of the committee's report outlines several strategies which have already been implemented by Blue Card Services to improve participation. Of particular note, this includes a dedicated team of officers, including identified liaison officers, to help First Nations applicants engage with the assessment process and provide a cultural lens to the decision-making process. Targeted travel to remote communities to provide one-on-one support is also happening. This allows for more informed decisions as a result of the increased engagement by applicants in the submissions process. These initiatives are achieving positive results.

In 2020-21 Blue Card Services issued 15,489 blue and exemption cards to Aboriginal and Torres Strait Islander people across Queensland. This is more cards issued in a single year than ever before. Blue Card Services has already seen a reduction in the number of applicants in remote discrete communities withdrawing from the process before a decision has been made. Of course we still need to do more. I am committed to exploring additional opportunities. In June last year I was proud to launch *Safe children and strong communities: a strategy and action plan for Aboriginal and Torres Strait Islander peoples and organisations accessing the blue card system 2021-2025*. This plan was co-designed with Aboriginal and Torres Strait Islander stakeholders and validated with First Nations peoples across Queensland. The strategy and action plan will be an opportunity to continue the dialogue with key stakeholders to understand how First Nations applicants and organisations want to access information and support throughout the decision-making process.

Finally, I will briefly touch on the amendments which will facilitate Queensland's participation in the Working with Children Check National Reference System, the NRS. The NRS is a national database which enables jurisdictions to identify persons who have been deemed ineligible to work with children in another state or territory. The amendments adopt a mutual recognition approach. This means that a person who is currently prohibited from working with children in another jurisdiction will be prohibited from working with children in Queensland. Mutual recognition of adverse decisions requires an automatic and mandated response. This approach is necessary to ensure stronger protections for children and young people. These amendments to the Working with Children (Risk Management and Screening) Act build on the steps already taken by the Palaszczuk government to further strengthen Queensland's blue card system. I commend the bill to the House.