




Speech By  
**Jason Hunt**

**MEMBER FOR CALOUNDRA**

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Record of Proceedings, 21 February 2023

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

 **Mr HUNT** (Caloundra—ALP) (6.13 pm): I rise to make a contribution to the examination of the Working with Children (Indigenous Communities) Amendment Bill 2021. The Working with Children (Indigenous Communities) Amendment Bill 2021 was introduced into the Legislative Assembly by Mr Robbie Katter, member for Traeger, and referred to the Legal Affairs and Safety Committee on 1 September 2021. From the outset I make plain and put on record a very personal and sincere thank you to the member for Traeger for bringing this matter forward. In my own life I have had very limited contact with regional and remote First Nations communities and reading about their challenges is all well and good but talking to people in their communities, hearing their words while looking them in the eye, is quite another thing. I commend the member for Traeger for bringing this action to bear and putting the spotlight on this raft of issues.

This was also my first time in committee on the road, as it were. Once again it throws into sharp relief the work of the secretariat, which is onerous enough for a regular hearing, but increased tenfold by hearings of this magnitude. To all the staff involved, you have my gratitude and appreciation for all the hard work, including a masterpiece of improvisation when we completely lost power in Yarrabah during the hearing. A special thank you to my committee members, in this instance Peter Russo, the inexhaustible member for Toohey; Jonty Bush, the member for Cooper; Laura Gerber, the member for Currumbin; Jon Krause, the member for Scenic Rim; and Sandy Bolton, the member for Noosa. Each and every one of them displayed a level of empathy and understanding that I was very pleased to be associated with.

After hearing from the communities in Mount Isa, Palm Island and Yarrabah, the committee made seven recommendations. Recommendation 1: the committee recommends that the bill not be passed. Recommendation 2: the committee recommends that the Queensland government trials a program of dedicated persons available within Indigenous communities to assist with blue card applications and processes in collaboration with local community justice groups and councils. Recommendation 3: the committee recommends that the Queensland government issues clear guidance to large employers, including Queensland government departments and authorities and the construction industry, about their requirements under the Working with Children (Risk Management and Screening) Act 2000. This guidance should be towards supporting organisations to develop child safe policies which do not unnecessarily rely on the positive issue of blue cards. Recommendation 4: the committee recommends that the Queensland government considers legislative amendments to allow for the disclosure of information between government departments to streamline and facilitate the timeliness of blue card and kinship care approvals. Recommendation 5: the committee recommends that the Queensland government considers reviewing family related definitions under the Working with Children (Risk Management and Screening) Act 2000 and their application in Indigenous communities. Recommendation 6: the committee recommends that the Queensland government accelerates the implementation of the Queensland Family and Child Commission's report *Keeping Queensland's children more than safe: review of the blue card system*. In particular, the government should urgently

progress work on recommendations 41, 43, 46 and 54. Recommendation 7: the committee recommends that the Queensland government reports back on its progress on the implementation of the committee's recommendations within 12 months.

Although recommendation 1 speaks to not passing the bill, we should take note that recommendations 2 through to 7 indicate why the hearings and subsequent report have been so very worthwhile. So far as recommendation 1 is concerned, I would draw on the committee chair's own words—

At its heart, this Bill recommends the creation of a two tiered system. That is directly contrary to the recommendation of the Royal Commission into Institutional Responses to Child Sex Abuse. The Bill, if passed, would create more problems than it seeks to solve.

The royal commission recommended that the outcome of a working with children check is either that a clearance is issued or that it is not. There should be no conditional or different types of clearances. On the strength of that, the member for Traeger was absolutely correct to pursue these issues. It is simply that this bill is perhaps not the ideal mechanism.

Section 6 of the working with children act states that it is being administered under two principles: 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. Every submitter recognised and acknowledged the primacy of these underpinning principles. However, these principles themselves were not the causes for concern raised by submitters. The QFCC commenced a review into the working with children act and its operation in 2016 and reported in 2017. The *Keeping Queensland's children more than safe: review of the blue card system* considered feedback from stakeholders about the impact of the blue card system on Aboriginal and Torres Strait Islander people. The report made 81 recommendations about legislative policy and operational issues. The recommendations were in four areas: overarching reforms, streamlining the system, strengthening the system, improving support and maintaining public confidence. The blue card review report recommended significant reforms to the blue card system, including specific recommendations on how Aboriginal and Torres Strait Islander communities and applicants are supported.

An ongoing theme across community feedback was the application of blue cards and whether or not it was applicable in every circumstance, and again I refer to the sentiment of the committee chair when he states—

... we heard evidence that some employers were imposing a Blue Card requirement even where the work role involved no direct contact with children. This overly prescriptive approach by employers restrains, unnecessarily in my view, several employment opportunities for local Indigenous people in these remote communities, and operates as a bias, whether it be conscious or unconscious, against First Nations people.

That is precisely what the committee is referencing in its comment at 2.1.3, on page 17, when it states—

We consider that the blue card framework should be reviewed so historical offences of a non-serious nature and not involving children are not taken into account. The criminal justice system is premised on rehabilitation, yet blue cards have the potential to impose 'life sentences' on individuals who have already been punished for their prior crimes.

In its submission, the QFCC acknowledged the need for streamlined blue card system processes that allow Aboriginal and Torres Strait Islander people to engage in employment and kinship carer duties at the earliest possible time. I would encourage the QFCC to fast-track the streamlining process with the greatest possible urgency as, according to the Caxton Legal Centre, the review process for blue cards through QCAT can take at least 12 months while other submitters also noted lengthy time frames of up to 15 months and, in one anecdotal case, almost two years.

Recommendation 6 of the report specifically refers to the QFCC blue card review of 2017 and a number of key recommendations, many of which are relevant to Indigenous communities and the issues considered by the bill, in particular: recommendation 41, which involves a proposal to amend the working with children act to introduce a new decision-making framework, including a review of the list of serious offences; recommendation 43, which involves the appointment of a multidisciplinary panel, including an Aboriginal person and a Torres Strait Islander person with relevant experience to advise on complex cases and more generally; recommendation 46, which involves the review of communication material to make it easier to understand and less legalistic, and establishing a new process for requesting submissions; and recommendation 54, which involves considering whether or not officers could be authorised to exercise some or all of the working with children act enforcement powers.

In closing, I am delighted to be able to stand here and state that our government supports all of the recommendations, from 2 through to 7, of the report. To that end and in keeping with the sort of high-quality and decisive actions that we have come to expect from this minister, government responses will include: a commitment to trial a blue card liaison officer program to provide assistance in First Nations communities, which is very much in keeping with the submitters; an audit of all departmental

policies that deal with blue card screening to effectively address overcompliance issues; a review of certain kinship care approval and blue card assessments to identify trends, themes and opportunities for reform; and the much needed prioritisation of certain QFCC recommendations, including the review of the blue card decision-making framework to ensure it is fit for purpose. These responses go directly to some of the key issues raised by submitters in the communities we visited and, as such, I am very pleased to recommend the report to the House.