




Speech By
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MEMBER FOR CURRUMBIN

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WORKING WITH CHILDREN (INDIGENOUS COMMUNITIES) AMENDMENT BILL

 **Mrs GERBER** (Currumbin—LNP) (6.22 pm): From traveling throughout Queensland and talking with community about the blue card system, there is no doubt that the current blue card system needs improvement. The committee process certainly made that clear as did the submitters who claim it is no longer fit for purpose and requires a significant overhaul. Throughout the committee process we heard that the overwhelming criticism of the blue card system is that the application process is unable to distinguish between recent and historical criminal offences or effectively identify offences that pose no risk to children.

The member for Traeger has the right intent with this bill in trying to improve the government's failing blue card system. However, there are a number of issues with the bill including, at its core, that it proposes to amend the working with children act to enable a local community justice group to make a binding recommendation to the chief executive to issue a new class of blue card for individuals for work within that specific community. It is essentially this new class of blue card that poses the greatest difficulty with the bill. The proposal is a direct contradiction to recommendation 28 in the Royal Commission into Institutional Responses to Child Sexual Abuse because it introduces a conditional or different type of working with children check.

Recommendation 28 of the royal commission states that the outcome of a working with children check is that either a blue card is issued or it is not. The recommendation states that there should be no conditional or different type of clearance. That is one aspect of the bill, whilst well intended, that just does not get it right. Ultimately, despite the best of intentions—and I commend the member for Traeger for continuing to raise this issue—it became increasingly clear throughout the committee process that the proposed legislation would not achieve its desired aim. Unfortunately, we are not able to support the bill. However, I want to make it clear: we absolutely support the intent of the bill. As a committee, we have made recommendations to try to improve the state Labor government's mess of the blue card system, but we cannot support the changes in this bill as they stand.

I will provide an explanation of the committee's recommendations. This is the third edition of this legislation from the member for Traeger. The first edition was reviewed by the Queensland Family and Child Commission in 2016 and reported on in July 2017. That report is called *Keeping Queensland's children more than safe: review of the blue card system*. In July 2017, the QFCC made 81 recommendations. During the committee process we discovered that the state government has implemented in full only 16 of those 81 recommendations. In five years—it will be coming up to six years in July—only 16 of the 81 recommendations have been implemented in full.

I listened to the Attorney-General's contribution to the debate and I heard her say that more needs to be done. I ask: what has the state government been doing for the past five and coming up to six years? They have the report. They know what needs to be done. They know the work they need to do. They have just been sitting on their hands and not doing it. Given that, the committee has

recommended that the Queensland government accelerates the implementation of the QFCC's report and urgently progresses work on recommendations 41, 43, 46 and 54 of the QFCC report and report back to parliament on their progress within 12 months.

I want to go into the recommendations in the QFCC report. Bear in mind that this report was done in 2017. The recommendations include 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; the appointment of a multidisciplinary panel, including an Aboriginal person and a Torres Strait Islander person with relevant expertise to advise both generally and on complex cases; a review of communication material to make it easier to understand and less legalistic and the establishment of a new process for requesting submissions, including giving applicants advice and details of the types of information required and the ability for applicants to make oral submissions; and consideration of whether officers could be authorised to exercise some or all of the working with children act enforcement powers.

It was all very apparent to the committee that these existing recommendations, from back in July 2017, would address many of the concerns raised during the committee process. I note the evidence during the committee process of the Queensland Family and Child Commission which suggested that the implementation of the recommendations would go a long way towards addressing many of the issues currently affecting Indigenous communities in regards to the blue cards. What have those opposite been doing for five and coming up to six years? I point out the fact that our committee recommending that the government report back to show they are making progress is, quite frankly, a damning indictment on the lack of action from this state government for the past five and coming on for six years. We made that recommendation because, based on the state government's progress so far and how far behind they are in fully implementing the QFCC's recommendations, we do not have confidence that the state Labor government can take the action required.

Throughout the committee hearings, we heard from remote and Indigenous communities about the amount of time it takes for QCAT to make an assessment and provide an individual with a blue card is a major problem. We heard that that is costing jobs for people in Aboriginal communities. The mayor of the Yarrabah Aboriginal Shire Council told us—

... this issue is important in terms of economic engagement and participation. Blue cards play a part in that as well in terms of getting our people off welfare and engaging in the real economy.

Another common concern raised during the committee process was that the system treats Queenslanders as one homogenous group with an approach that simply does not work, particularly for Aboriginal and Torres Strait Islander people. In this regard, I also note the committee's recommendation of a trial of dedicated blue card liaison officers for Indigenous communities. I wish to highlight the committee's recommendation to consider legislative amendments to allow for the disclosure of information between government departments, streamlining and facilitating the timeliness of blue card approvals. This is particularly relevant for kinship care arrangements.

The impact the blue card system is having on the ability for kinship care proves to be a major failing, impacting not only individual families but also the wider community by disconnecting young people from family, country, language and culture. Essentially, the issue is that all of the adults in a family that has kinship care of a child are required to hold a blue card in order for the kinship care arrangement to continue. When a child in that family turns 18, if they are not granted a blue card or if it takes a significant amount of time for the card to be issued, this leads to the forcible removal of children in kinship care from that family.

We heard the story of a household where child services had deemed the family suitable for kinship care but Blue Card rejected one household member for a blue card when that household member turned 18. The family had to choose between giving up kinship care for a child or kicking their own family member out of the household. To put into perspective how prevalent kinship care is within Aboriginal and Torres Strait Islander communities in Queensland, as at June 2019, 55.1 per cent of Aboriginal and Torres Strait Islander children were placed with kin, Aboriginal and Torres Strait Islander carers or residential care services.

I want to share one particular distressing case that the committee heard about whilst touring the remote Indigenous communities in Queensland. On 12 September last year at the public hearing the committee heard evidence from Nikita Sellin, CEO of the Aboriginal Law Justice & Governance Association on Mornington Island. During that evidence Ms Sellin told us—

Unfortunately, we have just had some sad news this morning that a 15-year-old girl who was removed off the island because families could not care for her due to the blue card situation—they moved her to Mount Isa and unfortunately she committed suicide last night.

We are talking about a vulnerable 15-year-old girl taking her own life. The blue card system is failing these communities, and this is the most horrific and tragic result. Minors and vulnerable communities in this state deserve a government that can work to protect them and is taking action to protect them, but this state government is failing to evaluate and implement recommendations from five years ago—coming up to six years in July this year. Its lack of action in this space is endangering the lives of the most vulnerable in our community. The testimony of Nikita Sellin, CEO of the Aboriginal Law Justice & Governance Association, tells us all we need to know about the cost of this state government's inaction in this space. It has the report. It knows what needs to be done. It has had 5½ years to take action and it is failing to do it.

While the LNP cannot support this bill in its current form, I want to make it really clear that we support the intent of the bill and we urge the state government to do its job. Fix the blue card system. Implement in full the 81 recommendations of the report that was handed down in July 2017. The inaction from this tired, third-term state government is costing these remote Indigenous communities and the toll is too high.