




Speech By  
**Peter Russo**  
**MEMBER FOR TOOHEY**

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Record of Proceedings, 21 February 2023

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

 **Mr RUSSO** (Toohey—ALP) (5.58 pm): I rise to speak to the Working with Children (Indigenous Communities) Amendment Bill that was introduced into the Legislative Assembly by the member for Traeger and referred to the Legal Affairs and Safety Committee on 1 September 2021.

The committee in its report No. 38 which was tabled in the assembly on 31 October has recommended to the assembly that this bill not be passed. The policy objectives of the bill were introduced by Mr Robbie Katter the member for Traeger, and referred on 1 September. The committee's task was to consider the policy to be achieved by legislation and the application of the fundamental legislative principles to consider whether the bill has sufficient regard to the rights and liberties of individuals and to the institution of parliament. The committee also examined the bill for compatibility with human rights in accordance with the Human Rights Act.

As part of our inquiry, as has been stated earlier, we travelled to Mount Isa, Palm Island and Yarrabah to speak with community members and organisations about how the blue card system was operating within these communities. We also thankfully had the opportunity of talking to stakeholders from Mornington Island, Normanton, Doomadgee, Townsville and Brisbane. It is important to note at this juncture that, as we move towards self-determination and autonomy, treaty and truth-telling in Queensland, I heard many compelling stories which were each a reminder of how extremely important each of these goals are. The committee also heard that the process of applying for a blue card in these remote communities can be exhausting and retraumatising to Indigenous people due to many factors, including intergenerational trauma, language barriers and complexities around formal documentation as to identity. Added to that is the fact that blue card applicants in Indigenous communities, particularly in remote communities, face significant disadvantage when it comes to online applications. For example, a lack of facilities and issues with internet access and wi-fi on Palm Island severely limit applicants' ability to communicate with Blue Card Services, thus contributing to delay and inequity.

We also heard how the chronic housing shortage in these remote communities and negative blue card notices are contributing to social displacement and impeding kinship care arrangements. Our inquiries revealed manifest disadvantage, including that negative notices impact not only individual families but the wider community by disconnecting young people from family, country, language and culture. This disconnect is a modern-day injustice, with a haunting reminder of other times in our history when First Nations people were separated from family and country against their wishes. We have to do better. Additionally, 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. At its heart, this bill recommends the creation of a two-tiered system and that is directly contrary to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The bill, if passed, would create more problems than it seeks to solve.

I was moved by much of the evidence given during the public hearings and feel privileged to have heard the experiences of those who shared their stories with us. On behalf of the committee, I thank those individuals and organisations who made submissions on the bill and spoke with the committee. I also thank our parliamentary staff and the Department of Justice and Attorney-General. The proposal under the bill to alleviate the impact of the current blue card system on Indigenous communities is summarised in the explanatory notes—

This Bill creates a framework that overcomes these limitations ... to make a binding recommendation ... to issue a restricted working with children clearance to an individual for work within that community even if the individual would be issued a negative notice ...

This restricted clearance would allow a person to be employed or to carry on a child related business. Typically, a community justice group includes elders, traditional owners, respected persons and community members of good standing and there are currently close to 50 community justice groups operating across Queensland. The types of offences that could be considered under the new framework are limited. Additionally under the bill, none of the offences which can be assessed by the community justice group in making recommendations to issue a restricted working with children clearance can be sexually based.

The royal commission into institutional responses recommended that the outcome of a working with children check is either that a clearance is issued or it is not and there should be no conditional or different types of clearances. There is some consideration that the community justice groups' involvement in blue card decision-making may be beneficial to the community. It is noted, however, that the framework proposed in the bill runs contrary to the recommendations of both the Royal Commission into Institutional Responses to Child Sexual Abuse and the Queensland Family and Child Commission by introducing a conditional blue card limited in application to a certain community area and placing weight on situational factors. Neither the royal commission nor the QFCC supported conditional cards nor different types of clearances, noting the limits such an approach would impose on the probability of the cards and the challenges in monitoring enforcement compliance.

It is comforting to see that the government has committed to the recommendations that were made by the committee. Whilst it has been noted that there has been some delay in bringing these things forward, I hope to see an improvement in the future when the government reports back to the House. I want to thank the member for Traeger, Robbie Katter, for his perseverance with us in attending the committee hearings and contributing to the debate on this bill.