




Speech By
Sandy Bolton

MEMBER FOR NOOSA

Record of Proceedings, 14 March 2023

WORKING WITH CHILDREN (INDIGENOUS COMMUNITIES) AMENDMENT BILL

 **Ms BOLTON** (Noosa—Ind) (5.41 pm): The Working with Children (Indigenous Communities) Amendment Bill aims to address issues being experienced by Indigenous Queenslanders with the blue card system by moving decision-making to community justice groups. As is known, currently a person must possess a blue card before working or volunteering in child related employment or operating a child related business. A blue card is automatically denied for what is termed a disqualifying offence or while you are being charged with a serious offence. As we heard during our inquiry—and the Legal Affairs and Safety Committee did travel far—these cards are being denied in a range of other circumstances, with examples given of historical non-child or sexual related offences preventing applicants from receiving a blue card for their employment in non-child related positions.

For Queenslanders who have never had charges laid against them a blue card application is relatively easy. However, for our Indigenous communities, where high levels of offences are recorded, including by youth that remain on a criminal record for years, the blue card system is incredibly wide reaching, impacting significantly on small communities where employment opportunities are limited. We heard some heartbreaking stories everywhere we travelled. To better understand the reality these communities face, our committee held public hearings in Mount Isa, Palm Island and Yarrabah as well as Brisbane.

These hearings, in addition to the submissions, highlighted the issues being experienced. These included long delays in decision-making—we heard examples of up to a year in the appeals process; a lack of information, updates or knowledge sharing; and an overreliance on blue cards by businesses and entities even when not legally required such as road and building construction. The complex bureaucratic blue card application process deters many from even applying. It is the No. 1 legal issue for the Aboriginal and Torres Strait Islander Legal Service and they do not have the funding capacity to help applicants. This is all exacerbated in remote locations, with it impacting more than just employment. There are enormous difficulties for kinship carers as every person over 18 years living in the house must have a blue card. One tragic example we heard that resulted in a suicide was when child safety authorities asked a kinship carer to take a child in and the mother had to refuse because one of her own children had turned 18 and could not get a blue card due to a juvenile offence.

Under the proposed amendments, in Indigenous communities the decision-making for blue cards would transfer from the chief executive to local community justice groups. These are non-government, not-for-profit Indigenous volunteer organisations that provide practical and much needed support to their own people, including with Queensland's justice system. Throughout the hearings there were mixed views on this with witnesses highlighting concerns. Quoting from evidence at Palm Island, the local groups would need 'someone who has training in psychology and someone who is from the police department'. They further stated, 'We have to be educated to know that once we make the decision it will not backfire on us'. They also said, 'We cannot be put in a place where we are going to fail. We need that support not just for two years but on and on'.

It became clear that the issues are enormous. However, the solution was not in this bill. Instead the committee has recommended that the focus should be on urgent and extensive improvements to assist Indigenous communities in their applications and appeals, as well as, importantly, implementing the vast number of outstanding recommendations from the Queensland Family and Child Commission's report in 2017. A priority should be reviewing the legislative list of serious offences, introducing a multidisciplinary panel with an Indigenous representative to advise on complex cases, making communication material much less complex than it currently is and ensuring that community justice groups are an integral part of the assessment for Indigenous applicants.

I wish to commend the member for Traeger for never, ever giving up in his efforts since 2017 to bring this bill forward which has unearthed our failings and provides the catalyst for real change. That it took three attempts to come to the chamber demonstrates the flaws in time allocations for private members' bills. The results, as we have seen, can be catastrophic and have been experienced by these communities. In closing, I would like to acknowledge the efforts of our chair, the member for Toohey, my fellow Legal Affairs and Safety Committee members and our secretariat for the bipartisan and collaborative approach achieved from this inquiry and ensuing report. To all submitters and witnesses at the hearings, including those who came in virtually, my gratitude for the honesty in sharing your reality and efforts for your communities. May the change desperately sought now be realised.