

**QUEENSLAND GOVERNMENT RESPONSE TO LEGAL AFFAIRS AND SAFETY
COMMITTEE REPORT NO. 38
Working with Children (Indigenous Communities) Amendment Bill 2021**

INTRODUCTION

On 1 September 2021, the Working with Children (Indigenous Communities) Amendment Bill 2021 (the Bill) was introduced into the Queensland Parliament.

The Bill was referred to the Legal Affairs and Safety Committee (the Committee) for consideration.

On 31 October 2022, the Committee tabled its report, Report No. 38, in relation to its examination of the Bill.

The Queensland Government response to the recommendations is set out below.

RESPONSE TO RECOMMENDATIONS

Recommendation 1

The Committee recommends the Bill not be passed.

Queensland Government response:

Noted

The Queensland Government notes this recommendation and thanks the Committee for its consideration of the Bill.

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.

Queensland Government response:

Supported

The Queensland Government supports this recommendation and will continue working closely with First Nations communities as part of the ongoing implementation of *Safe children and strong communities* (SCSC). Publicly launched in 2021, SCSC is a five-year action plan to provide greater support to First Nations communities through every step of the blue card process and to further develop Blue Card Services (BCS) as a culturally capable organisation.

A key strategy under SCSC is the establishment of processes to embed Aboriginal and Torres Strait Islander perspectives into the work of BCS. Targeted actions include establishing Aboriginal and Torres Strait Islander liaison officers as identified positions based in First Nations communities and leveraging partnerships with existing service providers to better deliver services to remote communities.

In 2023, BCS will commence a Blue Card Liaison Officer (BCLO) Pilot Program which will trial the use of dedicated individuals in First Nations communities to provide:

- blue card advice and information for applicants and for organisations;
- assistance with blue card applications and processes;
- general awareness and promotion of BCLO services within communities; and
- targeted referrals to culturally appropriate support services.

The pilot site or sites will be determined in consultation with community and the program will be co-designed to ensure First Nations people have a genuine voice in how BCLO services are delivered. The BCLO Pilot Program will be evaluated and its learnings and outcomes will inform future consideration of the potential continuation or broader implementation of the model.

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* (WWC Act). This guidance should be towards supporting organisations to develop child-safe policies, which do not unnecessarily rely on the positive issue of blue cards.

Queensland Government response:

Supported

The Queensland Government supports this recommendation and will continue working with child-related organisations to address the complex and multi-faceted issues which can contribute to over-compliance with the requirements of the blue card system.

BCS engages directly with organisations and relevant peak bodies when advice of over-compliance with the system is received and encourages organisations not to adopt policies requiring people to apply for or hold blue cards where activities are not regulated by the WWC Act, or an exemption applies.

This is consistent with the BCS *2022-23 Compliance and Enforcement Policy and Priorities*¹ which reflects the importance of reducing the impact of over-compliance on individuals and communities.

Throughout 2023, as part of a staged approach, Queensland Government departments, with the support and guidance of BCS, will undertake an audit of their policies which deal with blue card requirements, including procurement and grant funding agreement provisions.

The results of the audit will enable BCS to develop and deliver tailored mechanisms to effectively address over-compliance issues.

The Queensland Government acknowledges that issuing blue cards is just one part of a much broader risk management system and suite of strategies designed to create safe and supportive environments for children. It remains committed to supporting child-related

¹ The policy is available at: <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/85e16c64-a0b8-4c33-977a-101f4af3a213/compliance-and-enforcement-policy-and-priorities-2022-2023.pdf?ETag=0ab67b63b5e4f7382b5b6bb6ac47cdaa>

organisations to develop and implement child-safe policies through a broad range of educative strategies focused on capacity building and continuous improvement.

BCS works with child-related organisations throughout Queensland to develop and maintain their child and youth risk management strategies. These strategies recognise that safe service environments require ongoing planning, commitment and maintenance.

Additionally, following the 2017 recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, the Queensland Government accepted the Child Safe Standards (CSS) as informing best practice for Queensland Government departments.

As part of ongoing work being undertaken by departments to integrate CSS into the cultures, policies and procedures that support the provision of services to children, the Queensland Government is currently considering options to support implementation of the CSS in Queensland.

In 2021, targeted consultation was undertaken with relevant peak bodies and other representative organisations in sectors for which compliance with CSS was recommended by the Royal Commission. The views of stakeholders are informing continued work to determine the best way forward for Queensland to implement the CSS.

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.

Queensland Government response:

Supported

The Queensland Government affirms its commitment to considering any opportunities in the blue card process which would improve accessibility for kinship care placements.

As highlighted during the Committee's public hearing on 10 October 2022, BCS and the Department of Children, Youth Justice and Multicultural Affairs (DCYJMA) are partnering with the Queensland Family and Child Commission (QFCC) to examine and build a stronger evidence base to better understand the interactions between the kinship care system and blue card requirements. This work will explore kinship carer assessments by DCYJMA as well as blue card assessments by BCS.

Scoping work has already commenced and work will continue in 2023 on undertaking case reviews of both DCYJMA kinship care assessments and BCS blue card assessments to allow for identification of key themes, observations and findings to inform future reform work in this area.

The Department of Justice and Attorney-General (DJAG) has also engaged the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) to undertake research and analysis of the impact of the blue card system on kinship care approval processes. QATSICPP is undertaking consultation with urban, rural and remote Aboriginal and Torres Strait Islander communities/sites to inform its findings.

To further support analysis and research into the impacts of the blue card system, amendments will be progressed to the WWC Act to allow genuine researchers to access data about the blue card system. This will implement **recommendation 75** from the QFCC report, *Keeping Queensland's children more than safe: Review of the blue card system* (QFCC Report).

The Queensland Government will also give further consideration to any other opportunities to improve information sharing and operational interactions between BCS and DCYJMA. However, it is noted that child protection information is governed by strict privacy considerations in order to protect notifiers and children from harm. The release of this information by DCYJMA can place notifiers and children at risk of harm even in situations where the information has been redacted.

Recommendation 5

The Committee recommends that the Queensland Government considers reviewing family-related definitions under the WWC Act and their application in Indigenous communities.

Queensland Government response:

Supported

The Queensland Government supports the need for legislation to be culturally relevant and to address any barriers created by the blue card system for Aboriginal and Torres Strait Islander people in kinship care households, including those transitioning to adulthood.

DCYJMA will work with DJAG to further consider the issues raised during the Committee's inquiry about the impact of the blue card system on kinship care households including the interrelationship between the *Child Protection Act 1999* and WWC Act and relevant family-related definitions and their application in Indigenous communities.

In addition, the work discussed in response to **Recommendation 4** above will inform the implementation of this recommendation.

Recommendation 6

The Committee recommends that the Queensland Government accelerates implementation of the QFCC Report. In particular, government should urgently progress work on **recommendations 41, 43, 46 and 54**.

Queensland Government response:

Supported

The Queensland Government has previously indicated its broad support for the intent of all 81 recommendations made by the QFCC in its review of Queensland's blue card system.

The complexity of the QFCC recommendations requires significant analysis and consultation with stakeholders, necessitating a staged and considered approach to implementation.

Recommendations 41, 43 and 46 from the QFCC Report will be prioritised. In particular, the Queensland Government commits to:

- reviewing the decision-making framework under the WWC Act to ensure it is fit for purpose;
- considering options to provide greater cultural context to the decision-making process; and
- reviewing the suite of materials which are used to communicate with applicants during the risk assessment process to make them easier to understand and less legalistic.

It is noted recommendation 54 will require further consideration. The recommendation was made in the context of compliance and enforcement powers and suggests appointing existing authorised officers under other Queensland legislation for the purposes of the WWC Act.

In its submission on the Bill, the QFCC noted it was open to the possibility of expanding the scope of the recommendation beyond its original intention to include delegating authority for assessing blue cards in certain circumstances (in particular, with respect to kinship carers).

Such a proposal is complex in nature and requires detailed consideration and, it is therefore considered a longer-term proposal. In the short to medium term, the Queensland Government will prioritise other key initiatives, including the BCLO Pilot Program and review of the decision-making framework, to improve the cultural capability of the blue card system.

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.

Queensland Government response:

Supported

The Queensland Government will report back to the Committee **by 31 October 2023** on its progress on implementing the recommendations.

Queensland Legislative Assembly

Number: 5723T173



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Tabled

By Leave

MP: HOW FORTIMAN

Clerk's Signature: *McRies*