



LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Members present:

Mr DA Pegg MP (Chair)
Ms N Boyd MP
Mr DJ Brown MP
Mr MJ Crandon MP
Mr JM Krause MP
Mrs JA Stuckey MP

Staff present:

Ms E Booth (Acting Committee Secretary)
Mr B Nutley (Indigenous Liaison Officer)

PUBLIC HEARING—EXAMINATION OF THE WORKING WITH CHILDREN LEGISLATION (INDIGENOUS COMMUNITIES) AMENDMENT BILL 2017

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 26 SEPTEMBER 2017

Hopevale

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Committee met at 1.33 pm

CHAIR: Good afternoon, everyone. I would like to start by asking Uncle Des to give us a welcome, if he would be so kind.

Uncle Des gave a welcome to country

CHAIR: Thank you very much. I would like to start by acknowledging the traditional custodians of the land on which we meet and I pay my respects to elders past, present and emerging. Thank you for meeting with us today to share your views on the blue card system. My name is Duncan Pegg, I am the member for Stretton and chair of the Legal Affairs and Community Safety Committee. With me are Michael Crandon, member for Coomera and deputy chair; Nikki Boyd, member for Pine Rivers; Don Brown, member for Capalaba; John Krause, member for Beaudesert; and also Jann Stuckey, member for Currumbin.

We are pleased you are here with us today to assist us in our examination of the Working with Children Legislation (Indigenous Communities) Amendment Bill 2017. This bill was introduced into the Queensland parliament by Mr Robbie Katter MP. It is our role to examine how the bill proposes to work. At the end of our examination we are required to write a report to Queensland parliament with a recommendation about whether the bill should become law or not. The committee has not yet made a decision about whether to recommend the bill should become law. This is why we are here. We want to hear your views and experience of the blue card system.

You may have noticed the microphones. We are recording what is said today so that your voices are on parliament's record. It becomes a permanent record. Annette is recording the meeting. A transcript will be emailed to you so that you have an opportunity to check and correct it. It will also be placed on the committee's website. Please make sure we have your contact details by chatting to Emily or by filling in a form that is available from her.

Given the sensitive issues around child safety that might be raised today, I remind everyone that comments should not identify children by name, including a child who is in the child protection or youth justice system. As I am sure you will appreciate, we want to protect the privacy of those children. Comments should also not refer to any matters before the courts.

What does the bill do? It proposes a different type of blue card system for Indigenous communities taking into account their unique circumstances. We understand that some people cannot work because of the current blue card system even though in a number of cases it is considered the person poses no risk to children and that their employment would have a positive impact on the community. Under Mr Katter's bill, a community justice group would be able to make a binding recommendation to the chief executive to issue a restricted positive notice to allow an individual to work within a specific community even if the blue card application would not be approved under the current system due to previous criminal offences. The community justice group could not issue this type of recommendation if any prior criminal offences were sexually based offences. It would be possible for the community justice group to issue a recommendation for a restricted positive notice for other serious offences such as certain offences involving stealing with violence, burglary and unlawful entry of a vehicle and also for some offences such as trafficking, supplying or producing dangerous drugs. A restricted positive notice issued by the chief executive would allow the holder to work only in the specific community to which the notice relates. I am sure you have all met Brett Nutley who we have here with us today. Some of you may already have met Brett in the past. Brett is the parliament's Indigenous liaison officer. Brett, would you like to say a few words?

Mr Nutley: Thank you, Chair. I acknowledge the traditional people here and acknowledge an old friend of mine Eric Deeral. I got them to rename the Indigenous Youth Parliament the Eric Deeral Indigenous Youth Parliament. I am still friends with the family. I acknowledge those guys too. I have been going around the state teaching Indigenous communities how parliamentary committees work. In the day we never had the opportunity to have our say on any legislation. This is one of those opportunities that has come by for our people, the opportunity to speak to the chair about your views on this particular subject. As the chair said, this will be recorded, taken back and consideration will be given to your comments today. This is a long way from where we were 20, 30 years ago to have an Hopevale

opportunity to come to the table and speak to our representatives, the members of parliament. Thank you for having us here. I am happy to be back in Hope Vale today. I was really happy when I drove into here. I was looking forward to coming here. I will chat with you after. Thank you.

CHAIR: Thank you very much, Brett.

BOWEN, Mr Des, private capacity

BOWEN, Ms Esma, private capacity

BOWEN, Ms Estelle, Coordinator, Community Justice Group, Hope Vale

CANNON, Ms Cheryl, Indigenous Teacher Coordinator, Good to Great Schools Australia

COSTELLO, Ms Shirley, Coordinator, Indigenous Knowledge Centre, Hope Vale Shire Council

DEEMAL, Ms Pearl, private capacity

GIBSON, Ms Dora, Education and Youth, Hope Vale Shire Council

HART, Ms Doreen, Team Leader, Wellbeing Centre, Hope Vale

CHAIR: We are going to try to keep proceedings as informal as possible while still respecting the formalities that we are required to comply with. We will ask each of you, if you wish, to make an opening statement about your views and then we will open it up to questions from the committee and then afterwards we will have some afternoon tea. Who would like to start? Doreen, would you like to start?

Ms Hart: Thank you for the opportunity. This is the first time that we have ever had the opportunity to comment on something like this. I guess we need to thank Mr Katter for that. There certainly are problems around the blue card. We really do need to look at this seriously because it is affecting our young people getting jobs. It is going to be something that both sides deal with. I know there are restrictions around getting a blue card depending on the related violence, but I think it is a good opportunity for us as a community to really have a look at what our situations are in the community and really start addressing it at a grassroots level.

CHAIR: Thank you very much, Doreen. We might go from left to right. Dora?

Ms Gibson: Thank you for this. I agree with Doreen. This is a great opportunity to speak our minds at this level. I just want to say this is a good idea because it will be supporting our young people. Because we are living within the AMP restrictions, the alcohol management restrictions, I would say about 90 per cent of our young people would be having criminal records based on that. Having a specific blue card just for the community is the way to go. I work with education and youth and that would really help our young people.

CHAIR: Thank you, Dora. Des, would you like to make some opening remarks?

Mr D Bowen: Thank you for the opportunity to express our concerns. We have been bashing our heads up against a brick wall trying to work out how can we tackle this issue. Recently we had one young fella employed with this organisation but then he could not get his blue card because of some ridiculous offence. It does not give our young people the opportunity to work. We need young people. Most of us are over 60. We are just going over the hill. The danger is we have no young people to carry on what we are doing. Just imagine the generation after that; what is going to happen to them? I don't know if you heard on the news, Channel 9, where they said they spend taxpayers' money on Indigenous alcohol problems. Our people here, through the AMP, they get dragged through the coals. We were told they won't be convicted. Most of our young people here, nearly every second person, has a conviction through even just an empty can. We are getting dealt with through this AMP and on top of that we have got to go through the white court in Cooktown and they are getting hammered left right and centre. I do not think it is fair on our people. It would be great if we could work something out. Even if they could be working with another person as an assistant or something it would be good to see that. It would give them that heads up and give them that confidence. Civilisation has caught up to us up in the cape here now. Most of our young people are well educated, but there are no jobs. Thank you.

CHAIR: Thank you very much, Des. Shirley, would you like to make some opening remarks?

Ms Costello: As you probably heard already, living in an Indigenous community has a lot of restrictions and especially Hope Vale being a welfare reform community. We are also under the AMP. There are questions all over the country about the Indigenous voice in the Constitution. This is just another thing added. We do have a lot of questions that need answering and maybe fixing. A lot of our people are subjected to the AMP law which then restricts them from getting a blue card. It really is an injustice to any person, Indigenous or non-Indigenous, that you cannot get a blue card because you brought in an extra bottle of beer. That is an injustice to anyone in this country. As this information sheet clearly dictates to us, the more people who are not allowed to get a blue card means the less people have a voice in their own community. Indigenous communities have a lot of distractions so I hope that this will result in a change in the bill for the betterment of Indigenous communities. Finally, I used to go Pine Rivers High School.

Ms BOYD: Cool. Some locals. Nice.

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Ms Estelle Bowen: I work in the courts and take people into court. I appreciate this meeting happening today. I like it that the parliament likes to hear our voice. Even with what Shirley and the others said, maybe after one count you are convicted. In the first place when this was put together it was said that young people or anyone would never have an alcohol related conviction as the AMP works with the court system. It is very sad that most of our young people and some elders have convictions. When they apply for a job at aged care or child-care, even to do moulding or anything, they cannot get a job. It is hard for these boys and girls. Then they turn to the Pathway which is just a Band-Aid over this from the Centrelink payment. They go and work there 20 hours a work, but these poor young people will not get a job in other organisations because they need the blue card. They are getting mixed up with the white card. But the white card says something different from the blue card. We would like them to consider us, because it is hard.

Our young people need these jobs, because they go to grade 12. Sometimes they say, 'We should put up our hands. Why should we go to school? We have a certificate.' But at the end of the day every young person, as occurs with Pathway, is only in welfare communities that have an AMP. We were promised this work, but last week in the court system nearly 50 went through just for alcohol. Most of them were saying that, because they now have a conviction recorded, 'We never have a job, we just got to go back and join the Pathway.' It is sad because they are educated people and they want to live the style that people outside have where they can go to Cairns and party. You cannot do that here, because you have to sneak your drinks out. It is really hard for our young people today. Maybe if you considered that, then think of us all. I thank the committee for listening to us. Maybe we can get action out of it. That is what I would like you to do.

CHAIR: We will now move to questions from committee members. I had a question about how a significant breach of the AMP affects people. We heard the example of someone being convicted for having one can of beer. Is this stopping people from getting blue cards and therefore stopping them from getting jobs? How widespread is this issue, and how many people does it affect in the community?

Ms Hart: It is affecting a number of people. I have been a commissioner here for seven years. As a commissioner, we find that young people make mistakes when they are caught with alcohol but their friends take the blame. Some of the friends do not even drink, but they take the blame for bringing in the alcohol because they do not realise what is going to happen. They do not realise that they will get a conviction. They go to court and a conviction is recorded. They have damaged their name because they tried to assist their friend. It is really destroying a lot of our young people because they do not realise the implications of their actions.

CHAIR: Would anyone else like to answer that question or talk about some of their experiences?

Ms Gibson: Estelle would probably know more about the percentage of people going through the court system with alcohol related incidents.

CHAIR: You talked about 50 young people recently. Would all those people, for instance, not receive blue cards if they applied?

Ms Estelle Bowen: If they were to apply they would be knocked back, because they have a conviction.

CHAIR: Because of one conviction.

Ms Hart: In the community, you know they are a good person. The community justice group would support them to get a job anywhere. Of course they are taking the blame for somebody else. They have been convicted.

CHAIR: In terms of getting a feel for numbers, roughly how many jobs in the community need a blue card?

Ms Hart: It would be around 80 per cent.

CHAIR: That is a huge percentage.

Mr CRANDON: I have a couple of questions about different parts of what you already spoke about. We took some evidence yesterday that might cause me to ask other questions that have not been raised at this point in time. Des, I am looking for some specific examples. There was the young bloke who could not get his blue card. You employed him, he went for his blue card, but you had to let him go. What was that one about? Can you give us some detail on that?

Mr Bowen: Doreen was the manager.

Ms Hart: We employed him because we knew that he would be a great person for the position.

Mr CRANDON: What was the role?

Ms Hart: Male youth worker. He started because he was working with kids, he needed a blue card. When his application went in he was told that he could not get a blue card, but he had not attended any court. He had not been convicted for anything, but his blue card was not accepted simply because when the community fights happened someone had been arguing with him. They then reported to child safety that he was not a good dad and had done something to his kids, and because of that they would not give him his blue card. He tried to chase up answers. He tried to get some responses back as to why, but he could not get any answers back.

Ms Gibson: And you question what that did to his morale. 'What do I do now?'

Mr CRANDON: Shirley, you talked about this as well. Can you give us some specific examples?

Ms Costello: I have another one. My son is one of those people who had to have a notice. A notice came to say that he had to renew his blue card but he did not receive his mail through the post office here. The next thing we had the police knocking on his door. He had to go to court because he had not handed in his blue card, but this was because of the mail system. My son does not drink or smoke dope. He smokes cigarettes. He does not drink. Anyone would recommend him for work with children because he is a great guy. He is capable of holding positions and working with PCYC. He was a school attendance officer, but they had to let him go.

Mr CRANDON: What about ice, methamphetamine? This bill is opening up things for you to make decisions, but what if the individual was involved in drugs like ice?

Ms Hart: I think we in this community would know about it.

Ms Gibson: Unless there are recommendations.

Mr CRANDON: From your perspective, if there were a conviction for ice or some other drug, whether they were selling them or whether they were using them, what would be the view of this panel? What do you think? We are talking about that sort of severity.

Ms Gibson: Get rid of them.

Ms Costello: We would need to know our next step in terms of who we report to, if we knew—

Mr CRANDON: He has been convicted of ice. I just using Fred Merc's example. He has been caught with ice in his possession. He has been convicted. He has been through the system. He has been convicted. Does he get a blue card?

Ms Costello: No, because you would be wondering about the state of his mind.

Mr CRANDON: You would be wondering about the state of his mind?

Ms Gibson: You could not. It would be zero tolerance.

Mr CRANDON: What about the individual who is a self-confessed alcoholic? On the one hand we are talking about someone being convicted because they have one too many bottles or cans of beer. Let us go to the other end, namely, a self-confessed alcoholic.

Ms Hart: Depending on the severity of the case, you would need to come to some agreement with him to go and get help, to seek help, and then you would monitor him or keep evaluating him right through the process until you are confident that he is clear.

Mr CRANDON: You give him the blue card and provide for him, or you let him go through a process before you give him the blue card?

Ms Hart: It depends on the severity. If he is an alcoholic and does not want to turn up to work, you would have to say that we cannot give you a blue card until you show us that you can actually improve.

Ms Gibson: I think it would give him a chance, because it will be a part of any process of him doing the work.

Mr CRANDON: We were in another community yesterday and basically I put the question to everyone, 'Why would you take the risk of giving someone that has had a conviction a blue card?' Are there not enough people out there who do not have a conviction who could take those jobs that need the blue card? Do you have a response to that? If there is a job available and a blue card is required, applicant A comes along, he or she cannot get a blue card; applicant B comes along, they can get a blue card, they have the job, the job role is filled. Are roles not being filled because of this?

Ms Gibson: With the alcohol policy, it depends on the job. If it is with the machines, of course you have to—

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Mr CRANDON: But there is no blue card required for a machine operator.

Ms Gibson: No.

Mr CRANDON: We are not talking about maintenance jobs and things of that nature. What we are talking about here is a blue card requirement. Aren't there enough people in the community that can get a blue card to fill the role? My question is: do you have roles in the community that cannot be filled because you cannot find someone that has a blue card or that can get a blue card?

Ms Cannon: I am with the school up there with Goods to Great Schools. If somebody does not get a blue card, there is no way they can come in there.

Mr CRANDON: Yes, I understand that.

Ms Cannon: If somebody has had a conviction way back when and we know that they have changed, because I am with the Family Responsibilities Commission as well so we would know their history and stuff. I think there are other people out there who could get a blue card. If this person cannot, you miss out. Give somebody else a go.

Mr CRANDON: Yes, you find someone else?

Ms Cannon: Yes.

Mr CRANDON: That is what I am asking. We have an individual that cannot get a blue card, and you mentioned a couple before. We are still filling the positions with people that can get a blue card?

Ms Hart: Yes.

Mr CRANDON: That leads me to my next question, which is this: what sort of pressure could the commission come under if you were given the right to grant a blue card? Let us say the laws changed and you get to give a blue card. Even though it has been knocked back by whoever looked at the application, you have got the right. What sort of pressure could be brought upon you by others in the community to give that person a blue card or, alternatively, not give that person a blue card? Do you see what I mean? You as a commissioner are it, you are in the community and you have got everybody there. They know who is making the decisions and the commission is making the decision. What sort of pressure would that be? Do you want that sort of pressure from different people in the community? Do you understand? Do you get my meaning?

Ms Gibson: Yes. I think you have to develop a certain criteria to follow so that you are not favouring this one or favouring that person. You will say, 'This is the criteria that we've developed and this is what we are going by.'

Ms Hart: The situation is similar to being a commissioner with the FRC. They are similar things. You have to make decisions around people's lives. When it first came out we were abused—constantly abused. We were not even invited to some family parties because of the decisions we made about certain family members, but I see it as tough love. You do it for the good of the people. That worked because we had a real strong supporter behind us being David Glasgow, who gave us the legal advice and the support to be able to do our jobs, plus we had legislation that protected us. If something similar like that was set up, locals could do it.

Mr CRANDON: Thank you.

Ms BOYD: Thank you all for coming along today and for the very warm welcome that you provided us with. I just wanted to seek your opinion and your response to the serious offences that are outlined in this bill. The bill gives leeway for a number of offences. After hearing from you today, you have talked about the AMP convictions. It seems to me that the feedback that I am getting from you is that you very much want to see a change in that space in that you think that that would be helpful and productive for the community in terms of blue card approvals. The offences that this picks up lie in the Criminal Code and they also lie in the Drugs Misuse Act. In the Criminal Code it is sections 409, 419 Hopevale

and 427 which cover offences that relate to stealing with violence, burglary and unlawful use of a motor vehicle. In the Drugs Misuse Act it is sections 5, 6, 8 and 9D which relate to trafficking of dangerous drugs, supply of dangerous drugs, producing dangerous drugs and trafficking in relevant substances or things. I just wanted to seek your view around whether you would be happy for those to be convictions that people have got on their record and the blue card to be granted whilst those convictions are there on the record.

Ms Gibson: I think leave it how it is. My concern is the alcohol related blue cards. The others serious ones, leave them.

Ms Hart: Leave them there. It is just the smaller scale convictions that we are worried about where the youth have made a mistake because of their age. They have not realised that they are going to get a conviction for bringing in a friend's grog. It is the smaller scale stuff I think that we want to change. For the serious ones, leave that as is.

CHAIR: Anyone else?

Ms Estelle Bowen: Yes. I think that there was a thing about the driving. We had a lot of that in the courts where generally the lawyers put something up to say that we do not want any conviction recorded. They are doing that now, because when we had the bloke from Brisbane who was issuing blue cards up here he said, 'Maybe it's a silly thing that this young person got behind the wheel and drove,' but young people do that everywhere. I do not care what the colour of your skin is. You make that mistake. You even see the footballers getting done for that kind of driving. They were saying to us that maybe what we should be considering is the driving because they are young people. When they want that and come to an age where they want to settle down, this poor lad—probably in his 30s now—cannot get a job anywhere because that conviction is recorded on them. That is what I think the person who came up from Brisbane said—that is, this could be uplifted if you get a lawyer. Maybe we could lift that up for them, because driving usually means that anyone in their teenage years wants to do something silly. That is probably what we were talking about.

Ms Gibson: I do not agree with that one because taking their licence is a consequence for what they have done. I disagree with that because that is a consequence of driving under the influence. That is serious. It will probably be a learning curve for that young fellow.

Mr Bowen: First up, we have that AMP in Hope Vale. The majority of our young people now have convictions beside their name whereas a young person in Cairns, Brisbane or Sydney will have a conviction not recorded when they are drink-driving. Our young people could do that, but the worst part of it is that our young people say, 'I just want to get it over and done with.' If the cops see an empty can in the motor car, the cops will get that and charge them with that. When the lawyers say, 'We can fight this case,' our young people will say, 'It's all right. I just want to get it over and done with.' What he or she does not understand is that there is a black mark against their name and these kids cannot get blue cards. Do you see what I am trying to say?

Ms BOYD: Yes.

Mr Bowen: If I was on the panel what I would be pushing for is those kids who do not have records give them a job with a blue card. In terms of those kids who cannot get a blue card but we know are a promising leader, all of the effort should be given to that child to say, 'Look, we need to fix up this little issue.' Every person will have five per cent of the bad and 20 per cent of the good, so it would not take much to work on the bad side of that person. We need to do that because we need leaders for the next generation. That has to be a must. Thank you.

CHAIR: Thanks, Des. Anyone else?

Ms Cannon: If there was a bill to come about, is it community based or is it a blanket case across the cape?

Ms BOYD: It is blanket.

CHAIR: Yes. There has been a bill put forward by Mr Katter. It is a private member's bill. Under the bill there is a community justice group that would be able to make a binding recommendation to the chief executive, so it would apply to this community and other Indigenous communities as well.

Ms Cannon: So we would not do a bill up just for Hope Vale that suited us?

CHAIR: No. It will apply beyond that, yes.

Ms Hart: Maybe we need to look at the time frame of the conviction. As Estelle was saying, I think the convictions are for life—some of them. Maybe we need to look at the crime and the time frame of the conviction. Maybe that is an idea.

Ms BOYD: Yes, so it sounds as though it is misdemeanour offences and spent convictions as well.

Ms Hart: Yes.

Ms BOYD: I wanted to ask you about your community justice group. I presume that you have one here in Hope Vale.

Ms Estelle Bowen: Yes, we do.

Ms BOYD: Fantastic. Estelle, you are from the community justice group?

Ms Estelle Bowen: Yes.

Ms BOYD: Are there any other representatives here today? Doreen is indicating that she is as well. In terms of your community justice group, how many members have you got?

Ms Hart: The membership list or—

Ms BOYD: The members on the group.

Ms Estelle Bowen: Twelve or so.

Ms BOYD: The bill provides essentially for you to be decision makers. If the blue card application is sent away and the commissioner says, 'I don't think that this is appropriate for a person to be granted a blue card,' then it can come back to you and you have a period of time to say, 'We want this person to be granted a blue card,' and there is a whole framework and regime that is set out in the bill to be able to do that. For the community justice group to be able to achieve it though you would need to have a majority decision of your membership, so you would need to have seven members vote on it. Essentially, the responsibility would be yours and the decisions would be yours. As community justice group members and volunteers, I understand, is that something that you are comfortable with?

Ms Hart: Yes. I do not know whether we would be comfortable with it—we probably would be—but it would be the appropriate channel to take because the justice group is made up of 12 members from the 13 clan groups.

Ms Estelle Bowen: Yes, 13 makes it historical.

Ms Hart: Yes, the 12 clan groups plus the historical members on the justice group.

Mr CRANDON: How many are historical members?

Ms Hart: Two. There are two members from each clan, so if one cannot turn up the other one turns up. So there is representation right across-the-board.

Ms BOYD: Thank you. I will leave it there for now.

Mrs STUCKEY: Thank you all for coming along. There are a couple of familiar faces here I recognise from trips up here before. I have two questions, and the first one is probably more a clarification. Do most of you think that having an AMP is putting you at a greater disadvantage with regard to blue card eligibility compared to communities that do not? Should we be considering that and, if so, how?

Ms Gibson: Yes to that first question. The AMP is—

Mrs STUCKEY: You feel disadvantaged here with regard to this?

Ms Gibson: Yes, that is right.

Mrs STUCKEY: Would anyone else like to comment?

Ms Deemal: I think we all agree on that.

Mrs STUCKEY: If we are going to give consideration to that, how? That leads me to my second question. With another group we have talked to, I raised the thought of a two-tiered system. Young people need a champion. Everyone in this room understands that what underpins this legislation is that it is paramount to have the safety of children at the forefront. We are talking about working with children, not working in other situations. As I said, young people need a champion. What I am hearing from all of you is that you are very much trying to be that and I congratulate you for it. In response to Mr Crandon's question, you mentioned the fact that you would monitor a person who was, say, an alcoholic. Another community felt that that person would feel victimised if that happened to them. We are hearing some very different approaches. Are you suggesting that there could be a two-tiered system, so that there could be a probation and there could be some supervision, and not every case should be dealt with in the same way? Would you like to see some provision for that, rather than a blanket approach?

Ms Hart: Certainly some provision for that and services to support people who want to make the change. I do not think we have full support for people who actually want to come off the drugs or come off the alcohol. The services are very limited.

Ms Gibson: I think there should be a probationary period.

Mrs STUCKEY: This is without any extra services or anything else. This bill before the House is about whether people are fit and proper to work with children. What we have been hearing is that some of the lower-level convictions are perhaps standing in the way of some potentially very good young people and older people getting jobs.

Ms Hart: Yes, that is right.

Mrs STUCKEY: Are there any comments?

Mr Bowen: We have a system in place. A lot of our young people go through the court system in Cooktown. They are referred back to the FRC. Some of them are referred back to Apunipima. Some of them are referred back to get assistance for their drug or alcohol problem or whatever. There is a system in place here. I believe we just have to build on that for the young people, because if we lose that generation then we lose the one coming up after them. When we grew up, we did not have what these young people are going through now.

Mrs STUCKEY: As I was saying, the bill does not say that there is extra support. That brings me to the final part of what I have been asking about, which is this: do you feel that the justice group, which will be given a significant role through this bill, has the capacity to do that? There have been comments about supporting and monitoring someone who was a low-level risk, but certainly not a sex offender or a drug user or anything like that. Do you think the community justice group has the capacity to support that person?

Ms Gibson: Is there a provision set aside for a different entity, apart from the justice group?

Mrs STUCKEY: In this bill, a fair bit of that significance falls to the community justice group. That is my understanding.

Ms Cannon: I feel that the justice group should work together with the FRC.

Ms Hart: Yes, I think so, too. The FRC does a lot of the referrals and the hard table-banging stuff for change.

Mrs STUCKEY: Yes, I remember when it was formed.

Ms Hart: We have been down that road for seven years. Combined with the FRC. The FRC has already been doing a lot of that stuff and really giving options to people to better their lives. I think the two combined would be excellent to take on the job.

Mrs STUCKEY: To wrap that up, do you think that the FRC actually sees the ineligibility for a blue card as an obstacle and is it worth you raising that with them?

Ms Cannon: Are you rephrase that?

Mrs STUCKEY: It is great to see everyone working together. You are a community that is very connected and it is very heartening to see. If we talk about working with them, do you think that the FRC is aware that the difficulty of not being able to get a blue card is having an impact in this community? If not, how can you go about making them more aware?

Ms Cannon: The FRC is well aware of that, because the clients come to us and say, 'Tell us about it. We are aware of it.' I think it is working with the justice group. If you have low-level convictions, you work through these steps. We work together and find out whether this person is doing that and how we can help, how the justice group can help and how the FRC can help. Let the people know, 'You are getting close to applying for a blue card, so keep it up'. It is about supporting like that.

Ms Gibson: Were you are talking in that context or were you saying that the FRC and the justice group, whenever a name is sent back to them, make a combined decision? Is that what you are asking?

Mrs STUCKEY: No, it is not so much that. It was more in relation to this bill. Now that we have this bill, we have this opportunity to talk to you personally and take that feedback back to the parliament, through the transcript. Do you think the FRC is aware of this specific issue? How can you enhance that relationship, if this is important to you? I am trying to help you join some dots.

Ms Gibson: I think it would be powerful, yes.

Ms Deemal: I have a worry with this new class of blue card. Is it a form of a watered down blue card? Will it have the same strength as a standard blue card?

CHAIR: The consequence would be that some people who have been convicted of some offences would ultimately be able to work with children, where they cannot under the current system. To summarise, it would be changing the current system to allow people who had committed serious offences in the past, particularly relating to stealing, burglary or drugs, to potentially be able to work with children in circumstances where, under the prevailing system, they cannot.

Ms Deemal: So it would be a different colour?

CHAIR: It would not be a different coloured card. That is not proposed in the bill. It would effectively allow people to get blue cards who would not be able to currently. There are some mechanisms for the community justice group to issue notices. We are trying to get feedback on whether or not that is something that the community thinks is a good thing.

Mr CRANDON: It would only be in that community. They could only use it in that community.

Ms Hart: So you could not go to Cairns and get a job with that blue card?

Mr CRANDON: No.

Ms Deemal: That is dangerous. That is scary. I know we have moved on from the justice group and the FRC, but to me that is too many people. There is a whole lot of people in the justice group and there is a whole lot of people in the FRC. It is just too many people.

Ms Hart: They would not all sit. You would just sit with the appropriate community representatives that that person represented.

Ms Deemal: What if you are related to that person?

Mr Bowen: We have a policy that if your family came in you just have to say, 'I have a conflict of interest'.

Ms Hart: It all depends on the client. Sometimes the client asks for the family member to be there.

Ms Deemal: Isn't that bordering on nepotism, though?

Ms Hart: Yes, it is.

Mr CRANDON: That comes back to the question about pressure from the community to that small group.

Mrs STUCKEY: Don't they only need seven people for consensus on the justice group? You do not have everybody, do you?

Ms Hart: No, you do not. You would just have a quorum.

CHAIR: So that we can move forward, maybe people can ponder some of those issues and we can come back to them later on in the hearing, unless someone has a burning response?

Ms Gibson: That is a good point though, the number of seven. There would be an equal amount from the justice group and an equal amount from the FRC.

Ms Hart: I have a concern. In the event that someone applies for a blue card from Hope Vale, if they see 'Hope Vale' will we all be given the lower card or will it just depend on whether you were convicted? Would they still do the process of checking the background of that person or would we all be tarred with the same brush?

CHAIR: I would imagine that that would be the way it would work. There have been concerns raised in previous hearings about how long the process takes and that kind of thing. I think that is a valid concern that we probably cannot answer directly, but it is an issue that has been raised.

Ms Gibson: It is just a case of the postcode. People just look at the postcode and think, 'No, that's Cape York; that's an Aboriginal community for sure'. That would be a bit of a concern.

CHAIR: I understand the point you are making, Doreen. Shirley?

Ms Costello: Jann, I am not sure if your question about the capacity of the justice group was answered. The justice group has been together, the same people, for the past five or six years. To be honest, I am not too sure if you have the capacity there, because we are going into something totally new, which means that they would need to have a new set of standards of how to apply. It talks here about the application of the standard blue card process. This group of people needs to have more compliance meetings or whatever to upgrade their skills in order to be more knowledgeable in this area. You cannot just say, 'Okay, here's the new package for the existing justice group'. I do not believe that causes strength in a community. You need to have a whole community meeting. I am only one person saying I really believe there needs to be a huge improvement in the capacity, because right now I do not see that.

CHAIR: Thanks, Shirley.

Mr BROWN: Thank you, everyone, for coming in this afternoon and hosting us here today. My question goes to the consequences for the community justice group and the community in general if something goes wrong. Say person A gets knocked back for a blue card and then the community justice group gives them the go ahead. However, something then happens to a kid in the community and the blame is put onto the community justice group. Let us say that the vote happened and some people Hopevale

said no and some people said yes. What division or angst would that create not only within the community justice group but also in the wider community? We are dealing with kids. Has anyone thought about those consequences with this bill?

Ms Estelle Bowen: To be honest, we have never had those cases for the justice group to handle. We only had one case where the lawyer asked a young boy not to plead guilty. He came in to say, 'I'm just going to plead guilty and get it over and done with'. We were saying to him, 'The easy way isn't for you to say that you just want to get it over and done with'. We sat down with him and said, 'That's why we have lawyers'. We have good lawyers today, criminal lawyers. We have someone who deals with children. There are different lawyers who come to the community.

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We never had that case, only with this one now that is going through, because he just said, 'I want to get it over and done with,' but the lawyer said, 'No, we can fight it, because it was not your fault. It was someone else's fault.' We never had a case to come up yet. This is the first case that is going to be tested. I kept on saying to our department, 'We have to start changing.' It is too much of a job. You have to have two from the lands department for their title, clan groups. We are saying that it is not working because you need to have how it was before when it first came in. When we started up the justice, it was because we could not settle the violence that we were having. There was quite a few of them. Des was one of them who started it. Then we had some elders, who have now passed on, to say, 'Let's form a justice committee.' It is not a paid job. We were doing it free of charge just to settle the land.

Since the land was given back, that is when we had so many people going to the court cases. The court cases were high, because these younger ones were saying, 'You get off. This is my land.' Once everybody came back from Woorabinda, everyone was working in peace and harmony. Now, it has split the community. That is why we had so many people going through the court system. My argument was to say that the clan groups should be getting together. They should be having their meeting. Let them put up someone who they want. I cannot speak for another person's place. Historically, we get together, but we were saying that that should happen. They said that we would have to wait until the legislation is passed, because what they pass down there is two from each clan group and two from historical. I said to them, 'We need to change that now.' It was a long time ago that it was passed. It needs to be changed. We need younger ones involved now, because we will not be there in many years. It has to be the younger ones who take over. That is why we are saying to our bosses, 'We need a change.' It has to go back to legislation to change it. I think it is about time. Maybe now with what the MP is trying to do, that is probably another thing to start getting our head around to say that we need the changes, because it is not working. That is why we have about four or five JPs and we have two or three mag JPs. I said to them that we need more people to join the JPs so that they can go through the training. Doreen would remember that. We had it before then.

Mr CRANDON: You said that you had four or five JPs and you had two or three—

Ms Estelle Bowen: Mag JPs—magistrate JPs.

Ms Deemal: You said if a person were issued with a blue card, we know that there are people with a blue card in the community and they are carers through Child Safety. We question, 'How come he has a blue card?' We know that person. That is the fear that is going to happen with this other one. Everybody knows each other. We are going to start questioning, 'How come you got a blue card?' That is what we are going to put up with now in Hope Vale. We are putting up with it now. Some carers in Hope Vale, through Child Safety, I do not know where they got their blue card from.

Mr BROWN: Esma, you had a question.

Ms Esma Bowen: You talk about the young person, or whoever, who does the crime and is given a blue card.

Mr BROWN: My example was that he is knocked back for a blue card. The community justice group then grants him a blue card and says that he or she is a fit and proper person to have one. Then something goes wrong while working with a child, for example. What would be the consequence to the community knowing that the community justice group gave that blue card to that person and then something happened as a consequence after that?

Ms Esma Bowen: Firstly, if that person was very bad—whatever they did to the child—they would not issue him another card. The person who gave the card to the one who did the crime, the community would be in uproar with the justice group for giving him the card. They know for a fact what he did to the person.

Ms Gibson: That is why we need to just deal with the petty offences—with the alcohol related stuff, not these—

Mrs STUCKEY: Children offences.

Ms Gibson: Children offences. That is a no.

Mr BROWN: The bill refers to producing dangerous drugs and trafficking in relevant substances. They are pretty serious crimes, especially when children are involved. This bill is not a government bill; it is from Robbie Katter. We have to go through it to try to make sense of it in terms of how it would work on the ground. It is good to get that feedback.

Ms Hart: We just need the not-so-serious crimes. If they are given a conviction, give them the opportunity to come back in, say, two or three years time, or five years time, to reapply.

Mr BROWN: Following on from that point, do they need to go back to the community justice group in those circumstances with those lower-level crimes?

Ms Hart: Go back to the justice group. If they were convicted for five years and they have done their five years, then they reapply. The application then should come back to the justice group, 'This person was not able to get a blue card before because of this, this, this. However, the time has expired. He has now reapplied. What does the justice group think? Has he changed his ways?' I reckon that may be a better way.

Mr BROWN: Thank you.

Mr Bowen: I have one question. Is the government thinking of giving the community an opportunity to make decisions on this?

CHAIR: It is a private member's bill that was introduced by Robbie Katter. Effectively, if the bill were to pass, the community justice group would have a say in your community. That would be the effect of it.

Mr Bowen: You are giving the community that responsibility?

CHAIR: Yes.

Mr Bowen: I really did not think that I would live to see this day where the government would give the community the opportunity to have an input. I am on top of the cloud with that—that we have been given that opportunity—because it was all jammed down our throat and you had to accept it.

Just recently, in our ground down there we had a tree there and they knocked that tree down. I went around to ask who knocked it down and I found out that it was one of the governments from outside who came in with that order. I was over at Hughenden and I noticed people gathering around this tree. I went over to have a look and found that that is where Burke and Wills boiled their billy. They treasure it. They have a seat around it. Ours here was knocked down. I am very pleased to hear that we are having an input. We have committees in place. I am sure we can just fine-tune that ourselves to adjust.

CHAIR: Just to clarify, this bill would have to be passed for that to happen.

Mr Bowen: Yes.

CHAIR: You understand that? We are consulting on that. The bill was introduced by Robbie Katter. You are right: the effect of the bill, if it were passed in its present form, would be to give you that opportunity.

Mr Bowen: When I was the chairman I worked with Bobbie Katter senior.

Mr CRANDON: Des, keep in mind that we are getting feedback today from this group that the bill is not what you want. In its present form, this bill goes a lot further than this group is indicating it is comfortable with. I wrote it down before—'Leave the act as it is. It is the smaller scale and alcohol related stuff, the not so serious crime.'

Ms Hart: That is right.

Mr CRANDON: That is not this bill. This bill is a lot broader than that.

Mr KRAUSE: This question has been covered. It seems to me that the issue is largely to do with alcohol management plan offences. Some of the feedback that we have received from other places indicate that the net on blue card offences that need to be disclosed is too broad and it would have an impact. I was alarmed to hear that 80 per cent of jobs in Hope Vale require a blue card. That is a huge proportion. When you are getting things like AMPs and traffic offences, even if it is granted, you still have to go through that process, which can cause delays and a lot of upheaval. Does anyone want to comment on that aspect? I know that you have spoken about it, but if there is anything else about that broad net of offences that you want to add, please do so.

Ms Esma Bowen: With the broad problem, is it the child, or just the trafficking and that? The drugs? The trafficking?

Mr KRAUSE: No, I spoke about traffic offences, like driving offences.

Ms Esma Bowen: You know the cocaine dealers, or whatever?

Mr KRAUSE: Yes.

Ms Esma Bowen: It really will be representing those drugs—or the marijuana?

Mr KRAUSE: Yes, that would be dealt with.

Ms Esma Bowen: The marijuana is the main one in this town here.

Mr KRAUSE: Okay.

Ms Esma Bowen: There is no rule needed for that here yet. The ice is sneaking in but family members, as elders, are on to those families who are doing that drug. So far, we have not got the injections in this community to really worry about that big thing. It is only the drinks that they have—the alcohol that is not supposed to be here in the community. That is all that I can tell you about the drugs.

Mr KRAUSE: Thank you.

Ms Hart: My personal opinion is that I would not like to see the AMP got rid of completely, but just have a look at other options that may be there. I think Pormpuraaw has a really good system. They have a restaurant type of system. They are allowed six beers, or something, a night. That is a really good system. I think Hope Vale should be given the option of looking at other avenues.

Ms Gibson: Because it is controlling.

Ms Hart: You cannot get rid of it completely. This place was a hellhole when alcohol was allowed to come in.

Mr KRAUSE: I just want to be clear. I was not suggesting that, but more looking at whether all of those offences against the AMP need to be assessed against the blue card application. I was not suggesting the removal of the AMP.

Ms Hart: Yes. Definitely, yes, have a look at it.

Ms Gibson: The justice committee needs to make that decision and, just to keep them on top of everything without getting the community backlash, stick with the petty offences.

Mr KRAUSE: In closing, I want to thank you very much for your input here today. It is very valuable. Also, I want to let you know that my mother taught here for one year in 1971. I have heard a lot about Hope Vale. It is great to be here to talk to you.

Ms Cannon: What is her name?

Mr KRAUSE: Her name was Ham back then—It was before she got married—Janet Ham. I have heard a lot about the place and it is nice to be here.

CHAIR: Are there any further questions from committee members before we close? Would anyone here have a burning thing that has not been covered that they would like to say before we officially close proceedings? Now is your opportunity. Thank you very much for participating today. The committee really appreciates your assistance. We have received from all of you some very valuable feedback in relation to this bill. Thank you very much for that. In terms of what happens next, we will keep examining the bill. We have a round table meeting tomorrow in Doomadgee. We will also be holding a public briefing with Mr Katter and a public hearing on 25 October. That will be streamed live over the internet and a transcript will also be published on our web page. We will then write a report about our findings and may make recommendations, including whether the bill be passed. We might use your names in that particular report. Please let Brett or Emily know if you would rather your name was not used.

Once we table our report in the parliament, which we have to do by 14 December this year, the parliament will ultimately decide whether the bill should be made into law. If the bill is passed by the parliament, it will become law. If it does not pass, the blue card system would not change unless there was other legislation introduced to change it. You are welcome to contact Emily for more information, such as to get an update on where the bill is up to. She can provide you with her contact details. Thank you, once again, for having us in your community and for your involvement today. This meeting is now closed. We would appreciate it if you could join us for some afternoon tea. Thank you very much.

Committee adjourned at 2.47 pm