




Speech By  
**Robbie Katter**

**MEMBER FOR TRAEGER**

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Record of Proceedings, 19 May 2020

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

 **Mr KATTER** (Traeger—KAP) (6.32 pm), in reply: I am grateful for the opportunity to close the debate on the Working with Children Legislation (Indigenous Communities) Amendment Bill. It is with a fair degree of emotion that I rise to speak tonight, although not to the point where I will break down in tears. This bill means so much to me because I know it means so much to people who are relying on the success of it, or something similar to it, to unlock meaningful work for people in my areas.

A lot of people who come to my office say, 'What are you doing about youth crime in Mount Isa?' Ninety-five to 100 per cent of youth crime involves Indigenous youth, which is tragic. Everyone is throwing their hands up in the air and asking, 'How do we repair this?' I say, 'I can tell you one way I am trying to repair it. It is to make some changes to the blue card system.' They might ask, 'How so? What do you mean by that?' To that I would reply, 'I think a lot of those kids are on the street because mum and dad do not have meaningful work.' If people do not have meaningful work, often they will turn to substance abuse or other types of abuse. Kids go out on the street because it is not safe to be at home. They do not like being at home. That sums up a lot of the problems that we have. You then drive further into the problem, which is that it is not so much about fixing the kids; it is about fixing the problem at home by getting the parents into meaningful pastimes, which usually means meaningful work. People will ask, 'Why aren't they accessing work? Is it because they don't want to work?'

I can honestly say that, after eight years of going up to Doomadgee and Mornington, there may have been but I cannot recall one person saying to me, 'Rob, you have to make sure we get more dole money up here. We want more Centrelink money.' I cannot recall one person saying that. The majority of people who approach me say, 'What are you doing about jobs up here? How come a white fella is working on the construction camp—no local fellas?' They will say, 'How come I didn't get the ATODS job? The fella who got the ATODS job in town doesn't even know us.' Those are the conversations that I am more likely to have. There are plenty of people who are willing to work. We could get into a discussion about procurement, which is a big issue and difficult to resolve. Unfortunately, a lot of the solutions are not perfect solutions for the problems. They are not perfect.

I take extreme exception to some of what I have heard. I did not hear all of the contributions, but I did hear the contribution of the member for Macalister. Unfortunately, she is not here at the moment. I wish we had a full House to address some people's contributions directly. I took great offence to some of the assertions that she made. She quoted, quite fairly, things that I said when I was in the committee. I would add that when you sit on a committee for the Labor Party, which is in government, and you are given notes, you have 220 staff to back you up. When you are sitting there for the KAP, you have zero. I am sitting there on my Pat Malone, trying to resource myself and answer all of the questions. One of those questions was, 'Would you agree to a drug dealer being granted a blue card?' I responded by saying something like, 'Yes, if the conditions were right.' I stand by that. It is an ugly comment to make, but unfortunately I have to make it because it is the truth.

I am not saying that there are good answers for up there, but someone better start doing something because nothing is getting better. I have been sitting here for eight years and nothing has been done on the alcohol management plans on Mornington Island. We have hospitals, police, the community and the councils asking, 'What is happening? We want to reintroduce pathways going forward with alcohol management plans.' That has not happened. I sit in this place when we do welcome to country, we acknowledge everything and we say that we want to help Aboriginal people. Those are good words, but let us put them into action because I am also sitting up there at the coalface and things are getting worse.

I do not see much happening to create meaningful and significant change around the problems where parents are sitting at home with nothing to do, although they are trying to access jobs. I have something here. I have introduced this bill twice. I welcome amendments and a discussion on how we can improve it—but let's not talk about tinkering around the edges of the same system, because that will not cut it. I accept that in some places more support with the process will help people, but certainly it does not go close to fixing the problem. If you are going to accept that, I do not think you care enough about this issue. If you spend enough time with the people up there, you will see with your own eyes and understand that there is a cry for help and that those people want to access meaningful work.

This bill is based on one very important principle. I believe that one principle extinguishes or exhausts any argument delivered, either here tonight or in any former debates on this issue. It is that we empower our First Australian communities to make the decisions for themselves on what is best for their community. Isn't that bold? Isn't it bold that we let them make the decisions, not us down here? We politicians in Brisbane are so smart that we cannot possibly allow this, because it will endanger the children! Will it? The people in the community will be making the decisions about their kids.

When you say this will weaken the standard and endanger our kids, that is a complete affront to the parents and the people in the communities. It is saying that they do not have the capacity to decide what is best for their community. I think they do. Who am I? I am not part of that community, although I visit regularly and I observe what is happening. I have talked to any number of mayors and councillors in the cape and the gulf. This issue is pervasive. I could go through all sorts of categories of people in the communities who say, 'Yeah, the blue card—my goodness, I had so much trouble with it. My wife couldn't get it and I couldn't get it.'

I heard someone say earlier in the debate, 'The member for Traeger is saying that if there is a criminal issue you can't get it but you still can get it.' That is not the point. Say you are an employer in Mount Isa trying to encourage the employment of local people, or looking for someone to work in the Doomadgee school. I can give a real example. There was a mum they wanted as a teacher aide. She turned up at the school but could not get the blue card. She was fostering four or five kids at home. Despite fostering four or five kids at home, she could not get the job at the school as a teacher aide. That is when someone called out to me—it would have been seven or eight years ago—and said, 'Rob, can you please do something about these blue cards? We are trying to get the right people in these jobs. It is a barrier.'

To take a hypothetical situation, let's say a gentleman at Doomadgee presents to work. He has had a lifelong struggle with substance abuse and has a four-inch rap sheet of assaults and terrible actions but he is reformed. The whole community knows that he has reformed and they are happy to have him working with their kids because they know his previous actions were as a result of substance abuse. If he is reformed, he should be allowed the opportunity for his community to say, 'We know that guy. We know he is a completely different person now, despite his previous actions.' They should have the right to make that decision, not someone in Brisbane.

I have had a discussion with one of the officers involved in this process. I asked them a direct question: 'What would you do if you have a fifty-fifty decision to make, a judgement call to make on an application for a blue card in Doomadgee? You do not know the person but you have seen their rap sheet. What do you do? I hope that you would err on the side of caution and put a cross next to their name, not a tick.' They replied, 'Yes, of course. The safety of the children is paramount.' There you go. They do not know the person. You should take that same application, which is what this bill is all about, send it back up to the local justice group and give them the power.

Here is the issue about empowerment. The member for Macalister was sitting beside a colleague when I was addressing the committee and said, 'Don't you think you are putting too much pressure on these local justice groups in their community?' That is the whole point. We have to empower them. I see it as condescending and patronising to say, 'We do not think they can look after it. That is too much pressure on them.' There should be pressure on them. That is how you grow, mature and make decisions for your community. Most of the people I talk to want that responsibility and that right. The pressure release valve is there. As I said, they do it in consultation with the local police and magistrate. That is the pressure relief valve for them in terms of dealing with families and other issues.

I want to go through some of the responses given by stakeholders. Opposition and government members raised a few of these in their contributions. They were quoting the ones that were against the bill, so I will go through some of the people who support the bill. I think some of these are very legitimate.

Before I do that, I go back to what I thought was a low blow when the member for Macalister thought it was great to point out that I do not know what local justice groups do. Here is the news flash: Junkuri Laka, the local justice group at Mornington Island, were the people who helped me put the bill together. There goes the member's claim that I did not consult with any local justice groups. They were the ones who put the pressure on me in the first place and, in fact, invited me once to act as a witness for someone who was trying to get a blue card. He tried for about two years. I think he may have eventually secured it. It is unfair to say that I do not know what local justice groups do or that I had no consultation with them. In further contradiction to the claim by the member for Macalister, I have the submissions here by the Coen Local Justice Group and Junkuri Laka, the Gununa Mornington Island group. Need I say more?

I will go through some of these. The first person we heard from who spoke in favour of this was Ms Anderson from LawRight. She brought up some examples similar to what I was talking about before. She said—

Kay was dealing with the collapse of her marriage, which had been both physically and emotionally abusive. She briefly fell into a short pattern of drug abuse, something she had never engaged in prior to this. Kay voluntarily sought rehabilitation treatment with the support of her family.

She cleans herself up, gets into work then loses the blue card. She lost it for two years. They said, 'No, we have gone through the process and got it back for you,' but she had lost her job by that stage. That goes to the example I was giving before where in Doomadgee someone presents for work and the first thing they say is, 'We put all these measures in place to help fasten up the process and we have tinkered at the edges to try to streamline the process and make it more culturally sensitive, but you will still have to go home for two months. Stay dry and don't do anything silly and we will still take you back with a job for you in two months time.' I ask anyone listening tonight: do you really think that person will be engaged after that two months? There is the perfect opportunity, when someone is presenting to work, to grab them with both hands, put them in that job and sort out the rest later. That is why I put in the bill that it is mandatory that there be a three-week period to push this through because the timing is almost as important as the approval itself. That was the contribution from QCAT's LawRight. The next one in favour was from Debbie Kilroy, who said—

The blue card system as it currently operates does not assist people, organisations or communities to achieve the goal of keeping children safe. It is a risk management compliance system.

It keeps everyone happy ticking boxes in Brisbane. Does it keep kids in Doomadgee any safer? Maybe a little bit, but I would argue that the number of parents it has displaced from work or kept from work and kept in substance abuse, which creates more problems at home and makes home more unsafe, would offset some of the other risk. It is a very one-dimensional attitude to say, 'Look, you are lowering the bar, therefore it is just bad for kids.' It is a lot more complicated than that. I will always keep reverting to the argument which I think trumps all of that—that is, it is important to remember that it is these communities that still have the final say on whether or not that person gets a blue card. It should be like that. They know their community and they should have the power to make those decisions for themselves. It should not be up to us.

The next submission was from Kate Greenwood, the Policy, Early Intervention and Community Legal Education Officer with Queensland Aboriginal and Torres Strait Islander Legal Service, someone who deals with this issue at the coalface every day. She is very strongly in support of the bill. She went into a fair bit of detail and went further in her submission to say, 'Please, we need some help with this. There is a huge problem.' What has the response been? I have been at this for seven years. There is nothing; tinkering at the edges has been the only response.

There was a clanger of a contribution from the Queensland Catholic Education Commission, which has all the worldly experience of having one school that exists in an Indigenous community in Queensland. They felt it necessary to come right out of the trenches to say how bad this bill was. I took exception to this. In Mount Isa, Father Mick Lowcock would be one of the best sources of moral judgement on this. He has been out there for 25 years working in this space—buried in this space, trying to fix it—and has a strong hand in the running of the Catholic schools out there. They did not ask him. They completely contradict his submission. Someone in Brisbane from the Queensland Catholic Education Commission comes out and says, 'We do not think there should be two standards for two different types of people in Queensland. There should be just one. It gets confusing.' That is a good response! That is a good response to all of this heartache and trouble we are talking about in the community! If they are saying it is no good, what is their solution?

I was extremely annoyed at that and, quite frankly, I do not think they are qualified to comment on that because they do not have a big presence out there. Remember, we are talking about Indigenous communities here, not all over Queensland. They have very little presence there and they completely contradicted the submission from the Catholic Church group NWQICSS in Mount Isa that is buried in this space.

Frank Tracey from Children's Health Queensland Hospital and Health Service offers strong support and says that this is needed. He acknowledges that this is a huge problem and that this is a great way forward. Clearly, members who have made contributions prior to me know more than all these people. Father Mick Lowcock is a giant in Far North Queensland. I think he has earned the respect of both sides of the House for his work and what he has offered in this space in Mount Isa. He is trying to improve things.

The member for Maiwar made a really good point in his contribution. I would love to take this bill further than just the Indigenous communities. In the course of talking about this issue, I have had people from Townsville, Brisbane and Rockhampton contact me saying, 'I have had some indiscretions years ago and suddenly I cannot get a blue card.' It is a real problem. The KAP is trying to keep it simple at the moment and start where the problem is worst.

If anyone is interested in the issues in this space then they should read the submission from NWQICSS because I cannot endorse their efforts in this space enough. They certainly endorse in principle what we are trying to achieve here. Another heavy hitter is Shane Duffy from ATSILS. The conclusion of their submission states—

ATSILS supports in general terms the proposed amendments in that they empower—  
there is that word again—

Aboriginal and Torres Strait Islander communities to be involved in decisions relating to them and their communities. As the safety of the child is always paramount, we recognise that any amendments that have the potential to impact on the safety of a child or children must be implemented in a way that ensures any potential risks are identified and managed and would seek the appropriate supports to be put in place.

That is covered off by the local justice groups. The people involved in those groups are not going to deliberately allow someone to get a blue card who they think is a risk to people, as I would not and as anyone else in this room would not. Do not judge them differently and say that they are incapable of making those judgements. They are capable of doing that and they should be empowered to do that.

An interesting point was made during consideration of this bill. I remember the Catholic education office made it. I heard this point when I was acting as a witness for an applicant for a blue card who was from Doomadgee. That was actually going through Junkuri Laka, the Mornington Island community justice group. I was interested in the interaction. I suspect it was a lawyer I was talking to on teleconference. In the discussion he said, 'Do you think this person is right and proper to work with kids?', to which I replied, 'Yes.' The comment he made then was, 'Do you recognise what this guy has done?' I cannot recall the exact words, but it was eventually said, 'Do you think there should be two sets of rules for people in Queensland—one for Indigenous people and one for non-Indigenous people?' I said, 'You are already doing that. There are alcohol management plans in place. You cannot drink on Mornington Island. That is a separate rule. I can drink in Burketown, but I cannot drink on Mornington Island. You are already applying two sets of rules.' It is hypocritical to say that there should not be two sets of rules. It is about the safety of people. The government has made those rules for the safety of people. There can be two sets of rules if there are different sets of circumstances. It was good to have the support of those stakeholders.

I will move on to the Coen Justice Group, which stated—

We the Coen Justice Group are strongly supportive of this bill. We are very confident in our ability to management this process in a good and efficient many.

Junkuri Laka—the group that I apparently did not consult with—wrote a very extensive submission, as they should. That was done at the time under Berry Zondag. They had a wonderful group there. A great way to move forward with our First Australian brothers and sisters in those areas is to say to them, 'We should not be making these decisions. They are your decisions to make. You should be empowered to say who does and who does not work with your children.' I am not even going that far because I have still said that if there are disqualifying offences they will not get through the first door. They are still not eligible anyway. We could have a debate about the people who fall into that category. Members can keep throwing rocks at the KAP for suggesting things, but it is there in black and white.

A person could be a drug dealer or peddling ice and 10 years later working with kids. That is the ugly truth, but do I stand by this? Yes, if that person is reformed. It is not my call to make. If the community of Doomadgee said that they understand what that person did, they may choose to say that

they are still not comfortable with that person working with their kids or they may choose to say that they are happy with that person working with their kids. They may say, 'In fact, we think it is better because he has more chance of staying away from substance abuse and staying on the straight and narrow if he is engaged in work.'

The current system is going the other way. We can all feel comfortable in terms of compliance and say that we can sleep safely at night because it has been checked off. Yes, there are risks to kids. There will always be risks to kids. Are there fewer kids being abused in those communities? I do not know. I am sure there are still a lot being abused, which is a very sad fact to reflect on. I am sure there are a lot up there still being abused that the blue card system is not protecting.

There were a heap of examples referred to around the practicalities of the blue card system. There were examples such as a solicitor cannot act for a person and the mail has to go directly to the person and not their solicitor. An issue that I tried to tidy up early on in the piece when I started down this road was that a person would apply for a position at the school in Doomadgee and they would not turn up because either the school or the person did not get the mail. People say that there are processes there and they ran a culturally appropriate program to get people to engage more with the blue card progress and get their applications in. That is all well and good. It sounds good. It might make people down here feel comfortable, but it is not working in practice. The proof is in the pudding.

I was talking to a mayor from the cape a few months ago and he said that he was even having trouble with the blue card system. Half of the last Doomadgee council said that they were having trouble with the blue card system. This problem is extensive. Unfortunately, people have to recalibrate how they deal with problems everywhere. The issues are different in these communities but one thing is for sure: they are not different insofar as they can make decisions for themselves.

This strikes at the heart of other issues such as title deeds. In the eight years I have been in this job I have never seen one title deed application in the gulf either pushed or assisted. In Doomadgee or on Mornington people can never aspire to own a house if they get a job. We do not give them that right. We do not give them the right to drink on Mornington. If a person has alcohol offences for making home-brew those accumulated charges mean they cannot get a blue card so they cannot get a job either. That is another kicker on Mornington Island. Most of the offences on Mornington Island are breaches of the alcohol ban. People are just trying to have a drink.

We have created these problems. We are starting to see these problems in places like Townsville and Mount Isa because progressively kids are not being looked after. The stable unit starts with meaningful work for mum and dad. How do we get mum and dad into work? Here is a big barrier. Should we not be putting a lot of effort into this in this place if members are serious about addressing any of these problems? I would love for someone to come in here and say, 'Rob, you got it wrong, but here is an alternative solution to blue cards.' Do not just give me that we are just going to tinker at the edges of the existing system.

It does not have to be the KAP solution, but give us something. For eight years I have been knocking on doors—both parties—and there has been no progress. The people in those communities are still drowning in bureaucracy. They deserve better from our politicians. I ask members here tonight to search their conscience. We do not get a lot of chances to provide some meaningful improvement for these people's lives.

Do not hide behind the royal commission. Yes, it is a very real and serious document. Is it just a lay-down misere that it disqualifies every other argument of any substance just because it was a royal commission? It is not too much of a stretch to say that some of the people involved in the royal commission did not take into consideration the nuances of the application of a blue card as it applies in Aboriginal communities in Queensland or in Torres Strait Island communities. It is not too much of a stretch. Whether it is a royal commission document or anything, we should be able to challenge it on the merits of the issue.

Quite obviously to me there are big problems up there that are not being solved. This is the second time that the KAP have tried to introduce legislation on this. We are looking for support from the House. It is the right thing to do. Yes, there are risks. There are always risks when it comes to children.

The question is: what do we want to do? Do we want to move forward or do we want to be stuck back here with the brakes on? That is where we are at, but we have to move forward. Other members can throw off at the KAP bill all they like, but they had better come up with a good alternative. These are very serious problems. They are not going away and they are getting worse, and it is up to us to come up with some solutions.