



Review of the blue card system

Options Paper

Queensland
Family & Child
Commission



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REVIEW OF THE BLUE CARD SYSTEM

Progress to date

On 21 September 2016, the Premier of Queensland requested the Queensland Family and Child Commission (QFCC) undertake a review of the blue card system, the approval and monitoring processes for foster carers (including kinship carers and provisionally approved carers) and pressure points in child protection service delivery.

In November 2016, the QFCC released a discussion paper seeking the public's views on the current blue card system and what could be done to strengthen, streamline and increase community participation in and support for this system. Submissions closed on 20 January 2017.

The QFCC has reviewed legislation, policy and procedures across a range of sectors and jurisdictions to identify successful models for creating child safe organisations and undertaken extensive consultation with stakeholders across Queensland to understand their experience of the blue card system.

More than 100 individuals completed the online survey and 20 non-government organisations and individuals provided a response to the discussion paper. Between 30 October 2016 and 19 January 2017, the QFCC completed 932 consultation activities, including 51 forums with 297 forum/meeting attendees. Consultation included a range of visits to regional and remote communities to discuss local issues with the blue card system.

This paper brings together the QFCC's findings to date and the feedback received from stakeholders and the community to identify potential options for change.

The QFCC has identified options for reform which are designed to:

- create safer environments for children
- reduce 'red tape' and administrative burden for individuals, organisations and government
- promote fair and consistent decision making
- support Aboriginal and Torres Strait Islander applicants and communities
- support culturally and linguistically diverse and vulnerable groups to participate in the system
- support national consistency in line with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission).

The options presented in this paper represent the broad range of feedback provided during consultation processes. Many of these could be implemented either separately or together as part of a broader reform agenda.

This is an options paper only. It does not represent the policy of the Queensland Government.

Next steps

The QFCC is seeking your views on the identified options for reform outlined in this paper.

Make a submission

You are invited to make a submission in response to this options paper. You can view a copy of this options paper online at <http://www.getinvolved.qld.gov.au/gi/consultation/3706/view.html>

You may respond to all of the options raised in this paper, or choose to respond to only those most relevant for you or your organisation. You may also present other options for consideration.

Lodge your submission by 31 March 2017 at:

Email: morethansafe@qfcc.qld.gov.au

Mail: Queensland Family and Child Commission
PO Box 15217
BRISBANE CITY EAST QLD 4002

The information you provide in response to the options paper will only be used by the QFCC for the purposes of undertaking the review of the blue card system. Submissions will be treated as public documents. **If you would like your submission, or any part of it, to be treated as confidential, please indicate this clearly in the submission.**

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OUTCOMES OF CONSULTATION

Extensive stakeholder and community consultation has been conducted through forums, meetings, teleconferences, surveys and submissions to the discussion paper. This includes consultation with agencies such as the Department of Communities, Child Safety and Disability Services (Child Safety Services); Department of Justice and Attorney-General (DJAG); the Queensland Police Service (QPS); the Department of Education and Training (DET); Queensland Health and other government and non-government organisations responsible for providing safe environments for children.

The following key themes have emerged from the consultation undertaken:

- **Support for the blue card system**
Stakeholders and the community believe the blue card system positively contributes to the creation of safe environments for children.
- **Overreliance on employment screening**
There is overreliance on a working with children check (WWCC) as a mechanism to keep children safe. WWCCs need to be recognised as one tool forming part of a much broader strategy to keep children safe in service environments.
- **Need for streamlining**
Many stakeholders identified the need for current paper-based processes to be replaced with automated and online services to improve efficiency.
- **Capacity building and support**
There is a need to provide organisations with greater support in becoming child safe and managing their WWCC obligations.
- **Need to strengthen the WWCC process**
Stakeholders identified a range of issues in relation to the current WWCC process including a need for:
 - clarity about when a WWCC is required
 - a review of the information assessed as part of the application process
 - a review of decision making frameworks and appeals processes to ensure decisions reflect community expectations about risks of harm to children.
- **Information sharing**
Removing barriers to sharing information between key regulatory agencies will enhance their ability to protect children.
- **Compliance**
Stakeholders identified the need for a statutory framework to support the monitoring and auditing of compliance with the requirements of the system.
- **Consistency with broader regulatory frameworks**
Stakeholders provided feedback on the high levels of regulation which already exist in some areas and the need to ensure the system complements rather than duplicates those systems.
- **National consistency**
Stakeholders supported greater national consistency and the portability of checks across jurisdictions.
- **Community education**
Stakeholders supported a broader emphasis on the shared responsibility of keeping children safe. More information should be provided to parents and the community to assist them with choosing child safe organisations for their children.
- **Research, data and reporting**
The potential benefits of data being collated and analysed for the purpose of identifying risks and prevention activities was identified.

OPPORTUNITIES FOR REFORM

Key opportunities for reform

The consultation and analysis undertaken by the QFCC about the operation of the current system has identified the following key areas for reform:

- **Strengthening the system**
 - Reviewing the scope of environments regulated by the system
 - Enhancing the capacity of organisations to become child safe organisations
 - Reviewing WWCC requirements
 - Enhancing information sharing capabilities
 - Strengthening the compliance framework.
- **Streamlining the operation of the system**
 - Introducing an online and automated application process for WWCCs
 - Improving the identity verification processes and the security of the WWCC product
 - Improving administrative efficiencies in risk assessment and decision making processes for WWCCs
 - Improving processes for the exchange of information.
- **Enhancing community participation and support**
 - Providing organisations with support to manage their child safe organisation and WWCC obligations, including an online organisation portal
 - Implementing culturally appropriate processes and support for Aboriginal and Torres Strait Islander people and culturally and linguistically diverse applicants
 - Building public confidence in the system by increasing mechanisms for oversight, review and public reporting.

This paper explores options for reform under each of these broad themes.

Preliminary findings

The QFCC has identified the following preliminary findings:

- **A greater focus on child safe organisations**

More work must be done to ensure focus on the importance of child safe organisations. WWCCs are only one component of a much broader strategy to keep children safe in service environments.
- **Achieving national consistency**

Queensland must aim to adopt the recommendations of the Royal Commission and view these as a minimum standard.

The Royal Commission released its report on [Working with Children Checks](#) on 17 August 2015. The report notes that while it is considered an interim report pending publication of the final report, it contains the Royal Commission's final recommendations on Working with Children Checks.

A small number of recommendations require further consideration to ensure that safeguards which form part of the current blue card system are not reduced.
- **Education and capacity building**

Resources must be allocated to support a comprehensive community education strategy to support organisations to become child safe. This strategy must be developed in light of the reform agenda identified as part of this review process.

These preliminary findings will guide the analysis of further options for reform.

Preliminary recommendations

The QFCC has also identified three preliminary recommendations. The purpose of these preliminary recommendations is to identify the key areas where it is already evident reform needs to occur.

- **Online automated application system**
An online application process for WWCCs must be implemented. An alternative system must be available for those who are unable to apply online.

Preliminary recommendation 1: The QFCC recommends the DJAG commence work immediately to establish the preferred mechanism for implementation of an online application system and establish indicative high level costings.

- **Streamlining risk assessment processes**
The risk assessment and decision making process must be streamlined to reduce manual and paper-based processes.

Preliminary recommendation 2: The QFCC recommends the DJAG and the QPS commence work immediately to identify mechanisms to achieve the electronic management of police information and identify high level indicative costings. Further, the DJAG should undertake a review of the risk assessment process to identify opportunities for administrative efficiencies.

- **Streamlining information sharing processes**
The processes supporting information sharing across agencies must be reviewed with a view to using technological solutions to automate them and reduce manual processes and improve data matching.

Preliminary recommendation 3: The QFCC recommends the DJAG commence work immediately to lead, in conjunction with other relevant agencies, the identification of opportunities to automate and streamline information sharing processes and the likely indicative high level costs across agencies.

The options outlined in this paper should be considered on the basis these preliminary recommendations have been made.

Making these recommendations early provides an opportunity for initial work to be undertaken to consider how these recommendations could be implemented.

TOPIC 1: THE SCOPE OF REGULATION

Current position in Queensland

Creating safe service environments for children is a shared responsibility of parents and guardians, organisations and government.

The blue card system forms part of a broader criminal justice and child protection system and is currently focused on supporting parents to ensure children can access essential and developmentally focused services in safe environments. These are often environments where parents are not exercising parental responsibility because of the nature of the activity, for example, schools, foster care, child care and community/sporting activities.

There are currently 16 categories of regulated employment and 11 categories of regulated businesses. These two categories broadly align to cover the same types of activities¹.

Government regulates these environments by:

- requiring organisations to develop and maintain policies and procedures which identify risks of harm to children and implement strategies for managing these risks
- requiring organisation to comply with WWCC obligations.

What we heard from stakeholders

Current categories of regulated employment and businesses are confusing and complex	Feedback was divided about whether more environments should be regulated	Many stakeholders support a continued focus on essential and developmentally focused services
The majority of stakeholders support expanding the scope to implement the recommendations of the Royal Commission	Some stakeholders also specifically support the regulation of environments where children are employed or services are targeted towards children	Stakeholders highlighted the need to consider the impact of increasing the scope of regulation, for example increased costs and processing timeframes

Other information

<p>Royal Commission into Institutional Responses to Child Sexual Abuse</p> <p>The Royal Commission has recommended jurisdictions develop a consistent and simplified definition of child-related work, including the following environments which are not already routinely regulated in Queensland:</p> <ul style="list-style-type: none"> • commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions • immigration detention facilities where children are regularly detained • transport services for children • other work or roles involving contact with children that is a usual part of, and more than incidental, to the work or roles. <p>The Royal Commission recommends jurisdictions remove all other remaining categories of work or roles from WWCC laws².</p>
<p>Other jurisdictions</p> <ul style="list-style-type: none"> • Most jurisdictions regulate the same environments and activities captured under the Queensland <i>Working with Children (Risk Management and Screening) Act</i> (WWC Act). In addition, all other jurisdictions regulate commercial entertainment services and transport services for children. New South Wales (NSW) and Western Australia (WA) WWCC systems do not routinely regulate commercial photography services or gym and play facilities for children. In WA, such activities may be captured by children’s entertainment/party services. • Fast food and retail outlets do not fall in scope of any other jurisdiction’s working with children (WWC) laws. However, Victoria do screen child employment supervisors.

Options for reform: The scope of regulation

	Option	Issues to consider
1.1	<p>Maintain current scope and simplify categories</p> <p>The scope of the system would remain focused on environments that provide services and activities considered essential to the development and wellbeing of children. Categories of regulated businesses and employment would be simplified to one consolidated list of regulated environments/ services within the WWC Act.</p>	<p>This option:</p> <ul style="list-style-type: none"> • simplifies the system and reduces the regulatory burden for organisations by creating less complex definitions of regulated environments • creates greater clarity about the environments falling within the scope the system • has limited cost and resourcing implications • does not expand the scope of the system to include commercial services.
1.2	<p>Adopt the Royal Commission’s recommendations in relation to child-related work</p> <p>The WWC Act would be amended to define a consolidated list of the work or roles considered child-related work as recommended by the Royal Commission.</p>	<p>This option:</p> <ul style="list-style-type: none"> • expands the scope of regulation to include: <ul style="list-style-type: none"> • commercial services for children • immigration detention facilities where children are regularly detained • transport services for children • other work or roles where contact with children is a usual part of, and more than incidental to, the work or roles. • creates greater clarity about the environments falling within the scope of the system • increases the scope of environments and activities regulated by the blue card system • has cost and resourcing implications • supports nationally consistent WWCC schemes.
1.3	<p>Maintain mandatory regulated environments, with ability for organisations to opt in to regulation</p> <p>Organisations providing child-related services or activities that fall outside the scope of mandatory regulation could voluntarily register with Blue Card Services. Upon registration, organisations would be required to comply with requirements to create child safe environment and/or screening obligations.</p>	<p>This option:</p> <ul style="list-style-type: none"> • has the potential to significantly alter the scope of the system • allows flexibility for organisations to choose to be regulated • requires consideration of an appropriate fee structure to minimise the impact of the cost and resources necessary to operate the system • will create complexity from a compliance perspective.
1.4	<p>Allow a statutory instrument to be issued to clarify the scope of regulation</p> <p>Options could also be explored for the Minister or Chief Executive to have the ability to make legally binding public rulings/guidelines or for a regulation to be able to declare whether or not an activity or environment is regulated.</p> <p>This would not allow new environments or services to be regulated but would provide a mechanism for achieving clarity about whether or not an organisation or activity is regulated by the WWC Act.</p>	<p>This option:</p> <ul style="list-style-type: none"> • could be explored in conjunction with any of the options identified above • would provide a mechanism to resolve uncertainty about whether an activity or environment is regulated.

TOPIC 2: CHILD SAFE ORGANISATIONS

Current position in Queensland

A child and youth risk management strategy is required if a person is running a regulated business or an organisation is engaging individuals who require a WWCC³.

The purpose of the strategy is to identify and minimise the risk of harm to children within the organisation. These risk management strategies must be reviewed by the organisation annually and Blue Card Services have a legislated function to monitor compliance with risk management and WWCC requirements.

The Working with Children (Risk Management and Screening) Regulation 2011 sets out eight key matters that are required to be addressed in the risk management strategies at a minimum:

1. A statement of commitment to the safety and wellbeing of children and the protection of children from harm
2. A code of conduct for interacting with children
3. Written procedures for recruiting, selecting, training and managing staff and volunteers
4. Policies and procedures for handling disclosures or suspicions of harm, including reporting guidelines
5. A plan for managing breaches of the risk management strategy
6. Risk management plans for high risk activities and special events
7. Policies and procedures for managing compliance with the blue card system
8. Strategies for communication and support.

What we heard from stakeholders

There is an overreliance on the WWCC and more emphasis on child safe organisations is needed	The term risk management is confusing and does not assist in developing child safe organisations	Risk management strategies should be tailored to the risk of the environment
Streamlining WWCCs provides an opportunity for a greater focus on <u>child safe organisations</u>	More support is needed to help organisations understand how to be child safe	More clarity is needed about the standard that needs to be reached
Organisations operating under multiple regulatory frameworks face duplication of regulation, which causes confusion and unnecessary regulatory burden. There needs to be clear ownership in government about who is responsible for monitoring child safe organisation requirements.		

What we found

- Organisations must be responsible for implementing policies and procedures which promote a child safe environment, robust recruitment strategies and positive organisational culture. Combined with comprehensive employment screening undertaken by government, these strategies will contribute to safeguarding children in institutional settings⁴.
- Without the presence of broader child safe strategies, WWCCs alone do not make organisations safe for children. Preventing abuse and neglect in service environments involves both reducing opportunities for offending and excluding motivated offenders⁵.
- Overreliance on WWCCs can create a false sense of comfort to parents and communities and may cause organisations to become complacent about managing risks to children⁶.
- Blue Card Services promotes risk management strategies as the key to child safe organisations and provides a range of information, guidelines and training tools related to the development and implementation of these strategies. However, it is evident, from community stakeholder feedback and advice from regulatory agencies, that the resources of many organisations are being utilised to comply with WWCCs obligations.

Other information

Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission has identified ten key elements of a child safe organisation⁷:

- Child Safety is embedded in institutional leadership, governance and culture
- Children participate in decisions affecting them and are taken seriously
- Families and communities are informed and involved
- Equity is promoted and diversity respected
- People working with children are suitable and supported
- Processes to respond to complaints of child sexual abuse are child-focused
- Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
- Physical and online environments minimise the opportunity for abuse to occur
- Implementation of child safe standards are continuously reviewed and improved
- Policies and procedures document how the institution is child safe.

National framework for protecting Australia's children 2009-2020

The National Framework relies on states and territories implementing policies and practices to encourage organisations to engage in enhanced levels of child safety, including the following key elements:

- Systems to ensure adaptation, innovation and continuous improvement:
 - governance and culture
 - a child safe policy
 - risk management
 - a code of conduct
 - privacy and data protection
- Participation and empowerment of children:
 - enabling and promoting the participation of children
 - inclusive and empowering language
 - strategies to reduce the potential for undiscovered or ongoing harm
- Human resources management:
 - recruitment and selection practices acknowledge the importance of child safety
 - job descriptions/duty statements
 - staff support, supervision and performance management
 - complaints management and disciplinary proceedings
- Education and training
- Awareness and understanding of child abuse and organisational responsibilities
- Support for organisations in building, maintaining and strengthening child safe capacity⁸.

Other jurisdictions

- All jurisdictions promote the creation of child safe environments through training and/or education.
- In addition to Queensland, Victoria, South Australia (SA), and the Australian Capital Territory (ACT) have legislative requirements for organisations to manage risks to children in particular service environments.

Options for reform: Child safe organisations

	Option	Issues to consider
2.1	<p>Adopt the recommendations of the Royal Commission and expand the elements of a child safe organisation strategy</p> <p>While the current requirements of a child and youth risk management strategy are broadly consistent with those elements identified by the Royal Commission, implementing their recommendation would require a review of the current requirements to include a greater focus on:</p> <ul style="list-style-type: none"> • encouraging child participation and empowerment • the promotion of equity and diversity, in particular ensuring focus on the needs of Aboriginal and Torres Strait Islander children and children from culturally and linguistically diverse backgrounds • access to child friendly complaint processes • risks in the online and physical environment being identified and mitigated. 	<p>This option:</p> <ul style="list-style-type: none"> • supports a nationally consistent approach • increases safeguards for children by making sure policies and procedures are child friendly, child-focused and culturally inclusive.
2.2	<p>Separate requirements for child safe organisations and WWCCs</p> <p>Separating child safe organisation requirements from the screening obligations will:</p> <ul style="list-style-type: none"> • reflect the importance of child safe organisation requirements and reinforce WWCCs as just one part of a much broader strategy • allow for an increased focus on child safe organisations and broader regulation of organisations where child safety could be enhanced without the need for WWCCs. 	<p>This option:</p> <ul style="list-style-type: none"> • recalibrates the focus on the importance of child safe organisations • provides the capacity to increase the scope of regulation to focus on child safe organisations without the associated costs and impacts of increasing screening.
2.3	<p>Develop publicly available register of child safe organisations</p> <p>This could involve:</p> <ul style="list-style-type: none"> • requiring regulated organisations to register with Blue Card Services • establishing a publicly available register of child safe organisations. 	<p>This option:</p> <ul style="list-style-type: none"> • may increase safeguards for children by increasing focus on child safe organisations • provides a mechanism to increase public accountability for organisations providing child-related services • will need to be considered further in the context of an appropriate compliance framework • may have cost and resourcing implications.
2.4	<p>Introduce an accreditation process to complement existing regulatory frameworks</p> <p>This could involve a system for the assessment of organisations' child safe standards to complement existing frameworks (for example, Human Services Quality Framework or the National Quality Framework for Early Childhood Education and Care).</p>	<p>This option:</p> <ul style="list-style-type: none"> • increases safeguards for children by creating an assessment process in relation to the creation of child safe organisations • increases the regulatory burden for organisations • may have significant cost and resourcing implications.

TOPIC 3: WORKING WITH CHILDREN CHECKS

3.1 Who needs a WWCC?

Current position in Queensland

The current WWCC requirements in Queensland focus on excluding people with certain past known behaviour from child-related service environments.

Screening requirements depend on the particular service environment. A WWCC may be required if an individual is having contact with children (for example at a sporting club), is working in a specified child-related environment (for example, a long day care centre while care is provided) or has management responsibility for a child-related service and is making decisions that will impact the safety of children (for example, an approved provider of an early childhood education and care service).

The majority of categories of child-related employment require screening where the usual functions of employment involve, or are likely to involve, providing services mainly directed towards children or activities mainly relating to children⁹.

A frequency test applies to paid employees but not volunteers or business operators.

What we heard from stakeholders

Frequency of contact with children is an important consideration	Organisations should be able to manage risks and exercise discretion to require employees to obtain a WWCC	There is an overreliance on the WWCC and more emphasis on child safe organisations is needed
The current screening requirements are confusing and complex	The different treatment of paid employees and volunteers is confusing and unnecessary	People having contact with children or making decisions about children's safety should require a WWCC

What we found

- A WWCC is a process designed to help make sure the right people are chosen to work in service environments¹⁰. Preventing certain people from working in child-related activities and services can minimise risk of harm to children¹¹.
- It is important not to overstate the effectiveness of a WWCC in keeping children safe from harm in organisational environments¹². A WWCC does not, and cannot, give an organisation or employer all the information about a person they are intending to engage¹³.
- WWCCs should supplement parents and communities' responsibility to create safe environments for children¹⁴ and are not intended to apply to people who will have only incidental contact and those who do not work with children. WWCC laws cannot prevent opportunistic behaviour from occurring in any public setting¹⁵.

Other information

Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission recommends a person should undergo a WWCC when they have contact with one or more children involving: physical contact, face-to-face contact, oral communication, written communication, or electronic communication¹⁶. Contact must be a usual part of the child-related work (for example more than incidental) regardless of whether it is supervised or unsupervised¹⁷. Contact does not include dealing only with records about or making decisions affecting a child¹⁸.

Other jurisdictions

- In most other jurisdictions contact is a pre-condition for a person to require a WWCC.

Options for reform: Who needs a WWCC?

	Option	Issues to consider
3.1.1	<p>Maintain the status quo and simplify screening requirements</p> <p>This would maintain a tailored approach to screening depending on the environment where services are provided. It would maintain screening in certain circumstances where a person is:</p> <ul style="list-style-type: none"> • in regular direct contact with children • working in certain child-related environments • in a management position and responsible for making decisions that will impact on the safety of children. <p>A simplified definition of child-related work would be developed to remove inconsistencies across categories of work and different types of workers, for example:</p> <ul style="list-style-type: none"> • removal of the different rules for employees and volunteers, and • removal of the distinction between regulated employment and regulated business to make sure there is consistency in approach. 	<p>This option:</p> <ul style="list-style-type: none"> • enables screening requirements to be tailored in different service environments • strengthens the system by simplifying screening requirements • maintains a strong framework to make sure all individuals with critical roles in child-related service environments are subject to a WWCC • will have limited cost and resourcing implications.
3.1.2	<p>Adopt the Royal Commission's recommendations in relation to when a WWCC is required</p> <p>The Royal Commission has identified the nature and amount of contact should be the key factors in determining if a WWCC is required for a person engaged in child-related work and outlined contact must be:</p> <ul style="list-style-type: none"> • between an adult and one or more children • physical or face-to-face contact, or oral, written or electronic communication • a usual part of, and more than incidental to, the child-related work. <p>The Royal Commission also considered the nature of the contact to be a factor and specified work dealing with a record relating to a child or making a decision affecting a child is not considered child-related, where there is no contact with children.</p>	<p>This option:</p> <ul style="list-style-type: none"> • will remove screening requirements for people who currently require a WWCC because they are employed in certain child-related service environments while children are present or have decision making responsibilities, for example, for example, an approved provider of an early childhood education and care service who does not regularly attend the premises • will not have cost and resourcing implications • supports nationally consistent WWCC schemes, if agreed to in the future.
3.1.3	<p>Maintain mandatory screening requirements with an option for discretionary screening</p> <p>This option would require mandatory screening to occur but also enable organisations to require screening if they assess there is risk associated with the role the individual is engaged in.</p>	<p>This option:</p> <ul style="list-style-type: none"> • reinforces the focus on ensuring organisations are identifying and managing risk • provides flexibility to organisations • introduces complexity in a compliance framework • has the potential to increase the size of the blue card system, which will have cost and resourcing implications and may impact on the associated fee structures.

3.2 Who does not need a WWCC?

Current position in Queensland

Individuals exempt from needing a WWCC			
Employers or supervisors of a child in a workplace	Volunteer parents, in specified circumstances	Volunteers under 18, other than trainee students	People providing informal/domestic babysitting services

A negative notice holder can currently rely on an exemption. For example, a negative notice holder can still volunteer as a parent at a sporting club where their child is involved.

Professionals who are exempt from needing a WWCC for their professional duties					
Registered teachers	Registered health practitioners	Police officers	Ambulance officers	Corrective Services officers	Lawyers

Registered teachers and police officers can apply for an exemption card when providing services outside of their professional duties. This relies on a check being undertaken with the Queensland College of Teachers (QCT) or the QPS to confirm the person’s professional status. Since their introduction, 22 000 exemption cards have been issued¹⁹.

What we heard from stakeholders

Divided views on whether employers of children should be screened	Divided views on whether volunteer parents and employers should remain exempt	A person issued with a negative notice should not be able to provide services regardless of an exemption	The blue card system should not duplicate other pre-employment screening processes such as teacher registration
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What we found

- The blue card system should complement and not duplicate other comparable screening systems.
- The standard of screening and monitoring undertaken by the QCT is comparable to the screening undertaken as part of a WWCC in Queensland.
- There are systems in place for screening other exempt professionals but they differ from WWCC screening.
- The ability for a negative notice holder to rely on an exemption is unacceptable. A recommendation will be made to remedy this position.

Other information

Royal Commission into Institutional Responses to Child Sexual Abuse
<p>The Royal Commission recommends jurisdictions only apply the following exemptions:</p> <ul style="list-style-type: none"> • all children under 18 years of age • employers and supervisors of children in a workplace, unless the work is child-related • people who engage in child-related work for seven days or less in a calendar year – except overnight excursions • people who engage in child-related work in the same capacity as the child • police officers • parents or guardians who volunteer for services or activities usually provided to their children – except overnight excursions and providing services to children with disabilities²⁰.
Other jurisdictions
<ul style="list-style-type: none"> • Exemption categories vary between jurisdictions. • The volunteer parent exemption category exists in all jurisdictions in specific circumstances. • Police officers are exempt in all jurisdictions, except the Northern Territory (NT). • Queensland and Victoria currently exempt registered teachers from requiring a WWCC. • All jurisdictions have exemptions for people under a certain age. However, the ages and the circumstances in which the exemption would apply vary. For example, in NSW all people under 18 years of age are exempt. In the NT, all people under 15 years of age are exempt from requiring a WWCC. • Health practitioners are not exempt in other jurisdictions except for the ACT. In NSW, there is a limited exemption for health practitioners who do not ordinarily treat children without another adult present.

Options for reform: Who does not need a WWCC?

	Option	Issues to consider
3.2.1	<p>Adopt the Royal Commission’s recommendations in relation to exemptions</p> <p>The Royal Commission recommends a limited range of exemptions:</p> <ul style="list-style-type: none"> • all children under 18 years of age • employers and supervisors of children in a workplace, unless the work is child-related • people who engage in child-related work for seven days or fewer in a calendar year – except overnight excursions • people who engage in child-related work in the same capacity as the child • police officers • parents or guardians who volunteer for services or activities usually provided to their children – except overnight excursions and providing services to children with disabilities. 	<p>This option will result in the following changes in Queensland:</p> <ul style="list-style-type: none"> • young people paid to provide child-related services would no longer be screened (for example, a 17 year old employed in a long day care centre) • there would be a new exemption for people providing services for less than seven days • teachers, health practitioners, ambulance officers, corrective services officers and lawyers would no longer be exempt from a WWCC to undertake their professional duties • volunteer parents would no longer be exempt for overnight camps. <p>This option:</p> <ul style="list-style-type: none"> • removes exemptions in place in Queensland • is likely to have significant cost and resourcing implications due to the possible increase in screening numbers • duplicates some screening that is already undertaken to a comparable level in Queensland • supports nationally consistent WWCC schemes.

<p>3.2.2</p>	<p>Remove all categories of exemptions for people providing services to children, except those with comparable screening and monitoring</p> <p>The WWCC Act would only maintain exemptions for individuals:</p> <ul style="list-style-type: none"> • who are not providing services to children, for example employers or supervisors of a child in a workplace, private arrangements or children engaged in the same activity • who have already been screened under another comparable screening process. <p>People who undergo comparable screening for professional registration and duties would be exempt on the proviso relevant information can be shared and there is an ability to remove the person from child-related work if there is a change in their professional status.</p>	<p>This option will result in the following changes in Queensland:</p> <ul style="list-style-type: none"> • teachers and police officers would remain exempt on the basis they are subject to comparable screening and monitoring • an assessment of the comparability of other screening systems would determine if health professionals, ambulance officers, corrective services officers and lawyers would continue to be exempt • volunteer parents would no longer be exempt from a WWCC. <p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by ensuring individuals providing services to children are only exempt if they are subject to comparable screening and monitoring • recognises comparable screening systems • is likely to have significant cost and resourcing implications if there is a significant increase in screening • would require volunteer parents to undertake a check to be engaged in activities where they are providing services to other children • may potentially impact on the willingness of volunteers to provide services if a WWCC is seen as an onerous process.
<p>3.2.3</p>	<p>Maintain exemptions for individuals who are subject to registration or screening and engaged in professional duties</p> <p>This would maintain exemptions for the following individuals while they are undertaking professional duties:</p> <ul style="list-style-type: none"> • teachers • police officers • health practitioners • ambulance officers • corrective services officers • lawyers. <p>The screening process undertaken as part of their employment or registration would determine their suitability to provide services to children as part of their professional role.</p>	<p>This option:</p> <ul style="list-style-type: none"> • reduces duplication of screening and regulation for individuals subject to a registration or screening process as part of their professional activities • will not have cost and resourcing implications • is inconsistent with the recommendations of the Royal Commission about some exemption categories • may result in some inconsistencies in the screening and monitoring processes being undertaken.
<p>3.2.4</p>	<p>Introduce an exemption for individuals who have been screened in another jurisdiction</p> <p>The Royal Commission has recommended, if there is a nationally consistent approach to WWCCs, a WWCC issued in one jurisdiction should be recognised in another jurisdiction, as long as it is registered in the new jurisdiction and there is an ability to check the new jurisdiction's own disciplinary and misconduct records.</p>	<p>This option:</p> <ul style="list-style-type: none"> • reduces duplication of screening and the regulatory burden for organisations who operate across jurisdictions • requires a database to support the inter-jurisdictional provision of information (also recommended by the Royal Commission).

3.3 Information considered as part of a WWCC

Current position in Queensland

In Queensland, the following information is routinely reviewed for WWCC applicants:

- national criminal history, including charges, spent convictions, and convictions not recorded
- investigative information held by the QPS about serious child-related offences where charges were not laid because the complainant was unable or unwilling to proceed
- disciplinary information about registered teachers, early childhood education and care workers and foster and kinship carers.

Additional information may be requested where it is believed to be relevant, including:

- further details of the offence from the QPS
- information from the Director of Public Prosecutions (DPP), including evidentiary material or reasons for charges not proceeding
- mental health assessments by a registered health practitioner in some circumstances
- details of decisions made by the Mental Health Court or Mental Health Review Tribunal
- further information from the person in support of their application.

The QPS continuously monitors all blue card holders and applicants. Any changes in Queensland police information relevant to child-related work are assessed by Blue Card Services.

International criminal history, child protection information, civil domestic violence information and disciplinary information for health practitioners are not routinely considered in the Queensland WWCC.

What we heard from stakeholders

International criminal history should be reviewed for people who have lived overseas	International criminal history will be difficult to source and assess due to differing legal systems	There is a need for ongoing monitoring of interstate criminal history	Child protection history (as a parent or carer) and domestic violence information is relevant to a WWCC
Domestic violence and child protection information is complex and sensitive	Specialist skills may be needed to assess domestic violence and child protection information	Disciplinary information should include information from non-government organisations	The impact of including additional information may impact processing times and costs

Other information

Royal Commission into Institutional Responses to Child Sexual Abuse

Queensland's WWCC already considers the core elements of criminal history proposed by the Royal Commission's *Working with Children Checks Report*, with the exception of offences outside of Australia.

The Royal Commission also recommended:

- disciplinary information be checked for all WWCC applicants, for all findings of misconduct against, or involving a child regardless of whether this information arises from a reportable conduct scheme or other systems or bodies responsible for disciplinary and misconduct proceedings
- bodies responsible for relevant disciplinary and/or misconduct information be required to notify screening agencies of the information²¹.

The Royal Commission does not make specific recommendations about the use of child protection and domestic violence information. However, in acknowledgement of the fact this information is likely to indicate risk to children, the recommended standard does not exclude this information from being used in WWCCs²².

Disciplinary information

There is a range of disciplinary type information under the *Public Service Act 2008* and other regulatory frameworks, which is not currently being routinely considered as part of the Queensland WWCC.

International criminal history screening by the Department of Immigration and Border Protection

- All non-Australian citizens who want to enter Australia must be of good character and are assessed against the character requirements (including a consideration of a person's criminal history). This includes New Zealand citizens under the Trans-Tasman Travel Agreement²³. In some circumstances, visa applicants are required to provide a police clearance if they have lived in another country for one year or more in the last 10 years²⁴. The Australian Government has also incorporated the collection of biometrics into the visa application process outside Australia²⁵. However, routine criminal history checking is not undertaken in the same way as a WWCC.
- Persons entering Australia are automatically checked through an international Movement Alert List (MAL), which is operated and maintained throughout Australia, America, Canada, Britain, and New Zealand. The MAL records over 700 000 identities of interest and is one of the Department of Immigration and Border Protection's primary tools for identifying people who may pose a serious threat to the Australian community²⁶.
- Routine consideration of international criminal history through the blue card application process is likely to be lengthy, complex and time consuming.
- Other systems used throughout Australian agencies require individuals to self-declare if they have lived in another country and to provide a police clearance.

New Zealand criminal history information

Australian government agencies may enter into an Offshore Approved Agency Agreement with the New Zealand Police to obtain criminal history information for employment screening (\$23NZD per application for paid employees, \$7NZD for volunteers and can take up to 20 business days to process²⁷). The requesting agency can receive conviction history²⁸, active charges and warrants for arrest.

Reportable conduct schemes

Reportable conduct schemes are designed to improve oversight and build capacity for organisations to respond to allegations of neglect and abuse. The NSW government introduced a reportable conduct scheme in 1999, which requires any allegation of child abuse to be reported to the NSW Ombudsman²⁹. Victoria and the ACT have also introduced reportable conduct schemes, effective from 1 July 2017.

Reportable conduct schemes can assist in identifying individuals who pose a risk to children but do not have criminal records. In some jurisdictions, the agency responsible for administration of the scheme also has a key role in sharing information to improve the safety of children.

The Royal Commission has recommended reportable conduct information, if available, be considered as part of a WWCC³⁰.

Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services

The QFCC undertook a review of legislation, policies and practices relating to information sharing to protect all children in regulated home-based services. This was in response to recommendation 28 of the report *When a child is missing: Remembering Tiahleigh – A report into Queensland’s children missing from out-of-home care*.

Recommendation 28 Supplementary Review recommended:

- The QPS proactively release any information it holds about international criminal history for blue card applicants and card holders³¹.
- The DET, with Blue Card Services and other relevant agencies, identify the most appropriate model to make sure family day care educators and stand-alone carers are subject to the same level of suitability screening as foster and kinship carers³².

Other jurisdictions

- In addition to a national criminal history check, disciplinary information is considered in all jurisdictions.
- Some other jurisdictions consider investigative information as part of the WWCC.
- A number of other jurisdictions (for example, Tasmania, Victoria, the ACT, NSW and SA) consider child protection information as part of the WWCC.
- Currently no jurisdiction routinely currently considers international criminal history (including from New Zealand) or the outcome of a WWCC from another state or territory in the assessment process.

Options for reform: Information considered as part of a WWCC

	Option	Issues to consider
3.3.1	<p>Introduce a tiered screening process</p> <p>This would enable different information to be considered for different types of environments, for example a greater range of information would be considered for home-based services given the increased vulnerability in these environments.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by adopting a risk-based approach • increases complexity and impacts on the check being considered transferable across different service environments • will have cost and resourcing implications.
3.3.2	<p>Increase the sharing of information to improve consistency of decision making</p> <p>This would enable regulatory agencies to share criminal history and information about risk assessments. This would assist to promote consistency of decision making and allow a WWCC to form part of a broader probity or suitability screening process undertaken by another agency. For example, the assessment of teachers for registration and foster and kinship carers for carer approval.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by adopting a risk-based approach • increases complexity and impacts on the check being considered transferable across different service environments • will have cost and resourcing implications.

International criminal history		
<p>3.3.3 Introduce a requirement for an applicant to supply international criminal history</p> <p>Applicants would be required to disclose any period of residence overseas and provide a record of their criminal history from each country in which they have resided in support of their application.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by enabling a greater range of criminal history information to be assessed about WWCC applicants • increases burden on applicants to independently obtain relevant criminal histories • increases processing times for affected applicants • requires specialist legal knowledge to interpret information from other criminal codes • disadvantages vulnerable groups (such as refugees, immigrants or international students) who may be unable to obtain the required information. 	
<p>3.3.4 Enable information sharing to complement existing border protection regulation</p> <p>This option relies on the checks undertaken by the Commonwealth Department of Immigration and Border Protection as part of the entry requirements into Australia.</p> <p>There may be scope to consider whether allowing information to be shared with the Department of Immigration and Border Protection could assist to manage complex cases.</p>	<p>This option:</p> <ul style="list-style-type: none"> • reduces duplication of processes for those individuals who have already undergone international criminal history screening as part of their visa requirements • creates minimal impact on processing times • will not provide information for Australian-born citizens who have lived overseas. 	
<p>3.3.5 Introduce a requirement to consider New Zealand criminal history</p> <p>New Zealand criminal history could be obtained via the New Zealand Police Offshore Approved Agency Agreement.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by considering New Zealand criminal history as part of the WWCC • will increase the cost of WWCCs due to fees for obtaining New Zealand criminal history • has the potential to increase processing times. 	
Disciplinary information		
<p>3.3.6 Adopt the Royal Commission's recommendations to consider disciplinary action or findings of misconduct</p> <p>All applicants would be screened for disciplinary actions or findings of misconduct involving a child. This may be obtained from relevant regulatory bodies, or from a reportable conduct scheme should one be implemented in Queensland.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by providing a greater range of disciplinary information than currently considered • aligns with the recommendations of the Royal Commission and facilitates national consistency in the future • will have cost and resourcing implications. 	

<p>3.3.7</p>	<p>Consider disciplinary information under the <i>Public Service Act 2008</i> and other regulatory frameworks</p> <p>In the absence of a reportable conduct scheme, this would provide for an expanded scope of disciplinary information, including:</p> <ul style="list-style-type: none"> • Queensland Health employees • police officers • youth workers • child safety officers • Department of Education and Training employees • disability workers • health practitioners. 	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by providing a greater range of disciplinary information than is currently considered • will have cost and resourcing implications • aligns with the recommendations of the Royal Commission and facilitates national consistency in the future.
<p>Other information</p>		
<p>3.3.8</p>	<p>Consider child protection history</p> <p>All applicants would be checked for information held by Child Safety Services. Specifically, any information to suggest an applicant had caused harm to a child would be provided to Blue Card Services for assessment.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by allowing individuals who have a history indicating they have harmed a child to be more readily identified • is likely to have significant cost and resourcing implications • will require an implementation mechanism which allows for specialist assessment of this information.
<p>3.3.9</p>	<p>Consider civil domestic violence history in particular circumstances</p> <p>A. Civil domestic violence history could be considered as part of the check.</p> <p>B. Civil domestic violence history could be accessed where breaches have been recorded on the criminal history.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by allowing Blue Card Services to assess the relevance of a person's domestic violence history to child-related employment • is likely to have significant cost and resourcing implications • may have unintended consequences. For example, where orders have been made by consent and a finding has not been made by a court that domestic violence has occurred • requires specialist skills to accurately assess the information provided given the nature and dynamics of domestic violence.
<p>3.3.10</p>	<p>Enable consideration of outcomes from other employment screening systems</p> <p>Reciprocal information sharing arrangements with WWCC screening agencies in other jurisdictions would provide information about risk assessment outcomes.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by allowing access to administrative decisions by like systems • may have cost and resourcing implications • supports recommendations by the Royal Commission to improve information sharing across jurisdictions.

3.4. Decision making framework and process for WWCCs

Current position in Queensland

In Queensland, a disqualified person³³ is subject to a penalty of up to five years imprisonment for making an application for a blue card³⁴. This prevents people with convictions for serious child-related sexual offences from working with children while an application is being processed.

The Chief Executive has no discretion in relation to individuals convicted of a disqualifying offence who were sentenced to a period of imprisonment (including a suspended sentence) and a limited discretion to deal with individuals who were not sentenced to a period of imprisonment where there is an exceptional case (for example, a historic unlawful carnal knowledge conviction where a risk of harm is not evident from the conviction).

The paramount consideration for all decisions is the safety and wellbeing of children, particularly a child's entitlement to be cared for in a way that protects them from harm and promotes their wellbeing³⁵.

Any assessable information available is considered according to the decision making framework which provides that:

- a positive notice must be issued if a person has investigative information or disciplinary information or has been charged with or convicted of an offence other than a serious offence unless there is an exceptional case in which it would not be in the best interests of children for the person to be issued with a WWCC³⁶.
- a negative notice must be issued if a person has been convicted of a serious offence unless there is an exceptional case in which it would not harm the best interests of children to issue a WWCC³⁷.

In cases where a negative notice is proposed, applicants are provided with an opportunity to submit further information in support of their application prior to a decision being made³⁸.

Where an applicant has been issued with a negative notice, they may apply to the Queensland Civil and Administrative Tribunal (QCAT) for a review of the decision³⁹. There is no review right for a disqualified person.

What we heard from stakeholders

Decision making appears inconsistent and not commensurate with seriousness of offending	Decision making does not allow adequate consideration of culture as part of the process	Need to ensure offences considered are relevant to working with children
The <u>submissions process</u> is difficult to engage with, and involves unrealistic timeframes	WWCC process does not allow people a chance to reform and demonstrate their suitability to work with children	Appeals process is confronting and deters people from reviewing decisions

What we found

Blue Card Services data shows:

- Blue Card Services has issued over one million positive notices and 4 818 negative notices since 2011/12. This includes where a positive notice or positive exemption notice has been cancelled due to a change in police information⁴⁰.
- In the last five years, Blue Card Services has withdrawn 336 applications based on the applicant being a disqualified or relevant disqualified person⁴¹. This could mean a person has applied where they are prohibited or they have been charged with a disqualifying offence while their application is pending.
- Since 2011/12, there have been 514 appeals of adverse decisions lodged with QCAT⁴² with the following outcomes:
 - approximately 22% resulted in the negative outcome being upheld
 - approximately 25% resulted in the negative outcome being overturned
 - approximately 38% of the appeals were withdrawn⁴³.
- In some cases, decisions are overturned at appeal stage because additional information is provided.
- The current processes supporting decision making is robust, largely written, uses paper-based assessments and is legalistic in approach. Lawyers undertake the risk assessments with the final decision made by an individual delegate within Blue Card Services.

Other information

Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission supports the automatic exclusion of people with a conviction or pending charges as an adult for:

- i. Murder or manslaughter of a child
- ii. Indecent or sexual assault of a child
- iii. Child pornography-related offences
- iv. Incest where the victim was a child
- v. Abduction or kidnapping of a child
- vi. Animal-related sexual offences

The Royal Commission:

- does not support an ability for a screening agency to exercise discretion in relation to automatic exclusions
- supports an appeal right for people convicted of offences which would automatically exclude them except where they have been sentenced to a custodial period or are subject to an order controlling their movement or employment
- recommends all other relevant criminal, disciplinary or misconduct information should trigger an assessment of a person's eligibility to obtain a WWCC
- has indicated that risk assessment should be based on evidence about risks to children and applicants should not be precluded from child-related work arbitrarily because of offences that do not indicate such risks
- has endorsed the development of a common risk assessment guide to bring consistency and rigour to risk assessment across jurisdictions.

The Royal Commission has also specified that WWCC assessments should be based on the nature, gravity and circumstances of the offence and its relevance to children or child-related work; the length of time since the offence; the age of the child and of the person at the time of the offence; whether there is a pattern of concerning conduct; and all other relevant circumstances in respect of their assessable history and the impact on their suitability to be engaged in child-related work⁴⁴.

Other jurisdictions

- The ACT, SA and Tasmania do not have a disqualification framework that automatically excludes people from applying for a WWCC based on certain previous offences.
- Some other jurisdictions (for example, WA and Victoria) have presumptions in the WWCC legislation, which guide the decision making about whether to issue a WWCC.
- Some other jurisdictions (for example, Victoria, NSW, WA and SA) have multi-disciplinary teams to assess information obtained during the WWCC.
- In the majority of other jurisdictions, a decision making or advisory panel has a role in the assessment process for WWCCs.
- In SA and the ACT, applicants are given the opportunity for an internal review of an adverse decision within the agency administering the WWCC prior to the matter progressing to an administrative tribunal or court.

Options for reform: Decision making framework and process for WWCCs

	Option	Issues to consider
Disqualification framework		
3.4.1	<p>Amend the disqualification framework to adopt the Royal Commission’s recommendations</p> <p>The effect in Queensland would be:</p> <ul style="list-style-type: none"> • abduction or kidnapping of a child and animal-related sexual offences would become disqualifying offences • individuals with pending charges for disqualifying offences would be automatically disqualified • the ability to exercise discretion in exceptional circumstances (for example, historical unlawful carnal knowledge offences) would be removed • an appeal right for automatic exclusions would be introduced, except where the person is subject to a control order or has received a sentence for full-time custody. 	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by providing a wider range of offences to be considered disqualifying offences • aligns with the recommendations of the Royal Commission and facilitates national consistency • will exclude a broader range of individuals from being eligible to apply for a WWCC • limits the opportunity for truly exceptional circumstances to be recognised prior to an appeal process • will have cost and resourcing implications due to the introduction of additional appeal rights.

<p>3.4.2</p>	<p>Introduce an amended disqualification framework</p> <p>This could involve implementation of the policy intent of the Royal Commission recommendations in conjunction with some of the elements of the existing robust disqualification framework in Queensland.</p> <p>The following could be elements of an amended disqualification framework:</p> <ul style="list-style-type: none"> • the range of offences identified by the Royal Commission could be considered the minimum standard with further consideration given to a broader range of offences to result in automatic exclusion (for example, torture of a child or failure to provide necessities) • individuals convicted of a disqualifying offence could continue to be prohibited from commencing work until their eligibility has been assessed • the discretion to deal with exceptional cases where a sentence of imprisonment has not been imposed could be maintained (to manage historical unlawful carnal knowledge offences) • applications for individuals with pending charges can continue to be withdrawn rather than subject to automatic exclusion • the position which prohibits appeal rights for all people convicted of a disqualifying offence could be maintained. 	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by providing capacity for a wider range of offences to be considered disqualifying offences • aligns with the policy intent but not the specific recommendations of the Royal Commission to maintain existing safeguards in Queensland • maintains the ability for discretion to be exercised in truly exceptional cases at the earliest available opportunity.
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Decision making framework

<p>3.4.3</p>	<p>Adopt the Royal Commission’s recommendations regarding risk assessment</p> <p>The Royal Commission recommended:</p> <ul style="list-style-type: none"> • where a police or disciplinary history is returned for a WWCC applicant, a risk assessment should be undertaken to determine the person’s suitability to work with children • the focus of the risk assessment should be on the evidence about risks to children. <p>Implementing this recommendation would require consideration of the following in Queensland:</p> <ul style="list-style-type: none"> • the breadth of information which would trigger a risk assessment • whether the current presumptions which guide decision making should remain • the appropriate threshold to be applied as part of the decision making framework. 	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by focusing decision making on risk to children • aligns with the recommendations of the Royal Commission and facilitates national consistency in the future.
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Decision making processes		
<p>3.4.4 Review the processes underpinning risk assessment</p> <p>This could involve consideration of:</p> <ul style="list-style-type: none"> • a multidisciplinary approach to risk assessment, for example: <ul style="list-style-type: none"> • the use of multidisciplinary teams to formulate recommendations • expert advisors or a multidisciplinary panel to provide recommendations on risk assessments • the identification of opportunities to provide more support for applicants through the risk assessment process • alternative processes to the current legalistic and formal written submission processes. 		<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by: <ul style="list-style-type: none"> • examining process issues which may impact on decision making • exploring opportunities to enhance decision making processes • may increase processing times for complex cases • is likely to have significant cost and resourcing implications.
<p>3.4.5 Establish a mechanism for regular review of the decision making guidelines to ensure a contemporary evidence based approach to assessing risk</p>		<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by ensuring decisions remain contemporary and evidence based • is likely to have cost and resourcing implications.
<p>3.4.6 Explore quality assurance strategies to ensure consistency of decision making</p> <p>This could include:</p> <ul style="list-style-type: none"> • regular complex case review panels/processes • regular audits of decision outcomes • the development of a precedent or decision library/database to support consistent decision making. 		<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by promoting consistency of decision making • is likely to have cost and resourcing implications.
Appeal processes		
<p>3.4.7 Internal review</p> <p>An internal merits review mechanism would be established to provide applicants with an opportunity for a right of review prior to an application being made to QCAT.</p>		<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by providing mechanisms to ensure the best decision is made at the earliest available opportunity • may reduce the burden on applicants of having to participate in a full legal appeal process • is likely to have cost and resourcing implications • may reduce the number of applications to QCAT.
<p>3.4.8 Examination of current review rights and processes</p> <p>This could involve consideration of:</p> <ul style="list-style-type: none"> • the multiple review rights which exist where a WWCC forms part of a broader suitability assessment, for example a foster care approval process • the current appeal process, which stakeholders report is legalistic and difficult to navigate • the current approach to an appeal, which includes a full merits review. 		<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by: <ul style="list-style-type: none"> • ensuring appeal processes operate together effectively • potentially improving the accessibility of appeal processes for applicants • is likely to have cost and resourcing implications.

TOPIC 4: INFORMATION SHARING

Current position in Queensland

Blue Card Services exchanges information with a range of entities for specific purposes, each governed by specific legislative provisions. Currently, sharing information about WWCCs is largely restricted to Queensland government agencies. Non-government organisations, including employers, are only alerted to a change in the blue card status of an individual within their organisation.

In addition to arrangements with the QPS for the receipt and ongoing monitoring of criminal history information⁴⁵, Blue Card Services also receives (or may request) information about court decisions⁴⁶, sexual offender orders⁴⁷ and reports on the mental health of applicants⁴⁸ from various bodies.

Blue Card Services also receives disciplinary information about:

- registered teachers from the QCT⁴⁹
- foster and kinship carers from Child Safety Services⁵⁰
- early childhood education and care workers from the DET⁵¹.

There are strict confidentiality provisions under the WWC Act. Criminal history information is only permitted to be shared with a person’s consent or if required by law.

Blue Card Services is only enabled to share other information about a blue card holder or applicant in certain limited circumstances, such as:

- when making a request for information to an agency as described above
- when communicating the outcome of a blue card application or a change in an individual’s blue card status to a notifiable person⁵²
- when requested by the Police Commissioner for the purpose of administering specific legislation⁵³
- when requested for confirmation of an individual’s blue card status by the QCT (for the purpose of teacher registration)⁵⁴; Disability Services (for the purpose of a yellow card application)⁵⁵; or a school administration board (regarding a director of a school’s governing body)⁵⁶.

What we heard from stakeholders

Support for the ability to share information across jurisdictions, particularly in relation to negative notices	There is a lack of consistency in what information is shared and how it is shared	There are inconsistencies in the type of information shared with Blue Card Services (for example disciplinary information)
Blue Card Services should share information it holds to improve organisations’ ability to protect the safety and wellbeing of children in regulated environments	Information sharing should enable the reduction of duplication in screening across government	Stakeholders noted the difficulty in navigating the existing information sharing regime and the inconsistencies it produced
Stakeholder supported better defined information sharing provisions within legislation to assist with their role in promoting the safety and wellbeing of children, including where this relates to informing assessments for WWCCs		

What we found

Decision makers must have access to relevant information to undertake fully informed and robust risk assessments. Exchange of information between government agencies will enable decision makers to assess a more complete set of circumstances when taking action on potential risks to children and young people.

Provisions governing the type of information that can be shared, and between which agencies, are complex and spread across a variety of legislative instruments. The absence of clearly defined parameters around information sharing is a key contributor to uncertainty and reluctance to share information, even where there was a legislative basis to do so. Complex legislative regimes are detrimental to the culture of information sharing within and between organisations⁵⁷.

Other information

Royal Commission into Institutional Responses to Child Sexual Abuse

The recommendations of the Royal Commission in its *Working with Children Checks Report* provided support for information sharing to be strengthened in a number of ways, including:

- the creation of a nationally consistent WWCC scheme
- the requirement for police services to provide screening agencies with records meeting the nationally agreed definition and any other available information relating to the circumstances of offences
- the requirement for disciplinary information to be considered for all applicants, and for the bodies responsible for this information to provide it to employment screening agencies
- the ability for WWCCs from other jurisdictions to be nationally recognised (subject to the implementation of nationally consistent standards).

The Royal Commission is also considering strengthening information sharing arrangements and is considering a nationally consistent information exchange scheme for prescribed bodies to enable information sharing within and across all Australian states and territories.

Information sharing under Chapter 16A, *Children and Young Persons (Care and Protection) Act 1998 (NSW)*

The NSW government has implemented a stand-alone information sharing regime for the purposes of sharing information about the safety, welfare or wellbeing of children or young people.

Under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*, prescribed bodies with responsibilities relating to the safety, welfare or wellbeing of children or young people are enabled to work collaboratively and share any information they reasonably believe would assist in making a decision or managing a risk in relation to a child or young person (or a class of children or young persons)⁵⁸.

All NSW government departments and authorities are covered by Chapter 16A. The scheme also includes a number of non-government organisations, including non-government schools, TAFE institutions, private health facilities, foster care and adoption agencies, residential care and child care services and ‘any other organisations that have direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly to children’⁵⁹.

Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services

Recommendation 28 Supplementary Review made a number of recommendations to improve information sharing where it relates to potential risks to children in home-based services (for example foster care and family day care), including:

- changes to legislation and policy to allow earlier information sharing to Blue Card Services and regulatory bodies when an individual associated with home-based services is a suspect in certain offences⁶⁰
- the QPS develops a decision making framework to guide officers in sharing information to protect all children⁶¹.

Review of the *Child Protection Act 1999*

The review of the *Child Protection Act 1999* is also considering options to improve information sharing in the context of the child protection system.

Options for reform: Information sharing

	Option	Issues to consider
4.1	<p>Stand-alone information sharing regime to enable all agencies to share information about the safety and wellbeing of children</p> <p>This could involve the development of legislation similar in nature to Chapter 16A of the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW).</p> <p>Such legislation would allow information to be shared between prescribed entities where it is reasonably believed the information would assist in making a decision, undertaking an investigation, or otherwise managing a risk to the safety and wellbeing of children.</p> <p>Key features of the legislation could include:</p> <ul style="list-style-type: none"> enabling provisions to allow information to be shared penalties for misuse of information protection for individuals where information has been shared in good faith. <p>Legislation must also be accompanied by shared decision making frameworks and training packages for all prescribed entities.</p>	<p>This option:</p> <ul style="list-style-type: none"> simplifies current information sharing arrangements promotes consistency in decision making and shared frameworks for information sharing across government benefits all government agencies with responsibilities for the safety and wellbeing of children, beyond the role of the blue card system strengthens government decision making and ability to manage risks to children by providing a greater range of information for assessment supports nationally consistent WWCC schemes and inter-jurisdictional information sharing may have significant cost and resourcing implications involved in establishing information sharing systems and processes within prescribed entities will require consideration of existing legislative frameworks, for example, information sharing provisions in the <i>Education and Care Services National Law</i>.
4.2	<p>Review existing information sharing provisions to assess whether broader enabling information sharing provisions are necessary</p> <p>This option would enable an assessment of the current information sharing provisions under the WWC Act and other relevant legislation to determine their adequacy to support reciprocal information sharing arrangements with relevant agencies to enable:</p> <ul style="list-style-type: none"> information to be shared for the purpose of assessing an individual's eligibility for a WWCC compliance and monitoring in child-related service environments assessment of an individual's suitability to be engaged in the provision of child-related services the management of risks of harm to children. 	<p>This option:</p> <ul style="list-style-type: none"> will require consideration of existing legislative frameworks to identify and addresses gaps in information sharing provisions will enable the sharing of information to support any changes to the information to be considered in assessing an individual's eligibility for a WWCC or development of a compliance framework will be limited in focus to improving information sharing as it relates to the operation of the blue card system may have significant cost and resourcing implications involved in establishing information sharing systems and processes within prescribed entities.

TOPIC 5: ENSURING COMPLIANCE

5.1 Capacity building and education

Current position in Queensland

In Queensland, the WWCC system has a dedicated community information team with a contact centre and its own website (www.bluecard.qld.gov.au) administered by Blue Card Services. The contact centre on average responds to more than 110 000 customer calls and 12 000 emails per year⁶². The website contains a range of information about the blue card system including creating child safe environments and WWCC processes.

The website is mostly focused on assisting organisations to comply with the WWC Act and information is separated into key child-related work employment activities or environments. There is some information also available for individual blue card holders, parents and the community. Forms are accessible, blue cards and exemptions cards can be validated online and individuals can electronically update their contact details via the site.

Since 2005, when child and youth risk management strategies were introduced into the WWC Act, Blue Card Services has developed a set of educative training tools to assist organisations in the development and implementation of child safe strategies, including information sheets, a printable guideline *Child and Youth Risk Management Strategy Toolkit*, self-assessment tools and training videos downloadable via YouTube⁶³. Blue Card Services emphasises the importance of risk management strategies in its range of educational material.

On initial introduction of the risk management strategy provisions, Blue Card Services undertook a three year education and training program, through forums and tailored sessions, to ensure industry sectors were aware of the new obligations and what was entailed in developing policies and procedures focused on child safe environments. Blue Card Services continues to take an educative approach to compliance and provides education and training sessions with peak bodies and key government agencies on request from an organisation.

What we heard from stakeholders

Organisations need more support to understand how to embed child safe practices in their organisations

More focus needs to be placed on the importance of child safe policies and practices

There needs to be more user-friendly information available for organisations

While the Child and Youth Risk Management Strategy Toolkit and website contain useful information, it needs to be more user-friendly. There needs to be a range of on-line training and information tools to guide and promote best practice for organisations, parents and blue card holders

What we found

- Effective policies and procedures aimed at establishing a child safe organisational culture can mitigate the risks of child abuse occurring and facilitate early detection and response mechanisms, if they are complied with and internally enforced⁶⁴.
- Developing comprehensive child safe organisation policies and procedures can be complex when organisations are operating across various state and national regulatory regimes.
- Organisations find it difficult to embed child safe policies and procedures amongst a multitude of other business-related regulatory requirements.
- Education and training on broad issues relating to offending against children, identifying risk factors and situational prevention as well as best practice policies and procedures must form the basis of any compliance framework, to enable organisations to develop comprehensive child safe organisation strategies relevant to the activities and environment in which they operate.
- A good compliance model ensures education, training and capacity building is a key component of the framework and in the most part is the first enforcement response⁶⁵. Capacity building promotes a culture of compliance and supports ongoing improvement. However, a truly responsive compliance model does not stop at education only and uses an escalation model for enforcement, which aims to not only prevent but where necessary identify and respond to breaches of the law, regulations, codes or standards⁶⁶.

Other information

Royal Commission into Institutional Responses to Child Sexual Abuse
<p>The Royal Commission acknowledges WWCCs will only contribute to keeping children safe if they are used in the context of broader child safe strategies. These strategies should include appropriate leadership, governance and culture; quality recruitment, selection and screening; training; effective child protection policies and procedures; and child-friendly practices⁶⁷.</p> <p>The Royal Commission has proposed 10 key elements of child safe organisations, each with associated sub-elements (see Topic 2: Child safe organisations)⁶⁸.</p>
Other jurisdictions
<ul style="list-style-type: none"> • The Office of the Children’s Guardian in NSW offers free child safe training sessions for people working or volunteering in child-related organisations⁶⁹. • Some other jurisdictions incorporate training in relation to best practice principles for child safe organisations as part of their community engagement activities in relation to WWCCs.

Options for reform: Capacity building and education

	Option	Issues to consider
5.1.1	<p>Development of a sector strategy to build capacity</p> <p>This option would involve the development of a specific strategy to build capacity in the sector over a specified period of time.</p>	<p>This option:</p> <ul style="list-style-type: none"> • enables a thorough assessment of the areas in which education and capacity building needs to occur • enables consideration to be given to the types of education and capacity building activities required across different organisation types/ industry groups • will have cost and resourcing implications.
5.1.2	<p>Review of existing resources and the development of an online education and training package</p> <p>Develop a range of industry specific online training modules, guidance tools and resources for both blue card holders and organisations.</p>	<p>This option:</p> <ul style="list-style-type: none"> • enables the development of industry-specific resources to support organisations to build capacity to create child safe environments • allows for the development of tools across a range of formats, for example videos, training modules, factsheets and guidelines • will have cost and resourcing implications.
5.1.3	<p>Accreditation of training organisations</p> <p>This option would require organisations providing training to be accredited or approved.</p>	<p>This option:</p> <ul style="list-style-type: none"> • ensures consistency of training and advice provided by training/auditing organisations and regulatory bodies in the community • will have cost and resourcing implications • increases the regulatory burden for organisations.
5.1.4	<p>Legislative training requirements</p> <p>This option would require key organisational staff to undertake an accredited training course about how to create a child safe organisation.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by increasing organisational capacity to create child safe organisations • will have cost and resourcing implications • increases the regulatory burden for organisations.

5.2. Compliance framework for screening and risk management obligations

Current position in Queensland

Blue Card Services currently has a legislative function to monitor and audit compliance but does not have any associated powers to enforce compliance.

The compliance activities currently undertaken include targeted industry specific proactive audits, high risk proactive audits targeting known individuals with adverse history, actioning incoming complaints and investigations, and requesting risk management strategies and checklists on either a proactive or reactive basis.

The WWC Act contains a range of penalties to make sure organisations and individuals comply with their obligations. However, there are no express functions for investigators or compliance officers to effectively undertake on-site compliance checks, compel a range of information to be provided or to order an organisation or individual to comply. Where non-compliance continues, Blue Card Services refers the matter to the QPS for enforcement action. However, the limitations of the WWC Act also affect police enforcement capabilities.

A dedicated police officer role exists within the Blue Card Services compliance unit, which provides a direct link to the QPS for the purpose of enforcement referrals.

What we heard from stakeholders

Stakeholders supported strengthening the compliance framework	With a strengthened compliance framework, the regulatory burden and bureaucracy should not be increased	Changes to the blue card system's framework should complement existing regulatory and compliance frameworks
The current penalties and offences related to risk management strategies do not motivate compliance	The majority of stakeholders agreed that statutory powers should exist to monitor compliance	Compliance frameworks should focus on capacity building and education, but also have the ability to penalise non-compliance

What we found

- Since 2011/12, there have been 202 prosecutions for offences under the WWC Act, of which 95% were successful⁷⁰. Over 50% of these prosecutions were carried out in 2015/16.
- To date there have been no successful prosecutions in relation to non-compliance with child and youth risk management strategy obligations.

Other information

Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission is of the view that all jurisdictions should have statutory provisions within WWC laws to monitor compliance on an ongoing basis. To support this work the Royal Commission recommends that relevant agencies be granted statutory powers to compel the production of relevant information⁷¹.

To improve clarity, ensure consistency and assist with compliance with WWC laws the Royal Commission recommended a simplified list of offences, including:

- engaging in child-related work without holding, or having applied for, a WWCC
- engaging a person in child-related work without them holding, or having applied for, a WWCC
- providing false or misleading information in connection with a WWCC application
- applicants and/or WWCC cardholders failing to notify screening agencies of relevant changes in circumstances
- unauthorised disclosure of information gathered during the course of a WWCC.

Other jurisdictions

- A number of other jurisdictions have functions to monitor compliance and/or powers to compel information to ensure compliance with WWC laws.

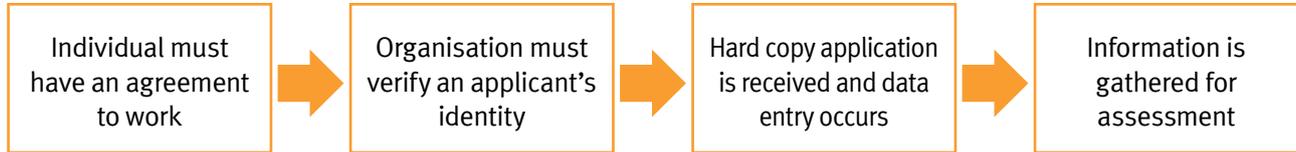
Options for reform: Compliance framework for screening and risk management obligations

	Option	Issues to consider
5.2.1	<p>Establish a new stand-alone compliance framework</p> <p>This option would involve the development of a comprehensive compliance and enforcement model designed to enable capacity building before escalation to non-compliance penalties. It would require complementary legislative powers, which could include:</p> <ul style="list-style-type: none"> • authorised persons/investigators • ability to enter a place, with document seizure powers • the ability to compel information verbally and in written form • the ability to issue directions notices to undertake improvement activities • the ability to issue compliance orders with penalty for non-compliance • powers for prosecution • on-the-spot fines for minor offences. 	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by providing compliance powers to complement the existing function to monitor and audit compliance • will have significant cost and resourcing implications to establish a systematic compliance program with dedicated compliance officers • in isolation, may duplicate existing compliance frameworks and increase the regulatory burden for organisations already subject to high level of regulation • is consistent with the recommendations of the Royal Commission and facilitates national consistency in the future.
5.2.2	<p>Introduce a compliance framework to complement existing compliance and enforcement models</p> <p>This option would introduce a compliance framework but also leverage existing compliance frameworks to monitor and enforce obligations under the WWC Act.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by leveraging existing compliance frameworks • limits the increase in regulatory burden for organisations already subject to other regulatory frameworks • reduces the cost of establishing a compliance framework for the blue card system • requires complementary information sharing • may have significant resourcing implications.
5.2.3	<p>Tiered compliance requirements based on risk assessment</p> <p>This would establish a risk based compliance framework. For example organisations in specified high risk environments could be required to submit strategies periodically for formal assessment and approval and undertake periodic audits of WWCC requirements.</p>	<p>This option:</p> <ul style="list-style-type: none"> • is consistent with other regulatory frameworks in Queensland that already operate in this sector (for example, Human Services Quality framework) and have risk based processes for parts of the regulatory framework • will have cost and resourcing implications • increases regulatory burden for organisations operating in high risk environments.
5.2.4	<p>Review of penalties and offences</p> <p>This option would require a review of overall penalties and offences to ensure:</p> <ul style="list-style-type: none"> • the framework reflects the importance of child safe policies and procedures • consistency with offences and penalties on other jurisdictions • there is consistency with other like offences and penalties in Queensland. 	<p>This option:</p> <ul style="list-style-type: none"> • will strengthen the system to ensure that offences and penalties reflect any reforms implemented • is consistent with the Royal Commission recommendation for a more nationally consistent approach and the future introduction of mutual recognition system across jurisdictions.
5.2.5	<p>Adopt the Royal Commission's recommendation to simplify the list of offences</p> <p>Offences under the WWC Act would be limited to those identified by the Royal Commission.</p>	<p>This option would remove a number of existing offences in Queensland, including those related to risk management strategies.</p>

TOPIC 6: APPLICATION PROCESS AND OUTCOME FOR WWCCs

Current position in Queensland

The blue card system in Queensland is a largely manual process, requiring applicants to complete a variety of paper-based forms, which must then be manually entered into the Blue Card Services' database. The current application process is outlined below:



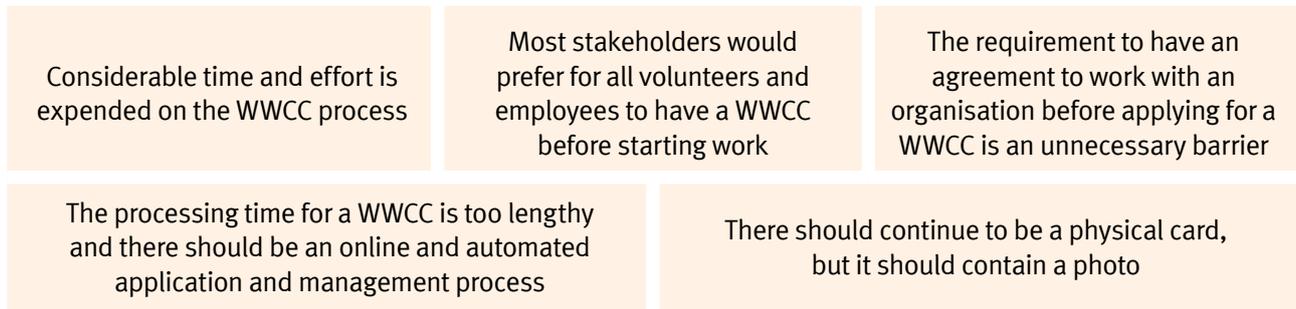
While criminal history screening and monitoring is undertaken electronically, police information is still provided in hard copy to Blue Card Services. Where additional information is required from other sources (for example disciplinary information; records from the DPP; mental health assessments), it must be requested on an individual basis and the records received must be processed, assessed, and a decision made.

Paid employees are able to commence employment after their application has been lodged. Volunteers and business operators must be issued with a positive notice prior to commencing child-related work or roles.

If successful, applicants receive a physical card and letter in support of their positive notice, which contains their blue card number, expiry date, identifying details and the applicant's signature. Applicants are also notified of the outcome of their application for a blue card or exemption card by email, if an email address is provided on the application form.

WWCCs must be renewed every three years for a person to continue to engage in child-related work or activities. A renewal application is processed in the same way as a new application.

What we heard from stakeholders



What we found

- Data received from Blue Card Services⁷² demonstrates that the average processing time⁷³ over the past five years for a blue card application:
 - with no police information is 15 business days. The monthly data indicates that over this period, the minimum average was 5 business days and the maximum average was 28 business days.
 - with less complex police information is 52 calendar days and with complex police information is 203 calendar days. The monthly data indicates that over this period, the minimum average was 26 calendar days for less complex assessments and the maximum average was 310 calendar days for more complex assessments where a range of additional information is gathered from other agencies and assessed.
- Processing timeframes are impacted by a variety of factors, including where there are peak processing periods or there is a need to gather information from the applicant or external agencies to inform a risk assessment.
- Since 2012/13, approximately 17% of calls received by Blue Card Services were enquiries about the progress of a blue card application⁷⁴. In the same period, the percentage of complaints related to the timeliness of processing applications ranged between 11% and 35%⁷⁵.
- The manual application and assessment processes significantly inhibit the efficiency of the system of the process and it is essential to automate and streamline processes to reduce delay.
- There are opportunities for administrative efficiencies across every stage of the process, including the application and risk assessment process and information sharing with other agencies.
- Work should commence immediately to identify implementation options for:
 - the introduction of an online application system
 - a streamlined process for receiving police information and managing risk assessment files
 - automating information sharing across agencies.

Other information

Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission has made recommendations with regards to streamlining WWCC systems nationally. These include:

- implementing an online WWCC processing system
- reducing processing timeframes to five business days for individuals without assessable information, and no longer than 21 business days for more complex applications⁷⁶.

The Royal Commission also recommends WWCC laws allow applicants (both paid and volunteer) to begin child-related work before the outcome of their application is determined, provided appropriate safeguards are put in place to protect children⁷⁷.

Queensland Child Protection Commission of Inquiry

The Child Protection Commission of Inquiry found that the blue card system needs to be streamlined and automated⁷⁸.

Other jurisdictions

- All other jurisdictions have some component of the application process online, such as the initial application or a renewal application.
- All other jurisdictions receive police information electronically from Australian Criminal Intelligence Commission (ACIC).
- Processes in other jurisdictions demonstrate there is capacity to explore options to streamline the management of applications both where there is no assessable history and where there is assessable history.
- The processing timeframes in other jurisdictions are significantly quicker.
- In WA the average processing time in 2015/16 was five days where there was no assessable information. In NSW 80% of applications with no assessable information are processed within one day. All jurisdictions caution where a detailed risk assessment is required the timeframe may be significantly longer.
- In Western Australia the average time to finalise an application where there was criminal history in 2015/16 was 19 calendar days. Where there is a criminal record, 90% are finalised in 30 days, 98% in 90 days and 1% take 6 months or more.
- The ability to commence work while a WWCC application is being processed varies between jurisdictions:
 - applicants in the NT, the ACT, Tasmania and SA cannot start working or volunteering until their WWCC has been approved
 - most applicants can start working or volunteering while their application is being processed in NSW, WA and Victoria. Interim bars can be imposed while application are finalised.
- Renewal periods vary between two years in the NT and five years in NSW and Victoria.

Options for reform: Application process and outcomes for WWCCs

	Option	Issues to consider
Requirements associated with an application		
6.1	<p>Allow individuals to apply for a WWCC</p> <p>This option would involve removing the requirement for individuals to be engaged by an organisation before applying for a WWCC and enable an individual to apply for a WWCC prior to seeking child-related employment.</p> <p>This would require organisations to validate and register the person with Blue Card Services at the point of engagement to ensure notifications about changes to the WWCC status could be provided to the organisation.</p>	<p>This option:</p> <ul style="list-style-type: none"> • provides greater flexibility by allowing people to be ‘job-ready’ • strengthens the system by enabling people to obtain a WWCC before commencing work with children and minimising the need for individuals to commence work during processing • may reduce processing times by simplifying the application process • reduces the regulatory burden for organisations by removing the requirement for them to make applications for employees and volunteers • may result in a significant increase in screening volumes and have cost and resourcing implications.
6.2	<p>Adopt the Royal Commission recommendation and allowing individuals to commence work during processing of a WWCC</p> <p>This option would allow an individual to commence child-related work while their application is being processed on the basis the following safeguards could be implemented:</p> <ul style="list-style-type: none"> • the person must not previously have been denied a WWCC, or been convicted of sexual offences against children • employers must verify the applications with the screening agency • interim bars to be imposed on application where records indicate a risk of harm to children • contact between applicants and children to be supervised by a person with a WWCC. 	<p>This option:</p> <ul style="list-style-type: none"> • would enable a broader range of people in Queensland to commence working with children while their application is being processed (volunteers and business operators are currently not permitted to start while an application is being processed), which may arguably decrease safeguards for children • enables flexibility in employment practices • involves complexity in administration for organisations by requiring them to implement additional specific strategies during the processing timeframes • adopts the recommendation of the Royal Commission and supports national consistency.
6.3	<p>Require a WWCC before an individual can commence work</p> <p>This option would require individuals to hold a WWCC before commencing child-related work.</p> <p>This option could be implemented in conjunction with other possible options for reform, for example:</p> <ul style="list-style-type: none"> • if application processing times of a maximum of five business days are achieved, only individuals with assessable history would need to wait for longer periods before commencing work • if individuals are able to apply prior to being employed by an organisation, it may be practical to require a WWCC prior to commencement. 	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the blue card system by ensuring that all persons working in child-related environments have been cleared to do so. In particular it prevents individuals with assessable history from working with children while their application is processed • adopts a different position to the recommendation of the Royal Commission to allow individuals to work while their WWCC is being processed • involves less complex administration for organisations and the screening operator.

STREAMLINING THE SYSTEM

Identity verification		
6.4	<p>Online identification verification</p> <p>This option could leverage an over the counter identification check undertaken previously and enable a person's identity to be verified using known identity information. For example, a link with the Department of Transport and Main Roads could utilise driver licence photos.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by centralising identification checks and creating a more robust verification system • decreases processing times by allowing online identification verification to occur • implementation is likely to have significant cost and resourcing implications.
6.5	<p>Over the counter identification verification</p> <p>This option would require the applicant to attend a service centre for an over the counter identification check.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by creating a more robust identity verification process • may impact on processing timeframes • is likely to have significant cost and resourcing implications.
Renewal period		
6.6	<p>Extend the renewal period from three years to five years</p> <p>This would require an individual to renew their WWCC every five years rather than every three years.</p>	<p>This option:</p> <ul style="list-style-type: none"> • may create risks for children until there is continuous monitoring of criminal history at a national level • reduces the regulatory burden for individuals by requiring checks less frequently • is consistent with the Royal Commission's recommendations to introduce a five year renewal period, subject to the availability of continuous monitoring of criminal history information • may have cost implications and require consideration of the appropriate fee structure to support the change in renewal period.
WWCC product		
6.7	<p>Introduce a digital card</p> <p>This option would involve the issue of a digital version of a physical card.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by enabling immediate cancellation of cards where necessary • would require rigorous security mechanism to avoid fraudulent activity • may decrease costs associated with the issuing of physical cards • may improve timeframes for the receipt of outcomes.
6.8	<p>Issue a registration number rather than a digital or physical card</p> <p>This would involve the issue of a registration number rather than a card.</p>	<p>This option:</p> <ul style="list-style-type: none"> • requires organisations to maintain responsibility for identity verification to confirm the registration number belongs to the holder • will decrease processing timeframes and costs.
6.9	<p>Maintain a physical card and introduce a photograph</p> <p>This would include a photograph on a physical or digital card.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by enabling quicker and more robust verification that an individual has been issued with a WWCC • may have cost and resourcing implications depending on the method of implementation.

TOPIC 7: SUPPORTING ORGANISATIONS

Current position in Queensland

Regulated organisations are required to maintain a written record of the following:

- blue card/exemption card holders and applicants
- expiry date of all WWCCs
- individuals who do not need a WWCC.

Organisations are required to notify Blue Card Services of the following information:

- when a person leaves the organisation
- if an employee or volunteer notifies the organisation there is a change in their police or disciplinary information, during the application process or after a WWCC has been issued.

An organisation engaging a person is also responsible for validating their existing blue card or exemption card and notifying Blue Card Services of the person’s engagement with them.

Blue Card Services must also notify organisations of the following:

- if a person withdraws their consent to employment screening
- if a person’s application is withdrawn
- if a person has been refused a blue card or exemption card and been issued with a negative notice
- the suspension or cancellation of a person’s blue card or exemption card
- changes in police information of a person, in certain circumstances.

What we heard from stakeholders

Organisations should be spending less time managing manual processes and more time making their organisations safe

The information on the Blue Card Services website often does not assist in answering enquiries

There needs to be an easily accessible online portal to assist organisations to comply with their blue card system’s obligations

What we found

Most notifications and communications between Blue Card Services and organisations are manual and letter-based. Organisations are not currently supported to manage their obligations electronically.

Options for reform: Supporting organisations

	Option	Issues to consider
7.1.	<p>Develop an organisation portal to support organisations to manage their obligations</p> <p>This could include the following type of functionality:</p> <ul style="list-style-type: none"> • allow the tracking of applications and outcomes • an ability to validate and register individuals as being engaged by an organisation • ability to notify Blue Card Services of a WWCC holder leaving their organisation • ability to receive notifications about changes in a WWCC holder’s status • ability to maintain and report on an up-to-date register of WWCC holders. 	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by providing organisations with up-to-date information in relation to WWCC holders • simplifies the regulatory burden for organisations by assisting them to meet their obligations • has cost and resourcing implications for the development of the portal • results in potential savings in relation to compliance activities by automating processes.
7.2	<p>Update and enhance the Blue Card Services website to improve access to information about the blue card system for the community, parents and organisations</p>	<p>This option:</p> <ul style="list-style-type: none"> • simplifies the system by making information easy to understand • will reduce the amount of calls and emails to Blue Card Services • has some cost and resourcing implications.

TOPIC 8: SUPPORTING THE COMMUNITY

Current position in Queensland

The majority of information Blue Card Services provides organisations, community and parents is found on the Blue Card Services website⁷⁹. Blue Card Services currently offers parents and communities tailored information and resources about the blue card system⁸⁰. This includes information on:

- how the blue card system helps protect children
- choosing a safe environment for children
- what people should do if they have concerns or suspicions about harm to children.

Blue Card Services also offers a range of information sheets and general resources to assist individuals with the application process⁸¹. However, these resources are not easily accessible in languages other than English.

What we heard from stakeholders

Culturally and linguistically diverse communities need more support throughout the WWCC process	People whose primary language is not English, struggle to engage with the process	Parents and guardians need support to understand the role of the blue card system and to choose safe environments for their children
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Options for reform: Supporting the community

	Option	Issues to consider
8.1	<p>Targeted education and communication about the role of the blue card system</p> <p>This could include a community education campaign or the development of specific resources to provide information about:</p> <ul style="list-style-type: none"> • the need for shared responsibility in keeping children safe • the role of the blue card system in keeping children safe • the role that parents and the community can play in keeping children safe. 	<p>This option will:</p> <ul style="list-style-type: none"> • improve community understanding of the role of the blue card system in keeping children safe • strengthen the operation of the system by assisting parents to choose child safe organisations and environments for their children • have some cost and resourcing implications.
8.2	<p>Ensure interpreting services are easily accessible</p> <p>This could include making information about interpreting services available in multiple languages on the website and other resource material.</p>	<p>This option will:</p> <ul style="list-style-type: none"> • improve accessibility of the blue card system for culturally and linguistically diverse communities • have cost and resourcing implications for engaging an interpreting service on a more regular basis.
8.3	<p>Targeted education about the blue card system in culturally and linguistically diverse communities</p> <p>This could include offering multilingual resources and information sessions in languages other than English.</p>	<p>This option will:</p> <ul style="list-style-type: none"> • improve understanding in the broader community about the blue card system • simplify the process for obtaining a blue card for culturally and linguistically diverse communities • encourage all members of the community to apply for blue cards • have cost and resource implications to undertake targeted education.

TOPIC 9: SUPPORTING ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE

Current position in Queensland

Blue Card Services supports Aboriginal and Torres Strait Islander people in a number of ways, including:

- providing community education and information within community on request
- the development of specific processes to reduce the number of applications withdrawn where further information is required
- providing information about where additional support can be accessed
- working to establish relationships within community and providing tailored additional support where possible.

In 2015, Blue Card Services commenced a pilot project in Mornington Island and with Doomadgee State School to identify a local liaison person who could assist individuals with the blue card application process. This liaison point is a voluntary staff member within a community organisation who Blue Card Services liaises with to progress requests for additional information from applicants who have police information. This has provided a greater ability for Blue Card Services to engage with applicants during the risk assessment process.

What we heard from stakeholders

The blue card system is viewed as a significant impediment to employment and kinship care arrangements	In many remote communities, there is a lack of support to assist with completing applications or responding to a request for submissions	Stakeholders see the submissions process as unfair and do not believe there is adequate consideration of culture during the decision making process
Aboriginal and Torres Strait Islander people do not view the QCAT review process as a realistic option without long-term legal assistance	There has been very limited community engagement undertaken for a number of years	Access to the blue card system can be affected by availability of documentation to prove identity, literacy skills, and remote and regional locations
There is a significant amount of misinformation about the blue card system, particularly in relation to the likelihood of getting a blue card because of previous criminal history	Overwhelmingly stakeholders were very clear the safety and wellbeing of their children was paramount and they did not want a lower standard of child protection	There is concern about the age and relevance of offences, which result in the issue of a negative notice

What we found

- Three per cent of all applications and authorisations of blue card and exemptions cards since 2011/12 have been from applicants who self-identify as Aboriginal and/or Torres Strait Islander people⁸².
- In the last five years, approximately 10% of all Aboriginal and Torres Strait Islander applicants and authorisations for a blue or exemption card withdrew from the process⁸³. This is compared to approximately 5% of the overall applications and authorisations being withdrawn in the same period⁸⁴.
- For Aboriginal and/or Torres Strait Islander applicants, approximately 53% of the applications withdrawn were because of no response to a request for information⁸⁵.
- Approximately 4% of Aboriginal and/or Torres Strait Islander applicants did not respond to the request for submissions, resulting in the withdrawal of their application. This is compared to 1% of all applicants⁸⁶.
- Over the last five years, approximately 48% of appeals of a negative notice to QCAT by Aboriginal and/or Torres Strait Islander applicants have been withdrawn. This is compared to approximately 38% of all appeals of an adverse decision being withdrawn in the same period⁸⁷.
- These statistics indicate there are significant issues with the current operation of the system from the perspective of Aboriginal and Torres Strait Islander people.

Other information

Queensland Child Protection Commission of Inquiry

The Child Protection Commission of Inquiry identified the WWCC as a barrier to employment in Aboriginal and Torres Strait Islander communities in 2013. Reflecting what stakeholders told us, there was widespread belief minor offences would affect a person's eligibility to hold a WWCC. There was also not enough information and support offered regarding the blue card system⁸⁸.

The Child Protection Commission of Inquiry suggested Aboriginal and Torres Strait Islander communities be provided with more support in navigating the application process for WWCCs⁸⁹.

Research

- There are several approaches that may be beneficial for culturally appropriate assessment practices including:
 - using a flexible approach to the assessment criteria
 - adapting assessment tools to reflect a relevant communication style for Aboriginal and Torres Strait Islander people
 - harnessing community knowledge in the assessment process
 - collaboration between agencies and state/territory departments in the approval process⁹⁰.

Options for reform: Supporting Aboriginal and Torres Strait Islander people

	Option	Issues to consider
9.1	<p>Development of a strategy to increase and support participation of Aboriginal and Torres Strait Islander people</p> <p>This would require the development of a whole-of-government strategy to develop options to:</p> <ul style="list-style-type: none"> • address proof of identity issues • provide targeted and culturally appropriate community education to address common misconceptions about the blue card system • provide support to individuals through the application, assessment and appeals process • complement existing initiatives within Aboriginal and Torres Strait Islander communities. 	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the operation of the system by identifying options to support participation in the system within Aboriginal and Torres Strait Islander communities • will have cost and resourcing implications depending on the option identified.
9.2	<p>Embedding community based support</p> <p>This option would provide dedicated funding to enable community based support to be established in discrete Aboriginal and Torres Strait Islander communities to assist with:</p> <ul style="list-style-type: none"> • building the capacity of organisations to become child safe organisations • individual applications for WWCC • in-community assistance with development of submissions • initiating and navigating appeal processes • managing complaints processes. 	<p>This option:</p> <ul style="list-style-type: none"> • will strengthen the operation of the system by providing in community support to discrete Aboriginal and Torres Strait Islander communities to increase participation in the system • is likely to be resource intensive • is likely to have positive implications on employment levels and opportunities within discrete communities.
9.3	<p>Embedding consideration of culture as part of the application and assessment process</p> <p>This option would include the application of a cultural perspective in relation to the application and assessment process for WWCC, including:</p> <ul style="list-style-type: none"> • ensuring there is a suite of culturally appropriate information resources • a specified application process to be utilised in discrete communities where an online application process may not be practical • the establishment of identified Aboriginal and Torres Strait Islander Liaison Officers to provide support through the application, assessment and appeals and complaints processes • the inclusion of Aboriginal and Torres Strait Islander members on any multidisciplinary panel or an opportunity for cultural advice to be provided as part of the decision making process • a specific requirement for cultural considerations to be considered as part of the decision making framework for Aboriginal and Torres Strait Islander applicants • ensuring complaints processes are culturally appropriate. 	<p>This option:</p> <ul style="list-style-type: none"> • will strengthen the operation of the system by providing for greater consideration of culture as part of the application and assessment process and improving the participation of Aboriginal and Torres Strait Islander people in the system • will have cost and resourcing implications • is likely to have positive implications on employment levels and opportunities within communities.

TOPIC 10: BUILDING PUBLIC CONFIDENCE

Current position in Queensland

The WWC Act does not require the operation of the blue card system to be periodically reviewed. Despite continued improvements and reform to the blue card system, the last holistic review was in 2005.

Aside from key performance measures as reported in the Annual Report of Blue Card Services' administering agency, there is little information published about the blue card system, either in terms of its operation or trends and patterns in the data it collects.

What we heard from stakeholders

Blue Card Services should regularly report publicly on factors such as scope of the system, processing times, and number of positive and negative notices issued	It is important to promote the strengths and limitations of the system	Data should be used to develop new targeted ways to identify and screen for risks to children
There is a need to address the continual machinery-of-government changes affecting the location of Blue Card Services	There is a value in publishing sector specific data, for example the number of applications by foster carers	Releasing more information about the blue card system would improve community confidence in the system

Other information

Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services

The QFCC's *Recommendation 28 Supplementary Review* report found Blue Card Services holds information about individuals providing home-based services in administrative datasets. The *Recommendation 28 Supplementary Review* report made recommendations designed to improve Blue Card Services data systems, particularly in relation to identifying and recording co-located home-based services⁹¹.

The *Recommendation 28 Supplementary Review* report identified improvements to data systems could also enhance information sharing about potential risks to children⁹². These recommendations included:

- establishing a centralised system for recording and reporting on all child-related employment or businesses conducted from the home
- classifying and analysing blue card data to identify trends or patterns relevant to risks to children and report publicly on these trends and patterns
- providing data to relevant people or organisations to conduct genuine research.

Other jurisdictions

- NSW, the ACT and WA have statutory provisions legislating reviews of the WWC laws within a certain period. The purpose of these provisions is to review the operation and effectiveness of the Acts.

Options for reform: Building public confidence

	Option	Issues to consider
10.1	<p>Statutory review of the WWC Act</p> <p>An independent body would undertake a review the effectiveness of the legislative and operational reform resulting from the review of the blue card system after three years.</p>	<p>This option:</p> <ul style="list-style-type: none"> • has cost and resourcing implications • strengthens the system by requiring a regular review of the operation of the system.
10.2	<p>Establish an advisory council for the blue card system</p> <p>A multidisciplinary advisory council would be established to support performance and continuous improvement of the blue card system. At least one member of the advisory council must be an Aboriginal or a Torres Strait Islander person.</p> <p>Functions and powers of the advisory council could include:</p> <ul style="list-style-type: none"> • providing leadership and advice to Blue Card Services about decision making, policies and practices in relation to keeping children safe • making recommendations to the Minister about matters relating to the performance or exercise of functions/powers of Blue Card Services <p>The advisory council would also be required to report publically on its functions and activities, annually.</p>	<p>This option:</p> <ul style="list-style-type: none"> • provides leadership and advice to Blue Card Services about decision making, policies and practices in relation to keeping children safe • strengthens oversight of the system • has cost and resourcing implications • increases transparency through the public reporting on the operation of the advisory council • facilitates cultural considerations to form part of the blue card system.
10.3	<p>Expand legislative functions to improve reporting on blue card data</p> <p>Blue Card Services or another relevant agency would be required to classify blue card data according to relevant factors. The agency would also have a function to analyse this data to identify trends or patterns relevant to risks to children.</p> <p>There could be a requirement for a public report on this function and associated activities annually.</p>	<p>This option:</p> <ul style="list-style-type: none"> • strengthens the system by creating an evidence base to inform risk assessment processes and development of child safe organisation strategies • increases transparency through the public reporting on trends and patterns relevant to risks to children • has significant cost and resourcing implications by changing relevant data systems.

GLOSSARY

Assessable information	Means police information or disciplinary information.
Child safe organisations	<p>A child safe organisation values children and understands safety does not just happen. Organisations must take action to protect children from harm and create safe environments by:</p> <ul style="list-style-type: none"> • creating conditions that reduce the likelihood of harm from occurring • creating an organisational culture that values safe and positive environments for children • responding appropriately to disclosures, allegations or suspicions of harm.
Disciplinary information	<p>Means information received by the Chief Executive of Blue Card Services from professional organisations about relevant disciplinary action.</p> <p>For example, the Chief Executive of Child Safety Services can take disciplinary action against a foster carer by amending, suspending or cancelling a person’s carer certificate.</p>
Disqualified person	<p>Means a person who:</p> <ul style="list-style-type: none"> • has been or is convicted of a disqualifying offence; or • is subject to— <ul style="list-style-type: none"> • offender reporting obligations; or • an offender prohibition order; or • a disqualification order; or • a sexual offender order. <p>See section 169 of the WWC Act.</p>
Disqualifying offence	<p>Includes:</p> <ul style="list-style-type: none"> • a range of offences of a sexual nature, • child pornography offences; and • murder of a child. <p>See section 168 of the WWC Act.</p>
Exceptional case for criminal history information	<p>Under the WWC Act, in relation to the commission or alleged commission of an offence by the person, the decision maker must have regard to:</p> <ol style="list-style-type: none"> in relation to the commission, or alleged commission, of an offence by the person— <ol style="list-style-type: none"> whether it is a conviction or a charge; and whether the offence is a serious offence and, if it is, whether it is a disqualifying offence; and when the offence was committed or is alleged to have been committed; and the nature of the offence and its relevance to employment, or carrying on a business, that involves or may involve children; and in the case of a conviction—the penalty imposed by the court and, if the court decided not to impose an imprisonment order for the offence or not to make a disqualification order under section 357, the court’s reasons for its decision; any information about the person given to the chief executive under section 318 or 319; any report about the person’s mental health given to the chief executive under section 335; any information about the person given to the chief executive under section 337 or 338; anything else relating to the commission, or alleged commission, of the offence that the chief executive reasonably considers to be relevant to the assessment of the person.

Frequency test	Means: <ul style="list-style-type: none"> • at least eight consecutive days; or • at least once a week for each week during a period of four weeks; or • at least once a fortnight for each fortnight during a period of eight weeks; or • at least once a month for each month during a period of six months.
Guidelines	Guidelines for dealing with information obtained under Chapter 8 of the WWC Act are published. The decision making guidelines can be accessed at https://www.bluecard.qld.gov.au/pdf/infosheets/Guidelines-for-dealing-with-information-BCS-website.pdf .
Investigative information	Means information that the Police Commissioner may provide in relation to police investigations into allegations of serious child-related sexual offences, even if no charges were laid (see section 305 of the WWC Act).
Negative notice	Means a notice declaring a blue card application has been refused. See section 220(b) of the WWC Act.
Notifiable Person	Under the WWC Act, notifiable person means: <ol style="list-style-type: none"> if the person has applied for, started or is continuing in, regulated employment—the person’s employer; or if the person is a trainee student of an education provider—the education provider; or if the chief executive is aware that the person is an approved provider under the <i>Education and Care Services Act 2013</i> – the chief executive (child care); or if the chief executive is aware that the person is an adult occupant of a home in which stand-alone child care is provided under <i>Education and Care Services Act 2013</i> – the chief executive (child care); or if the chief executive is aware that the person is an approved provider under the <i>Education and Care Services National Law (Queensland)</i> – the chief executive (education and care); or if the chief executive is aware that the person is an adult occupant of a home in which education and care is provided in the course of an approved family day care service under the <i>Education and Care Services National Law (Queensland)</i> – the approved provider of the family day care service under that Law; or if the chief executive is aware that the person is carrying on a regulated business as a religious representative—an entity within the relevant organised or recognised religious group that the chief executive reasonably considers has responsibility for supervising or disciplining the person; or if the chief executive is aware that the person is the nominee for, or an executive officer of an applicant for or holder of, a licence under the <i>Child Protection Act 1999</i> – the chief executive (child safety); and And for chapter 8, part 5 other than sections 298 to 300 includes: <ol style="list-style-type: none"> if the person is a police officer – the police commissioner; or if the person is a registered teacher – the Queensland College of Teachers.
Police information	Means any of the following— <ul style="list-style-type: none"> • criminal history • investigative information • whether the person is or has been a relevant disqualified person, the subject of an application for a disqualification order, or named as the respondent to an application for an offender prohibition order. See schedule 7 of the WWC Act.

Positive notice	Means a notice declaring an application is approved and a blue card can be issued. See section 220 (a) of the WWC Act.
Prohibition order	Means an offender prohibition order under the <i>Child Protection (Offender Prohibition Order) Act 2008</i> .
Relevant disqualified person	Means a person who: <ul style="list-style-type: none"> • has been convicted of a disqualifying offence and sentenced to imprisonment (including wholly or partially suspended sentences or intensive correction orders); or • is subject to a child protection offender prohibition order; or • is subject to a disqualification order made by a Court; or • is a reportable offender with current reporting obligations; or • is subject to a sexual offender order. See section 170 of the WWC Act.
Reportable conduct scheme	Reportable conduct schemes are designed to improve oversight of how organisations prevent and respond to allegations of child abuse. Under a reportable conduct scheme, designated agencies or individuals must report allegations of reportable conduct to an oversight body, which will oversee the responses to the allegations. Reportable conduct commonly includes any sexual offence or sexual misconduct committed against, with or in the presence of a child - including a child pornography offence, any assault, ill-treatment or neglect of a child, and any behaviour that causes psychological harm to a child.
Reporting obligations	Means reporting obligations under the <i>Child Protection (Offender Reporting) Act 2004</i> .
Serious offence	Means: <ul style="list-style-type: none"> • a range of offences of a sexual or violent nature, including expired or repealed offences and offences that have been amended, which were committed in Queensland or interstate; • child pornography offences; and • offences of counselling, procuring the commission of, or attempting or conspiring to commit, one of those offences. See section 167 of the WWC Act.
Sexual offender order	Means a division 3 order, interim order or interim supervision order under the <i>Dangerous Prisoners (Sexual Offenders) Act 2003</i> .
Submission	Means information provided by a person who may be adversely affected by a decision. An applicant will be given the opportunity to participate in the decision making process through the submission process if it is proposed to issue a negative notice. An applicant should address all the information provided to them by Blue Card Services. Applicants can also include any other information or material relevant to the assessment process.

- ¹ See *Review of the blue card system Discussion Paper* for more detail on the current scope of regulated employment and businesses, <https://www.qfcc.qld.gov.au/sites/default/files/Review-of-the-blue-card-system-Discussion-Paper.pdf>.
- ² Royal Commission into Institutional Responses to Child Sexual Abuse, 2015, *Working with Children Checks Report*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, p. 75, accessed 1 November 2016, <http://www.childabuseroyalcommission.gov.au/getattachment/32551a55-478c-4cdf-ba72-95b642acf4ac/Working-with-Children-Checks-Report>.
- ³ *Working with Children (Risk Management and Screening) Act 2000*, s.171 and 172; *Working with Children (Risk Management and Screening) Regulation 2011*, s. 3.
- ⁴ South, S., Shlonsky, A., and Mildon, R., 2014, *Scoping Review: Evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, accessed 2 December 2016, <http://www.childabuseroyalcommission.gov.au/getattachment/3828bdcb-3689-4011-98a3-d2ebbf277718/Evaluations-of-pre-employment-screening-practices>.
- ⁵ Irenyi, M., Bromfield, L., Beyer, L., and Higgins, D., 2006, 'Child maltreatment in organisations: Risk factors and strategies for prevention', *Child Abuse Prevention Issues*, no. 25, p.1, accessed 1 December 2016, <https://aifs.gov.au/cfca/sites/default/files/publication-documents/issues25.pdf>; Kaufman, K. and Erooga, M., 2016, *Risk profiles for institutional child sexual abuse: A literature review*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, accessed 1 December 2016, <http://www.childabuseroyalcommission.gov.au/policy-and-research/our-research/published-research/risk-profiles-for-institutional-child-sexual-abuse>.
- ⁶ Royal Commission into Institutional Responses to Child Sexual Abuse, 2015, *Working with Children Checks Report*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, p.3, accessed 1 November 2016, <http://www.childabuseroyalcommission.gov.au/getattachment/32551a55-478c-4cdf-ba72-95b642acf4ac/Working-with-Children-Checks-Report>.
- ⁷ Royal Commission into Institutional Responses to Child Sexual Abuse, 2016, *Creating Child Safe Institutions*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, accessed 1 November 2016, <http://www.childabuseroyalcommission.gov.au/getattachment/5d0dc659-68c2-46f9-847b-fafd52f58673/Creating-child-safe-institutions>.
- ⁸ Community and Disability Services Ministers' Conference, 2005, National framework for protecting Australia's children – Schedules for creating child-safe environments.
- ⁹ See *Review of the blue card system Discussion Paper* for more detail on the current screening requirements, <https://www.qfcc.qld.gov.au/sites/default/files/Review-of-the-blue-card-system-Discussion-Paper.pdf>.
- ¹⁰ Child Family Community Australia, 2016, 'Pre-employment screening: Working With Children Checks and Police Checks', CFCA Resource Sheet, Australian Institute of Family Studies, accessed 19 December 2016, <https://aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks/part-overview>.
- ¹¹ Community and Disability Services Ministers' Conference, 2005, *Creating Safe Environments for Children – Organisations, Employees and Volunteers*, National Framework.
- ¹² Erooga, M., Allnock, D. and Telford, P., 2012, 'Sexual abuse of children by people in organisations: What offenders can teach us about protection', In M. Erooga (ed), *Creating safer organisations: Practical steps to prevent the abuse of children by those working with them*, p.63–83. Chichester, UK: Wiley-Blackwell; Budiselik, W.R., Crawford, F. and Squelch J., 2009, 'The Limits of Working with Children Cards in Protecting Children', *Australian Social Work*, 62(3), p. 339-652.
- ¹³ Parliament of Victoria, Parliamentary Debates, Legislative Assembly, 21 July 2005, p. 1997, <http://www.parliament.vic.gov.au/downloadhansard/pdf/Assembly/Autumn%202005/Assembly%20Extract%201%20July%202005%20from%20Book%208.pdf>.
- ¹⁴ Guest, L., 2012, 'Review of the Working with Children (Criminal Record Checking) Act 2004', Minister for Child Protection, Perth, p. 20, accessed 3 November 2016, [http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3815214a5baccea7d483ea2548257a78002cb897/\\$file/5214.pdf](http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3815214a5baccea7d483ea2548257a78002cb897/$file/5214.pdf).
- ¹⁵ Guest, L. 2012, Review of the Working with Children (Criminal Record Checking) Act 2004, Minister for Child Protection, Perth, p. 15, accessed 3 November 2016, [http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3815214a5baccea7d483ea2548257a78002cb897/\\$file/5214.pdf](http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3815214a5baccea7d483ea2548257a78002cb897/$file/5214.pdf).
- ¹⁶ Royal Commission into Institutional Responses to Child Sexual Abuse, 2015, *Working with Children Checks Report*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, p. 67, accessed 1 November 2016, <http://www.childabuseroyalcommission.gov.au/getattachment/32551a55-478c-4cdf-ba72-95b642acf4ac/Working-with-Children-Checks-Report>.
- ¹⁷ Royal Commission into Institutional Responses to Child Sexual Abuse, 2015, *Working with Children Checks Report*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, p. 67, accessed 1 November 2016, <http://www.childabuseroyalcommission.gov.au/getattachment/32551a55-478c-4cdf-ba72-95b642acf4ac/Working-with-Children-Checks-Report>.
- ¹⁸ Royal Commission into Institutional Responses to Child Sexual Abuse, 2015, *Working with Children Checks Report*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, p. 65, accessed 1 November 2016, <http://www.childabuseroyalcommission.gov.au/getattachment/32551a55-478c-4cdf-ba72-95b642acf4ac/Working-with-Children-Checks-Report>.
- ¹⁹ Information received from Blue Card Services, 18 November 2016.
- ²⁰ Royal Commission into Institutional Responses to Child Sexual Abuse 2015, *Working with Children Checks Report*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, p. 81, accessed 1 November 2016, <http://www.childabuseroyalcommission.gov.au/getattachment/32551a55-478c-4cdf-ba72-95b642acf4ac/Working-with-Children-Checks-Report>.
- ²¹ Royal Commission into Institutional Responses to Child Sexual Abuse, 2015, *Working with Children Checks Report*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, p. 90, accessed 1 November 2016, <http://www.childabuseroyalcommission.gov.au/getattachment/32551a55-478c-4cdf-ba72-95b642acf4ac/Working-with-Children-Checks-Report>.
- ²² Royal Commission into Institutional Responses to Child Sexual Abuse, 2015, *Working with Children Checks Report*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, p. 89, accessed 1 November 2016, <http://www.childabuseroyalcommission.gov.au/getattachment/32551a55-478c-4cdf-ba72-95b642acf4ac/Working-with-Children-Checks-Report>.
- ²³ Department of Immigration and Border Protection, n.d., *Character and police certificate requirements*, Australian Government, Canberra, accessed 22 February 2017, <http://www.border.gov.au/Trav/Visa/Char>.
- ²⁴ Department of Immigration and Border Protection, n.d., *Character and police certificate requirements*, Australian Government, Canberra, accessed 22 February 2017, <http://www.border.gov.au/Trav/Visa/Char>.
- ²⁵ Department of Immigration and Border Protection, n.d., *Character and police certificate requirements*, Australian Government, Canberra, accessed 16 February, <http://www.border.gov.au/Trav/Visa/Char>.
- ²⁶ Department of Immigration and Border Protection, n.d., *Fact sheet – The Movement Alert List*, Australian Government, Canberra, accessed 16 February 2017, <https://www.border.gov.au/about/corporate/information/fact-sheets/77mal>.

- ²⁷ New Zealand Police, n.d., *Offshore Approved Agency Arrangement to access the NZ Police Vetting Service*, New Zealand Government, Wellington, accessed 25 January 2017, <http://www.police.govt.nz/sites/default/files/publications/offshore-approved-agency-arrangement.pdf>; New Zealand Police, 2015, *NZ Police Vetting Guide for Offshore Agencies*, New Zealand Government, Wellington, accessed 25 January 2017, <http://www.police.govt.nz/about-us/publication/approved-agency-agreement-aaa>.
- ²⁸ Under the provisions of the *Criminal Records (Clean Slate) Act 2004* (NZ), convictions cannot be released for individuals if they have: a) completed a rehabilitation period b) have not had a custodial sentence imposed c) have not been subject to an order with regards to mental impairment d) have not been convicted of a specified offence e) have repaid the fine imposed in sentencing f) have repaid the compensation imposed in sentencing and g) have never been disqualified from holding or obtaining a drivers licence. Section 19(3) (e) of this Act allows the release of these records where a person is applying for a role involving the care and protection of children (excluding education).
- ²⁹ *Ombudsman Act 1974*, s. 25C.
- ³⁰ Royal Commission into Institutional Responses to Child Sexual Abuse, 2015, *Working with Children Checks Report*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, p. 90, accessed 1 November 2016, <http://www.childabuseroyalcommission.gov.au/getattachment/32551a55-478c-4cdf-ba72-95b642acf4ac/Working-with-Children-Checks-Report>.
- ³¹ Queensland Family and Child Commission, 2017, *Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services*, Queensland Family and Child Commission, State Government of Queensland, p. 21, accessed 20 February 2017, <http://www.qfcc.qld.gov.au/sites/default/files/For%20professionals/recommendation-28-supplementary-review.pdf>.
- ³² Queensland Family and Child Commission, 2017, *Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services*, Queensland Family and Child Commission, State Government of Queensland, p. 21, accessed 20 February 2017, <http://www.qfcc.qld.gov.au/sites/default/files/For%20professionals/recommendation-28-supplementary-review.pdf>.
- ³³ *Working with Children (Risk Management and Screening) Act 2000*, s. 168-169; Schedule 4. A disqualified person is a person who has been convicted of a disqualifying offence (including child-related sex offences, child pornography offences and murder of a child); are subject to child protection prohibition order, disqualification order or sexual offender order; or are a reportable offender with current reporting obligations.
- ³⁴ Provisions exist for disqualified persons who have not been sentenced to a period of imprisonment to apply to the Chief Executive of the employment screening agency for an Eligibility Declaration. The circumstances of their offending are assessed, and the Chief Executive may issue the individual with permission to apply for a WWCC if an exceptional case exists (*Working with Children (Risk Management and Screening) Act 2000*, Part 4, Division 2).
- ³⁵ Public Safety Business Agency - Blue Card Services, 2014, *Guidelines for dealing with information obtained under Chapter 8 of the Working with Children (Risk Management and Screening) Act 2000*, Version 6, Queensland Government, Brisbane.
- ³⁶ *Working with Children (Risk Management and Screening) Act 2000*, s. 221.
- ³⁷ *Working with Children (Risk Management and Screening) Act 2000*, s. 221 (2).
- ³⁸ *Working with Children (Risk Management and Screening) Act 2000*, s. 229.
- ³⁹ *Working with Children (Risk Management and Screening) Act 2000*, s. 354.
- ⁴⁰ Information received from Blue Card Services 29 November 2016.
- ⁴¹ Information received from Blue Card Services 27 January 2017.
- ⁴² Information received from Blue Card Services 18 November 2016.
- ⁴³ Information received from Blue Card Services 18 November 2016.
- ⁴⁴ Royal Commission into Institutional Responses to Child Sexual Abuse, 2015, *Working with Children Checks Report*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, p. 96, accessed 1 November 2016, <http://www.childabuseroyalcommission.gov.au/getattachment/32551a55-478c-4cdf-ba72-95b642acf4ac/Working-with-Children-Checks-Report>.
- ⁴⁵ *Working with Children (Risk Management and Screening) Act 2000*, Chapter 8, Part 6, Divisions 1, 2 and 5.
- ⁴⁶ *Working with Children (Risk Management and Screening) Act 2000*, s. 318.
- ⁴⁷ *Working with Children (Risk Management and Screening) Act 2000*, s. 319.
- ⁴⁸ *Working with Children (Risk Management and Screening) Act 2000*, Chapter 8, Part 6, Divisions 6-7.
- ⁴⁹ *Education (Queensland College of Teachers) Act 2005*, s. 285, 285AA, 285A.
- ⁵⁰ *Child Protection Act 1999*, s. 140A.
- ⁵¹ *Education and Care Services Act 2013*, s. 91, 200; *Education and Care Services National Law (Queensland) Act 2011*, s. 20-21; *Education and Care Services National Law (Queensland)*, s. 271.
- ⁵² *Working with Children (Risk Management and Screening) Act 2000*, s. 175, 210, 218, 234, 237, 239-244, 271, 280, 292, 295, 297-299, 300, 302, 339.
- ⁵³ *Working with Children (Risk Management and Screening) Act 2000*, s. 340-341.
- ⁵⁴ *Education (Queensland College of Teachers) Act 2005*, s. 15D; *Working with Children (Risk Management and Screening) Act 2000*, s. 343.
- ⁵⁵ *Disability Services Act 2006*, s. 62; *Working with Children (Risk Management and Screening) Act 2000*, s. 344.
- ⁵⁶ *Working with Children (Risk Management and Screening) Act 2000*, s. 342.
- ⁵⁷ Adams, C. and Lee-Jones, K., 2016, *A study into the legislative – and related key policy and operational – frameworks for sharing information relating to child sexual abuse in institutional contexts*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, accessed 16 January 2017, <http://childabuseroyalcommission.gov.au/policy-and-research/our-research/published-research/legislative-and-related-frameworks-for-information>.
- ⁵⁸ *Children and Young Persons (Care and Protection) Act 1998* (NSW), s. 245A.
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- ⁷⁴ Information received from Blue Card Services 3 November 2016.
- ⁷⁵ Information received from Blue Card Services 3 November 2016. This does not include the number of complaints that were related to appeals of adverse decisions to the QCAT. In 2014-15 and 2015-16, these applicant appeals to the QCAT were captured as a customer complaint under s. 219A of the *Public Service Act 2008*.
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