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## Working with children checks

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### Queensland

#### Legislation

##### **Working With Children Check and Blue Cards**

In Queensland volunteers and paid employees in sporting organisations involving children may be required to hold a blue card. Blue cards are issued by the Commission for Children and Young People and Child Guardian once it has carried out the *Working with Children Check* to see if a person is eligible to work in the areas of child-related work covered by the Commission's Act. If a person is eligible, they are issued a positive notice letter and a blue card.

##### **What are the screening requirements for sporting organisations?**

Only people providing certain essential and developmentally focused child-related services regulated by the specific categories in the *Commission for Children and Young People and Child Guardian Act 2000* (the Commission's Act) are required to hold a blue card.

Volunteers and paid employees employed in sporting organisations involving children may fall under the 'churches, clubs and associations' category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the 'sport and active recreation' category of regulated employment.

##### **Who has to apply?**

To apply for a blue card, a person must be employed (either in a paid or voluntary capacity) in a category of regulated child-related employment. The application form requires the employer's details and a nominated contact person from the organisation. The employer has the responsibility of verifying the employee's identity and must complete a declaration on the form that they have verified the applicant's identity by sighting the relevant identification documents.

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## *Volunteers*

Volunteers need a blue card if a usual function of their volunteer work includes, or is likely to include, providing services directed mainly towards children or conducting activities mainly involving children, by or within a church, club, association or similar entity.

## *Paid employees*

Paid employees need a blue card if, over the course of 12 months, they are employed by or within a church, club, association or similar entity and the usual function of their employment includes, or is likely to include, providing services directed mainly towards children or conducting activities mainly involving children for at least:

- 8 consecutive days, or
- once a week, each week, over 4 weeks, or
- once a fortnight, each fortnight, over 8 weeks, or
- once a month, each month over 6 months.

## **What does a *Working with Children Check* or police check cover?**

A WWCC is a detailed national check of a person's criminal history, including any charges or convictions.

Also considered is disciplinary information held by certain professional organisations and, in certain circumstances, police investigative information about allegations of serious child related sexual offending.

## **Are there penalties for not conducting the *Working with Children Check*?**

Yes, there are a range of penalties for not complying with the Commission's Act. Some offences may incur a fine of up to \$37,500, or up to five years imprisonment.

For a full list of employer and employee obligations under the Act please refer to [www.ccyipcq.qld.gov.au/employment/bluecard/penalties.html](http://www.ccyipcq.qld.gov.au/employment/bluecard/penalties.html)

## **Are there exemptions?**

Volunteers do not need a blue card if:

- they carry out the work in their capacity as an employee of a "government entity"
- they are a volunteer parent of a child who receives the same or similar services to which the employment relates
- they are a volunteer parent of a child who participates in the same or similar activities to which the employment:
- a guest of a school or "recognised body"
  - for the purpose of observing, supplying information or entertainment to 10 or more people, and
  - the activity is for 10 days or less on no more than two occasions per year, and
  - the person is unlikely to be physically present with a child without another adult being present, or

- they are performing the function of employment at a national or state event organised by a school or “recognised body” (operating at a state or national level):
  - for a sporting, cultural or skill based activity, and
  - the event is attended by more than 100 people, and
  - the work is for 10 days or less on no more than two occasions per year; and
  - the person is unlikely to be physically present with a child without another adult being present.
- they are a child under 18 years of age volunteering (except “trainee students” undertaking a course of study with an “education provider”).

**Paid employees do not need a card** if they carry out this work in their capacity as an employee of a “government entity”.

A government entity is defined under section 21 of the *Public Service Act 1996* (Qld) as:

- a) a department or part of a department, or
- b) a public service office or part of a public service office, or
- c) an agency, authority, commission, corporation, instrumentality, office, or other entity, established under an Act or under State authorisation for a public or State purpose, or
- d) a part of an entity mentioned above in paragraph c, or
- e) another entity, or part of another entity, declared under a regulation to be a government entity,
- f) a registry or other administrative office of a court of the State of any jurisdiction.

### **What are the requirements for visitors from other states/territories?**

The safety and well being of children in Queensland is a high priority for the Queensland Government which has enacted legislation to enable high standards of eligibility screening to apply to people seeking to work with children where other screening arrangements are not already in place.

If you're a visitor to Queensland and you satisfy the requirements listed in 'who has to apply' (as above), then you need to apply for a blue card, unless specifically exempt under the Commission's Act.

## **Action**

### **Where can I get a criminal history or police check done?**

Contact the Commission for Children and Young People and Child Guardian. Application forms are available from [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au).

### **How do I apply?**

If you're undertaking paid employment you need to complete a Paid employee (**P**) application form and submit the form together with the application fee as prescribed in the Commission's schedule of fees.

If you intend working as a volunteer, you can apply for a blue card by submitting a Volunteer (**V**) application form. You don't need to pay a fee.

If you're a paid employee you can commence work while your application is being process. If you're a volunteer or conducting a business, however, you must receive your blue card before you start work, regardless of how often you come into contact with children and young people.

## Information

### How much does it cost?

A *Working with Children Check* is **free** for volunteers but employees or those conducting a child-regulated business need to pay an application fee. Refer to the Schedule of Fees available on the Commission's website at [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au).

### Who is responsible for payment?

Although employees are responsible for paying the application fee, organisations are able to make their own private arrangements about payment.

### How long is it valid for?

A blue card is valid for 2 years from the date it is issued, unless it is cancelled or suspended by the Commissioner.

### What do I do when it expires or if my personal circumstances have changed?

You need to lodge a renewal application. Although it's your responsibility to contact the Commission to request a renewal form, the Commission will contact you 16 weeks prior to the expiration of your card so you have sufficient time to submit your renewal application.

The renewal process enables the Commission to check there have been no changes in your personal details, including name, address and employment.

Under the Commission's Act, you must notify the Commissioner of any change in details within 14 days. Changes include a change in personal details, change of criminal history and change of employer (including starting or ending regulated employment).

### What circumstances would lead to the cancellation or suspension of a blue card?

A valid blue card will be suspended if the person is charged with child-related sexual offences or child pornography offences, pending the charge being dealt with in the courts. If the person is convicted of such an offence, their blue card must be cancelled by the Commissioner if they were sentenced to imprisonment for the offence, or the judge made a disqualification order preventing them from holding a blue card. If the charge did not result in imprisonment or a disqualification order, then a negative notice must be issued unless the cardholder can satisfy the Commissioner that it would not harm the best interests of children to issue a blue card.

A valid blue card can be cancelled where there has been a change in criminal history, or where the Commissioner considers the decision to issue the blue card was based on wrong or incomplete information. If this occurs a new application cannot be made for at least 2 years.

## Is it transferable to a different organisation?

Yes, a blue card is transferable across the categories of employment and business regulated by the Commission's Act.

This means that if you engage in more than one regulated activity, the one blue card can be used for each activity. You don't need to submit more than one application.

## Resources

### Where can I get further information or resources?

If you require further information telephone the Commission on **1800 113 611** or **(07) 3247 5145** between **8:00am-5:00pm, Monday to Friday**.

Alternatively, general information and application forms can be accessed from the Commission's website at [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au).