Changes to the blue card system from 1 July 2019

On 16 May 2019, the Queensland Parliament passed the Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019.

The amendments contain a number of changes to the Working with Children (Risk Management and Screening) Act 2000 (the WWC Act) to further strengthen and streamline the blue card system.

This includes changes to the disqualification and serious offence framework and also, the introduction of a ‘No Card, No Start’ policy which will mean that all people working with children must have a blue card before they start child-related work.

The changes to the disqualification and serious offence framework will commence 1 July 2019.

The ‘No Card, No Start’ policy is expected to begin in early 2020, with the release of technical changes allowing people to apply online and an online portal for organisations to manage their blue card holders and applicants.

This information sheet specifically focuses on changes commencing on 1 July 2019.

Further information about amendments commencing in 2020 and other materials to support your organisation to get ready for those changes will be provided at a later date.

What changes commence on 1 July 2019?

1. Expanding the range of offences that disqualify a person from applying for a blue card.
2. Establishing a new framework for dealing with charges and convictions for serious offences.
3. Requiring all adult household members residing in homes where stand-alone care is provided to children to hold blue cards.
4. Expanding the definition of ‘notifiable person under the WWC Act.
5. Providing an automatic stay of Queensland Civil and Administrative Tribunal (QCAT) blue card review decisions.

1. Changes to disqualifying offence framework

It is an offence for a disqualified person to apply for a blue card. A person is disqualified from applying for a blue card if they:

- have been convicted of a disqualifying offence irrespective of the penalty imposed
- are a reportable offender with current reporting obligations under the Child Protection (Offender Reporting) Act 2004
- are subject to a child protection offender prohibition order or the respondent in an application for an offender prohibition order
- are subject to a disqualification order prohibiting them from applying for or holding a blue card, or
- are subject to a sexual offender order under the Dangerous Prisoners (Sexual Offenders) Act 2003.

Every person applying for a blue card must sign a declaration stating that they are not a disqualified person.

Additionally, employers and organisations are required to warn their employees and volunteers that it is an offence for a disqualified person to apply for a blue card.

A disqualified person may apply to Blue Card Services for an Eligibility Declaration and in very limited and defined circumstances may be declared eligible to apply for a blue card.

Until a disqualified person is declared eligible to apply, it remains an offence for them to sign a blue card application form.
From 1 July 2019, 17 new offences will be added to the list of disqualifying offences:
- Bestiality
- Murder of an adult
- Attempt to murder
- Conspiring to murder
- Choking, suffocation or strangulation in a domestic setting
- Torture of a child
- Kidnapping of a child (if the context in which the offence was committed was not familial)
- Child stealing (if the context in which the offence was committed was not familial)
- Abduction of a child under 16 (if the context in which the offence was committed was not familial)
- Kidnapping for ransom of a child
- Cruelty to children under 16
- Rape of an adult
- Attempt to commit rape of an adult
- Assault with intent to commit rape of an adult
- Servitude offences against a child
- Trafficking in children, and
- Domestic trafficking in children.

Existing cardholders with a previous conviction for a new disqualifying offence will have their eligibility to continue to hold a blue card assessed by Blue Card Services. Blue Card Services will work with existing cardholders to manage the reassessment process.

A new framework for serious offences will also be introduced. Under these changes:
- If a person applying for a blue card has a charge for a serious offence that has not been resolved (e.g. dismissed or found not guilty) – then their blue card application will be withdrawn and the person will not be able to re-apply for a blue card until their charge has been finalised.
- If a person applying for a blue card to undertake paid employment has a conviction for a serious offence – then the person must stop child-related work until their application has been assessed and they have been issued with a blue card.
- If a blue card holder has a change in their police information and they are charged with a serious offence, then the person’s blue card will be automatically suspended and they must cease child-related work (Blue Card Services will not be required to undertake a re-assessment until the charge has been resolved).

3. Adults living in homes where stand-alone care provided

From 1 July 2019 onwards, adults living in a home in which stand-alone care is being provided to children will require a blue card.

A blue card is required even if the adult is not present while children are being cared for. People providing stand-alone care are already required to hold a blue card.

Stand-alone care is when a person regularly provides care for not more than six children under the age of 13, of which only 4 are school age, in a home or place (e.g. a hall or church), for a fee or reward.

Stand-alone care does not include care in the child’s own home, or care by relatives or close friends.

Existing adults living in a home where stand-alone care is being provided will have three months from 1 July 2019 to apply for a blue card.

To apply, complete an Adult resident/occupant blue card application form. This form and others are available on the Blue Card Services website.

4. Expansion of ‘notifiable person’

A number of changes have been made to the definition of ‘notifiable person’ under the WWC Act.

Notifiable persons are those entities which are given notifications from Blue Card Services about changes to the blue card status of a particular person associated with that entity (for example, if the person’s application has been withdrawn or blue card suspended).

The amendments:

- enable the Department of Education to be notified of the blue card status of individual family day care educators, adult household members and all staff members, nominated supervisors and volunteers who work within education and care services regulated under either the Education and Care Services National Law or Education and Care Services Act 2013, and
- ensure that both the relevant school and the Department of Education centrally are the ‘notifiable persons’ for changes in the blue card status of all persons employed by Queensland State Schools.

5. QCAT stay

People issued with a negative notice by Blue Card Services generally have the right to seek an appeal of this decision with QCAT. QCAT is an independent body and is able to confirm, overturn or vary the decision made by Blue Card Services.

If QCAT overturns a decision to issue a negative notice, then Blue Card Services can appeal QCAT’s decision if they believe that an error of law has been made.

An automatic stay—that is, a temporary stop on the effect of the decision—will be applied to QCAT’s decision if they overturn a decision by Blue Card Services to issue a negative notice. This stay will remain until the time period for Blue Card Services to appeal QCAT’s decision has expired or, if an appeal is lodged by Blue Card Services, until the appeal is finalised.

Need further information?

For more information about the blue card system, please visit our website at [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au) or telephone us on 1800 113 611.