

Blue Card System – Information Sheet

Disqualification from applying for or holding a blue card

When is a person disqualified from applying for a blue card?

It is an offence for a disqualified person to sign a blue card application. Penalties of up to five years imprisonment or a fine of over \$60,000 may apply.

A person is disqualified from applying for a blue card if they:

- have been convicted of a disqualifying offence irrespective of the penalty imposed (including a child-related sex or pornography offence, or the murder of a child), or
- are a reportable offender with current reporting obligations under the *Child Protection (Offender Reporting) Act 2004*, or
- are subject to a child protection offender prohibition order, or
- 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*.

What is a disqualifying offence?

A table listing the disqualifying offences is available on the Blue Card Services website. The list is not exhaustive and some may only be considered disqualifying offences if committed against a child.

Can a disqualified person ever get 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.

An “Eligibility Declaration” can only be issued if satisfied that the case is an exceptional one in which the best interests of children would not be harmed by allowing the person to apply for a blue card.

A person cannot be declared eligible to apply for a blue card where they:

- have been sentenced to imprisonment for a disqualifying offence, or
- have current reporting obligations under the *Child Protection (Offender Reporting) Act 2004*, or
- are subject to a child protection offender prohibition order, or
- are subject to a disqualification order made by a court, or
- are subject to a sexual offender order.

There is no right of review of the decision to refuse to issue an “Eligibility declaration” in relation to a disqualified person.

Where an “Eligibility declaration” is issued, a blue card application can then be made.

What happens if a blue card holder becomes disqualified?

A blue card holder becomes disqualified if they:

- are convicted of a disqualifying offence and sentenced to imprisonment, or
- become subject to reporting obligations, or
- become subject to a final offender prohibition order, or
- become subject to a disqualification order, or
- become subject to a sexual offender order.

In such cases the person's blue card must be cancelled and the person must be issued with a negative notice. This decision cannot be reviewed and the person is prohibited from working in child-related activities regulated by the *Working with Children (Risk Management and Screening) Act 2000*.

A person's blue card will be suspended if they:

- are charged with a disqualifying offence, or
- become subject to a temporary offender prohibition order, or
- become subject to an interim sexual offender order.

In such cases the person must return their blue card and positive notice to Blue Card Services within 7 days.

Blue Card Services will notify the person and any organisation where the person works (which requires them to have a blue card) that the blue card has been suspended.

Penalties for non-compliance	
Obligations	Maximum penalty for non-compliance (As at 1 July 2016, one penalty unit equals \$121.90)
A person who has a conviction for a disqualifying offence must not: <ul style="list-style-type: none"> • sign an application as a relevant person; or • make an application to carry on, or continue carrying on a regulated business; or • apply for, or start or continue in, regulated employment. 	500 penalty units (\$60,950 or 5 years imprisonment)
A volunteer or paid employee must immediately notify their employer, volunteer organisation or education provider of any change in their police information.	100 penalty units (\$12,190)
A person carrying on a regulated business must immediately notify Blue Card Services, in the approved form, of the change in the person's police information.	100 penalty units (\$12,190)
A person who has been issued with a suspension notice must return their positive notice letter and blue card to Blue Card Services within 7 days after receiving notification about the suspension.	100 penalty units (\$12,190)