



Our **Mission** is to prevent child sexual assault in our society.  
Our **Vision** is to make Australia the safest place in the world to raise a child.

11<sup>th</sup> December 2018

Committee Secretary  
Education, Employment and Small Business Committee  
Parliament House  
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**Submission: *Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2018***

To whom it may concern,

Bravehearts welcomes the opportunity to provide a submission to the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2018*.

As an agency that is focussed on advocating for appropriate and effective responses to child sexual assault and exploitation, Bravehearts supports the review of working with children check processes.

We firstly acknowledge the good work of the Queensland Family and Child Commission in undertaking a whole-of-system review of the legislation. Queensland has long been at the forefront of working with children checks and we believe the focus of the current review and the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2018* are positive steps to ensuring the system's currency and effectiveness.

In relation to the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2018*, Bravehearts supports the proposed Bill and makes the following comments in relation to its objectives.

**'No Card No Start'**

Bravehearts fully supports the 'no card no start' approach. While the current system, has the benefit of allowing new employees to begin immediately while their application is being processed, we agree that instituting a legislative requirement to have a current working with children authority prior to commencing work or volunteering in child-related employment will provide organisations with an additional level of assurance around the suitability of the applicant.

Our organisation had initial concerns with respect to the impact of the 'no card no start' policy

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on the capacity to start staff or volunteers in a timely manner, given the at times lengthy processing of applications. However we note that an improved, online application process and the ability for potential employees to submit a working with children check application without the need for an agreement to work within a regulated organisation should minimise the impact of the 'no card no start' policy.

We would strongly advocate that adequate consideration is given to ensuring that the associated application fees are not prohibitive for potential employees.

With respect to volunteers, it is important to note that the 'no card no start' policy and moving the responsibility for applying for the working with children check from the organisation to the individual will potentially impact on individual volunteers. The ability for volunteers to apply and have the fee waived if they are able to demonstrate an agreement with a regulated organisation to volunteer, will assist in ensuring volunteers are not discouraged from doing the work they do within the community; however the process must be as simple as possible for both the applicant and the organisation.

### **Automated Blue Card Process and Photo Identification**

Bravehearts welcomes the move for an efficient online application process and strengthened capacity to ensure the identification of both applicants and of working with children authority card holders.

An online process will undoubtedly assist in the processing of applications, allowing for a more efficient and timely process. We are pleased to see a manual process remain to cater for those who, whether due to remoteness or other issues with technology, are unable to easily complete applications online.

Including photo identification on working with children authority cards is long overdue and will provide extra surety for organisations that the card holder is who they say they are.

### **Organisational Portal**

Bravehearts agrees that establishing an organisational online portal will provide for a greater capacity for communication between organisations and the chief executive, including notifications and updates on employee/volunteer statuses. When organisations have access to relevant information, their capacity to be able to manage potential risks is enhanced. Being able to share information, including ensuring the appropriate use of information, is critical to the protection of children and assuring that their best interests are being served.

We would anticipate that this will also include the capacity for employer organisations to notify of work-related disciplinary matters and inclusion for these as part of legislated screening systems. The inclusion of employment history in the checks overcomes one of the major limitations of criminal history checks, the fact that relevant matters which do not result in prosecution or a finding of guilt, or which are dealt with by internal disciplinary hearings, can be missed through the criminal history check process.

### **Disqualifying Offences**

Bravehearts fully supports the expansion of the disqualifying offences to include bestiality, kidnapping of a child, kidnapping for ransom of a child, child stealing and abduction of a child

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under 16, as well as murder and rape of an adult. These offence categories are recognised to be risk factors for harm against children and are a welcome addition to the list of disqualifying offences.

As Identified through the work of the QFCC and the expert panel, there is a need to ensure that the addition of abduction or kidnapping charges does not have any unintended consequences and the inclusion of an exemption for these offences if the matter is a familial offence will help ensure that protective parents are not unduly impacted by the change.

### **Centralised Register of Regulated Home-based Care Services**

Bravehearts fully endorses the recommendation made through the QFCC and the expert panel, that there needs to be greater visibility of households providing home-based care services. Establishing a centralised register of regulated services, including foster and kinship carers and family day care and stand-alone care services, is a critical step in improving the capacity to ensure the protection and safety of children.

We fully support that the register should be retrospective.

### **Restricted Persons**

While we welcome the inclusion of the 'restricted person' ensuring that anyone with a negative notice, suspended, disqualified or charged with a disqualifying offence will not be able to rely on current exemptions, that is that they are a volunteer parent, volunteer under the age of 18 or do not meet minimum frequency for regulated employment, we are concerned that this does not go far enough.

Our concern is that more often than not, offenders do not think they will be 'caught', and we believe that simply including an offence for 'restricted persons' who volunteer may not be enough of a deterrent and many will simply 'take the risk'.

We continue to advocate that the working with children check should be applicable to **all** employees and volunteers in the child-related sector, including parents who volunteer and seasonal workers (for example, those who are employed or volunteer as Santa Claus) who may not meet the minimum hour requirements.

The issue of whether or not parent volunteers should be subject to the checks continually raises its head. Unfortunately the prevailing view is that parent volunteers should not be required to undergo a check if they volunteer in their child's school or out of school activity.

The 2012 case of Darryl James Osborne, a convicted sex offender who went on to offender against a number of boys while volunteering as a parent help in a school in Perth, is a prime example of the need to review this exemption.

The question of whether or not a parent or carer's child is attending the school, sporting club etc. should be irrelevant to whether or not that parent or carer requires a working with vulnerable persons check. There is nothing in the offending literature to suggest that parents and carers do not offend against their children's peers, in fact the literature suggests quite the contrary. Research into offenders' modus operandi indicates that child sex offenders often use their children and their partner's children to access and groom victims.

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The reality is that offenders are often also parents and many offenders do access victims through their own children:

“By and large, then, extra-familial and mixed-type offenders seek victims close to home - among the children of friends or other children with whom they already have some social relationship”. (Smallbone & Wortley, 2000, p.42)

Offenders in this study also identified volunteering for a child or teen organisation as a way of accessing victims (3.9% of intra-familial offenders used this strategy, 6.8% of extra-familial offenders and 13.4% of ‘mixed type’) (Smallbone & Wortley 2000, p.45).

Certainly the working with children check is only able to tell us about known and suspected offenders and should be seen as part of a wide range of organisational child protection strategies. But surely, if there are known child sex offenders volunteering in their own children’s school or recreational organisation, we should utilise the best tool we have to protect our children from these known offenders.

### **New Offences**

Bravehearts fully supports the inclusion of the new offences as defined within this Bill.

### **Appeals Process Review**

Bravehearts believes that the Bill’s provision for a stay of working with children check decisions, where the Queensland Civil and Administrative Tribunal overturns a decision to issue a negative notice, until either the appeal period has expired or the appeal is finalised, is a vital amendment to allow for protection of children.

### **Public Services Act 2008 - Amendment**

Bravehearts supports proposed amendments to the *Public Service Act 2008*, to state that public service employees may not commence child-related work unless they hold a working with children authority.

We thank you for the opportunity to provide this submission. Please contact us on [research@bravehearts.org.au](mailto:research@bravehearts.org.au) if any further information is required

Kind Regards,



Carol Ronken  
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