

Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024

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Submission from Live Performance Australia

SUBMISSION SUMMARY

Submitter: Live Performance Australia (LPA)

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Position: Support, subject to further guidance on Blue Card requirements for the live entertainment industry. LPA also recommends mutual recognition of interstate working with children checks.

1. INTRODUCTION

LPA is the peak body for Australia's live arts and entertainment industry. Established over 100 years ago in 1917 and registered as an employers' organisation under the Fair Work (Registered Organisations) Act 2009, LPA has over 400 Members nationally.

We represent commercial and independent producers, music promoters, performing arts companies, venues (performing arts centres, commercial theatres, stadiums and arenas), arts festivals, music festivals and service providers (such as ticketing companies and technical suppliers). Our membership spans from small-medium and not-for-profit organisations to large commercial entities.

2. LPA GENERALLY SUPPORTS THE PROPOSED LEGISLATIVE AMENDMENTS

LPA generally supports the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024* (the Bill), noting that the proposed changes will:

- bring Queensland's Blue Card system into greater alignment with other jurisdictions and the National Standards;
- update the decision-making framework, including through a reasonable person test in line with NSW and Victorian legislative frameworks;
- consider impacts on First Nations stakeholders to a greater extent; and
- streamline processes (e.g. through a simplified disqualification framework) and enable general operational improvements.

Entertainment and Party Services

LPA agrees-in-principle with the new category of regulated employment/business: ‘*Entertainment or Party Services*’. As outlined in the Bill, this new category will require Blue Cards where the usual functions of the employment include, or are likely to include:

- providing services directed mainly towards children, or conducting activities mainly involving children; and
- the services are provided, or the activities are conducted, in relation to an entertainment or party service (such as a person appearing as Santa or another costumed character directed at entertaining children).

Blue Cards will not be required if the employee’s functions are limited to providing food, beverages or equipment and there is no further contact with children by the employee.

These changes will ensure greater consistency for those who operate across multiple jurisdictions where similar requirements already apply. For example, in NSW a Working with Children Check would be required for costume characters in direct contact with children, but not for a tradesperson who may incidentally come into contact with children.¹

However, LPA recommends further guidance to support the live entertainment industry in complying with the legislation. Guidance could be easily updated over time to provide clear examples of roles within the industry that require a Blue Card. This approach has been used to clarify some of the individuals and industries currently requiring blue cards on the Queensland Government website.² Specifically, LPA recommends it be made clear that:

- Costume characters in direct contact with children will require a Blue Card.
- Costume characters on a stage, not in direct contact with children, do not require a Blue Card.
- As currently applies, individuals who hold a working with children check conducted outside of Queensland will not need a Blue Card if they work in regulated child-related employment (such as a costume character) in Queensland for not more than 7 days in a calendar year.³

Fact sheets could also be developed specifically for the live entertainment industry. This could collate the various requirements for individuals employed to chaperone, coach or entertain children.

3. LPA RECOMMENDS MUTUAL RECOGNITION BE INTRODUCED

In light of the proposed increased alignment between Queensland’s Blue Card requirements and those of other jurisdictions, **LPA recommends that the legislation allow for interstate working with children checks to apply/be recognised in Queensland.** This would significantly reduce administrative burdens for touring members of the live entertainment industry while ensuring employees still meet the required safety standards. At the least, LPA recommends that the 7 days be increased to 30 days in line with Victoria’s regulatory regime.⁴

¹ <https://ocg.nsw.gov.au/working-children-check/who-needs-check>

² <https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/blue-card/required>

³ [Interstate working with children checks | Your rights, crime and the law | Queensland Government \(www.qld.gov.au\)](https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/blue-card/required)

⁴ [Exempt from Working with Children Check | vic.gov.au \(www.vic.gov.au\)](https://www.vic.gov.au/exempt-from-working-with-children-check)