




Speech By
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MEMBER FOR TOOHEY

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WORKING WITH CHILDREN (RISK MANAGEMENT AND SCREENING) AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (4.21 pm): Today I rise in the House to support the passing of the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2018. I recommend that the House supports the passing of this bill. The bill represents the first stage of a series of legislative reforms that the Attorney-General and Minister for Justice proposes to introduce into the parliament. The bill implements recommendations of the Queensland Family and Child Commission blue card review and measures to strengthen working with children checks.

The Education, Employment and Small Business Committee recommended the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2018 be passed. The bill was introduced into the Legislative Assembly on 13 November 2018 and was initially referred to the Legal Affairs and Community Safety Committee. The Committee of the Legislative Assembly then determined that the bill would be considered by the Education, Employment and Small Business Committee and it was transferred to that committee on 15 November 2018. Concurrent with its inquiry into the bill, the committee inquired into a private member's bill, the Working with Children Legislation (Indigenous Communities) Amendment Bill 2018.

The explanatory notes to the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill state—

The policy objectives of the Bill are to:

- give effect to the Government's election commitment to amend the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act) and introduce automated blue card application processes to prevent people commencing paid work while a blue card application is pending (the 'No Card, No Start' election commitment); and
- implement recommendations from the Queensland Family and Child Commission (QFCC) reports *Keeping Queensland's children more than safe: Review of the blue card system* (Blue Card Review Report) and *Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services*.

When introducing the bill, the Attorney-General and Minister for Justice said that the government has broadly supported the intent of the QFCC recommendations and the bill is the first stage in a series of legislative reforms that will be brought before the House.

The working with children act provides the framework for working with children checks, commonly referred to as blue cards. Section 6 of that act states that it is to be administered under two principles: that the welfare and best interests of a child are paramount, and that every child is entitled to be cared for in a way that protects the child from harm and promotes the child's wellbeing.

The current blue card checks assess a person's national criminal history information, which captures all charges or convictions for offences in Australia, regardless of when or where the offending occurred. This includes spent convictions and pending and non-conviction charges, as well as situations where no conviction was recorded. The checks also capture child protection offender prohibition orders,

whether a person is a respondent or subject to an application; disqualification orders imposed by a court; whether a person is subject to reporting obligations under the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 or the Dangerous Prisoners (Sexual Offenders) Act 2003; disciplinary information held by certain professional organisations including teachers, childcare licensees and foster carers; and investigative information, which is information that the police commissioner may provide in relation to police investigations into allegations of serious child related sexual offences, even if no charges were laid, and this can only occur in very discrete circumstances as defined under section 305 of the working with children act.

The blue card system disqualifies certain people up-front and prevents people from working with children whose past behaviour indicates that they are not eligible to enter regulated employment or carry on a regulated business. Blue card screening is not required for every environment where a child may be present. Rather, screening occurs in environments where children are receiving services that are mandatory—that is, required by law—for example, schools, foster and kinship care and youth detention. It also occurs where children receive essential services—that is, services regulated by law—for example, education and care services. It also occurs in developmentally focused services—that is, in areas that support and foster children’s development—for example, sporting, cultural and recreational activities.

There are 15 categories of regulated employment and 11 categories of regulated business set out in schedule 1 of the act. Currently, people can only apply for a blue card where they have an agreement to undertake regulated employment with an organisation, either on a paid or voluntary basis, or where they are proposing to carry on a regulated business. A person’s employer is considered a notifiable person under the act. That means the employer will be given notifications from Blue Card Services about changes to the blue card status of the employee, for example, if the person’s application has been withdrawn or blue card suspended. The onus is on the employer to link the employee to the organisation, to ensure that they receive those notifications.

Some of the important terms and concepts in the working with children act include a disqualified person, that is, a person convicted of a disqualifying offence such as a child related sex offence, a child pornography offence or child murder; a person who is subject to a child protection offender prohibition order, sexual offender order or disqualification order made by a court; or a person who is a reportable offender with current reporting obligations.

In 2016 the QFCC commenced a review of the working with children act and its operation and reported in 2017. The review included a consideration of other reports and recommendations, including those of the Royal Commission into Institutional Responses to Child Sexual Abuse and the 2013 Queensland Child Protection Commission of Inquiry report. The QFCC report, *Keeping Queensland’s children more than safe: review of the blue card system* contains 81 recommendations. The QFCC also undertook a supplementary review, which arose from a recommendation in an earlier QFCC report into children missing from out-of-home care. The focus of the supplementary review was the assessment, approval, monitoring and responding to risks in home based care services, such as foster care and family day care.

As noted above, some of the amendments in the bill arose from recommendations in the report and the supplementary review, and further legislative amendments are anticipated. The blue card review report recommended significant reforms to the blue card system. They included: overarching reforms including changes to legislation and review of whether all similar screening processes could be streamlined or consolidated; strengthening the system, including moving toward national consistency; streamlining the blue card system, including online applications and appropriate proof of identity to improve efficiency; establishing an online organisational portal to help regulated organisations meet their obligations electronically; automating risk assessment, file management and information-sharing processes; and improving support and maintaining public confidence in the system, including an education and community awareness strategy for parents, carers and the community—a specific recommendation about support to Aboriginal and Torres Strait Islander communities and applicants.

A summary of the supplementary review recommended the following: establishment of a centralised register for recording and reporting on all child related employment or businesses conducted from the home; expanded functions for the blue card system to classify and analyse blue card data to identify trends relevant to risks to children; legislative amendments about matters, including the provision of information from police to the blue card system and notification of changes in blue card status to the Department of Education; improved policies and procedures that all adult household members of stand-alone care services are required to hold a blue card, along with regular visitors to all regulated home based services; and work between agencies relating to international criminal history information and a consistent definition of ‘regular visitor’ for home based services. I commend the bill to the House.