

Question on Notice

No. 1321

Asked on 25 October 2023

MRS L GERBER ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE, MINISTER FOR PREVENTION OF DOMESTIC AND FAMILY VIOLENCE (HON Y D'ATH)

QUESTION:

With reference to recommendation 58 in the 'Keeping Queensland's children more than safe: Review of the blue card system' by the Queensland Family and Child Commission in 2017, which recommends amendments to the Working with Children Act to allow police and blue card services and other relevant agencies greater information sharing powers—
Will the Attorney-General advise why this recommendation is not yet implemented given it has been six years?

ANSWER:

Recommendation 58 of the Queensland Family and Child Commission report, *Keeping Queensland's children more than safe: Review of the blue card system* (Blue Card Review Report) is that the Attorney-General proposes amendments to the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act) to introduce new information-sharing provisions to allow Blue Card Services (BCS) and other relevant agencies to exchange information for the purposes of: (i) completing a working with children check (WWCC) assessment or other screening process; and (ii) monitoring and enforcing compliance with child safe standards.

I note that child safe standards fall within the remit of the Honourable Craig Crawford MP, Minister for Child Safety and Minister for Seniors and Disability Services, and this response deals only with the WWCC component.

The WWC Act provides for extensive information sharing arrangements, including between BCS and the Queensland Police Service (QPS). Information provided to BCS about a change in Queensland police information identified by QPS as part of its daily monitoring of applicants and card holders is just one example (see section 317 of the WWC Act).

Building on these arrangements, a range of amendments to enhance information sharing between BCS and other agencies have been progressively delivered under recommendation 58 over recent years. This includes:

- Establishing a register of home-based care services (2019 amendments) to improve the visibility of these services (including where more than one service is being delivered in a household), inform decision-making and risk assessments, and facilitate information sharing between relevant government agencies to promote the safety of all children accessing these services (see Chapter 8A of the WWC Act). The register can be accessed by authorised users in the QPS, the Department of Education (DoE), Child Safety and the Office of the Public Guardian.

Home-based care services include foster and kinship care, family day care and stand-alone care services (which are mostly small-scale care services provided regularly by someone other than a relative or guardian of the child, for reward, and some of these services operate in regional and remote areas). Under the WWC Act, foster and kinship carers, family day educators and carers providing stand-alone care are all required to hold a blue card.

- Improving the ability of DoE to monitor and respond to high-risk situations in school environments. Reforms in 2020 put beyond doubt that both the relevant school and DoE centrally, as the employing authority, are the 'notifiable person' for changes in the blue card status of all persons associated with Queensland State Schools (see definition of notifiable person, Schedule 7, paragraph (a)(ia)).

With respect to early childhood education and care services the definition of 'notifiable person' was modified so that the chief executive (education and care) receives notifications about changes to the blue card status of individual family day care educators and adult household members (see definition of notifiable person, Schedule 7, paragraphs (a)(v) and (a)(vi)). This provides DoE greater visibility of the family day care residence to enable DoE to take appropriate action where an individual residing in a household where family day care is provided may pose a risk to children.

Further amendments also made the chief executive (education and care) the notifiable person for all staff members, nominated supervisors and volunteers under either the Education and Care Services National Law or *Education and Care Services Act 2013* (see definition of notifiable person, Schedule 7, paragraph (a)(v)). This provided DoE, as the regulatory authority for education and care services, the ability to monitor all relevant services.

- Establishing an online organisation portal (2020 amendments) to enable communications and information sharing between BCS and an authorised entity, which is defined broadly to include: a person's employer or an authorised representative of the employer; or another notifiable person under the WWC Act (for example, a recognised religious group that has responsibility for supervising or disciplining a person who is carrying on a regulated business as a religious representative); or an entity to whom the chief executive provides notices under the WWC Act (for example, the non-state school accreditation board) (see sections 344A, 344B and 398A).

Using the portal, BCS may give authorised entities a range of information, including information about a working with children check application, a working with children authority or negative notice held by a person.

There is also sufficient flexibility to enable notifications to continue to also be made manually through paper forms (through the inclusion of the term 'approved way' throughout the WWC Act which enables the chief executive to approve the ways in which a person may make an application or give a notice to BCS).

- Improving information sharing with Disability Services to ensure the blue card system can operate effectively and efficiently alongside the disability worker screening system and that the strongest possible safeguards are maintained in relation to persons working with children with disability. A key feature of this was improving information sharing between the two screening systems.

The 2021 amendments provide for a broad facilitative information sharing regime so that the chief executive (working with children) may give information about a person to the chief executive (disability services) if the chief executive reasonably believes the information is relevant to the worker screening functions of the chief executive (disability services). This facilitates the sharing of a broad range of information to the chief executive (disability services), including assessable information (for example, police information and disciplinary information) (see section 344).

- Improving information sharing with WWCC screening units in other jurisdictions. Amendments which commenced in December 2022 facilitated Queensland's participation in the Working with Children Check National Reference System (NRS)—a national database which enables jurisdictions to identify persons who have been deemed ineligible to work with children in another state or territory. The amendments enable BCS to:
 - enter and upload key decisions on the NRS – these decisions are limited to adverse outcomes including negative notices, suspensions, cancellations, and withdrawals (see section 345B);
 - obtain information from the NRS for the purposes of a blue card assessment (see section 320A);
 - give information to an interstate WWCC screening unit if the chief executive reasonably believes the information is relevant to the functions of the interstate screening unit (see section 345C); and
 - request information from an interstate screening unit about a person if the chief executive believes the unit has information that is relevant to the performance of the chief executive's screening functions (see section 320B); and
- Enabling a licensee to have greater visibility over the blue card status of each person performing a risk-assessed role for a licensed care service operated under the licence (2023 amendments). A licensee can link to any person performing a risk-assessed role for a licensed care service, allowing the licensee to receive updates in relation to any changes to the person's blue card status (see definition of notifiable person, Schedule 7, paragraph (a)(ix)).

It is anticipated that recommendation 58 will be fully completed in 2025 (as advised in my response to Question on Notice 982).