

New

Obligations for applicants/ blue card holders



New laws effective from **2 June 2008** impact on your blue card obligations.

These laws have been introduced to further strengthen the safeguards for children and young people by disqualifying certain people upfront from applying for a blue card.

It is now an offence for a 'disqualified person' to apply for a blue card. There are penalties of up to 5 years imprisonment or a fine of up to \$37,500 if a disqualified person signs a blue card application form. Every person signing a blue card application form will now be required to declare that they are not a 'disqualified person'.

Employers and education providers are also required to provide all staff (paid, voluntary and students) with a warning that it is an offence for a disqualified person to sign a blue card application form.

Who is a disqualified person?

A person is disqualified if they:

- have been convicted of a disqualifying offence (including a child-related sex or pornography offence, or murder of a child)
- are a reportable offender with current reporting obligations
- are subject to a child protection offender prohibition order, or
- are subject to a disqualification order from a court prohibiting them from applying for, or holding a blue card.

Can a disqualified person ever obtain a blue card?

A disqualified person may apply to the Commission for an 'eligibility declaration' and in very limited and defined circumstances may be declared eligible to apply for a blue card.

It is an offence for a disqualified person to apply for a blue card unless the person holds a current 'eligibility declaration' issued by the Commissioner.

The Commissioner can only issue an 'eligibility declaration' if satisfied that it is an exceptional case in which it would not harm the best interests of children.

The Commissioner can not issue an 'eligibility declaration' where a person has been sentenced to imprisonment in relation to a disqualifying offence, has current reporting obligations under the *Child Protection (Offender Reporting) Act 2004* or is subject to a child protection offender prohibition order or a disqualification order made by a court.

There is no right of review of the Commissioner's decision to refuse to issue an 'eligibility declaration', issue a negative notice or to refuse to cancel a negative notice in relation to a disqualified person.

Where an eligibility declaration is issued by the Commissioner, a blue card application can then be made.

For more information on how these laws affect you or if you require further information please telephone the Blue Card Contact Centre on **1800 113 611** (Freecall) or **3247 5145** or visit the Commission's website at **www.bluecard.qld.gov.au**.

How will this change my blue card obligations?

New obligations include:

- using current application forms from the Commission, which require you to declare that you are not a disqualified person
- checking the disqualifying offences under the Commission's Act to ensure you are not a disqualified person
- signing a declaration on the application form stating that you are not a disqualified person
- notifying the Commission within 14 days if you have a current blue card or application in progress where you:
 - change your regulated employment - lodge an 'Authorisation to confirm a valid blue card' form, or
 - end regulated employment - lodge a 'Notification - no longer in child-related employment' form, or
 - stop carrying on, or start a new regulated business - lodge a 'Ceasing child-related business/change to business details' form.

When will these changes affect me?

These laws are effective from 2 June 2008. If you have already submitted a blue card application prior to 2 June 2008, you will not need to submit a new blue card application form until you renew your blue card.

What are my other blue card obligations?

Continuing blue card obligations include:

- notifying the Commission within 14 days if you have a current blue card or application and you change your name or contact details
- ensuring you lodge your volunteer or business renewal application form at least 30 days prior to the expiry of your blue card if you wish to continue in regulated employment
- ensuring you lodge your paid employee renewal application form before your blue card expires
- notifying your employer, volunteer organisation or education provider if you have a change in your police information
- not applying for, starting or continuing in regulated employment if:
 - you have been issued with a negative notice, or
 - you have been notified by the Commission not to do so because your blue card application has been withdrawn, or
 - your blue card has been suspended.
- returning your blue card and positive notice letter to the Commission within 7 days if your blue card is suspended or cancelled
- notifying the Commission within 14 days if your positive notice and/or blue card is lost or stolen.

Further information

For further information about these changes or to obtain the relevant application forms visit the Commission's website or telephone the Blue Card Contact Centre on **1800 113 611** (Freecall) or **3247 5145**.

What type of offence is a disqualifying offence?

Please note that this list is not exhaustive and that some of the offences listed below are only disqualifying offences if they were committed against a child. For more information, see the 'Disqualifying offences' section of the Commission's website at [www.http://www.cycpcg.qld.gov.au/employment/bluecard/disqualifying-offences.html](http://www.cycpcg.qld.gov.au/employment/bluecard/disqualifying-offences.html).

Abuse of intellectually impaired persons if committed against a child under 18
Assault with intent to commit rape if committed against a child under 18
Attempt to commit rape if committed against a child under 18
Attempted sodomy if committed against a child under 18
Benefiting from an offence involving sexual conduct with a child
Carnal knowledge with or of children under 16
Conspiracy to defile if committed against a child under 18
Deceptive recruiting for sexual services if committed against a child under 18
Demonstration of an objectionable computer game before a minor
Distributing child exploitation material
Encouraging the commission of an offence involving sexual conduct with a child
Exhibition or display of prohibited publication or child abuse photograph
Importing child pornography or child abuse material
Incest if committed against a child under 18
Indecent treatment of children under 16
Inducing child under 16 to be involved in sexual conduct
Inducing child under 16 to engage in sexual intercourse
Involving child in making child exploitation material
Knowingly participating in provision of prostitution of a child
Leaving prohibited publication or child abuse photograph in or on private place
Leaving prohibited publication or child abuse photograph in or on public place
Maintaining a sexual relationship with a child
Making child exploitation material
Making objectionable child abuse computer game
Making objectionable child abuse film
Murder if committed against a child under 18
Obscene publications and exhibitions (showing children under the age of 16)
Obtaining minor for objectionable computer game
Owner etc. permitting abuse of children on premises
Permitting young person etc to be at place used for prostitution

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obligations

Disqualifying offences contined

Persons found in places reasonably suspected of being used for prostitution etc (If a person who is not an adult or is an intellectually impaired person is, to the offender's knowledge, in the place at the time of the offence)
Possessing child exploitation material
Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service
Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service
Possession of child abuse publication or child abuse photograph
Possession of objectionable child abuse computer game
Possession of child abuse objectionable film
Possession of prohibited child abuse publication
Procurement of minor for objectionable film
Procurement of minor for RC publication or child abuse photograph
Procuring prostitution of a child under 18
Procuring sexual acts by coercion etc if committed against a child under 18
Procuring young person etc. for carnal knowledge if committed against a child under 18
Producing prohibited publication
Rape (or attempted rape) if committed against a child under 18
Sale etc. of prohibited publication or child abuse photograph
Sexual assaults if committed against a child under 18
Sexual conduct involving children under 16
Sexual intercourse with child under 16
Sexual servitude offences if committed against a child under 18
Taking child for immoral purposes
Unlawful sodomy (or attempted sodomy) if committed against a child under 18
Using a carriage service for child abuse material
Using a carriage service for child pornography material
Using a carriage service to groom persons under 16 years of age
Using a carriage service to procure persons under 16 years of age
Using internet etc to procure children under 16

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