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

QFCC's submission to the Education, Employment, Training and Skills Committee



Queensland  
Family & Child  
Commission



Queensland  
Government

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## Introduction

The QFCC welcomes the proposed reforms outlined in the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024*. Queensland's system for screening for safety of those working with children requires the reform set out in the Bill to ensure it remains fit for purpose and reflects the policy intent of the system.

The *Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill* reflects tireless advocacy and oversight efforts undertaken by many people over several years:

- In 2015, the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) released its recommendations for working with children checks (WWCCs).<sup>1</sup> The Royal Commission identified the specific standards that institutions should adopt to be child safe.<sup>2</sup>
- In 2016, the then Director-General of the Department of the Premier and Cabinet, on behalf of the Premier, asked the Principal Commissioner, QFCC to 'undertake a whole of system review of the *Working with Children (Risk Management and Screening) Act 2000* and its operation'. The findings of the 2013 *Queensland Child Protection Commission of Inquiry* informed the QFCC review. That inquiry found that the system required streamlining 'based on a balanced view of risk and downstream effects on community participation'.<sup>3</sup> The QFCC released its *Keeping Queensland's children more than safe: Review of the Blue Card system*<sup>4</sup> (QFCC Blue Card Review Report) in 2017 and delivered 81 recommendations to the Queensland Government regarding Blue Card reform in Queensland.

One of the most significant reforms to date arising from this report was the 'No Card No Start' provision, requiring people working in paid employment to be issued with a Blue Card before starting work with children. The legislation, passed into law in May 2019, provided stronger safeguards for Queensland's children.

Two additional system reviews – *Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services*<sup>5</sup> and *Keeping Queensland's Children More than Safe: Review of the foster care system*<sup>6</sup> – also delivered recommendations to government pertaining to Blue Cards.

- A review of the status of recommendations made to government in the QFCC Blue Card Review Report was conducted in 2021 which identified that the Queensland Government had completed 16 of the 81 recommendations; 59 recommendations were noted as 'in progress' and six were yet to be addressed.

A further update provided on 8 August 2023 reported that 28 recommendations from the 2017 QFCC Blue Card Review Report had been implemented, and that a further 49 recommendations remained in-progress.

<sup>1</sup> Royal Commission into Institutional Responses to Child Sexual Abuse (2015). Working with children checks report.

[Working with Children Checks report \(childabuseroyalcommission.gov.au\)](https://www.childabuseroyalcommission.gov.au/working-with-children-checks-report)

<sup>2</sup> Royal Commission into Institutional Responses to Child Sexual Abuse (2017). Making institutions child safe - final report.

[Final Report - Volume 6, Making institutions child safe \(childabuseroyalcommission.gov.au\)](https://www.childabuseroyalcommission.gov.au/final-report-volume-6-making-institutions-child-safe)

<sup>3</sup> Queensland Child Protection Commission of Inquiry (2013). Taking Responsibility: A roadmap for Queensland Child Protection.

[gcpci-final-report-web-version.pdf \(childprotectioninquiry.qld.gov.au\)](https://www.childprotectioninquiry.qld.gov.au/gcpci-final-report-web-version.pdf)

<sup>4</sup> Queensland Family and Child Commission (2017). Keeping Queensland's children more than safe: Review of the blue card system.

[Review of the blue card system.pdf \(qfcc.qld.gov.au\)](https://www.qfcc.qld.gov.au/review-of-the-blue-card-system.pdf)

<sup>5</sup> Queensland Family and Child Commission (2016). Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services. [Review.pdf \(cabinet.qld.gov.au\)](https://www.cabinet.qld.gov.au/review.pdf)

<sup>6</sup> Queensland Family and Child Commission (2017). Keeping Queensland's Children More than Safe: Review of the foster care system.

[Review of the foster care system.pdf \(qfcc.qld.gov.au\)](https://www.qfcc.qld.gov.au/review-of-the-foster-care-system.pdf)

Four recommendations were noted as not yet commenced as there were dependencies on other initiatives being completed.<sup>7</sup>

- In October 2023, the QFCC published *A thematic analysis of provisionally approved kinship carers who receive a subsequent Blue Card negative notice* (QFCC Kinship Care Report).<sup>8</sup> This review found a lack of clear risk-based decision making and called for the requirement for Aboriginal and Torres Strait Islander kinship carers to hold a Blue Card to be removed, allowing more children to be raised safely with family and retain their connection to Country and culture.
- In July 2023, the Child Safety Minister announced the Department of Child Safety, Seniors and Disability Services (the Department) would undertake a review of the residential care system. As part of our strategic oversight of the review, we spoke with more than 200 workers, visited 16 residential care homes, and hosted workshops with young people who have experience living in residential care.

Overwhelmingly, we heard that children should be with kin and any reform must prioritise kinship mapping, reducing the overregulation of kinship care by removing the need for Blue Cards and increasing flexibility in funding models to allow financial investment in kinship care homes to meet the needs of their children.

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<sup>7</sup> Queensland Government (2023). Strengthening and streamlining the blue card system. [Strengthening and streamlining the blue card system | Your rights, crime and the law | Queensland Government \(www.qld.gov.au\)](#)

<sup>8</sup> Queensland Family and Child Commission (2023). *A thematic analysis of provisionally approved kinship carers who receive a subsequent Blue Card negative notice*. [A thematic analysis of provisionally approved kinship carers who receive a subsequent Blue Card negative notice updated.pdf \(qfcc.qld.gov.au\)](#)

## Removal of Blue Card requirements for kinship carers

In its 2023 Kinship Care Report, the QFCC recommended<sup>9</sup> that the Queensland Government:

- i. Remove the requirement for Aboriginal and Torres Strait Islander kinship carers, as defined in the Child Protection Act 1999, to hold a Blue Card if they are caring for children in their family.
- ii. Retain the existing Departmental assessment and approval process, in relation to Aboriginal and Torres Strait Islander kinship carers, removing the provisional status period in the absence of the Blue Card condition.

Relatives caring for relatives is not ‘child related employment’ and the risks posed in the kinship care system are not the same as the foster care system.

Every First Nations child and young person has the right to be raised safely in their culture, connected to kin and Country. Aboriginal and Torres Strait Islander kinship structures, relational connections and collective responsibilities for caring for children, born of culture, are a significant strength. The *United Nations Convention on the Rights of the Child* articulates the right of a child to be brought up safely within their family (Article 9) and within their culture (Article 30). Parents and guardians should be supported to meet their responsibilities (Article 18). This is affirmed in Queensland’s *Human Rights Act 2019* (sections 26 and 28).

Enshrined in the *Child Protection Act 1999*, the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) was developed to protect key human rights of Aboriginal children and Torres Strait Islander children, including the right to be raised in their own culture and the importance and value of their family, extended family, kinship networks, culture and community. Further, the *Child Protection Act 1999* provides the legislative authority to assess if a child has a parent who is willing and able to protect the child.

The current Working with Children (Risk Management and Screening) Act 2000, also known as the Blue Card system, assesses suitability for child-related employment, not suitability as a kinship carer. Caring for family and supporting cultural continuity and connection is not employment. The current Blue Card system has a disproportionate impact on Aboriginal and Torres Strait Islander peoples. It is continuing to perpetuate the displacement of children away from their kin, culture and Country.

The residual and enduring impacts of historical practices within child protection, policing and justice systems, are well known. These systemic legacies of surveillance, interventionism, over policing and criminalisation of vulnerability continue to be experienced by Aboriginal and Torres Strait Islander peoples today.

Despite the ATSICPP providing a framework for ensuring that children stay connected with kin, culture and Country, far too many First Nations children are being placed and raised away from their families, culture and Country, with Queensland having the second lowest rate of placement with First Nations kin (21.7%) in Australia.<sup>10</sup>

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<sup>9</sup> Queensland Family and Child Commission (2023). A thematic analysis of provisionally approved kinship carers who receive a subsequent Blue Card negative notice. [A thematic analysis of provisionally approved kinship carers who receive a subsequent Blue Card negative notice updated.pdf \(qfcc.qld.gov.au\)](#)

<sup>10</sup> Queensland Family and Child Commission (2023). A thematic analysis of provisionally approved kinship carers who receive a subsequent Blue Card negative notice. [A thematic analysis of provisionally approved kinship carers who receive a subsequent Blue Card negative notice updated.pdf \(qfcc.qld.gov.au\)](#)

Further in 2023, 772 Aboriginal and Torres Strait Islander children were living in residential care, disproportionately accounting for 47% the total number of children living in this care arrangement across Australia<sup>11</sup>. This means that Aboriginal and Torres Strait Islander children are more likely to spend periods in out-of-home care with non-Indigenous, non-relative carers or in residential care placements than with family and kin<sup>12</sup>.

An inability to resolve the constraints of the current system would mean Aboriginal and Torres Strait Islander children would continue to be placed with strangers or in residential care instead of with kin, and that is not in the best interests of Aboriginal and Torres Strait Islander children and therefore not acceptable. Removing the requirement for kinship carers to hold a Blue Card will not put children's safety at risk. Provisions have been made for the Department to engage in consultation to design a fit for purpose screening framework of kinship carers whilst upholding the primary principle of the Bill; of keeping Queensland children safe. Further, evidence of disqualifying offences within a criminal history report will result in a determination that the person is unsuitable to provide statutory kinship care.

The proposed changes support our collective commitment to promote and protect the rights of Aboriginal and Torres Strait Islander children and uphold our enduring legal obligations—to make decisions in the best interests of children now and for the duration of that child's life. The changes represent a necessary step to address the structural and systemic barriers that have disproportionately affected Aboriginal and Torres Strait Islander peoples and disrupted the safe care, connection and cultural continuity of our children and young people.

This is an important step in reframing Queensland's relationship with First Nations Peoples, and the QFCC looks forward to working with government and the community to implement this critical reform once the legislation passes.

The QFCC welcomes the removal of Blue Card requirements for family seeking to care for kin and the development of a fit-for-purpose screening framework to screen kinship carers. We urge due consideration be given to meaningful and extensive consultation with First Nations communities, including those in rural and remote geographical locations, in the development of this screening framework.

## Adult household members

In line with the findings of our report "A thematic analysis of provisionally approved kinship carers who receive a subsequent Blue Card negative notice" the QFCC supports the removal of a blue card requirement for adult household members, including for children within a carer household turning 18. We note that this action does not remove appropriate safeguards given that the assessment of all relevant information, including criminal history of adult household members would remain a part of the safety and suitability assessment. The importance of a nuanced approach to assessing risk in the context of the overall household is needed, and currently better delivered by Child Safety's kinship carer assessment process.

Assessments of risk must also consider the right of indigenous families and communities to retain shared responsibility for the upbringing and the wellbeing of their children, as explicitly stated in the United Nations Declaration of the Rights of Indigenous Peoples 2007.

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<sup>11</sup> SNAICC – National Voice for our Children (2023). Family Matters Report 2023. [Family-Matters-Report-2023.pdf \(snaicc.org.au\)](https://www.snaicc.org.au/family-matters-report-2023.pdf)

<sup>12</sup> Queensland Family and Child Commission (2014). Principle Focus: A child-rights approach to systemic accountability for the safety and wellbeing of Queensland's First Nations children. [Principle Focus Report \(qfcc.qld.gov.au\)](https://www.qfcc.qld.gov.au/principle-focus-report)



The consequences of not removing blue card requirements for adult household members are many, apart from the expense of applying for a blue card. For instance, if a household member is denied a blue card, then the family is obliged to break up the household to care for a child in need of a placement. Apart from the emotional distress and tension caused by involuntary family separation, housing instability, increased expenses, and less support for the primary carer, may also ensue. These matters may lead to a prospective kin carer refusing to accept the child, thus undermining the intention of this Bill. The United Nations Declaration on the Rights of Indigenous Peoples explicitly recognizes the right of indigenous families and communities to retain shared responsibility for the upbringing and the wellbeing of their children based on structures that are meaningful to them.

Noting that the Government is proposing the reforms apply for all kinship carer families the QFCC is conscious that the expansion potentially introduces complexity and operational capacity issues for the Department to resolve an issue that, on evidence, almost exclusively impacts Aboriginal and Torres Strait Islander Kinship Carers.

The QFCC strongly recommends that no adult members of a household being considered for a kin placement be required to hold a blue card.

## Bolstering the decision-making process

### Recommendation 41

**In its 2017 Blue Card Review Report, the QFCC recommended that the Attorney-General and Minister for Justice and Minister for Training and Skills propose amendments to the WWC Act to introduce a new decision-making framework, to include:**

- i. a requirement to assess whether there is a risk of harm to the safety of children without the use of legislative tests that direct decision-making based on the type of information known about a person
- ii. a review of the list of serious offences (in order to focus on those offences that indicate a risk of harm to children)
- iii. the ability to conduct an assessment based on any information that is relevant to considering risk of harm to children<sup>13</sup>
- iv. specific criteria for assessing risks to children as outlined by the Royal Commission
- v. an ability to suspend (rather than giving a negative notice) a Blue Card where there is a change in criminal history or other assessable information that suggests a risk of harm. (Consideration will need to be given to the feedback received from organisations about the difficulties associated with not being able to stand down an employee when a Blue Card is suspended).

The QFCC supports the Bill's adoption of specific criteria for assessing risks to children, in line with the Royal Commission recommendations. The QFCC welcomes the introduction of a new decision-making framework focused on the 'real and appreciable risk' of harm to children as determined by 'a reasonable person'. This reform element will bring Queensland into alignment with all other Australian jurisdictions as well as the National Standards for Working with Children Checks and aligns with the Royal Commission recommendations. It will also hold the safety of children front and centre of all decision-making processes.

<sup>13</sup> This recommendation was implemented in February 2021.

The adoption of the 'reasonable person' test will consider whether a reasonable person would allow their child to have direct contact with the applicant, whether supervised or unsupervised and while engaged in child-related work. This test will be reinforced by clear and consistent risk assessment criteria for undertaking Blue Card assessments where a person returns information of concern and access to specialist advice in relation to the complexities of a particular case when determining whether to refuse a Blue Card application or cancel a negative notice.

We welcome reform that will empower the chief executive to suspend a Blue Card in cases where there is a change in assessable information and the chief executive reasonably considers the person poses a risk to the safety of children. The inclusion of the new discretionary suspension power will provide an additional safeguard to increase protections for children by enabling the chief executive to take swift and decisive action to remove a cardholder from child-related activities where necessary.

### First Nations applicants

The QFCC supports the inclusion of a specific statutory factor to be considered for First Nations applicants. First Nations people experience disproportionate systemic disadvantage and intergenerational trauma which must be considered in decision-making. The QFCC has observed Aboriginal and Torres Strait Islander community specific information is underutilised during the assessment process, where this information can provide context to offending behaviour and increase understanding of community life, particularly outside of metropolitan areas.<sup>14</sup> As such, we welcome the Bill's recognition of the historical context and limitations on access to justice faced by First Nations people. We further support the amendment to ensure that for First Nations children, the Act is administered in a way that promotes the child's best interests, including recognising the importance of connection with the child's family, community, culture, traditions and language.

The QFCC supports the introduction of a new decision-making framework focused on the 'real and appreciable risk' of harm to children as determined by 'a reasonable person', and the clear risk assessment framework.

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<sup>14</sup> Queensland Family and Child Commission (2021). Working with Children (Indigenous Communities) Amendment Bill 2021 submission. [Working with Children \(Indigenous Communities\) Amendment Bill 2021 \(qfcc.qld.gov.au\)](https://www.qfcc.qld.gov.au/working-with-children-indigenous-communities-amendment-bill-2021)



## Introduction of a new disqualification framework

### **Recommendation 29**

In its 2017 Blue Card Review Report, the QFCC recommended that the Attorney-General and Minister for Justice and Minister for Training and Skills proposes amendments to the WWC Act to introduce a new disqualification framework to:

- i. remove the current eligibility declaration process
- ii. expand the range of offences that will result in the issue of an automatic negative notice as recommended by the Royal Commission, but consider excluding kidnapping offences that arise in the context of a family law dispute<sup>15</sup>
- iii. require the automatic issue of a negative notice to a person over the age of 18 who has been convicted of a disqualifying offence and sentenced to a period of imprisonment (including a suspended sentence)
- iv. continue the agency's chief executive's discretion about all other applications involving a conviction for a disqualifying offence.

The QFCC's *Keeping Queensland's Children More than Safe: Review of the Blue Card System*<sup>16</sup> recommended that the Queensland Government undertake an overarching review of the Working with Children Act, including consideration of a 'no card no start' provision<sup>17</sup> requiring people working in paid employment to be issued with a Blue Card before starting work with children. The legislation introduced in November 2018 and passed into law in May 2019, provided strong safeguards and builds on the Blue Card systems history of mitigating risks to children. Further, it negates the need for an eligibility declaration process. As such, we appreciate that the Bill removes the eligibility declaration process entirely and simplifies the disqualification framework while strengthening safeguards for children.

With the removal of the eligibility declaration framework, an adult who commits a disqualifying offence will be barred from obtaining or holding a Blue Card, regardless of whether a term of imprisonment is imposed. The QFCC welcomes reforms that will remove imprisonment as a requirement for an offence to permanently exclude a person from working with children. We support discretion in decision-making for juvenile offenders who would otherwise have committed a disqualifying offence and inclusion of an age qualifier. Discretion in decision-making for young offenders recognises the potential for rehabilitation and that youth crime does not necessarily reflect an applicant's risk profile. It also reflects the evidence that the ability to plan and foresee the consequences of one's actions is vastly less developed in a child or teenager than an adult<sup>18</sup>.

The QFCC supports removal of an eligibility declaration process and imprisonment as a requirement for an offence to permanently exclude a person from working with children. We welcome reforms that will bring key components of discretion afforded by process into the standard Blue Card decision-making framework.

<sup>15</sup> This recommendation was implemented in July 2019.

<sup>16</sup> Queensland Family and Child Commission (2017). Keeping Queensland's children more than safe: Review of the blue card system. [Review of the blue card system.pdf \(qfcc.qld.gov.au\)](#)

<sup>17</sup> Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019 (Qld). [Working with Children \(Risk Management and Screening\) and Other Legislation Amendment Act 2019 - Queensland Legislation - Queensland Government](#)

<sup>18</sup> Queensland Family and Child Commission (2022). Designing a better response to youth offending in Queensland: Raising the age of criminal responsibility issues paper.

[Designing a better response to youth ~ Raising the age of criminal responsibility Issues paper 0.pdf \(qfcc.qld.gov.au\)](#)

## Expansion of Blue Card scope

### Recommendation 12

In its 2017 Blue Card Review Report, the QFCC recommended that the Attorney-General and Minister for Justice and Minister for Training and Skills proposes amendments to the WWC Act to expand the scope of the Blue Card system in line with the recommendation of the Royal Commission by:

- i. including additional categories of child-related work
- ii. allowing regulation to prescribe other activities that involve providing services primarily to children and that require contact with children.

As of 31 March 2024, 896,458 people hold Blue Cards<sup>19</sup>, representing a wide variety of employment and business categories. The QFCC welcomes the inclusion of additional categories of child-related work and expansion to include other activities requiring contact with children, in line with the Royal Commission recommendations. We anticipate that the simplification of screening requirements in schools will enhance compliance. Guidelines will be clearer that a Blue Card is only required for work directed towards children and does not include incidental contact. Given the legislative requirements for organisations to comply with Blue Card obligations, including in their recruitment, selection, training and management policies, the QFCC encourages targeted education and support to businesses and organisations impacted by this reform to ensure they understand their obligations under this legislation.

The QFCC welcomes the inclusion of additional categories of child-related work and expansion to include other activities requiring contact with children. We would welcome the provision of targeted education and support to businesses and organisations affected by this reform.

## Consolidation of regulated child-related services list

### Recommendation 15

In its 2017 Blue Card Review Report, the QFCC recommended that the Attorney-General and Minister for Justice and Minister for Training and Skills proposes amendments to the WWC Act to:

- i. have one consolidated list of regulated child-related services as recommended by the Royal Commission, which are:
  - accommodation and residential services for children, including overnight excursions or stays
  - activities or services provided by leaders, officers or personnel of religious organisations
  - child care or minding services
  - child protection services
  - sports, clubs and associations and other community activities
  - coaching or tuition services for children
  - commercial photography, entertainment or party services, including gym or play facilities and talent or beauty competitions
  - disability services
  - education and care services (including early childhood education and schools)
  - health services (including counselling)
  - justice and detention services, including immigration detention facilities where children are regularly detained

<sup>19</sup> Queensland Government (2024). Blue card system statistics.

[Blue card system statistics | Your rights, crime and the law | Queensland Government \(www.qld.gov.au\)](#)

- transport services for children, including school crossing services
- other services prescribed by regulation, where the service is targeted at children and requires contact with children.
- ii. provide that the following are not regulated services for the purposes of the WWC Act:
  - services provided to the general public, including children
  - friend or relative child-minding arrangements
    - workplaces employing children but not providing services to children.

NOTE: Workplaces will be regulated under the Child Employment Act 2006 and be required to meet child safe standards (see recommendation 14).

The QFCC welcomes reforms that expand the requirements to obtain a Blue Card to several new areas of child-related employment and business, including entertainment or party services, beauty and talent competitions, commercial photography services, and gym and play facilities involving children. The inclusion of these sectors as regulated child-related services brings the Bill in line with the Royal Commission recommendations.

The QFCC recommends the publication and communication of a consolidated, publicly available list of regulated child-related services to ensure that all businesses and organisations are aware of their obligations. Having one consolidated list of regulated child-related services will inform businesses and organisations of their obligations under the Act and whether their staff require a Blue Card.

The QFCC welcomes the publication and communication of a consolidated list of regulated child-related services.

## Exemption for volunteer parents

### Recommendation 25

**In its 2017 Blue Card Review Report, the QFCC recommended that the Attorney-General and Minister for Justice and Minister for Training and Skills propose amendments to the WWC Act to have a consistent exemption for volunteer parents when they are engaged in activities that are regulated. Volunteer parents who are in a position where they are responsible for the care of a child or children (for example, on an overnight camp) should not be exempt.**

Research shows that parental involvement in their child’s learning, including their child care, school and recreational activities, leads to better learning outcomes, improved self-esteem and increased school attendance.<sup>20</sup> As such, parents and guardians should be encouraged to be involved in activities with their children. Many community-based organisations that provide valuable services for children rely on volunteers to operate effectively. It is possible that imposing Blue Card requirements would reduce volunteering rates. The Royal Commission recommended that volunteer parents remain exempt. Further, there are other ways for regulated organisations to manage risks. Child safe standards can set expectations to help reduce risks.

The QFCC supports the Bill’s move to provide for a consistent exemption for volunteer parents when they are engaged in regulated activities, and the children to whom the service or activity is provided include the person’s

<sup>20</sup> Department of Education (2020). Advancing partnerships – Parent and community engagement framework. [Advancing Partnerships - Parent and Community Engagement Framework \(education.qld.gov.au\)](https://www.education.qld.gov.au/advancing-partnerships-parent-and-community-engagement-framework)

own child. Where volunteer parents become responsible for the care of a child, either overnight or in the provision of close personal care, most stakeholders agree<sup>21</sup> this exemption is no longer appropriate.

The QFCC welcomes the introduction of a consistent exemption for volunteer parents when they are engaged in regulated activities, and the children to whom the service or activity is provided include the person's own child (excluding the provision of overnight or close personal care).

## Data access for genuine researchers

### Recommendation 75

In its 2017 Blue Card Review Report, the QFCC recommended that the Attorney-General and Minister for Justice and Minister for Training and Skills proposes amendments to the WWC Act to allow genuine researchers to access data (with identifying details removed) about the Blue Card system.

Allowing researchers to access data to conduct research and improve the evidence base about the Blue Card system will enable the system to build and maintain its integrity and community confidence. The benefits of research and data analysis include identifying trends or potential risks in particular environments, and it is worthy to note that much of this Bill is based on reviews, analysis and research (including that led by the QFCC). The QFCC's report, *Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services*<sup>22</sup> identified improvement to data systems that had potential to enhance information sharing about risks to children. These improvements included the classification and analysis of Blue Card and child safe standards data to identify trends and/or patterns relevant to risks of harm to children. Further, proactive data release allows for government transparency, and is in alignment with the Queensland Government's Open data strategy<sup>23</sup>.

The inclusion of new powers that allow the chief executive to request information and enable genuine researchers to access data about the Blue Card system for approved research purposes will strengthen protections for children and enable more effective monitoring compliance.

The QFCC welcomes the data access for genuine researchers to enable more effective monitoring and the strengthening of safeguards for children and young people.

<sup>21</sup> Queensland Family and Child Commission (2017). Keeping Queensland's children more than safe: Review of the blue card system.

[Review of the blue card system.pdf \(qfcc.qld.gov.au\)](#)

<sup>22</sup> Queensland Family and Child Commission (2016). Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services. [Review.pdf \(cabinet.qld.gov.au\)](#)

<sup>23</sup> Department of the Premier and Cabinet (2022). Open data strategy 2022-24.

[Open Data Strategy 2022-2024 \(premiers.qld.gov.au\)](#)

## Child Safe Organisations Bills 2024

We note and commend the simultaneous introduction of the *Child Safe Organisations Bill 2024*<sup>24</sup> to parliament and trust that the delivery of these two reforms will see Queensland deliver a safety net for children that has not existed before.

Effectively safeguarding children requires multiple tools and processes to prevent, detect and respond to child sexual exploitation and abuse.

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<sup>24</sup> Child Safe Organisations Bill 2024 (Qld).  
[Child Safe Organisations Bill 2024 \(parliament.qld.gov.au\)](https://parliament.qld.gov.au)



## Publications

Submission / Publication Name	Overview	Link
<p><b>October 2023</b></p> <p><i>Blue Card negative notices for kinship carers - A thematic analysis of provisionally approved kinship carers who receive a subsequent Blue Card negative notice.</i></p>	<p>This report calls for the requirement for Aboriginal and Torres Strait Islander kinship carers to hold a Blue Card to be removed, allowing more children to be raised safely with family and retain their connection to Country and culture.</p> <p>This report found the Blue Card scheme's focus on employment suitability, rather than suitability to care for kin, gave limited consideration to the child's best interests. Removing the Working with Children screening process (Blue Cards) would not put the safety of children at risk.</p> <p>With significant numbers of Aboriginal children of all ages in residential care and foster care placements this change would increase the number of Aboriginal and Torres Strait Islander children being placed with Aboriginal and Torres Strait Islander family and lead to improved outcomes for Aboriginal and Torres Strait Islander children.</p>	<p><a href="#">QFCC Publication - Blue Card negative notices for kinship carers - A thematic analysis of provisionally approved kinship carers who receive a subsequent Blue Card negative notice.</a></p>
<p><b>September 2023</b></p> <p><i>First Nations Children's Report</i></p>	<p>The First Nations Children's Report showcases the stories of Aboriginal and Torres Strait Islander children and families, who are thriving despite the challenges of structural racism and the impacts of colonialism.</p> <p>The report celebrates stories of strong First Nations children and young people, their families and communities in the areas of health and emotional wellbeing; safety and home environment; learning and skills and economic empowerment; and culture and connection.</p>	<p><a href="#">QFCC Publication – First Nations Children's Report</a></p>
<p><b>September 2021</b></p> <p><i>Child Protection Reform and Other Legislation Amendment Bill 2021</i></p>	<p>In this submission, the QFCC welcomes the proposals in the Bill to reinforce children's rights in the legislative framework of the child protection system. In particular, the QFCC is pleased to see clause 12 of the Bill requiring Child Safety to make active efforts to apply the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) when making a decision relating to an Aboriginal and/or Torres Strait Islander child.</p>	<p><a href="#">QFCC Submission – Inquiry into the Child Protection Reform and Other Legislation Amendment Bill 2021</a></p>
<p><b>September 2021</b></p> <p><i>Working with Children (Indigenous Communities) Amendment Bill 2021</i></p>	<p>This submission will provide context to help address unintended consequences of the Blue Card system for Aboriginal and Torres Strait Islander communities. The submission will suggest opportunities to overcome these barriers while maintaining the objects of the <i>Working with Children (Risk Management and Screening) Act 2000</i>, and children's rights under the <i>Human Rights Act 2019</i> and the <i>United Nations Convention on the Rights of the Child</i>.</p>	<p><a href="#">QFCC Submission – Inquiry into the Working with Children (Indigenous Communities) Amendment Bill</a></p>
<p><b>August 2021</b></p> <p><i>Principle Focus: A child-rights approach to systemic accountability for the safety and wellbeing</i></p>	<p>As outlined in the QFCC's <i>Principle Focus: A child-rights approach to systemic accountability for the safety and wellbeing of Queensland's First Nations children</i>, parties involved in service provision for Aboriginal and Torres Strait Islander children must consistently implement the Aboriginal and Torres Strait Islander children Placement Principle (ATSICPP) to safeguard the rights of these children and to reduce the harm they experience.</p> <p>The QFCC believes the Blue Card system plays a significant role in the broader child protection system, in addition to employment access and engagement.</p>	<p><a href="#">QFCC Publication Principle Focus: A child-rights approach to systemic accountability for the safety and wellbeing of Queensland's First Nations children</a></p>



<p><i>of Queensland's First Nations children</i></p>	<p>It is important to explore options to overcome any limitations in the Blue Card system that could prevent full implementation of the ATSI CPP for Aboriginal and Torres Strait Islander children or restrict economic participation within Aboriginal and Torres Strait Islander communities.</p>	
<p><b>July 2020</b> <i>Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Bill 2020</i></p>	<p>In this submission, the QFCC acknowledges the importance of this Bill in giving legal recognition to Ailan Kastom child rearing practice, in a framework that supports the wellbeing and best interests of children.</p> <p>We are particularly pleased to note the extensive consultation process that has led to this significant outcome. It sets a high standard of respect for the cultural diversity of families in Queensland and may encourage efforts to recognise child rearing practices in other communities.</p>	<p><a href="#">QFCC Submission – Inquiry into the Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Bill 2020</a></p>
<p><b>December 2018</b> <i>Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2018</i></p>	<p>In this submission, the QFCC supports the intention of the Bill to implement recommendations from these reviews, including measures to prevent people commencing paid work while a Blue Card application is pending, and the establishment of a centralised register of regulated home-based care services.</p> <p>These reforms are relevant to achieving a strong foundation for creating safe environments for children in Queensland. Ultimately, Queensland's children will be safer doing activities that help them grow, learn and develop.</p>	<p><a href="#">QFCC Submission – Inquiry into Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2018</a></p>
<p><b>September 2018</b> <i>Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018</i></p>	<p>In this submission, the QFCC supports the objective of the Bill to create a new offence related to non-consensual sharing of intimate images that would apply to sending, or threatening to send, intimate material without consent. These are important steps to protect Queenslanders from image-based abuse and cyberbullying.</p> <p>The QFCC recommends an operational focus on education for police officers regarding exercising discretion in matters involving children. The QFCC recently led a project to develop a <i>Joint agency protocol to reduce preventable police call-outs to residential care services</i> in response to the number of children living in out-of-home care being charged for minor incidents. A critical component of the protocol is to provide education to residential care workers on exercising discretion and implementing responses in proportion to the child's actions and situation at the time of the incident. This is intended to help avoid unnecessarily criminalising children's behaviours.</p> <p>It may also be of benefit to include exemption or defence provisions within legislation. However, the QFCC cannot provide a position on this as it does not hold information regarding the use and impact of operational responses in preventing the criminalisation of children regarding intimate images.</p>	<p><a href="#">QFCC Submission – Inquiry into the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018</a></p>

<p><b>September 2017</b></p> <p><i>Report - Keeping Queensland's children more than safe: Review of the Blue Card system</i></p>	<p>On 21 September 2016, the Premier requested the QFCC undertake a review of the Blue Card system, the approval and monitoring processes of foster carers and pressure points in child protection service delivery. The review found that while the Blue Card system is a strong foundation for creating safe environments for children, it could be stronger and more efficient. The Review of the Blue Card system report makes 81 recommendations that will introduce significant changes to the Blue Card system.</p> <p>The recommendations are intended to strengthen and streamline the Blue Card system. They will also build capacity of, and support for, organisations and people involved in it. Ultimately, Queensland's children will be safer doing activities that help them grow, learn and develop.</p>	<p><a href="#"><u>QFCC Publication - Keeping Queensland's children more than safe: Review of the Blue Card system</u></a></p>
<p><b>August 2017</b></p> <p><i>Working with Children Legislation (Indigenous Communities) Amendment Bill 2017</i></p>	<p>In this submission, the QFCC does not support the purpose of the Bill to introduce a new Blue Card framework for Aboriginal and Torres Strait Islander communities. The QFCC recently undertook a review of the <i>Working with Children (Risk Management and Screening) Act 2000</i> and its operation. This included identifying opportunities to streamline, innovate and enhance access for members of the community, including Aboriginal and Torres Strait Islander peoples.</p> <p>The QFCC recommends waiting for the release of the report related to the review of the Blue Card system and the Queensland Government's response to the recommendations made in the report prior to progressing changes to the Blue Card system. The QFCC will provide the Legal Affairs and Community Safety Committee with a copy of the report related to the review of the Blue Card system following its release.</p>	<p><a href="#"><u>QFCC Submission – Inquiry into the Working with Children Legislation (Indigenous Communities) Amendment Bill 2017</u></a></p>
<p><b>July 2016</b></p> <p><i>Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services.</i></p>	<p>In this report, the QFCC reviews Recommendation 28 from its <i>When a child is missing: Remembering Tiahleigh – A report into Queensland's children missing from out-of-home care</i> (When a child is missing report). Recommendation 28 of the report required the QFCC to review legislation, policies and practices relating to information sharing to protect all children in regulated service environments.</p> <p>The QFCC's review in response to Recommendation 28 focuses specifically on those regulated services provided from the home: foster and kinship care, family day care and stand-alone care services. Agencies responsible for regulating and monitoring these environments include the Department of Communities, Child Safety and Disability Services (Child Safety Services), the Department of Education and Training (DET), the Queensland Police Service (QPS) and the Department of Justice and Attorney-General – Blue Card Services (Blue Card Services). Information sharing legislation, policies and procedures between these agencies were considered as part of this review.</p> <p>This report outlines the key findings identified as a result of the review and makes 17 recommendations. The recommendations are designed to improve information sharing and develop stronger safeguards for children in regulated home-based services.</p>	<p><a href="#"><u>QFCC Publication - Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services.</u></a></p>