

New

Obligations for employers



commission for
children and young people
and child guardian

New laws have been introduced to further strengthen current safeguards for children and young people by preventing certain people up-front from applying for a blue card.

From **2 June 2008**, it will be an offence for a disqualified person to apply for a blue card.

All employers and education providers **must** warn all potential staff (paid employees, volunteers or students) that it is an offence for a disqualified person to sign a blue card application.

It is an offence for an employer not to provide this warning.

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 prohibition order, or
- are subject to a disqualification order from a court prohibiting them from applying for, or holding a blue card.

In very limited circumstances, the Commissioner can declare a disqualified person eligible to apply for a blue card.

If the Commissioner declares a disqualified person eligible they can then lodge a blue card application.

New obligations from 2 June 2008

All employers and education providers must:

- use only the latest blue card application forms (which include a new declaration that it's an offence for a disqualified person to apply for a blue card)
- warn every person applying for a blue card that it's an offence for a disqualified person to sign the application form. For example, *"I am legally obliged to warn you that it is an offence for a disqualified person to sign a blue card application form."*
- sign the declaration on the application form stating you have warned the applicant, and
- check that the applicant has signed the declaration stating they are not a disqualified person before lodging an application on their behalf.

Ongoing employer obligations in relation to blue cards

Employers and education providers must still ensure that:

- all **volunteers** have a current blue card before they start regulated employment
- all **volunteers** who want to continue working in regulated employment lodge a form to renew their blue card at least 30 days before it expires, so they can keep working with children while the application is being processed (if their card has not been suspended or cancelled)

Obligations

- all **paid employees** have lodged a blue card application before they start regulated employment
- where a paid employee's blue card application has been withdrawn by the Commission, you do not allow this person to work in regulated employment until a new application has been lodged
- paid employees and volunteers with a negative notice or suspended blue card do not continue working in regulated employment
- where an employee or volunteer notifies you of a change in their police information, you should immediately lodge a 'Change in police information' form with the Commission.

Risk management obligations

It is also mandatory for every organisation covered by the Commission's Act to have a risk management strategy in place to keep children and young people safe.

This means employers must develop and implement a written child protection risk management strategy and review it each year.

The strategy should include a register of all paid and volunteer staff in your organisation who carry out regulated child-related activities.

The Commission provides free risk management workshops around the state. For more information call the Commission on **3247 5518** or visit the website at www.ccypcg.qld.gov.au/about/risk_management.html.

Checking blue cards

When a new employee or volunteer starts work in your organisation, you should:

- check the card holder's name and signature on their blue card with other signature or photo identification to satisfy yourself of their identity
- lodge an 'Authorisation to confirm a valid blue card' form.

This will allow the Commission to validate the blue card produced and notify you of any change to their blue card status considered relevant to their child-related employment.

Don't forget

Don't forget to notify the Commission when:

- an applicant or blue card holder stops working for your organisation, or
- the contact person for your organisation changes. To do this an authorised person from your organisation should write to the Commission on official letterhead advising the name and contact details of the new contact person.

Further information

A complete list of disqualifying offences and relevant penalties for non-compliance under the Commission's Act is published on the Commission's website or call the Blue Card Contact Centre on **1800 113 611** or **3247 5145**.

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Obligations