

ROYAL COMMISSION PANEL HEARING

7 MARCH 2017 RE: WORKING WITH CHILDREN CHECKS

QUESTIONS ON NOTICE

Question 1: *The Commission wanted to know from someone who had been at the meeting in February what had been decided in relation to recommendations 3a of the Royal Commissions Report.*
(T26369: 42-47)

Response:

- Queensland was represented at officer level by policy and operational officers from the Department of Justice and Attorney-General at the February inter-jurisdictional working group.
- There was no formal agreement or commitment from Queensland but there was officer-level support and broad agreement about how to move forward to implement the Royal Commission's working with children check report.
- This included general support for the development of a negative notices database as a starting point.
- It was also agreed that each state and territory consider the legislative changes that would be required in their jurisdiction to allow sharing of this type of information between jurisdictions.
- The current confidentiality provisions in the Queensland *Working with Children (Risk Management and Screening) Act 2000* (section 384) may not be broad enough to allow Queensland to

share information about refusals or a negative notice with other jurisdictions.

- Also, legislative amendments would be required to allow Blue Card Services to consider a negative notice (or refusal) in another State or Territory and take immediate action. For example, where there is a refusal in another State, amendments may be necessary to be able to immediately suspend or cancel a person's blue card in Queensland.
- The Queensland Family and Child Commission, an independent oversight body, is reviewing the Queensland's blue card system, and as part of this review, the QFCC will consider all of the recommendations of the Royal Commission's working with children check (WWCC) report, with the QFFC's report due by mid-2017.
- As part of the Government's response to the final QFCC report, we will work through these legislative (and other technical) issues.

Question 2: Will there be privacy issues with sharing information about convictions or disciplinary history with other jurisdiction?

(T26371: 43-45)

Response

- As noted above, the current confidentiality provisions in the Queensland *Working with Children (Risk Management and Screening) Act 2000* (section 384) may not be broad enough to allow Queensland to share information about refusals or a negative notice with other jurisdictions.

Question 3: Does Queensland law meet recommendation 19(c) of the Royal Commission Report? (T26376: 28-30)

Response:

- Under the Queensland *Working with Children (Risk Management and Screening) Act 2000* (Working with Children Act), disciplinary information and misconduct information reported by other regulatory bodies is currently considered as part of the assessment process for a blue card.
- Disciplinary information is defined in the Queensland's Working with Children Act (schedule 7).
- Disciplinary information about registered teachers; early childhood education and care workers; and foster and kinship carer must be reported to Blue Card Services and is routinely considered.
- Other types of disciplinary information is not routinely considered for every applicant – for example health practitioner disciplinary information.
- Queensland is currently considering next steps for a reportable conduct scheme.
- To avoid doubt, at T26376: 41-43 my statement that Queensland presently has a reportable conduct scheme was intended to mean that Queensland has mechanisms requiring the reporting of certain conduct, not that it has a single 'scheme' of the kind presently in place in New South Wales.