

Queensland
Not-for-profit Law
Guide

Screening Checks

A guide for Queensland
community organisations

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**Part 1 - An introduction
to screening checks**

An introduction to screening checks

This guide covers:

- Blue Card Checks, which in other jurisdictions are known as Working with Children Checks (**WWC Checks**)
- Police Checks (sometimes called National Police Checks or Criminal Record Checks)
- interstate and overseas screening
- other types of screening checks, and
- recent child safety law reforms relevant to screening.

It is important that your organisation undertakes screening and induction of volunteers in a thorough and systematic way. Certain background screening checks are required by law (under legislation or contract) and others are discretionary.

Even where there is no legislative or contractual requirement that checks be performed, organisations should undertake some level of screening for volunteers and employees. This is because all organisations have a responsibility to ensure they maintain a safe environment for their employees, volunteers and clients. Due to this overarching duty of care, organisations should always try to be informed about the individuals they select as their representatives.

Consider whether the volunteer will have unsupervised access to money or property, contact with vulnerable clients or children, access to sensitive information or whether they will be driving. This may influence the types of checks your organisation requires in order to minimise risks associated with your volunteers.

EXAMPLE

A volunteer is sent to an elderly client's home to assist with general household duties and provide companionship. As the volunteer is not engaged in 'child-related' work you do not ask them to obtain a Blue Card Check. The volunteer seems trustworthy and so the organisation decides not to go ahead with any other screening checks, including a Police Check. The volunteer steals from the client and it turns out that she has a string of theft and burglary offences.

You send another volunteer to your client's home as soon as you find out. The client has a health incident and needs urgent medical attention. The volunteer freezes as he has not been trained in what to do in this situation. He is traumatised by this incident. Your organisation could be in breach of its duties to both the volunteer and client.



TIP

It may be challenging for some organisations to appropriately screen spontaneous volunteers (individuals or assist during and/or after an event who are not already volunteering with the organisation), especially where organisations are already managing significant workloads due to an emergency or other incident. Your organisation may consider:

- having a database of registered volunteers to call upon that have undertaken appropriate screening, induction and training, and
- utilising external resources, for example, Volunteering Queensland's online tools at www.volunteeringqld.org.au/resources/volunteer-management.



NOTE

Currently, WWC Checks operate at a state or territory level. This means that a WWC Check is only valid for work in the state or territory in which it is issued. There are certain allowances for interstate volunteers. The Royal Commission into Institutional Responses to Child Sexual Abuse released its interim report on [Working with Children Checks \(WWCC Report\)](#) on 17 August 2015 (final report due in December 2017), which contains recommendations for the implementation of a nationally-consistent scheme.





Part 2 - Legal obligations under Blue Card Checks

Legal obligations under Blue Card Checks

This section covers:

- when are Blue Card Checks required by law?
- exemptions from the requirement to get a Blue Card Check
- when is a Blue Card Check necessary? and
- summary of an organisation's obligations under the Blue Card system.

Whenever your not-for-profit organisation is recruiting employees or volunteers or assigning new responsibilities, it is important to conduct appropriate screening procedures.

This section deals with Blue Card Checks. The *Queensland Working With Children (Risk Management & Screening) Act 2000 (QLD) (WWC Act)* requires that a Blue Card Check be obtained by an individual before certain 'child-related work' can be undertaken. Failure to comply with these requirements can result in serious penalties for both the organisation and the employee or volunteer who has failed to undertake the check.

NOTE

Your organisation may be required by law to undertake Blue Card Checks. It may also consider undertaking other checks such as police checks and reference checks. You should ensure that only tests or checks relevant to the position on offer are required. Decisions made on the results of checks not relevant to a role could be challenged by an applicant.



In some circumstances, a Blue Card Check must be undertaken according to law. Even when not required by law, there may be circumstances where an organisation decides that Blue Card Checks are required to work or volunteer in particular roles. However, if a worker will never have contact with children, there is no need to undertake a Blue Card Check.

1. When are Blue Card Checks required by law?

In Queensland, employees and volunteers that work in certain child-related environments, must apply for (or already have) a Blue Card Check to work with your organisation, unless an exemption applies.

For volunteers (and trainee students), the requirement exists regardless of how often the person comes into contact with children. For employees, they need only get a Blue Card Check if they work or are likely to work for at least:

- eight consecutive days, or

- once a week for each week during a period of four weeks, or
- once a fortnight for each fortnight during a period of eight weeks, or
- once a month for each month during a period of six months

There are currently 15 different categories of regulated employment (listed in Schedule 1 of the WWC Act) that require a Blue Card Check to be performed, these are:

- employment concerning children which is carried out inside a residential facility or another place such as a hostel for children
- boarding facilities provided by schools
- activities or services operating at a school involving employees other than teachers and parents
- education, care services and similar employment
- child care and similar employment
- churches, clubs and associations involving children
- health, counselling and support services
- private teaching, coaching or tutoring
- education programs conducted outside of school
- child accommodation services including home stays
- religious representatives
- sport and active recreation
- emergency services cadet program
- school crossing supervisors, and
- care of children pursuant to the *Child Protection Act 1999*.

FURTHER READING

Specific examples and commentary on these activities are available on the Department of Justice and Attorney-General's website at www.bluecard.qld.gov.au/index.html.

2. Blue Card Check exemptions

Where a volunteer or employee of an organisation falls into one of the following exempt categories, they will not be required to undergo a Blue Card Check. This will be the case even where they are performing child-related work and the work falls within one of the 15 fields outlined above.

Exemptions apply to:

- volunteer parents providing services or conducting activities in certain circumstances
- relatives or friends caring for a child as part of a private arrangement
- people providing informal domestic/babysitting services
- Queensland police officers providing services as part of their professional duties

- registered teachers with the Queensland College of Teachers in schools providing services as part of their professional duties
- registered health practitioners, if the work relates to their professional duties
- ambulance officers, if the work relates to their professional duties
- volunteers under 18 years of age (those aged under 18 who wish to undertake paid employment in one of the above fields specified, must still apply for and hold a valid Blue Card) unless a trainee student undertaking a practical placement

Police officers and registered teachers engaged in work outside of their professional duties, which is covered by the Blue Card System (eg. where a police officer volunteers at a local sporting club or a registered teacher tutors students privately), must instead apply for an exemption card (rather than a Blue Card). The Department of Justice and Attorney-General's [website](#) has a fact sheet for teachers and police officers on applying for an exemption card.

EXAMPLE

Examples of working outside of professional duties includes a police officer volunteering at a local sporting club, or a registered teacher tutoring students privately.

NOTE

Queensland's Blue Card Services has indicated that an organisation can only require employees, volunteers or trainee students to hold a Blue Card or an exemption card if they are providing child-related services that are regulated by the *Working with Children (Risk Management and Screening) Act 2000*. Under Part F 'Organisation declaration' of the [Blue Card application form](#), an organisation can only sign the application form if the employee, volunteer or student applicant will be engaged in one of the 15 regulated categories. In other words, an employee, volunteer or student can only apply for a Blue Card if they are proposing to start or continue in child-related employment.



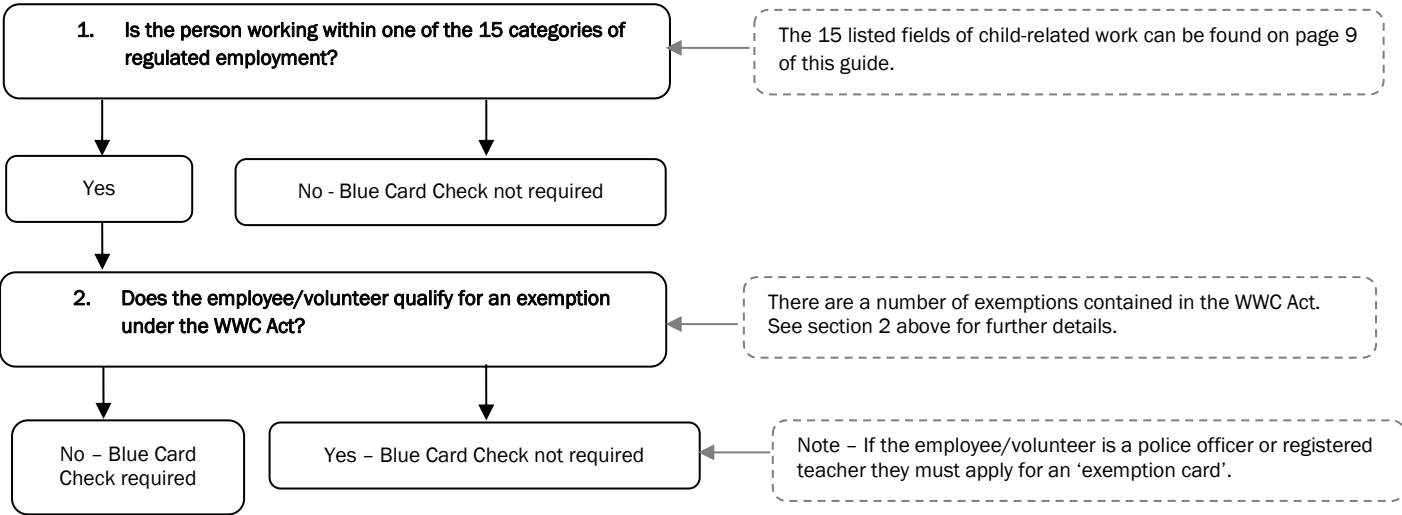
CAUTION

Just because a worker may fall within one of the Blue Card Check exemptions when starting out in a role, when circumstances change, they may not be able to continue to rely on the exemption. For example, when a volunteer under 18, transitions into paid employment.



The following diagram summarises the rules on when a Blue Card will be required, by law, for employees and volunteers in Queensland.

Diagram: When is a Blue Card Check necessary?



3. Summary of an organisation's Blue Card obligations

A risk management strategy

Organisations that engage people who require Blue Card Checks and fall under the the Blue Card System, must have a written risk management strategy covering specific areas. This is a requirement under the WWC Act. The risk management strategy must include:

- a statement of commitment
- a code of conduct
- recruitment, selection, training and management employees and volunteer policies
- procedures for handling disclosures and suspicions of harm
- a plan for managing breaches of your child and youth risk management strategy
- policies and procedures for compliance with the blue card system
- a risk management plan for high risk activities and special events
- strategies for communication and support

For more information and resources in relation to developing and implementing a risk management strategy that complies with the WWC Act, see the Queensland Government's Blue Card Services webpage on [child and youth risk management strategies](#).

Maintain a register

Organisations must also maintain a register of for all employees and volunteers in child-related activities in the organisation, which includes:

- whether or not the person requires a blue/exemption card (if not, why not, e.g. an exemption applies under the legislation)
- the type of application/blue card (e.g. paid or volunteer) or exemption card
- when the person applied and/or the date of issue of the positive notice and blue/exemption card
- the blue/exemption card number and the expiry date of the blue card, and
- the renewal date

A free template register can be downloaded [here](#) at Queensland's Blue Card Services website.

Other general obligations

An organisation must ensure that:

- volunteers and students do not start working until they have a valid Blue Card Check (unlike paid employees that can commence work while waiting for the application to be processed)
- employees who are required to hold a Blue Card Check have at least applied for the Check before commencing child-related work

- it provides a warning to each person applying for a Blue Card Check that they must not sign the application if they are a 'disqualified person'
- any applicant that has a disqualified status and subsequently receives a negative notice is strictly prohibited from working with children. This decision cannot be reviewed
- any of the following paid employees do not start work before they have received a check:
 - are a disqualified person who has been convicted of a disqualifying offence. This includes those who have engaged in serious sexual or indictable offences that are child related
 - are subject to a sexual offender order under the *Dangerous Prisoners (Sexual offences) Act 2003* (Qld), or
 - are a reportable offender pursuant to the current reporting obligations under the *Child Protection (Offender Reporting) Act 2004* (Qld)
- employees, students or volunteers who hold a current Blue Card in relation to other work notify Blue Card Services (an agency of the Department of Justice) of the work they will do for your organisation and that they are linked to your organisation by submitting a [Link an applicant/cardholder to this organisation form](#):
 - the form must be lodged before they commence working for your organisation
 - payment must be submitted with the form if the person has a volunteer Blue Card Check and is being engaged as a paid employee with your organisation
- employees, volunteers and students have the correct type of Blue Card (ie. volunteer vs employee)
- employees, volunteers and students renew their Blue Card Check (prior to 30 days of expiration of the three-year validity period). The individual can continue to engage in work during this period while their application is being processed, and
- employees and volunteers do not continue to work in child-related work if their Blue Card Check has expired.

TIP

- 💡 Organisations can use Blue Card Checks as a screening and monitoring tool. Reference checks, police checks and organisational supervision and training are all ways to ensure the safety of staff and clients, as well as assisting in finding the most suitable applicant when recruiting.
- 💡 Your organisation may choose to wait until the check is complete before an employee starts working with children as a way of managing any risks.



Part 3 – Blue Card Check applications

Blue Card Check applications

This section covers:

- how can employees and volunteers apply for a Blue Card Check?
- what if a new employee or volunteer already has a Blue Card Check?
- what happens once a Blue Card Check application has been lodged?
- what happens if an applicant does not pass a Blue Card Check?

Applying for and maintaining a Blue Card Check takes a few steps by both the applicant and the organisation.

1. How can employees or volunteers apply for a Blue Card Check?

Application forms and payment processing for the Blue Card Check are available at www.bluecard.qld.gov.au.

When lodging, the applicant will need to produce:

- original identification documents (eg. driver's licence, passport)
- a passport-sized photograph, and
- the relevant application fee (note that volunteers are not required to pay for their Blue Card).



TIP

Make sure that all unpaid staff select that they are 'volunteers' on their Blue Card application as this will exempt them from any application fee. If they move into paid work at a later date, they will need to reapply under the 'employee' category.

When can a person begin work?

Employees and contractors who are engaged in child-related work must hold a current Blue Card, or at least have lodged an application, before they begin the child-related work. They do not have to have received their Check card prior to starting work.

However, some organisations choose to require employees to have received their card before starting child-related work as a means of risk management. As a matter of best practice, we suggest that your organisation take this approach, especially as it can take up to 28 business days to process an application.

In the case of volunteers, business operators and trainee students, a valid Blue Card must be held by the individual prior to commencing any child-related work.

How much does a Blue Card Check cost?

Applicants who undertake 'child-related work' as part of their employment need to pay about \$90.25 for their Blue Card Check application.

There is no fee for volunteer applicants. Volunteers should ensure they select the 'volunteer' option when applying for the check. As soon as a volunteer becomes a paid employee or contractor, they are required to reapply for an employee WWC Check, and will receive a new card valid for undertaking paid 'child-related work'.

Note that an applicant is still considered a volunteer if they receive reimbursement for costs, so long as they are not paid for the work completed for your organisation.

When renewing a Blue Card a \$90.25 renewal fee must be paid for employees. There is no renewal fee for volunteers and students.

Should organisations pay the costs of Blue Card Checks for employees?

There is no legal requirement for an organisation to cover the costs of an employee undertaking the Check. However, some organisations choose to reimburse WWC Check applicants who will be working with the organisation.



TIP

In most circumstances, if the Blue Card Check relates to employment, this expense may be claimed as a deduction from taxable income.

2. What if a new employee or volunteer already has a Blue Card Check?

Employees or volunteers with an existing Blue Card Check from previous work or volunteering need to notify the Department within 30 days of the work they are doing for you.

It is essential that the Department knows the employee or volunteer is working with you, so that they can notify you of changes to the Blue Card Check status.

The new employee or volunteer must present their Blue Card Check to your organisation. You can also call the Department to check that a Blue Card Check is current. You will need the Blue Card Check number of the employee or volunteer. Organisations also need to ensure that the existing Blue Card Check is the appropriate type (ie. for paid vs volunteer work).

3. What happens once a Blue Card Check application has been lodged?

Once a Blue Card Check application has been lodged, processing takes at least 28 business days. .

Applicants who pass the Blue Card Check will receive a Blue Card Check in the mail. Employers and volunteer organisations receive an Assessment Notice that is an official copy of the front and back of

the Blue Card Check. The Blue Card is valid for a period of three years. This means that unless the organisation hears further information, the applicant has a valid Blue Card Check for three years.

4. What happens if an applicant does not pass a Blue Card Check?

Applicants who do not pass the Blue Card Check will be issued a Negative Notice. The organisation responsible for that individual will receive a copy of the Notice (however this will not include specific information about the person's criminal history). From the receipt of the Interim Negative Notice your organisation must ensure that no unsupervised child-related work is undertaken by the individual.

In Queensland, it is an offence for an individual who is a disqualified person (as defined above on page 13) to apply for a Blue Card. A five-year imprisonment term or a fine over \$60,950 may apply for non-compliance.

Remember, your organisation has an obligation to warn each person applying for a Blue Card Check that they must not sign the application if they are a 'disqualified person'.

A disqualified person may apply for a Blue Card in limited circumstances. This process is called an 'Eligibility Declaration.' Until a disqualified person is successful in this process, it remains an offence to apply for a Blue Card. An unsuccessful outcome of an 'Eligibility Declaration' is non-negotiable and not subject to a review for an alternative decision.



Part 4 – What does a Blue Card Check do?

What does a Blue Card Check do?

This section covers

- ▶ what does a Blue Card Check take into account?
 - ▶ ongoing monitoring of Blue Card Checks, and
 - ▶ are there limits to what Blue Card Check can achieve?
-

The Queensland Blue Card Check is a unique type of check, distinguished from Police Checks by the different registers it checks, and its ongoing nature.

Understanding how a Blue Card Check works will help your organisation what role they should play in your risk management strategy.

1. What does a Blue Card Check do?

When a Blue Card Check application is submitted to the administering body, Blue Card Services, the following checks are completed:

- any national charge or conviction for an offence (even if no conviction was recorded)
- child protection prohibition orders (whether a person is a respondent or subject to an application);
- disqualification orders
- if a person is subject to reporting obligations under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* or *Dangerous Prisoners (Sexual Offenders) Act 2003*
- disciplinary information held by certain professional organisations (including teachers, child care licensees and foster carers), and
- information that the Police Commissioner provides in relation to police investigations into allegations of serious child-related sexual offences, even if no charges were laid.

The Department may also seek information from other sources such as from treating health professions, correctional bodies (such as Queensland's Correctional Centres) and employers.

Only offences relevant to the safety of children, such as serious sexual, violent or drug crimes are included in the Blue Card Check. Pursuant to the WWC Act there are two broad categories of offences that are relevant:

Category 1: Serious Offences

Category 1 offences prevent the applicant from passing the Blue Card Check in any circumstance because they are the most serious offences and usually involve children.

Category 2: Disqualifying

This category remains similar in nature to the serious offences, as the applicant still poses a risk to the safety of children, also preventing the applicant from being permitted to work with children.

If an applicant falls under either of the above categories they are unable to apply for a Blue Card and prohibited from work with children. In exceptional circumstances, a previously disqualified individual may pass the 'Eligibility Declaration' and be able to apply for a Blue Card.

EXAMPLE

The applicant is a registered sex offender or has committed other sex offences against children.

EXAMPLE

The applicant has committed offences against adults, sex offences as a child, or other non-sex offences, such as drug or violence offences.

2. Ongoing monitoring of Blue Card Checks

A Blue Card operates for a period of three years unless revoked earlier.

For holders of a Blue Card Check

During the three-year validity period, Blue Card Check holders must advise the Department about any relevant change in circumstances (this can be lodged online at www.bluecard.qld.gov.au/applications/applications.html, such as:

- change of name (within 14 days of the change)
- change of address (within 14 days of the change), or
- change or addition of employer or volunteer organisation (within 28 days of the change or addition), including changes to the organisation's contact details.

For organisations

Throughout the three-year lifespan of a Blue Card Check, there is a 'rolling check' system. A Blue Card holder's profile will be updated if there are any incidents that affect the person's ability to undertake 'child-related work' and your organisation will be notified. This is why it is very important to ensure your organisation is nominated as a place of work for employees and volunteers with an existing Blue Card.

Organisations must ensure that Blue Card Checks are renewed by employees and volunteers every three years at least 28 days prior to the expiration date.

Taking the following steps may help your organisation keep tabs on team members and their Blue Card status:

- physically sight and record the Blue Card (or their application receipt) when they join your organisation and record associated information such as expiry date

- keep Blue Card Checks, information and notices on file and keep a record of the employee and volunteer Blue Card status, including:
 - for new Blue Card applicants, the unique Application Receipt Number that is provided when an application for a Blue Card Check is lodged, or
 - for current holders of the Blue Card, the card number and the expiry date of their card.
- ensure information is filed in a safe, secure place and in accordance with the following principles:
 - ensure stored information is accurate, complete and up to date
 - protect the information from misuse, loss, unauthorised access, modification or disclosure
 - (including by allocating files identification systems to prevent files being misplaced)
 - have a clearly expressed policy available upon request detailing the management of personal information by your organisation, and
 - allow people to access their own information and to correct inaccuracies.
- assign responsibility for monitoring your Check register to ensure that it is up-to-date, and
- set up systems to ensure you organisation keeps track of when current Blue Card Checks will expire.

Your organisation is also able to check the status of a person's card or application using the 'validate a card' function on the Blue Card Services website at www.bluecard.qld.gov.au.

TIP

There are a number of volunteer management software systems that may assist your organisation with this process and ensuring thorough and systematic screening takes place (see [Volgistics](#), [eCoordinator](#) and [Volunteer Impact](#)).



3. Are there limits to what Blue Card Checks can achieve?

Remember that Blue Card Checks are only one way of reducing the risk of recruiting or associating with individuals who may be unsuitable for child-related work. No background check by itself can guarantee an individual's suitability, and organisations should ensure that they have internal policies and procedures to ensure the safety of all those who interact with the group – particularly those in a position of vulnerability such as children.



Part 5 – Police Checks

Police Checks

This section covers:

- an overview of Police Checks, and
 - the differences between Blue Cards and Police Checks
-

A Blue Card Check is important, but it is not the only check your organisation can undertake.

As part of your risk management strategy, even if you must undertake Blue Card Checks, consider whether any of the following checks would also be appropriate.

1. Does the Blue Card Check differ from a Police Check?

Yes. If a volunteer or employee is required to undertake a Blue Card Check, it will not matter whether they have recently had a Police Check (sometimes called a National Police Check or Criminal Record Check) as these two screening procedures are established for different purposes.

The Blue Card Check focuses on specific offences (ie, those that may impact on the safety of children), and unlike police checks, the Blue Card Check is 'ongoing', meaning that the applicant's criminal record is monitored throughout the life of the Blue Card Check which includes checking with certain professional disciplinary bodies beyond law enforcement agencies, for example, the Queensland College of Teachers.

Your organisation may wish to conduct both Blue Card Checks and Police Checks depending on the nature of the work being conducted by your staff or volunteers. For example, not all criminal offences will be relevant for the Blue Card Check, only those that the Department considers to pose a risk to children, therefore previous convictions such as traffic offences or thefts may not be considered through a Blue Card Check.

A Police Check allows an organisation to be aware of all (releasable) previous convictions – child related or not – and this may be appropriate if you are seeking an employee or volunteer who, for example, may be handling money or driving clients between locations.

CAUTION

If you decide that applicants are required to undergo a police check prior to recruitment, you must not refuse an applicant simply because he or she has a prior conviction revealed for an offence that has no relevance to the available position. There are legal protections against discrimination on the basis of criminal record. However, your organisation has obligations to create a safe and effective environment, and you can refuse an applicant on the basis of a criminal past when you believe that the prior offence prevents the applicant from performing the 'inherent requirements' of the position. See the [Australian Human Rights Commission website](#) for more information.



How do Blue Card Checks and Police Checks differ?

	Blue Card Check (QLD)	Police Checks
Who conducts the check?	The check is submitted to Blue Card Services by the individual.	The check is submitted to the Queensland Police Service by the individual or by an organisation on their behalf (with consent). Organisations may also engage a third party agency to manage the process.
What is checked?	National criminal records (across all states and territories) and other disciplinary and police information.	National criminal records (across all states and territories).
What is revealed by the checks?	Serious criminal charges, offences, findings of guilt and professional conduct reports that may be relevant to the safety of children, such as serious sexual, violent or drug crimes (it will not reveal offences such as theft or property fraud).	Police make an assessment that takes into account the category and purpose of the check and any relevant legislation and information release policies. Police then determine the details they will release to the individual or organisation requesting the check The details released may include court outcomes with a finding of guilt (including those 'without conviction'), good behaviour bonds or other court orders, outstanding charges and matters awaiting hearing certain (criminal) traffic offences, whether child-related or not.
What is the outcome?	The person will either 'pass' or 'fail' depending on what the check reveals and whether the individual falls under the categories of serious or disqualification offences. In some instances, an 'Eligibility Declaration' for previously disqualified individuals can be taken into consideration. However, if the individual is unsuccessful in this process, the decision cannot be altered and the applicant is unable to make submissions.	There is no pass or fail – a list of court outcomes with a finding of guilt is produced from the national criminal record. It is up to the organisation to assess whether or not any of the listed outcomes may impact on the work of the volunteer.
How long is it valid for?	3 years.	It is current only at the time of the check.

Is it an ongoing check?	Yes – over the 3 years there is a ‘rolling check’ system and the organisation is notified if it reveals anything related to child safety.	No – it is a ‘point in time’ check and will only list the offences at the time of the check.
Is the check transferable?	Yes – to other Queensland volunteer roles but the volunteer must provide notice to the Department of any new role. A volunteer blue card holder can transfer the check to paid child-related work by submitting a ‘volunteer to paid employment transfer form’ along with the applicable fee.	No – organisations should require a new check, even if someone had a check completed recently – as an organisation needs to be sure that all relevant matters have been disclosed by the police.



Part 6 – Other Checks



Other Checks

This section covers:

- other discretionary background checks
- managing volunteers and employees in or from other states and territories, and
- recent law reform relating to background checks.

1. Discretionary background checks

Even where there is no legislative requirement that National Police Checks and other discretionary background checks be performed, organisations ought to undertake some level of screening for volunteers and employees. This is because all organisations have a responsibility to ensure they maintain a safe environment for its employees, volunteers and clients. Due to this overarching duty of care, organisations should always try to be informed about the individuals they select as their representatives.

CAUTION

While finding the right person to fill a vacant role is important, an organisation has an overarching duty to provide a safe environment for staff, volunteers and clients. Good screening procedures when recruiting is a key way for organisations to try and address problems before they arise.



From a practical perspective, undertaking informal background checks, such as asking for referee details and performing licence and qualification checks (and possibly asking for details of any potential conflicts of interest) is certainly a good way for an organisation to assure itself that it is making the right choice when recruiting a new employee or volunteer.

2. Screening for interstate employees and volunteers

WWC Checks

Currently, WWC Checks operate at a state or territory level. This means that a Check is only valid for work in the state in which it is issued.

If an employee or volunteer has a WWC Check from another state or territory and wants to work in Queensland, they will need to obtain a Queensland Blue Card. In some cases, exemptions will apply if a person is volunteering at a state or national level in relation to a sporting, cultural or skill-based activity, or if they are a guest of a school or recognised body.

Interstate visitors can engage in child-related work in Queensland, without a Queensland Blue Card if they are a:

- volunteer at a national or state event organised by a school or recognised body:
 - for a sporting, cultural or skill-based activity
 - the event is attended by more than 100 people
 - the work is for 10 days or less on no more than two occasions per year, and
 - the person is unlikely to be alone with a child without another adult present.
- volunteer guest of a school or recognised body and is:
 - observing or supplying information or entertainment to ten or more people
 - the activity is for 10 days or less on no more than two occasions per year, and
 - the person is unlikely to be alone with a child without another adult present.

If workers of your organisation are travelling to another state or territory outside of Queensland and will engage in child-related work, you need to ensure that you comply with the laws of the particular state you visit – which may mean having a valid WWC Check for that state.

Generally, most states will recognise the equivalent checks of a worker from another state, if they are visiting and working on a short-term basis.

However, if your organisation's employees or volunteers work in multiple jurisdictions on a regular basis, it is likely that they will need a WWC Check for each state or territory. It is also worth pointing out that the offences considered relevant for the purposes of a WWC Check differ across states and territories.

NOTE

In 2012, all states and territories agreed on the above exemption for Checks for interstate visitors. However, this has not been fully or consistently implemented. Therefore, it is important to check the applicable scheme in each state and territory (see the 'Interstate Checks' page on the Department's [website](#)). Relevantly, The Royal Commission into Institutional Responses to Child Sexual Abuse's August 2015 report on [Working with Children Checks \(WWCC Report\)](#) contains recommendations around the implementation of a nationally-consistent scheme.



Police Checks

The Police Check will display all (releasable) court outcomes from all states and territories of Australia.

If your organisation engages an employee or volunteer that has been living overseas, your organisation may decide to ask for an international police check, which can be obtained from the law enforcement body for each relevant country. Information on obtaining a police check from an overseas government or law enforcement authority can be found on the [Australian Government Department of Home Affairs](#).

3. Child safety reforms and screening

The Council of Australian Governments (**COAG**) is working towards law reform to harmonise the laws between states and territories.

COAG has been working on a 'National Framework for Protecting Australia's Children 2009-2020.' This is a broad, long-term initiative aimed at reforming the child protection system and creating uniform laws across states and territories. COAG aims to develop a nationally consistent approach to working with children checks and child safe organisations across jurisdictions. This is likely to include unifying the WWC Check system across our states and territories. Further reform and consolidation of legislation will help to establish an inter-jurisdictional exchange of information regarding people working with children.

If new legislation comes into force, your organisation may need to comply with different rules regarding its employees and volunteers. It is important to be aware of the changes as they take place, and to ensure that your organisation continues to meet the legislative requirements.

For more information, refer to the Department of Families, Housing, Community Services and Indigenous Affairs website (see 'Resources', below).

FURTHER READING

Moores, together with Our Community, has also created a [Child Protection Toolkit](#) for not-for-profit organisations, to help them comply with these standards and other legislative requirements. The Toolkit discusses child safe recruitment processes, creating a child safe culture and various reporting obligations. It also includes a sample Child Protection Policy and Child Safety Code of Conduct (that can be tailored to your organisation).



Resources

Related Not-for-profit Law resources

The Not-for-profit Law Information Hub at www.nfplaw.org.au has resources on the following related topics:

- ▶ The People Involved – www.nfplaw.org.au/people

This section of the Information Hub covers the special obligations and rights that apply to relationships between an organisation and their employees, volunteers, clients and members, including privacy issues.

- ▶ Risk and insurance – www.nfplaw.org.au/riskinsurance

You can download Not-for-profit Law's Risk Management and Insurance Guide from this section of the Information Hub.

Legislation

- ▶ [Working With Children \(Risk Management & Screening\) Act 2000 \(Qld\)](#)

Other related resources

- ▶ [Queensland Government – Blue Card Services](#)

This website provides information for paid employees, volunteers and students, employers, volunteer coordinators and children and young people on the Blue Card System, including relevant forms and updating details online.

- ▶ [Queensland Government - Blue Card Services, Information sheets and general resources](#)

This page provides a list of resources to help people understand the Blue Card system, including information for specific industries, such as disability services.

- ▶ Volunteering Australia - Background Checks and Volunteers, see www.volunteeringaustralia.org

Volunteering Australia has a resource which provides an overview of background check requirements and the associated costs across the various states and territories.

- ▶ CrimCheck, www.crimcheck.org.au

CrimCheck is a not-for-profit organisation that assists other not-for-profit organisations with the processing and management of police checks for their employees and volunteers along with general support and education around the process.

- ▶ Australian Criminal Intelligence Commission, www.acic.gov.au

The Australian Criminal Intelligence Commission (formerly CrimTrac) is the national information-sharing service provider for Australia's police, wider law enforcement and national security agencies, It offers a [National Police Checking Service](#) and has further information about the National Police Check process.

- ▶ Department of Families, Housing, Community Services and Indigenous Affairs www.dss.gov.au

Visit this website for the [National Framework for Protecting Australia's Children 2009–2020](#).



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