



commission for
children and young people
and child guardian

Disqualification from applying for or holding a blue card

When is a person disqualified from applying for a blue card?

It is an offence for a disqualified person to sign a blue card application. Penalties of up to five years imprisonment or a fine of up to \$50,000 may apply.

A person is disqualified from applying for a blue card if they:

- have been convicted of a disqualifying offence irrespective of the penalty imposed (including a child-related sex or pornography offence, or the murder of a child), or
- are a reportable offender with current reporting obligations under the *Child Protection (Offender Reporting) Act 2004*, or
- are subject to a child protection offender prohibition order, or
- are subject to a disqualification order prohibiting them from applying for or holding a blue card
- are subject to a sexual offender order under the *Dangerous Prisoners (Sexual offenders) Act 2003*

What is a disqualifying offence?

The table on the following pages list the disqualifying offences. The list is not exhaustive and some may only be considered disqualifying offences if committed against a child. For more information see 'Disqualifying offences' on the Commission's website.

Can a disqualified person ever get a blue card?

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

Until the Commissioner declares a disqualified person eligible to apply, it remains an offence for them to sign a blue card application form.

The Commissioner can only issue an 'eligibility declaration' if satisfied that the case is an exceptional one in which the best interests of children would not be harmed by allowing the person to apply for a blue card.

The Commissioner can not declare a person eligible to apply for a blue card where they:

- have been sentenced to imprisonment for a disqualifying offence, or
- have current reporting obligations under the *Child Protection (Offender Reporting) Act 2004*, or
- are subject to a child protection offender prohibition order, or
- are subject to a disqualification order made by a court, or
- are subject to a sexual offender order.

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

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

What happens if a blue card holder becomes disqualified?

A blue card holder becomes disqualified if they:

- are convicted of a disqualifying offence and sentenced to imprisonment, or
- become subject to reporting obligations, or
- become subject to a final offender prohibition order, or
- become subject to a disqualification order, or
- become subject to a sexual offender order.

In such cases the Commissioner must cancel the person's blue card and issue a negative notice. This decision cannot be reviewed and the person is prohibited from working in child-related activities regulated by the Commission's Act.

For more information on how these laws affect you or if you require further information please telephone the Blue Card Contact Centre on **1800 113 611** (Freecall) or **3211 6999** or visit the Commission's website at **www.bluecard.qld.gov.au**.

A person's blue card will be suspended if they:

- are charged with a disqualifying offence, or
- become subject to a temporary offender prohibition order, or
- become subject to an interim sexual offender order.

In such cases the person must return their blue card and positive notice to the Commission within 7 days.

The Commission will notify the person and any organisation where the person works (which requires them to have a blue card) that the blue card has been suspended.

A person whose blue card has been suspended must not apply for, start or continue working in regulated

activities until their eligibility to hold a blue card has been reassessed.

The person's eligibility to hold a blue card will be reassessed when:

- the charge for the disqualifying offence is finalised, or
- the temporary offender prohibition order expires, or
- the interim sexual offender order expires.

However, if a person does not want their eligibility for a blue card reassessed they can ask the Commissioner to cancel their suspended blue card and they remain prohibited from working in regulated activities with children.

Disqualifying Offences

Abuse of a person with an impairment of the mind if committed against a child under 18

Assault with intent to commit rape if committed against a child under 18

Attempt to commit rape if committed against a child under 18

Attempted sodomy if committed against a child under 18

Benefiting from an offence involving sexual conduct with a child

Carnal knowledge with or of children under 16

Conspiracy to defile if committed against a child under 18

Deceptive recruiting for sexual services if committed against a child under 18

Demonstration of an objectionable computer game before a minor

Distributing child exploitation material

Encouraging the commission of an offence involving sexual conduct with a child

Exhibition or display of prohibited publication or child abuse photograph

Importing child pornography or child abuse material

Incest if committed against a child under 18

Indecent treatment of children under 16

Inducing child under 16 to be involved in sexual conduct

Inducing child under 16 to engage in sexual intercourse

Involving child in making child exploitation material

Knowingly participating in provision of prostitution of a child

Leaving prohibited publication or child abuse photograph in or on private place

Leaving prohibited publication or child abuse photograph in or on public place

Maintaining a sexual relationship with a child

Making child exploitation material

Making objectionable child abuse computer game

Disqualifying Offences continued

Making objectionable child abuse film

Murder if committed against a child under 18

Obscene publications and exhibitions (showing children under the age of 16)

Obtaining minor for objectionable computer game

Owner etc. permitting abuse of children on premises

Permitting young person etc to be at place used for prostitution

Persons found in places reasonably suspected of being used for prostitution etc (If a person who is not an adult or is an intellectually impaired person is, to the offender's knowledge, in the place at the time of the offence)

Possessing child exploitation material

Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service

Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service

Possession of child abuse publication or child abuse photograph

Possession of objectionable child abuse computer game

Possession of child abuse objectionable film

Possession of prohibited child abuse publication

Procurement of minor for objectionable film

Procurement of minor for RC publication or child abuse photograph

Procuring prostitution of a child under 18

Procuring sexual acts by coercion etc if committed against a child under 18

Procuring young person etc. for carnal knowledge if committed against a child under 18

Producing prohibited publication

Rape (or attempted rape) if committed against a child under 18

Sale etc. of prohibited publication or child abuse photograph

Sexual assaults if committed against a child under 18

Sexual conduct involving children under 16

Sexual intercourse with child under 16

Sexual servitude offences if committed against a child under 18

Special offences relating to Tier 2 goods (involving child pornography or child abuse material)

Taking child for immoral purposes

Unlawful sodomy (or attempted sodomy) if committed against a child under 18

Using a carriage service for child abuse material

Using a carriage service for child pornography material

Using a carriage service to groom persons under 16 years of age

Using a carriage service to procure persons under 16 years of age

Using internet etc to procure children under 16

Penalties for non-compliance

Obligations	Maximum penalty for non-compliance (One penalty unit equals \$100)
<p>A person who has a conviction for a disqualifying offence must not:</p> <ul style="list-style-type: none"> • sign an application as a relevant person; or • make an application to carry on, or continue carrying on a regulated business; or • apply for, or start or continue in, regulated employment. 	500 penalty units (\$50,000 or 5 years imprisonment)
A volunteer or paid employee must immediately notify their employer, volunteer organisation or education provider of any change in their police information.	100 penalty units (\$10,000)
A person carrying on a regulated business must immediately notify the Commission, in the approved form, of the change in the person's police information.	100 penalty units (\$10,000)
A person who has been issued with a suspension notice must return their positive notice letter and blue card to the Commission within 7 days after receiving notification about the suspension.	100 penalty units (\$10,000)

For more information

For more information please telephone the Blue Card Contact Centre on (Freecall) **1800 113 611** or **3211 6999** or go to the Commission's website at www.bluecard.qld.gov.au

Commission for Children and Young People and Child Guardian

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Monday to Friday

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