

Application to Cancel a Negative Notice

18/08/2020

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How to make a submission

When are applicants asked to provide a submission?

Following an application by a person to cancel their negative notice, Blue Card Services may ask the person to make a submission about why their negative notice should be cancelled. Any information relevant to this assessment will be provided to the person, and they have the opportunity to explain why their negative notice should not be continued. This gives people a chance to respond to information held about them by police, courts or professional bodies by outlining their version of events.

Applicants asked to provide a submission can also provide additional information or references to support their application, and to explain why they think their negative notice should be cancelled.

Blue Card Services can also take other information into account which may be relevant to the application, and may ask you to authorise access to information from sources like doctors, psychologists, psychiatrists, or the Department of Community Safety (Corrective Services).

What can I do to respond?

When deciding whether or not to respond, consider the following options:

1. Provide a submission to Blue Card Services by the due date

Any information received by the due date will be taken into consideration when assessing the application. Written responses are preferred and may be handwritten or typed..

2. Withdraw your application

Applicants who withdraw their application will continue to be prohibited from working in child-related employment or carrying on child-related businesses.

3. Not provide a submission

If you do not provide a submission by the due date, your application may continue to be assessed and a decision will be made whether or not your negative notice should be cancelled.

What should I include in my submission?

You should address all the information forwarded to you, including any offences or alleged offences listed on your police history and any other information provided.

You may include:

- whether you agree with the details contained in the information
- any background on any offence or alleged offence on your criminal history
- your personal circumstances and any other relevant events at the time the offence or alleged offence/s were committed
- what steps you've taken to address your offending behaviour since committing the offences on your criminal history (please include details of any courses or programs you have completed, the organisations providing them, dates attended and a copy of the certificate of completion if available)
- your previous experiences or interactions with children, and
- anything else which may be relevant.

For more information, see *How will my application be assessed?* (attached to this letter).

What other information will help my case?

You can include any other information or material you think is relevant to the assessment process, including written references (phone numbers only will not be accepted).

Written references should contain the referee's:

- full name and address
- telephone number (as Blue Card Services may contact them), and
- signature.

Other information should include:

- the date the reference was made (recent references are given greater weight)
- details of the referee's occupation or position within a club or organisation
- how the referee knows you and for how long
- if the referee is aware of your police or disciplinary information and the extent of their knowledge
- details of instances where the referee has seen you interact with children or young people, and
- anything else the referee thinks may support your application to cancel the negative notice.

What happens if I provide a submission?

All the information received, including the submission you provide, will be considered before making a decision. If your application is approved, your negative notice will be cancelled and you will then be allowed to make an application for a blue card.

If your application is refused, your negative notice will remain current and you will continue to be prohibited from working in any area of child-related employment or business listed under the Act.

In most cases, the decision to continue your negative notice can be reviewed by the Queensland Civil and Administrative Tribunal. However, a person can not apply for a review of the decision if they:

- have been convicted of a disqualifying offence (including a child-related sex or pornography offence, or the murder of a child), or
- are a reportable offender with current reporting obligations, or
- are subject to a child protection offender prohibition order, or
- are subject to a disqualification order from a court prohibiting them from applying for or holding a blue card, or
- are subject to a sexual offender order.

Date: ____ / ____ / ____.

Contact details:

Name _____

Address _____

Phone _____

REFERENCE

To Blue Card Services,

I have known _____ for _____ years and during
(Applicant's name)

that time have known him/her through _____

(e.g. football club, work, community group, fellow parent etc)

[Insert your observations and recommendations]

[Insert any child-related observations if any i.e. the applicant working or interacting with children]

(Signature)

(Position e.g. Manager at applicant's work, fellow volunteer etc)



Blue Card System – Information Sheet

A

How to make a submission

When are applicants asked to provide a submission?

Blue Card Services will ask a person to make a submission about whether they should receive a blue card if information is received which raises concern about an applicant's background or criminal history.

This gives people a chance to respond to information held about them by police, courts or professional bodies by outlining their version of events.

Applicants asked to provide a submission can also provide additional information or references to support their application, and to explain why they think they should be eligible for a blue card.

Blue Card Services can also take other information into account which may be relevant to the application, and may ask you to authorise access to information from sources like doctors, psychologists, psychiatrists or government departments.

What can I do to respond to the submissions letter?

When deciding whether or not to respond to the letter from Blue Card Services, consider the following options:

1. Provide a submission by the due date

Any information received by the due date will be taken into consideration when assessing the application.

Written responses are preferred and may be handwritten or typed.

2. Withdraw your application

Applicants who withdraw their applications will be prohibited from working in child-related employment or carrying on child-related businesses. A letter confirming your withdrawal will be sent to you and your employer (if applicable).

If you have a blue card and you are no longer in regulated employment, you may ask for it to be cancelled by completing a *Request to cancel card* form.

3. Not provide a submission

If you do not provide a submission by the due date, your application may be withdrawn (unless you hold a current blue card), or you may be issued with a negative notice if Blue Card Services continues to assess it.

If you are issued with a negative notice or your application is withdrawn you will be prohibited from working in child-related employment or carrying on a child-related business.

What should I include in my submission?

You should address all the information forwarded to you, including any offences or alleged offences listed on your police history and any other information provided.

You may include:

- whether you agree with the details contained in the information received by the Blue Card Services
- any background on any offence or alleged offence on your criminal history
- your personal circumstances and any other relevant events at the time the offence or alleged offence/s were committed
- what steps you've taken to address your offending behaviour since committing the offences on your criminal history (please include details of any courses or programs you have completed, the organisations providing them, dates attended and a copy of the certificate of completion if available)
- your previous experiences or interactions with children, and
- anything else which may be relevant.

For more information, see *How will my application be assessed?* (which is attached to your letter inviting submissions).

Date: ___ / ___ / ___

Contact details:

Name _____

Address _____

Phone _____

REFERENCE

To Blue Card Services,

I have known _____ for _____ years and during
(Applicant's name)

that time have known him/her through _____

(e.g. football club, work, community group, fellow parent etc)

[Insert your observations and recommendations]

[Insert any child-related observations if any i.e. the applicant working or interacting with children]

(Signature)

(Position e.g. Manager at applicant's work, fellow volunteer etc)



How will your application be assessed?

Your application is being assessed under the *Working with Children (Risk Management and Screening) Act 2000* (the Act).

The most important consideration in deciding your application is a child's entitlement to be cared for in a way which protects them from harm and promotes their wellbeing. Before I approve your application, I must be satisfied that it is in the best interests of children for you to hold a positive notice and blue card.

The Working with Children Check disclosed that you have police information (Attachment C).

In addition to your police information please find enclosed a copy of the notifications received from the Queensland Police Service which outlines an additional charge/s (Attachment C).

The assessment process allows me to consider convictions for any offence, including where no conviction was recorded. I am also able to take into account any current or finalised charges which did not result in a conviction.

Your criminal history shows that you have a conviction for an offence other than a *serious offence* (as defined in the Act). On the basis of the above information, I must issue you with a positive notice and blue card unless I am satisfied that it is an exceptional case in which it would not be in the best interests of children to do so.

When making my decision, I must consider the following in relation to the commission or alleged commission of an offence:

- whether it is a conviction or a charge; and
- whether the offence is a *serious offence*, and if it is, whether it is a *disqualifying offence* (these terms are defined in the Act); and
- when the offence was committed or alleged to have been committed; and
- the nature of the offence and its relevance to employment, or carrying on a business, that involves or may involve children; and
- in the case of a conviction – the penalty imposed by the court and if it decided not to impose an imprisonment order for the offence, or decided not to make a disqualification order under the Act, the court's reasons for its decision; and
- any information provided to me by the Director of Public Prosecutions; and
- any information provided to me regarding your mental health; and
- any information given to me by the Department of Community Safety (Corrective Services); and
- anything else relating to the commission or alleged commission of the offence that I reasonably consider to be relevant to your application.

You may wish to consider these factors when making your submission. Please also refer to the *How to make a submission* information sheet to assist you in understanding the process.

Blue Card Services has also received complaint information (detailed at Attachment D). You should be aware that, in order to respect the confidentiality of people who make complaints to me, I am not at liberty to provide you with any further details in relation to the complaints or the informants.



F

Consent to discuss information

Working with Children (Risk Management and Screening) Act 2000

This form is to be completed by a blue/exemption card applicant/cardholder to allow Blue Card Services to discuss information about your card/application with an approved person.

Note: To preserve the confidentiality of your personal information, it is suggested that you authorise someone other than your employer/organisation.

Part A – Applicant/cardholder's details

1 Family name

2 First name

3 Middle name

4 Date of birth

5 Current postal address

Postcode

6 Telephone

7 Mobile

8 Email

9 Reference number/card number (if known)

Part B – Approved person's details

1 Family name

2 First name

3 Middle name

4 Relationship to applicant

5 Date of birth

6 Current postal address

Postcode

7 Telephone

8 Signature

9 Date of signature

Part C – Consent to discuss information

I consent to Blue Card Services discussing the following information with the approved person in Part B of this form including:

- the current status of any application or the progress to date of the application
- any request for additional information
- any police information including any change in police information and investigative information
- any disciplinary information
- the assessment process including the request for submissions, references and other supporting material
- any medical information
- the outcome of the application including whether a positive/positive exemption or negative/negative exemption notice is issued, and
- any relevant personal information such as name, address or employer details.

If there is any aspect named above that you do not wish to be discussed with the person you have approved, please outline this below.



R

Blue Card Application: 05/04/2017

Queensland Civil and administrative Tribunal Appeal:
19/04/2018

Application To Cancel a Negative Notice: 18/08/2020

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Application to Cancel a Negative Notice: 07/10/2021

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