

Advice to: Practitioner Regulation Subcommittee, Health Workforce Principal Committee, Australian Health Ministers' Advisory Council

Topic: Consultation Paper: Proposed arrangements for information sharing and privacy

Date: 19 December 2008

Blue cards and the Commission for Children and Young People and Child Guardian

The Commission for Children and Young People and Child Guardian is an organisation which promotes and protects the rights, interests and wellbeing of all Queenslanders under 18. One of the Commission's key responsibilities is to issue blue cards to people who are eligible to work in the areas of child-related work covered by the *Commission for Children and Young People and Child Guardian Act 200* (the CCYPCG Act).

The Commission decides whether a person is eligible by conducting a detailed check of any police information about a person. Police information includes:

- any charge or conviction for an offence, whether or not a conviction is recorded
- information from police investigations into allegations of disqualifying offences will be taken into account, even if no charges were laid because the child was unwilling or unable to proceed
- whether a person is a respondent to or subject to an application for a child protection prohibition order or disqualification order, or
- whether a person is subject to reporting obligations under the *Child Protection (Offender Reporting) Act 2004*.

In addition, the Commission also considers disciplinary information held by professional organisations for:

- teachers
- child care service providers
- foster carers
- nurses (under s 139A of the *Nursing Act 1992*)
- certain health practitioners (under s 384A of the *Health Practitioners (Professional Standards) Act 1999*).

Disciplinary information is limited to that which has led to immediate suspension, the imposition of conditions or deregistration and where the disciplinary body believes the information is relevant to the Commission's decision-making about child-related employment. This means that should a registered health practitioner or nurse be found by a disciplinary body to have engaged in behaviour which is harmful to children and young people the blue card decision about this person could take this information into account.

Information sharing with the Commission about health practitioners

The Commission submits that the National Accreditation Scheme for the Health Professions preserve the current ability of Queensland registration bodies to provide information to the Commission about disciplinary information for registered health practitioners and nurses in the specific circumstance where the disciplinary information relates to harm to children and young people. This process allows information that has

been tested by a disciplinary body and which may not have led to criminal charges to contribute to the robustness of blue card decision-making.

Exemption from requiring a blue card for registered health practitioners

Registered health practitioners are currently exempt from requiring a blue card when they are providing health, counselling or support services. Nurses are not currently included within the definition of registered health practitioner in the CCYPCG Act.

This means that the adoption of a national accreditation system will require consequential amendments to the CCYPCG Act and reconsideration of how exemptions apply to registered health practitioners and nurses.