

# Blueprint Legislation Reforms

## Overview

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## Introduction

To better protect society's most vulnerable children and young people, and to support Department of Child Safety staff, key changes were made to the legislation governing the Department's work in 2004 and 2005. The changes stem from the *Blueprint for implementing the recommendations of the January 2004 Crime and Misconduct Commission's Report 'Protecting Children: An Inquiry into Abuse of Children in Foster Care'* delivered by Peter Forster in March 2004 and implement some of the 110 recommendations made by the CMC.

These changes were implemented in three stages.

The first series of changes, referred to as stage one, were made by the *Child Safety Legislation Amendment Act 2004* and came into effect on 1 August 2004 and 1 September 2004 and provided for:

- child death case review
- Child Guardian
- child protection services reporting
- Community Visitor Program
- notifications about unborn children
- principles for administering the *Child Protection Act 1999*

The stage two legislation reforms were made by the *Child Safety Legislation Amendment Act (No. 2) 2004* and provided for:

- case planning
- coordinated service delivery
- extending the scope and powers of the commissioner for children and young people and child guardian
- obligation of disclosure to carers and child
- information sharing
- mandatory reporting by nurses.

The majority of stage two of the legislative reforms commenced on 30 April 2005. The final part of this stage commenced on 31 August 2005 and required nurses to report suspected harm to children.

Stage three of the legislative amendments was made by the *Child Safety Legislation Amendment Act 2005*, which commenced on 31 May 2006. Some of the changes this Act made concern:

- Aboriginal and Torres Strait Islander children
- assessment and approval of carers
- suitability screening
- regulation of voluntary placements
- other miscellaneous amendments

Further amendments were made after stage three via the *Child Safety (Carers) Amendment Act 2006* to introduce the requirement that carers, and relevant persons associated with licensed residential facilities and shared family care services hold Blue Cards. When the changes commenced, all types of carers became required to hold a Blue Card issued by the Commission for Children Young People and Child Guardian.

An overview of each of the specific areas of reform is set out in the following pages.

## 1. Aboriginal and Torres Strait Islander children

The Crime and Misconduct Commission (CMC) report, *Protecting Children: An inquiry into abuse of children in foster care*, made several recommendations to improve the way the Department of Child Safety works with Aboriginal and Torres Strait Islander children and families. The following summarises the key changes made to implement these recommendations.

### Section 6, Provisions about Aboriginal and Torres Strait Islander children

Section 6 of the *Child Protection Act 1999* has been amended to implement the intent of CMC recommendation 8.11; that the child protection legislation reflect the importance of Indigenous participation in decision making.

The new section 6(1) requires the chief executive or authorised officer to give the recognised entity for a child an opportunity to participate in the decision making process when the department makes a significant decision. A significant decision about an Aboriginal and Torres Strait Islander child is defined as one which is likely to have a significant impact on a child's life.

To remove ambiguity and confusion, the old section 6(3) has been amended to only provide requirements for the Children's Court to consult about an Aboriginal or Torres Strait Islander child. It previously included both the chief executive and the Children's Court and in practice was confused with the other requirements on the chief executive provided for in section 6(1).

### Section 246I, Recognised Entities

To ensure that the department consults with the appropriate Indigenous agencies, the Act now includes a new section 246I. The section refers to these organisations as 'recognised entities'. The chief executive is now required to keep a list of these entities. This section sets out criteria for entities who the department consults regarding Aboriginal and Torres Strait Islander children.

If the entity is an organisation, its members must include Aboriginal or Torres Strait Islander persons who have appropriate knowledge of, or expertise in, child protection and are not officers or employees of the department. It must also provide services to Aboriginal persons or Torres Strait islanders.

An entity can also be an individual. If the entity is an individual, he or she must:

- be an Aboriginal or Torres Strait Islander person
- have appropriate knowledge of, or expertise in, child protection
- not be an officer or employee of the department.

The term 'recognised agency' was amended throughout the Act to reflect the new term of 'recognised entity'. There are transitional provisions to provide for existing recognised agencies.

### Section 83, Additional provisions for placing Aboriginal and Torres Strait Islander children in care

This section has been amended to implement CMC recommendation 8.6 that, in situations where Indigenous children are placed with non-Indigenous carers, the child protection legislation should specifically provide that contact be maintained with their kinship group where that is in the best interests of the child.

As a consequence of amendments made to section 6, this section has been updated to require the department to give the recognised entity the opportunity to participate in the process of making a decision about where, or with whom, the child will live because this a significant decision for the child.

Section 83 has been amended to provide for the situation where the department cannot place a child in accordance with the placement hierarchy for Aboriginal and Torres Strait Islander children. Firstly, the chief executive must give proper consideration to placing the child with a person who lives near the child's family or a person who lives near the child's community or language group. This will help ensure that children's ties with their family and culture are not disrupted because they are placed far away

from their home. Secondly, before placing a child with a non-Indigenous carer the department must assess the carer's commitment to:

- facilitating contact between the child and their family
- helping the child maintain contact with their community and to maintaining a connection with their culture
- preserving the child's sense of their Aboriginal or Torres Strait Islander identity.

Section 83 has also been extended to apply to children who are placed by agreement between the chief executive and the parents (care agreements). It previously only applied to children who were placed under a child protection order.

### **Section 88, Chief executive to provide contact between an Aboriginal or Torres Strait Islander children and the child's community or language group**

A new section 88 has been included in the *Child Protection Act 1999 Act*. This section places a new obligation on the department to provide opportunity for contact between an Aboriginal or Torres Strait Islander child and his or her community or language group.

## **2. Assessment and approval of carers**

The *Child Safety Legislation Amendment Act 2005* made numerous amendments to the *Child Protection Act 1999* in order to implement CMC recommendation 9.2, which stipulated that the *Child Protection Act 1999* be amended to ensure that it regulated the assessment and approval of all carers. It specifically referred to the lack of regulations for the assessment and approval of relative and limited approval carers. The amendment Act extended a regulatory framework to relatives who care for children placed with them by the Department of Child Safety. It ensures that all people who provide care to children in need of protection are suitable to do so.

### **Section 5, Principles for administration of the Act**

In line with the new framework to regulate kinship carers and the preference in policy and practice for children to be placed within their extended family network, a new principle has been added to section 5 of the Act. This principle provides that the department must give preference to placing a child with kin as the first placement option. The dictionary defines 'kin' as relatives who are significant to the child or other persons who are significant to the child.

### **Section 82, Placing a child in care**

This section has been amended to provide that the department may only place a child with a carer or service that has been approved or found appropriate by the department. Now section 82 limits the placement options to those listed. They include: approved kinship carer for the child, approved foster carer, licensee, provisionally approved carer and another entity such as a medical or disability facility and the child's parents.

### **Chapter 4, Regulation of Care**

This chapter has been extensively amended to include a regulatory framework for relative carers and for carers who are approved on a limited basis. Relative carers are called kinship carers in the Act.

The amendment Act extended the statement of standards (s122) to apply to all carers caring for a child placed with them by the department.

Most of Division 3, Approval of foster carers, has been changed to extend the processes of application for a certificate, issue of a certificate, renewal of a certificate and restrictions on granting an application which currently apply to foster carers, to also apply to kinship carers.

The department will need to assess kinship carers as suitable to provide care for the particular child to be placed with them and issue a certificate for this child. Kinship carers will also have the same review rights to the Children Services Tribunal as foster carers. Amendments have been made throughout the Act to refer to 'approved carers' which is now defined to include foster carers, kinship carers and provisionally approved carers.

A new Division 3A sets out the procedures for the provisional approval of carers. These procedures provide for the limited approval of people to care for children. They will enable the department to place children with relatives or another carer, who are not yet fully approved, when children need to be placed urgently.

This type of approval is limited in nature and in time. It can only last a maximum of 60 days, however may be extended for a further 30 days. The person with whom the child is placed must apply to be a kinship carer or a foster carer and they must be assessed to be suitable to provide care for a child on a provisional basis and issued with a certificate if found suitable. During the provisional approval period, the person must undertake the necessary requirements to be fully approved as a kinship carer or a foster carer, if they are to continue caring for the child placed with them.

Provisionally approved carers do not have any rights of appeal, except in relation to the refusal of their application to be a foster carer or a kinship carer. The Act makes it clear that any decisions made about them do not necessarily affect their pending application.

Amendments have also been made to Division 4 Amendment, suspension, cancellation and surrender of authorities to ensure that provision is made for these procedures to also apply to kinship carer and provisional carer certificates.

### 3. Case planning

New legislated case planning processes ensure that every child has a goal-directed case plan managed in a way that enables timely decision making, prioritises a child's needs for long-term stability and continuity of relationships and encourages and facilitates the participation of the child, and other people within the child's system of support.

The changes significantly enhance the level of accountability and transparency in planning and decision-making by the Department of Child Safety.

Changes to case planning provisions are contained in Part 3A of the *Child Protection Act 1999*. All children who are in need of protection and require ongoing assistance under the *Child Protection Act 1999* are required to have a case plan developed and reviewed at least once every six months (s51C and s51V).

Where there is a real risk that a child's long-term care needs may not be able to be met by the return of a child to a parent, the review of the case plan must consider progress made in planning for alternative long-term arrangements for the child.

The Childrens Court may only make a child protection order if it is satisfied that there is a case plan for the child and the plan is considered appropriate for meeting the child's assessed protection and care needs (s59).

A family group meeting must be held to develop and review a case plan for a child in need of protection. The purpose of a family group meeting is to provide family-based responses to children's protection and care needs and to ensure that planning and decision-making about children's needs and well being are undertaken in an inclusive way.

## 4. Child death case review

Legislative child death case review functions have been established within the Department of Child Safety and the Commission for Children and Young People and Child Guardian to better understand the reasons Queensland children die in order to devise strategies to reduce and remove the risk factors that lead to harm.

A Child Death Case Review Committee, chaired by the Commissioner for Children and Young People and Child Guardian, has been created to independently review all department reviews of cases of child deaths.

The Child Death Case Review Committee will also make recommendations about improving Departmental policies and practices and improving relationships between entities involved with children and their families.

## 5. Child Guardian

The *Commission for Children and Young People and Child Guardian Act 2000* has been amended to add a new role of Child Guardian to the functions of the Commissioner for Children and Young People to monitor and audit the Department of Child Safety in its child protection role. Child Guardian functions are to:

**Respond to complaints about child protection service delivery.** The Child Guardian can assist children and young people or adults concerned about a service provided to a child or young person in the child safety system by seeking to resolve complaints with the service provider and investigating serious complaints to resolve issues in the best interest of the child in question.

**Investigate matters not necessarily arising from a complaint.** The Child Guardian also has powers to investigate issues that the Child Guardian has become aware of through means other than a complaint.

**Proactively monitor, audit and review systems, policies and practices and the handling of cases.** To better inform and improve the effectiveness of service delivery, the Child Guardian will monitor, audit and review systems, policies and practices used by the Department of Child Safety and service providers licensed to provide care services under the *Child Protection Act 1999*. The Child Guardian has access to information from service providers licensed to provide care services under the *Child Protection Act 1999* and the Department of Child Safety.

The Children Services Tribunal's jurisdiction has been expanded to allow a broader range of matters to be subject to external review. This enables the Child Guardian to ask the Children Services Tribunal to review a decision made, or failed to have been made, by the department. The decisions which the Child Guardian can apply to the Tribunal for review are listed in section 140A of the *Commission for Children and Young People and Child Guardian Act 2000* and are:

- a decision about whether to, and what action the chief executive decides to, take under section 14 of the *Child Protection Act 1999*
- a decision under section 87(2) of the *Child Protection Act 1999* not to restrict or refuse to allow contact between a child and his or her parents and family members
- a decision to take or not to take a step for the purpose of ensuring a child is cared for in a way that meets the statement of standards under section 122 of the *Child Protection Act 1999*
- all reviewable decisions as currently set out in Schedule 2 of the *Child Protection Act 1999*, except licensing and foster carer approval decisions.

Unlike decisions under the *Child Protection Act 1999*, there is no obligation on Department of Child Safety staff to inform the Child Guardian of each of these decisions in relation to every child. The Child



Guardian may find out about these decisions in the normal course of performing Child Guardian functions, and is required to notify the Department of Child Safety before applying for review, after being unable to resolve the matter with the chief executive (Child Safety).

## 6. Guidelines for administration of the *Child Protection Act 1999*

The primary, overarching principle of the work of the Department of Child Safety is that the welfare and best interests of the child are paramount. All other principles in the *Child Protection Act 1999* have been re-ordered to fall under this principle.

An example has been inserted in the Act that stipulates that where there is conflict between the child's welfare and best interests, and the interests of an adult caring for the child, then the conflict must be resolved in favour of the child's welfare and best interests.

In addition, a principle has been added to the Act that stipulates that a child should be kept informed of matters affecting him or her in a way and to the extent that is appropriate, having regard to the child's age and ability to understand.

## 7. Child protection services reporting

To improve accountability and service delivery, the amendments establish a requirement for relevant departments to report annually on their role in the promotion of child welfare and the delivery of child protection services.

All departments responsible for child safety, community services, education, police, treasury, health, justice, corrective services, Aboriginal and Torres Strait Islander policy, disability services and housing (each of which now have a Director of Child Safety) will be required to report to Parliament on their delivery of child protection services. These reports will be submitted through the Minister for Child Safety who will table a report on child protection activities across government in Parliament.

Reporting commenced from the 2004/2005 financial year.

## 8. Community Visitor Program

The Community Visitor Program, administered by the Commission for Children and Young People and Child Guardian, has been expanded to include all children in alternative care, including foster care. This will ensure children receive the services they deserve and the best possible care by providing for an independent advocate, administered by the Commission for Children and Young People and Child Guardian, to visit children in alternative care, including foster care.

Children in alternative care, including foster care, will receive monthly visits from their appointed Community Visitors in order to identify any areas of concern.

The Community Visitor will help resolve any complaints by providing children and young people with information about their rights, refer any concerns about abuse to the Department, and make referrals to other agencies for assistance where needed.

After each visit, Community Visitors will complete a report to be given to the Commissioner to ensure action is taken. The Commissioner may, where appropriate, provide this report to the department, the carer, the licensed care service and/or the child. Alternative care providers, including foster carers, will be informed of the impact this may have on their provision of care.



## 9. Coordinated service delivery

A broad range of organisations and services come into contact with children in need of care and protection. Amendments contained in Chapter 5A of the *Child Protection Act 1999* will enable a coordinated response to the protective needs of children.

Numerous reports, both in Australia and overseas, have identified the failure of agencies working with children and families to share information with other agencies in a timely way and the lack of coordinated and integrated service delivery as major contributing factors to the death of children who have been abused or neglected.

The intent of the new service delivery coordination provisions is to allow for better cross-agency coordination of decision-making and service delivery around children in need of protection.

The Department of Child Safety has the primary responsibility for establishing and ensuring ongoing coordination of child protection services (s159G).

To assist the department in fulfilling this obligation, the new provisions allow the Department of Child Safety to request that a particular licensed care service or prescribed government department provide services to a child or their family (including to the mother of an unborn child) thus ensuring a child's protection or care needs are best met (s159H). The licensed care service or government department must then take reasonable steps to provide the service, provided it is consistent with its functions and does not unreasonably affect its other operations. The licensed care service or government department must be provided with necessary information by the Department of Child Safety to enable it to comply with the request.

When the Department of Child Safety is using this provision, the request will be in writing and will clearly state that the request is being made under s159H of the Act.

In addition the changes provide legislative underpinning to the Suspected Child Abuse and Neglect (SCAN) system (Part 3, Chapter 5A of the Act). The SCAN system has been operating in Queensland since the 1980's and is the main means by which key agencies coordinate the assessment of and responses to children's protective needs.

## 10. Extending the scope and powers of the Commissioner for Children and Young People and Child Guardian

The independent monitoring powers of the Commission for Children and Young People and Child Guardian have been bolstered by extending the powers to other agencies to increase the accountability and responsibility of a broad range of agencies in relation to policies, systems and practice that impact on children in the child safety system.

The *Commission for Children and Young People and Child Guardian Act 2000* has been amended to extend the monitoring functions and powers of the Commissioner for Children and Young People and Child Guardian to the following government agencies (s31B):

- Queensland Police Service
- Queensland Health
- Education and the Arts
- Communities
- Disability Services
- Housing
- Aboriginal and Torres Strait Islander Policy

- Corrective Services
- Justice and Attorney-General, including the Director of Public Prosecutions, Legal Aid Queensland and the Office of the Public Trustee.

The Commissioner's monitoring functions have been categorised into three areas (*s15AA Commission for Children and Young People and Child Guardian Act 2000*):

- to monitor, audit and review the systems, policies and practices that affect children in the child safety system of all the relevant service providers
- to monitor, audit and review the handling of cases of children in the child safety system by the Department of Child Safety and licensed care services
- to monitor compliance of the Chief Executive, Department of Child Safety with the Aboriginal and Torres Strait Islander Child Placement Principle.

## 11. Information sharing

New provisions in the *Child Protection Act 1999* (Chapter 5A) allow the sharing of relevant information between government agencies, and between government agencies and non-government service providers who provide services to children, young people, and their families who are in need of protection (*s159M*).

To conduct its core business of keeping children in need of protection safe, the Department of Child Safety relies on information provided by the community, including other government agencies and non-government organisations. A broad range of government agencies contribute, both individually and collectively, to the whole-of-government response to child protection issues.

The timely sharing of information by agencies about a child's care and protection needs is essential to ensuring the safety of a child and coordinated and responsive service delivery that meets the needs of the child and his or her family. This improved flow of information will mean improvements in the quality of services provided to children and young people who are in need of protection. Emphasis is placed on ensuring that those agencies that provide services to children and families have all the information they need to ensure children stay safe.

Numerous research and inquiry reports both in Australia and in other jurisdictions have identified the failure of agencies to coordinate service delivery and share information about children in need of protection as a major contributing factor to child death.

Service providers and prescribed entities that give relevant information will be protected from liability and cannot be held to have breached any law or Act, or any professional code of ethics about confidentiality of client information.

Prescribed entities are defined (*s159D*) as the Queensland Police Service, the Departments of Communities, Health, Education, Disability Services, Housing, Corrective Services, care services licensed under *the Child Protection Act 1999*, non-State schools and hostels funded by the Department of Education for the accommodation of students.

The Department of Child Safety can receive relevant information under *s159M*, but can also make formal requests for relevant information to prescribed entities.

## 12. Mandatory reporting by nurses

The expansion of mandatory reporting to nurses provides another point of contact for children who have been subjected to abuse and neglect. Doctors have been mandated to report suspected child

abuse and neglect since 1980. In rural and remote communities, however, it is likely that nurses will have more frequent contact with children than medical practitioners.

Changes to s76K of the *Health Act 1937* extend mandatory reporting of suspected child abuse and neglect cases to registered nurses. These changes came into effect from 31 August 2005. The *Health Act 1937* has since been replaced by the *Public Health Act 2005* and the mandatory reporting provisions have been carried forward into sections 191 and 192 of the new Act.

The amendments also include provision for further information to be provided by a doctor or registered nurse, if requested to do so by the chief executive of the Department of Child Safety or delegated officer, for the proper assessment of suspected harm or risk of harm to a child (s194).

It is an offence for registered nurses and medical officers not to report suspicions of child abuse and neglect directly to the Department of Child Safety (s193).

### 13. Notifications about unborn children

A new section 21A allows intervention when it is suspected that an unborn child may be at risk of harm after birth so that the Department of Child Safety is able to act on notifications in relation to unborn children.

When the Department receives a notification, it can provide supportive intervention to the pregnant woman in question. The intent is not to interfere with the rights of pregnant women, but to offer support that will reduce the likelihood of the child being placed in out-of-home care after birth. The acceptance of intervention is voluntary.

Policies and procedures relating to the assessment of and responses to notifications have been updated to include guidelines for notifications in relation to unborn children.

### 14. Regulation of voluntary placements

A new Part 3B has been inserted into Chapter 2 of the *Child Protection Act 1999*, to implement CMC recommendation 7.11 that the *Child Protection Act 1999* be amended to regulate voluntary placements. These are arrangements where a child is placed in alternative care with the agreement of his or her parents and without the department obtaining a court order. Concerns were raised that children placed under these arrangements were not provided with the statutory safeguards provided to children who are subject to child protection orders. The new Part refers to these arrangements as "care agreements".

The new Part 3B is called Intervention with parents' agreement. This new Part provides guidance to the department when it intervenes with families and children with their agreement. This intervention may include either or both supportive case work and placement of a child with a carer.

The new Part has three divisions.

Division 1 provides that this type of intervention is applicable to children for whom:

- an investigation is necessary to assess the child's need of protection and it is necessary to provide interim protection for the child while the investigation is carried out
- a child protection investigation has been undertaken and an assessment made that the child is in need of protection and needs the ongoing intervention of the department to ensure his or her safety.

Division 2 provides guidance for the department's decision making to intervene with families with their agreement. It sets out several matters that the department must consider and assess prior to

undertaking the intervention, such as the parents' ability and willingness to work with the department to meet the child's protection and care needs.

It also provides guidance to the department about how it must work with families to encourage and facilitate the involvement of the parents and child in the intervention.

Division 3 sets out the requirements and procedures that the department must follow when it places a child in care by agreement with the parents. The department must ensure it is in the child's best interests to be placed in the care of someone else and also assess that a risk to the child's safety will not arise immediately if the parents resume care of the child (because parents are able to resume care of the child on two days notice under a care agreement). A child's views must be considered and the child may also be party to the care agreement.

There are two types of care agreement:

- an **assessment care agreement** is used when an investigation is being carried out to assess a child's need of protection
- a **child protection care agreement** is used when a child has been assessed as being in need of protection and ongoing intervention is necessary to ensure the child's safety.

Under a care agreement the parents retain guardianship of the child and may end the agreement and resume care of the child. Under a child protection care agreement only, the department takes custody of the child – which includes the right and responsibility of the child's daily care – by agreement with the parents.

An assessment care agreement can only be for a 30 day period. An initial child protection care agreement is also limited to a 30 day period, however may be extended for further periods of 30 days to a maximum period of 6 months if certain things are in place, such as a case plan for the child. The department however must also have regard to the child's age and assess that the placement is in the child's best interests prior to any extension of the care agreement.

Amendments were made throughout the *Child Protection Act 1999* to extend the safeguards and rights currently available to children who are placed under an order to children placed under a care agreement. For example, the department must now have a placement agreement with a carer in relation to a child placed by care agreement (section 84) and carers caring for children placed under a care agreement must be approved as a kinship carer, a provisionally approved carer or a foster carer (section 82).

In addition, it has been clarified in the Act that carers will have no review rights in relation to removal of a child from their care who has been placed under a care agreement.

## 15. Suitability screening

The Department of Child Safety has in place a stringent screening process to ensure the suitability of those persons and organisations entrusted with the responsibility of caring for Queensland's most vulnerable children and young people.

The *Child Safety (Carers) Amendment Act 2006* enhanced the screening process used to assess the ongoing suitability of existing and potential carers, and relevant persons associated with licensed residential facilities and shared family care services in the following ways.

### Blue card requirements

When determining the suitability of potential foster carers or relevant persons from non-government licensed care services, the department currently conducts criminal, domestic violence, traffic and child protection history checks.

From the commencement of the new Act, the Commission for Children and Young People and Child Guardian (the Commission) will conduct the criminal history checks via their Working with Children Check. Information about an individual's criminal history will be obtained and confidentially retained by the Commission, and decisions will be made with the consistency and expertise developed by the Commission. As a result of this screening process, those persons who do not have an inappropriate criminal history will be issued with a blue card by the Commission.

Unless they already have one, the following people must apply for a blue card within six months of the commencement of these provisions:

- all foster and kinship carers;
- adult members of foster and kinship carers' households;
- nominees and directors of licensed care services;
- managers and other employees who work inside a residential licensed care service; and
- persons employed by a shared family care service who provide support for approved carers.

Provisionally approved carers will not be required to hold a blue card given that a child may need to be placed with these carers in an emergent situation. Criminal history checks will still be conducted, but will remain the responsibility of the department. These carers will have applied for a blue card at the time they submitted their application to become an approved carer.

### **Approval of authority**

A foster carer's certificate of approval will only be granted or renewed if the applicant and those adult household members listed on the application form have blue cards.

Similarly, directors and nominees of licensed care services must have a blue card for a licence to be granted. Licences will be issued subject to the condition that a manager or anyone else employed inside a residential facility or providing support to approved carers in a shared family care service has a blue card.

### **Obligations of blue card holders**

Under the *Commission for Children and Young People and Child Guardian Act 2000*, approved carers and members of their household will be obliged to notify the department of any change in their criminal history and to renew their blue cards with the Commission every two years.

Licensed care services will be obliged to comply with the obligations under the Act for persons carrying on a regulated business. Employees must notify their employer of any changes to their criminal history. Nominees, directors and employees must reapply for a blue card if they have a change in their criminal history.

### **Suspensions and cancellations of blue card**

Suspensions or cancellations of a blue card will result in a suspension or cancellation of a carer's certificate of approval or a residential or shared family care service's licence.

In the circumstance that a member of a carer's household has his or her blue card suspended or cancelled, the carer's certificate of approval will not be cancelled if this household member leaves the household.

A person may seek a review of the Commissioner's decision to suspend or cancel their blue card. If as a result of this review their blue card suspension is lifted, the suspension of their certificate of approval or licence may also be lifted.



## 16. Other miscellaneous amendments

### **Section 108A, Right of appearance of departmental coordinators**

The department has created a new position of court coordinator in child safety service centres. Court Coordinators play a key role to support child safety officers in their court work. The new section clarifies that departmental officers, such as Court Coordinators who have been authorised to appear in court proceedings by the chief executive have the right to appear in these proceedings.

### **Section 187, Confidentiality of information obtained by persons involved in administration of Act**

A new subsection has been added to this section to provide for the disclosure of information to the chief executive to help the department ensure carers and licensed care services are providing adequate standards of care to children placed with them. It will protect employees of a licensed care service to make a disclosure to the department about a service provided by a care service without risking a breach in confidentiality.

### **Section 188B, Disclosure of information to a child's family group**

This section gives the chief executive and the authorised officer the power to release information about a child to a member of the child's family group, when it is in the child's best interests. The section also sets out matters that the department must do before release of this information.

