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Volunteering Queensland

Submission in response to the proposed reforms to the Blue
Card Framework in Queensland

to the Department of Justice and Attorney-General

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Introduction

Volunteering Queensland is the state's peak body for advancing and promoting volunteering, starting in 1983. A core part of our work is assisting Volunteer Involving Organisations (VIOs) to engage, manage and retain a strong and effective volunteer workforce necessary to advance their missions and causes. We directly represent around 325 member organisations and support thousands more through our wider network, encompassing hundreds of thousands of volunteers who freely contribute their time, money, and skills to the benefit of all Queenslanders. Beyond our direct networks, we advocate for the rights and wellbeing of all volunteers in Queensland, who number over 2.8 million. We collaborate with all levels of government, individual volunteers, and diverse networks of organisations across the state and country. Our work spans disaster response support, training (including accredited courses), advice and consulting, research, advocacy, resources for volunteer management, volunteer recruitment support, and capacity-building projects.

The accepted national definition of volunteering used across all volunteering peak bodies in Australia is that "volunteering is time willing given for the common good and without financial gain". This does not mean that volunteering is free – it often involves significant financial expense or other costs to the volunteer or the organisation or group they volunteer with.

General comments

Volunteering Queensland appreciates the opportunity to have input on these important proposed reforms, and supports the general direction of the changes contained within the proposals. We recognise and respect that they are the end product of a number of inquiries and contributions by experts in the field.

All of Volunteering Queensland's comments in this submission should be seen through the prism of the primary acknowledgement that the safety of children must be paramount. In our view, an important part of seeking to achieve this goal is to avoid putting unnecessary barriers in the way of people who can assist and support children in valuable ways, while still ensuring all that is possible is done to protect children from harm.

We do not purport to be experts in the area of child safety. However, we are experts in the area of volunteering, including the barriers that can prevent potentially very valuable volunteers from making an important contribution to the community – in all areas, not just those focused on children.

Our overarching general comment is to encourage changes that enable better transferability and consistency across state and territory jurisdictions, and to streamline processes that are involved in background, character and any other checks that are deemed to be required as part of enabling people to volunteer and contribute to their community. While protection of children must be paramount, an over-use of Blue Cards being required in circumstances where they aren't genuinely necessary can risk creating a false sense of security, as well as unnecessary bureaucratic costs and barriers.

Once any reforms are implemented, we would also encourage a community-wide education and communication campaign to assist people to understand that the Blue Card is only one mechanism among many processes and practices aimed at maximising the safety of children, rather than being perceived as a stand-alone protection mechanism in its own right.

Our following specific comments are framed around the questions asked in the Department of Justice and Attorney-General's Consultation Draft on the Working with Children (Risk Management and Screening) and other Legislation Amendment Bill 2024, which covers the proposed reforms to the Blue Card framework in Queensland.

Specific comments

New decision-making framework

Volunteering Queensland supports the inclusion of a reasonable person test in the Blue Card assessment. Streamlining the process and making it consistent with other states and territories, while retaining necessary protections, will be of benefit to the community.

Volunteering Queensland's research, as well as research by many others in the volunteering sector, continues to indicate an overall decline in formal volunteering rates, both in the percentage of people who volunteer and the amount of time given per volunteer. There is a range of factors for this, but a key one of them is a lack of time providing a major barrier to volunteering.

The current laws for the Blue Card sometimes create such a barrier, including in regards to First Nations people and communities. There is a difference between taking on a role which requires you to regularly work with children or to have regular opportunities to be in the vicinity of children, compared to a role which might incidentally or fleetingly put you in the presence of children.

To use one example, Volunteering Queensland has for many years helped coordinate and assist people who want to volunteer to help in the case of natural disasters. By definition, natural disasters are unpredictable both in when and where they will happen, as well as what sort of assistance might be needed. Requiring every person who wants to temporarily help in such cases, if and when the time comes, to obtain a Blue Card just because it might potentially involve helping to rescue a child could be seen as an unnecessary barrier which only ends up with fewer people volunteering to help in a time of acute crisis.

The current National Strategy for Volunteering 2023-2033¹, funded by the Australian Government's Department of Social Services, led by Volunteering Australia, and co-designed by the entire volunteering ecosystem, states that "processes such as background checks are not easy or inclusive for those without the requisite identification documents or access to private transport. People with disability identify stigma, unconscious bias, and lack of understanding as the greatest barrier to inclusion."²

Volunteering Queensland also supports the inclusion of a factor to provide cultural context in decision making in this area. It is uncontroversial to note that First Nations people are disproportionately impacted by structural aspects of the way our criminal justice system operates. Needlessly preventing First Nations people from supporting their communities, often in very meaningful and constructive ways, is something that should be avoided. Volunteering Queensland supports a streamlined risk criteria assessment, because it will remove an unnecessary barrier to volunteering contributions.

¹ National Strategy for Volunteering 2023-2033, Volunteering Australia (2023). Page 44. Available online at <https://volunteeringstrategy.org.au/wp-content/uploads/2024/01/National-Strategy-for-Volunteering-2023-2033.pdf>

² Commonwealth of Australia (Department of Social Services) (2021). Australia's Disability Strategy 2021 – 2031. Available online at <https://www.disabilitygateway.gov.au/sites/default/files/documents/2021-11/1786-australias-disability.pdf>

Volunteering Queensland also supports the proposal to have ongoing advisory committees in this area. We urge that such committees include representatives who have a specific focus on and knowledge of volunteering. As the National Strategy for Volunteering referenced above also states, “parts of the volunteering infrastructure in Australia such as screening systems are often designed without volunteers in mind, which can cause bottlenecks for volunteer involvement.” (page 61)

We strongly encourage volunteers to be kept in mind as part of finalising these reforms.

Removal of eligibility declaration process

Volunteering Queensland does not have any comment on these specific proposals.

Commercial Services

While we note that commercial services can also rely on the work of volunteers, it is outside the direct purview of Volunteering Queensland to comment directly on these specific proposals.

Overnight camps and excursions

Overnight camps and excursions often rely in part on the work of volunteers, including but not only parents or wider family. This is an example where it is important to have wider child protection mechanisms and processes in place, rather than relying solely on a Blue Card. While Volunteering Queensland encourages safe and beneficial volunteering wherever possible, we recognise and support the proposal for parent or family volunteers not to be able to rely on a broad exemption from holding a blue card in these specific circumstances.

Parent volunteer exemption

Volunteering Queensland supports this change, in the context of noting that:

- there are still some boundaries around this exemption,
- they derive from the considered findings of the Royal Commission, which included recognising the social benefits of having parents involved in volunteering in activities involving their children, and
- there are other important processes that are essential to making organisations and activities child-safe beyond just obtaining a Blue Card.

Screening requirement within schools

Volunteering Queensland believes the proposed changes to the school categories in the draft legislation strikes an appropriate balance. We would encourage future reviews of the legislation and related processes to explicitly consider whether it is still providing unnecessary barriers to volunteering in schools, particularly in regards to school tuckshops and canteens.

Removal of exemptions for lawyers

While this is mostly outside the scope of volunteering, apart from some pro bono legal work, Volunteering Queensland can see no reason not to remove this exemption.

Information-sharing

Volunteering Queensland supports the proposed amendments in this area.

Ability to cancel a card without issuing a negative notice

In line with the overall aim of the reforms to enable more reasonable discretion to be exercised, Volunteering Queensland supports this change, as it may prevent some unreasonable or unnecessary negative notices being issued. Inappropriate negative notices are a barrier to social participation, including volunteering.

Sharing data for approved research

Volunteering Queensland supports this change, as long as every step is taken to ensure that data is fully de-identified.