

BB & BLUE CARDS

The following information has been put together in consultation with the 'Public Safety Business Agency's Blue Card Services' and is designed to provide advice to leaders and Companies about the various rules surrounding the Blue Card system.

Blue Cards...

...and General Leaders

Do BB leaders need to have a Blue Card?

As a general rule, YES BB leaders need to hold a Blue Card. BB comes under the "Churches, Clubs and Associations" category and is, therefore, regulated employment.

Is it an offence to require someone who qualifies for an exemption to apply for a Blue Card anyway?

There is no specific offence against requiring someone who qualifies for an exemption to obtain a Blue Card in order to work in your Company. It is an offence, however, "to provide false or misleading information to the Commission" on Blue Card applications. On these forms, both the applicant and organisation/volunteer coordinator sign that "the volunteer is proposing to start or continue in regulated employment and an exemption does not apply", so by requiring an exempt person to apply for a Blue Card, both the applicant and coordinator signing the form do commit an offence.

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Leon is a great leader - the company simply can't do without him. He has not yet started his training as a BB leader but is working every week helping out the Captain who is desperately short of leaders. His church believed people helping out in BB were not required to hold a Blue Card until they were trained and recognised by BB (i.e. registered). Does Leon need a Blue Card?

Yes, Leon needs a Blue Card in this scenario, as the requirement to have a Blue Card does not rest on the registration status of a person, but on the actual role that they are undertaking. In this scenario, Leon is meeting all of the criteria requiring someone to have a Blue Card.

Blue Cards...

...and 18-Year-Old Members

Is it a rule that all 18-year-olds must obtain a Blue Card?

Tim has just turned 18 and is a 'Sergeant' (NCO). He exercises leadership of his group of boys for some activities during the Company night, organizes his tent group on camp - the boys in his group are his age or only a couple of years younger than him - and helps out occasionally organising the games. In most, but not all, cases he is supervised by a registered Officer. Does Tim need a Blue Card?

The advice from the *Blue Card Services* is that the decision about whether someone needs a Blue Card is not simply about how old the person is, but also depends on whether they are providing a 'service' to children. Under the legislation, an adult requires a Blue Card where they are providing a 'service' to children. Where they are in the same location as a child and only a service recipient, they will not need a Blue Card. So, in short, there is no rule requiring all 18-year-olds to get a Blue Card.

BBQld has adopted the policy (in consultation with the *Blue Card Services*) that, given the likelihood that 18-year-old NCOs will exercise leadership over younger members:

"A BB member, who has turned 18, will be required to hold a Blue Card where they hold any form of NCO rank."

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Peter has just turned 18 and is a member of the Seniors Section. He intends staying in the Company until the end of the year. If the group is short on leaders for a night he may be called on, as the oldest, to lead occasionally. Does Peter need a Blue Card?

Under the above policy, boys who are 18 but not an NCO do not need a Blue Card.



How far in advance of his 18th birthday can a boy apply for a Blue Card?

People are able to apply for their Blue Card up to six (6) months prior to their 18th birthday. Any applications received before this point will not be processed.



If a boy has applied for a Blue Card but it doesn't arrive before his 18th birthday, can he continue in leadership pending its arrival?

18-year-olds who are caught in this situation do not need to stop attending BB programs. Given that they are required to hold a Blue Card based on the leadership role they play within a Company, boys who have not received their Blue Card, by their 18th birthday, will need to refrain from exercising any sort of leadership roles within his Company until the Blue Card arrives.

Blue Cards... ...and the Volunteer Parent Exemption

Do parents of boys in a BB Company need a Blue Card?

Under the relevant legislation, volunteers are exempt if they are:
"A volunteer parent of a child who receives the same or similar services, or participates in the same or similar activities, to those that the person provides at the Church, club or association"



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John helps at BB, in the Juniors Section, where his 10-year-old son, Michael, is a member. Does John need a Blue Card?

No, John does not need a Blue Card. This is a basic application of the 'Volunteer Parent Exemption'.



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John helps at BB, in the Juniors Section. His 13-year-old son, Michael, is a member of the Seniors Section. Both of these Sections meet on a Monday night. Does John need a Blue Card?

No, John does not need a Blue Card. While his son is in a different Section, his volunteering within the same Company falls into the category of "same or similar services/activities".



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John helps at BB, in the Anchors Section. His 13-year-old son, Michael, is a member of the Seniors Section. The Anchors Section meets on Monday nights, the Seniors Section meet on Wednesday nights. Does John need a Blue Card?

No, John does not need a Blue Card. While his son is in a different Section his volunteering within the same Company falls into the category of "same or similar services/activities", despite the Sections meeting on separate nights.



If a volunteer has a son in another BB Company, does this exemption apply?



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John helps at Brisbane Baptist Church BB Company, in the Juniors Section. His 13-year-old son, Michael, is a member of the Seniors Section, at Brisbane Lutheran Church. Does John need a Blue Card?

Yes, John needs a Blue Card. Based *Blue Card Services* advice, the programs of different BB Companies can be too dissimilar for the "same or similar" principle to apply.



If a volunteer has a girl in a GB Company, does this exemption apply?

Ray has a daughter in Girls' Brigade and both GB and BB groups meet at the same venue on the same night. He and the Church believe he is exempt, as he is working in an activity 'within a Church, club or association which are the same or similar to those received by their child'. Does Ray require a Blue Card?

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Yes, Ray needs a Blue Card. Based *Blue Card Services* advice; the programs of BB and GB can be too dissimilar for the "same or similar" principle to apply.

Does this apply if the person is an adopted, or foster, parent?

The legislation uses the term 'parent', which is defined as someone having or exercising parental responsibility for the child. Therefore, regardless of whether someone is the natural, adopted, or foster parent, the parent exemption applies.

Blue Cards...

...and the Volunteer Guest Exemption

Do short-term visitors (i.e. for 1-4 nights) need to have a Blue Card?

Under the legislation, volunteers are exempt under the following circumstances:

"A volunteer guest of a school or recognised body and are:

- observing or supplying information or entertainment to ten or more people; and
- the activity is for ten days or less on no more than two occasions per year; and
- unlikely to be physically present with a child without another adult being present."

The "frequency test" (a person having to meet a minimum time threshold before needing a Blue Card) only applies to paid employees, it does not apply to volunteers. In order for this exemption to apply, all three criteria must be satisfied. This provision applies BB Queensland as it is classified as a "recognised body" by virtue of it being an "incorporated association".

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Shaun goes to the Church where the Company is based. The Captain asks Shaun to teach a group of eleven boys in the Senior Section about car maintenance for 1½ hour a night, for six weeks, over a period of 3 months. During all sessions, one of the regular leaders will be present. Does Shaun need a Blue Card?

No, Shaun does not need a Blue Card. In this exemption, the three criteria must be fulfilled. This scenario contains evidence of all three criteria being met.

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Consider the original scenario in light of the fact that Shaun's group will only have seven boys in it. Does Shaun need a Blue Card?

Yes, Shaun does need a Blue Card. In this exemption, the three criteria must be fulfilled. This scenario does not meet the "more than 10 people" test.

Consider the original scenario in light of the fact that Shaun will instruct the group on his own, without an Officer being present. Does Shaun need a Blue Card?

Yes, Shaun needs a Blue Card. In this exemption, the three criteria must be fulfilled. Again, this scenario does not meet the third criteria.

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Consider the original scenario in light of the fact that Shaun has started instructing the group but, on one night, the Officer who usually is with the group is ill and is not present. Does Shaun have to cancel the session, as he will be alone with the group?

No, Shaun does not need to cancel the session, as the guidelines require that, at the time of the determination about exempt status being made, he was "unlikely to be physically present with a child without another adult being present". However, if another leader were available to assist for that one night, that would also be good.





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Consider the original scenario in light of the fact that Shaun is a dad and, with a son who has just joined the Anchors Section of the Company.

No, Shaun does not need a Blue Card. Parents with a child in the Company they are volunteering in are exempt from needing a Blue Card.

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Miles was an active officer 5 years ago but now only does background work such as administrating camps and activities, training boys and leaders in outdoor activities and cooking. He gets involved annually with several weekend type events a year at the local level. He let his Blue Card lapse and sees no reason to renew it, as he is no longer 'active' in a Company. Must Miles renew his Blue Card?

Yes, Miles does need to renew his Blue Card. Under this exemption, involvement can only be on "no more than two occasions per year" and Miles is described as being involved in weekends where he has contact with minors several times a year.

Joe used to be a BB leader and has been asked by the Company Captain to take boys to a combined weekend camp run by BBQld. Can BBQld allow Joe to 'participate' with his boys in the 'occasional' combined activity without holding a Blue Card?

Joe does not need a Blue Card, so long as he does not supervise boys on more than two occasions per year and is likely to be accompanied by another adult.

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This document was prepared in consultation between *The Boys' Brigade Queensland Ltd* and the former *Commission for Children and Young People and Child Guardian* in 2012, and was confirmed by *Blue Card Services* in 2015. The information and responses to the scenarios provided was provided based on the *Blue Card Services's* understanding of BB's structure and operations within Queensland. It is not, and should not, be used as a basis for understanding the implications of the Blue Card system on any individuals or organisations, other than those activities and operations conducted by *The Boys' Brigade Queensland Ltd*.

The information contained within this document is, to the best knowledge of *The Boys' Brigade Queensland Ltd* correct at the time of publication. *The Boys' Brigade Queensland Ltd* accepts no responsibility for incorrect information contained in this document due to changes in legislation, or advice given by the *Blue Card Services*.

Additional and current information about the Blue Card System can be obtained from the *Blue Card Services* website - www.bluecard.qld.gov.au

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