



Restricted person and restricted employment explained for organisations

This factsheet provides information for organisations who employ volunteer parents, volunteers under 18 and people who rely on an exemption to work or volunteer with kids.

To further strengthen the blue card system, new laws will restrict certain people from relying on current exemptions to work with children, in some circumstances.

New laws

From **31 August 2020**, an employer cannot employ or continue to employ a restricted person in restricted employment

The maximum penalty is \$26,690 (200 penalty units) or 2 years in prison. Penalties will also apply to individuals. Organisations have a responsibility to ensure that all people working or volunteering with children, including those in restricted employment are not a restricted person. They must also ensure anyone beginning to work or volunteer in restricted employment is not a restricted person, before that person begins working or volunteering with children within their organisation.

What is a restricted person?

A restricted person is a person who:

- has been issued a negative notice, or
- has a suspended blue card, or
- is a disqualified person, or
- has been charged with a disqualifying offence which has not been finalised.

What is restricted employment?

In some organisations, exemptions can be used to allow a person to work with children without a blue card. Restricted employment applies to:

- a volunteer parent;
- a volunteer who is under 18;
- paid or unpaid staff who work in child regulated employment for not more than 7 days in a calendar year; or
- a consumer at a child-related service outlet where they also carry out work at the outlet.

*A child-related service outlet means a place at which disability services are provided to children.



What happens if my employee or volunteer is a restricted person?

It is the responsibility of all organisations who have people working or volunteering with children to communicate the new laws to all current employees and volunteers. If the employee or volunteer remains working with children within your organisation, they will be committing an offence and can be prosecuted.

To mitigate the risk to your organisation and stakeholders, your child and youth risk management strategy should be updated to include a process for employees and volunteers to acknowledge the new laws and sign a statement declaring they are not a restricted person. The child and youth risk management strategy should also be updated to include a process to follow if an employee or volunteer becomes a restricted person.

If you become aware that a person in restricted employment in your organisation is a restricted person, you must immediately take steps to ensure that any restricted person who has previously worked or volunteered in your organisation does not continue working with or volunteering with children.

Failure to do so is an offence and you, your organisation and the restricted person can be prosecuted

Scenario: I am the junior sporting club volunteer coordinator. I am coordinating an end of year tournament and want to use a guest umpire at the tournament as a one-off (not more than 7 days in a calendar year). The guest umpire tells me that their blue card is suspended but because it is a one-off event, they don't need one. Can I employ this person or can this person volunteer as a guest umpire as it will just be for one instance?

Answer: No. The guest umpire is considered a restricted person as their blue card is suspended. While this person does not require a blue card necessarily for a one-off event, this person is a restricted person and therefore cannot umpire. It is an offence for you to engage them as a guest umpire.

Find more example situations over the page.

Do my employees and volunteers need to tell me if they are a restricted person?

They do not need to tell you the reason why they are no longer able to volunteer or work for your organisation. However, they must immediately stop working or volunteering with your organisation or they will be committing an offence and can be prosecuted.

What can my organisation do to comply with the new laws?

Your organisation can use our [downloadable checklist](#) to assist in implementing these changes regarding restricted employment. We also have [resources](#) to support your organisation to communicate and comply with the new laws, such as information you can include in your newsletters or in your staff induction materials.

Examples of situations where the restricted person and restricted employment changes apply:

Scenario: I want to employ a guest speaker to perform a motivational presentation for a group of grade 12 students. The guest speaker advised they have previously been issued a negative notice. As this is a one-off event, can they continue to perform the presentation?

Answer: No. The guest speaker is a restricted person. Although the guest speaker is working not more than 7 days in a calendar year with children or young people, they cannot rely on the exemption. It would be an offence for you to engage the guest speaker in [restricted employment](#).

Scenario: I live in a small community and a young person aged 17, who attends my local church has told me that they want to volunteer at our Youth Group on a Friday night. They also told me that they were recently charged by police with some disqualifying offences which won't be determined in court for some months. As they do not need to have a blue card because they are a volunteer under 18 years of age, can my organisation still allow this young person to volunteer at Youth Group?

Answer: No. The young person has been charged with a disqualifying offence that has not been finalised at court and therefore is a restricted person and cannot rely on the volunteer exemption for individuals who are under 18.

Need more information?



Please call us on **1800 113 611** or **07 3211 6999** between **8am–5pm** on **Monday to Friday** or visit www.qld.gov.au/bluecard.