



Queensland

Working with Children (Risk Management and Screening) Regulation 2020

Subordinate Legislation 2020 No. 131

made under the

Transport Planning and Coordination Act 1994

Working with Children (Risk Management and Screening) Act 2000

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Working with Children (Risk Management and Screening) Regulation 2020*.

2 Commencement

This regulation commences on 31 August 2020.

3 Definitions

In this regulation—

responsible person, for a risk management strategy, for schedule 1, see schedule 1, section 1.

risk management strategy means a written strategy required to be developed and implemented under section 171 or 172 of the Act.

Part 2 General

4 Matters to be included in risk management strategy—Act, ss 171 and 172

The matters stated in schedule 1 are prescribed for sections 171(1)(b) and 172(b) of the Act.

5 Disclosing whether working with children authority is in force is authorised—Act, s 385

(1) This section applies if a person—

- (a) uses an online system to ask the chief executive whether a working with children authority held by another person is in force; and
- (b) in making the request, gives the chief executive—

[s 6]

- (i) the other person's name as it appears on that person's working with children card; and
 - (ii) the number of the other person's card.
- (2) For section 385(4)(d) of the Act, advising the person whether or not the other person's working with children authority is in force at that time is authorised.

6 When employment by NDIS non-government service provider is regulated employment—Act, sch 1

- (1) For schedule 1, section 6(4)(a) of the Act, a person's employment by an NDIS non-government service provider is regulated employment if—
- (a) the person is key personnel of the provider; or
 - (b) the person is employed in a role for which the normal duties are likely to require more than incidental contact with a child receiving disability services at a child-related service outlet of the provider; or
 - (c) the person is employed in a role for which the normal duties include the direct delivery of specified supports or specified services to a child receiving disability services at a child-related service outlet of the provider.
- (2) In this section—

key personnel see the *National Disability Insurance Scheme Act 2013* (Cwlth), section 11A.

more than incidental contact see the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018* (Cwlth), section 6.

NDIS commissioner means the Commissioner of the NDIS Quality and Safeguards Commission appointed under the *National Disability Insurance Scheme Act 2013* (Cwlth), section 181L.

specified service see the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018* (Cwlth), section 5.

specified support see the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018* (Cwlth), section 5.

7 Fees

The fees payable under the Act are stated in schedule 2.

Part 3 Repeal and transitional provision

8 Repeal

The Working with Children (Risk Management and Screening) Regulation 2011, SL No. 148 is repealed.

9 Functions continue not to be usual functions of employment for 28 days

- (1) This section applies to a function of employment—
 - (a) that, immediately before the commencement, was stated in schedule 3 of the repealed regulation as a function of employment that is not a usual function of employment for a stated provision of the Act; and
 - (b) for 28 days after the commencement.
- (2) For schedule 1, item 15 of the Act, the function continues not to be a usual function of employment for the stated provision, despite the repeal of the repealed regulation.
- (3) In this section—

repealed regulation means the repealed *Working with Children (Risk Management and Screening) Regulation 2011*.

Schedule 1 Matters to be included in risk management strategy

section 4

1 Definition for schedule

In this schedule—

responsible person, for a risk management strategy, means the person responsible, under section 171 or 172 of the Act, for developing and implementing the strategy.

2 Matters

- 1 a statement of commitment to the safety and wellbeing of children and protecting children from harm
- 2 a code of conduct for—
 - (a) if the risk management strategy is about employees in regulated employment as defined in section 171(2) of the Act—the employees interacting with children; or
 - (b) if the risk management strategy is about a regulated business—the responsible person for the strategy, and any person who is employed or otherwise engaged by the regulated business, interacting with children
- 3 policies and procedures for recruiting, selecting, training and managing persons employed or otherwise engaged, or to be employed or otherwise engaged, by the responsible person for the risk management strategy, to the extent the policies and procedures reflect the commitment to the safety and wellbeing of children and protecting children from harm
- 4 policies and procedures for handling disclosures or suspicions of harm to children, including reporting guidelines

Schedule 1

- 5 plans and procedures for managing contraventions of the risk management strategy
- 6 policies and procedures for complying with chapters 7 and 8 of the Act, including policies and procedures about—
 - (a) implementing and reviewing the risk management strategy; and
 - (b) keeping a written record about matters under chapters 7 and 8 of the Act related to persons employed or otherwise engaged by the responsible person for the risk management strategy

Examples for paragraph (b)—

- 1 whether the responsible person considers a person employed by the responsible person is required to apply for a working with children authority
 - 2 if the responsible person employs a person in restricted employment—whether the responsible person considers the person is a restricted person
 - 3 whether a person has made a working with children check application
 - 4 whether a person holds a working with children authority, and if so, the expiry date of the person’s authority
- 7 plans for managing the risks associated with high risk activities and special events
- 8 strategies for providing communication and support for implementing the risk management strategy, including—
 - (a) written information about the risk management strategy for, and where the strategy may be accessed by—
 - (i) persons employed or otherwise engaged by the responsible person for the risk management strategy; and
 - (ii) children, or parents of children, who receive a service or take part in an activity associated with the regulated employment or regulated

business to which the risk management strategy relates; and

- (b) training materials for persons employed or otherwise engaged by the responsible person for the risk management strategy—
 - (i) to help identify risks of harm to children; and
 - (ii) to help handle disclosures or suspicions of harm to children; and
 - (iii) about matters included in the risk management strategy.

Schedule 2 Fees

section 7

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1 Eligibility application (Act, s 178(3)(c))	93.95
2 Working with children check (general) application (Act, s 188(2))	93.95
3 Application to cancel negative notice (Act, s 304H(1)(d))	93.95
4 Application for replacement working with children card (Act, s 347(2)(b))	14.20
5 Fee for the chief executive giving information under the <i>Education (Queensland College of Teachers) Act 2005</i> , s 15D (Act, s 401(3))	11.55

ENDNOTES

- 1 Made by the Governor in Council on 9 July 2020.
- 2 Notified on the Queensland legislation website on 10 July 2020.
- 3 The administering agency is the Department of Justice and Attorney-General.

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